

# TABLE OF CONTENTS

## PLANNING COMMISSION MEETING

April 2, 2019

(Continued from March 20, 2019)

FILE NUMBER:	UP 2018-003, RP 2018-001, EIR 2018-001
OPERATOR:	TLT Enterprises, LLC
PROPERTY OWNER:	TLT Enterprises, LLC (Perry Thompson)
TYPE OF APPLICATION:	Use Permit Amendment, Reclamation Plan Amendment, Subsequent Environmental Impact Report

Staff Report.....	001
Vicinity Map and Site Map.....	004
Draft Resolution.....	006
TAC Packet.....	036
- Adopted Findings and Conditions .....	036
- Lassen County Goals, Policies, & Implementation Measures .....	043
- Application and Revisions .....	054
- Surveyor Findings .....	073
- Public Works Findings and Conditions.....	074
Proposed Changes to Findings and Conditions .....	076
Correspondence.....	078
- <i>Project Benefits Submitted by Applicant</i>	
Draft Subsequent Environmental Impact Report.....	080
Response to DSEIR Comments .....	827

LASSEN COUNTY PLANNING COMMISSION  
Continued from Public Hearing Opened March 20, 2019  
STAFF REPORT  
April 2, 2019

FILE NUMBER:	UP 2018-003, RP 2018-001, EIR 2018-001
OWNER:	TLT Enterprises, LLC
TYPE OF APPLICATION:	Use Permit Amendment, Reclamation Plan Amendment, Subsequent Environmental Impact Report
GENERAL LOCATION:	The project is located at 476250 Ward Lake Road, off Center Road (A-27) in Litchfield, CA
ASSESSOR'S PARCEL NUMBER(S):	109-100-59 (Old 109-100-40, 42, 44)
PROJECT SITE ZONING:	U-C-2 (Upland Conservation/Resource Management District)
GENERAL PLAN:	Extensive Agriculture
ENVIRONMENTAL DOCUMENT:	Subsequent Environmental Impact Report
STAFF CONTACT:	Nancy McAllister, Natural Resources Technician

---

AUTHORITY FOR APPLICATION:

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

---

REGULATING AGENCIES:

<u>Agency</u>	<u>Identified Permits / Approvals</u>
Planning Commission	Provide Review and Recommendations
Board of Supervisors	Review and Approve
Department of Conservation, Division of Mine Reclamation	Review and Approve
Lassen County Air Pollution Control District	Issue Permit

INTRODUCTION:

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

The Planning Commission is tasked with reviewing said project and making recommendations to the Board of Supervisors, in accordance with the Lassen County Environmental Review Guidelines (Board of Supervisors Resolution No. 01-043) section 1(b). The Planning Commission is typically the primary decision making body for Use Permits, Reclamation Plans and amendments thereto; however, because certification of the EIR requires Board of Supervisors approval, the Planning Commission will make a recommendation as to whether or not this project is consistent with the *Lassen County General Plan, 2000*; the *Lassen County Land Use Element*, *Lassen County Natural Resource Element*; and any other pertinent policies. Additionally, the Board of Supervisors is the decision-making body on this project, as overriding considerations have been deemed necessary for project approval.

#### PROJECT DESCRIPTION:

This project is a proposal to amend mining operations at the Ward Lake Pit (CA mine ID #91-18-0008). If approved, the amendment would allow for 24-hour mining operations, Monday through Saturday (currently the use permit allows operations from 6:00 a.m. to 7:00 p.m., Monday through Saturday), extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies. The increase of permitted truck trips was removed from the proposed project amendments at the request of the applicant (see Discussion section for details).

#### DISCUSSION:

The Ward Lake Pit currently occupies 160 acres on a 442-acre parcel, owned by TLT Enterprises LLC. The surface mining operation is presently permitted for the mining of rock, crushing, screening, washing, material stockpiling, fuel storage; operation of a cement plant (12,000 cubic-yard annual limit) and asphalt plant; and the use of settling ponds, scales, an office and a truck shop. Grading, excavating, and blasting are prohibited onsite between January 1 and March 31 annually, except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville. The detonation of explosives is prohibited between the hours of 6:00 p.m. and 7:00 a.m. year-round. Current noise standards for the operation, as measured at the nearest affected residentially designated lands, require that daytime noise levels stay below 70 dBA and nighttime noise levels stay below 60 dBA (noise level standard varies with the cumulative number of minutes the noise lasts in any one-hour time period, see Lassen County Noise Element, Table III).

The project area consists mainly of shrub communities, including sagebrush, bitterbrush, and rabbitbrush. Approximately 120 acres of the project site, out of 160 permitted acres, has been cleared of vegetation. The project area is considered important wintering range for deer and antelope, and also serves resident antelope and chuckar. Special status wildlife species that have the potential to occur within the project area include the golden eagle, northern harrier, Swainson's hawk, greater sage-grouse, burrowing owl, long-eared owl, short-eared owl, loggerhead shrike, gray wolf, American badger, pallid bat, Townsend's big-eared bat, pygmy rabbit, and white-tailed jackrabbit. There are no existing streams or bodies of water within the boundaries of the project site, and the site is not within the 100-year floodplain. Several

permitted settling ponds are located at the north end of the project site, which drain into intermittent channels. The project site is located within the Honey Lake Valley Groundwater Basin, which has been identified as a “low priority basin” by the Department of Water Resources, signifying that it is not currently at risk for overdraft. The area surrounding the site is primarily used for agriculture and open space. The nearest residence is approximately 875 feet from the western property line of the project parcel.

The current site conditions serve as the baseline for the above referenced DSEIR. All existing and anticipated ground disturbance associated with the mining operation was previously considered in an Environmental Document during the mines permitting process. No additional ground disturbance is proposed by this project. A current daily haul-truck trip average of 16 round trips (16 arriving and 16 departing trucks) and daily maximum of 358 round trips (358 arriving and 358 departing) were accepted as baseline conditions for the DSEIR. These counts (16 average and 358 maximum) were arrived at using Ward Lake Pit scale log data from years 2014-2018 and represent the number of trucks leaving the site, loaded with material. While these baseline counts are applicable to analyses in the DSEIR, they do not represent allowable activity under the existing use permit entitlement.

#### ENVIRONMENTAL DOCUMENT:

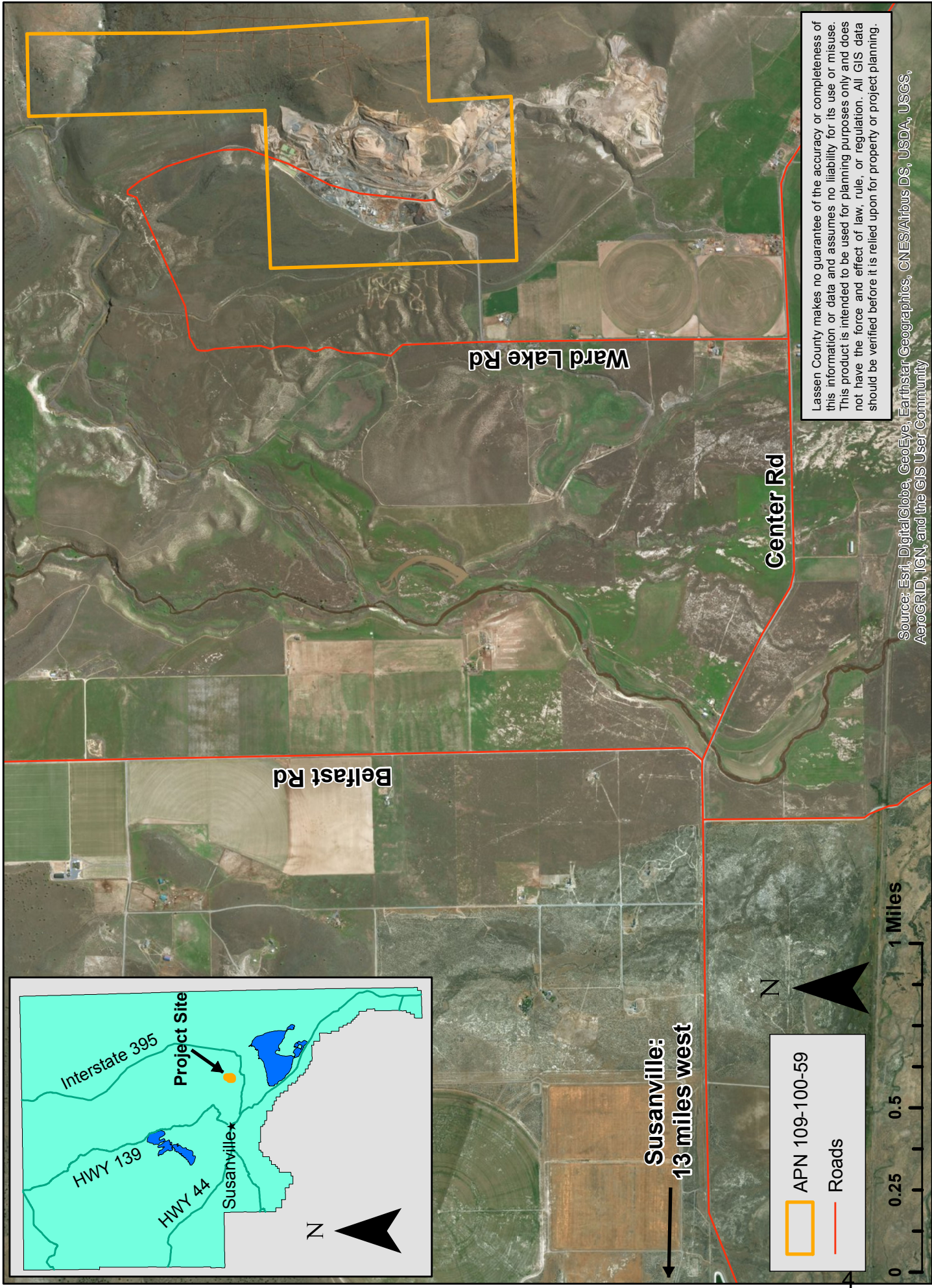
The County of Lassen prepared a Draft Subsequent Environmental Impact Report, which identified potentially significant impacts in the following categories (see DSEIR for more information):

- Land Use and Planning
- Biological Resources
- Noise
- Aesthetic and Visual Resources

Mitigation measures that have been identified to reduce these effects include continuation of limited winter operations during the daytime (no grading, excavating, blasting), limiting of 24-hour operations to April 1 – December 31 annually, limiting of all grading/excavating/blasting to 7:00a.m.-6:00p.m., limiting of onsite generator start-up to 7:00a.m.-10:00p.m., installation of noise reduction barriers, reorientation of generator opening to the north, use of fully shielded downward facing light fixtures, directing of light internally when possible, exclusive use of low beams on trucks through the local residential areas, posting of "reduce speed," "no use of Jake brake," and "wildlife crossing" signs, avoidance of the Litchfield residential area during nighttime operations, reduction of haul trucks to a 550 total per day (275 arriving and 275 departing), and implementation of driver education/awareness events. After mitigation, only certain impacts to aesthetics, biological resources, and noise remain significant and unavoidable in the DSEIR. Because the DSEIR identified significant and unavoidable impacts, a statement of overriding considerations is required for project approval. The applicant has submitted documents to support a statement of overriding considerations, to be considered by the Planning Commission and Board of Supervisors.

