



County of Lassen
Department of Planning and Building Services

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

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April 25, 2023

TO: Technical Review
FROM: Maurice L. Anderson, Director
RE: Use Permit (#2021-009) and
Reclamation Plan (#2021-003), Geofortis Minerals, LLC
Technical Review, Findings and Conditions

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Project Description

USE PERMIT #2021-009 and RECLAMATION PLAN #2021-003: Geofortis Pozzolan Mine, Geofortis Minerals, LLC. Proposal for a Use Permit and Reclamation Plan for an approximately 83-acre pozzolan surface mine. If approved, the permit would allow for daytime mining and screening operations up to seven days a week and allow for approximately 10.61 million cubic yards (500,000 cubic yards annually) of material to be mined with a proposed end date of 2070. The proposed site is located on four separate parcels including a 72.690-acre parcel, a 153.230-acre parcel, and a 161.360-acre parcel all owned by Avalanche Funding LLC; and an 80-acre parcel owned by the BLM. The parcels are zoned A-1 (General Agriculture District) and are designated Extensive Agriculture by the Lassen County General Plan 2000. The Project site is located in Lassen County approximately 5.5 miles north of the intersection of US Highway (Hwy) 395 and California State Route 70. A.P.N.: 145-030-016-000; 145-050-004-000, 145-050-012-000, and 145-030-017-000. Staff Contact: Cortney Flather, Natural Resources Coordinator.

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

- 1. The applicant is proposing an approximately 83-acre pozzolan mine with daytime mining and screening operations up to seven days a week and allow for approximately 10.61 million cubic yards (500,000 cubic yards annually) of material to be mined with a proposed end date of 2070
2. Assessor's parcel numbers 145-030-016-000; 145-050-004-000, 145-050-012-000, and 145-030-017-000 are zoned A-1.
3. Mining or processing of natural mineral materials is a use allowed by use permit in A-1 zoning districts under Lassen County Code § 18.16.050.
4. During the informal consultation process, the California Department of Fish and Wildlife (CDFW) stated that the Project, as proposed, requires notification to CDFW pursuant to 1600 et seq. of the Fish and Game Code (FGC) prior to the applicant's commencement of any activity that will substantially divert or obstruct the natural flow or substantially change the bed, channel, or bank (which may include associated riparian resources) of a river, stream or lake, or

use material from a streambed. CDFW's issuance of a Lake or Streambed Alteration Agreement for a project that is subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. CDFW, as a Responsible Agency under CEQA, may consider the local jurisdiction's (Lead Agency) Negative Declaration or Environmental Impact Report for the Project.

5. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
6. A Biological Assessment was completed for the Project area. There were no sensitive wildlife species observed within the Project area, but potential low-quality habitat exists for 12 sensitive species and potential habitat exists for 8 sensitive species. No raptors nor raptor nests, burrowing owls nor suitable burrows, sage grouse nor pygmy rabbits nor sign were observed during the field surveys. White woolly buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*) was identified in the Project area and buffer area.
7. White woolly buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*) is considered 'rare, threatened or endangered' in California and is rated 2B.2 by the California Native Plant Society (CNPS). Furthermore, according to CNPS's Rare Plant Inventory, the white woolly buckwheat is known to exist in California only within Long Valley with its biggest threat being mining. Species with this rating meet the definitions of the California Endangered Species Act of the California Fish and Game Code, and are eligible for state listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA as they meet the definition of Rare or Endangered under CEQA Guidelines §15125(c) and/or §15380.
8. In order to reduce impacts to the white woolly buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*) from mining activities, all individual white woolly buckwheat plants within the mine footprint shall be transplanted to a clearly marked onsite project nursery for seed collection. Transplants at the nursery shall be monitored to ensure they are viable for reclamation purposes.

Prior to transplanting, wild seed from the existing plants shall be collected at the appropriate time of year, by a qualified botanist, and shall be stored using scientifically sound collection and storage techniques. Success standards to restore this species at a ratio of 1:1 or more shall be achieved (number of individual plants established is equal to or greater than the number of plants identified in the Biological Report).

All preservation areas including the onsite nursery shall be mapped and protected. All maps shall be provided to Lassen County and the California Department of Fish and Wildlife (CDFW). Monitoring methods shall occur according to the revised SMARA Reclamation Plan. Mine workers shall be trained to protect this species.

9. The proposed seed mix, which shall include the white woolly buckwheat (*Eriogonum ochrocephalum* var. *ochrocephalum*), planting rate and success criteria shall be developed in consultation with the Bureau of Land Management and the California Department of Fish and

Wildlife, and approved by County staff and incorporated into the reclamation plan. The proposed mix shall be tested on a 32-foot by 32-foot test plot/s at the start of mining. The operator shall be responsible for maintaining and monitoring the plot/s to determine the most viable seed mix and planting/maintenance techniques before reclamation begins.

