MEMORANDUM

DATE: March 23, 2021

TO: Planning Commissioners and members of the public

FROM: Kim Hunter, Director of Planning

SUBJECT: Item 1 MODIFICATION/REVOCATION OF CONDITIONAL USE PERMIT (P-97-32) Comments Received

Included in this memo: comment from the Applicant and additional comments from the Public.
March 22, 2021

Trinity County Planning Commission
ATTN: All Commissioners
61 Airport Road
Weaverville, CA 96093

RE: Use Permit Modification - Smith Pit Tailings Mine

Dear Chair and Members of the Planning Commission:

This letter is being provided in advance of the March 25, 2021 Planning Commission meeting regarding the modification or revocation for the use permit for the Smith Pit Tailings Mine pursuant to 17.32.070 of the Trinity County Code. At the outset, I would like to thank the Planning Commissioners for their time and consideration on this issue and believe that a review of the information in these correspondence and other documents submitted at or before the hearing will support the modification for the use permit as initially requested in April 2019. A general background is helpful before discussing the specific matter being considered today.

A. Background of Use Permit and Property

The property in question is identified as Assessor Parcel Numbers 012-120-062, 063, and 064 and consists of a sand and gravel operation. The site is located in Junction City off of Red Hill Road. On November 27, 1997, The Trinity County Planning Commission issued a use permit and reclamation plan for the operation, with the applicant listed as “Clint Robinson- Weaver City Construction.” That use permit is the same one that remains in effect today for the property and the mining operation.

The use permit contains sixteen (16) conditions of approval. For purposes of this hearing, the pertinent provisions include (1) the hours of operation for mine activity are from 7:00 a.m. and 6:00 p.m., Monday through Friday, with no operations on the weekends or legal holidays (COA No. 5); (2) commercial truck hauling activity shall not occur on Red Hill Road in the morning or in the afternoon periods when children from the nearby school are coming or going (COA No. 5); (3) the only on site processing is the use of temporary screening unit, padded to dampen noise (COA No. 6); (4) the power unit for the equipment shall be equipped with noise suppressors when possible (COA No. 6); and (5) there shall be no storage, placement or disposal of fuel, oil or any other material on the property that may pose a hazard to fish, wildlife or humans.

On 4/2/2018, Trinity Sand & Gravel, Inc. purchased the real property and mining operation from Robinson. Prior to the purchase, during Robinson’s ownership, CalTrans had unloaded a significant amount of slide material to the site which remains there today.

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On April 25, 2018, an application was submitted to the Trinity County Planning Department to amend the use permit to add a rock crusher on the property. Some back and forth with the County occurred regarding the application until August 2019, when it was discovered that nearby property owners had submitted complaints to the Trinity County Planning Department regarding the mining operation, claiming work was being performed outside permitted hours and the noise levels were too high. This was the first time that I became aware of these complaints.

Since receiving notice of the complaints, I retained a noise consultant to perform a study of the mining operations. As discussed in this letter, the study indicates no noise violations and that a modification is appropriate with some mitigation.

B. The Use Permit Should Not be Revoked
It is believed members of the community may request that the use permit be revoked based on the various complaints submitted to the County. Section 17.32.070 of the Trinity County Code permits revocation of a use permit if the “use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute so as to constitute a public nuisance, or in violation of a condition imposed by the planning commission…” A review of the complaints submitted to the County indicates that the concerns can be narrowed down to two issues (1) high noise levels; and (2) violation of the conditions of approval by operating outside permitted days/hours and improper disposal of materials.

1) High Noise Levels
Bollard Acoustical Consultants, Inc. will be present at the meeting to discuss this issue and provide a report and opinion, but the content will be briefly described here. In Trinity County, noise exposure is measured through the Trinity County General Plan Noise Element as set forth in Table VII, page 30. Per that table, the maximum decibels (dB) permitted for a stationary noise source is 75 dB Lmax, and the hourly equivalent sound level is 55 dB Leq. This is the most appropriate objective measure as to whether the sound levels can be deemed a nuisance.

Using these numbers, a sound study was performed to determine whether the levels coming from the site were in conformity with the Noise Element. The noise sources associated with the operations were the on-site heavy truck circulation, the wash plant, and mobile equipment (loaders, excavators, water truck) including backup warning devices. All these sources were included with the sound study.

As Bollard Acoustical Consultants, Inc. will discuss at the meeting, while there was some variation in the level depending on the day, it is their opinion that the levels will be below those set forth in the
Noise Element following implementation of feasible noise mitigation measures. In effect, using the objective levels set forth in the Noise Element, the noise levels at the site with the mitigation measures are not above those permitted in Trinity County per the General Plan, and would certainly not be considered a nuisance justifying revocation of the permit.

2) There Were No Violations of the Conditions of Approval
The other issue raised in the complaints as grounds for revocation is that Trinity Sand & Gravel is in violation of the conditions of approval because it operates during hours or days when work is not permitted, and that there was soil containing lead improperly stored/disposed on site. This is simply not true.

In the conditions of approval for the use permit, the mine was only to operate between 7:00 a.m. and 6:00 p.m., Monday through Friday, with no operations on the weekends or legal holidays. Additionally, no commercial truck hauling is permitted during the morning or afternoon periods on Red Hill Road when children are coming to or leaving the school. The complaints suggest these days and timeframes have not been followed on a regular basis – this is not true. There have been a few incidental occurrences but when Trinity Sand & Gravel is made aware of these incidents, the issue is resolved in a timely manner.

Similarly, the commercial truck hauling dates and times are documented. A truck/weight tag is issued for each truck load that travelled on Red Hill Road, which documents the date and time of the load. These truck tags will reflect the fact that commercial hauling did not occur outside the permitted hours, or during the school time periods in the morning and afternoon. The truck tags can be provided to the Planning Commission as well, clarifying this issue.

It is important to note that other commercial trucks utilize Red Hill Road, including trucks hauling large soil loads to properties northwest of the site. It is very likely that Trinity Sand & Gravel is being associated with these other commercial vehicles by members of the community, despite the fact that there is no connection.

On the final issue of hazardous waste storage or disposal at the site, there is no violation of the conditions of approval. Lead naturally occurs in all soils at low levels, typically in a range from 10 to 50 mg/kg. The slide material present on the site does contain some levels of lead, those levels have been tested and fall below those considered hazardous or otherwise of concern. The test results indicate 9.8 mg/kg level of lead, far below what the United States Environmental Protection Agency deems unsafe.

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The documentation and objective criteria cited above can be provided to the Planning Commission to confirm that there was no violation of the conditions of approval, and revocation on those grounds should not occur.

3) Additional Factors
An additional factor that the Planning Commission should consider when making its decision is the employees that work at the site. The operation provides full time employment to members of the community who live, eat, and shop in Trinity County. They are provided wages through this operation that ultimately finds its way back to the community as a whole. If the use permit is revoked, then these members of the community will find themselves without employment. This is an important factor that the Commission needs to consider at the hearing.

Further, the slide material on the property left by the previous owner will continue to remain on the property unless processed. It is beneficial for not only Trinity Sand & Gravel to process this, but the community at large, so that it is removed from the site.

Overall, it is understood that there are political components to this decision due to the number of complaints submitted. It is respectfully requested that you look beyond the emotions connected to those complaints, and base your decision on the Trinity County Code, the General Plan, and the documentation being submitted at the hearing, which results in the use permit staying in place and not being revoked.

C. Modification
Also in front of the Planning Commission is the decision regarding amendment of the use permit. The proposed amendment seeks to include a rock crusher on the property, with no change on the remaining aspects of the use permit. Modification of a use permit is issued using the guidelines in Section 17.32.010 of the Trinity County Code, which are the same use for the initial issuance of a use permit. Those guidelines are as follows:

“A. Sound Principles of Land Use. A use permit shall be granted upon sound principles of land use.

B. Not injurious. A use permit shall not be granted if it will be detrimental to the public safety or welfare, or if it creates a public nuisance.

C. Plan Consistency. A use permit must comply with the objectives of the general or specific plan in the area in which it is located.”

Sound Principles of Land Use and Plan Consistency are not applicable to the decision as those were decided when initially issuing the permit and it was found that the use follows the sound principles
and is consistent with the General and Specific Plans. The proposed modification does not change that use.

The issue before the Planning Commission is whether the modification is detrimental to the public safety or welfare or whether it creates a public nuisance. To be brief- it does not.

The primary concern with including the rock crusher plant at the site would be the potential for the increase in noise. However, when performing his sound study discussed above, Mr. Bollard of Bollard Acoustical Consultants, Inc. also analyzed the effect the rock crusher would have on the sound in relation to the General Plan Noise Element. It is his professional opinion, which he will be ready to provide at the public hearing, that the noise from the crusher will not exceed standards set forth in the Noise Element following implementation of feasible mitigation measures. In effect, once those mitigation measures are in emissions, the maximum will not exceed the 75 dB Lmax, and the hourly noise emissions will not exceed 55 dB Leq at any existing residences or the school located near the project site.

Because the modification is not detrimental to the safety and welfare and is not considered a public nuisance, it should be approved with all previous conditions of approval remaining in place.

D. Time at Hearing

Because the determination on this use permit is such a vital issue for Trinity Sand & Gravel, I would respectfully request that I be provided 10-15 minutes at the public hearing to address the modification, and that our sound expert be provided an additional 15 minutes to discuss his study, he would like to present a PowerPoint presentation. Getting this information to the Commission is essential to a fair decision.

In conclusion, I request that the Chair and Planning Commissioners modify the use permit to allow the rock crusher. I am certainly agreeable to discussing further conditions of approval for this amendment and will be prepared to discuss this at the hearing.

Thank all of you for your time and consideration.

Sincerely,

JOHN BUICK

President, Trinity Sand & Gravel, Inc.
Environmental Noise Assessment

Smith Tailings Operations

Trinity County, California

BAC Job #2020-129

Prepared For:
Trinity Sand and Gravel, Inc.
Attn: John Buick
P.O. Box 21
Weaverville, CA 96093

Prepared By:
Bollard Acoustical Consultants, Inc.

Paul Bollard, President

March 22, 2021
Introduction

The Smith Tailings site is located northwest of Junction City in Trinity County, California. The project site location is shown on Figure 1. The existing Conditional Use Permit (CUP) and Reclamation Plan (P-97-32) for the Smith Tailings Operation was approved by the County of Trinity Planning Commission in November 1997. The existing permit includes an operational/reclamation area of approximately 9 acres and an estimated total production of approximately 350,000 cubic yards of sand and gravel. The conditions of the existing permit state that the operation is primarily a “scoop and haul” operation that shall occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. The only on-site processing permitted under the conditions of the existing permit is the use of one (1) portable, temporary screening unit. The conditions of the permit require that mechanical screening activity shall cease by 4:00 p.m. each business day.

The proposed project is an amendment to the existing Conditional Use Permit and Reclamation Plan for the Smith Tailings Operation to allow the following:

- Installation and use of additional equipment (e.g., rock crusher, truck scale, etc.).
- The receipt, storage, and processing of slide material from Caltrans.
- Modification to the Reclamation Plan to include the expansion of the operational area at the site to include areas that were inadvertently mined in past, areas for processing, and a storage area for the Caltrans slide material currently located at the site.
- No change in proposed hours of operation (will remain limited to 7 a.m. – 6 p.m.).

Prior to submittal of the current application for a Conditional Use Permit and Reclamation Plan Amendment (P-18-011), the previous operator made several modifications to the Smith Tailings Operation that were not specifically authorized by the existing Conditional Use Permit. Those modifications included, but were not limited to, the following:

- Installation and operation of equipment for gravel washing.
- Installation and operation of a truck scale.
- Intermittent operation of a rock crusher.
- Expansion of the operational area identified in the Reclamation Plan by approximately 6.4 acres.
- Receipt and storage of approximately 500,000 cubic yards of slide material from Caltrans.

Because the currently proposed operations have not been analyzed for compliance with Trinity County General Plan noise standards, the County has required that a noise study be prepared for this project. In response to that request, Bollard Acoustical Consultants, Inc. (BAC) submitted a proposal to prepare the project noise study. Trinity County reviewed the proposal and determined the proposed scope of work to be appropriate. BAC then contracted with the project applicant to prepare this noise study.
Legend

⚠️ Representative Sensitive Receptor and Noise Measurement Locations

-yellow- Smith Tailings Sand & Gravel Site Boundaries

Figure 1
Smith Tailings Project
Trinity County, CA
Project Site Location, Sensitive Receptors & Noise Monitoring Locations

Scale (Feet)
0 500 1000
Noise Fundamentals and Terminology

Noise is often described as unwanted sound. Sound is defined as any pressure variation in air that human hearing can detect. If the pressure variations occur frequently enough (i.e., at least 20 times per second) they can be identified as sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz). Please see Appendix A for definitions of terminology used in this report.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale utilizes the hearing threshold (20 micropascals of pressure) as a point of reference, defined as 0 dB. Other sound pressures are then compared to the reference pressure, and the logarithm is taken to keep the numbers within a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB. Another useful aspect of the decibel scale is that changes in decibel levels correspond closely to human perception of relative loudness. Figure 2 illustrates common noise levels associated with various sources.

The perceived loudness of sound is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by weighting the frequency response of a sound level meter by means of the standardized A-weighting network. There is a strong correlation between A-weighted sound levels (expressed as dBA) and community response to noise. All noise levels reported in this analysis are A-weighted.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level ($L_{eq}$) over a given time period (usually one hour). The $L_{eq}$ is the foundation of the Day-Night Average Level noise descriptor, $L_{dn}$, and shows very good correlation with community response to noise.

