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PLANNING COMMISSION MEETING
December 4, 2018

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LASSEN COUNTY PLANNING COMMISSION
MINOR AMENDMENT #2018-001 STAFF REPORT
December 4, 2018

FILE NUMBER:	MA #2018-001
PROPERTY OWNER:	Turner Family 2006 Trust
APPLICANT:	Frank Turner
TYPE OF APPLICATION:	Reclamation Plan Amendment
GENERAL LOCATION:	Wendel
ASSESSOR'S PARCEL NUMBER(S):	133-130-06-11
PROJECT SITE ZONING:	U-C-P-S, Upland Conservation/Public Safety Combining District
GENERAL PLAN:	Extensive Agriculture/Public Safety, <i>Lassen County General Plan, 2000</i>
ENVIRONMENTAL DOCUMENT:	(See Discussion)
ASSIGNED STAFF:	Nancy McAllister, Natural Resources Technician

AUTHORITY FOR APPLICATION:

Lassen County Code Section 9.60.040(b)
Lassen County Code Section 18.112.035
Public Resources Code Section 2777
California Code of Regulations Section 3502(d-h)

REGULATING AGENCIES: Regulatory authority for the existing uses includes, but is not limited to the following agencies:

<u>Agency</u>	<u>Required Permits / Approvals/Review</u>
Lassen County Planning Commission	Minor Amendment Approval
California Department of Conservation, Division of Mine Reclamation	Minor Amendment Review

PROJECT DESCRIPTION: Proposal for a minor amendment to approved Reclamation Plan #1997-14, to increase the permitted final pit depth from the currently permitted maximum depth of 10 feet to a maximum depth of 27.34 feet (existing depth), with pit slopes remaining as they are at present. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*. The surface mining operation (CA Mine ID #91-18-0024) is currently situated on approximately 30 acres of a 120-acre parcel. The parcel is located on Turtle Mountain Road, approximately 40 miles east of Susanville via Highway 395 and Wendel Road. APN: 133-130-06. Staff Contact: Nancy McAllister, Natural Resources Technician

DISCUSSION: On October 6, 1993, the Lassen County Planning Commission approved Use Permit #930001. This use permit allowed for an open-pit aggregate mine on a 5-acre portion of a 200-acre private parcel. Operations included excavation, crushing, screening and stockpiling of gravel resources. On March 6, 1996, the Planning Commission approved Use Permit #96003, amending Use Permit #930001, to expand the operation by an additional five acres and add the seasonal use of a portable asphalt hot plant. On April 2, 1997, the Planning Commission approved Use Permit #1997-14, expanding the operation from 10 acres to 30 acres, and approved Reclamation Plan #1997-14, bringing the existing operation into compliance with permitting and reclamation requirements.

The mining operation has been reporting as “closed with no intent to resume” since January 1, 2014. The mining operation is currently in compliance with the Surface Mining and Reclamation Act (SMARA), including requirements of the approved Reclamation Plan. The mining operation has a financial assurance mechanism (FAM), held by Lassen County, sufficient to cover the most recent financial assurance cost estimate (FACE).

The applicant is proposing to leave the depth of the mined pit as it is currently, at 27.34 feet, instead of regrading or filling to meet the 10-foot final pit depth requirement. The applicant will maintain all other requirements of approved Reclamation Plan #1997-14. The Department of Planning and Building services has approved a change in the required revegetation species, allowing for a new species mix developed in consultation with the California Department of Fish and Wildlife. It has been confirmed by Planning and Building Services staff that the existing configuration of the pit slopes is in compliance with the current Reclamation Plan.

SURROUNDING PROPERTY ZONING AND CHARACTERISTICS: Parcels surrounding the project site are zoned U-C (Upland Conservation District) U-C-2 (Upland Conservation/Resource Management District), U-C-P-S (Upland Conservation/Public Safety Combining District), and O-S (Open Space District). Surrounding properties are used primarily for agriculture, grazing, and open space.

STATUTORY REVIEW:

Lassen County Code

Lassen County Code Chapter 9.60 defines and outlines the process for amending Use Permits and Reclamation Plans. The applicable sections are as follows:

9.60.040(b) Minor Amendment to Use Permit or Reclamation Plan. The county recognizes the dynamic nature of mining and the need to adjust operations and reclamation plans from time to time based on the characteristics of the mineral deposits or market conditions. An application for a minor amendment to the existing use permit and/or reclamation plan may be submitted to the county for consideration and approval. For a proposed amendment to be considered “minor” it must: (1) be reasonably within the scope of the existing use permit and reclamation plan; and (2) not involve substantial new disturbed lands (considering the extent of the existing permitted operation and the environmental sensitivity of the area). A minor amendment shall be reviewed to determine the applicability of the California

Environmental Quality Act (CEQA). The community development director, together with the CAO shall be authorized to make a determination as to whether or not a proposed amendment qualifies as minor. An applicant shall be notified in writing of the determination of the director and CAO. If a proposed amendment is determined not to qualify as minor the reasons for the determination shall be specified in the notice.

