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## PLANNING COMMISSION MEETING

May 4, 2021

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LASSEN COUNTY PLANNING COMMISSION  
STAFF REPORT  
May 4, 2021

FILE NUMBER:	Financial Assurance #1997-80 (Res. No. 11-04-97)
MINE NAME AND ID #:	Aggregate Resources Mine (#91-18-0025)
OWNER:	Aggregate Resources, Inc.
OPERATOR:	Aggregate Resources, Inc.
SITE CONTACT:	Jesse Wolf
GENERAL LOCATION:	The project site is on the east of and directly adjacent to Hwy 395 approximately 6 miles north of Termo, Lassen County, California
ASSESSOR'S PARCEL NUMBER(S):	031-300-016, 033,046,056 and 031-310-015, 024
PROJECT SITE ZONING:	U-C-2 (Upland Conservation/Resource Management District)
GENERAL PLAN:	Extensive Agriculture
ENVIRONMENTAL DOCUMENT	N/A
APPEAL	Lassen County Code Section 18.112.050 states that “any person not satisfied with the action of the planning commission... may, within ten days of the notice of the commission’s action, appeal in writing to the board of supervisors.”
ASSIGNED STAFF:	Cortney Flather, Natural Resources Technician

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**AUTHORITY FOR DISCUSSION:** The Surface Mining and Reclamation Act of 1975 (SMARA) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition.

Pursuant to Public Resources Code section 2773.1 (b)(1), Lassen County has evidence that the operator of the Aggregate Resources Mine (#91-18-0025) may be financially incapable of completing reclamation in accordance with its approved Reclamation Plan.

*§ 2773.1 (b) (1) “If the lead agency, or the board when acting as a lead agency, has evidence that an operator may be financially incapable of completing reclamation in accordance with its approved reclamation plan or that the operator may have abandoned the surface mining operation without completing reclamation, the lead agency or the board, when acting as a lead agency, shall conduct a public hearing to determine whether the operator is financially capable of completing reclamation in accordance with the approved reclamation plan or has abandoned the surface mining operation. The hearing shall be noticed to the operator and the supervisor at least 30 days prior to the hearing.”*

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## REGULATING AGENCIES:

### Agency

Planning Commission  
Planning and Building Services

Department of Conservation, Division of Mine  
Reclamation (DMR)

### Identified Approvals

Financial Assurance Determination  
Authorization to release financial assurances  
to Lassen County for reclamation of the  
project site.

Authorization to release financial assurances  
to Lassen County for reclamation of the  
project site.

GENERAL PLAN AND ZONING: The existing mine site is zoned U-C-2 (Upland Conservation/Resource Management District) and is designated as Extensive Agriculture by the Lassen County General Plan 2000.

## BACKGROUND:

### **Use Permit, Reclamation Plan, and Financial Assurance # 1997-80**

The Aggregate Resources Mine (#91-18-0025) was an aggregate quarry operation that was re-opened in 1997 by Art Agajanian of Aggregate Resources, Inc. under Use Permit, Reclamation Plan, and Financial Assurance #1997-80 (Res. No. 11-04-97). The existing approximately ten-acre site, preceding the approval of the Use Permit 1997-80, operated prior to SMARA, meaning it was in operation before mining regulations were in place. The project site is located on the east side of Highway 395, approximately 6 miles north of Termo, Lassen County, California (see attached vicinity and site maps).

Use Permit 1997-80 included blasting, crushing, screening, washing, stockpiling, and occasional production of asphalt. The mine was closed with no intent to resume in 2011. Reclamation of the site has not commenced.

Art and Suzanne Agajanian owned and operated the Aggregate Resources Mine until they both passed away. Suzanne's brother, Doug Stowers was subsequently in charge of their estate until his own passing. The grandson of Mr. Stowers, Jesse Wolf, is his Power of Attorney and has been the site contact for Aggregate Resources Mine since 2016.

### **Summary of Reclamation Plan # 1997-80**

The Reclamation Plan provides for the reclamation of disturbed mining areas that were re-opened and reclamation of any new sites that may have been opened with the end use planned as open space/wildlife habitat. Mined lands to be reclaimed, with the exception of the quarry area, are to be restored to a usable condition adaptable to alternative land uses and compatible with surrounding lands. A summary of the reclamation requirements are as follows:

- grading of gravel and sand pit walls with slopes not to exceed 2H:1V with minimum 10' wide benches at 15' vertical intervals

- quarry highwall limited to 1H:1V unless a qualified engineer or engineering geologist determines a steeper slope is safe; no proposed benching or replanting
- if no new activities occurred within the quarry site, reclamation efforts need not include re-sloping of the existing quarry walls
- quarry highwalls will not be reclaimed due to steep slopes
- top of quarry highwalls shall be fenced with 4-strand barbed wire fencing and posting; sections of quarry highwalls steeper than 1.5H:1V will be fenced; signed to warn of danger and prevent trespass
- overburden and waste will be returned and used to in-fill areas to eliminate ponding and spread on the pit bottom for leveling prior to the return of topsoil and vegetative material
- vegetation and topsoil combined for later use in revegetation and stabilization activities
- re-soil pit floor, quarry floor, pit benches, inter-bench slopes, processing areas, maintenance areas, stockpiles areas, constructed drainage channels and ponds using suitable medium (stockpiled topsoil, overburden, vegetative matter, etc.)
- disc or scarify above-mentioned areas by contour ripping to provide a roughened seedbed and furrows for moisture retention and seed germination
- soil amendments added if it is indicated that they may be useful for plant establishment
- drilling and/or broadcast seeding
- mix of native (or compatible as approved by the lead agency) grasses and shrubs shall be established and self-sustaining; establish test plots
- survival of revegetation efforts will be considered satisfactory when 50% density and 50% diversity of planted species is achieved, as measured against surrounding native vegetation
- final drainage of disturbed areas are as follows:
  - runoff from the quarry site will be confined to the quarry pit bottom
  - runoff from existing access roads will continue to be directed off roads and back to existing ground, intercepted by small rock sediment trap barriers (where defined drainages are crossed, culverts will be installed or crossing will be removed).
  - Runoff from stockpile and processing areas will be directed to natural drainages to S and SW of these areas and rock sediment trap barriers will be planted in channels

A copy of Reclamation Plan #1997-80 can be provided upon request.

### **Annual Reports**

The owner or operator of a mining operation within the State (including mines being operated on federal lands) must forward a Mining Operation Annual Report (Annual Report), form number MRRC-2 to the: 1) State Department of Conservation, and 2) the SMARA Lead Agency of jurisdiction (Lassen County) pursuant to Public Resources Code (PRC) Section 2207.

All operators required to file an Annual Report form, must also pay an annual reporting fee according to the Fee Schedule in California Code of Regulations (CCR), Title 14, Division 2, Chapter 8, Section 3698 et seq. The Annual Report and the annual reporting fee payment must be postmarked or submitted electronically by July 1 every year for the previous reporting year, or penalties and interest will be assessed pursuant to CCR Section 3697. There are separate fees to the Department of Conservation and to Lassen County.



A 2019 Annual Report for the Aggregate Resources Mine (#91-18-0025) was not filed with the Department of Conservation and the associated fees were not paid to either the Department of Conservation or Lassen County. Please see attached notice to Aggregate Resources, Inc. of failure to file the 2019 operation annual report from the Department of Conservation.

### **Financial Assurance Cost Estimates (FACE)**

Every year, an operator is required to prepare a FACE. This consists of a form (FACE-1) that is intended to comply with the requirements of California's SMARA (Public Resource Code Sections 2710 et seq., and the associated California Code of Regulations found in Title 14, division 2, beginning at Section 3500) and specifically PRC §2773.1(a)(4). This form, shall be used to submit the calculated financial assurance amount to the lead agency for review.

PRC §2773.4(d)(1) requires that an annual FACE shall be submitted to the lead agency for review within 30 days of an annual inspection or within 30 days of the inspection date requested on the operator's Annual Report, Form MRRC-2, if the inspection was not conducted by the lead agency.

The total estimated cost of reclamation for the Aggregate Resources Mine in 2020 was \$26,962.97 (see attached 2020 FACE). DMR found that it satisfied the requirement for an annual submission of a FACE on November 20, 2020. Pursuant to PRC §2773.4(c)(6)(A), Lassen County subsequently approved the 2020 FACE on December 20, 2020.

### **Financial Assurance Mechanisms (FAM)**

SMARA requires that each mining operation have a financial assurance(s) to ensure that reclamation is performed in accordance with the approved Reclamation Plan. Financial assurances must be payable to the "lead agency" (Lassen County) and the Department of Conservation. Pursuant to PRC §2773.4(e) (1), *"within 30 days of the lead agency's approval of a financial assurance cost estimate pursuant to this section, the operator shall provide the lead agency and the supervisor an appropriate financial assurance mechanism."*

SMARA requires that the financial assurances be adjusted annually. The adjustments account for new lands disturbed, inflation, and for reclamation of lands accomplished in accordance with the approved Reclamation Plan (PRC 2773.1(a)(3)). Thus, the financial assurances are calculated from the state of the mining operation each year – the cost to reclaim should the operation close during that year – not calculated from the final anticipated state of the land at the planned end of mining.