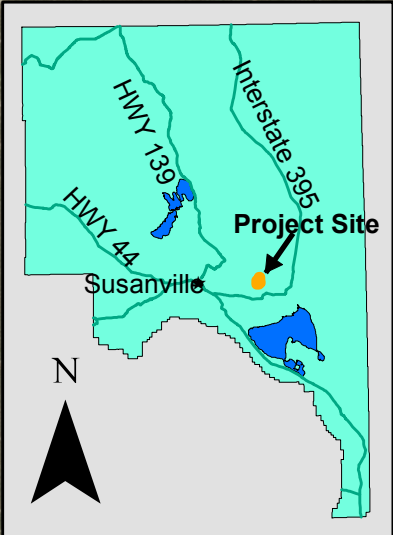


# Ward Lake Pit Amendment; RP2018-001, UP2018-003, EIR2018-001



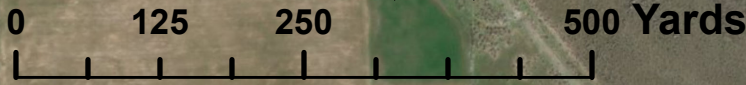


Ward Lake Pit Amendment; RP2018-001, UP2018-003, EIR2018-001



APN 109-100-59

Wells Rd



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, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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

**RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION MAKING FINDINGS AND RECOMMENDING THAT THE BOARD OF SUPERVISORS CONSIDER USE PERMIT AMENDMENT (#2018-003), AND RECLAMATION PLAN AMENDMENT (#2018-001), FOR WARD LAKE PIT (MINE ID #91-18-0008), TLT ENTERPRISES LLC (Perry Thompson), AND THAT THE BOARD CONSIDER CERTIFICATION OF THE FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT (#2018-001),**

**WHEREAS**, Lassen County has received and accepted use permit and reclamation plan amendment applications submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation, to allow for 24-hour mining operations (Monday through Saturday), extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies; and

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

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

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

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

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

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

**WHEREAS**, the Planning Commission, after due notice, has considered, in an advisory capacity to the Board of Supervisors, Use Permit Amendment #2018-003, and Reclamation Plan Amendment #2018-001, submitted by TLT Enterprises LLC (Perry Thompson) for Ward Lake Pit surface mining operation, to allow for 24-hour mining operations (Monday through Saturday), extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies; and

**WHEREAS**, Lassen County has caused notice to be given, in accordance with the law, of a public hearing before the Planning Commission in these matters, which hearing was opened on March 20, 2019, and was continued to and concluded on April 2, 2019; and

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

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

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

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

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

1. The foregoing recitals are true and correct, and the Planning Commission has jurisdiction to consider the subject matters of this resolution in an advisory capacity to the Board of Supervisors; and
2. The Lassen County Planning Commission certifies that it has reviewed and considered the information contained in the DSEIR dated February 2019, for the TLT Enterprises LLC, Ward Lake Pit amendment project; and
3. The Planning Commission hereby adopts as its findings the CEQA findings of fact and evidence submitted in support of a Statement of Overriding Considerations concerning the TLT Enterprises LLC, Ward Lake Pit project, consisting of a use permit amendment and reclamation plan amendment, for which detailed findings are attached hereto as EXHIBIT ONE, and incorporated herein; and

4. The Planning Commission hereby adopts as its findings the findings and conditions for approval of the use permit amendment and reclamation plan amendment for the TLT Enterprises LLC, Ward Lake Pit amendment project, which detailed findings are attached hereto as EXHIBIT TWO, and incorporated herein; and

5. The Planning Commission, after careful consideration of the facts, evidence, comments and recommendations contained in the DSEIR, and as submitted during the public review of the DSEIR, and as presented at the public hearings, hereby adopts the following recommendations to the Board of Supervisors:

a. That the Board certify that it has reviewed and considered the information contained in the FSEIR for the TLT Enterprises LLC, Ward Lake Pit amendment project, and further certify that the FSEIR has been completed in compliance with CEQA.

b. That the Board adopt the findings as set forth in exhibits ONE and TWO attached hereto and consider adopting a Statement of Overriding Consideration.

c. That the Board find that the project is consistent with the *Lassen County General Plan, 2000*, and the *Standish-Litchfield Area Plan 1982*.

d. That the Board consider approval of use permit amendment #2018-003 and reclamation plan amendment #2018-001, subject to the conditions of approval attached hereto as EXHIBIT THREE.

e. That the Board adopt the Mitigation Monitoring Program set forth in the DSEIR.

f. That Board consider and make findings as to whether or not the project as conditioned, will or will not, under the circumstances of this case, be substantially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be substantially detrimental or injurious to people, property or improvements in the neighborhood.

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

Page **4** of **30**

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 2<sup>nd</sup> day of April 2019, by the following vote:

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

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

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

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

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

ATTEST:

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

## **EXHIBIT ONE**

### **CEQA FINDINGS**

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

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

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

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

### **CEQA FINDINGS:**

#### **I. THE ENVIRONMENTAL IMPACT REPORT**

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

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

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

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

E. Lassen County sent the Notice of Completion of the DSEIR to the State

Clearinghouse on March 1, 2019. State Review began on March 4, 2019. Notices of The DSEIR was published on the Lassen County Planning and Building Services webpage and a Notice of Completion, with notice of availability of the DSEIR, was sent to interested parties, agencies and property owners within 1 mile of the project site on March 5, 2018.

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

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

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

## **II. FINDINGS REGARDING NO IMPACTS**

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

### **A. Impacts to Traffic**

#### **1. Impacts:**

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

#### **2. Findings:**

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



Road (A27) at the Ward Lake Road intersection were reviewed based on guidelines presented in the AASHTO publication A Policy on Geometric Design of Highways and Streets. Analyses of these intersections found that there is a need to construct turning lanes due to increased traffic from project operations.

d) The Planning Commission finds the traffic sections above to have no impact.

### **III. FINDINGS REGARDING LESS-THAN-SIGNIFICANT IMPACTS**

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

#### **A. Impacts to Air Quality**

##### **1. Impacts:**

a) Exposure of sensitive receptors to substantial concentrations of toxic air contaminants

##### **2. Findings:**

a) Impacts to air quality are discussed in Section 4.3 of the DSEIR

b) The Health Risk Assessment prepared for the Project assessed the health impacts to nearby sensitive receptors from diesel particulate matter generated by additional truck trips, and operation of generators onsite. Cancer risks and non-cancer health hazards were calculated to be below thresholds for significant health impacts.

c) The only known current or future project within the vicinity of the proposed Project that could combine with the Project-related diesel particulate matter emissions to result in a cumulatively significant impact is a smaller aggregate mine located adjacent to and south of the site on Bureau of Land Management (BLM) administered land. As discussed in the Health Risk Assessment prepared for the Project, the majority of any health impacts from mine operations are due to the operation of generators as haul truck emissions occur over the length of a haul route and are not near receptors for much duration. The adjacent mine does not have any concrete or asphalt plants or associated generators that would generate diesel particulate matter. The adjacent mine does not have any generators, therefore cumulative impacts related to toxic air contaminants are anticipated to be less than significant.

d) The Planning Commission finds impacts to air quality to be less than significant.

e) The Planning Commission finds cumulative impacts to air quality to be less than significant.

#### **B. Impacts to Biological Resources**

##### **1. Impacts:**

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

##### **2. Findings:**

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

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

### C. Impacts to Greenhouse Gas Emissions

#### 1. Impacts:

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

#### 2. Findings:

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

or other facilities further away. The transportation of materials from facilities further away would result in higher emissions per ton of material produced due to the increased emission from miles traveled by truck. For these reasons, this impact is considered less than significant and no mitigation is required. The Project will not result in a cumulative impact that would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

e) The Planning Commission finds impacts to greenhouse gas emissions to be less than significant.

f) The Planning Commission finds cumulative impacts to greenhouse gas emissions to be less than significant.

#### D. Impacts to Hazards and Hazardous Materials

##### 1. Impacts:

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

##### 2. Findings:

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

- f) The Planning Commission finds impacts to hazards and hazardous materials to be less than significant.
- g) The Planning Commission finds cumulative impacts to hazards and hazardous materials to be less than significant.

#### E. Impacts to Hydrology and Water Quality

##### 1. Impacts:

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

##### 2. Findings:

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

#### F. Impacts to Noise

##### 1. Impacts:

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

##### 2. Findings:

- a) Impacts to noise are discussed in Section 4.9 of the DSEIR
- b) The project will not introduce any new equipment or processes to the project site that will increase the levels of vibration or ground born noise levels generated by current onsite operations. The project would result in an increase in truck traffic on roadways during nighttime hours, however loaded trucks produce vibration levels less than the threshold at which vibration becomes annoying or levels that could cause damage to any buildings along the material haul route.
- c) The Project does not result in the addition of any new equipment or processes to the project site that will increase vibration or ground borne noise levels, and there are no projects within the area that will include stationary sources of vibration or ground borne

noise levels. Increases in vibration from truck traffic are cumulatively considerable in combination with projected traffic increases through the year 2030. However, even when increased traffic volumes are considered, loaded truck pass-bys produce vibration levels below human annoyance thresholds and below levels that could result in damage to structures along area roadways.

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

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

## G. Impacts to Public Services

### 1. Impacts:

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

### 2. Findings:

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

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

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

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

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

## H. Impacts to Traffic

### 1. Impacts:

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

b) Conflict with local circulation policies.

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

d) Cause a cumulative need for additional turn lanes.

### 2. Findings:

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

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

- c) The Lassen County General Plan Circulation Element and the Standish-Litchfield Area Plan Circulation Element contain goals, policies, and implementation measures related to circulation in the project area. The Project will have a minimal impact on the Level of Service at the Center Road (A27)/Ward Lake Road and Center Road (A27)/Cutoff Road intersections. Level of Service at these intersections will remain at LOS A under existing, plus Project, traffic conditions.
- d) Lassen County requires that no public highway or roadway should be allowed to fall to or exist for a substantial amount of time at or below a Level of Service rating of “E” (i.e., road at or near capacity; reduced speed; extremely difficult to maneuver; some stoppages). The Project combined with a 1 percent traffic increase each year is not anticipated to degrade roadway capacity below a Level of Service of “E”.
- e) The Project combined with a 1 percent traffic increase each year is not anticipated to degrade roadway or intersection capacity or result in the need for additional turn lanes in the Project area.
- f) Combined with regional growth of 1 percent each year, the Project traffic is not expected to result in a significant cumulative impact to the load and capacity of the street system.
- g) The Planning Commission finds the above impacts to traffic to be less than significant.
- h) The Planning Commission finds the above cumulative impacts to traffic to be less than significant.

## I. Impacts to Utilities and Service Systems

### 1. Impacts:

- a) Require New or Expanded Water Supply Entitlements.

### 2. Findings:

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

## J. Impacts to Energy Consumption

### 1. Impacts:

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

### 2. Findings:

- a) Impacts to energy consumption are discussed in Section 4.13 of the DSEIR
- b) Because project work during operations will be transferred from daytime to nighttime use, there will be only a slight increase in generator fuel consumption. The increase in generator use for lighting represents a small draw on generator power and will be for limited duration, two to four times per year. The project would not result in any unusual characteristics that would result in excessive long-term operational fuel consumption. Fuel consumption associated with vehicle trips generated by the project would not be considered inefficient, wasteful, or unnecessary; in fact, the local nature of the facility results in fewer vehicle trips for local construction projects. The extension of the project for a 10-year period will continue the use of diesel fuel for generators and heavy-duty trucks. All new trucks must meet new emission control guidelines. The Hat Creek Construction fleet is in change-out period for trucks. In addition, Hat Creek Construction will be making improvements to the mixes of asphalt to be more energy and resource efficient, such as using RAP in mixes.
- c) The project will not have a negative impact on local and regional energy supplies. The use of locally produced asphalt and aggregate will reduce overall energy demand due to decrease in miles from the location of final use.
- d) There are no project impacts on peak and base period demand for electricity and other forms of energy.
- e) The project is in compliance with existing energy standards.
- f) The project uses diesel for onsite fuel. No other alternatives are available.
- g) No transportation alternatives are available for product delivery at this time. Energy use is not anticipated to increase over time.
- h) The Project will not combine with other projects to create a significant impact on local and regional energy supplies resulting in a need of additional capacity. The Project will not combine with other projects to result in an increase on peak and base period demand for electricity and other forms of energy, or result in a significant impact on energy resources.
- i) The Planning Commission finds impacts to energy consumption to be less than significant.

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

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

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

##### **A. Impacts to Biological Resources**

###### **1. Impacts:**

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

- i) Additional Noise and Light Levels.
  - ii) Increased Traffic Impacts to Wildlife.

###### **2. Mitigation Measures:**

- a) Operator shall continue limits on operations from January to March 31. Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1 and March 31 annually.*
- b) Operator shall conduct no nighttime operations (7:00 p.m. to 6:00 a.m.) during the period of January 1 to March 31. Applying the existing operational restriction to the proposed nighttime operations would eliminate additional disturbance/displacement of pronghorn antelope and mule deer utilizing the winter habitat during the winter months.
- c) Year-round nighttime operation restrictions. No grading, blasting, or excavating shall be allowed onsite between the hours of 6:00 p.m. and 7:00 a.m.
- d) Lighting fixture design. To minimize the effects of lighting of artificial light on wildlife, lighting fixtures associated with nighttime project work shall be downward facing and fully shielded. Lighting equipment should be designed and installed to minimize light pollution.
- e) Noise reduction barriers. Adverse effects from noise may be reduced through installation of noise berms constructed around the project area where heavy machinery is in use. Barriers can eliminate or minimize the impacts of vibrations that may result from nighttime operations.
- f) No “jake brake” usage. This option can significantly reduce the noise impacts from the increased traffic volume. “No use of jake brake” signs shall be posted on the access road and at the Center Road (A27) and Ward Lake Road intersection.
- g) Wildlife crossing signage on roadways. This option would educate drivers about the potential for wildlife encounters on roads during nighttime hours. Signage will be



permanent. This measure can prevent direct mortalities to nocturnal wildlife. Signs will be added along Center Road and Ward Lake Road with County approval.