The Day-Night Average Level ($L_{dn}$) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures.
Criteria for Acceptable Noise Exposure in Trinity County

Table VII (Maximum Allowable Noise Exposure-Stationary Noise Sources) of the Trinity County General Plan Noise Element contains maximum allowable noise exposure levels for stationary noise sources. Noise Element Table VII was reproduced below as Table 1. Stationary noise sources are defined by the Noise Element (pg. 3) as “Any fixed or mobile sources not preempted from local control by existing federal or state regulations. Examples of such sources include industrial and commercial facilities, and vehicle movements on private property.” Therefore, the activities occurring on the Smith Tailings project site meet the definition of a stationary noise source provided in the Noise Element, including on-site heavy truck movements. However, project-generated heavy truck traffic utilizing the local public roadway network as it either arrives or departs the project site would not meet that same definition. Rather, off-site project traffic would be subject to Noise Element Table VI standards applicable to transportation noise sources. Table VI is reproduced below as Table 2.
Table 1
Maximum Allowable Noise Exposure - Stationary Noise Sources

<table>
<thead>
<tr>
<th>Noise Level Metric</th>
<th>Daytime (7 a.m. to 7 p.m.)</th>
<th>Evening (7 p.m. to 10 p.m.)</th>
<th>Nighttime (10 p.m. to 7 a.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hourly Equivalent Sound Level (Leq), dB</td>
<td>55</td>
<td>50</td>
<td>45</td>
</tr>
<tr>
<td>Maximum Sound Level (Lmax), dB</td>
<td>75</td>
<td>70</td>
<td>65</td>
</tr>
</tbody>
</table>

1. As determined at outdoor activity areas. Where the location of the outdoor activity area is unknown or not applicable, the noise standard shall be applied at the property line of the receiving land use.
2. For recurring impulsive noise sources, the allowable maximum (Lmax) noise exposure shall be 70 dBA in the daytime, 65 dBA in the evening, and 60 dB in the nighttime.
3. For noise primarily comprised of speech and/or music, the allowable noise exposure in Table 1 shall be reduced by 5 dBA.
4. For noise sources that are found and declared by the Board of Supervisors to be from uses of such importance to the county for economic, environmental enhancement, or movement of goods, services, or people that the allowable noise exposure in Table VII shall be increased by 10 dBA.

Source: Trinity County General Plan Noise Element, Table VII, pg. 30.

Table 2
Maximum Allowable Noise Exposure – Transportation Noise Sources

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Outdoor Activity Areas</th>
<th>Interior Space</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ldn, dB</td>
<td>Leq, dB</td>
</tr>
<tr>
<td>Residential</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Transient Lodging</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Hospitals, Nursing Homes</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Churches, Meeting Halls</td>
<td>60</td>
<td>45</td>
</tr>
<tr>
<td>Schools, Libraries, Museums, Day-Care Centers</td>
<td>---</td>
<td>45</td>
</tr>
</tbody>
</table>

Source: Trinity County General Plan Noise Element, Table VI, pg. 29.

The purpose of this noise study is to determine whether the modifications to the Smith Tailings operation are in compliance with the maximum allowable noise exposure levels shown above in Tables 1 and 2. If the operations are determined to exceed the noise levels in Table 1 or 2, additional noise attenuation measures will be required to ensure compliance. The County’s request for a Noise Study for this project is consistent with Policy 4.2.4 in the Noise Element, which states:

“Noise created by proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated so as not to exceed the noise level standards of Table VII (Table 1 above) at noise-sensitive land uses.”
Appendix B (Requirements for an Acoustical Analysis) of the Noise Element contains the following requirements for an acoustical analysis:

A. Be the financial responsibility of the applicant.

B. Be prepared by a qualified person experienced in the fields of environmental noise assessment and architectural acoustics.

C. Include representative noise level measurements with sufficient sampling periods and locations to adequately describe local conditions and significant noise sources. Where actual field measurements cannot be conducted, all sources of information used for calculation purposes shall be fully described.

D. Estimate existing and projected (20 years) noise levels and compare those levels to the adopted policies of the Noise Element. Projected future noise levels shall take into account noise from planned streets, highways, and road conditions.

E. Recommend appropriate mitigation to achieve compliance with the adopted policies of the Noise Element, giving preference to proper site planning and design over mitigation measures which require the construction of noise barriers or structural modifications to buildings which contain noise-sensitive land uses.

F. Estimate noise exposure after the prescribed mitigation measures have been implemented.

**Summary of Noise Standards Applied to this Project**

As noted in the Introduction section of this report, no change in the currently permitted hours of operation are proposed. As a result, operations will remain between the hours of 7 a.m. to 6 p.m. Therefore, the Table 1 daytime standards which would be applicable to this project are 55 dB $L_{eq}$ and 75 dB $L_{max}$ at the nearest residences. These standards are only applicable to noise generated by equipment operating on the project site. Project heavy truck traffic on the local public roadway system (not on-site truck movements), would be subject to the 60 dB $L_{dn}$ exterior noise standard at residences and 45 dB $L_{eq}$ inside the school buildings.
Noise Generation of the Proposed Project

Existing On-Site Noise Sources

The primary on-site noise sources associated with the existing operations at the Smith Tailings site include on-site heavy truck circulation, the wash plant, and mobile equipment (loaders, excavators, dozer, water truck), including backup warning devices.

To quantify the noise generation of these existing sources, BAC utilized a combination of noise level measurements of existing equipment currently operating at the site, BAC file data for equipment which is proposed but was not operating at the site during BAC’s site visit, and use of industry standard sound propagation algorithms.

BAC staff conducted a site visit on Sunday, October 18 to Monday, October 19, 2020. On the afternoon of Sunday, October 18, 2020, BAC staff met with a representative of the applicant (Cari Bachelder), and interested local residents to discuss their concerns regarding the noise generation of the proposed operations. Prior to and during that meeting BAC was granted permission to conduct noise level measurements of current facility operations from representative noise-sensitive receptor locations (nearby residences and the Junction City Elementary school). On the afternoon of Sunday, October 18, 2020, sound level meters were placed at five (5) locations. Two additional monitoring sites were set up on the morning of Monday, October 19, 2020. The noise monitoring locations are shown on Figure 1. Appendix B shows photographs of Monitoring Sites 1-7.

Larson Davis Laboratories (LDL) Model 820, 831 and LxT precision integrating sound level meters were used to complete the noise level measurement surveys. The meters were calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 (Precision) sound measurement equipment (ANSI S1.4).

The intent of the noise survey was to determine the level of noise generated by existing operations at the project site at representative nearby sensitive land uses. On Monday morning, October 19, 2020, operations at the project site commenced at 7 a.m. with a loader filling an empty haul truck with aggregate materials. At approximately 8 a.m. the wash plant was started and it operated until approximately 9 a.m. until a bearing in the plant reportedly required replacement and the wash plant operations had to cease for the day.

Although it had been the intent of the noise monitoring program to monitor noise continuously for the entire working day on Monday, October 19, 2020, with the wash plant non-operational after 9 a.m. the only noise sources remaining in operation at the site were mobile equipment and truck loadout. Fortunately, BAC was able to quantify wash-plant noise levels at the various measurement sites while it was still operational and those results indicate that the wash plant
noise generation was fairly steady-state at the plant site. As a result, the noise level data collected at the sensitive receptors while the wash plant was operating could accurately be projected onto the hours when the plant was not operating to quantify facility noise emissions.

Following shut-down of the wash plant, BAC conducted individual, isolated, noise level measurements of a front-loader feeding aggregate material through the grizzly (a fixed screen), of loaders operating at various locations on the site, including back-blading operations (with backup warning devices operating). BAC also conducted measurements of the excavator both moving to a work area and then moving aggregate material once it reached the work area. Appendix C shows photographs of the mobile equipment noise measurements.

Noise sources which were not present at the site during the noise survey, but which are proposed as part of the current application, include a portable crushing/screening plant and normal levels of on-site heavy truck traffic. Those noise sources were modeled and the methodology and results of those modeling efforts are described in the next sections of this report.

The results of the short-term ambient noise survey are complicated as both project (wash plant, & on-site mobile equipment) and non-project traffic on Red Hill Road contributed to the measurement results at the nearest sensitive receptors. In order to isolate the noise generation of the project operations at the nearest sensitive receptor locations from non-project noise sources, BAC compared the second-by-second noise levels measured at the project site (Site 1, see Figure 1) to the same time intervals at the other measurement sites. Figures 3-8 illustrate the noise levels measured at sensitive receptor sites 2-7 as well as measurement results measured concurrently at Site 1 during the period of approximately 7 a.m. to 9:15 a.m. These figures require some explanation due to their complexity and those explanations follow the presentation of the measurement results.

It should be noted that the measurements conducted at Site 1 during the 7 a.m. to 9:15 a.m. period represent all activities occurring at the project site during that period, including periodic operation of the wash plant, on-site truck movements, mobile equipment operations, back-up warning devices, the dumping of cobble into an empty trailer (an event which reportedly only occurs approximately 1% of the time), etc. Those measurements were conducted from a fixed location approximately 250 feet west of the wash plant and operating mobile equipment.

Following shutdown of the wash plant, BAC relocated monitoring Site 1 to various positions to isolate the noise generation of the on-site mobile equipment. Those subsequent measurement results are presented following the presentation and discussion of the monitoring results for the 7 a.m. to 9:15 a.m. period.
Figure 3

Noise Survey Results: Sites 1 and 2
7 - 9:15 AM, October 19, 2020

On-Site Truck
Front loader movements
Loader filling empty truck with large cobble
Wash plant briefly operating
Wash plant operating
Wash plant off

Site 1: Smith Tailings Site
Site 2: Junction City Elementary School
Figure 4
Noise Survey Results: Sites 1 and 3
7 - 9:15 AM, October 19, 2020

Site 1: Smith Tailings Site
Site 3: Gonpa Facility Lodging
Figure 5
Noise Survey Results: Sites 1 and 4
7 - 9:15 AM, October 19, 2020

Site 1: Smith Tailings Site
Site 4: Nearby Residence

- Loader filling empty truck with large cobble
- On-Site Truck
- Front loader movements
- Wash plant operating
- Wash plant briefly operating
- Wash plant off
Figure 6
Noise Survey Results: Sites 1 and 5
7 - 9:15 AM, October 19, 2020

- Loader filling empty truck with large cobble
- On-Site Truck
- Front loader movements
- Wash plant operating
- Wash plant briefly operating
- Wash plant off

Time of Day

- Green line: Site 1: Smith Tailings Site
- Red line: Site 5: Nearby Residence

Measured Sound Pressure Level, dBA
Figure 7
Noise Survey Results: Sites 1 and 6
7 - 9:15 AM, October 19, 2020

Time of Day

- Site 1: Smith Tailings Site
- Site 6: Nearby Residence
Figure 8
Noise Survey Results: Sites 1 and 7
7 - 9:15 AM, October 19, 2020

Measured Sound Pressure Level, dBA

Site 1: Smith Tailings Site
Site 7: Nearby Residence

- Loader filling empty truck with large cobbles
- On-Site Truck
- Front loader movements
- Wash plant operating
- Wash plant briefly operating
- Wash plant off

Time of Day
Analysis of Noise Survey Results

Site 1: Smith Tailings Site
The noise level data for Site 1 is included in green on each of Figures 3-8 so that the noise-generating activity at the project site could be compared against the noise levels measured at the sensitive receptor locations. Investigation of the Site 1 data indicates that, prior to wash plant startup, the noise generation of mobile equipment and truck loading activities ranged from approximately 50 to 85 dBA. The Site 1 data clearly indicates that the wash plant generated noise levels of 70 dBA during periods when the wash plant was fed with aggregate materials and approximately 65 dBA when the wash plant was operating but without material being fed into the plant. The wash plant operational noise data is shown during the period of approximately 8-9 a.m.

Site 2: Junction City Elementary School
Monitoring Site/Receptor 2 was located on the north side of the Junction City Elementary School property, approximately 95 feet from the center of Red Hill Road. The microphone position was effectively placed at the closest position on the school grounds to the project site and the 95 foot distance to the centerline of Red Hill Road is equivalent to the distance from the centerline of that roadway to the nearest school buildings.

Figure 3 shows the noise measurement results for monitoring Site 2. The data for this location begins at approximately 7:40 a.m. on Monday, October 19, 2020 as this meter could not be set up the previous day. Inspection of the Figure 3 data indicates that the noise levels measured at the school site did not correspond with the noise generation at the project site. Specifically, the noise spikes registered at Site 2 were observed by BAC staff to have been caused by vehicle passbys on Red Hill Road, not on-site activities at the Smith Tailings site. During periods when the wash plant was operating, the noise levels measured at the school site varied from 42 dBA to approximately 70 dBA. Had the school noise environment been directly affected by on-site activities at Smith Tailings the measured noise levels would have been more uniform at the school site during the periods when the wash plant generated uniform noise levels.

From the Figure 3 data it can be deduced that the wash plant operations resulted in noise levels of approximately 43 dB or less at the school site. In addition, during the period when the front-loader operations generated a maximum noise level of 67 dBA at the project site, the corresponding noise level measured at the school site was approximately 50 dBA, but it is not certain that the measured level of 50 dBA $L_{max}$ was caused by the front-loader operations. This is because BAC staff observations noted that operations at the Smith Tailings site were indistinguishable at the school site.

Site 3: Gonpa Facility Lodging
Monitoring Site/Receptor 3 was located near a lodging area of the Gonpa facility, approximately 1,700 feet from the project site entrance. Figure 4 shows the noise measurement results for monitoring Site 3. Inspection of the Figure 4 data indicates that the noise levels measured at this receptor generally tended to mirror the noise generation measured at the project site (Site 1), but at lower levels due to the increased distance.
From the Figure 4 data it can be deduced that the wash plant operations resulted in noise levels of approximately 40-45 dB or less at Site 3. In addition, during the period when the front-loader filled an empty haul truck (7:13 a.m.), the measured maximum noise level at Site 3 was 65 dBA $L_{\text{max}}$. Although the Smith Tailings project noise generation was audible at Receptor 3, the measured levels were below the County’s daytime average and maximum noise level standards of 55 dB $L_{\text{eq}}$ and 75 dB $L_{\text{max}}$.

**Site 4: Nearby Residence north of Gonpa Facility**

Monitoring Site/Receptor 4 was located near a residence located approximately 1,800 feet west of the project site entrance. Figure 5 shows the noise measurement results for monitoring Site 4. Inspection of the Figure 5 data indicates that the noise levels measured at this receptor also generally tended to mirror the noise generation measured at the project site (Site 1), but at lower levels due to the increased distance.

From the Figure 5 data it can be deduced that the wash plant operations resulted in noise levels of approximately 50 dB $L_{\text{eq}}$ at Site 4. In addition, during the period when the front-loader filled an empty haul truck (7:13 a.m.), the measured maximum noise level at Site 4 was approximately 68 dBA $L_{\text{max}}$. Although the Smith Tailings project noise generation was audible at Receptor 4, the measured levels were below the County’s daytime average and maximum noise level standards of 55 dB $L_{\text{eq}}$ and 75 dB $L_{\text{max}}$.