Aggregate Resources, Inc. failed to increase their FAM amount to meet the 2020 FACE for reclamation of the Aggregate Resources Mine (#91-18-0025). After several attempts to contact Jesse Wolf, an intent to file Notice of Abandonment letter, a Notice of Intent to Hold a Public Hearing letter, and the Notice of Abandonment recorded by the Lassen County Clerk were mailed and emailed to Jesse Wolf (see attached).

Table 1 lists the FAMs that are currently in place for the reclamation of the Aggregate Resources Mine.

FAM	Customer	Bank	Balance
Surety Bond	J.F. Shea Construction, Inc.	Safeco Insurance Company of America	\$10,450.00
Certificate of Deposit	Agajanian, Suzanne	Union Bank of California	\$1,000
Certificate of Deposit	Agajanian, Suzanne	Union Bank of California	\$1,000
Certificate of Deposit	Agajanian, Suzanne	Union Bank of California	\$8,500.00
Certificate of Deposit	Aggregate Resources, Inc.	Wells Fargo	\$3,753.14
			<b>Total: \$24,703.14</b>

*Table 1: List of FAMs that Lassen County and the Department of Conservation hold for the Aggregate Resources Mine (#91-18-0025)*

### **Use Permit # 1997-80 Abandonment**

On March 04, 2021, Use Permit 1997-80 was abandoned (file # 2021-01136). All procedural requirements, as detailed in Lassen County Code Section 18.112.065, for recordation and filing of said Notice of Abandonment have been satisfied. The permittee and property owner have been given multiple opportunities to provide evidence that the conditions of Use Permit # 1997-80 have been and continue to be met. No such evidence has been provided. See attached Notice of Abandonment filed by the County Clerk (#2021-01136).

Lassen County Code 18.112.065 Abandonment:

*(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director's intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned.*

*(d) If, after fulfillment of subsection (c) of this section, it is the determination of the planning director that the permit has been abandoned and if no appeal has been filed according to the provisions of this section, a notice of abandonment shall be provided to the permittee and filed in the office of the county recorder, without cost.*

*(e) The permittee may, within ten calendar days, file an appeal to the planning commission of a determination by the planning director that the use has been abandoned under the provisions of this section. The matter shall be scheduled for hearing in accordance with the procedures set forth in Section 18.112.040 and be subject to the right of appeal to the board of supervisors as set forth in this chapter.*

*(f) When a use is confirmed to be abandoned after opportunity to the permittee to appeal the determination, a notice of abandonment shall be provided to the permittee and a copy of said notice shall be filed with the office of the county recorder, without cost. (Ord. 467-H § 2, 1991).*

The following timeline summarizes correspondence with the site contact, Jesse Wolf, and DMR:

**2020/2021 Timeline:**

- **July 14, 2020:** reminder email sent to Jesse Wolf (current site contact) regarding the 2019 Annual Report and associated fees
- **July 20, 2020:** Jesse Wolf response to July 14 email stating that the Annual Report and associated fees would be in by the week of July 27, 2020
- **September 8, 2020:** reminder email sent to Jesse Wolf regarding 2019 Annual Report and associated fees with step-by-step instructions
- **November 3, 2020:** reminder email sent to Jesse Wolf regarding 2019 Annual Report and associated fees with attached Online Annual Reporting System User Guide
- **November 10, 2020:** DMR letter to Lassen County and Jesse Wolf- “Notice to Aggregate Resources, Inc. of failure to file the 2019 Mining Report (Annual report), for MRRC-2, and associated reporting fee(s) for the 2019 reporting year”
- **December 3, 2020:** email to Jesse Wolf stating the 2020 FACE was approved by DMR and a FAM increase would be necessary within 30 days. It was explained that if the FAM was not increased within 30 days, Lassen County would assume the mine was abandoned.
- **December 7, 2020:** letter (mailed and emailed) from Planning and Building Department regarding the Annual Report/fees and warning that if this matter is not addressed, could initiate revocation of the associated use permit
- **December 14, 2020:** letter from Jesse Wolf stating that the above-mentioned matters would be brought current
- **December 14, 2020:** email with Annual Report/fee(s) instructions sent to Jesse Wolf
- **January 7, 2021:** email sent to Jesse Wolf regarding Annual Report/fee(s) and FAM increase
- **January 13, 2021:** intent to file Notice of Abandonment Letter (mailed and emailed) from the Planning and Building Department to Jesse Wolf
- **February 24, 2021:** letter from the Planning and Building Department “Notice of intent to hold a public hearing” on May 4, 2021 mailed and emailed to Jesse Wolf and DMR
- **March 4, 2021** Notice of Abandonment recorded by the County Clerk.
- **March 23, 2021:** Notice of Abandonment for Use Permit #1997-80 mailed and emailed to Jesse Wolf

**ACTION BY PLANNING COMMISSION:** Pursuant to PRC § 2773.1 (b)(1), The Planning Commission will hold a public hearing regarding the financial capability of Aggregate Resources, Inc. to reclaim the Aggregate Resources Mine in accordance with the approved Reclamation Plan.

**STAFF RECOMMENDATION:** Staff recommends that the Planning Commission adopt the attached resolution, determining that Aggregate Resources, Inc. is incapable of reclaiming the Aggregate Resources Mine in accordance with its approved Reclamation Plan and therefore warrants Lassen County to withdrawal the current financial assurance mechanisms to use in the reclamation of the Aggregate Resources Mine.



## County of Lassen

### Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

April 22, 2021

**Maurice L. Anderson, Director**

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

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email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Zoning & Building

Inspection Requests

Phone: 530 257-5263

### **NOTICE OF PUBLIC HEARING** **LASSEN COUNTY PLANNING COMMISSION**

The Lassen County Planning Commission solicits the aid of public agencies and the general public in consideration of the following item:

**File:** Financial Assurance # 1997-80 (Res. No. 11-04-97)  
**Mine:** Aggregate Resources Mine (#91-18-0025)  
**Owner/Operator:** Aggregate Resources, Inc.  
**Topic:** Determination of financial capability of Aggregate Resources, Inc. to reclaim abandoned mine in accordance with their approved Reclamation Plan. Pursuant to Public Resources Code section 2773.1 (b)(1), Lassen County has evidence that the operator of the Aggregate Resources Mine (#91-18-0025) may be financially incapable of completing reclamation in accordance with its approved Reclamation Plan.  
**Project Site:** All that certain real property situated in portions of Sections 20 and 29, Township 36 North, Range 13 East, Mount Diablo Base and Meridian, according to the official plat thereof, in the unincorporated territory of Lassen County, California. This is approximately 6 miles north of Termo, Lassen County, California.  
**Zoning:** The project site is zoned U-C-2 (Upland Conservation/Resource Management District) and is designated Extensive Agriculture by the *Lassen County General Plan, 2000*.  
**A.P.N.:** 031-300-016, 33,46,56 and 031-310-015, 24  
**Staff Contact:** Cortney Flather, Natural Resources Technician

The Planning Commission will hold a public hearing and determine whether or not Aggregate Resources, Inc. is financially capable of reclaiming the Aggregate Resources Mine in accordance with their approved Reclamation Plan at 1:15 p.m. on Tuesday, May 4, 2021, Jensen Hall, 195 Russell Avenue, Susanville. All interested persons are invited to attend the meeting and be heard, or to submit comments to the Department of Planning and Building Services, 707 Nevada Street, Susanville, CA 96130.

For the County of Lassen,

  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission  
MLA:clf  
X:/PLA/Admin/800 Planning/20 Mining Files/Mater Correspondence OMR and Operators/91-18-0025 Aggregate Resources/Abandonment/Planning Commission

RESOLUTION NO. 11-04-97

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION ADOPTING NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN 1997-80, AND APPROVING USE PERMIT, RECLAMATION PLAN, AND FINANCIAL ASSURANCE (FILE 1997-80), AGGREGATE RESOURCES, INC., ART AGAJANIAN

WHEREAS, the Planning Commission of Lassen County, after due notice, has considered File #1997-80 consisting of a Use Permit, Reclamation Plan and Financial Assurance, filed by Aggregate Resources, Inc., Art Agajanian to: Reestablish a quarry and aggregate processing operation on approximately ten acres of private land located immediately east of Highway 395 approximately six miles north of Termo, Lassen County, California; and

WHEREAS, the Environmental Review Officer of Lassen County has prepared an Initial Environmental Study and has given notice of preparation of a Negative Declaration (#1997-80) for adoption by the Planning Commission in accordance with the California Environmental Quality Act.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
  - a. That the proposed project is consistent with the Lassen County General Plan and the provisions of Chapter(s) 9.60 and 18.68 of the Lassen County Zoning Ordinance.
  - b. That the project, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
  - c. That the project will not cause substantial environmental damage.
  - d. That the Reclamation Plan substantially complies with the provisions of SMARA and the State Regulations.
  - e. That the proposed end use of open space / habitat is consistent with the General plan and current zoning of the site.
  - f. That the Reclamation Plan effectively reduces identified significant environmental impacts on mined lands to a less than significant level.