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

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

### 3. Findings:

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

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

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

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

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

## B. Impacts to Land Use

### 1. Impacts:

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

### 2. Mitigation Measures:

a) Operator shall continue limits on operations from January to March 31.

Impacts can be lessened through continuing seasonal operating restrictions included in the Condition of Approval for Use Permit No. 96056: *Except in a state of emergency, as declared by the local Emergency Services Director and/or the Board of Supervisors and/or the City of Susanville, no grading, excavating, or blasting on the site shall be allowed between January 1 and March 31 annually.*

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

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

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

- e) Noise reduction barriers. Adverse effects from noise may be reduced through installation of noise berms constructed around the project area where heavy machinery is in use. Barriers can eliminate or minimize the impacts of vibrations that may result from nighttime operations.
- f) No “jake brake” usage. This option can significantly reduce the noise impacts from the increased traffic volume. “No use of jake brake” signs shall be posted on the access road and at the Center Road (A27) and Ward Lake Road intersection.
- g) Wildlife crossing signage on roadways. This option would educate drivers about the potential for wildlife encounters on roads during nighttime hours. Signage will be permanent. This measure can prevent direct mortalities to nocturnal wildlife. Signs will be added along Center Road and Ward Lake Road with County approval.
- h) Reduce traffic speed on roadways. This mitigation would reduce the speed limit in order to minimize traffic impacts to wildlife. “Reduce speed to 25 MPH” signs would reduce the speed limit on Ward Lake Road during nighttime hours, granting a longer reaction time should any wildlife be encountered on a roadway.
- i) Driver education. Hat Creek Construction will conduct education events to increase driver awareness to avoid wildlife vehicle impacts.

### 3. Findings:

- a) Impacts to land use are discussed in Section 4.8 of the DSEIR
- b) Goal L-22 contained in the Lassen County General Plan Land Use Element is “Protection and enhancement of important wildlife habitats to support healthy, abundant and diverse wildlife populations.”
- c) Goal L-22 does not contain mention of a specific species or criteria for consistency; however, the Project site does contain critical winter range for pronghorn and mule deer. The impacts of nighttime operations to pronghorn and mule deer and special-status species are discussed in the Biological Resources section of the DSEIR. With implementation of the Biological Resource Mitigation Measures, the Project will not conflict with Goal L-22 of the Lassen County General Plan Land Use Element.
- d) The Planning Commission finds impacts to land use, after implementation of the above mitigation measures, to be less than significant.
- e) The Planning Commission finds cumulative impacts to land use, after implementation of the above mitigation measures, to be less than significant.

### C. Impacts to Noise

#### 1. Impacts:

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

#### 2. Mitigation Measures:

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

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

### 3. Findings:

- a) Impacts to land use are discussed in Section 4.8 of the DSEIR
- b) Based upon the measured noise levels, it is expected that the on-site activities, which include the batch plants and crushing operations, will result in hourly noise levels equal to, or less than, 45 dBA L50. The primary increase in L50 values occurred between 6:00 a.m. and 8:00 a.m. during the generator start-up operations. Once operations occur, they are generally in the mid 30 dBA L50 range. Based upon the Noise analysis, the nighttime noise levels could exceed the Lassen County nighttime noise level criteria of 40 dBA L50, if generator start-up operations occur during the nighttime hours of 10:00 p.m. to 7:00 a.m.
- c) Figure 4 of the Lassen County Noise Element identifies a conditionally acceptable range of 60-70 dBA Ldn for transient noise sources.
- d) The Project will continue to exceed the 60 dBA Ldn noise level standard along Ward Lake Road, and a portion of Center Road (A27), west of Ward Lake Road under worst-case operating conditions. Mitigation Measure e) (above) will lessen the current impact to 65 dBA Ldn, a conditionally acceptable level, assuming a distribution of 377 one-way truck trips between 7:00 a.m. and 10:00 p.m. and 173 one-way truck trips during nighttime hours.
- e) The Planning Commission finds the above impacts to noise, after implementation of the above mitigation measures, to be less than significant.
- f) The Planning Commission finds the above cumulative impacts to noise, after implementation of the above mitigation measures, to be less than significant.

## V. FINDINGS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

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

### A. Impacts to Aesthetic and Visual Resources

#### 1. Impacts:

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

2. Mitigation Measures:

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

3. Findings:

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

B. Impacts to Biological Resources

1. Impacts:

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

2. Mitigation Measures:

No mitigation measures are available.

3. Findings:

- a) Impacts to biological resources are discussed in Section 4.4 of the DSEIR
- b) The Project would extend the life of the mine an additional 10 years, from 2020 to 2030. Extension of the life of the mine for 10 years would extend the significant impact of the existing operation to pronghorn and mule deer. The project would not result in any additional impacts to pronghorn or mule deer; however, it would extend impacts that have been determined to be significant and unavoidable. Extending the life of the mine

would also prolong the amount of time before the site can be reclaimed back to habitat for these species.

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

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

### C. Impacts to Noise

#### 1. Impacts:

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

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

#### 2. Mitigation Measures:

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

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

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

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

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

#### 3. Findings:

a) Impacts to noise are discussed in Section 4.9 of the DSEIR

b) The Project will result in traffic noise increases along the Material Haul Routes. Increases in traffic noise levels would result in a significant increase in noise levels in the project vicinity above those existing without the project.

c) The Planning Commission finds the above impacts to noise, after implementation of the above mitigation measures, to be significant and unavoidable.

d) The Planning Commission finds the above cumulative impacts to noise, after implementation of the above mitigation measures, to be significant and unavoidable.

## VI. FINDINGS REGARDING PROJECT ALTERNATIVES

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

A. Alternative 1 – No Project Alternative.

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

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

2. Impacts:

a) Under the “no project” alternative, environmental conditions at the site would remain as they currently exist. The “no project” alternative would eliminate any impacts of the proposed Project related to aesthetics, air quality, biological resources, land use, noise, and traffic and transportation in the Project area.

b) Under the “no project” alternative, materials for large local projects or local projects requiring 24-hour material hauling would be provided by a different source. Depending on the location of the alternate source, the “no project” alternative could result in an increase in greenhouse gas emissions or air quality impacts since construction materials for local projects may need to be provided by sources located a greater distance from construction projects.

3. Findings:

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

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

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

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

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



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

## 2. Impacts:

### a) Aesthetics and Visual Resources:

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

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

### b) Air Quality

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

### c) Biological Resources

i) Impacts to biological resources under the reduced truck trip alternative would be reduced when compared with the proposed Project. The reduced truck trip alternative would reduce the risk of wildlife mortalities on roadways since fewer truck trips would occur during nighttime hours. Trucking would still occur between 7:00 a.m. and 10:00 p.m. and mortalities may still occur at rates over those of the currently permitted operation.

### d) Land Use

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

### e) Noise

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

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

f) Traffic

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

3. Findings:

- a) Under the reduced truck trip alternative, truck traffic and headlight use would still result in a significant and unavoidable impact.
- b) Under the reduced truck trip alternative, impacts of the lighting from the materials processing facility would be significant and unavoidable to residences along Ward Lake Road.
- c) Although the reduced truck trip alternative would reduce air quality emissions from trucking, the air quality impacts of the proposed Project were considered less than significant. Under the reduced truck trip alternative, the emissions generated by onsite equipment would be the same as those generated by the proposed Project.
- d) Under the reduced truck trip alternative, biological impacts would be the same as those of the proposed Project: potentially significant without mitigation. The reduced truck trip alternative would still require mitigation measures to reduce trucking impacts to biological resources. This alternative will not reduce the significant and unavoidable impacts to antelope and mule deer from extending the life of the mine an additional 10 years.
- e) Land use impacts of the reduced truck trip alternative would be potentially significant without mitigation. Mitigation measures similar to those of the proposed Project for biological resources and pavement degradation would be required for the reduced truck trip alternative.
- f) The reduced truck trip alternative would comply with Lassen County traffic noise standards and would result in a less-than-significant increase in traffic noise levels when compared to existing peak baseline operating conditions. The reduced truck trip alternative would result in less-than-significant impacts related to truck traffic noise.
- g) Under the reduced truck trip alternative, the noise impacts from the facility would be less than significant.
- h) Similar to the proposed project, the reduced truck trip alternative would result in a less-than-significant impact to intersection level of service and the need for additional turn lanes on the local roadway network. Traffic impacts would be less than significant.
- i) The reduced truck trip alternative would meet the Project objective of extending the life of the quarry to extract additional superior materials from the site.
- ii) The reduced truck trip alternative would meet the objective of providing materials for construction projects, however would eliminate those requiring nighttime work. The reduced truck trip alternative would reduce the number of construction jobs the facility could serve at one time and would allow only the acceptance of jobs that do not require nighttime work. This alternative may partially meet the first two Project objectives depending on local and regional



market demand; however, it would greatly limit the construction jobs served. The reduced truck trip alternative will hinder meeting the first two Project objectives.

#### C. Alternatives Considered but Rejected from Further Consideration

##### 1) Alternative Project Location

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

##### 2) Sixty-two Truck Trip Alternative

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

### VII. FINDINGS REGARDING PROJECT BENEFITS

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

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

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

## **VIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

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

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

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

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

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

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

1. The Lassen County Planning Commission approved Use Permit #79-80-44 on May 6, 1981, allowing a surface mine operation and asphalt batch plant.
2. The Lassen County Planning Commission approved Use Permit #11-02-85 on January 8, 1986, amending Condition #5 of original Use Permit #79-80-44, related to the asphaltic surfacing of Ward Lake Road.
3. The Lassen County Planning Commission approved Use Permit and Reclamation Plan #94032 on August 3, 1994, adding a concrete batch plant and expanding mine boundaries.
4. The Lassen County Board of Supervisors approved Use Permit and Reclamation Plan #96056 on September 23, 1997, expanding mine boundaries and allowing year-round operations with limited winter activity. The Board also approved an associated rezone at this time, to allow for the previously approved concrete operations.
5. The applicant is proposing an amendment to allow 24-hour mining operations, Monday through Saturday. The applicant is also proposing an extension of the life of the mine from 2020 to 2030 and annual site production in excess of the permitted 100,000 tons during declared emergencies. All other requirements of approved Use Permit and Reclamation Plan #96056 not addressed by the proposed amendment or approving resolution, with conditions, will be maintained.
6. Current hours of operation of the Ward Lake Pit surface mine are 6:00 a.m. to 7:00 p.m., Monday through Saturday.
7. The California Department of Transportation (Caltrans) has expressed intentions of requiring increased nighttime roadwork on future projects, in order to minimize the impact on traffic and on the traveling public.
8. The subject parcel is a 442-acre parcel that is located in portions of Sections 28, 32, and 33 in Township 30 North, Range 14 East, Mount Diablo Base and Meridian and is represented by Assessor's Parcel Number 109-100-59. This property is owned by TLT Enterprises LLC, a California Limited Liability Company, as shown at a Grant Deed recorded on February 6, 2012 as Document Number 2012-00605, and at a Grant Deed recorded on March 23, 2017 as Document Number 2017-01109, both of the Official Records of Lassen County.

9. The parcel described in the finding above was created by Lot Line Adjustment Number 2015-009 which was approved by the Lassen County Technical Advisory Committee on May 13, 2015. The Certificate of Lot Line Adjustment was recorded on March 23, 2017 as Document Number 2017-01107 of the Official Records of Lassen County. Therefore, the subject parcel is found to have been created in compliance with the California Subdivision Map Act and local ordinances.
10. The portion of assessor's parcel number 109-100-59 that is zoned U-C-A-P (formerly APN 109-100-42) was previously under Williamson Act Contract Number AA-62, but was released from said contract upon cancellation by the Lassen County Board of Supervisors on September 22, 2015.
11. Mining or processing of natural mineral materials is a use allowed by use permit in the U-C and U-C-2 zoning districts under Lassen County Code § 18.68.040 and § 18.69.040, respectively.
12. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
13. A noise study was conducted to analyze impacts resulting from noise levels of onsite operations and associated traffic. Impacts of noise from onsite operations were determined to be less than significant after mitigation, while impacts of traffic on permanent and periodic ambient noise increases above levels existing without the project were determined to be significant and unavoidable in the Draft Subsequent Environmental Impact Report.
14. Installation of noise berms was proposed as a mitigation measure; however, to be used as a mitigation and use permit condition, design and location specifics must be clarified.
15. A biological resource evaluation and nighttime wildlife survey conducted at the project site showed no special-status wildlife species to be present onsite or in the immediate surrounding area. Impacts to special-status wildlife species with potential to occur in the project area were analyzed and determined to be less than significant in the Draft Subsequent Environmental Impact Report.
16. Impacts of nighttime operations on pronghorn, mule deer, and nocturnal foragers were found to be less than significant after mitigation; however, impacts to pronghorn and mule deer that have previously been determined to be significant and unavoidable would be prolonged by the extension of the site life from 2020 to 2030.
17. Impacts related to the substantial degradation of existing visual character or quality of the site and its surroundings through project lighting and nighttime views, as well as impacts related to the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (headlight impacts), were determined to be significant and unavoidable to residences along Ward Lake Road in the Draft Subsequent Environmental Impact Report.