9.60.040(b)(1) Process. Minor amendments shall be processed pursuant to County Code Chapter 18.112 (Use Permits). The planning commission's review of a minor amendment application, and any conditions of approval attached thereto, shall be limited to the changes to the existing use permit and/or reclamation plan proposed by the amendment.

Lassen County Code Chapter 18.112 Use Permits:

18.112.035(c) In the case of an application to amend an existing valid use permit, except for matters related to public health and safety, the commission's authority shall be limited to approval, conditional approval, or denial of the amendment applied for.

California Statutes and Regulations for the Division of Mine Reclamation

Pursuant to the Surface Mining and Reclamation Act (SMARA), PRC Section 2777, amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the lead agency.

The California Code of Regulations (CCR) sets the criteria for identifying changes to a mining operation which constitute a substantial deviation. CCR Section 3502(d) defines a substantial deviation as a change or expansion to a surface mining operation that substantially affects the completion of the previously approved reclamation plan, or that changes the end use of the approved plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed. In determining whether a change or expansion constitutes a substantial deviation, the lead agency shall take into consideration the following factors:

- 1) A substantial increase in the disturbance of a surface area or in the maximum depth of mining;
- 2) A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;
- 3) Changes that would substantially affect the approved end use of the site as established in the reclamation plan;
- 4) The consistency of any proposed change to the operation with the previously adopted environmental determinations;
- 5) Any other changes that the lead agency deems substantial deviations as defined in this subsection.

California Environmental Quality Act (CEQA)

The Lassen County Planning Commission has determined that further environmental review is not required for the proposed amendment.

Pursuant to the California Environment Quality Act (CEQA) Section 15162(a), When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the EIR was certified as complete or the negative declaration was adopted, shows the following:
 - A) The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration.
 - B) Significant effects previously examined will be substantially more severe than previously shown in the previous EIR.
 - C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures or alternative; or
 - D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

ENVIRONMENTAL REVIEW OFFICER RECOMMENDATION: The ERO has not identified any of the conditions requiring further environmental review.

DEPARTMENT OF CONSERVATION: Notice of the proposed Minor Amendment was sent to the State of California Department of Conservation, Division of Mine Reclamation (DMR), with a complete copy of the submitted application and attachments. DMR has not provided comment in reference to the project.

ASSEMBLY BILL 52: No tribe has requested notifications for projects in this area, pursuant to AB 52.

FINDINGS and/or RECOMMENDATIONS BY TAC: The Technical Advisory Committee (TAC) met on November 1, 2018 and has adopted recommended findings and conditions for consideration by the Planning Commission. The recommended findings and conditions can be found in the memos to the TAC.

STAFF RECOMMENDATION: Staff has reviewed enclosed Minor Amendment 2018-001 and has found it to be consistent with Lassen County Code, Section 9.60.040 and Public Resources Code, Section 2710 et seq. (SMARA), and in compliance with approved Reclamation Plan #1997-14.

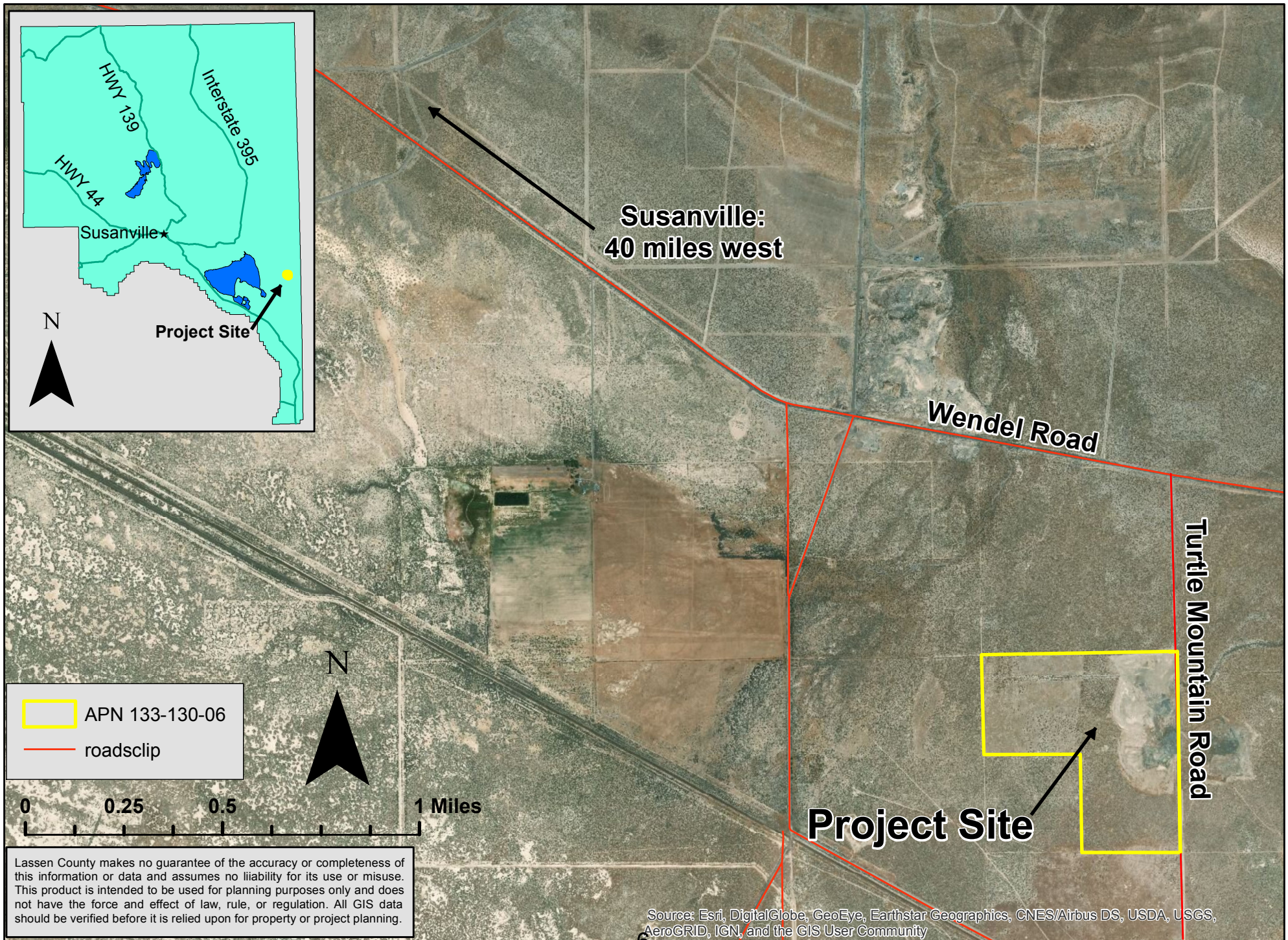
Staff recommends that the Planning Commission adopt a resolution approving Minor Amendment #2018-001, amending approved Reclamation Plan #1997-14, with conditions.