- g. That with the exception of the quarry area, mined lands to be reclaimed will be restored to a usable condition adaptable to alternative land uses and compatible with surrounding lands;
  - h. That the project has an approved encroachment from the Department of Transportation as indicated in their letter dated October 6, 1997.
  - g. That a response to the comments of the Office of Mine Reclamation (OMR) has been prepared addressing the substantive issues raised by the OMR.
3. The Planning Commission hereby adopts Negative Declaration and Mitigation Monitoring Plan 1997-80 as the environmental document for the project.
4. The Planning Commission hereby approves Use Permit, Reclamation Plan and Financial Assurance file 1997-80, subject to the conditions of approval attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the Fifth day of November 1997, by the following vote:

AYES: Commissioners Hanson, Totten, Lewis, Goni, and Mallery


NOES: None

ABSTAIN: None

ABSENT: None

  
FREDRICK M. MALLERY, CHAIRMAN  
LASSEN COUNTY PLANNING COMMISSION

ATTEST:

  
Robert K. Sorvaag, Secretary  
Lassen County Planning Commission

/up/95041/resapprove

## EXHIBIT A

### CONDITIONS OF APPROVAL USE PERMIT 1997-80

1. This use permit is granted for the use as approved by the Planning Commission on November 5, 1997. Substantial revisions and/or expansions of the project will require a new use permit subject to the approval of the Planning Commission.

#### CONDITIONS PRIOR TO ISSUANCE OF THE AUTHORIZATION TO OPERATE

2. The operator shall secure all necessary permits from the <sup>Lahanta</sup> ~~Central Valley~~ RWQCB and/or the State Water Resources Board. Evidence of approval(s) or exemption shall be submitted to the Community Development Department.
3. A valid financial assurance, in an amount adequate to cover the costs of complete site reclamation, shall be in place, payable to "Lassen County or the Department of Conservation," prior to issuance of the Authorization to Operate and at all times that the project is subject to SMARA. The financial assurance instrument shall be reviewed periodically for adequacy and shall be amended by the operator as required by the lead agency.
4. The operator shall submit a New Mine Report to the State, with a copy to the Community Development Department, within 30 days of approval by the County, and shall submit annual reports to the State and County every year thereafter, as long as the project is subject to SMARA.
5. The Reclamation Plan shall be supplemented with the following information pursuant to the Office of Mine Reclamation comments dated October 24, 1997.
  - (a) The proposed end use (assumed to be open space / habitat) shall be specifically identified (or confirmed).
  - (b) The status of the prairie falcon nesting site identified by OMR shall be reported to the lead agency. If the nest site is confirmed and is active an area within a radius of 100 feet around the site shall be flagged, avoided and protected from all disturbance. In addition, an annual seasonal stop to excavation activity in the vicinity of the site from April 1 through July 31 may be required.
  - (c) The apparent inconsistency in information on site drainage shall be resolved. Section 4.4.2 of the reclamation plan states that site drainage will be directed toward natural drainages, but later states that no drainages cross the site.
  - (d) The amount of available top soil (3,000 or 5,000 cubic yards) shall be clarified.

### OTHER CONDITIONS

6. The owner/operator shall secure all necessary permits from the Lassen County Air pollution Control District. Evidence of approval shall be submitted to the Community Development Department prior to starting mining activity.
7. All equipment shall be equipped with air pollution controls which shall be installed and maintained per the manufacturers specifications, or as otherwise approved by the Lassen County Air Pollution Control District.
8. Wet suppression shall be used to control fugitive dust at all times during operations. During prolonged non-operational times (e.g., seasonal closure, between contract operations, etc.), the site shall be secured to prevent blowing dust by planting exposed areas, covering with gravel, or other methods approved by the lead agency.
9. To ensure compliance with APCD permits, at the APCD's request the operator or owner shall contract with a California Air Resources Board certified private contractor for a compliance test at the Termo operation. The test shall be conducted during facility operations in accordance with APCD specifications and the results submitted to the APCD for review. The operator shall comply with any new or revised conditions of the APCD as a result of testing.
10. Runoff within the quarry shall be confined to the quarry floor as proposed in the application.
11. The owner/operator shall be responsible for the placement, monitoring and maintenance of straw bales, rock dams, silt fence, and/or other facilities acceptable to the lead agency, in and around drainage channels carrying runoff exposed to disturbed surfaces including haul roads, stockpiles, processing areas exposed pits and quarry.
12. The owner/operator shall pretreat runoff from areas subject to hydrocarbon deposition (fueling, parking, equipment storage, and maintenance areas) prior to directing such runoff to containment or percolation ponds (or the pit floor), and before release of such runoff off site. Pretreatment methods shall be reviewed and approved by the Lahontan Regional Water Quality Control Board shall be
13. On site fuel tanks shall be placed and kept in impermeable containment structures capable of holding at least 110% of the tank capacity pursuant to the County's above ground fuel storage standards.
14. The owner/operator shall develop data on existing vegetative cover on similar undisturbed lands in the vicinity of the site. The data shall include the species type(s), number of plants per unit area and percent of cover. The data collection site shall be representative of the area and shall be identified on the mine site topographic maps. The operator shall submit a revegetation plan emphasizing native plants along with success



standards based upon the collected data and incorporating all elements recommended by the Office of Mine Reclamation letter dated October 24, 1997. The revised plan shall be submitted to the lead agency prior to the start of mining activity at the site.

15. The owner/operator shall establish test plots displaying similar slope, aspect and soil conditions as those areas proposed for reclamation, within the first year after operations begin. The test plots shall be monitored by the operator with monitoring reports to be made available to the lead agency within 45-days of such a request by the lead agency.
16. All disturbed lands, including, but not limited to, the pit floor, quarry floor, pit benches and interbench slopes, haul roads no longer needed, processing areas, maintenance areas, stockpile areas, constructed drainage channels and ponds (if not included in final drainage plan), but not including the quarry face, shall be resoiled using suitable growth medium, and a mix of native (or compatible as approved by the lead agency) grasses and shrubs shall be established and self-sustaining in a density equaling at least 50% of natural vegetation in the vicinity, and with similar diversity to that found on undisturbed lands in the immediate vicinity.
17. The quarry face(s) shall be left at a maximum slope of 1H:1V.
18. The top of the quarry shall be fenced as part of the final quarry reclamation and during periods of non-activity (seasonal closure, interim periods between contracts, or any other prolonged period of inactivity) to prevent access by people and larger animals (deer) to the face, and signed to warn of the danger and to prevent trespass.
19. The operation shall operate within the noise parameters established in the County General Plan Noise Element at all times. At the lead agency's request, the operator shall hire a qualified acoustical technician/analyst to perform noise measurements in the vicinity of operating equipment, at the nearest property line and at the nearest residential property line, and shall submit a report of the results to the lead agency within 45 days (or as otherwise required by the lead agency) of such request. Any violation of noise standards shall be corrected by the operator at the operator's expense pursuant to the lead agency's requirements.
20. All explosives shall be handled by a licensed operator, and shall be stored in an ATF approved magazine.
21. If any cultural resources are uncovered or discovered at the mining site, all work in the area shall immediately stop. The operator shall contact the lead agency.
22. Aggregate production shall be limited to a lifetime project total of 250,000 tons. Asphalt production shall be limited to 150,000 tons per year beginning on October 5, 1999.
23. The owner/operator shall participate in the County's annual inspection program including submittal of appropriate inspection fees as established by the Board of Supervisors.

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

RESOLUTION NO. 02-01-99

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING A ONE YEAR EXTENSION OF USE PERMIT #1997-80, AGGREGATE RESOURCES.

WHEREAS, the Planning Commission of Lassen County, after due notice, has considered an extension request filed by Art Agajanian, Aggregate Resources to: extend Use Permit #1997-80, filed by Art Agajanian; And

WHEREAS, the Lassen County Planning Commission adopted Negative Declaration #1997-80, and approved Use Permit #1997-80 on November 5, 1997, in accordance with the California Environmental Quality Act and the Lassen County Code.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
  - a. The Use Permit #1997-80 was reviewed by the Technical Advisory Committee, and subsequently approved by the Lassen County Planning Commission on November 5, 1997 with 24 conditions.
  - b. The project consists of the reopening of an existing aggregate rock quarry on approximately ten acres of private land, located approximately six miles north of Termo.
  - c. The project was approved in November, 1997. The applicants letter of November 19, 1998, requesting the extension, indicates that the operation is market-driven and no contracts have been secured since the use permit was approved.
  - d. The County Zoning Ordinance, Section 18.112.070, allows up to two extensions of a Use Permit, of not more than 12 months each, upon approval of the Planning Commission.
3. The Planning Commission hereby approves an extension of Use Permit #1997-80, Aggregate Resources, for a period of one year from November 5, 1998, subject to the original conditions of approval as listed in Planning Commission Resolution #11-04-97, with the following change to condition #3: If the Board of Supervisors so directs, the reclamation cost estimate shall be revised to include prevailing wage in all applicable labor calculations.



PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 3rd day of February, 1999, by the following vote:

AYES: COMMISSIONERS BECKETT, GONI, AND MALLERY

NOES: NONE

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

ABSENT: COMMISSIONER TOTTEN

  
FREDRICK M. MALLERY, CHAIRMAN  
LASSEN COUNTY PLANNING COMMISSION

ATTEST:

  
Robert K. Sorvaag, Secretary  
Lassen County Planning Commission

up/1997-80/ResApproveExtension

## EXHIBIT A

### CONDITIONS OF APPROVAL USE PERMIT 1997-80

1. This use permit is granted for the use as approved by the Planning Commission on November 5, 1997. Substantial revisions and/or expansions of the project will require a new use permit subject to the approval of the Planning Commission.

#### CONDITIONS PRIOR TO ISSUANCE OF THE AUTHORIZATION TO OPERATE

2. The operator shall secure all necessary permits from the Central Valley RWQCB and/or the State Water Resources Board. Evidence of approval(s) or exemption shall be submitted to the Community Development Department.
3. A valid financial assurance, in an amount adequate to cover the costs of complete site reclamation, shall be in place, payable to "Lassen County or the Department of Conservation," prior to issuance of the Authorization to Operate and at all times that the project is subject to SMARA. The financial assurance instrument shall be reviewed periodically for adequacy and shall be amended by the operator as required by the lead agency. ***If the Board of Supervisors so directs, the reclamation cost estimate shall be amended to include prevailing wage in all labor cost estimates.***
4. The operator shall submit a New Mine Report to the State, with a copy to the Community Development Department, within 30 days of approval by the County, and shall submit annual reports to the State and County every year thereafter, as long as the project is subject to SMARA.
5. The Reclamation Plan shall be supplemented with the following information pursuant to the Office of Mine Reclamation comments dated October 24, 1997.
  - (a) The proposed end use (assumed to be open space / habitat) shall be specifically identified (or confirmed).
  - (b) The status of the prairie falcon nesting site identified by OMR shall be reported to the lead agency. If the nest site is confirmed and is active an area within a radius of 100 feet around the site shall be flagged, avoided and protected from all disturbance. In addition, an annual seasonal stop to excavation activity in the vicinity of the site from April 1 through July 31 may be required.
  - (c) The apparent inconsistency in information on site drainage shall be resolved. Section 4.4.2 of the reclamation plan states that site drainage will be directed toward natural drainages, but later states that no drainages cross the site.
  - (d) The amount of available top soil (3,000 or 5,000 cubic yards) shall be clarified.

## OTHER CONDITIONS

6. The owner/operator shall secure all necessary permits from the Lassen County Air pollution Control District. Evidence of approval shall be submitted to the Community Development Department prior to starting mining activity.
7. All equipment shall be equipped with air pollution controls which shall be installed and maintained per the manufacturers specifications, or as otherwise approved by the Lassen County Air Pollution Control District.
8. Wet suppression shall be used to control fugitive dust at all times during operations. During prolonged non-operational times (e.g., seasonal closure, between contract operations, etc.), the site shall be secured to prevent blowing dust by planting exposed areas, covering with gravel, or other methods approved by the lead agency.
9. To ensure compliance with APCD permits, at the APCD's request the operator or owner shall contract with a California Air Resources Board certified private contractor for a compliance test at the Termo operation. The test shall be conducted during facility operations in accordance with APCD specifications and the results submitted to the APCD for review. The operator shall comply with any new or revised conditions of the APCD as a result of testing.
10. Runoff within the quarry shall be confined to the quarry floor as proposed in the application.
11. The owner/operator shall be responsible for the placement, monitoring and maintenance of straw bales, rock dams, silt fence, and/or other facilities acceptable to the lead agency, in and around drainage channels carrying runoff exposed to disturbed surfaces including haul roads, stockpiles, processing areas exposed pits and quarry.
12. The owner/operator shall pretreat runoff from areas subject to hydrocarbon deposition (fueling, parking, equipment storage, and maintenance areas) prior to directing such runoff to containment or percolation ponds (or the pit floor), and before release of such runoff off site. Pretreatment methods shall be reviewed and approved by the Lahontan Regional Water Quality Control Board shall be
13. On site fuel tanks shall be placed and kept in impermeable containment structures capable of holding at least 110% of the tank capacity pursuant to the County's above ground fuel storage standards.
14. The owner/operator shall develop data on existing vegetative cover on similar undisturbed lands in the vicinity of the site. The data shall include the species type(s), number of plants per unit area and percent of cover. The data collection site shall be representative of the area and shall be identified on the mine site topographic maps. The operator shall submit a revegetation plan emphasizing native plants along with success



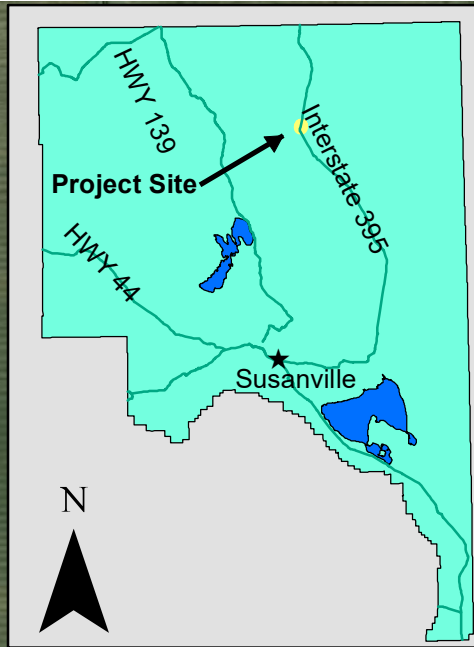
standards based upon the collected data and incorporating all elements recommended by the Office of Mine Reclamation letter dated October 24, 1997. The revised plan shall be submitted to the lead agency prior to the start of mining activity at the site.

15. The owner/operator shall establish test plots displaying similar slope, aspect and soil conditions as those areas proposed for reclamation, within the first year after operations begin. The test plots shall be monitored by the operator with monitoring reports to be made available to the lead agency within 45-days of such a request by the lead agency.
16. All disturbed lands, including, but not limited to, the pit floor, quarry floor, pit benches and interbench slopes, haul roads no longer needed, processing areas, maintenance areas, stockpile areas, constructed drainage channels and ponds (if not included in final drainage plan), but not including the quarry face, shall be resoiled using suitable growth medium, and a mix of native (or compatible as approved by the lead agency) grasses and shrubs shall be established and self-sustaining in a density equaling at least 50% of natural vegetation in the vicinity, and with similar diversity to that found on undisturbed lands in the immediate vicinity.
17. The quarry face(s) shall be left at a maximum slope of 1H:1V.
18. The top of the quarry shall be fenced as part of the final quarry reclamation and during periods of non-activity (seasonal closure, interim periods between contracts, or any other prolonged period of inactivity) to prevent access by people and larger animals (deer) to the face, and signed to warn of the danger and to prevent trespass.
19. The operation shall operate within the noise parameters established in the County General Plan Noise Element at all times. At the lead agency's request, the operator shall hire a qualified acoustical technician/analyst to perform noise measurements in the vicinity of operating equipment, at the nearest property line and at the nearest residential property line, and shall submit a report of the results to the lead agency within 45 days (or as otherwise required by the lead agency) of such request. Any violation of noise standards shall be corrected by the operator at the operator's expense pursuant to the lead agency's requirements.
20. All explosives shall be handled by a licensed operator, and shall be stored in an ATF approved magazine.
21. If any cultural resources are uncovered or discovered at the mining site, all work in the area shall immediately stop. The operator shall contact the lead agency.
22. Aggregate production shall be limited to a lifetime project total of 250,000 tons. Asphalt production shall be limited to 150,000 tons per year beginning on October 5, 1999.
23. The owner/operator shall participate in the County's annual inspection program including submittal of appropriate inspection fees as established by the Board of Supervisors.