18. Access to the Pit is from Ward Lake Road, County Road 308, a portion of which is in the County Maintained Road System, which has access off Center Road, County Road 215, which is in the County Maintained Road System.
19. Existing and proposed truck traffic from the Ward Lake Pit operation has and will continue to degrade the quality of the Lassen County maintained portion of Ward Lake Road.
20. To make the mandatory findings required by Lassen County Code Section 18.112.100, it is the opinion of the Lassen County Department of Public works that an eastbound left-hand turn lane be required on Center Road at the intersection with Ward Lake Road, as the existing and proposed project traffic has potential to impair the health, safety, peace, morals, comfort and general welfare of persons residing or working in the project area.
21. Eight residences are located along Ward Lake Road; an estimated 24 residences are located along Center Road (A-27) and Highway 395, east of Ward Lake Road through the community of Litchfield; and approximately six additional residences are located along Center Road (A-27), west of Ward Lake Road toward the California Correctional Center and High Desert State Prison.
22. The Lassen County Director of Planning and Building Services has determined that this project is not a minor amendment pursuant to Lassen County Code, Section 9.60.040(b) and is subject to the California Environmental Quality Act (CEQA).
23. The Lassen County Environmental Review Officer, through Initial Study #2018-001, determined that preparation of a Subsequent Environmental Impact Report is required for Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001. The findings of Initial Study #2018-001 and determination of the Environmental Review Officer were certified by the Lassen County Planning Commission on June 6, 2018, with the adoption of Resolution #6-05-18. A Subsequent Environmental Impact Report is currently being processed for this project.
24. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on February 22, 2018, May 25, 2018, and June 19, 2018, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.
25. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
26. The Department of Planning and Building Services reviewed the proposed amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
27. The County's Technical Advisory Committee (TAC) is charged with the review of Use Permits and Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c).

28. The Planning Commission is the primary decision making body for Use Permits, Reclamation Plans and amendments thereto; however, because certification of the EIR requires Board of Supervisors approval, the Planning Commission will make a recommendation as to whether or not this project is consistent with the *Lassen County General Plan, 2000*; the *Lassen County Land Use Element*, *Lassen County Natural Resource Element*; and any other pertinent policies. See Attachment A for relevant plan goals and policies, as identified by Planning and Building Department staff.
29. Lassen County Code, Section 18.112.100 requires that the decision making body make the following findings for the approval or denial of a Use Permit application:
- i. That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
  - ii. That the project is or is not consistent with the Lassen County general plan, or any applicable area plan or resource plan adopted as part of the general plan.

**EXHIBIT THREE**  
**CONDITIONS OF APPROVAL**  
**USE PERMIT AMENDMENT #2018-003**

1. All requirements and conditions of the previously approved Use Permit and Reclamation Plan #96056 remain applicable, excepting the changes addressed in Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001.
2. No nighttime operations (7:00 p.m. to 6:00 a.m.) shall be conducted during the period of January 31 through March 31 of each year.
3. No grading, blasting, or excavating shall be allowed onsite between the hours of 6 p.m. and 7:00 a.m., year-round.
4. Start-up of onsite generators shall be restricted to between the hours of 7 a.m. and 10:00 p.m.
5. All lighting on site shall be downward facing and fully shielded. All lighting shall be directed internally into the site and berm site areas to minimize impact.
6. Haul trucks shall only use low beams when passing along Ward Lake Road during nighttime operations.
7. Haul trucks associated with the mining operation shall not use Center Road (A-27) east of Ward Lake Road between the hours of 10:00 p.m. and 7 a.m.; during these hours all trucks must turn west onto Center Road from Ward Lake Road to avoid the community of Litchfield.
8. Haul trucks (loaded or empty) associated with the mining operation shall not exceed a daily average of 26 round trips (26 arriving and 26 departing) throughout the calendar year and shall not exceed a daily maximum of 275 round trips (275 arriving and 275 departing), with a maximum of 173 total trips occurring between the hours of 10:00 p.m. and 7:00 a.m., excluding personal employee vehicles and light-duty trucks assigned to employees.
9. Scale log data for Ward Lake Pit (CA Mine ID #91-18-0008) shall be provided to Lassen County by the mine operator by July 1, annually.
10. Use of “Jake brake” (engine brake) shall be prohibited along the mine access road and Ward Lake Road; The mine operator shall post “No Use of Jake Brake” signs on the access road and at the Center Road and Ward Lake Road intersection, in coordination with the Lassen County Department of Public Works.

11. The mine operator shall post advisory “Reduced Speed to 25 MPH” signs on the access road and Ward Lake Road (one northbound and one southbound, at minimum), in coordination with the Lassen County Department of Public Works.
12. The mine operator shall post “Wildlife Crossing” signs along Ward Lake Road and Center Road, in coordination with the Lassen County Department of Public Works.
13. The mine operator (TLT Enterprises/Hat Creek Construction) shall conduct driver education events, annually at minimum, to increase driver awareness to reduce impacts to wildlife and local residents, and shall give notice the Planning and Building Services Department prior to the date of each event.
14. The mine operator shall give written notice to the Lassen County Department of Planning and Building Services and all residents of Ward Lake Road at least 72 hours prior to commencing a non-emergency project, requiring nighttime operations, that will last 5 or more days and/or was awarded by way of formal bid process.
15. The operator shall assist Lassen County Road Department with the installation of an eastbound left-hand turn lane on Center Road onto Ward Lake Road, within 18 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.
16. The operator shall assist the Lassen County Road Department with the repair of and/or asphalt concrete overlay of the Lassen County maintained portion of Ward Lake Road, within 18 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.
17. Within 60 days of project approval, the operator shall submit a \$200,000.00 surety bond, payable to Lassen County, as financial assurance for the completion of the above road maintenance assistance. Upon completion of all required assistance, the surety bond shall be released back to the operator. If the above road maintenance is to be completed in phases, the Director of Public Works may authorize incremental release of said bond, as phased work is completed.





County of Lassen  
Department of Planning and Building Services

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

March 1, 2019

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

TO: Technical Advisory Committee  
Agenda Date: March 7, 2019

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Maurice L. Anderson, Director

RE: Amendment to Use Permit and Reclamation Plan #96056, TLT Enterprises LLC  
Technical Advisory Committee Meeting, Findings and Conditions

Project Description

USE PERMIT AMENDMENT #2018-003 and RECLAMATION PLAN AMENDMENT #2018-001: CA Mine ID 91-18-0008 (Ward Lake Pit), TLT Enterprises LLC. Proposal to amend mining operations at the Ward Lake Pit (CA mine ID #91-18-0008). If approved, the amendment would allow for 24-hour mining operations, Monday through Saturday (currently the use permit allows operations from 6:00 a.m. to 7:00 p.m., Monday through Saturday), extend the life of the mine from 2020 to 2030, and allow annual site production in excess of the permitted 100,000 tons during declared emergencies. The surface mining operation currently occupies 160 acres on a 442-acre parcel, owned by TLT Enterprises LLC. The subject parcel is zoned U-C-2 (Upland Conservation/Resource Management District) and U-C-A-P (Upland Conservation Agricultural Preserve Combining District) and is designated Extensive Agriculture by the *Lassen County General Plan 2000*. The project is located in Litchfield, CA at 476250 Ward Lake Road, off Center Road (A-27) in Lassen County, approximately 13 miles east of Susanville, CA. APN: 109-100-59 (Old 109-100-40, 42, 44). Staff Contact: Nancy McAllister, Natural Resources Technician

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

1. The Lassen County Planning Commission approved Use Permit #79-80-44 on May 6, 1981, allowing a surface mine operation and asphalt batch plant.
2. The Lassen County Planning Commission approved Use Permit #11-02-85 on January 8, 1986, amending Condition #5 of original Use Permit #79-80-44, related to the asphaltic surfacing of Ward Lake Road.
3. The Lassen County Planning Commission approved Use Permit and Reclamation Plan #94032 on August 3, 1994, adding a concrete batch plant and expanding mine boundaries.
4. The Lassen County Board of Supervisors approved Use Permit and Reclamation Plan #96056 on September 23, 1997, expanding mine boundaries and allowing year-round operations with limited winter activity. The Board also approved an associated rezone at this time, to allow for the previously approved concrete operations.

5. The applicant is proposing an amendment to allow 24-hour mining operations, Monday through Saturday. The applicant is also proposing an extension of the life of the mine from 2020 to 2030 and annual site production in excess of the permitted 100,000 tons during declared emergencies. All other requirements of approved Use Permit and Reclamation Plan #96056 not addressed by the proposed amendment or approving resolution, with conditions, will be maintained.
6. Current hours of operation of the Ward Lake Pit surface mine are 6:00 a.m. to 7:00 p.m., Monday through Saturday.
7. The California Department of Transportation (Caltrans) has expressed intentions of requiring increased nighttime roadwork on future projects, in order to minimize the impact on traffic and on the traveling public.
8. The portion of assessor's parcel number 109-100-59 that is zoned U-C-A-P (formerly APN 109-100-42) was previously under Williamson Act Contract Number AA-62, but was released from said contract upon cancelation by the Lassen County Board of Supervisors on September 22, 2015.
9. Mining or processing of natural mineral materials is a use allowed by use permit in the U-C and U-C-2 zoning districts under Lassen County Code § 18.68.040 and § 18.69.040, respectively.
10. The project site is not within the 100-year flood plain according to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).
11. A noise study was conducted to analyze impacts resulting from noise levels of onsite operations and associated traffic. Impacts of noise from onsite operations were determined to be less than significant after mitigation, while impacts of traffic on permanent and periodic ambient noise increases above levels existing without the project were determined to be significant and unavoidable in the Draft Subsequent Environmental Impact Report.
12. Installation of noise berms was proposed as a mitigation measure; however, to be used as a mitigation and use permit condition, design and location specifics must be clarified.
13. A biological resource evaluation and nighttime wildlife survey conducted at the project site showed no special-status wildlife species to be present onsite or in the immediate surrounding area. Impacts to special-status wildlife species with potential to occur in the project area were analyzed and determined to be less than significant in the Draft Subsequent Environmental Impact Report.
14. Impacts of nighttime operations on pronghorn, mule deer, and nocturnal foragers were found to be less than significant after mitigation; however, impacts to pronghorn and mule deer that have previously been determined to be significant and unavoidable would be prolonged by the extension of the site life from 2020 to 2030.



15. Impacts related to the substantial degradation of existing visual character or quality of the site and its surroundings through project lighting and nighttime views, as well as impacts related to the creation of a new source of substantial light or glare which would adversely affect day or nighttime views in the area (headlight impacts), were determined to be significant and unavoidable to residences along Ward Lake Road in the Draft Subsequent Environmental Impact Report.
16. Eight residences are located along Ward Lake Road; an estimated 24 residences are located along Center Road (A-27) and Highway 395, east of Ward Lake Road through the community of Litchfield; and approximately six additional residences are located along Center Road (A-27), west of Ward Lake Road toward the California Correctional Center and High Desert State Prison.
17. The Lassen County Director of Planning and Building Services has determined that this project is not a minor amendment pursuant to Lassen County Code, Section 9.60.040(b), constitutes a substantial deviation pursuant to California Code of Regulations, Section 3502(d), and is subject to the California Environmental Quality Act (CEQA).
18. The Lassen County Environmental Review Officer, through Initial Study #2018-001, determined that preparation of a Subsequent Environmental Impact Report is required for Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001. The findings of Initial Study #2018-001 and determination of the Environmental Review Officer were certified by the Lassen County Planning Commission on June 6, 2018, with the adoption of Resolution #6-05-18. A Subsequent Environmental Impact Report is currently being processed for this project.
19. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on February 22, 2018, May 25, 2018, and June 19, 2018, of the Use Permit and Reclamation Plan Amendment being processed by Lassen County, acting as lead agency.
20. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
21. The Department of Planning and Building Services reviewed the proposed amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
22. The County's Technical Advisory Committee (TAC) is charged with the review of Use Permits and Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c).

