
PLUMAS COUNTY
ZONING ADMINISTRATOR
Minutes of the Meeting of August 8, 2012

The Plumas County Zoning Administrator convened in a meeting on August 8, 2012, at 10:04 a.m. in the Permit Center Conference Room, Quincy. Zoning Administrator, Randy Wilson, presiding. Senior Planner, Rebecca Herrin, is in attendance.

I. AGENDA

The agenda is approved as submitted.

II. PUBLIC COMMENT OPPORTUNITY

There is no public comment.

III. PERMIT TO MINE & RECLAMATION PLAN: TURNER EXCAVATING, INC. (California-Engels Mining Company, Owner); APN 007-080-004; T.27N/R.11E/S.8 MDM
Planner: Rebecca Herrin

The proposal to mine up to 100,000 cubic yards of construction aggregate from an existing previously disturbed overburden pile, including a seasonal rock crushing/screening plant, located approximately 11 miles northeast of Greenville, is presented. This is a continued public hearing from July 11, 2012. Rebecca Herrin, Senior Planner, gives an update on the status of the project. Herrin reports that four comments have been received from the Department of Conservation, Office of Mine Reclamation (OMR), in response to the County's response to OMR's original comments.

Comment 1: "The County's response appears to address only the 2011 reporting period and ignores previous unlawful mining activities at the site. Annual reports and reporting fees must be completed and submitted to OMR for all previous mining activities prior to resuming mining at the site." Zoning Administrator, Randy Wilson, questions if this is a legal requirement. The applicant's representative, Travis Deem, replies that it is not practical to require fees back to 1976 because no one knows how much material was removed from the site prior to the Turner's activities. The requirement should be based on the judgment of the lead agency. Reporting fees for last year and this year would be the reasonable amount. Wilson states he does not believe that it is the responsibility of the current permittee because they weren't involved in prior mining activities.

Comment 2: "The response indicates that topographic data used to generate the five-foot contours were collected for the project with a GPS unit, and U.S. Geological Survey topographic data were used to provide a "baseline elevation data" for the site. This is different than indicated in the note on the base map of the site. The accuracy of the topographic data for depicting details of the topography of the site is not discussed and is undefined. OMR's comment remains unresolved until the maps are signed and stamped, as appropriate, by the responsible professional that prepared them." Deem replies that there is no requirement for an engineer or surveyor unless you're creating an engineered surface or critical slope. The problem seems to be the word "survey". Deem contacted both a licensed surveyor and engineer and they suggested adding language to the map stating that no new topographic data was created and it was not a "field" survey. Wilson states the applicant's representative has addressed this issue and revised the map.

Comment 3: "CCR Section 3502 (b)(1) requires that the reclamation plan include a description of the environmental setting of the mine site. CCR 3705(a) states that a vegetative cover suitable for the proposed end use shall be established. Removing the mention of timber harvest plan (THP) surveys from the reclamation plan does not address the need for a description of the environmental setting of the property. OMR recommends supplying the biological survey aspect of the THP as this part of the THP is likely not to change." Herrin responds that the County doesn't have the ability to get a copy of the THP, it would need to come from the applicant. The THP is a separate document and separate process from the mining permit. Herrin does not feel that the environmental setting has not been addressed. Deem adds that they did include a description of the environmental setting. When OMR uses the term "recommend", it means they can't really tell you to do it. SMARA demands that the end condition be stable, free from erosion, and suitable for the end use.

Comment 4: "End land use is proposed to be timber management (page 5). SMARA section 2772 (c)(7) and 2772 (c)(8) requires that the reclamation plan include a description of the proposed use or potential and the manner in which reclamation adequate for the proposed use or potential uses will be accomplished. OMR recommends changing the end use to "open space" to avoid problems with calling the end use "timber". An erosion control grass seed mix is not adequate for timber end use. The County's response to comments that 'SMARA does not require that a reclamation plan achieve the proposed end use, only that the final site conditions are suitable for proposed end use' is not accurate. The stated reclamation goal must be met in order for the property to be considered reclaimed. Also, if the end use is residential development (given as an example in the response to comments) then the financial assurances must meet the goals of such a reclamation plan. Attaining such an end use is generally financially infeasible, and typically, operators reclaim to an open space end use and then once reclaimed, the land use can be changed." In response, Herrin states the land use is General Forest. There is an access road for potential mining operations, and there is timber harvesting ongoing on the property. An end use of Open Space is not appropriate. That would be a change in land use. The reforestation regulations are addressed under the ongoing Timber Harvest Plan with CalFire. There is no definition of Open Space or Timber Management in SMARA, so it doesn't specify what it is. Herrin can find no reason to say it should be Open Space vs. Timber Management. Additionally, Timber Management requires landing areas, processing areas, and loading areas. It doesn't mean everything is covered with trees. It's contrary to that. Deems adds that the way it's going to be reclaimed is fully compatible with what's on-going. It's suitable. Wilson states the issue can be addressed in the written response to OMR.