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



# Aggregate Resources Mine (#91-18-0025) Vicinity Map



**Highway 395**

**Project Site**

**Fillman Rd.**

**Termo:  
6 miles south**

- APN 031-310-024
- APN 031-310-015
- APN 031-300-016
- APN 031-300-056
- APN 031-300-046
- APN 031-300-033
- roads

0

0.175

0.35

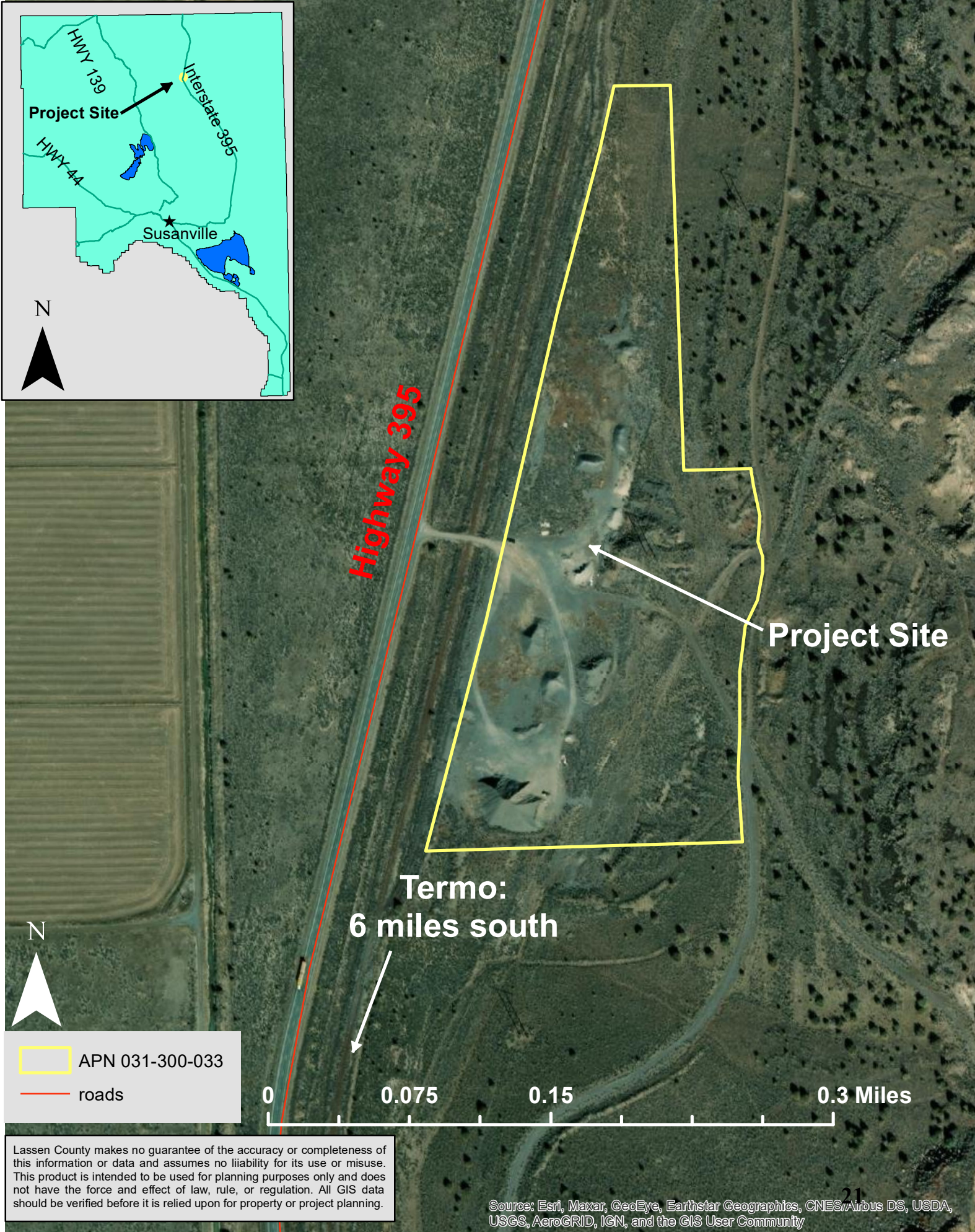
0.7 Miles

Lassen County makes no guarantee of the accuracy or completeness of this information or data and assumes no liability for its use or misuse. This product is intended to be used for planning purposes only and does not have the force and effect of law, rule, or regulation. All GIS data should be verified before it is relied upon for property or project planning.

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



# Aggregate Resources Mine (#91-18-0025) Site Map



# POWER OF ATTORNEY

The powers granted from the principal to the agent or agents in the following document are very broad. They may include the power to dispose, sell, convey, and encumber your real and personal property. Accordingly, the following document should only be used after careful consideration. If you have any questions about this document, you should seek competent advice. You may revoke this power of attorney at any time.

**Section 1. Designation of Agent.** Pursuant to A.S.13.26.338 - 13.26.359,

I, DOUGLAS T. STOWERS

(Name and address of principal)

hereby designate the following person as my agent to act as I have indicated below in any way which I myself could do, if I were personally present, with respect to the following matters, as each of them is defined in AS 13.26.344, to the full extent that I am permitted by law to act through an agent:

Name of individual you choose as your agent: JESSE L. WOLF

Address of agent: 1662 WOODROE LN. ANCHORAGE, AK 99507

Telephone contact of agent: 907-748-6698

**If you wish to name a second person to serve as your agent, please complete the section below:**

Name of second individual you choose as your agent: N/A

Address of second agent: N/A

Telephone contact of second agent: N/A

**Section 2. If you have appointed more than one agent in Section 1 above, mark one of the following:**

N/A Each agent may exercise the powers conferred separately, without the consent of any other agent.

N/A All agents shall exercise the powers conferred jointly, with the consent of all other agents.

**Section 3. Mark the boxes below to indicate the powers you want to give your agent or agents. Mark the box for "yes" that is opposite a category below to give your agent or agents the power in that category. If you do not mark a box opposite a category, your agent or agents will not have the power in that category.**

	<b>YES</b>
(A) Real estate transactions	<input checked="" type="checkbox"/>
(B) Transactions involving tangible personal property, chattels, and goods	<input checked="" type="checkbox"/>
(C) Bonds, shares, and commodities transactions	<input checked="" type="checkbox"/>
(D) Banking transactions	<input checked="" type="checkbox"/>
(E) Business operating transactions	<input checked="" type="checkbox"/>
(F) Insurance transactions	<input checked="" type="checkbox"/>
(G) Estate transactions	<input checked="" type="checkbox"/>
(H) Retirement plans	<input checked="" type="checkbox"/>
(I) Claims and litigation	<input checked="" type="checkbox"/>
(J) Personal relationships and affairs	<input checked="" type="checkbox"/>
(K) Benefits from government programs and civil or military service	<input checked="" type="checkbox"/>
(L) Records, reports, and statements	<input checked="" type="checkbox"/>
(M) Voter registration and absentee ballot requests	<input checked="" type="checkbox"/>
(N) All other matters	<input checked="" type="checkbox"/>
(O) Only these powers specified below:	<input type="checkbox"/>

#### **Section 4. Grant of Specific Authority (optional)**

The agent or agents you have appointed WILL NOT have the power to do any of the following acts UNLESS you MARK the box opposite that category:

- ☐ create, amend, revoke, or terminate an inter vivos trust;
- ☐ make a gift, subject to the limitations of AS 13.26.344(q) and any special instructions in this power of attorney;
- ☐ create or change a beneficiary designation;
- ☐ revoke a transfer on death deed made under AS 13.48;
- ☐ create or change rights of survivorship;
- ☐ delegate authority granted under the power of attorney;
- ☐ waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan;
- ☐ exercise fiduciary powers that the principal has the authority to delegate.

## **DURABLE POWER OF ATTORNEY OPTIONS**

Sections 5, 6, and 7 allow you to choose when you want it to go into effect and whether or not you want this to be a durable power of attorney. *Note: If you want this to be a durable power of attorney, do not limit the term of this document in the sections below.*

#### **Section 5. To indicate when this document shall become effective, mark one of the following:**

XXXXX This document shall become effective upon the date of my signature.

\_\_\_\_\_ This document shall become effective upon the date of my incapacity and shall not otherwise be affected by my incapacity.

#### **Section 6. If you have indicated that this document shall become effective on the date of your signature, mark one of the following:**

XXXXX This document shall not be affected by my subsequent incapacity.

\_\_\_\_\_ This document shall be revoked by my subsequent incapacity.

#### **Section 7. If you have indicated that this document shall become effective upon the date of your signature and want to limit the term of this document, complete the following:**

This document shall only continue in effect until \_\_\_\_\_, 20\_\_\_\_.

(Month/Day) (Year)



**Section 8. Notice of revocation of the powers granted in this document.**

You may revoke all of the powers granted in this document, or just specific powers. Unless otherwise provided in this document, you may revoke all the powers granted in this power of attorney by completing a subsequent power of attorney. Or you may revoke a specific power granted in this power of attorney by completing a special power of attorney that includes the specific power in this document that you want to revoke.

**Section 9. Notice to Third Parties**

A third party who relies on the reasonable representations of an agent as to a matter relating to a power granted by a properly executed statutory form power of attorney does not incur any liability to the principal or to the principal's heirs, assigns, or estate as a result of permitting the agent to exercise the authority granted by the power of attorney. A third party who fails to honor a properly executed statutory form power of attorney may be liable to the principal, the agent, the principal's heirs, assigns, or estate for civil penalty, plus damages, costs, and fees associated with the failure to comply with the statutory form power of attorney. If the power of attorney is one which becomes effective upon the incapacity of the principal, the incapacity of the principal is established by an affidavit, as required by law.

## Optional Provisions

**Section 10. You may designate an alternate agent. Any alternate you designate will be able to exercise the same powers as the agent(s) you named at the beginning of this document. If you wish to designate an alternate, complete the following:**

If the agent(s) named at the beginning of this document is unable or unwilling to serve or continue to serve, then I appoint the following agent to serve with the same powers:

Alternate or successor agent ~~N/A~~ Terry Wolf 7411 Solarset Circle Anchorage AK  
DT STEWERS (Name and address of alternate) 99567

**Section 11. You may nominate a guardian or conservator. If you wish to nominate a guardian or conservator, complete the following:**

In the event that a court decides that it is necessary to appoint a guardian or conservator for me, I hereby nominate the following person to be considered by the court for appointment to serve as my guardian or conservator, or in any similar representative capacity.