23. The Planning Commission is the primary decision making body for Use Permits, Reclamation Plans and amendments thereto; however, because certification of the EIR requires Board of Supervisors approval, the Planning Commission will make a recommendation as to whether or not this project is consistent with the *Lassen County General Plan, 2000*; the *Lassen County Land Use Element*, *Lassen County Natural Resource Element*; and any other pertinent policies. See Attachment A for relevant plan goals and policies, as identified by Planning and Building Department staff.
24. 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.

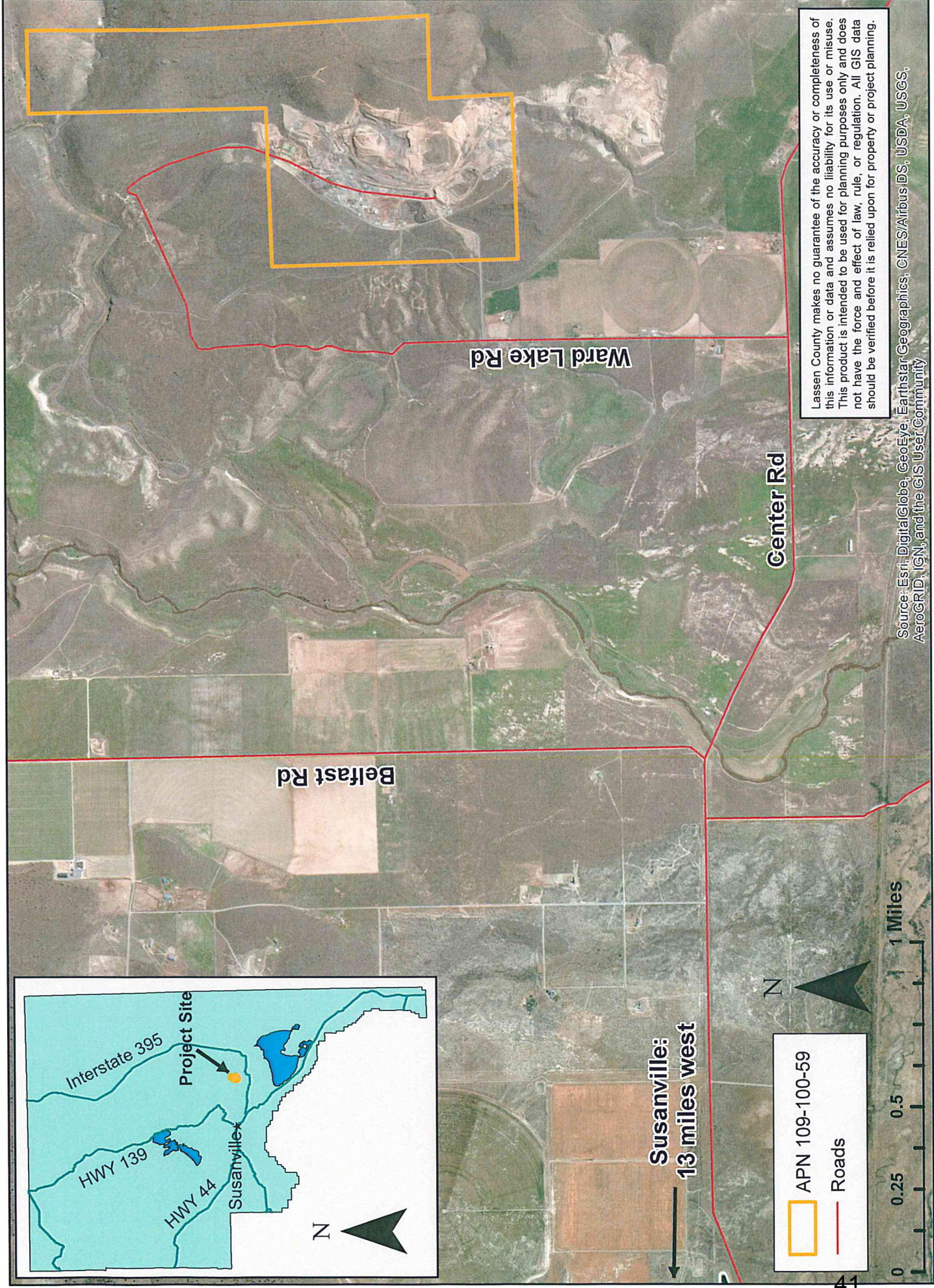
**The Lassen County Department of Planning and Building Services recommends the following conditions be placed upon the project if approved:**

1. All requirements and conditions of the previously approved Use Permit and Reclamation Plan #96056 remain applicable, excepting the changes addressed in Use Permit Amendment #2018-003 and Reclamation Plan Amendment #2018-001.
2. No nighttime operations (7:00 p.m. to 6:00 a.m.) shall be conducted during the period of January 31 through March 31 of each year.
3. No grading, blasting, or excavating shall be allowed onsite between the hours of 6 p.m. and 7:00 a.m., year-round.
4. Start-up operations of batch plants shall be restricted to between the hours of 7 a.m. and 10:00 p.m.
5. All lighting on site shall be downward facing and fully shielded. All lighting shall be directed internally into the site and berm site areas to minimize impact.
6. Haul trucks shall only use low beams when passing along Ward Lake Road during nighttime operations.
7. Haul trucks associated with the mining operation shall not use Center Road (A-27) east of Ward Lake Road between the hours of 6:00 p.m. and 7 a.m.; during these hours all trucks must turn west onto Center Road from Ward Lake Road to avoid the community of Litchfield.



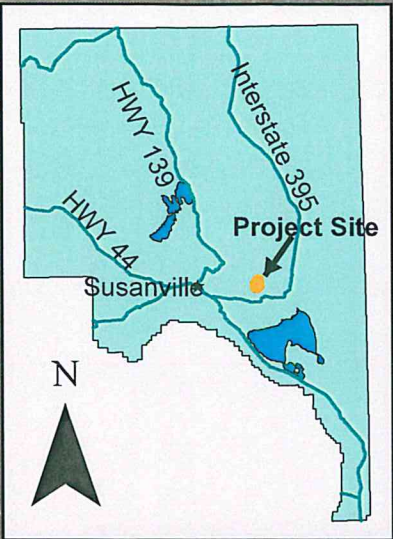
8. Haul trucks associated with the mining operation shall not use Cutoff Road.
9. Haul trucks (loaded or empty) associated with the mining operation shall not exceed a daily average of 26 round trips (26 arriving and 26 departing) throughout the calendar year and shall not exceed a daily maximum of 125 round trips (125 arriving and 125 departing), excluding personal employee vehicles and light-duty trucks assigned to employees.
10. Scale log data for Ward Lake Pit (CA Mine ID #91-18-0008) shall be provided to Lassen County by the mine operator by July 1, annually.
11. Use of “Jake brake” (engine brake) shall be prohibited along the mine access road and Ward Lake Road; The mine operator shall post “No Use of Jake Brake” signs on the access road and at the Center Road and Ward Lake Road intersection, in coordination with the Lassen County Department of Public Works.
12. The mine operator shall post “Reduced Speed to [specified speed]” signs on the access road and Ward Lake Road, in coordination with the Lassen County Department of Public Works.
13. The mine operator shall post “Wildlife Crossing” signs along Ward Lake Road and Center Road, in coordination with the Lassen County Department of Public Works.
14. The mine operator (TLT Enterprises/Hat Creek Construction) shall conduct driver education events, annually at minimum, to increase driver awareness to reduce impacts to wildlife and local residents, and shall give notice the Planning and Building Services Department prior to the date of each event.
15. The mine operator shall give written notice to the Lassen County Department of Planning and Building Services and all residents of Ward Lake Road at least 72 hours prior to commencing a non-emergency project requiring nighttime operations.





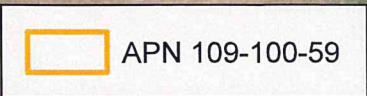


Ward Lake Pit Amendment; RP2018-001, UP2018-003, EIR2018-001



APN 109-100-59

Wells Rd



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, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



## ATTACHMENT A

### STANDISH-LITCHFIELD AREA PLAN 1986

#### GOALS AND OBJECTIVES OF THE PLAN

##### 2. ENVIRONMENT/NATURAL RESOURCES

###### **F. Issue: Wildlife/Fishery Resources**

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

###### **F. Issue: Rare and Endangered Plants and Animals**

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

###### **G. Issue: Natural Vegetation Resources**

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

#### ENVIRONMENTAL SAFETY

##### FLOODING

###### **Policy**

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

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

#### NATURAL/CULTURAL RESOURCES

##### WATER QUALITY

###### **Policy**

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

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

###### **Implementation**

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



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

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

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

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

## **FISH AND WILDLIFE**

### **Policy**

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

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

### **Implementation**

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

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

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

## **COMMUNITY DEVELOPMENT**

### **INDUSTRIAL LAND USE**

#### **Policy: Industrial**

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

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

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

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

## **CIRCULATION**

### **Policy**

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

### **Implementation**

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

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

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

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

## **LASSEN COUNTY GENERAL PLAN 2000**

## **LAND USE ELEMENT**

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



## LAND USE ISSUE POLICIES

### 5. ISSUE: Transportation

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

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

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

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

### 7. ISSUE: Industrial Land Uses

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

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

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

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

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

## **15. ISSUE: Wildlife Habitat**

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

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

## **NATURAL RESOURCE LAND USES**

### **Extensive Agriculture**

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

## **NATURAL RESOURCES ELEMENT**

### **7. Mineral Resources**

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

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

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

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

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



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

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

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

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

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

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

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

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

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

## **MINERAL RESOURCES BACKGROUND**

### Mining Administration

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

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

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

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

## **CIRCULATION ELEMENT**

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

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

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

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

### **Implementation Measure:**

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

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

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



**Implementation Measure:**

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

**WILDLIFE ELEMENT**

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

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

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

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

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

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

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

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

## **LASSEN COUNTY NOISE ELEMENT 1989**

### **III. NOISE ELEMENT GOALS AND OBJECTIVES**

#### **A. GOALS**

The overall goals of the Lassen County Noise Element are to protect the citizens of Lassen County from the harmful and annoying effects of exposure to excessive noise, and to protect the economic base of Lassen County by preventing the encroachment of incompatible land uses within areas affected by existing noise-producing uses.

#### **B. OBJECTIVES**

1. Develop and adopt specific policies and an effective implementation program to abate and avoid excessive noise exposures in the county by requiring that effective noise mitigation measures be incorporated into the design of new noise-generating and new noise-sensitive land uses.
2. Provide sufficient noise exposure information so that existing and potential noise impacts may be effectively addressed in the land use planning and project review processes.
3. Protect areas within the county where the present noise environment is within acceptable limits.

### **IV. IMPLEMENTATION PROGRAM**

Policy 1. Noise created by locally-regulated noise sources associated with new projects or developments shall be controlled so as not to exceed the noise level standards as set forth [in Table III] as measured from any affected residentially designated lands or land use situated in either the incorporated or unincorporated areas. New residential development shall not be allowed where the ambient noise level due to locally-regulated noise sources will exceed noise level standard set forth [in Table III]. These standards do not apply to residential units established in conjunction with industrial or commercial uses (e.g., caretaker dwellings).

Policy 2: The compatibility of proposed projects with existing and future noise levels due to traffic on public roadways, railroad line operations, and aircraft in flight shall be evaluated by comparison to the current site layout.

Policy 3. Areas within Lassen County shall be defined as noise-impacted if exposed to existing or projected exterior noise levels exceeding either 60 dB Ldn/CNEL or the performance standards of Table III.

Policy 4. New development of residential land uses will not be permitted in noise-impacted areas unless the project design include effective mitigation measures to reduce noise to the following levels:

- A. For noise due to traffic on public roadways, railroad line operations and aircraft in flight:



60 dB Ldn/CNEL or less in outdoor activity areas, and 45 dB Ldn/CNEL or less in indoor areas. Where it is not possible to reduce exterior noise to 60 dB Ldn/CNEL or less by incorporating a practical application of the best available noise-reduction technology, an exterior noise level of up to 65 dB Ldn/CNEL will be allowed. Under no circumstances will interior noise levels be permitted to exceed 45 dB Ldn/CNEL with the windows and doors closed.

Policy 7. Noise produced by commercial uses shall not exceed 67.5 dB Ldn/CNEL at the nearest property line.

Policy 8. Noise produced by industrial uses shall not exceed 70 dB Ldn/CNEL at the nearest property line.

Policy 12. Lassen County shall prepare a community noise control ordinance in accordance with the following policies and procedures:

C. The intent of the draft ordinance shall be to protect persons from excessive levels of noise which interfere with sleep, communication, relaxation, health or legally permitted use of property, whether such noise is from existing or future sources.

D. "Excessive" levels of noise shall be defined as levels which exceed the standards of Table III and other policies of the Noise Element.