**Site 5: Nearby Residence**

Monitoring Site/Receptor 5 was located adjacent to a residence located approximately 1,400 feet west of the project site. Figure 6 shows the noise measurement results for monitoring Site 5. Inspection of the Figure 6 data indicates that the noise levels measured at this receptor also generally tended to mirror the noise generation measured at the project site (Site 1), but at slightly lower levels due to the increased distance. It should be noted that measurement Site 5 had an essentially unobstructed view of the project site due to its elevated position. As a result, noise levels measured at this site were the highest measured at any of the monitoring locations.

From the Figure 6 data it can be deduced that the wash plant operations resulted in noise levels of approximately 55 – 65 dB $L_{\text{eq}}$ at Site 5. In addition, during the period when the front-loader filled an empty haul truck with cobble (7:13 a.m.), an event which reportedly occurs very infrequently, the measured maximum noise level at Site 5 was approximately 78 dBA $L_{\text{max}}$. BAC staff observations indicated that noise generated by the Smith Tailings project was clearly audible at Receptor 5, and that the measured levels attributable to Smith Tailings operations exceeded the County’s daytime average and maximum noise level standards of 55 dB $L_{\text{eq}}$ and 75 dB $L_{\text{max}}$. As a result, consideration of noise mitigation measures would be required not only for proposed operations but also for current operations.

Because Site 5 was ultimately determined to be the location where the highest measured sound levels from Smith Tailings were recorded, BAC prepared additional graphs of the noise generation of individual equipment types & operations as measured at Site 5. Those graphs, which are shown in Appendix D, include the noise generation of loaders feeding the grizzly, loader movements, backblading operations, excavator movements and excavator operations.
As indicated in Appendix D, measured maximum noise levels did not exceed the 75 dB $L_{\text{max}}$ noise standard at this worst-case location (Site 5) during any of these typical operations. Furthermore, computed average hourly noise levels associated with these operations and equipment were also determined to be below the daytime 55 dB $L_{\text{eq}}$ noise standard at measurement Site 5. As a result, no additional noise mitigation measures would be warranted for these activities.

**Site 6: Nearby Residence**

Monitoring Site/Receptor 6 was located adjacent to Red Hill Road, approximately 1,200 feet west of the existing wash plant. Figure 7 shows the noise measurement results for monitoring Site 6. Inspection of the Figure 7 data indicates that the noise levels measured at this receptor also generally tended to mirror the noise generation measured at the project site (Site 1), but also included considerable noise generated by vehicle passbys on Red Hill Road. It should be noted that measurement Site 6, although closer to the project site than Site 5, had an obstructed view of the project site due to intervening tailings piles.

From the Figure 7 data it can be deduced that the wash plant operations resulted in noise levels of approximately 50-55 dB $L_{\text{eq}}$ at Site 6. In addition, during the period when the front-loader filled an empty haul truck (7:13 a.m.), the measured maximum noise level at Site 6 was approximately 78 dBA $L_{\text{max}}$. BAC staff observations indicated that noise generated by the Smith Tailings project was clearly audible at Receptor 6, and that the measured maximum noise levels attributable to Smith Tailings operations exceeded the County’s daytime maximum noise level standard of 75 dB $L_{\text{max}}$ during the filling of the empty haul truck. As a result, consideration of noise mitigation measures would be required not only for proposed operations but also for current operations.

**Site 7: Nearby Residence**

Monitoring Site/Receptor 7 was located adjacent to Red Hill Road, approximately 1,200 feet west of the existing wash plant. Figure 8 shows the noise measurement results for monitoring Site 7. Inspection of the Figure 8 data indicates that the noise levels measured at this receptor also generally tended to mirror the noise generation measured at the project site (Site 1), but at considerably lower levels due to shielding by intervening tailings piles. In addition, this site also included considerable noise generated by vehicle passbys on Red Hill Road.

From the Figure 8 data it can be deduced that the wash plant operations resulted in noise levels of approximately 45-50 dB $L_{\text{eq}}$ at Site 7. In addition, during the period when the front-loader filled an empty haul truck (7:13 a.m.), the measured maximum noise levels at Site 7 were below 65 dBA $L_{\text{max}}$. BAC staff observations indicated that noise generated by the Smith Tailings project was less audible at Receptor 7, and that the measured average and maximum noise levels attributable to Smith Tailings operations satisfied the County’s daytime average and maximum noise level standards of 55 dB $L_{\text{eq}}$ and 75 dB $L_{\text{max}}$. 
Noise Generation of Project Generated Heavy Truck Traffic

As noted previously, heavy truck traffic at the project site was extremely limited during the morning of the noise surveys. As a result, it was necessary to model the noise generation of typical project heavy truck traffic in order to properly assess the noise impacts of the project.

Trinity Sand and Gravel maintains a log of all aggregate sales from the site. According to scale-house data provided by Trinity Sand and Gravel, the facility generated 1409 heavy truck loads between January 8 and December 20, 2020. Because each load involves a haul truck arriving empty and departing loaded, 1409 heavy truck loads computes to 2818 heavy truck trips during that 11 month period (239 days of operations). The average number of heavy truck trips per day computes to 12 truck trips per day. However, because aggregate operations fluctuate, during some days no heavy truck trips were generated whereas during the busiest day of the year (June 2, 2020), 126 heavy truck trips were generated. The average of the busiest days in each month of 2020 computes to 36 heavy truck trips per day. This number of heavy truck trips generated in a given day was used to conservatively assess average daily heavy truck trip noise generation. To predict absolute worst-case heavy truck trip noise generation of the facility, 126 daily heavy truck trips were assumed.

To convert daily heavy truck trips to hourly trips, the daily volumes described above were divided by the number of working hours in a typical day (11 hours per day between 7 a.m. and 6 p.m.). The resulting average and maximum hourly heavy truck trip generation computes to 3.3 and 11.5 heavy truck trips per hour.

To predict the noise generation of project heavy truck trips operating on Red Hill Road, the Federal Highway Administration Highway Traffic Noise Prediction Model was used with the operational information described above and a conservative speed estimate of 45 mph for heavy trucks on Red Hill Road.

The results of the off-site project heavy truck noise predictions at the nearest potentially affected representative sensitive receptors are shown below in Table 3.
### Table 3
Predicted Project Heavy Truck Traffic Noise Levels
Trucks Operating on Red Hill Road

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Distance to Centerline (ft)</th>
<th>Noise Standard</th>
<th>Predicted Noise Level, dB</th>
<th>Standard Exceeded?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>126 Trips / Day⁶</td>
<td>36 Trips / Day⁷</td>
</tr>
<tr>
<td>2</td>
<td>95</td>
<td>45 Leq (interior)⁸</td>
<td>34 Leq⁹</td>
<td>30 Leq</td>
</tr>
<tr>
<td>3</td>
<td>1,600</td>
<td>60 Ldn (exterior)</td>
<td>34 Ldn</td>
<td>28 Ldn</td>
</tr>
<tr>
<td>4</td>
<td>1,200</td>
<td>60 Ldn (exterior)</td>
<td>36 Ldn</td>
<td>31 Ldn</td>
</tr>
<tr>
<td>5</td>
<td>1,100</td>
<td>60 Ldn (exterior)</td>
<td>38 Ldn</td>
<td>33 Ldn</td>
</tr>
<tr>
<td>6</td>
<td>200</td>
<td>60 Ldn (exterior)</td>
<td>50 Ldn</td>
<td>45 Ldn</td>
</tr>
<tr>
<td>7</td>
<td>75</td>
<td>60 Ldn (exterior)</td>
<td>58 Ldn</td>
<td>52 Ldn</td>
</tr>
</tbody>
</table>

2. Noise generated by project truck traffic while operating on the Smith Tailings site is subject to different noise standards. See Table 4 for predicted heavy truck traffic noise generated by on-site operations.
3. Receptor locations are shown on Figure 1.
4. The distance was measured from the receptor location to the centerline of Red Hill Road even in cases where the receptor is located north of the project site access and would not likely experience significant project traffic.
5. These County noise standards are applicable to the interior spaces of schools and outdoor spaces of residences for traffic on public roadways. Noise generated by project traffic while operating on the project site is subject to a different noise standard (See Table 4).
6. A maximum of 126 heavy truck trips per day was based on the single highest day of production during 2020.
7. An average of 36 project heavy trucks per day represents a conservative assumption based on the average of the highest day of heavy truck trip generation for each month of 2020.
8. The 45 dB hourly average noise level standard applicable to school uses is applied inside the school buildings.
9. To predict interior noise levels inside the school building, the school building façade was conservatively assumed to provide 20 dB of exterior to interior traffic noise reduction.

The heavy truck noise generation while the trucks are operating within the Smith Tailings project site boundaries would be different than the noise generation of project heavy trucks on Red Hill Road, but not appreciably so. This is because the decreased tire noise associated with the lower truck speeds while on-site would essentially be offset by the increased noise associated with higher engine rpms and acceleration while on site. According to the FHWA Model, heavy truck noise generation at 25 mph is only 1 dB lower than heavy truck noise generation at 45 mph. As a result, on-site heavy truck hourly average noise levels were modelled conservatively assuming a speed of 45 mph to provide a margin of safety. In addition, based on extensive BAC noise measurement data for slow-moving heavy truck operations, a maximum noise level of 75 dBA was conservatively assumed for project heavy truck at a distance of 100 feet from the operating truck. The distances from the on-site heavy truck circulation areas to the representative sensitive receptors evaluated in this study were scaled from aerial imagery.

The noise generated by on-site heavy truck operations are subject to the County’s stationary noise source standards shown in Table 1. Specifically, the daytime noise level standards applicable to this project are 55 dB $L_{eq}$ and 75 dB $L_{max}$ at outdoor activity areas of sensitive receptor locations. Table 4 shows the predicted average and maximum noise levels generated by project heavy trucks while operating on the Smith Tailings site.
### Table 4

**Predicted Project Heavy Truck Traffic Noise Levels**

**Trucks Operating within the Smith Tailings Project Site**

<table>
<thead>
<tr>
<th>Receptor</th>
<th>Distance to On-Site Trucks (ft)</th>
<th>Predicted Maximum Noise Level (Lmax, dBA)</th>
<th>Predicted Average Hourly Noise Level, (Leq, dBA)</th>
<th>Standard Exceeded?</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>1900</td>
<td>49</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>1700</td>
<td>50</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
<tr>
<td>4</td>
<td>1800</td>
<td>50</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
<tr>
<td>5</td>
<td>2100</td>
<td>49</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
<tr>
<td>6</td>
<td>1300</td>
<td>53</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>1200</td>
<td>53</td>
<td>126 Trips / Day</td>
<td>No</td>
</tr>
</tbody>
</table>

1. Source: FHWA-RD-77-108 with Lmax values from BAC file data for slow-moving heavy aggregate trucks.
2. Noise generated by project truck traffic while operating on Red Hill Road is subject to different noise standards. See Table 3 for predicted heavy truck traffic noise on Red Hill Road.
3. Receptor locations are shown on Figure 1.
4. The distance was measured from the receptor location to the nearest point on the project site where heavy truck circulation occurs.
5. A maximum of 126 heavy truck trips per day was based on the single highest day of production during 2020.
6. An average of 36 project heavy trucks per day represents a conservative assumption based on the average of the highest day of heavy truck trip generation for each month of 2020.

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### Noise Generation of Proposed Crushing/Screening Plant

Extensive BAC file data collected at portable aggregate crushing/screening operations at Northern and Central California aggregate facilities indicates that the typical noise generation of such facilities is approximately 80 dB Leq and 85 dB Lmax at a reference distance of 100 feet from the operating plant equipment.

Based on a measured level of 70 dBA Leq at a measurement distance of 250 feet from the wash plant, the noise level at a reference distance of 100 feet also computes to 80 dBA Leq. As a result, it can be concluded that the noise generation of the portable aggregate crushing plant proposed as part of the project would be comparable to the noise-generation of the existing wash plant. When combined, the effective increase in on-site noise generation would be 3 dB over noise levels currently generated by the wash plant alone. This level does not take into account any shielding of the portable rock crushing/screening plant by intervening stockpiles located on the project site.

### Summary of Noise Generation during October 19, 2020 Site Visit

This analysis concludes that the project noise exposure at the nearby sensitive receptors to the west varied considerably on the morning of October 19, 2020, but that existing on-site operations (wash plant and loader filling empty truck with cobble), resulted in noise levels which exceeded the County’s General Plan noise standards at some of the nearest sensitive receptors.
to the project site. The addition of the proposed crushing/screening plant is predicted to result in an additional increase in noise levels generated by on-site activities of approximately 3 dB relative to existing conditions. Project noise exposure would, therefore, also exceed the applicable Trinity County General Plan noise standards and noise mitigation measures would be required. It should be noted that, unless the project operator utilizes different equipment in the future or substantially increases production, future (20-year) project noise levels would be comparable to existing plus project noise generation.

Project heavy truck traffic, both on-site and off-site, was determined to be in compliance with the County General Plan criteria at each of the nearby sensitive receptors, even with conservative assumptions pertaining to average and maximum daily heavy truck trip generation. In light of the noise measurement and analysis results, BAC developed specific noise control measures for the project and shared those recommendations with the applicant in January of this year. Those measures, and the steps taken to implement those measures since January of this year, are described below.

Recommended Noise Mitigation Measures and Implementation

BAC recommended the following noise mitigation measures to the project applicant in January of 2021. Those measures, and the steps the applicant has taken to date to implement those measures, are as follows:

1. Strictly limit all on-site aggregate processing and load-out operations to the hours of 7 a.m. to 6 p.m.
   
   **Implementation:** The applicant is adhering to these hours of operation.

2. Ensure that all processing area conveyors and other rotating machinery are properly lubricated at all times.
   
   **Implementation:** The applicant has stated that this is a normal aspect of the operation and will continue.

3. Equip all mobile plant area equipment with acoustic growler-type backup warning systems, rather than conventional tonal backup beepers.
   
   **Implementation:** The applicant has changed the backup warning devices from the previous “beeper” type to the current “growler” type.