Person nominated as guardian or conservator: \_\_\_\_\_  
(Name and address of guardian or conservator)

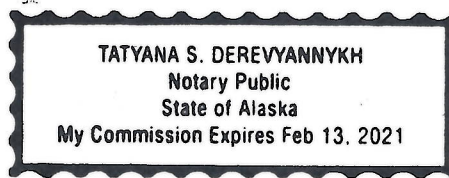
**Section 12. If you have given an agent authority regarding health care services, complete the following:**

\_\_\_\_\_ I have executed a separate declaration under AS 13.52 known as an "Alaska Advance Health Care Directive."

X I have not executed an "Alaska Advance Health Care Directive."

**Section 13. Signatures.**

In Witness Whereof, I have hereunto signed my name this 29<sup>th</sup> day of June, 2017.



Dorothy T. How  
(Signature of principal)

STATE OF ALASKA     )  
                                  ) ss.  
\_\_\_ JUDICIAL DISTRICT )

Acknowledged before me at Anchorage, AK on the 29 day of June, 2017.  
Tatyana S. Derevyannykh     2/13/2021  
Signature of officer or notary.     Serial number, if any; date commission expires.

*OPTIONAL: If a person other than the principal executes the signature for the principal, the person may not be a person who is appointed an agent in the power of attorney, and the following signature line and notary verification must also be completed:*

IN WITNESS WHEREOF, I have hereunto signed my name this \_\_\_ day of \_\_\_\_\_, 20\_\_.

Name of the principal: \_\_\_\_\_

Signature of the person signing at the request of the principal: \_\_\_\_\_

Printed name of person signing at the request of the principal: \_\_\_\_\_

Form of identification of person signing: \_\_\_\_\_

Acknowledged before me at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signature of officer or notary.     Serial number, if any; date commission expires.

**TRANSLATION CLAUSE (if needed)**

I certify that I have translated the provisions of the foregoing *Power of Attorney* from the English language to the \_\_\_\_\_ language to the best of my ability.

\_\_\_\_\_  
Translator



November 10, 2020

**SENT VIA EMAIL:** [j.wolfak@gmail.com](mailto:j.wolfak@gmail.com)  
Aggregate Resources, Inc., Operator  
Aggregate Resources, Inc  
1662 Woodroe Lane  
Anchorage, AK 99507

RECEIVED

NOV 30 2020

**SENT VIA EMAIL:** [cflather@co.lassen.ca.us](mailto:cflather@co.lassen.ca.us)  
Ms. Courtney Flather, Natural Resources Technician  
Planning and Building Services  
County of Lassen  
707 Nevada Street, Suite 5  
Susanville, CA 96130

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

Dear Aggregate Resources, Inc. and Ms. Courtney Flather:

NOTICE TO AGGREGATE RESOURCES, INC. OF FAILURE TO FILE THE 2019 MINING  
OPERATION ANNUAL REPORT,<sup>1</sup> AGGREGATE RESOURCES, INC, CALIFORNIA MINE ID  
# 91-18-0025

NOTICE TO THE COUNTY OF LASSEN OF ANNUAL REPORTING REQUIREMENTS<sup>2</sup>

According to our records, you have failed to submit your Mining Operation Annual  
Report (Annual Report), form MRRC-2, and associated reporting fee(s) for the 2019  
reporting year.

Mine ID	Mine Name	Mine Operator	Agent Name
91-18-0025	Aggregate Resources, Inc	Aggregate Resources, Inc.	Ken Hodges Esq.

The owner or operator of a mining operation is required to submit a report annually to  
the Department of Conservation (Department) and provide a copy to their lead  
agency no later than July 1 for the prior reporting year.<sup>2</sup> The Annual Report noted  
above is past due. We understand that all citizens of the State are affected by the  
COVID-19 pandemic. Please note that you are still required to timely report to the  
State.

On May 13, 2020, a courtesy letter was sent informing you of this requirement. In  
addition, the 2019 Annual Report form, the 2019 fee schedule, instructions, and other  
associated forms were posted to the Department's web page at:

[http://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly\\_reports.aspx](http://www.conservation.ca.gov/dmr/SMARA%20Mines/Pages/quarterly_reports.aspx)

<sup>1</sup> PUBLIC RESOURCES CODE (PRC) § 2207

<sup>2</sup> PRC § 2774.1(g)(1)

Aggregate Resources, Inc.  
Ms. Courtney Flather  
November 10, 2020

The Annual Report is beneficial to the Department and the Lead Agency for the following reasons:

- Advises of the operator's intent to continue mining and is part of the historical records of the operation,
- identifies the operational status of the mine site,
- identifies the mine operator and designated agent, and
- provides a method to monitor permitted production quantities.

Each Annual Report filed with the Department is to be accompanied by a reporting fee that is determined by the State Mining and Geology Board based on the site's operational status and production amounts.

**MINE OPERATOR NOTICE:**

If you have any questions regarding the annual reporting requirements, including assistance with determining the correct reporting fee, late payment, and accrued interest fees,<sup>3</sup> please contact us at [dmr-reporting@conservation.ca.gov](mailto:dmr-reporting@conservation.ca.gov) or (916) 323-9198.

Please submit the Annual Report and associated fees online, using a checking account, by clicking on the link or by mailing a check to the address below:

<https://www.govone.com/PAYCAL/DOC/Payment/SelectPaymentType#>

Department of Conservation  
Division of Mine Reclamation  
Reporting Unit  
801 K Street, MS 09-06  
Sacramento, CA 95814-3529

**LEAD AGENCY NOTICE:**

Please reply to this Notice outlining the steps you are taking to address this issue.

If you have submitted the requested items, or if you have any questions regarding this letter, please contact this office.

Sincerely,

*April Balestreri*

April Balestreri  
Reporting Unit Manager

cc: Ken Hodges Esq., Designated Agent, via email: [hodges@hodgesbemig.com](mailto:hodges@hodgesbemig.com)

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<sup>3</sup> PRC § 2207(d)(5)



## FINANCIAL ASSURANCE COST ESTIMATE FOR

Aggregate Resources, Inc.

(Mine Name)

CA Mine ID # 91- 18-0025

Reclamation Plan #/Name 1997-80

Prepared by: (Name & Affiliation):

Jesse Wolf

Secretary-Aggregate Resources, Inc.

Date: 09/14/2020

This financial assurance cost estimate prepared  
and submitted pursuant to (choose one):



A new or amended reclamation plan  
approved on (Date): \_\_\_\_\_



An annual mine inspection performed on  
(Date): 07/22/2020



Other: Please Specify:  
\_\_\_\_\_

Most Recent Approved Financial Assurance Cost Estimate

Date: 08/24/2020

Amount: \$ 26,454.43

RECEIVED

SEP 14 2020

Amount of existing Financial Assurance Mechanism(s)

Date: 06/29/2020

Amount: \$ 24,703.14

LASSEN COUNTY DEPARTMENT OF  
PLANNING AND BUILDING SERVICES

### **I. SUPPORTING DOCUMENTS**

This estimate represents the cost of conducting and completing reclamation in accordance with the Surface Mining and Reclamation Act (SMARA) and the following supporting documents:

#### **Reclamation Plan Approval Date and Number**

#1997-80; Approved 11/5/1997

#### **Permits and/or Environmental Documents Approved as, or Conditioned upon, the Reclamation Plan**

Initial Study 1997-80

Negative Declaration 1997-80, Use Permit 1997-80 with conditions, Resolution No. 11-04-97 adopting negative declaration and approving use permit and reclamation plan. Resolution No. 02-01-99 extending use permit.

#### **Other Agency Financial Assurances Securing Reclamation of Disturbed Lands**

N/A

**Wage Rates used in Cost Estimate\*** *(cost estimates are required to use current 'General prevailing wage determinations made by the director of industrial relations' where applicable (<http://www.dir.ca.gov/OPRL/PWD/index.htm>) with employer labor surcharge added, or greater)*  
General prevailing wage determination made by director of industrial relations

**Equipment Rates used in Cost Estimate\*** *(Use current 'Labor Surcharge and Equipment Rental Rates (Cost of Equipment Ownership)' equipment rates published by Caltrans (<http://www.dot.ca.gov/hq/construc/equipmnt.html>) or other publicly available and verifiable local rates)*

CalTrans Labor Surcharge and Equipment Rental Rates

**Equipment Production Rates used in Cost Estimate** *(Use of current Caterpillar Performance Handbook or equivalent published production rates is required)*

N/A

*\* Many mine sites are remote projects that require hours of travel (to and from) and sometimes require additional time to prepare for even the simplest of tasks. In accordance with Labor Code Sections 1773.1 and 1773.9, contractors are required to make travel and/or subsistence (per diem) payments to each worker to execute the work. These arrangements can be quite variable and site specific.*

#### **Attachments:**

see quotes

## II. Description of Current Site Conditions

*(i.e., disturbed acres, slope conditions, excavation depths, topsoil and overburden stockpiles, equipment and facilities, reclamation in progress, erosion control status, required corrective actions, etc.)*

"Numerous stockpiles on site, sorted into varying aggregate classes. Erosion control measures appear to be effective, slope configuration is adequate and pile walls are stable. No drainage or contaminating issues were documented. Overall, the site appears to be stable and well maintained, operations are consistent with use permit and reclamation plan. Large empty fuel tank on site."