**TABLE III**

**NOISE LEVEL PERFORMANCE STANDARDS  
FOR NEW PROJECTS AND DEVELOPMENTS**

Category	Exterior Noise Level Standards, dBA		
	Cumulative Number of minutes in any one-hour time period	Daytime	Nighttime
		7 a.m.	10 p.m.
		to 10 p.m.	to 7 a.m.
1	30	50	40
2	15	55	45
3	5	60	50
4	1	65	55
5	0	70	60

## **LASSEN COUNTY CODE**

### **Section 18.108.155 Lighting.**

Unless otherwise provided in this title, the following lighting requirements shall apply: All lighting, exterior and interior, shall be designed and located so as to confine direct lighting to the premises. A light source shall not shine upon or illuminate directly on any surface other than the area required to be lighted. No lighting shall be of the type or in a location such that constitutes a hazard to vehicle traffic, either on private property or on abutting streets.



## USE PERMIT APPLICATION

FILING FEE: CLASS 1 \$397 CLASS 2 \$571 CLASS 3 \$2,381

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

RECEIVED

JAN 29 2018

Lassen County Department of  
Planning and Building Services

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

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

FILE NO. \_\_\_\_\_

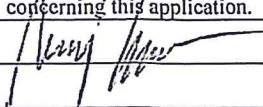
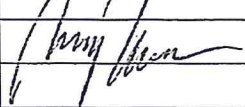
<b>Property Owner/s</b>	<b>Property Owner/s</b>
Name: TLT Enterprises LLC (Perry Thompson)	Name:
Mailing Address: 24339 Highway 89	Mailing Address:
City, ST, Zip: Burney, CA 96013	City, ST, Zip:
Telephone: (530) 335-5501 Fax:	Telephone: Fax:
Email: perry@hatcreekconstruction.com	Email:

<b>Applicant/Authorized Representative*</b>	<b>Agent (Land Surveyor/Engineer/Consultant)</b>
Same as above: <input checked="" type="checkbox"/>	Correspondence also sent to: <input checked="" type="checkbox"/>
Name:	Name: Wendy Johnston, VESTRA Resources, Inc.
Mailing Address:	Mailing Address: 5300 Aviation Drive
City, ST, Zip:	City, ST, Zip: Redding, CA 96002
Telephone: Fax:	Telephone: (530) 223-2585 Fax: (530) 223-1145
Email:	Email: wjohnston@vestra.com License #:

<b>Project Address or Specific Location:</b>			
Deed Reference: Book: 109	Page: 100	Year: 2017	Doc#: 2017-01109
Zoning: U-C-2/U-C-A-P	General Plan Designation: Extensive Agriculture		
Parcel Size (acreage): 442	Section: 32 and 33 Township: 30N Range: 14E		

Assessor's Parcel Number(s):	109 - 100 - 59	- -	- -
Note: LLÅ in 2017 (old parcel No. 109-100-40)	- -	- -	- -

<b>Project Description:</b> Modify the existing Use Permit and Reclamation Plan to:
1. Allow for 24-hour operation to respond to changing state contracting practice requiring nighttime operation
2. Extend the life of the project to 2030
3. Increase annual removal from 100,000 to 200,000 tons/year
4. Increase truck traffic to 150 trips per day

<b>SIGNATURE OF PROPERTY OWNER(S): I HEREBY ACKNOWLEDGE THAT:</b> I have read this application and state that the information given is both true and correct to the best of my knowledge. I agree to comply with all County ordinances and State laws concerning this application.	<b>*SIGNATURE OF APPLICANT/AUTHORIZED REPRESENTATIVE</b> (Representative may sign application on behalf of the property owner only if Letter of Authorization from the owner/s is provided).
 Date: 1/12/17	 Date: 1/12/17
Date:	Date:

See associated process form for required attachments and instructions.





## USE PERMIT PROJECT DETAIL SUPPLEMENT

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

FILE NO. \_\_\_\_\_

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages.

Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. Proposed timeframe for the project and completion of each major phase (i.e., when structures and improvements will be completed): Immediate

2. Existing use of property: Mining of rock, crushing rock, material stockpiling, asphalt batch plant, concrete plant, material washing, material marination

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

North: Open space

South: Mine and open space

East: Open space wildlife habitat

West: Open space agriculture and rural residential

4. Hours of proposed operation: 24 hrs to \_\_\_\_\_ Days of operation: 6 days except emergencies

5. Number of shifts: 2 Number of employees: 40

6. Number of deliveries or pick-ups: 150 per day 900 per week

7. Number of visitors/customers: <1 per day 3-4 per week

8. Will the project increase noise levels in the immediate area? At night ☒ Yes ☐ No

If yes, anticipated noise levels in decibels at:

70 dB days per #96056

50 feet 80-90 dB/day

100 feet \_\_\_\_\_

Property Line 65 dB nights per #79-80-44

9. Describe existing structures and improvements to be used in conjunction with the proposed use, including their floor area: Shop - 2,400 sq. ft.; Office - 1,375 sq. ft.; Well house - 144 sq. ft.; Asphalt plant - 3,600 sq. ft.; Asphalt plant operations office - 600 sq. ft.; Concrete plant footprint - 2,100 sq. ft.; Concrete plant office - 600 sq. ft.; Scale house - 480 sq. ft.; Fuel containment areas - 1,080 sq. ft. and 2,500 sq.

10. Maximum height (in feet) of existing structures: Asphalt silo - 100 feet

11. Maximum height (in feet) of proposed structures: N/A

12. Describe any existing structures to be removed: None

13. Describe proposed structures and improvements (e.g., buildings, parking, roads, and sewer services, etc.). Please include dimensions and floor area: None

14. Describe the topography and physical environment at and surrounding the project site: See attached Environmental Setting

15. Describe proposed exterior lighting, including location (attach lighting diagram if applicable): No new lights are proposed. The site is currently lit in the early mornings and evenings. The proposed modification will be to extend the lighting hours.

16. Will the project include or result in grading, including anticipated grading at project buildout?  
☐ Yes ☒ No If yes, approximate total surface area to be disturbed by site grading: \_\_\_\_\_ sq. ft. or \_\_\_\_\_ acres

Quantity of cut: \_\_\_\_\_ cubic yards Quantity of fill: \_\_\_\_\_ cubic yards

17. Percentage of site to be covered by impervious surfaces (e.g., roads, driveways, and structures), including estimated impervious surfaces at project buildout: Parking by office; road to asphalt plant

18. Number of existing parking spaces: 40 employee N/A customer

Number of proposed parking spaces: 0 employee N/A customer

Describe surfacing of parking area: Paved

Please attach a parking plan showing existing and proposed parking facilities.

19. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements.

20. For commercial, industrial and institutional developments, please attach a landscaping plan.

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

Electricity: Plumas Rural Sierra Underground ☐ Overhead ☒

Telephone: Frontier Underground ☐ Overhead ☐

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

Other ☐ \_\_\_\_\_

Sewage Disposal: Individual Septic System ☒ Community Sewer ☐ Shared Septic System ☐

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

Solid Waste Disposal: Waste Management

LP/Natural Gas: Staub Energy

If an extension of utility lines is necessary, indicate which services and the distance of the extension: N/A

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

High School: Lassen High School

Elementary School: Schaefer Elementary School

Fire Protection: CalFire

Community Services District: N/A

Water: N/A

Sewer: N/A

Other: N/A

23. List all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required: Lassen County; RWQCB (Stormwater - NONA efiled);  
Division of Mine Reclamation (SMARA); Lassen County Air Pollution Control District

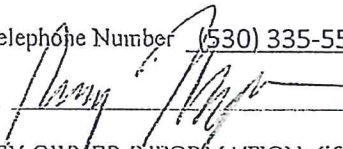
LASSEN COUNTY  
APPLICATION FOR MINOR AMENDMENT TO SURFACE MINING USE PERMIT,  
RECLAMATION PLAN AND/OR FINANCIAL ASSURANCE

1. APPLICANT INFORMATION:

Name TLT Enterprises LLC (Perry Thompson)

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

Signature:  Date: 1/12/17

2. PROPERTY OWNER INFORMATION: (if different than applicant, original signature of record owner, acknowledging and authorizing this application must appear below)

Name Same as above

Address \_\_\_\_\_

Contact Telephone Number \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. OWNER OF MINERAL RIGHTS INFORMATION: (If different than the property owner, the record owner of mineral rights must sign below)

Name U.S. Department of the Interior, Bureau of Land Management

Address 2550 Riverside Drive, Susanville, CA 96130

Contact Telephone Number (530) 252-5321 Dan Ryan

Signature: PENDING Date: \_\_\_\_\_

4. MINE OPERATOR INFORMATION:

Name Perry Thompson

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

5. ASSESSORS PARCEL NUMBER(S) (Contact the County Assessor's office for Parcel Numbers and Maps. Phone (530) 251-8241)

APN 109-100-59 (includes previous parcel 109-100-40)

6. LEGAL DESCRIPTION OF PROPERTY (attach copy of deed):

Section 32 and 33, Township 30 North, Range 14 East, MDB&M



7. PROPOSED AMENDMENTS TO THE APPROVED MINING OPERATIONS  
(Describe in detail the proposed changes to the mining operation including changes in acreage to be disturbed, new equipment, changes in processing, etc. attach additional pages as needed. Note: Revised site plans, cross sections, etc. must be submitted if the proposed amendment(s) result in changes to the internal layout or footprint of the mine):

The proposed amendments will allow for 24-hour operation to respond to changing state contracting practice which requires nighttime operation to minimize traffic disruption, extend the life of the project from 2020 to 2030, increase annual removal volume from 100,000 to 200,000 tons/year, and address increase in truck traffic to 150 trips per day.

---

---

---

---

---

---

---

8. PROPOSED AMENDMENTS TO THE APPROVED RECLAMATION PLAN  
(Describe in detail all changes to the reclamation plan resulting from, or in addition to, the changes proposed in the mining operation, including removal of new equipment, reclamation treatments, monitoring, etc. Attach additional pages and maps as needed):

The proposed amendments will allow for 24-hour operation to respond to changing state contracting practice which requires nighttime operation to minimize traffic disruption, extend the life of the project from 2020 to 2030, increase annual removal volume from 100,000 to 200,000 tons/year, and address increase in truck traffic to 150 trips per day.

---

---

---

---

---

---

---

9. RECLAMATION COST ESTIMATE Prepare and attach a revised Reclamation Cost Estimate addressing all changes proposed: None of the changes proposed apply to the FACE.



LASSEN COUNTY  
APPLICATION FOR MINOR AMENDMENT TO SURFACE MINING USE PERMIT,  
RECLAMATION PLAN AND/OR FINANCIAL ASSURANCE

1. APPLICANT INFORMATION:

Name TLT Enterprises LLC (Perry Thompson)

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

Signature: [Signature] Date: 1/12/17

2. PROPERTY OWNER INFORMATION: (if different than applicant, original signature of record owner, acknowledging and authorizing this application must appear below)

Name Same as above

Address \_\_\_\_\_

Contact Telephone Number \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. OWNER OF MINERAL RIGHTS INFORMATION: (If different than the property owner, the record owner of mineral rights must sign below)

Name U.S. Department of the Interior, Bureau of Land Management

Address 2550 Riverside Drive, Susanville, CA 96130

Contact Telephone Number (530) 252-5321 Dan Ryan

Signature: [Signature] Date: 1/25/18

4. MINE OPERATOR INFORMATION:

Name Perry Thompson

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

5. ASSESSORS PARCEL NUMBER(S) (Contact the County Assessor's office for Parcel Numbers and Maps. Phone (530) 251-8241)

APN 109-100-59 (includes previous parcel 109-100-40)

6. LEGAL DESCRIPTION OF PROPERTY (attach copy of deed):

Section 32 and 33, Township 30 North, Range 14 East, MDB&M

RECEIVED

FEB 20 2018

Lassen County Department of  
Planning and Building Services

LASSEN COUNTY  
MINOR AMENDMENT APPLICATION  
PAGE 2 OF 2

7. PROPOSED AMENDMENTS TO THE APPROVED MINING OPERATIONS  
(Describe in detail the proposed changes to the mining operation including changes in acreage to be disturbed, new equipment, changes in processing, etc. attach additional pages as needed. Note: Revised site plans, cross sections, etc. must be submitted if the proposed amendment(s) result in changes to the internal layout or footprint of the mine):

The proposed amendments will allow for 24-hour operation to respond to changing state contracting practice which requires nighttime operation to minimize traffic disruption, extend the life of the project from 2020 to 2030, increase annual removal volume from 100,000 to 200,000 tons/year, and address increase in truck traffic to 150 trips per day.