4. Suspend acoustic curtains around the screens of the existing wash plant.
   
   **Implementation:** The applicant has completed the suspension of acoustic curtains around the wash plant as recommended. Figure 9 shows photographs of the suspended curtains surrounding the loudest component of the wash plant.

5. Once on-site, suspend acoustic curtains around the aggregate processing plant crushers and screen decks (i.e. the loudest components of the processing plant).
   
   **Implementation:** The applicant has reported that he will implement this measure for the crushing screening plant as recommended once the equipment is on site.

6. When loading empty haul trucks with cobble, develop a method for minimizing the sound of the cobbles impacting the empty metal trailer.
   
   **Implementation:** The applicant has stated that the loadout of cobble is a very rare
occurrence, representing less than 1% of total sales from the facility. Nonetheless, the applicant has developed a system of placing a layer of sand within the trailer prior to loading the cobbles to significantly dampen the noise generation of the cobbles loading.

Figure 9 – Suspended Curtains Installed at Wash Plant
Follow-Up Noise Testing After Implementation of Mitigation Measures

After the applicant had completed the installation of the suspended curtains around the wash plant, BAC staff returned to the site to conduct additional noise monitoring to check the effectiveness of the mitigation. The follow-up testing occurred on March 3, 2021. The measurements were conducted both at the project site and at Receptor 5, which was determined to be the receptor with the highest measured noise levels during the 2020 measurement survey. Because the worst-case location (Site 5) was being monitoring during the follow-up testing, it was not necessary to re-test at the other receptor locations tested during the 2020 survey.

During the follow-up testing, the wash plant was operated continuously and multiple trucks were both loaded and unloaded at the site to supplement the truck loading/unloading data captured during the 2020 noise survey. Figure 10 shows the noise measurement results.

The Figure 10 data indicates that the suspension of the acoustic curtains resulted in an approximate 5+ dB reduction in noise levels as measured at the plant site and an even larger reduction if noise levels at measured at Receptor 5. Whereas wash plant noise emissions previously exceeded the County’s 55 dB average (L_{eq}) noise standard at Receptor 5 prior to the installation of the acoustic curtains, Figure 10 clearly indicates that levels were reduced to between 40 and 50 dB at Receptor 5 following installation of the curtains, thereby achieving compliance with the County’s 55 dB daytime noise standard. No further noise mitigation measures are currently warranted for the wash plant.

In addition to the measurements of the wash plant, BAC staff also conducted several measurements of trucks being loaded and unloaded at the project site, as illustrated in Figure 11. Those measurements were captured within the data illustrated in Figure 10. As shown in Figure 10, the measurements at Site 5, including the wash plant and multiple truck loading, passby, and unloading operations, were all well within compliance of the County’s 55 dB L_{eq} and 75 dB L_{max} noise criteria. As a result, no additional noise mitigation measures would be warranted for on-site truck loading or unloading operations, or on-site circulation.
Figure 10
Noise Measurement Results at Plant Site (Red Data) and Receptor 5 (Blue Data)
Following Installation of Acoustic Curtains at Wash Plant
Trinity County Sand & Gravel - March 2, 2021

Wash Plant Operating
Figure 11 – Additional Truck Loading/Unloading Measurement Photos
Conclusions

This analysis concludes that, following implementation of the noise mitigation measures recommended by BAC to the applicant in January of 2021, and the implementation of those measures, existing noise generation currently satisfies the Trinity County General Plan noise standards. Once the crushing plant is installed, additional acoustic curtains should be suspended around that equipment similar to that already completed for the existing wash plant. Otherwise, no additional noise mitigation measures are required for this operation to achieve compliance with the adopted County noise standards.

This concludes BAC’s assessment of potential noise impacts associated with the proposed Smith Tailings operations in Trinity County, California. Please contact BAC at (916) 663-0500 or PaulB@BACnoise.com with any questions regarding this evaluation.
## Appendix A
### Acoustical Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acoustics</strong></td>
<td>The science of sound.</td>
</tr>
<tr>
<td><strong>Ambient Noise</strong></td>
<td>The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.</td>
</tr>
<tr>
<td><strong>Attenuation</strong></td>
<td>The reduction of an acoustic signal.</td>
</tr>
<tr>
<td><strong>A-Weighting</strong></td>
<td>A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.</td>
</tr>
<tr>
<td><strong>Decibel or dB</strong></td>
<td>Fundamental unit of sound. A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.</td>
</tr>
<tr>
<td><strong>CNEL</strong></td>
<td>Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.</td>
</tr>
<tr>
<td><strong>Frequency</strong></td>
<td>The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.</td>
</tr>
<tr>
<td><strong>IIC</strong></td>
<td>Impact Insulation Class (IIC): A single-number representation of a floor/ceiling partition’s impact generated noise insulation performance. The field-measured version of this number is the FIIC.</td>
</tr>
<tr>
<td><strong>Ldn</strong></td>
<td>Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.</td>
</tr>
<tr>
<td><strong>Leq</strong></td>
<td>Equivalent or energy-averaged sound level.</td>
</tr>
<tr>
<td><strong>Lmax</strong></td>
<td>The highest root-mean-square (RMS) sound level measured over a given period of time.</td>
</tr>
<tr>
<td><strong>Loudness</strong></td>
<td>A subjective term for the sensation of the magnitude of sound.</td>
</tr>
<tr>
<td><strong>Masking</strong></td>
<td>The amount (or the process) by which the threshold of audibility is for one sound is raised by the presence of another (masking) sound.</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td>Unwanted sound.</td>
</tr>
<tr>
<td><strong>Peak Noise</strong></td>
<td>The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the &quot;Maximum&quot; level, which is the highest RMS level.</td>
</tr>
<tr>
<td><strong>RT60</strong></td>
<td>The time it takes reverberant sound to decay by 60 dB once the source has been removed.</td>
</tr>
<tr>
<td><strong>STC</strong></td>
<td>Sound Transmission Class (STC): A single-number representation of a partition’s noise insulation performance. This number is based on laboratory-measured, 16-band (1/3-octave) transmission loss (TL) data of the subject partition. The field-measured version of this number is the FSTC.</td>
</tr>
</tbody>
</table>
Legend

A  Site 1 - Stationary Wash Plant Monitoring Site
B  Mobile Wash Plant Measurement Site Facing South.  - Site 1

Smith Tailings Project
Trinity County, California
Photographs of Survey Locations

Appendix B-1
Legend

A  Site 2 - Sensitive Receptor
B  Mobile Wash Plant Measurement Site Facing North
C  Mobile Wash Plant Measurement Site Facing West

Smith Tailings Project
Trinity County, California

Photographs of Survey Locations

Appendix B-2
Legend

A  Front Loader Filling  Dump Trailer
B  Excavator Operation

Smith Tailings Project
Trinity County, California

Photographs of Survey Locations

Appendix B-4
Smith Tailings Project
Trinity County, California
Equipment Photos
Smith Tailings Project
Trinity County, California
Equipment Photos

Excavator

Appendix C-2
Appendix D-1

Noise Measurement Results during 980G Front Loader Dumping Rock on Grizzly Screen
Measured 150 feet from Grizzly (Red Line) and at Receptor 5 (Blue Line - Loudest Location)
Appendix D-2

Noise Measurement Results during Five 980G Front Loader Passbys
Measured 60 feet from Nearest Passby Location (Red Line) and at Receptor 5 (Blue Line - Loudest Location)
Appendix D-3
Noise Measurement Results during Backblading Operations
Measured 75 feet from Nearest Passby Location (Red Line) and at Receptor 5 (Blue Line - Loudest Location)
Appendix D-4
Noise Measurement Results during Excavator Movement
Measured 65 feet from Nearest Passby Location (Red Line) and at Receptor 5 (Blue Line - Loudest Location)
Appendix D-5
Noise Measurement Results during Excavator Moving Rock
Measured 75 feet from Excavator Operations Location (Red Line) and at Receptor 5 (Blue Line - Loudest Location)
Mr. Jon Kidwell  
Trinity Sand & Gravel, Inc.  
P.O. Box 493284  
Redding, CA  96049

Subject: Quality Testing  
Hwy 299 (Slide Material)  
LABORATORY TEST RESULTS

Dear Mr. Kidwell:

As requested, MATERIALS TESTING, INC. performed laboratory testing services for the samples submitted on 11/20 & 11/24/20. The samples were tested according to the referenced standard test procedures and relate only to the items inspected or tested. Any comments and exceptions are addressed under the Notes or Remarks section.

Results included in this submittal package:

1 – “R” Value Report  
1 – Lead & PH Results from California Laboratory Services

We appreciate the opportunity to provide our services to you on this project and look forward to providing additional service, as needed, in the future. The results included are for this project only and its intended use. Results are not transferable and shall not be reproduced, except in full, without written permission from MTL. Should you have any questions or require additional information, please contact our office at your convenience.

Respectfully Submitted,  
MATERIALS TESTING, INC.  

Andrew L. King, P.E.  
Principal Engineer

Copies: 1 via mail  
1 via email
"R" VALUE TEST REPORT
(CTM 301)

Sample: 1
Description: Brown Silty Gravely Sand (visual)
Location: Slide Debris Stockpile

SIEVE ANALYSIS

<table>
<thead>
<tr>
<th>Sieve Size</th>
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<th>2&quot;</th>
<th>1-1/2&quot;</th>
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<th>1/2&quot;</th>
<th>3/8&quot;</th>
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<tbody>
<tr>
<td>As Received (% Pass)</td>
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<td>50</td>
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<tr>
<td>As Used (% Pass)</td>
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<td>---</td>
<td>100</td>
<td>88</td>
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RESISTANCE VALUE

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<th>Specimen Number</th>
<th>Dry Unit Weight, PCF</th>
<th>Moisture (%)</th>
<th>Exudation Pressure (PSI)</th>
<th>Expansion Pressure Dial Reading &amp; PSF</th>
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<tr>
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</tbody>
</table>

R-Value @ 300 PSI Exudation Pressure = 68 (min 30)

Notes:
Submitted material meets R-Value requirements for Imported Borrow from Caltrans Contract No. 02-4F2204

Tested by John Hubbard
The samples were tested according to the referenced standard test procedures and relate only to the items inspected or tested. Results are not transferable and shall not be reproduced, except in full, without written permission from MTI.
December 07, 2020

Andy King
Materials Testing Inc.
8798 Airport Rd.
Redding, CA. 96002

Project Name: Trinity Sand + Gravel

Enclosed are the results of analyses for samples received by the laboratory on 11/30/20 16:15. Samples were analyzed pursuant to client request utilizing EPA or other ELAP approved methodologies. I certify that the results are in compliance both technically and for completeness.

Analytical results are attached to this letter. Please call if we can provide additional assistance.

Sincerely,

James Liang, Ph.D.
Laboratory Director

CA SWRCB ELAP Accreditation/Registration number 1233
Conventional Chemistry Parameters by APHA/EPA Methods

<table>
<thead>
<tr>
<th>Analyte</th>
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<th>Analyzed</th>
<th>Method</th>
<th>Notes</th>
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<td>12/01/20</td>
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Sampled: 11/25/20 11:05  Received: 11/30/20 16:15
### Metals by EPA 6000/7000 Series Methods

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<th>Analyte</th>
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March 19, 2021

Trinity County Planning Department
Kim Hunter, Director
PO Box 2819
Weaverville, CA 96093

RE: P-97-32

Dear Kim Hunter:

As Fire Chief for the community of Junction City it is my duty and responsibility to protect the lives and property of Junction City residents, including surrounding communities from fire and emergencies. The safety of our community and of the first responders that protect them is our primary mission. We are dedicated to timely delivery of fire and safety services to Junction City.

On July 2, 1997 the Junction City Fire Protection District received a Request for Comments on potential impacts on Project # P-97-32. Our concerns are the same today as they were stated back then:

1) Safety at the Junction City Elementary School
2) Truck Traffic in front of Fire Station
3) Wear and Tear on County Roads

As a result of the concerns cited above, I respectfully ask that a formal hearing be granted so that further evidence can be presented.

Respectfully,

[Signature]

Justin Kerwick
Junction City Fire Chief
Jotham Barragar  
Junction City, CA 96048

Friday, March 19th, 2021

Kim Hunter & Trinity County Planning Commissioners  
Trinity County Planning Department  
61 Airport Road  
PO Box 2819  
Weaverville, CA 96093

Dear Trinity County Planning Commissioners and Director of the Planning Department,

I’m writing in regards to the Smith Tailings mine issue, a.k.a. Trinity Sand & Gravel. APN #s: 012-120-42, 49, 62, 63 & 64.

I was born and raised in Junction City. I grew up across the street from the Smith Tailing mining area. During my childhood, it was open land that I could go play in or access the river by walking through.

Now that area has turned into a high impact industrial zone replete with the noise, dust, truck traffic, and all nuisances that come with commercially industrial businesses. It is so out of place in a residential zone and I’m appalled it’s gotten as developed as it is.

That land is zoned Open Space which is meant for wildlife habitat and not to be developed for public health and safety reasons. How is it that a commercial, industrial mining operation has been allowed to be developed there?

The pedestrian pathway we have along Red Hill Road used by bicyclist, runners and school children, goes right in front of this industrial zone driveway. This is concerning, because at times there are so many trucks going in and out of this business that its unsafe to be a pedestrian in this area as well as causing hazards for residents driving by.

Many times it has been documented that the truck drivers do not
stop at Red Hill Road before pulling out, and they’ve cut off some of my friends and neighbors causing them to swerve off the road.

They never spray down their trucks, which billow dust throughout the community, and by the Junction City School. We know for a fact there is higher than safe levels of lead in some of that soil, and it’s likely there’s high levels of other toxic materials like asbestos as well. When that much material is being driven by our Junction City Elementary School, on a regular basis, it should cause alarm.

When a business wants to do certain activities on a piece of land that is not zoned for that activity, it requires a special conditional use permit. As is the case with Smith Tailings mine, now known as Trinity Sand & Gravel, they received a conditional use permit in 1997 as the land is zoned Open Space which does not allow for industrial commercial mining operations. The only reason mining was allowed there in the first place was for reclamation. The current permit has a list of “Conditions of Approval” to do this reclamation work. None of these Conditions of Approval are being done, in fact, they are being brazenly disregarded. The owner of the business knows he is not allowed to do most of what he does, yet he does it anyway. And that is because there has been zero county oversight.

