



County of Lassen
 Department of Planning and Building Services

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

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March 23, 2020

TO: Technical Advisory Committee
 Agenda Date: April 2, 2020

Zoning & Building
 Inspection Requests
 Phone: 530 257-5263

FROM: Maurice Anderson, Director 

RE: MINOR AMENDMENT (MA) #2020-001

Project Description

MINOR AMENDMENT #2020-001 (Amendment to Reclamation Plan #2002-083), Hat Creek Construction, Inc. The applicant is proposing to amend reclamation plan requirements at the Hwy 299 Quarry (CA mine ID #91-18-0052). If approved, the amendment would remove remaining revegetation and reclamation requirements and allow the landowner (Sierra Pacific Industries, Inc.) to continue use of the surface mine with SMARA-exempt status under PRC § 2714(j). The surface mining operation currently occupies approximately 1.5 acres across three parcels totaling 1131.29 acres. The subject parcels are zoned T-P-Z (Timber Production Zone District) and are designated Extensive Agriculture by the *Lassen County General Plan 2000*. The project is located approximately 5.3 miles northwest of Nubieber, CA and 6 miles north of Highway 299 in Lassen County. APN: 001-060-05, 06, 21. Staff Contact: Nancy McAllister, Associate Planner

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

1. The applicant has submitted an application to amend Reclamation Plan #2002-083 (approved by the Lassen County Planning Commission on January 8, 2003), removing remaining revegetation and reclamation requirements and allowing the landowner to continue use of the surface mine with SMARA-exempt status under PRC § 2714(j).
2. PRC § 2714(j) states:
 - “(1) Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.
 - (2) This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and postclosure uses in consultation with the Department of Forestry and Fire Protection.”

3. Sierra Pacific Industries, Inc. (landowner) has expressed interest in maintaining access to the surface mine and has verified that mining would be confined to forest management uses on Sierra Pacific Industries, Inc. properties.
4. The Department of Forestry and Fire Protection has determined that reclamation of the site by planting of conifers is not necessary in order to allow the landowner to assume use, and that neither a Timber Harvest Plan nor Timber Conversion Permit would have been necessary in regard to the location being already devoid of trees prior to mining by the current operator.
5. An engineering geological report, dated June 4, 2009, and stamped by a California licensed engineering geologist, stated that the existing quarry face showed an overall stability with minor raveling of small material and that a final slope of 1:1 with an 8'-10' bench at mid-slope would provide adequate stability. The site has had no reported production since this time and has been reporting as closed since 2011.
6. The project site is zoned T-P-Z (Timber Production Zone District), which allows by right the extraction of mineral resources that convert less than three acres of land to non-timberland uses (Lassen County Code § 18.70.030).
7. The amendment application was sent to the Department of Forestry and Fire Protection, the Department of Fish and Wildlife, the Central Valley Regional Water Quality Control Board, and the Division of Mine Reclamation for early consultation; no additional comment was received.
8. The project is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the *CEQA Guidelines*.
9. The above mining operation is in good standing with Lassen County and the Division of Mine Reclamation.
10. The Lassen County Planning Commission shall determine if the proposed project is consistent with the *Lassen County General Plan, 2000*.

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

1. Prior to release of the financial assurances held for reclamation of the Hwy 299 Quarry (CA mine ID #91-18-0052) and closure of the mine site pursuant to SMARA, the applicant shall submit a Financial Assurance Cost Estimate (FACE) in the amount of \$0.00, as well as a letter requesting abandonment of associated Use Permit #2002-083.

MLA:njm

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