PLANNING COMMISSION ACTION: The planning commission's review of a minor amendment application, and any conditions of approval attached thereto, shall be limited to the changes to the existing use permit and/or reclamation plan proposed by the amendment.

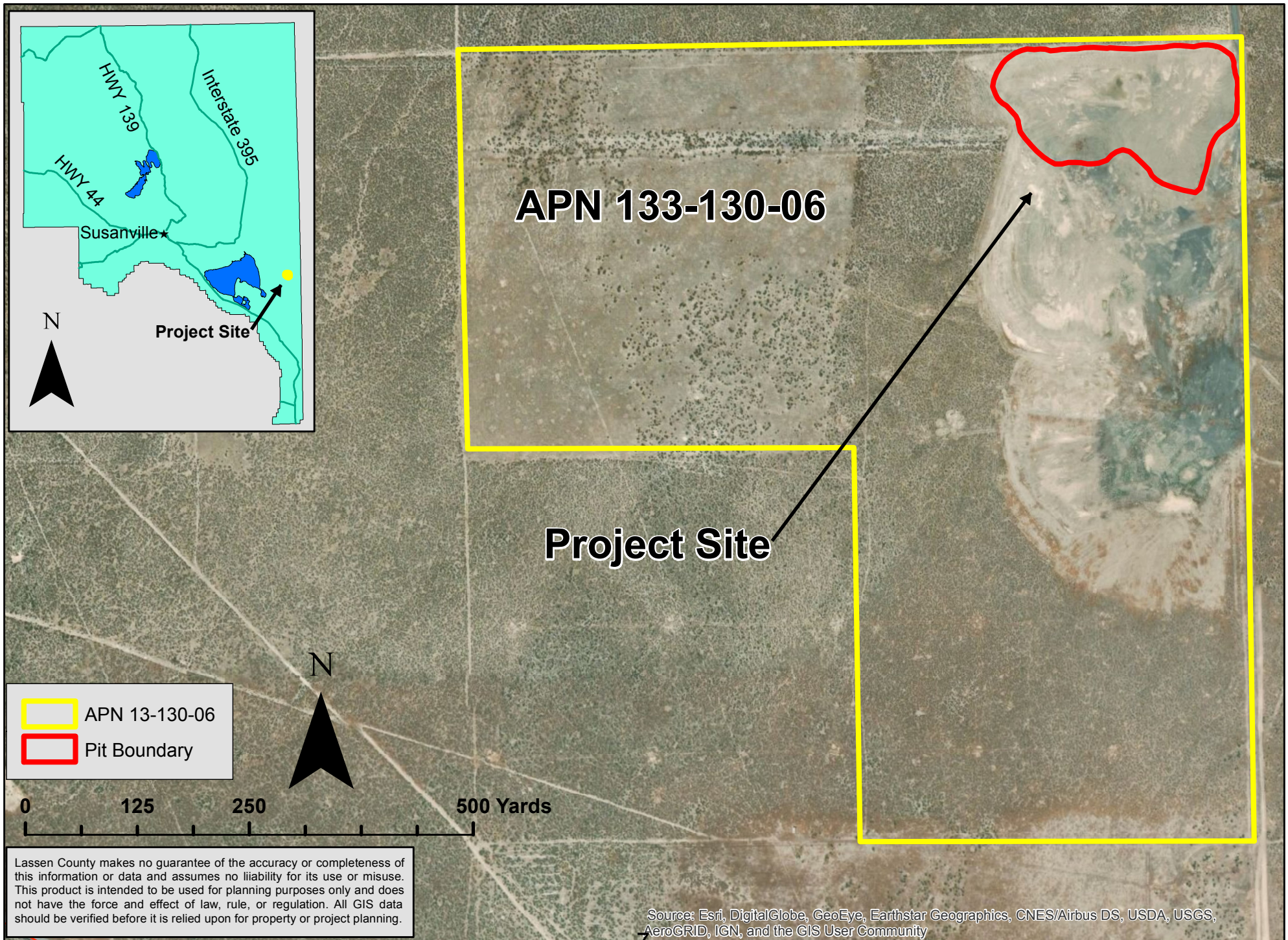
MANDATORY FINDINGS: The following findings shall be made by the Planning Commission or Board of Supervisors, as applicable, in conjunction with any other findings which may be considered for the approval or denial of a use permit amendment:

- (a) That the project will or will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.
- (b) That the project is or is not consistent with the *Lassen County General Plan, 2000*.

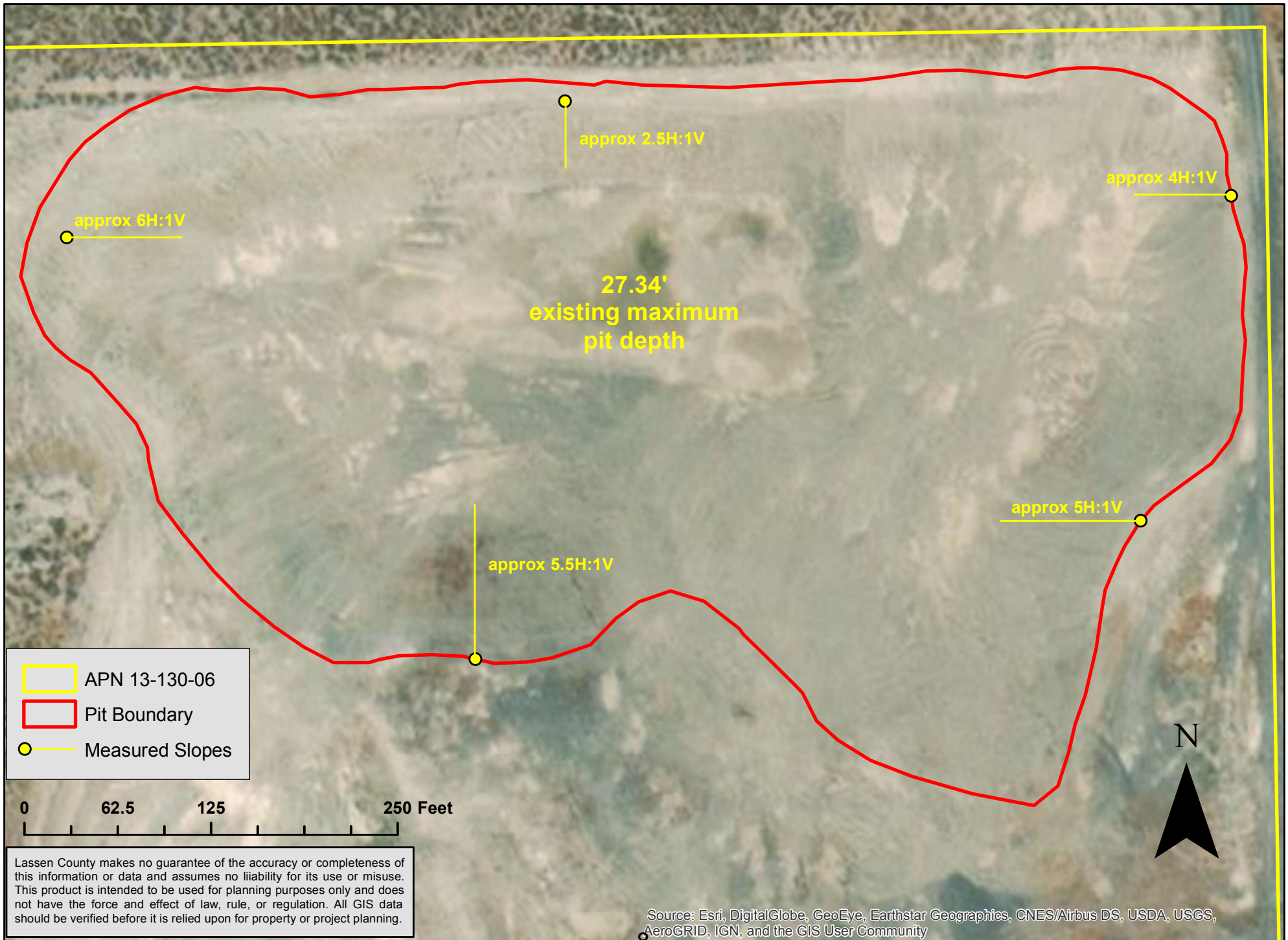
Turner Pit, Minor Amendment #2018-001



Turner Pit, Minor Amendment #2018-001



Turner Pit, Minor Amendment #2018-001





County of Lassen
Department of Planning and Building Services

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

November 1, 2018

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: November 1, 2018

FROM: Maurice L. Anderson, Director

Zoning & Building
Inspection Requests
Phone: 530 257-5263

RE: Amendment to Reclamation Plan #1997-14, Frank Turner
Technical Advisory Committee Meeting, Findings and Conditions