I urge you to sincerely read through the existing reclamation permit and review whether or not this business is following that permit. You will find that it is overwhelmingly non-compliant.

Because of the flagrant non-compliance, obvious public nuisance to the Junction City community, and sincere threat to the safety of the residents due to the high traffic activity of this business, I ask the county revoke the permit that does exist.

Our community has been asking the governing officials of Trinity County to do their job for years. And while there has been zero oversight by the county, this business is developing more and more. At this point, it’s becoming exceedingly negligent on behalf of the county and there could be serious litigation risks if you continue to do nothing.

Thank you for your time,

Jotham Barragar
March 22, 2021

Trinity County Planning Department & Trinity County Planning Commissioners
61 Airport Rd., PO Box 2819
Weaverville, CA 96093

Dear Planning Director and Commissioners,

I’m writing in regards to the Smith Tailings mining sight three tenths of a mile northwest of the Junction City Elementary School, APN #'s 12-120-42, 49, 62, 62 & 64.

The Junction City community is requesting that county officials do their due diligence in regulating the Conditional Use Permit issued to this property in 1997. Specifically, that it revokes this permit, as it has grossly overstepped the grounds in which it was originally granted this special permit for in the first place. It is now so overwhelmingly non-compliant with the original reclamation plan, that the original intent of reclamation is lost in an industrial mining complex that is affecting the safety, health, and wellbeing of most of the entire community of Junction City.

This is an unfortunate situation and would not have gotten this bad had the county done its job in the first place. We’ve been asking the county step in and regulate this business for years, to no avail. Hundreds upon hundreds of letters and formal complaints have been filed against this business for years, yet ZERO citations have been issued from the county.

Community members have spoken out in commissioner meetings many times only to be cast aside year after year. In that time of being ignored this business has developed even more, increasing risk to public safety, environmental degradation, and strayed farther from the original mandates of reclamation for the land on which it was granted a special use permit for.

At this point, I feel the best case scenario is that the county revokes the CUP and this business cease and desist all mining operations. The actions of the business owner, Judd Buick of Trinity Sand & Gravel, has repeatedly shown he is not trustworthy to continue working there under any circumstances.

I have also personally reached out to Judd Buick to suggest he work with the community. At that time (March of 2020), he told me, and I quote, “I’m a businessman, I don’t care of the community thinks.” This theme holds true to all his actions.

Knowing this hearing is on the horizon, Trinity Sand & Gravel has continued to act in ways that has knowingly created tensions in our community. Such as working on weekends, and outside of operating hours. On Sunday Feb. 28th, I filmed front loaders dropping tons of rock into the back of a truck to haul out material. Just last week, on March 19th, equipment was already up and running before 7am. Imagine, living next door to illegal mining operations year after year, and it not even being contained to a normal Monday-Friday schedule. The neighbors are subject to this nuisance any day, any hour. Never knowing when they’re going to be woken up from crashing rock on metal, rock crushers, truck beeps, wash plants or screeners. We haven’t had a break from the noise in years. The owner has also implemented a new wash plant just as of this month, knowing his permit is being reviewed for modification and revocation. What message does this send? I believe the owner feels since
there has been no reinforcement or citations thus far, why would there be after the hearing? This business doesn’t care what the county rules are.

There are three employees last I understood that work for Mr. Buick on this property. They’re mad about the possibility of the permit being revoked, and that is understandable. It’s a horrible thing to have your jobs on the line, which supports your family. But our community has been speaking out about this for longer than they’ve been working there, and it’s the fault of Judd Buick of not developing this business responsibly, or even doing his due diligence in buying this property that’s not suitable for his business goal. It’s also the fault of the county, who have done nothing to enforce the permits they’ve issued. Why should an entire community’s quality of life suffer for one business with less than a handful of employees.

Rick Tippett also has a lot to answer to, as this mess really went awry under his supervision. As the head of both Department of Transportation and Planning Department at the same time, he sanctioned much of the illegal activity with Caltrans contracts that brought in over 500,000 cubic yards of off-site material. He told our community members all that activity was cleared under an emergency ordinance but to this day the county cannot produce recorded proof of that decision for our public records request. There is certainly a conflict of interest issue with the blurry lines between DOT and Planning Department with this activity.

Additionally, we have Clint Robison, the previous owner of the mining operations on this site, recorded saying that he underbid Eagle Rock, which was where all that off-site material was slated to go. Eagle Rock would have been an appropriate site for that activity, not a rural residential area on Open Spaced zoned land with a conditional use permit for reclamation.

If you really look into the evidence of this business, you can see that nearly EVERY line item in the Conditions of Approval in the permit have been, at the very best, completely disregarded. At the worst, these conditions have been brazenly flaunted, utterly disrespecting our community.

There have been hundreds, if not thousands of formal documented complaints made to the planning department concerning this business. And ZERO citations issued by the county.

I’m overwhelmed with the number of issues my community has with this business. I sincerely hope you all take the time to really look at the mounting evidence, letters coming in from our community, documentation clearly going against the reclamation plan which includes decades long documentation,

We’ve simply been asking the county to do its due diligence.

Thank you for your time,

Amanda Barragar

See supportive documents attached to letter & email. Thank you.
On April 22nd, after hearing reports of the pit being louder than normal, aerial photography showed that an unauthorized screening unit was placed on site when the conditions of permit approval state only 1 screening unit is allowed. Further, storage equipment and bone/junk yard materials were also photographed and are expressly prohibited by the current use permit. (See figures 1 & 4). Because of these complaints, Kim Hunter contacted Judd Buick to schedule an inspection the following week.

On April 24th, photos were taken of the 2nd screening unit leaving the site. (See figure 2). Aerial photography taken on April 25th confirms the removal of this screening unit. (See figure 3). Also, it appears that both screening units may be within the proposed amended mining area, when, according to their current permit - they are supposed to be in the Phase II mining area.

April 27th, Trinity Sand & Gravel had an inspection with Kim Hunter after complaints were made about noise and activity from community. We believe they moved this unauthorized equipment off site because of the notice of county inspection.

There were no citations given to the business after this inspection, even with the obvious junk piles and multitudes of unauthorized equipment on site.

Figure 1: April 22, 2020 Unauthorized screening unit on site.

Figure 2: April 24, 2020 Screener sighted leaving property.

Figure 3: April 25, 2020 Screening unit removed

Figure 4: Multiple bone yard/junk piles and unauthorized equipment photographed on site April 22, 2020
Photo Progression of Smith Pit Mine presently known as Trinity Sand and Gravel
In early 2018, Judd Buick placed an ad below for his business, Trinity Sand & Gravel, the new owner of the Smith Pit Tailings site on Red Hill Road, in the Trinity County 2018-2019 Recreation Guide.

The timing of this is notable:
January 23, 2017 - Clint Robison and Edith Smith signed a contract with CalTrans to dump 500,000 cubic yards on the site. This is not compliant with the present CUP, as the permit was strictly for reclamation and “scoop and haul” only.

Summer and Fall 2017 - After months of 24 hour operations, the community of Junction City got fed up with the nuisance of this business, and there was a massive uproar to the Planning Department. Dozens and dozens of complaints and letters were formally submitted to the Planning Department. Rick Tippett, the director at the time, said this was allowed because there was an emergency classification.

Two pieces of information I would recommend the county be aware of due to litigation risk:
1) To this day, the county cannot locate or produce that emergency agreement. We’ve asked for it in a public records request and it’s never been procured.
2) Rick Tippett at that time was head of the Planning Dept. AND the Dept. of Transportation, a blatant conflict of interest. These two offices are meant to provide checks and balances for one another. For example, the DOT oversees SMARA which would have protected against the illegal dumping on that site in Junction City. However, Rick was able to bypass policy as head of both offices.

May 8, 2018: Adjacent Junction City residents were notified by the Planning Department that Trinity Sand & Gravel submitted amendments to the Conditional Use Permit, which was never approved due to strong Junction City Community opposition. However, from this ad, which was released in January of 2018, Judd Buick was already advertising and running the quarry to produce products which he didn’t have a permit for or the equipment needed to perform those tasks.

May 31, 2018: The Junction City organized a community meeting and within only a 2-day notice, about 80 people showed up. Clint Robison was there and admitted to having 2 rock crushers on site, among many other illegal activities. There is a YouTube recording of this meeting.

THE AMENDMENTS TO THEIR PERMIT WERE NEVER APPROVED.

Yet, this ad, as well as the one on the following page, shows that this business continued to act in a manner as if the permit had been approved. Not only that, but they were even operating beyond the means of the un-approved amendments. (More trucks, working outside of operation hours, more equipment than listed in amendment, etc.). I would like to emphasize that Clint Robison and Judd Buick had been directly communicated with about their permit limitations by the Planning Dept. Director as well as community members, multiple times. They did all of this knowingly.

A final note: on January 23, 2019, Judd Buick signed yet another contract with CalTrans to import more material again. This contract acknowledged higher than safe levels of lead. Thankfully, because of community watchdogs, we alerted Rick Tippett who called CalTrans to discontinue illegal dumping.
This is an ad Judd Buick of Trinity Sand & Gravel put in the Trinity Journal on March 25, 2020. It is advertising products not permitted in the Reclamation Plan that is the existing CUP for this Smith Tailings mining site.

There are two striking aspects of this:

The first is that after the 500,000+ cubic yards of material was brought in during the summer of 2017 dozens of community members formally complained to the planning department against this business and its proposed amendments. The proposed amendments included installing a cement batch plant and rock crushers on site. The amendment proposal never got approved, yet the business continued to run their two (2) rock crushers on site anyway and produce re-di-mix concrete.

This ad was placed in March of 2020, three years after the uproar from the community and opposition of passing the amendments to the existing permit. This is proof this company continually disregards the county permit and the community and doesn’t follow the rules. This business continued, and is still continuing, to act as if there is no permit to adhere too.

The second striking detail is that Judd intentionally lists this business as if it’s in Weaverville. (Note, the ad from 2018 has Junction City listed as the business site). When I saw this ad in the newspaper, I called to ask where I would pick up material. I believed it to be intentionally misleading but wanted to confirm. Judd Buick acknowledged that the Junction City community is in opposition of his business and that dozens of community members specifically said “no” to the concrete batch plant. Judd confirmed to me on the phone this ad was for the Junction City business and that there was no physical location in Weaverville.

Again, this is proof Judd Buick was aware of the opposition from the Junction City community, acknowledgement that his permit does not allow for this activity, and that he intentionally mislead the public.
The following 3 pages is the contract with Caltrans for the illegal dumping of 500,000 cubic yards of off-site material, that Rick Tippett allowed, yet to this day cannot produce the documentation to prove it was allowed under an emergency ordinance. We also have Clint Robison on record saying he under-bid Eagle Rock to get that contract. (Document file title: ROW_D2@dot.ca.gov_20190128_141626)

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

GRANT OF RIGHT TO DISPOSE OF MATERIAL

R.W. II-11 (Rev. 6/95)

THIS AGREEMENT, Dated Sept 23, 2017, between Edith Smith and Concrete Aggregate Products hereinafter called “Owners,” and the State of California, acting by and through the Department of Transportation, hereinafter called “State”.

WITNESSETH THAT:

For and in consideration of the sum of One Hundred Fifty Dollars ($150.00), and of the covenants hereinafter set forth, the parties hereto agree as follows:

1. Owners represent and warrant that they are the Owners in fee simple of the following described lands situated in the County of Trinity, State of California, Assessor’s Parcel Number 120-120-42 and more specifically that property delineated in orange on the map marked “Exhibit A” attached hereto and made a part hereof, and that they have the right to enter into this agreement and to receive for their own use and benefit any royalty or other consideration payable, or that may become payable, hereunder.

2. Owners grant the State the right, at any time, and from time to time during the period of ten (10) years from and after the date of this Agreement, and for such further period as may be required under paragraph 11 hereof, to enter upon the following described portion of the aforesaid land and to dispose of excess materials, if, as, and when desired by State, such materials to be deposited at such times and in such quantities as the State may deem necessary, but not to exceed the maximum quantity of 500,000 cubic yards. Said materials shall consist of topsoil, wood debris and rock and shall be compacted as dumped in order to preclude sliding at the disposal site.

3. Upon delivery of excess materials, said property owners become the sole and exclusive owners of those excess materials for all purposes and will indemnify and hold CALTRANS harmless from any claims or injuries occurring as a consequence of that storage and any subsequent use of the materials.

4. Owners grant to State the right of ingress and egress to and from the area described in paragraph 2 hereof over and across the route to be determined which is satisfactory to both Owners and the State.

5. The consideration of One Hundred Fifty dollars ($150.00) as heretofore agreed, shall represent the total payment for the materials placed on the disposal site insofar as State is concerned.

6. The State, its agents, or any subcontractor shall ensure that only authorized personnel are allowed on the property and the State’s contractor shall agree with the State to indemnify Owners against loss of any kind sustained by Owners or any personal injury or property damage to others occasioned by or as a direct result of State’s contractor’s operations under this agreement.

7. Owners waive any and all claims by reason of the State not disposing the maximum quantities of materials hereinafore stated. Further, this agreement becomes operative when any additional permits that may be required by the County of Trinity are secured. Each party shall render such reasonable assistance to the other as is necessary to obtain any such permits as may be required.

8. State agrees that, if any of the rights and privileges granted herein shall be exercised, then State agrees to hold the Owners harmless from all claims for injury to persons, damage to property, and/or loss or damage to the State’s equipment resulting from aforementioned disposal operations on Owners’ property.

9. Either party hereto may terminate this agreement at any time upon giving the other party sixty (60) days written notice, or said Agreement may be otherwise amended or modified upon the mutual consent of the parties hereto.
GRANT OF RIGHT TO DISPOSE OF MATERIAL (Cont.)

10. The rights and privileges hereby granted or reserved to State, may, at the option of the State, be exercised by any agent or contractor of State.

11. It is agreed that the State shall conduct disposal operations on the property between the hours of 6 a.m. and 6 p.m., Monday through Friday, except in case of emergencies requiring such disposal at other times. Owners shall be given as much advance notification of such emergency disposal as is possible under the circumstances.