10. A specific white woolly buckwheat (*Eriogonum ochrocephalum var. ochrocephalum*) Conservation Plan shall be submitted and approved by the BLM and Lassen County to protect this species prior to additional ground disturbance (prior to additional vegetation removal).
11. The Project area shall be surveyed semi-annually for invasive weed species within mined/reclaimed areas. If noxious weeds are encountered, documentation of their location and extent shall be provided to the Bureau of Land Management and Lassen County. If a limited number of weeds are discovered, they shall be pulled, placed in a plastic bag, sealed, and taken to a landfill. For more intensive infestations, the operator shall obtain approval from the BLM authorized officers prior to herbicide application.
12. Vehicles and equipment that are working in known noxious weed infestations, shall be cleaned prior to entering the Project area at the initiation of work. Vehicles that travel through known noxious weed infestations throughout the duration of the work shall be required to re-clean equipment and vehicles before entering the Project area.
13. Reclamation shall be concurrent with mining operations and shall commence within 2 years of mining on each subsequent phase (i.e. Phase I reclamation shall begin within 2 years of mining activities on Phase II and Phase II reclamation shall commence within 2 years of Phase III mining operations. All reclamation shall be completed (aside from monitoring of vegetation until success criteria are met) within 5 years of conclusion of Phase III mining operations.
14. All infrastructure for the Project shall be designed and constructed in a manner that does not allow open pipes that birds or other wildlife could be trapped in. This includes fencing, gates, or other materials with open holes. All pipes shall be capped or secured so that wildlife cannot be confined. This shall not include culverts larger than 12 inches in diameter.
15. If surface disturbing activities must occur during the migratory bird nesting season from March 1st to August 31st, pre-construction avian surveys shall be conducted in appropriate habitats by qualified biologists not more than seven days prior to surface disturbing activities commencing. All survey results shall be sent to Lassen County and CDFW.

The specific area to be surveyed shall be based on the scope of the surface disturbing activities, as determined by a qualified biologist, in coordination with the authorized officer's representative. If ground disturbing activities do not take place within seven days of surveys, the areas shall be resurveyed. If nesting migratory birds are detected during surveys, appropriate buffers determined in coordination with CDFW would be applied. Buffers shall remain in effect until the qualified biologist determines the young have fledged or the nest has failed; this determination shall be communicated to Lassen County and CDFW for review and approval. After areas have had vegetation removed and are part of the active mining operation, no future surveys shall be required.

16. Fencing shall be smooth wire (barbless) and allow wildlife to jump over or crawl under easily. The top wire shall be no higher than 42 inches and the bottom wire shall be a minimum of 16 inches above the ground. All fencing and gates shall be removed upon completion of the Project.
17. A Paleontology Resource Protection Plan shall be prepared by a qualified Paleontologist and must be approved by Lassen County prior to ground disturbance. A training program shall be provided to all workers at the mine site.
18. Any new construction of powerlines, including all poles and cables, shall be removed from the Project area within one year after mining operations have ceased.
19. Impacts related to the substantial degradation of the existing visual character or quality of the site and its surroundings were found to be less than significant with mitigation incorporated including construction of a berm of reject material (e.g. overburden, topsoil) on the west side US Highway 395 when Phase III operations commence to block mining operations from US Highway 395 travelers.
20. In order to comply with air quality standards, a water truck shall be used for dust mitigation and if dust becomes a problem, spray bars or other methods shall be installed.
21. The closest residences are approximately 2.6 miles south of the Project site on the west side of Hwy 395 and approximately 3 miles south of the Project site on the east side of Hwy 395.
22. In addition to Lassen County, the following agencies have permitting authority over the project or portions thereof:
 - Lahontan Regional Water Quality Control Board (RWQCB)
 - Bureau of Land Management (BLM)
 - Lassen County Air Pollution Control District (APCD)
 - Department of Conservation, Division of Mine Reclamation (DMR)
 - California Department of Fish and Wildlife (CDFW)
 - Lassen County Environmental Health Department
 - California Department of Transportation (Caltrans)
23. The Lassen County Environmental Review Officer, through Initial Study #2021-006, determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the Initial Study have been made a part of the project.
24. A Notice of Intent to Adopt a Mitigated Negative Declaration is currently being circulated with the public review date ending on May 6, 2023.

25. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on February 7, 2023 and April 6, 2023 of the Reclamation Plan being processed by Lassen County, acting as lead agency.
26. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
27. The Department of Planning and Building Services reviewed the proposed Project and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
28. The department of planning and building services shall develop findings and recommendations for the project with input from the county surveyor, other departments and outside agencies. The findings and recommendations of the director of planning and building services or designated representative shall be reported to the planning commission.
29. The Planning Commission is the primary decision-making body for Use Permits, Reclamation Plans and amendments thereto.
30. Lassen County Code, Section 18.112.100 requires that the decision-making body make the following findings for the approval or denial of a Use Permit application:
 - i. That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
 - ii. That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan.