## III. Description of Anticipated Site Conditions (12 months from date of estimate)

*(i.e., increase of disturbed acres, increase of depth, increases in amount of equipment and/or facilities, required corrective actions, etc.)*

No change in site condition is anticipated

## IV. Description/Justification of Cost Increase/Decrease

slight increase due to increase in prevailing wage rates

*(add additional pages as needed)*

**V. PLANT STRUCTURES AND EQUIPMENT REMOVAL** *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

**Current Site Condition:**

No plant structures or equipment on site

**Reclamation Plan Performance Standard (End Use):**

End use will be open space/wildlife habitat

**Describe tasks:**

N/A

Equipment on site wholly owned by operator? ☐ YES ☐ NO

*(If no, please provide the name/s and contact information for any lien holder)*

N/A

*(add additional pages as needed)*



**V. PLANT STRUCTURES AND EQUIPMENT REMOVAL** *(use multiple sheets as needed)*

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
				0
				0
				0
				0
				0

Total Equipment Cost for this Task = \$ 0

- B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
				0
				0
				0
				0
				0

Total Labor Cost for this Task = \$ 0

- C. Demolition – List all structures and equipment to be dismantled or demolished and removed from site

Structure/Equipment to be Removed	Type of Material	Volume/ Quantity	Unit Cost Basis	Disposal Cost	Cost (\$)
					0
					0
					0
					0

Total Materials Cost for this Task = \$ 0

- D. Total Direct Cost of Structure and Equipment Removal (Total A+B+C)

Equipment Costs + Labor Cost + Demolition Cost = \$ 0

- E. Net Salvage Value\* (Supported by properly prepared third party estimate, bid, or cost calculation.)

Net Salvage Value = \$ 0

- F. Total Cost of Structure and Equipment Removal (Subtract Line D from Line E)

Total Cost of Structure and Equipment Removal = \$ 0

\*NOTE: Salvage value may only be used to offset the direct cost of removing the single item for which salvage value is being claimed. Salvage value shall not be used to offset any other demolition, general cleanup, or reclamation costs.

## VI. PRIMARY RECLAMATION ACTIVITY

*Use multiple sheets as necessary to estimate the cost of each activity required. Provide documentation showing that rates, prices, and wages are available locally to the lead agency and/or the Department if necessary.*

### Current Site Conditions:

Large gravel processing area remains with numerous stockpiles.

### Reclamation Plan Performance Standard (End Use):

Finish grading of slopes shall not exceed 2H:1V. As per the Reclamation Plan, reclamation efforts need not include re-sloping of the existing quarry walls, as no new activity occurred in the quarry site.

### Describe tasks, methods, equipment, etc.:

*Decompaction, cut, fill, haul, slope reduction, compaction, grading, topsoil placement, drainage work, soil amendments, special requirements, etc. Separate sheets may be used for each task if necessary.*

The site will be graded, any overburden/waste redistributed, and stockpiles eliminated using a dozer, loader and dump truck. Ground will be roughened by use of chain harrow.

### Provide quantities:

*Overburden and topsoil, cut and fill, import or export (cubic yards), area (acres), haul distances (feet), equipment production rates (cubic yards/hour, or as applicable), etc.*

N/A

(add additional pages as needed)

**VI. PRIMARY RECLAMATION ACTIVITY ( Grading, Re-soiling, Scarifying )** *(use multiple sheets as needed)*  
*(Describe Reclamation Activity Being Estimated)*

Acres:	9	Overburden (cy):	10,248.12
Haul Distance (ft):	variable	Topsoil (cy):	1,217.18
Production Rate (cy/hr):	318		

**Methods to be used:**

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
CAT D-6H	hour	91.58	16	1,465.28
CAT 950-B loader	hour	95.46	20	1,909.20
12cy Dump Truck	hour	79.48	20	1,589.60
Chain Harrow	hour	34.00	1	34.00

Total Equipment Cost for this Task = \$ 4,998.08

- B. Labor – List all labor categories to complete identified task

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
Group 4 Operator Area 2	80.66		16	1,290.56
Foreman-Group 1 Laborer Area 2	57.59		16	921.44
Group 4 Operator Area 2	80.66		16	1,290.56
Truck Driver-Group 8-A Operator Area 2	73.58		20	1,471.60

Total Labor Cost for this Task = \$ 4,974.16

- C. Materials – List all materials required to complete identified task

Item	\$/Unit	Sales tax (enter local rate in %)	Quantity	Cost (\$)

Total Materials Cost for this Task = \$ 0

- D. Total Direct Cost for this Task

Equipment Costs + Labor Cost + Materials Cost = \$ 9,972.24

**VII. REVEGETATION** *(use multiple sheets as needed)*  
*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

**Current Site Condition:**  
Large gravel processing area remains with numerous stockpiles

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**Reclamation Plan Performance Standard (End Use):**

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**Describe tasks:**  
Seedbed preparation and planting of seed mix.

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*(add additional pages as needed)*



**VII. REVEGETATION** *(use multiple sheets as needed)*

Methods to be used:

- A. Equipment – List equipment required to complete identified task. For large reclamation projects, separate mine areas.

Equipment	Unit of Measure	\$/Unit	# of Units	Cost (\$)
JD 5300 Tractor		60.63	20	1212.60
Chain Harrow		34.00	2	68.00

Total Equipment Cost for this Task = \$ 1,280.60

- B. Labor – List all labor categories to complete identified task.

Labor Category	\$/Hour (prevailing wage)	Labor Surcharge/Hr (where applicable) (enter % of wage)	# of Hours	Cost (\$)
Group 4 Operator Area 2	80.66		20	1,613.20
Group 1 Laborer	57.59		30	1,727.70

Total Labor Cost for this Task = \$ 3,340.90

- C. Materials – List all materials required to complete identified task

Item/Plant Species	Unit of measure	\$/Unit	Sales tax (enter local rate in %)	Quantity	Cost (\$)
Western Wheat Grass	lbs	4.25	38.25	120	548.25
Sagebrush	lbs	18.50	69.38	50	994.38
Rabbitbrush	lbs	14.00	16.80	16	240.80
Basin Wild Rye	lbs	7.95	9.54	16	136.74

Total Materials Cost for this Task = \$ 1920.17

- D. Total Direct Cost for this Task

Equipment Costs + Labor Cost + Materials Cost = \$ 6,541.67

**VIII. MISCELLANEOUS COSTS** *(use multiple sheets as needed)*

*Provide documentation showing that rates, prices, and wages are available locally to all persons, including the lead agency and/or the Department.*

Examples of this type of cost may include temporary storage of equipment and materials off site, special one-time permits (i.e. transportation permits for extra wide overweight loads, etc.), decommissioning a process mill (i.e. decontamination of equipment), disposal of warehouse inventories, well abandonment, remediation of fueling and waste oil storage sites, septic system removal, costs to prepare closure and monitoring reports, site security, preserving potable water and maintaining utilities, etc.

Item / Task	Quantity	\$/Unit	Cost (\$)

Total Miscellaneous Costs = \$ \_\_\_\_\_

**IX. MONITORING COSTS**

Monitoring Task	\$/Visit	# of Visits/Year	# of Monitoring Years	Cost (\$)
	300	1	2	600

Total Monitoring Costs = \$600 \_\_\_\_\_

## X. SUMMARY OF COSTS

This section shall be used to summarize all the cost sheets in one place.

(V) Total of all Plant Structures & Equipment Removal Costs	\$ 0
(VI) Total of all Primary Reclamation Activities Costs	\$ 9,972.24
(VII) Total of all Revegetation Costs	\$ 6,541.67
(VIII) Total of all Miscellaneous Costs	\$ 0
(IX) Total of all Monitoring Costs	<u>\$ 600</u>
Total of Direct Costs	\$ 17,113.91

## XI. Supervision / Profit & Overhead / Contingencies / Mobilization

(A) Supervision ( <u>7</u> %)	\$ 1,197.97
(B) Profit/Overhead ( <u>15</u> %)	\$ 2,567.09
(C) Contingencies ( <u>10</u> %)	\$ 1,711.39
(D) Mobilization ( <u>5</u> %)	<u>\$ 855.70</u>
Total of Indirect Costs	\$ 6,332.15
Total of Direct and Indirect Costs	\$ 23,446.06
(E) Lead Agency and/or Dept. of Conservation Administrative Costs	<u>\$ 3,516.91</u>
Total Estimated Cost of Reclamation	<u>\$ 26,962.97</u>





County of Lassen

Department of Planning and Building Services

• Planning

• Building Permits

• Code Enforcement

• Surveyor

• Surface Mining

Maurice L. Anderson, Director

707 Nevada Street, Suite 5

Susanville, CA 96130-3912

Phone: 530 251-8269

Fax: 530 251-8373

email: landuse@co.lassen.ca.us

website: www.co.lassen.ca.us

Zoning & Building

Inspection Requests

Phone: 530 257-5263

January 13, 2021

Jesse Wolf  
5742 Kenai Fjords Lp  
Anchorage, AK 99502

Re: CA Mine #91-18-0025, Use Permit #1997-80, Notice of Abandonment

Dear Mr. Wolf:

This letter is to inform you that this Department intends to file a Notice of Abandonment for the above referenced mine unless you provide evidence that the use permit has not been abandoned to this office within 30 days of this letter.