8. PROPOSED AMENDMENTS TO THE APPROVED RECLAMATION PLAN  
(Describe in detail all changes to the reclamation plan resulting from, or in addition to, the changes proposed in the mining operation, including removal of new equipment, reclamation treatments, monitoring, etc. Attach additional pages and maps as needed):

The proposed amendments will allow for 24-hour operation to respond to changing state contracting practice which requires nighttime operation to minimize traffic disruption, extend the life of the project from 2020 to 2030, increase annual removal volume from 100,000 to 200,000 tons/year, and address increase in truck traffic to 150 trips per day.

9. RECLAMATION COST ESTIMATE Prepare and attach a revised Reclamation Cost Estimate addressing all changes proposed: None of the changes proposed apply to the FACE.









5300 Aviation Drive | Redding, CA 96002  
Phone 530.223.2585 | Fax 530.223.1145  
info@vestra.com | www.vestra.com

April 20, 2018

GIS, Environmental, & Engineering Services

71305

Nancy McAllister  
Matthew May  
Lassen County Planning and Building Services  
707 Nevada Street, Suite 5  
Susanville, CA 96130

RECEIVED  
APR 20 2018  
Lassen County Department of  
Planning and Building Services

RE: Revised Use Permit Amendment  
Hat Creek Construction Ward Lake Pit

Dear Nancy and Matt:

Attached please find the revised Project Description and application for the Use Permit Amendment for the Ward Lake Pit. The revisions respond to your concerns from previous emails and our meeting last month. I have also responded to each question below.

Email March 8, 2018 – McAllister to Johnston

Comment 1. *Board Resolution 97-067 Condition #21 identifies seasonal restrictions to the operation (grading, excavating, and blasting). Is it proposed to change this condition in order to operate year round with no restrictions? The application discusses how there are currently no seasonal restrictions, but this is inaccurate.*

Initially, Hat Creek Construction did not have all of the information on the development of the restricted period of operation (January 1 - March 31) and believed that this Condition had been removed from its permit. After the clarification from the County, Hat Creek now understands that the Condition is applicable and has accepted that the Condition will remain as a restriction of operation on the Project. The application has been revised.

Comment 2. *The project area is identified in the Standish-Litchfield Area Plan as Chuckar and Antelope Winter Range and as a "10: Most Important" on the Sensitivity Index. Board Resolution 97-067 Exhibit One discusses adverse impacts to deer herds and antelope herds, leading to the partial closure of the site from January 1 through March 31 each year (Condition #21). The purpose of this partial closure, as recommended by the Planning Commission, was to "substantially reduce impacts to deer and antelope by limiting the most disruptive mining activities during the critical time period." Impacts of 24-hour operations and increased truck traffic on wildlife, and potential mitigation measures, are not discussed in the application.*

As stated above, Hat Creek Construction has agreed to maintain the restricted period from Condition 21 (for both daytime and nighttime operations) that should lessen the impacts on wildlife. The increases in truck trips will be only during peak-need periods, such as during a paving project. Historically, Hat Creek Construction has from five to eight major roadworks projects annually that occur between May and November. The section on truck traffic has been modified to better explain that the increase in traffic will be during peak periods only. The application has been modified to include proposed mitigation measures.

Comment 3. *Is the applicant proposing 24-hour operations year round or only during a certain season?*

Generally, 24-hour operations will take place only during the summer season, May to November (except during emergency periods). However, with the exception of the January 1 to March 31 limit in Condition 21, Hat Creek Construction requests flexibility for its operations each year of the permit period between April 1 and December 31.

Comment 4. *The application proposes mining operations six days per week. Is the applicant proposing to change days of operation from the current, and more specific, Monday through Saturday schedule?*

No, except during emergency conditions. The current permit allows for six-day-per-week operations and Hat Creek Construction accepts this operating schedule. During County-declared emergency conditions, operations may require 24 hours per day, seven days per week. Emergency actions are excluded from current Condition 21.

Comment 5. *Is a change to the TOTAL production amount being proposed, or only the annual production amount? (Current max total production of 2,600,000 tons)*

No. The total production volume is not changing. Hat Creek Construction has agreed to leave the annual removal volume at 100,000 tons.

Comment 6. *"NO" was marked on the Initial Study application next to #2, "Change in dust, ash, smoke, fumes, or odors in the vicinity." There should be discussion of how these factors will be affected by the move from day to night operations, increased annual production, and increased truck trips (15x more per day; the application identifies a change from 55 trips per day to 150 trips per day, but the current truck trip maximums are actually 10/day and 55/weeks).*

As we discussed at our last meeting, the number of trips addressed in the use permit and the previous two Environmental Impact Reports (EIR) are in conflict. The 1996 EIR allowed for 26 truck trips per day (excluding employee trips). The original 1980 EIR states:

"It is impossible to accurately predict the amount of aggregates or asphaltic concrete which would be produced and hauled during an anticipated working season of April through October. Local demands could average five loads per day whereas a major road construction project may require twenty loads or more per day. Although the number of "working days" allowed on a large scale project can range from 45 to 150 plus, the actual days required for the hauling of base aggregates or asphaltic concrete for paving may be very limited. As an example, the paving contract for Eagle Lake Road, County 201, in the Summer and Fall of 1980 allowed ninety working days. Sixty-eight were used by the Contractor for full completion of the job; however, the paving operation phase (hauling and placing of asphaltic concrete) required only five days to complete the 3.8 miles of road on the project."



The truck trip issue has been revised in the application to make it clear that the increase in truck traffic is only for peak periods, and that the average number of truck trips annually will equal those addressed in the 1996 EIR.

As to dust concerns, please note that Ward Lake Road is paved. Additionally, dust is controlled at onsite roads via water truck. No changes in dust, ash, smoke, fumes, or odors are anticipated as a result of nighttime operations and change in peak truck traffic trips. As we will discuss further within our environmental review, if trucks run at night, the crew sleeps during the day so daily operations are limited.

Comment 7. *Visibility of lighting on the site at night is discussed, but what about increased light from truck traffic (headlights) in areas of sensitive receptors (e.g. residential areas).*

Hat Creek Construction has agreed to require the use of low beams only on truck traffic at night when on Ward Lake Road and through any residential areas. Hat Creek Construction has also agreed to nighttime traffic routing that avoids the community of Litchfield (i.e., always turning right off of Ward Lake Road onto County Road 27 toward the prison, where there is already a significant source of lighting, and to use the Leavitt Lake Cutoff Road for access to Highway 395). When the cumulative impacts of lighting are considered, whatever additional contribution to the problem will be addressed by the mitigations that have been added to the Project Description. This will be addressed in the CEQA documentation associated with the revised use permit.

Email April 11, 2018 – McAllister to Johnston

Comment 8. *Identify maximum annual truck trips (currently assuming 9,490 per year based on year-round operations and an average of 26 trips per day). It would also be helpful to clarify the expected frequency and season of "peak conditions".*

The 1996 EIR addressed an average of 26 truck trips per day. The 26 truck trip number did not include employee vehicle trips. Hat Creek Construction can accept the average of 26 truck trips per day as was evaluated in that CEQA document, as long as employee trips continue to be excluded from that number.

Peak conditions will occur only during major paving or roadwork operations. These operations generally occur from May 1 through November 15, although new pavement additives allow for use during colder weather, such as for emergency repair. Hat Creek Construction would prefer to have the option for 24-hour operations year round, but believe that with the exception of emergency response actions, they can refrain from operation during the restriction period in Condition 21 because the majority of peak activities will occur within the May 1 to November 15 window. Generally, Hat Creek Construction is awarded five to eight major road construction projects annually with four to five peak days per job. Peak trip days will be limited to the periods where paving is occurring, usually four



to five days within a larger project window; however, some jobs may have a longer peak period.

Comment 9. *Revise the application to accurately reflect the current (baseline) operations of 6am-7pm, Monday-Saturday, with deliveries/pick-ups permitted at a rate of 10/day and 55/week, and with no grading, excavating, or blasting permitted between January 1 and March 31 (condition #21).*

The application has been revised, although as stated previously this is not how Hat Creek Construction interprets the truck trips. Both of the two previous EIRs for the site are in conflict with the 10/day and 55/week numbers in the current use permit. The 1996 EIR addressed a change to 26 truck trips per day (excluding employee trips) and the 1980 EIR specifically discusses the inability to provide a truck-trip limit per day due to the seasonality of work and peak project requirements (see text previous under Comment 6).

Comment 10. *Proposing that condition #21 also include "no nighttime operations (7pm-6am)" between January 1 and March 31 was discussed at the meeting.*

This has been added to the application with the caveat excluding required emergency operations.

Comment 11. *Excluding grading, excavating and blasting from the proposed nighttime operations was discussed, as these were previously identified as the most disruptive mining activities for wildlife.*

Hat Creek Construction agreed to no grading, blasting, or excavating during nighttime operations as mitigation for wildlife concerns. This has been added to the application.

Comment 12. *Impacts of 24-hour operations and increased truck traffic on deer and antelope herds, and potential mitigation measures, were not discussed in the application.*

Previously discussed mitigation measures have been added. Impacts to wildlife were discussed in the biological report provided with the application.

Comment 13. *The possibility of conducting on-the-ground biological surveys was discussed.*

On-the-ground biological surveys will be conducted.

Comment 14. *Leaving the maximum annual production amount at 100,000 tons (as an approximation) was discussed, with the possibility of adding an emergency clause.*

The annual production will remain at 100,000 tons with a clause to cover extra volumes needed for emergency situations.

Ward Lake Pit Use Permit Amendment  
April 20, 2018  
Page 5 of 5

I hope this puts us all on the same page moving forward. Please call me with any questions at 530-223-2585.

Sincerely,

VESTRA Resources, Inc.



Wendy Johnston  
Project Manager

CC: Perry Thompson/Hat Creek Construction  
Christiana Darlington/Attorney at Law



## USE PERMIT PROJECT DETAIL SUPPLEMENT

DEPARTMENT OF PLANNING AND BUILDING SERVICES

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

(530) 251-8269 · (530) 251-8373 (fax)

www.co.lassen.ca.us

FILE NO. \_\_\_\_\_

Form must be typed or printed clearly in black or blue ink. This supplement consists of three pages.

Please complete the following application supplement and attach to the Use Permit Application. Answer all questions that are related to the proposed use.

1. Proposed timeframe for the project and completion of each major phase (i.e., when structures and improvements will be completed): Immediate

2. Existing use of property: Mining of rock, crushing rock, material stockpiling, asphalt drum plant, concrete plant, material washing, material marination

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

North: Open space

South: Mine and open space

East: Open space wildlife habitat

West: Open space agriculture and rural residential

4. Hours of proposed operation: 24 hrs to \_\_\_\_\_ Days of operation: 6 days except emergencies

5. Number of shifts: 2 Number of employees: 40

6. Number of deliveries or pick-ups: 26 average 125 average  
150 peak period per day 900 peak period per week

7. Number of visitors/customers: <1 per day 3-4 per week

8. Will the project increase noise levels in the immediate area? At night ☒ Yes ☐ No

If yes, anticipated noise levels in decibels at:

70 dB days per #96056

50 feet 80-90 dB/day

100 feet \_\_\_\_\_

Property Line 65 dB nights per #79-80-44

9. Describe existing structures and improvements to be used in conjunction with the proposed use, including their floor area: Shop - 2,400 sq. ft.; Office - 1,375 sq. ft.; Well house - 144 sq. ft.; Asphalt plant - 3,600 sq. ft.; Asphalt plant operations office - 600 sq. ft.; Concrete plant footprint - 2,100 sq. ft.; Concrete plant office - 600 sq. ft.; Scale house - 480 sq. ft.; Fuel containment areas - 1,080 sq. ft. and 2,500 sq. ft.

10. Maximum height (in feet) of existing structures: Asphalt silo - 100 feet

11. Maximum height (in feet) of proposed structures: N/A

12. Describe any existing structures to be removed: None

13. Describe proposed structures and improvements (e.g., buildings, parking, roads, and sewer services, etc.). Please include dimensions and floor area: None

14. Describe the topography and physical environment at and surrounding the project site: See attached Environmental Setting

15. Describe proposed exterior lighting, including location (attach lighting diagram if applicable): No new lights are proposed. The site is currently lit in the early mornings and evenings. The proposed modification will be to extend the lighting hours. Fixtures will be fully shielded to reduce offsite impacts.

16. Will the project include or result in grading, including anticipated grading at project buildout?  
☐ Yes ☒ No If yes, approximate total surface area to be disturbed by site grading:  
\_\_\_\_\_ sq. ft. or \_\_\_\_\_ acres  
Quantity of cut: \_\_\_\_\_ cubic yards Quantity of fill: \_\_\_\_\_ cubic yards

17. Percentage of site to be covered by impervious surfaces (e.g., roads, driveways, and structures), including estimated impervious surfaces at project buildout: Parking by office; road to asphalt plant

18. Number of existing parking spaces: 40 employee N/A customer  
Number of proposed parking spaces: 0 employee N/A customer

Describe surfacing of parking area: Paved

Please attach a parking plan showing existing and proposed parking facilities.