12. If, at the expiration of the terms of this Agreement, State has commenced but has not completed operations in connection with disposal of materials on the portion of Owners' property described in paragraph 2 hereof, then this Agreement shall not terminate on said expiration date but shall remain in full force and effect until such disposal operations have been completed by the State or until State notifies Owners that State has completed operation on Owners' property, whichever shall first occur, provided, however, anything herein to the contrary notwithstanding, this Agreement shall terminate no later than 3 years after the date of this Agreement unless such termination date is extended in writing by mutual agreement between the State and Owners.

13. It is understood and agreed that the net proceeds of the amount payable under this agreement shall be paid to:

Concrete Aggregate Products

IN WITNESS WHEREOF, This Agreement has been executed.

Concrete Aggregate Products, Lessee:

Clint Robinson

Jerry Sanders

RECOMMENDED FOR APPROVAL:

KELLY BABCOCK
Right of Way Agent

Grantor:

Edith Smith

Jan 23, 2017

ACCEPTED:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

By: Lisa Harvey, Senior Right of Way Agent
Project Delivery, Redding
Exhibit A
APN 120-120-42
The following is the Caltrans contract Judd Buick signed in 2019. Not only did he know he wasn’t allowed to import more material or sign contracts with Caltrans, but he knowingly allowed material that was documented to have higher than safe levels of lead:

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**STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION**

**AGREEMENT BETWEEN A CONTRACTOR WORKING ON STATE FACILITIES AND A REAL PROPERTY OWNER FOR DISPOSING CONSTRUCTION RELATED MATERIAL ON COMMERCIAL ZONED PROPERTY OWNER’S PROPERTY**

**CEM-1904 (NEW 12/2018)**

**CONTRACT NUMBER**

02-012204

**COUNTY/ROUTE/POST MILES**

Trinity-Route 299-PM32.7

The contractor, Stimpel-Wiebelhaus Associates, Inc. (Contractor), has entered into Contract Number 02-012204 (Contract), with the State of California, Department of Transportation (Department), for work that is described as follows:

Remove unstable rocks (30,000-40,000 cubic yards), the slope at this location is steep and large fractured boulders.

The owner, Trinity Sand & Gravel, Inc. (Owner), of the real property (Property) located at 550 Red Hill Road, Junction City, CA 96018

(for example, address, location, county and parcel number(s), project station(s), offsets, and other property location information) agrees to allow the Contractor to dispose on the Owner’s Property approximately 30,000-40,000 cubic yards of Rock, Soil, Slash, and Stumps (such as soil, aggregate, asphalt grindings, or other material), hereafter referred to as “Material,” generated from the Project.

The Owner agrees that the Contractor has assumed ownership of the Material that is being disposed on the Property.

Owner acknowledges the material being deposited on the Property contains lead with concentrations between 80 mg/kg and 320 mg/kg which is above the residential California Human Health Screening Level for Lead as determined by California Environmental Protection Agency (CalEPA). By submission of this agreement, the Owner certifies 1) the Property is a commercial/industrial property and 2) the Property is not and will not be used for any type of housing, including but not limited to, apartment, motel, hotel, farm, ranch, or any other type of property, including but not limited to, daycare, park, school, hospital, university, which could allow occupants to reside on the property now or in the future or would lead to daily, repeated, long term exposure to the material. The Property is zoned as

Owner acknowledges receipt of a copy of the information handout containing lead concentration data.

The Contractor and Owner agree to abide by the requirements of Section 5-1.20, “Coordination with Other Entities,” of the Standard Specifications. The Standard Specifications are available at:


The Contractor and Owner agree to obtain and furnish to the Department’s resident engineer, all necessary permits, licenses, agreements, certifications, and clearances prior to placing Material on the Property.

By submission of this agreement to the Department’s resident engineer, the Contractor and Owner are acknowledging that they have been informed, or otherwise apprised, of all restrictions, laws, and permit requirements associated with the transporting and placement of the Material on the Property and have agreed to abide by the same. These laws include but are not limited to:

- Local Ordinances — Grading permits for the grading, filling, excavation, storage, or disposal of soil or earthen material.
- California Fish and Game Code (Section 1602), “Lake or Stream Bed Alteration Agreement” — A permit required prior to the removal or placement of material in a location where it can pass into waters of the state, directly or indirectly, through causes such as erosion or maintenance.
- California Fish and Game Code (Section 5650) — A prohibition against the deposition of petroleum products (including asphalt), or any material deleterious to fish, plants, or birds where it can pass into the waters of the state.
- Federal Clean Water Act (Sections 301 and 402), “General Permit for Discharges of Storm Water Associated with Construction Activity” — A permit is required prior to soil disturbance of an area of one acre or more.
- Federal Clean Water Act (Section 404), “Permit for Discharge of Dredged or Fill Material” — A permit from the United States Army Corps of Engineers may be required for the discharge of fill material into waters of the United States including wetlands.

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The Owner and Contractor agree that the Material will be transported, deposited, and left in a manner that will not cause injury or harm to any person or property. If an injury or harm does occur to any person or property or should any environmental impacts or litigation arise as a result of the excavation, removal, transportation, deposition, or the final form in which the Property is left, the Contractor, agrees to indemnify, defend, protect, and hold harmless the Department in any action in law or equity in accordance with Section 7-1.05, "Indemnification," of the Standard Specifications regardless of the manner or form of the action.

Pursuant to Section 5-1.20B(4), "Contractor-Property Owner Agreement," of the Standard Specifications, the Owner acknowledges that the Contractor will submit this agreement to the Department as evidence that the Owner has authorized the placement of the Material on the Property. The Owner acknowledges that the Contractor is not authorized to make any representations or agreements on behalf of the Department. The Contractor and Owner agree that the Department is released from any and all obligations to the Owner made by Contractor under this agreement and the Department is released from any and all obligations to the Owner under any prior agreement made between the Department and Owner.

The Owner and Contractor acknowledge that they have had the opportunity to receive independent legal advice with respect to the meaning, implications, and advisability of entering into and executing this agreement.

PROPERTY OWNER (Print Name) | SIGNATURE | DATE
--- | --- | ---
J. Judd Buick | [Signature] | 1-23-19

CONTRACTOR'S AUTHORIZATION REPRESENTATIVE PER STANDARD SPECIFICATIONS Section 5-1.18

REPRESENTATIVE (Print Name) | SIGNATURE | DATE
--- | --- | ---
Marshall Harmon | [Signature] | 01/23/2019
The following letter from 1997 gives some historical insight to the public controversy of this mining operation. We can see the same issues persist, but now we’re dealing with a business that’s developed far beyond anything we imagined, all because the county didn’t provide any oversight.

*Please note

• Page 2, #3: Junction City Elementary School schedule in terms of truck driving.
• Page 3, 3rd paragraph: In reference to the 1997 CUP, the authors note alludes that the Board of Supervisors at the time already supported this permit. “It is misleading to imply that your Draft Plan is just a ‘re-submittal’ of the prior plan… I think you understand the public controversy and concerns…”
• Page 4, 4th paragraph: “Also, it should be noted that there was no formal direction from the Board of Supervisors as you state in the last paragraph of your Note. It appears that Clint Robison and/or possibly Jim Smith have mistaken a private, off-record conversation with a former Board member as official Board policy.”
There are a few questions I have that I will need answered before I can complete the Initial Study. Please provide a written response to these as soon as possible so that I can move forward in processing the application. The questions and requested information are as follows:

#1 You indicate in the Draft Plan that 50,000 cu. yds. of material has been produced to date from Phase-1 of this operation. This represents half of the total available material as permitted by existing approvals. The aerial photo attached to the Draft Plan (taken on 3/29/97) indicates a smaller area of disturbance/production. When comparing earlier aerial photos of the site with the new one, it appears that less then half of the permitted site has been developed. Will you please explain this. Also, assuming that there is only 50,000 Cu. Yds. of material remaining and that estimated annual production will be 15,000 Cu. Yds. (as noted in your Draft Plan), is it correct to assume that there is at least a three year supply of rock remaining in the existing permitted area? You should review the production quantities that Clint has and/or will be reporting to the state for this operation to determine if the figure in the Draft Plan is correct.

#2 Based on conversations with you and Clint Robison, it’s my understanding that there has been little or no screening activity as allowed by the existing use permit. In other words, this has been primarily a scoop and haul operation which leaves an open pit with little or no waste rock for back-filling. The existing use permit and reclamation plan assume fines and waste rock would be generated from the screening process, then be used to help accomplish reclamation work. The Draft Plan also includes this process.

Please describe the type of reclamation activity completed to date, as indicated in Section B.1 of your Draft Plan, and explain how reclamation has been accomplished without benefit of waste material from screening operations. Also, if little or no screening is conducted in the existing site or with the proposed Phase-2 work, how will excavated areas be back-filled (see discussion under Section D.1 in the Draft Plan).

#3 You indicate in Item A.13 “Proposed Start-up Date” that the proposed Phase-2 operations will begin following the required approvals, but will not be in full production until Phase-1 work is completed. Exactly what type of mining activity and level of production do you propose for the Phase-2 area prior to final closure of the Phase-1 site? Will initial Phase-2 work be limited to road construction only? Please be specific. Recognize that if you are proposing to operate both sites at the same time this could affect your burden for financial assurance. However, there may be a benefit to maintaining some reserves on the highway side of the river, especially if hauling activities are required to work around the Junction City School schedule.

#4 Are you proposing that this Draft Plan replace the existing reclamation plan, or that it be considered an addendum subject only to the proposed Phase-2 area?

#5 What is the maximum depth of mining for Phase-2? For Phase-1 it was 15 feet - please clarify.

#6 Please provide a cross-section and detail for the depressions as indicated in Figure 2 (pg.19) in the Draft Plan. Please include details on length, depth, slope, etc.

#7 Phase-2 is clearly within the flood plain of the river and will likely be influenced more often by the river’s high flows once the existing tailings are removed. Using your preferred reclamation alternative, what would be required to complete reclamation of the Phase-2 site if one year after the mine closes the river floods and significantly modifies all reclamation work completed (grading, depressions, etc.)? Would the operator be required to come back and re-do the work? Does the 2 year time frame to allow natural revegetation start over?

#8 Please provide an updated property owners list and stamped-addressed envelopes for the public hearing notice. Attached is the prior list for your reference.
You should be aware that Kathleen Ghram, the Principal of the Junction City School, is planning to schedule an item on the June 11th school board agenda to discuss this project. I will be attending the meeting at her request. I am routing a copy of the Draft Plan to them early so they will have an opportunity review it prior to the meeting. I’ve made it clear that my roll is not to represent your project. I will be there to answer questions about the permit and environmental process, applicable regulations, and on information submitted to our office for review. I strongly recommend that you, Clint Robison, and/or Jim Smith also attend the meeting.

Catherine Gaggini with the Dept. of Conservation, Office of Mine Reclamation (OMR) will be in the County on Thursday, June 12th. I talked with her last week to let her know that I would be routing this project down to OMR for review. I would like to do a site visit/mine inspection when she’s up here. I will be contacting Jim Smith to inform him that we will be on the property that day. Please let me know if you or Clint Robison will be available and are interested in coming along.

In regards to your “Author’s Note” (Note), please be aware that at no time during the prior review in 1995 did KLH Pacific, Inc. or anyone else submit a reclamation plan for consideration by the Planning Commission that addressed mining activity in the Phase-2 area. In fact, the applicant (Clint Robison) proposed only that the use permit entitlements allow mining in two phases so that the “right-to-mine” issue would be resolved at that point in time. The original draft reclamation plan covered only one acre of the Phase-1 site, then was modified to cover the entire 3 acre area as directed by the Commission. Clint preferred the one acre plan because he believed it would result in a quicker approval, and because he had an urgent need for material to support major highway work through Weaverville during the summer/fall of 1995. If the project was approved as originally proposed, the mine operator would have to come back in the future with reclamation plan amendments prior to commencement of operations beyond the initial one acre in Phase-1, and then again for Phase-2 (and pay additional fees). It is misleading to imply that your draft Plan is just a “re-submittal” of the prior plan. The actions by the Planning Commission and Board of Supervisors resulted simply in limiting mining activity to the entire Phase-1 site. From our past conversations, I think you understand the public controversy and concerns that led to their final decisions. Attached are a few items to help familiarize yourself with the prior proposal, and are found in the project’s file (public record).

Also, it should be noted that there was no formal direction from the Board of Supervisors as you state in the last paragraph of your Note. It appears that Clint Robison and/or possibly Jim Smith have mistaken a private, off-record conversation with a former Board member as official Board policy.

Your statement in Section C.5 (additional approvals required, p.15) is not accurate in regards to the need for a Flood Plain Development Use Permit (FPDUP). As I discussed with you three weeks ago, any mining in Phase-2 will require a FPDUP. Your interpretation of the Flood Plain Ordinance (Co.Ord.1176) is incorrect since the definition for “development” clearly includes mining, dredging, filling, grading, etc. I informed you that this matter should be included as part of the entitlement requested for consideration by the Planning Commission. I did not charge a separate fee for the permit since addressing the relevant issues would be included in the overall project. We agree that the proposed mining should be beneficial from a flood plain management standpoint; however, the permit is still required.

The question has been presented on why a FPDUP was not required two years ago. The answers is that the Smith Property is located along a section of the Trinity River without Base Flood Elevations and with a Zone-A 100-year flood designation. For the Trinity River, the Flood Plain Ordinance references not only Flood Insurance Rate Maps (FIRMs) as the basis for determining areas of special flood hazards, but also aerial photos taken during the 1974 major flood event. We often will use the referenced photos, or other better available information, in lieu of the FIRMs in Zone-A areas of the Trinity River. It is the duty of the Flood Plain Administrator (Planning Director) to make the determination on what is the best available information on a case-by-case basis. Two years ago it was determined by using the aerial photos that most if not all
proposed mining activity in Phase-1 was out of the flood plain. The proposed Phase-2 area had a
greater risk for flooding, but became a non-issue with the Commission's final action. As you are
aware, the referenced aerial photos are available in our office for review. It is clear from this past
winter’s flooding that the 1974 photos do not accurately define the boundaries of risk for a 100-
year flood on this section of the Trinity River. It should also be noted that the New Year's flood
was likely less than a 100-year event. We are requiring the FPDUP at this time, since the evidence
of this past winter storms demonstrate flooding of less than 100-year duration affects existing and
proposed mine areas.