On November 5, 1997 the Lassen County Planning Commission approved Use Permit #1997-80, Art Agajanian, for the excavation of aggregate. A letter from this Department dated December 7, 2020 notified you of past-due billing and asked you to immediately make arrangements to bring your account current. We have also sent you several emails regarding this matter which also included notice of insufficient financial assurance mechanisms to reclaim your mine in the event that it is abandoned.


Lassen County Code Title 18 Chapter 18.112.065 states:

*“(c) When the planning director determines that a permit appears to be abandoned under this section, the permittee shall be notified of the director’s intent to file a notice of permit abandonment and given opportunity, within thirty calendar days, to present evidence to the planning director substantiating that the permit has not been abandoned”*

Please be advised that you have 30 days from the date of this letter to present evidence to this Department that the use permit has not been abandoned, as defined by the above referenced section of County Code. If you have not submitted satisfactory evidence within 30 days, this Department will file a notice of abandonment with the Lassen County Recorder.

If you have any questions, please call Cortney Flather, Natural Resources Technician at (530) 251-8269.

Sincerely,

  
For: Maurice L. Anderson  
Director

MLA:clf  
Enclosures

cc: April Balestreri, Manager Reporting Unit, Division of Mine Reclamation



County of Lassen  
Department of Planning and Building Services

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

February 24, 2021

Jesse Wolf  
5742 Kenai Fjords Lp  
Anchorage, AK 99502

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

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

April Balestreri  
Manager | Reporting Unit  
Division of Mine Reclamation  
California Department of Conservation  
801 K Street, MS 09-06, Sacramento, CA 95814

Re: Notice of intent to hold a public hearing, Aggregate Resources (#91-18-0025)

This letter is to inform you that as the Lead Agency under the Surface Mining and Reclamation Act of 1975 (SMARA), pursuant to Public Resources Code (PRC) § 2773.1(b)(1), Lassen County “*shall conduct a public hearing to determine whether the operator is financially capable of completing reclamation in accordance with the approved reclamation plan or has abandoned the surface mining operation. The hearing shall be noticed to the operator and the supervisor at least 30 days prior to the hearing.*”

Our department has evidence that the operator may be financially incapable of completing reclamation and that the operator has abandoned the surface mining operation without completing reclamation.

Pursuant to PRC § 2773.4(e)(1), the operator has failed to provide an acceptable financial assurance mechanism within 30 days of notification by the lead agency of its approval of an adequate financial assurance amount. In addition, the operator has failed to submit a 2019 Mining Operation Annual Report, which is required annually no later than July 1 [PRC 2774.1(g)(1)].

Lassen County will hold a public hearing regarding this matter on May 4, 2021. Additional noticing of this public hearing will be sent out as required by Government Code Section 65090 and 65091.

If you have any questions, please call Cortney Flather, Natural Resources Technician at (530) 251-8269.

Sincerely,

MLA:clf  
Maurice L. Anderson  
Director

MLA:clf  
Enclosures



When filed return to:

Lassen County Planning and Building Services  
707 Nevada Street, Suite 5  
Susanville, CA 96130

**2021-01136**

Recorded at the request of:

LASSEN COU DEPT COMM DEV

03/04/2021 03:13 PM

Fee: \$0 Pgs: 1 of 2 N

OFFICIAL RECORDS

Julie M. Bustamante - Clerk-Recorder

Lassen County, CA



### NOTICE OF ABANDONMENT

Notice is hereby given by the Lassen County Department of Planning and Building Services that Use Permit number 1997-80 has been abandoned. All procedural requirements, as detailed at Lassen County Code Section 18.112.065, for recordation and filing of said Notice of Abandonment have been satisfied. The permittee and property owner have been provided multiple opportunities to provide evidence that the conditions of Use Permit number 1997-80 have been and continue to be met. No such evidence has been provided.

Assessor's Parcel Number: 031-300-16, 33, 46, 56 and 031-310-15, 24

Owner's name(s): Jesse Wolf

Use Permit Number: 1997-80

Permittee: Art Agajanian, Aggregate Resources

Abandoned use: Aggregate quarry

#### Legal Description of Property:

All that certain real property situated in portions of Sections 20 and 29, Township 36 North, Range 13 East, Mount Diablo Base and Meridian, according to the official plat thereof, in the unincorporated territory of Lassen County, California, more particularly described as follows:

Section 20: All that portion of the West one-half (W1/2) lying Easterly of the Southern Pacific Railroad right-of-way excepting therefrom the North 1480 feet.

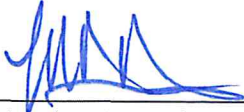
Section 29: All that portion of the West one-half (W1/2) lying Easterly of the Southern Pacific Railroad right-of-way excepting therefrom any portions lying within the Southwest one-quarter of the Northwest one-quarter (SW1/4 NW1/4), the Northwest one-quarter of the Southwest one-quarter (NW1/4 SW1/4) and the East one-half of the Southwest one-quarter (E1/2 SW1/4).

The filing of this notice shall impart constructive notice to the owners, permittees, and/or any other party, which maintains or may propose to have an interest in said property or business that



the aforementioned use has been abandoned. This notice has been executed pursuant to the authority provided to the Planning Director by Lassen County Code Section 18.112.065.

Dated: 3-4-21



Maurice L. Anderson, Director

**State of California**

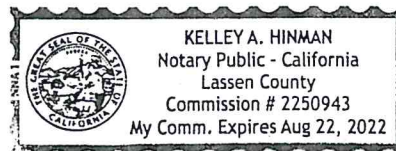
County of Lassen

On March 4, 2021, before me, Kelley Hinman, Notary Public, personally appeared Maurice L. Anderson, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.



Kelley Hinman, Notary Public



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

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION DETERMINING THAT AGGREGATE RESOURCES, INC. IS FINANCIALLY INCAPABLE OF COMPLETING RECLAMATION IN ACCORDANCE WITH ITS APPROVED RECLAMATION PLAN.

WHEREAS, the Planning Commission, after due notice and a public hearing conducted May 4, 2021, has considered the financial capability of Aggregate Resources, Inc.; and

WHEREAS, Aggregate Resources, Inc. reestablished a quarry and aggregate processing operation on approximately ten acres of private land located immediately east of Highway 395 roughly six miles north of Termo, Lassen County, California; and

WHEREAS, Jesse Wolf was granted Power of Attorney for Douglas T. Stowers, the last known person responsible for the Aggregate Resources Mine (#91-18-0025), and has been the site contact since 2016; and

WHEREAS, pursuant to Lassen County Code Section 18.112.065, Use Permit #1997-80 was determined to be abandoned without an appeal and a Notice of Abandonment was filed by the County Clerk on March 04, 2021; and

WHEREAS, the 2020 Financial Assurance Cost Estimate was in the amount of \$26,962.97 approved by Lassen County on December 20, 2020; and

WHEREAS, The Financial Assurances Mechanisms held for Lassen County and the Department of Conservation total \$24,703.14; and

WHEREAS, Pursuant to Public Resources Code section 2773.1 (b)(1), Lassen County has evidence that the operator of the Aggregate Resources Mine (#91-18-0025) is financially incapable of completing reclamation in accordance with its approved reclamation plan.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing is true and correct.
2. The Lassen County Planning Commission finds as follows:
  - a. Aggregate Resources, Inc. has abandoned Use Permit #1997-80.
  - b. The Financial Assurance Mechanisms held by Lassen County and the Department of Conservation are insufficient for reclaiming the Aggregate Resources Mine (#91-18-0025) in accordance with its approved reclamation plan.
  - c. Abandonment of Use Permit #1997-80 and insufficient financial assurance mechanisms warrant Lassen County to withdrawal the current financial assurance mechanisms to use in the reclamation of the Aggregate Resources Mine (#91-18-0025).

3. The Planning Commission hereby incorporates and adopts the evidence and findings introduced in the Planning Commission Staff Report for the financial incapability of Aggregate Resources, Inc. to reclaim the Aggregate Resources Mine (#91-18-0025).

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 4<sup>th</sup> day of May, 2021, by the following vote:

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

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

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

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

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

ATTEST:

\_\_\_\_\_  
Maurice L. Anderson, Secretary  
Lassen County Planning Commission