19. Please attach a detailed plot plan, drawn to scale, showing all existing and proposed improvements.

20. For commercial, industrial and institutional developments, please attach a landscaping plan.

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

Electricity: Plumas Rural Sierra Underground ☐ Overhead ☒  
Telephone: Frontier Underground ☐ Overhead ☐  
Water Supply: Existing Well ☒ New Well(s) ☐ Community Water ☐  
Other ☐ \_\_\_\_\_

Sewage Disposal: Individual Septic System ☒ Community Sewer ☐ Shared Septic System ☐

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



Solid Waste Disposal: Waste Management

LP/Natural Gas: Staub Energy

If an extension of utility lines is necessary, indicate which services and the distance of the extension: N/A

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

High School: Lassen High School

Elementary School: Schaefer Elementary School

Fire Protection: CalFire

Community Services District: N/A

Water: N/A

Sewer: N/A

Other: N/A

23. List all county, state, regional or federal agencies from which a permit or approval is or may be required, including type of permit required: Lassen County; RWQCB (Stormwater - NONA efiled);  
Division of Mine Reclamation (SMARA); Lassen County Air Pollution Control District



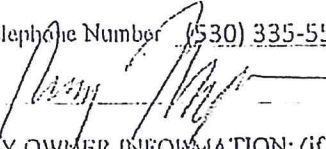
**LASSEN COUNTY**  
**APPLICATION FOR MINOR AMENDMENT TO SURFACE MINING USE PERMIT,**  
**RECLAMATION PLAN AND/OR FINANCIAL ASSURANCE**

1. APPLICANT INFORMATION:

Name TLT Enterprises LLC (Perry Thompson)

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

Signature: 

Date: 1/12/15

2. PROPERTY OWNER INFORMATION: (if different than applicant, original signature of record owner, acknowledging and authorizing this application must appear below)

Name Same as above

Address \_\_\_\_\_

Contact Telephone Number \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

3. OWNER OF MINERAL RIGHTS INFORMATION: (If different than the property owner, the record owner of mineral rights must sign below)

Name U.S. Department of the Interior, Bureau of Land Management

Address 2550 Riverside Drive, Susanville, CA 96130

Contact Telephone Number (530) 252-5321 Dan Ryan

Signature: PENDING Date: \_\_\_\_\_

4. MINE OPERATOR INFORMATION:

Name Perry Thompson

Address 24339 Highway 89 N, Burney, CA 96013

Contact Telephone Number (530) 335-5501

5. ASSESSORS PARCEL NUMBER(S) (Contact the County Assessor's office for Parcel Numbers and Maps. Phone (530) 251-8241)

APN 109-100-59 (includes previous parcel 109-100-40)

6. LEGAL DESCRIPTION OF PROPERTY (attach copy of deed):

Section 32 and 33, Township 30 North, Range 14 East, MDB&M

LASSEN COUNTY  
MINOR AMENDMENT APPLICATION  
PAGE 2 OF 2

7. PROPOSED AMENDMENTS TO THE APPROVED MINING OPERATIONS  
(Describe in detail the proposed changes to the mining operation including changes in acreage to be disturbed, new equipment, changes in processing, etc. attach additional pages as needed. Note: Revised site plans, cross sections, etc. must be submitted if the proposed amendment(s) result in changes to the internal layout or footprint of the mine):

The proposed amendments will allow for 24-hour operation to respond to changing state contracting practice which requires nighttime operation to minimize traffic disruption, extend the life of the project from 2020 to 2030, and clarify truck limits in the current permit and increase in truck traffic to 150 peak trips per day. Peak conditions will occur only during major roadwork projects (generally, from May 1 thru Nov 15), although new pavement additives allow for use during colder weather, such as for emergency repair. HCC would prefer to have the option for 24-hr operations year round, but believe that with the exception of emergency response actions the majority of peak activities will occur in the May 1 to Nov 15 window. HCC is generally awarded 5-8 major roadwork projects a year, with 4-5 peak days per job. Peak trip days will be limited to the periods where paving is occurring, usually 4-5 days within a larger project window, although some jobs may have a longer peak period. No grading, excavating, or blasting will occur during nighttime operations.

8. PROPOSED AMENDMENTS TO THE APPROVED RECLAMATION PLAN  
(Describe in detail all changes to the reclamation plan resulting from, or in addition to, the changes proposed in the mining operation, including removal of new equipment, reclamation treatments, monitoring, etc. Attach additional pages and maps as needed):

The Reclamation Plan will not be amended. The BLM Plan of Operations is being amended to address nighttime operation.

---

---

---

---

---

---

---

---

---

---

9. RECLAMATION COST ESTIMATE Prepare and attach a revised Reclamation Cost Estimate addressing all changes proposed: None of the changes proposed apply to the FACE.



*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

March 6, 2019

TO: Technical Advisory Committee  
Agenda Date: March 7, 2019

Zoning & Building  
Inspection Requests  
Phone: 530 257-5263

FROM: Don Willis, Lassen County Surveyor

RE: Use Permit Amendment No. 2018-003 – TLT Enterprises LLC.  
Assessor's Parcel Number: 109-100-59.

**LASSEN COUNTY SURVEYOR FINDS AS FOLLOWS:**

1. The subject parcel is a 442 acre parcel that is located in portions of Sections 28, 32 and 33, in Township 30 North, Range 14 East, Mount Diablo Base and Meridian and is represented by Assessor's Parcel Number 109-100-59. This property is owned by TLT Enterprises LLC, a California Limited Liability Company, as shown at a Grant Deed recorded on February 6, 2012 as Document Number 2012-00605, and at a Grant Deed recorded on March 23, 2017 as Document Number 2017-01109, both of the Official Records of Lassen County.
2. The parcel described in Findings Item Number One was created by Lot Line Adjustment Number 2015-009 which was approved by the Lassen County Technical Advisory Committee on May 13, 2015. The Certificate of Lot Line Adjustment was recorded on March 23, 2017 as Document Number 2017-01107 of the Official Records of Lassen County. Therefore, the subject parcel is found to have been created in compliance with the California Subdivision Map Act and local ordinances.

**LASSEN COUNTY SURVEYOR RECOMMENDS THE FOLLOWING CONDITIONS FOR USE PERMIT AMENDMENT NO. 2018-003:**

None.

Respectfully submitted,

*Don Willis*

Don Willis, L.S. 7742  
Lassen County Surveyor



# DEPARTMENT of PUBLIC WORKS

County of Lassen



**LARRY MILLAR**, Director  
Public Works/Road/Transportation  
County Engineer

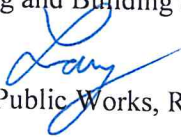
707 Nevada Street, Suite 4  
Susanville, CA 96130

☎ 530) 251-8288  
FAX: (530) 251-2675

TAC  
2019/65

February 27, 2019

TO: County Planning and Building Services

FROM: Larry Millar   
Department of Public Works, Road Department

SUBJECT: Use Permit Amendment 2018-003: TLT Enterprise LLC  
Reclamation Plan Amendment 2018-001: CA Mine ID 91-18-0008 (Ward Lake Pit)  
Technical Advisory Meeting, March 7, 2019

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

CONDITIONS: Assist the Lassen County Road Department with the installation of a left-hand turn lane on Center Road onto Ward Lake Road.

Assist the Lassen County Road Department with the repair and/or asphalt concrete overlay of the County's portion of Ward Lake Road.

## Nancy McAllister

---

**From:** Larry Millar  
**Sent:** Friday, March 08, 2019 10:28 AM  
**To:** Nancy McAllister  
**Cc:** Matthew May; Gaylon Norwood; Maurice Anderson  
**Subject:** RE: Use Permit Amendment #2018-003 TLT Enterprises

Hi Nancy:

Yes – please remove Condition #8 as there is no reason for the condition as there are no restrictions on Cutoff Road or Susan River Bridge 7C-06.

Thanks, Larry

---

**From:** Nancy McAllister <nmcallister@co.lassen.ca.us>  
**Sent:** Friday, March 08, 2019 10:01 AM  
**To:** Larry Millar <LMillar@co.lassen.ca.us>  
**Cc:** Matthew May <MMay@co.lassen.ca.us>; Gaylon Norwood <GNorwood@co.lassen.ca.us>; Maurice Anderson <MAnderson@co.lassen.ca.us>  
**Subject:** RE: Use Permit Amendment #2018-003 TLT Enterprises

Thank you, Larry. As Condition #8 originally stemmed from concerns expressed by Public Works (Bob McGarva) during early consultation (later incorporated as a proposed mitigation by HCC and more recently incorporated as part of the project design), this department sees no reason to include the condition if it is not required by Public Works. Are you requesting that Condition #8 be removed? If so, please respond to this email; this conversation will be used to document the reasons for the change.

Thank you!  
Nancy

---

**From:** Larry Millar <LMillar@co.lassen.ca.us>  
**Sent:** Thursday, March 07, 2019 2:22 PM  
**To:** Nancy McAllister <nmcallister@co.lassen.ca.us>  
**Cc:** perry@hatcreekconstruction.com  
**Subject:** Use Permit Amendment #2018-003 TLT Enterprises

Hi Nancy:

I did some research into Condition No. 8 regarding the use of Cutoff Road. Perry Thompson had mentioned that truck traffic was not allowed as there is a sub-standard bridge structure on this roadway. It sounded like it was their consultant who brought this issue up.

As you know, Cutoff Road, County Road 315, connects Center Road to State Route 395. The only structure on this road is Susan River Bridge 7C-06 which does not have any weight restrictions or issues with truck traffic. Caltrans Structures and Investigations completed their last inspection on August 2, 2018 stating that there was no problems or issues with the bridge structure. Therefore, all legal loads are allowed on Cutoff Road.

Please let me know if you need anything further or have any questions.  
Thanks, Larry

## **Proposed Changes to Findings and Conditions**

As a result of discussion during the March 7, 2019, Technical Advisory Committee (TAC) meeting and subsequent discussion with Larry Millar, Director of Public Works, Staff recommends the following changes to the findings and conditions made and adopted by the TAC.

Existing Finding revised to the following:

- The Lassen County Director of Planning and Building Services has determined that this project is not a minor amendment pursuant to Lassen County Code, Section 9.60.040(b) and is subject to the California Environmental Quality Act (CEQA).

Addition of the following Findings:

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

Removal of the following Condition:

- Haul trucks associated with the mining operation shall not use Cutoff Road.

Existing Conditions revised to the following:

- Start-up of onsite generators shall be restricted to between the hours of 7 a.m. and 10:00 p.m.
- Haul trucks associated with the mining operation shall not use Center Road (A-27) east of Ward Lake Road between the hours of 10:00 p.m. and 7 a.m.; during these hours all trucks must turn west onto Center Road from Ward Lake Road to avoid the community of Litchfield.
- Haul trucks (loaded or empty) associated with the mining operation shall not exceed a daily average of 26 round trips (26 arriving and 26 departing) throughout the calendar year and shall not exceed a daily maximum of 275 round trips (275 arriving and 275 departing), with a maximum of 173 total trips occurring between the hours of 10:00 p.m. and 7:00 a.m., excluding personal employee vehicles and light-duty trucks assigned to employees.
- The mine operator shall post advisory “Reduced Speed to 25 MPH” signs on the access road and Ward Lake Road (one northbound and one southbound, at minimum), in coordination with the Lassen County Department of Public Works.



- The mine operator shall give written notice to the Lassen County Department of Planning and Building Services and all residents of Ward Lake Road at least 72 hours prior to commencing a non-emergency project, requiring nighttime operations, that will last 5 or more days and/or was awarded by way of formal bid process.
- The operator shall assist Lassen County Road Department with the installation of an eastbound left-hand turn lane on Center Road onto Ward Lake Road, within 18 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.
- The operator shall assist the Lassen County Road Department with the repair of and/or asphalt concrete overlay of the Lassen County maintained portion of Ward Lake Road, within 18 months of project approval (timeline as established by the Director of Public Works), by providing the necessary asphalt materials.

Addition of the following Condition:

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

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

RECEIVED

MAR 26 2019

Lassen County Department of  
Planning and Building Services

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

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

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

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

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

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

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

Sincerely,

Hat Creek Construction & Materials, Inc.

Perry Thompson  
President

---

<sup>1</sup> CEQA Guidelines, 2012. Section 15093(a)

<sup>2</sup> CEQA Guidelines, 2012. Section 15093(b)