MTM for

Project Description

MINOR AMENDMENT #2018-001: CA Mine ID 91-18-0024, Frank Turner. Proposal for a minor amendment to approved Reclamation Plan #1997-14, to increase the permitted final pit depth from the currently permitted maximum depth of 10 feet to a maximum depth of 27.34 feet (existing depth), with pit slopes remaining as they are at present. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*. The surface mining operation is currently situated on approximately 30 acres of a 120-acre parcel. The subject parcel is zoned U-C-P-S (Upland Conservation/Public Safety Combining District) and designated Extensive Agriculture/Public Safety by the *Lassen County General Plan, 2000*. The parcel is located on Turtle Mountain Road, approximately 40 miles east of Susanville via Highway 395 and Wendel Road. APN: 133-130-06. Staff Contact: Nancy McAllister, Natural Resources Technician

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

1. The applicant is proposing to increase the permitted final pit depth from the currently permitted maximum depth of 10 feet to a maximum depth of 27.34 feet (existing depth), with pit slopes remaining as they are at present, maintaining all other requirements of approved Reclamation Plan #1997-14.
2. The Lassen County Planning Commission approved the original Reclamation Plan #1997-14 on April 2, 1997.
3. The Lassen County Director of Planning and Building Services has determined that this project is a minor amendment pursuant to Lassen County Code, Section 9.60.040(b) and does not constitute a substantial deviation pursuant to California Code of Regulations, Section 3502(d).
4. The proposed increase in permitted final pit depth will not affect the potential for seasonal accumulation on the pit floor and is not expected to interact with ground water. Available records of water surface depth taken at the nearest monitoring well (about one mile away from the project site), show groundwater levels at a depth of 29.5 feet or greater since March 1987.
5. The current configuration of pit slopes is stable and does not exceed the permitted grade of 2 Horizontal to 1 Vertical (2H:1V). At the steepest point, a grade of 2.5H:1V was measured by County Staff.

6. The proposed revegetation seed mix change, developed in consultation with the California Department of Fish and Wildlife, was approved by the Department of Planning and Building Services, pursuant to Condition #10 of Planning Commission Resolution #4-01-97.
7. The Lassen County Director of Planning and Building Services has determined that further environmental review is not required for the proposed amendment. The scope of the original Initial Study and EIR encompass the proposed expansion area. No special status species or archeological sites are known to exist in the project area.
8. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15162 of the *CEQA Guidelines*.
9. The California Department of Conservation, Division of Mine Reclamation (DMR), was sent notice on October 1, 2018 and October 19, 2018 of the Minor Amendment being processed by Lassen County, acting as lead agency.
10. Lassen County Code, Chapter 18.112.020 establishes the process for the approval of amendments to existing Use Permits and Reclamation Plans.
11. The Department of Planning and Building Services reviewed the proposed minor amendment and has found that it meets all provisions of the Surface Mining and Reclamation Act (SMARA) and Lassen County Code, Chapter 9.60.
12. The County's Technical Advisory Committee (TAC) is charged with the review of Reclamation Plans pursuant to Lassen County Code Chapter 9.60.060(c), and Chapter 9.60.040 requires that minor amendments be processed pursuant to Chapter 18.112, which requires review of an amendment by TAC.
13. The Planning Commission, as the primary decision making body for Reclamation Plans and amendments thereto, will determine if 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.
14. Lassen County Code, Section 18.112.100 requires that the Planning Commission 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 Reclamation Plan #1997-14 remain applicable, excepting the changes addressed in Minor Amendment #2018-001.

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

1. APPLICANT INFORMATION:

Name FRANK TURNER
 Address 1714-405 LAKE LEAVITT Rd.
 Contact Telephone Number 530.310.2007
 Signature: *Frank Turner* Date: 5-12-18

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

Name SAME
 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 _____
 Address _____
 Contact Telephone Number _____
 Signature: _____ Date: _____

4. MINE OPERATOR INFORMATION:

Name SAME AS ABOVE
 Address _____
 Contact Telephone Number _____

RECEIVED

SEP 21 2018

*Lassen County Department of
Planning and Building Services*

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

133-130-06 Pit # 91-18-0024

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

Section 28, Township 28N North, Range 17 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):

N/A

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):

Proposed change to Revegetation
Requirements. Seed change to ~~Cereal Rye~~
per Lassen Co. Ag Commissioner (~~25-50# per Acre~~)
And Fish & Wildlife (see attached)
Change Permitted Pit depth to current depth of 27.34'
Leave slopes at current grade