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

1. The applicant shall meet any existing and future Lassen County noise ordinances. All aspects of the mine operations/reclamation shall adhere to noise element standards, including the vested portion. If Lassen County expects noises levels are being exceeded, an annual noise report will be submitted at the discretion of the Lassen County Planning and Building Services Department.
2. The operator shall be responsible for reimbursing the State for costs incurred to install safety precautions, removal of materials, or detours relating to cleanup of any spillage of materials originating from the permitted site onto the State highway per California Vehicle Code (CVC) Section 17300 (c).

3. The applicant shall send copies of all required permits from other agencies to the Lassen County Department of Planning and Building Services.
4. A permanent benchmark shall be established onsite before Authorization to Operate is granted.
5. The applicant shall mark the mining boundaries before an Authorization to Operate is granted.
6. The applicant shall mark all vegetation test plots when installed at the start of mining.
7. The applicant shall submit the permit/agreement with CDFW or a letter from CDFW stating that an agreement is not necessary to Lassen County before an Authorization to Operate is issued.
8. Proof of permitting under §404 of the Clean Water Act or a letter from the U.S. Army Corps of Engineers stating that permitting is not necessary shall be submitting to Lassen County before an Authorization to Operate is issued.
9. A traffic flow route shall be submitted to Lassen County before each new phase of the Project.
10. Baseline vegetative density, cover and species richness shall be provided to Lassen County and CDFW prior to issuing an authorization to operate.



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April 27, 2023

TO: Maurice Anderson, Director
Lassen County Planning and Building Services Department

Zoning & Building
Inspection Requests
Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

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

RE: Use Permit No. 2021-009 – Geofortis Minerals, LLC.
Assessor’s Parcel Numbers: 145-030-016, 145-030-017, 145-050-004
and 145-050-012.

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APR 27 2023

LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

- 1. The subject parcels for the proposed mine site are located on lands represented by Assessor’s Parcel Numbers 145-030-016, 145-030-017, 145-050-004 and 145-050-012. Title to the lands represented by Assessor’s Parcel Numbers 145-030-016, 145-050-004 and 145-050-012 is currently vested in Avalanche Funding, LLC, as shown at a Receivers Deed Upon Sale that was recorded on October 22, 2021 as Document No. 2021-05366 of the Official Records of Lassen County. Title to the lands represented by Assessor’s Parcel Number 145-030-017 is currently vested in the United States Government, with the lands being managed by the Bureau of Land Management.
2. The subject parcels are located in portions of Sections 11 and 14, Township 23 North, Range 17 East, Mount Diablo Base and Meridian, in the unincorporated area of Lassen County, California.
3. The legal description for the Avalanche Funding, LLC, parcels noted in Findings Item Number One above describes a multitude of parcels that are located in numerous sections. The underlying legal parcels, specifically for the lands represented by the three Avalanche Funding Assessor’s Parcel Numbers listed above, originate from portions of two separate patents that were issued by the U.S. Government. The lands located within the southerly three-quarters of said Section 14 originate from Patent No. 682062 (U.S.A. to Schelling) that is dated June 4, 1919. The lands located within Section 23 that are described within this patent later became a separate legal parcel, being Parcel A of Parcel Map Waiver No. 3-02-86, which was approved by the Board of Supervisors on April 2, 1986. A Consent of Record Owner document was recorded on May 12, 1986 in Book 458, Page 98, of the Official Records of Lassen County. Note that the lands in said Section 23 are not owned by Avalanche Funding, LLC, and are not a part of the current mining proposal.

The lands within said Section 11 and the northerly one-quarter of said Section 14 originate from Patent No. 1047334 (U.S.A. to Galeppi) that is dated June 22, 1931. The lands located within Sections 1, 2 and 12 that are described within this patent were later combined into a "Remainder Parcel" as part of said Parcel Map Waiver No. 3-02-86. These lands are not a part of the current mining proposal, despite being owned by Avalanche Funding, LLC.

4. The subject parcels directly abut U.S. Highway 395, which is maintained by the State of California. Item Number Nine in Schedule B of the Condition of Title report that was submitted for the project states "*The ownership of said Land does not include rights of access to or from the street, highway, or freeway abutting said Land, such rights having been relinquished by the document.*" The report cites a Grant Deed from Mapes Ranch, Inc., to the State of California, that was recorded in Book 560, Page 500, of the Official Records of Lassen County. This statement is correct, however the report fails to mention that the deed further makes a reservation which states "*Reserving, however, to the grantor, his successors or assigns, the rights of access to the freeway over and across the following described lines...*", the lines of which are then referenced within the deed. These lines are located within the sections of land that were owned by Mapes Ranch, Inc. at the time, these being Sections 1, 2, 11 and 14, in Township 23 North, Range 17 East, Mount Diablo Base and Meridian. This reservation would provide for access to the highway over the courses listed within the Grant Deed.

LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR
USE PERMIT NO. 2021-009:

1. None.

Respectfully submitted,



Don Willis, L.S. 7742
Lassen County Surveyor