Conditions 1 and 2 concerning the initiation and end dates are discussed. Condition No. 4 concerning the submittal of a map is discussed and determined to have been satisfied. In regard to securing a SWPPP for the operation, Wilson suggests adding a condition that states, "Applicant shall consult with the California Regional Water Quality Control Board to determine if permits are needed for this operation. Proof of contact shall be provided to the Planning Department prior to any mining activities." Deem suggests adding a condition that states, "Water Quality requirements will prevail if they become more stringent than those listed below." The applicant states they are in agreement with the conditions of approval as modified today. There is discussion in regard to Condition 22 concerning an encroachment permit for any required signage on Diamond Mtn. Road. Herrin recommends an additional Finding that states, "The remaining issues in the letter from the Office of Mine Reclamation dated July 20, 2012, will be addressed within 30 days of project approval and the appropriate reporting forms will be submitted to the Office of Mine Reclamation at that time." The hearing is opened at 10:48. There being no comments, the hearing is closed at 10:48.

DECISION

Wilson states he will take the actions recommended by staff, and 1) After reviewing and considering the proposed Negative Declaration, adopt Negative Declaration No. 661 pursuant to Section 15074 of the California Environmental Quality Act Guidelines, making Findings A through C, and 2) Approve the reclamation plan, subject to the conditions of approval outlined in Exhibit 4 of the Staff Report with Findings A through G, noting amendments of Conditions 1 & 2, the deletion of the original Condition 4 and a new Condition 4 added, amendment of Condition 6, and the addition of Condition 11 and renumbering of the remaining conditions.

ENVIRONMENTAL DETERMINATION FINDINGS

- A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as conditioned, might have any significant adverse impact on the environment; and
- B. That the proposed Negative Declaration reflects the independent judgment of the Plumas County Zoning Administrator; and
- C. That the location and custodian of the documents which constitute the record of these proceedings is the Plumas County Planning Department, 555 Main Street, Quincy, California.

FINDINGS

- A. The project conforms to the General Plan and the Planning and Zoning Code. There is a reasonable probability that the Permit to Mine/Reclamation Plan will be consistent with the future adopted General Plan. The mining operation is vested and the end use will be Timber Management, which is consistent with the Important Timber designation.
- B. There is little or no probability that the project will be detrimental to or interfere with the future adopted General Plan because, once the operation is completed and reclamation finalized, the end use on the under 3-acre site will be Timber Management.
- C. The Negative Declaration was prepared to address the environmental effects and mitigation measures associated with the project. The Negative Declaration was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) and the Guidelines for Implementation of the California Environmental Quality Act (State CEQA Guidelines).
- D. Prior to approval of the Permit to Mine/Reclamation Plan, the Zoning Administrator has reviewed and considered the Negative Declaration and hereby adopts the Negative Declaration as complete and adequate in that the Negative Declaration addresses environmental impacts of the proposed project and fully complies with the requirements of CEQA and the State CEQA Guidelines. The Negative Declaration is on file with the Plumas County Planning Department, 555 Main Street, Quincy, CA 95971.
- E. The project conforms with the Surface Mining and Reclamation Act and other state regulations.
- F. A written response to the Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the County's position is at variance with the

recommendations and objections raised by the Department of Conservation, said response addresses in detail, why specific comments and suggestions were not accepted.

- G. The remaining issues in the letter from the Office of Mine Reclamation dated July 20, 2012, will be addressed within 30 days of project approval and the appropriate reporting forms will be submitted to the Office of Mine Reclamation at that time.

ADJOURN

There being no further business, the meeting adjourns at 10:54 a.m. The next regularly scheduled Zoning Administrator meeting is set for September 12, 2012, at 10:00 a.m. at the Planning & Building Services Conference Room located at 555 Main Street in Quincy.



Randy Wilson, Zoning Administrator



Heidi Wightman, Department Fiscal Officer II