9. RECLAMATION COST ESTIMATE Prepare and attach a revised Reclamation Cost Estimate addressing all changes proposed:

Nancy McAllister

From: Ehler, Brian@Wildlife <Brian.Ehler@wildlife.ca.gov>
Sent: Thursday, July 19, 2018 5:29 PM
To: Nancy McAllister
Cc: Naomi Turner; Matthew May
Subject: RE: Turner Pit - Mine ID #91-18-0024

Hi Nancy,

I was unable to find PLS rates for greasewood and horsebrush, I suggest 50% of the seed mix be cereal rye and the remaining 50% be split evenly between squirreltail and yellow blossom sweetclover. The PLS for squirreltail is 5 lbs/acre and 4 lbs/acre for yellow blossom. The preferred time would be October or November and the seed should be drilled into the ground if possible. If the seed is broadcast because a rangeland drill is unavailable the PLS recommendations should be doubled. Thank you for the opportunity to comment on the amendment proposal.

Sincerely,

Brian

From: Nancy McAllister <nmcallister@co.lassen.ca.us>
Sent: Monday, July 09, 2018 2:43 PM
To: Ehler, Brian@Wildlife <Brian.Ehler@wildlife.ca.gov>
Cc: Naomi Turner <nturner@citlink.net>; Matthew May <MMay@co.lassen.ca.us>
Subject: RE: Turner Pit - Mine ID #91-18-0024

Hi Brian,

Thank you for your e-mail. I've attached the Reclamation Plan application, approving resolution with conditions, and Use Permit for the Turner Pit. The revegetation requirements can be found in these documents. The current requirements allow only for less than 5% of the mix to be crested wheatgrass. Would you suggest the same for cereal rye? I ask because the original amendment proposal was for only cereal rye to be planted. The current success rate for final revegetation is to have better than 25-50% cover. For the mix you've mentioned, do you have any idea how many pounds PLS/acre would be necessary to achieve this type of cover? I'm afraid this is not my area of expertise. Also, is there a preferred method and time of year for these species to be planted? Other than these few clarifications, I believe you have answered the questions of this Department. Thank you so much for all of your help!!

Nancy

Nancy J. McAllister
Natural Resources Technician
Planning and Building Services
707 Nevada St. Suite 5
Susanville CA 96130
Phone: (530) 251-8269
Fax: (530) 251-8373



From: Ehler, Brian@Wildlife <Brian.Ehler@wildlife.ca.gov>
Sent: Thursday, July 05, 2018 5:05 PM
To: Nancy McAllister <nmcallister@co.lassen.ca.us>
Subject: RE: Turner Pit - Mine ID #91-18-0024

Hi Nancy,

I was able to visit the site last Friday, June 29th and observed the same vegetation listed in the June 12, 2017 Department of Planning letter. I have been unable to find the recommended seed mix in the original paperwork Naomi provided to me, do you have access to it and the results from the test plot mentioned in the April 7th 1997 permit?

I have two concerns with the seeding effort on March 4, 2016, specifically the season and the method. The permit specifies drill seeding or equivalent, not sure what qualifies as an "equivalent" but the seeding method described to me by the contractor did not sound equivalent to drill seeding. The timing of the seeding, spring, is inconsistent with local seeding practices which recommend seeding in the fall for most species. The failure of the 2016 seeding can be explained, at least in part, to not using a rangeland drill and seeding in the spring. Seeding in the spring using a rangeland drill will not guarantee success, however, it would increase the odds of success for future seeding efforts.

Unfortunately Naomi does not have access to a rangeland drill which makes future seeding efforts unlikely to succeed using the current seed mix. I concur with the Ag Commissioner's recommendation of substituting cereal rye for crested wheatgrass. I would recommend using yellow blossom sweetclover, *Melilotus officinalis*, in place of alfalfa and including squirreltail, *Elymus elymoides*, in place of Indian ricegrass and Great Basin wildrye. If available I would also include horsebrush, *Tetradymia canescens* and greasewood, *Larrea tridentata*.

I hope this is what you need from the Department.

Sincerely,

Brian

Brian Ehler
Environmental Scientist
California Department of Fish and Wildlife
728-600 Fish and Game Road
Wendel, CA 96136
(530) 254-6808 (Office)
(530) 340-6808 (Cell)

Nancy McAllister

From: Nancy McAllister
Sent: Friday, July 20, 2018 9:22 AM
To: 'Naomi Turner'
Cc: Matthew May
Subject: RE: Turner Pit - Mine ID #91-18-0024
Attachments: Application, Turner.pdf; SampleSeedQuote.JPG

Hi Naomi,

Brian's most recent e-mail shows the CA Department of Fish and Wildlife (CDFW) recommendation to be the following:

***If drill seeded**
5 lbs. PLS/acre squirreltail
4 lbs. PLS/acre yellow blossom sweet clover
9 lbs. PLS/acre cereal rye

OR

***If broadcast seeded**
10 lbs. PLS/acre squirreltail
8 lbs. PLS/acre yellow blossom sweet clover
18 lbs. PLS/acre cereal rye

Seeding should take place during October or November. The success standard for revegetation will be at least 25-50% cover (according to the existing reclamation plan).