I spoke with Bob Taylor yesterday in regards to the need for a Fish & Game 1603 permit. He said that the permit would be required since mining operation will include excavations below grade along the margin of the river.

During our last meeting we discussed the format of the reclamation plan so that the issues pertaining to Phase-2 are clear to the reader. I am concerned that including the full text from the existing (Phase-1) plan within the Draft Plan creates confusion and has made the document complicated. This is one of the reasons I am asking for clarification from you as noted in question #4 above. It would be clearer to condense the 23 page document for Phase-2 as an addendum to the existing plan. The addendum approach is preferable since it would allow you to focus on the Phase-2 operation. Similarities and differences between the two phases could be summarized, with more detailed discussions provided to address issues specific to Phase-2. However, once the Initial Study is completed, I will route the Draft Plan in its present form with your written responses to my questions attached. Please let me know if you would prefer modifying the format prior to routing.

The primary issues that created controversy two years ago remain. They include possible impacts to the Junction City School, increased heavy truck traffic on Red Hill Road, and effects from noise and dust. Now the Coho listing and flood plain issues must also be addressed. It is my belief that these issues can be mitigated and resolved. Because of the project’s history, I strongly recommend that you, Clint Robison and Jim Smith put a greater emphasis on addressing these issues with the School and the neighbors prior to public hearings before the Commission.

Please feel free to call if you have any questions.

Sincerely,

Ronald A. Adams
Associate Planner

CC: Jim Smith
Clint Robison
Matt Leffler, Supervisor-Dist. 4
Tom McKnight, Commissioner-Dist. 4
Catherine Gaggini, Dept. of Conservation, Office of Mine Reclamation
Kathleen Ghram, Junction City School
Bob Taylor, Dept. of Fish and Game
GENERAL DESCRIPTION:
This document lists the ways in which Trinity Sand & Gravel is not in compliance with its reclamation conditional use permit. Quotes and page numbers are derived from the “Conditions of Approval” & “Reclamation Plan for Smith Tailings” in Junction City, located three tenths of a mile northwest of the Junction City Elementary School.

According to Ordinance No. 315, Section 32, Page 1 of 5, Trinity County stipulates:
A use permit is a zoning instrument utilized to review uses which are of such a nature as to warrant special consideration. These uses generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A use permit is granted at the discretion of the Planning Commission or the Planning Director and is not the automatic right of any applicant. In considering an application for a use permit, the following guidelines shall be observed.

1. Sound Principles of Land Use. A use permit shall be granted upon sound principles of land use.

2. Not Injurious. A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance.

3. Plan Consistency. A use permit must comply with the objectives of the general or specific plan for the area in which it is located.

Every item listed in this document is clearly in non-compliance with the existing Conditional Use Permit and falls under one or more of these above guidelines making the current permit eligible for revocation. Please note: nearly every item in the Conditions of Approval section and the Reclamation Plan for the Smith Tailings CUP is in non-compliance by the current and recent mining operations. Many items were intentionally left out. Due to the high amount of non-compliance points, only the most pressing, and brazen impact to community members and the environment have been included below.
1. The mining operations have expanded beyond its original boundaries.
   Section: Conditions of Approval #1: “The mine operation boundaries and benchmarks shall be maintained throughout the life of the mine for easy identification during operations and annual inspections.”
   The business continues to expand, even as recent as early March 2021, in which we have taken video of excavators digging into new ground for material processing and development. (See Figures 1 & 2)

2. The Conditional Use Permit is for reclamation of the property parcel. This reclamation has not happened, in fact, the opposite has occurred. More material has been dumped there (more than 500,000 cubic yards\(^1\)), more equipment left on site, more permanent structures built, and accumulation of junk piles. There have been no annual inspections or county oversight, and no real reclamation.
   Section: Conditions of Approval #2: “The operator shall amend the reclamation plan to provide financial assurance in accordance with Public Resource Code Section 2773.1 to ensure that reclamation is performed and completed as described in the approved reclamation plan.”
   “In order to provide for clear review during annual inspections and to provide for the orderly reclamation of each phase, separate financial assurances shall be provided for each phase.”

In 1997, our community of Junction City opposed this mining activity. But because of meetings with the owner at the time, Jim Smith, he convinced the community that certain conditions would be upheld in the

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\(^1\) The 500,000 cubic yards of off-site material was brought in by Caltrans in 2017. See Caltrans contract file title: ROW_D2@dot.ca.gov_20190128_141626. The contract was signed between Clint Robison & Edith Smith, the previous business owner and property owner respectively. Rick Tippett, the Planning Director at the time said this was allowed under an emergency ordinance. However, to this day, the county cannot provide documentation of that emergency ordinance. Additionally, Rick Tippett was both the Trinity County Planning Director and head of the Dept. of Transportation, posing a conflict of interest.
interest of the Junction City community. That’s where all these “conditions of approval” came from. Yet, now we see, NONE of these conditions are being upheld. This is in opposition to the communities wishes, and causing harm and nuisance to the neighbors with this mining activity. (See Figures 3, 4, 5 & 6 showing the development over the years in direct opposition to the original reclamation plan).

If reclamation was the plan, this is the reality:

*Figure 3: Google Earth image of site before CalTrans imported 500,000+ cubic yards of material, and development into fully fledged industrial site.*

*Figure 4: Photograph taken in February 2019 after Judd Buick had been developing this site into an industrious business.*
Does this appear to be reclamation to you? Notice how hard packed the surfaces are now. **This site is zoned as Open Space District or “OS” District.** In Ordinance #315, Section 25.5, page 1, Trinity County defines Open Space as, “intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to public health and safety reasons.”

![Figure 5: Trinity Sand & Gravel January 5, 2021](image)

![Figure 6: Trinity Sand & Gravel January 5, 2021. The current permit is supposed to be for reclamation, not development. This image shows the latter.](image)
Additionally, to the lack of reclamation, more and more equipment has been brought in to develop this business into a fully fledged industrial complex. (Figures 7, 8, 9 & 10)

Figure 7 June 17, 2020. Concrete blocks being hauled into mining site believed to be used to support new equipment.

Figure 8: Unauthorized equipment digging deeper to place concrete blocks for mounting new equipment. July 2020
Figure 9: Another view of the concrete blocks being dug in to support new equipment. July 2020

Figure 10: Image shows more equipment, more development. March 3, 2019
3. This business has brazenly disregarded the neighboring elementary school for years by driving trucks by the school during drop off and pick-up times with children present. During heavy traffic projects, upwards of two dozen trucks per hour have driven by during these hours. Sometimes totaling 90 trucks driving by in a 6-hour timeframe.

   Section: Conditions of Approval #5: “To reduce potential conflict between the proposed commercial truck activity associated with this mine operation and school related pedestrian and vehicle traffic, material hauling on Red Hill Road shall not occur during the morning and afternoon periods when children are coming to or leaving school (one-half hour prior to and fifteen minutes after the start of school, and for a 45-minute period after school ends.”

Trinity Sand & Gravel trucks drive by every single school day during this time frame, even after the community, the Junction City Elementary School Principal and the Planning Director have all communicated with the owner of this business not to do so.

4. This business continues to work after operation hours, on weekends, and on national holidays even when knowing the permit does not allow it. It has also been noted by the Planning Director that the owner has lied about that fact.

   Section: Conditions of Approval #5: “Hours of operations for the mining activities shall be from 7am – 6pm Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on legal holidays. Mechanical screening activity, if it occurs, shall cease by 4pm each business day.”
This business operates outside of these business hours on a regular basis. The owner has been talked to about this specific point many times by the community and the Planning Director, and yet continues to operate during weekends and holidays. Hundreds of formal complaints have been made to the planning department about this. No citations have been given for this ongoing issue. Zero.

5. The noise is unbearable. There is more equipment on the property than allowed, including at times a rock crusher. This was supposed to be a “scoop and haul” operation, yet they process all the material onsite.

- Section: Conditions of Approval #6: "This is primarily a ‘scoop and haul’ operation. The only onsite processing permitted is the use of one (1) portable, temporary screening unit. Grates on the screening unit shall be padded to dampen the noise generated when loading rock into the equipment. The power source used for the screening unit and/or other equipment shall be equipped with noise suppressor(s) when possible."

The noise from this business is affecting the quality of life for me and my family in such a profound way. I grew up in my home, my parents built it, and my son was born here. The noise from this quarry has been so impactful that I’ve seriously considered moving. Unfortunately, we have a young child and cannot afford to uproot our lives. The fact is, this business is operating illegally. We shouldn’t have to be faced with this problem.

This business often begins work before 7am, continues to operate after 4pm, and at least one or two weekends every month (if not more) they are on site loading trucks. I have had long discussions about this with Kim Hunter, and she knows the business working outside permitted hours has been an ongoing issue.

To put the noise into perspective, sometimes rocks being dumped into the back of a metal truck bed is louder INSIDE my house than even the coffee grinder when standing right next to the grinder. I have measured sound levels of 110 dBA inside my home depending on the activity at the quarry. Sometimes it rattles the windows.

I live a ½ mile away from the quarry.

The noise of the quarry literally wakes us up in the morning, every day. The rumble of the equipment vibrates through our bodies even when they’re not crashing rocks on metal. I can hear the noise over the music or audiobook I’m listening to in my headphones, even inside the house at times.

We cannot enjoy gardening outside without the steady sounds of rock pounding on metal, beeps from the vehicles, and screeners sorting rocks. At times there have been up to 2 rock crushers on site as well.

The noise has woken up my baby from naps when there are abrupt crashing noises such as a front loader dropping multiple tons of rocks into the backs of metal trucks, even with a white noise machine on in his room.

In the summer, when it’s absolutely necessary to keep all our windows and doors open to let in the cool night air, it allows even more noise in at 6:45am.

I’m not the only neighbor suffering from the noise. The Chagdud Gonpa property has retreat cabins where the noise levels actually register higher. Imagine, a Buddhist retreat center with noise nuisances such as that?
In October 2020 Trinity Sand & Gravel finally hired a sound analysis contractor to measure the noise impacts on neighboring properties. The gentlemen running the analysis told us personally we had sound levels at our property that exceeded the level of the nuisance definition. Trinity Sand & Gravel said the results from the sound analysis would be made public, but it never has. It’s likely the business didn’t want to release information that does not favor their actions.

6. This business uses “jake” brakes while driving on Red Hill Rd. on a regular basis. There have been days, such as the day after the October 8, 2020 planning commissioner meeting that did not shed a positive light on the Trinity Sand & Gravel activities, in which the drivers intentionally use the “jake” brakes while driving by the elementary school going BOTH ways. It is implied this is intentional, especially when paired with the driver “flipping off” school administrators while doing it.

- Section: Conditions of Approval #6: “When transporting material along Red Hill Road, “jake” brakes shall be used only when absolutely necessary for safety.”

It is common occurrence, and common knowledge by every administrator at the Junction City School as well as residential neighbors that they use “jake” brakes as often as they feel to further aggravate the opposing community.

7. This business never waters down it’s haul road, mine area, or material leaving the property.

- Section: Conditions of Approval #7: “The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from the leaving property.”

This does not happen. I have investigated personally many times, as I can view the actions of this business from my property, and I have NEVER seen this action occur. In fact, I have video evidence that this business does all its work of processing material, loading trucks, and driving out loaded trucks, and never watering any material down. I have videos of trucks being loaded and driving out, as well as videos of trucks driving by the school with dust billowing out from the trucks.

This soil has a higher than safe level of asbestos in it. It also has segments of higher than safe levels of lead, due to a CalTrans contract that Judd Buick illegally contracted to have material dumped on the site, KNOWING it had higher than safe levels of lead. That is what is in the dust while driving through our neighborhood, and by our elementary school.

8. This business operates only 15 feet from the Trinity River, a Wild & Scenic designated river. (See Figures 12, 13 & 14 with proximity to Trinity River).

- Section: Conditions of Approval #10: “The permittee (operator) shall not operate within one hundred (100) feet of the Trinity River riparian corridor during the period of September through April each year. During the remainder of the year (May through August), the operator shall observe a setback of thirty (30) feet from the riparian area. The limits of the riparian setback area (non-disturbance zone) shall be flagged or posted on the site, prior to commencement of mining activity, for easy identification during operations and annual inspections. Following the completion of reclamation outside of the setback area, the remaining tailings within the setback area may be carefully removed and processed, without disturbing riparian vegetation, to allow for final leveling and reclamation activities. Planning staff and the California Department of Fish and Game shall be notified when work will commence within the setback area.”

- Section: Conditions of Approval #10: “Following the completion of reclamation outside of the setback area, the remaining tailings within the setback area may be carefully removed and processed, without disturbing riparian vegetation, to allow for final leveling and reclamation activities.”
This business operates directly on the Trinity River with no adherence to safe or healthy space to the river. This is potentially environmentally devastating in many ways. Additionally, this is grounds for litigation due to the Wild & Scenic federal waterway designation of the Trinity River.

There is no reclamation activity happening to return the land to “pre-dredging conditions” as stipulated in their permit.

In figure 12, you can see from above how close they are to the river. Another thing to note in this photo is the extra equipment they’re not permitted to have on site, as well as the junk piles. It’s obvious how the site has become a fully developed aggregate operation with no reclamation in process.

![Figure 12: Mining operations in proximity to the Trinity River. April 2020. Also shows unauthorized equipment on site.](image)

![Figure 13: January 2021. The trees in image are draped over the water, so the working activity in some places is in actuality 15 feet or less.](image)
9. In regards to prevention of fish entrapment, the access road should be elevated above the mine excavation, but it is definitely far below mining activities. It is also required to slope the land with an orientation towards the river, but this is not the case. There are also holding ponds and berms that would inhibit any chance of fish making their way back to the river in case of flood.

- Section: Conditions of Approval #11: “The permittee (operator) shall design the mine and conduct mine operations in a manner which will prevent fish entrapment. The reclamation plan includes a road location, which will meet this requirement, provided that the road is elevated above the mine excavation. This road location shall not adversely affect the flow of flood waters during a 100-year storm event as shown in aerial photos from the 1974 flood of the Trinity River, which is the best available information.”
- Section: Conditions of Approval #13: “The haul road passing through the channel shall be designed and constructed in a manner which does not impede the flow of flood waters in a 100-year storm event.”