If this is what you would like to apply for, please update #8 of the attached amendment application to reflect the above information. We may also need a FACE that represents the new seed species and the method of seeding you intend to use. Matt is out today, but I can ask him on Monday if the FACE is necessary at this time. I assume that if an amendment is approved, a new FACE reflecting the changes would need to be approved at the same time in case the CD needs to be adjusted. I've also attached a sample seed quote I put together using greatbasinseeds.com. This quote was made assuming the recommended seed mix from above for 21.9 acres at the drill seeding rates (double for broadcast seeding). This is only an example. You can get quotes from the source of your choice and other sources may have cheaper pricing.

Because we will still need a revised application incorporating CDFW recommendation, and because I would like to discuss what exactly is required with Matt, I think we should extend the review period. Otherwise, we will have to return the application and fee. Is it alright with you to extend the review period through July 31, 2018 to iron out these last details? Just let me know what you think.

Thank you!
Nancy

From: Naomi Turner <nturner@citlink.net>
Sent: Wednesday, July 18, 2018 5:04 PM
To: Nancy McAllister <nmcallister@co.lassen.ca.us>
Subject: RE: Turner Pit - Mine ID #91-18-0024



Department of Agriculture

•AGRICULTURE

•WEIGHTS & MEASURES

•PREDATORY ANIMAL CONTROL

Agriculture Commissioner
Sealer of Weights and Measures
175 Russell Avenue
Susanville, Ca 96130-4215

☎Telephone (530) 251-8110
Fax (530) 251-2726

email: agcommissioner@co.lassen.ca.us

5/4/2018

To who it may concern:

I recommend that Frank Turner plant cereal rye at the rate of 25pounds to 50 pounds per acre for soil stabilization and reclamation of his surface mine in Wendel CA. Cereal rye is very drought tolerant and very hardy, both good attributes when trying to grow something in drought and alkaline soils-. Cereal Rye is typically planted in the winter months, (October-December) in Lassen County in order to capitalize on rainfall / snow for germination. Cereal rye can be broadcast spread and harrowed into the ground or drill seeded at a depth of 1-2 inches.

Regards,

A handwritten signature in cursive script that reads "Craig A. Hemphill".

Craig A. Hemphill

Lassen County Agricultural Commissioner

Please Note:

Why Depth -

Before applying for permit, test holes were dug to establish pit depth (that is what we based our 10' level for original permit)

While mining the gravel pocket, of North Side, extended below our original estimation and became better quality and diminished at the 30' level, however the remainder of pit floor test holes were accurate.

- Pit is not a safety hazard - Very Stable - No steep slopes.
- Pit will possible (seasonally) collect water weather 10' or 27.34
- If there should be water collected, that would benefit all wildlife as a water source potential.

Thank you for your consideration

Respectfully

Frank Lane



County of Lassen
Department of Planning and Building Services

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

October 1, 2018

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

Frank and Naomi Turner
714-405 Lake Leavitt Road
Susanville, CA 96130

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Re: Minor Amendment #2018-001
Turner Pit, Mine ID #91-18-0024

Dear Mr. and Mrs. Turner:

Pursuant to condition number 10 of Planning Commission Resolution number 4-01-97, the revegetation seed mix change for the Turner Pit (mine ID #91-18-0024) has been approved by this Department. The new approved seed mix, recommended by the California Department of Fish and Wildlife, is as follows:

***If drill seeded**

5 lbs. PLS/acre squirreltail
4 lbs. PLS/acre yellow blossom sweet clover
9 lbs. PLS/acre cereal rye

OR

***If broadcast seeded**

10 lbs. PLS/acre squirreltail
8 lbs. PLS/acre yellow blossom sweet clover
18 lbs. PLS/acre cereal rye

Seeding should take place during October or November. The success standard for revegetation will be at least 25-50% cover (according to the existing reclamation plan).

During a vegetative evaluation conducted by staff on June 6, 2017, the following species were found on site, in approximate order of prevalence.

-Bromus Tectorum

Cheatgrass
(Invasive, Introduced)

-Lepidium Perfoliatum

Clasping Pepperweed
(Non-native)

-Halogeton Glomeratus

Saltlover
(Invasive, Non-native)

-Sisymbrium Altissimum

Tall Tumblemustard

(Non-native)

-Descurainia Sophia

Herb Sophia / Flix Weed

(Invasive, Non-native)

-Atriplex Confertifolia

Shadscale Saltbush

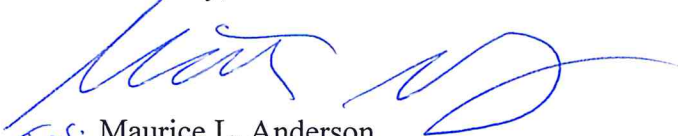
(Native)

Prior to seeding the site, it is recommended that weed abatement/control be considered and/or test plots be established to maximize success of revegetation. You may also want to forego planting of the pit area until a determination is made on the proposed pit amendment.

The proposed amendment to leave the depth and slopes of the pit as they exist currently, has been accepted as complete and will go forward to the Planning Commission. In addition, the Lassen County Environmental Review Officer has determined that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to the general rule exemption [CEQA Guidelines § 15061(b)(3)].

If you have any questions, please contact Nancy McAllister, Natural Resources Technician, at (530) 251-8265.

Sincerely,


For: Maurice L. Anderson
Director

MLA:njm

cc: Douglas John, Division of Mine Reclamation
Brian Ehler, California Department of Fish and Wildlife

S:\PLA\Planning\2018\MA #2018-001, Turner



County of Lassen
Department of Planning and Building Services

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website: www.co.lassen.ca.us

October 19, 2018

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Douglas John
Division of Mine Reclamation
801 K Street MS 09-06
Sacramento, CA 95814

Re: Minor Amendment to Reclamation Plan
CA Mine ID #91-18-0024

Dear Mr. John:

Lassen County Department of Planning and Building Services received the attached application for a minor amendment to approved Reclamation Plan #1997-14. The applicant proposes to increase the permitted final pit depth from the currently permitted maximum depth of 10 feet to a maximum depth of 27.34 feet (existing depth), with pit slopes remaining as they are at present, maintaining all other requirements of approved Reclamation Plan #1997-14.

The submitted minor amendment was reviewed by the Lead Agency and has been determined not to constitute a substantial deviation from the approved Reclamation Plan. It was also found to be in compliance with the applicable requirements of SMARA and Chapter 9.60 of Lassen County Code. The application is scheduled to go before the Lassen County Planning Commission on December 5, 2018.

If you have any questions, please contact Nancy McAllister, Natural Resources Technician at (530) 251-8265.

Sincerely,


For: Maurice L. Anderson
Director

MLA:njm
Enclosures

cc: Frank and Naomi Turner, Operator

S:\PLA\Planning\2018\MA #2018-001, Turner

RESOLUTION NO. _____

RESOLUTION OF THE LASSEN COUNTY PLANNING COMMISSION APPROVING MINOR AMENDMENT #2018-001, A MINOR AMENDMENT TO RECLAMATION PLAN #1997-14, FRANK TURNER.

WHEREAS, the Planning Commission of Lassen County, after due notice and a public hearing conducted December 4, 2018, has considered the proposed Minor Amendment to Reclamation Plan #1997-14, Frank Turner, to increase the permitted final pit depth of an existing surface mine operation (CA Mine ID #91-18-0024). The project site is zoned U-C-P-S (Upland Conservation/Public Safety Combining District) and is located on Turtle Mountain Road, approximately 40 miles east of Susanville via Highway 395 and Wendel Road. APN: 133-130-06.

WHEREAS, the Environmental Review Officer (ERO) has determined that the proposed amendments are within the scope of the original environmental document (Negative Declaration #1997-14) and that pursuant to Section 15162 of the California Environmental Quality Act Guidelines, no additional review is required.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The foregoing recitals are true and correct.
2. The Lassen County Planning Commission finds as follows:
 - a. The proposed amendment is within the scope of the original approved reclamation plan and does not involve substantial new changes to the end use. Therefore, the amendment qualifies as “minor” under the provisions of Chapter 9.60 of the Lassen County Code.
 - b. The surface mining operation, as amended, will not cause substantial environmental damage, and upon successful execution of the reclamation plan, the project site will be returned to the original U-C Land use, wildlife habitat and grazing.
 - c. The amended Reclamation Plan substantially complies with the provisions of the Surface Mining and Reclamation Act of 1975 (PRC § 2710-2796.5).
 - d. The surface mining operation, as amended, is consistent with the *Lassen County General Plan, 2000*, with Chapter 18.69 of the Lassen County Zoning Ordinance, regulating land uses in the U-C-P-S zone (Upland Conservation/Public Safety Combining District), and with the provisions of Lassen County Code Chapter 9.60, regulating surface mining and reclamation.

e. The amended reclamation plan, as conditioned, will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such use, nor be detrimental or injurious to property and improvements in the neighborhood or to the general welfare.

3. The Lassen County Planning Commission hereby adopts the Technical Advisory Committee's findings, contained in the Planning Commission staff report.
4. The Planning Commission hereby concurs with the ERO that the proposed amendment is within the scope of the original negative declaration and that no additional environmental review is required under the California Environmental Quality Act.
5. The Planning Commission hereby approves the proposed minor amendment to Reclamation Plan, File No. 1997-14, subject to the original conditions of approval and the conditions prescribed by the Technical Advisory Committee, attached hereto as Exhibit A.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the County of Lassen, State of California, on the 4th day of December 2018, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Chairman
Lassen County Planning Commission

ATTEST:

Maurice L. Anderson, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL MINOR AMENDMENT 2018-001, FRANK TURNER.

1. All requirements and conditions of the previously approved Reclamation Plan #1997-14 remain applicable, excepting the changes addressed in Minor Amendment #2018-001.