Additional hazards to fish populations are the 4-5 holding ponds on site. Again, not allowed with the permit. In the case of flooding, the topography of the mining operations would be devastating to fish populations. The digging and landscaping this business has done to the land would increase fish entrapment.

10. This business has multiple bone yard junk piles, including drums of fuel and other toxic materials, all explicitly prohibited by the existing permit.

- Section: Conditions of Approval #12: “There shall be no storage, placement or disposal of fuel, oil or any other material on the property which may pose a hazard to fish, wildlife or humans.”

There is an exorbitant amount of junk and equipment on site including 5 box trailers, 4 holding ponds (all different colors), 1 Trommel, at times up to 2 rock crushers, 2 excavators, 2 bulldozers, 3 old trucks, piles
of parts and tires, truck scale, fuel drums, and more. That is the list compiled from observations outside the property, and may not be complete.

When a new excavator was documented being brought on site in October of 2020, the community complained. Kim Hunter, the Planning Director, contacted Trinity Sand & Gravel about it, and she said they brought it on site to use it to clean up the junk piles. As you can see in multiple photos taken after October 2020, none of that material was ever removed and in fact, we have photo documentation of them using that excavator to expand mining operations outside of their permitted boundary among other uses. (See figures 2, 13, 15, 19 all showing this excavator being used for illegal operations). This is a typical example in which this business continually lies and brushes off its permitted operations.

Figure 15 Junk piles and unauthorized equipment. January 2021

Figure 16: Bone yard, junk piles. July 2020
11. This business has made repairs, maintained equipment and refueled on site. All of which is prohibited by their permit.

- Section: Conditions of Approval #12: “Maintenance of equipment, other than emergency repairs, shall not occur on the property. The County Health Department and the California Department of Fish and Game shall be notified immediately of any spill of material which may be hazardous to fish, wildlife or humans.”

Multiple Junction City community members have documented evidence that all of these things occurring on this site.
THE FOLLOWING COMMENTS ARE FROM THE RECLAMATION PLAN FOR SMITH TAILINGS – PHASE II
Everything listed below is in non-compliance with the existing permit

Page 6, Section A. 13) Estimated Total Production for Phase II: 350,000 cubic yards
- They estimated the TOTAL amount of processed material to be 350,000 cubic yards, so how do we account for an added 500,000 cubic yards?
- A Conditional Use Permit is a special consideration given to businesses or activities in which don’t meet the land use zoning plan. In lieu of this, the amount to be produced was in consideration that operations were not meant to be indefinite. Yet, that’s what it’s beginning to look like.

Page 6, Section A. 14) “Proposed termination date: In 2020, or when the rock piles are gone.”
- They have added more than 500,000 cubic yards of off-site material. It’s now 2021, with no end in sight.

Page 8, Section B: SITE DESCRIPTION: 3) Proposed end use of the site once mining ceases and reclamation is completed: “The proposed end use after reclamation is Open Space Corridor, which is compatible with the current zoning.”
- There are no reclamation activities happening, and they are not working towards the goals of Open Space land use zoning.

Page 9, Section B. SITE DESCRIPTION: 4) “The operator is prohibited from disturbing any vegetation by the terms of his lease.”
- As you can see in all of the images throughout this document, the industrial activities are impacting the land in significant ways. There is no vegetation left to disturb!

Page 11, Section B. SITE DESCRIPTION: 5) 1. “Because the northeasterly portion of the Phase II tailings extend into the riparian vegetation at the river’s edge, additional protection must be provided for potential spawning beds on the other side of the vegetation during the months of September, October, and November. Operations against the 30’ buffer could potential dislodge boulders allowing them to roll into the river. Therefore, during these three calendar months, operations will be excluded within 100 feet of the riparian corridor. The 300 foot width of the tailings pile will allow uninterrupted operations during this time period simply by restricting operations to the west side of the pile during the annual spawning period.”
- There are not adhering to anything in this condition.

Page 11, Section B. SITE DESCRIPTION: 5) 2. “Grading of the reclaimed area will be to a constant slope headed toward the Trinity River to preclude stranding of fingerlings and fry in pools.”
- They have indeed dug down and away from the Trinity River. They also have about 4 holding ponds that certainly increase the risk of fish entrapment in a flood event.

Page 12, Section C. DESCRIPTION OF MINING OPERATIONS: 3) “Proposed mining activity consists of the gradual removal of dredger (sic) tailings that will result, with reclamation, in rehabilitation of the land to a state that is closer to what had existed prior to disturbance from past mining. This provides reclamation for not only mining activity as proposed by the operator, but also for dredge gold mining that occurred decades ago. Proposed reclamation will also benefit the wildlife qualities of the site.”
- “Gradual removal” is not being done. Instead, more material is being brought in. If this permit is contingent on reclamation and removal, how is it there has been no code enforcement of the opposite behavior happening?
“Actual mining activity will consist only of gravel extraction, screening, and temporary stockpiling. No rock crushing, washing, or asphalt production is proposed on-site. The screened product will be transported to the operator’s existing plant facility in Weaverville for processing into concrete aggregate, road construction products, and fishery habitat restoration material.”

- There is no longer a site in Weaverville for processing, so does this make the permit null if it doesn’t exist?
- There have been two rock crushers on the property for years. It’s believed they were removed recently, but we have Clint Robison on record saying there are two on the property, have been there for years, even though neither was ever permitted to be there.
- They use a washing machine daily.
- They process all material on site.

“Mining conducted so that there will be a “U” shaped excavation with the open end oriented to the Southeast. This configuration will be maintained throughout the life of the project to mitigate sound, visual and drainage impacts as suggested by County Staff. The limits of the mine area will be flagged or posted on the site, prior to commencement of mining activity, for easy identification during operations and annual inspections.”

- The “U” shape does not exist.
- Noise nuisance is a major issue for some neighbors. It’s deeply affecting the quality of life for those living next door.

Page 13, Section C. TYPES OF EQUIPMENT TO BE USED

Typically, two dump trucks will be used to transport the screened material to Weaverville. An eight yard pup trailer may also be used at times to increase single trip capacity, and to help minimize the total number of trips. During occasional peak periods of activity, the number of trucks may be increased and each truck could make as many as eight trips per day. However, actual daily truck activity will be much less since stockpiles of material in Weaverville will be maintained and used during slow periods of the year”

- There are more trucks on the property than that.
- Up to 90 trucks trips have been recorded on Red Hill Road by the Junction City Elementary School daily during high volume jobs.
- There is no longer a Weaverville site to stockpile material and limit truck activity.

According to community observations, there are as follows on the property (with more unseen):

- 5 old trucks
- Piles of parts and tires
- 5 box trailers
- 4 holding ponds (all different colors)
- 1 Trommel
- 2 Rock crushers w/ conveyors
- Wash plant
- 2 excavators
- 2 bulldozers
- Truck scale
- Barrels of oil
- Old tires and various junk piles

All but a “temporary” screener is allowed to remain on the property. How is the planning department overlooking all of this equipment?

This is only the equipment we can observe without trespassing, there is likely more than this.
Figure 19: Additional excavator brought onsite. February 2021

Figure 20: Screener wash plant, unauthorized equipment. March 2, 2021. Note the concrete blocks that the community documented entering the site 6/17/21 mounting new equipment.
Figure 21: January 2021. Image shows just how much development is continually occurring and how much unauthorized equipment is on site. (Not showing multiple bone yard piles).

Page 13, Section C. HOURS OF OPERATION
Paraphrased: 7am-6pm on weekdays turning off equipment by 4pm and not allowed to operate on weekends or legal holidays.
- This is violated almost daily. They often start before 7am. At times of big jobs, they are sometimes working as late as 9pm.
- They often work on legal holidays such as Memorial Day, Presidents Day, etc.
- During the summer of 2017, they were working 24/7 with hundreds of trucks on Red Hill Road per day. How has this been allowed?

Page 13 Section C. PROVISIONS FOR A BONE PILE
“There is no provision for a ‘bone pile’ of unused equipment on this site. All unused equipment will be removed from site.”
- There are enormous amounts of old junk, tires, fuel barrels, old trucks, box trailers and so much more on the site year-round.
- Refer to Figures 15, 16, 17 & 18
Page 14, Section C. PHASES OF OPERATION
“Red Hill Road has recently been widened and a bike lane added from the Elementary School south to Dutch Creek Road.”

- The increase of truck traffic has created an unsafe environment for any pedestrians, especially school children, to use this bike lane. This is a public nuisance and safety issue. Plus, community citizens have witnessed hazardous drivers coming out of this property who don’t stop at Red Hill Road or cut off another driver.

“At no point will the proposed road be more than two feet above existing grade in order that it will not create a diversion or blockage in the event of future flooding.”

- They have built more roads, including one going way up the new “mountain” of material brought in.

“Where the haul road passes through the tailings pile between the tailings to be mined and Red Hill Road, the tailings that must be removed will either be used to construct the haul road or will be removed from the site. The volume of material moved or removed from this tailings pile for this road cut will be less than 1,000 cubic yards.”

- Tailings are not being removed from site, rather more than 500,000 cubic yards of material have been added.
- See Figure 21, which shows the large mound on the top right corner of the photo. This photo, among others, shows the immensity of material that has been dumped there in the last few years.

4) “There will be no storage of fuel or waste petroleum products on site. All equipment will be fueled and maintained from the operator’s service truck. All waste petroleum products will be transported from the site by the operator for proper disposal...”

- There is an excessive amount of equipment stored on the property year-round.
- There are barrels of oil on site permanently.
- Many photos throughout this document shows images of this material within the equipment.

Page 16, Section D. DESCRIPTION OF RECLAMATION:
“Reclamation will be accomplished concurrently with mining operations by filling excavated areas with stockpiled materials that are by-products of the extraction and screening process. Larger rock (boulders) will be used to fill-in excavated areas, and will then be covered with fine material to support revegetation.”

- None of this is happening, on the contrary, the land is becoming more impervious and degraded by the activities happening on site.
- See figures 4, 5, 6, 9, 10, 20 & 21 for the blatant development happing on site, rather than the reclamation agreements in accordance with the current CUP.

“Following completion of operations outside the riparian setback area, the remaining tailings within the setback will be carefully removed and processed, without disturbing riparian vegetation, to allow for final leveling and reclamation activities... The final surface will be graded to a gentle slope toward the river to minimize the velocity of any surface runoff... Additional resoiling will not be necessary to complete the reclamation as outlined because the fine material to be placed provides an excellent base for revegetation. ... The site will be seeded with native grasses to help jump-start natural revegetation of the site.”

- None of this is happening. Again, see figures 5, 6, 9, 10, 20 & 21, among others throughout this document.
- “Final leveling”? What about the new material?
- “Surface grated to gentle slope to river”? how is this with a mountain of new material added to the property?
• “Additional resoiling not necessary”, yet over 500,000 cubic yards of new material has been brought into the property.
• Site has not been reseeded.
“The only equipment to remain on site throughout the life of the project will be an excavator and screening machinery.”
• See list of existing machinery on page 15 of this document. But it is not limited to that list, as we are not able to fully document machinery unseen from outside of the property.
• For some reason, inspections on this property have not elicited a county citation for even this obvious detail.

**Page 17:** “What criteria will be used to determine when reclamation is complete? Reclamation shall be determined complete upon the following:
a. Mining operations are completed, and all equipment removed from the property.
b. Remaining excavated areas are filled and graded as previously described.
c. Any compacted ground under roads to be abandoned will be ripped to break up the compaction.”
• None of this has happened or is in process.
Attention Weaverville Planning Commission

To Whom It May Concern:

I am writing to express my concerns to make a formal complaint against the Trinity Sand & Gravel business that continues to operate on Red Hill Rd., Junction City, California.

My primary concerns:
1. The extreme sound and noise generated at the site during hours of operation.
2. The potential harmful health impact on all neighbors of the site, most especially the children at Junction City School.
3. The ongoing harmful impact of a mining site located adjacent to a major water source, the Trinity River.
4. The safety hazards created when numerous large, uncovered dump trucks travel Red Hill Rd. where children walk to school as well as locals in cars having hazardous encounters with the trucks.

The residence where I live is located on property owned by Alwyn Fischel (AP# 12-26-71) this land is directly across Red Hill Rd. on the slope of the west mountainside. I get the most direct hit of loud sounds/noise from the mining operation. Even Mr. Ballard (Acoustics) told me that is what their testing indicated.
Please see attached letter I wrote recently to Bollard Acoustics after the business set up their sound/acoustic testing equipment at my residence, for the second time. (They did the first test Oct. 19, 2020)

Mr. Bollard called me to request permission to set up the acoustic equipment here. I said yes. In that conversation I told Mr. Bollard that I would request of him to ask Trinity Gravel to generate the numerous sounds that are generated by the various machines and equipment that operate at the site, because it's important that all the varieties of disturbing noises get recorded.

However, during the few hours of the test - the gravel business seemed to only operate what I hear referred to as the gravel washing mechanism. Many of the other sounds were not being generated on the date March 2, 2021.

The following letter was sent to Mr. Bollard by me, via his employee that was here to set up their testing equipment.

So, my dear Commissioners, when do folks like me get to be informed of the acoustic tests results?

I would request the Planning Commission to revoke any permits to operate that have ever been given to Trinity Sand & Gravel. This business is illegal it seems and is harming it's neighbors.

Thank you for your patience and all you do

Nancy Barton
March 2, 2021

Attn. Mr. Paul Bollard,

I feel compelled to write and inform you that during the hours of approx. 10:30 AM to 1:30 pm while your acoustic testing equipment was set up on the land at this residence (owner Alwyn Fischel) — the sounds & noises typically created by the Sand & Gravel business located on Red Hill Rd. were not present. About the only sound audible today was the gravel washing machine.

I did not hear any back-blading using the excavator. I did not hear the sound generated by large boulders being loaded into trucks. I did not hear many of the standard noise that is usually present on a typical active work day at the site.

I feel this test will not be truly representative of what sound is usually generated.

I think it's important you get this feedback. I find myself a bit puzzled and confused by such a poor representation of my actual weekday experience.

Thank You

Nancy Barton
0530-
Greetings~

It is my understanding that the County Planning Commissioner meeting to take place on March 25th, 2021 will include a consideration of the revocation of the Conditional Use Permit for the Smith Pit Tailings Mine. I am writing to express my unwavering support for the complete cessation of the operations on this Red Hill Rd. location, perhaps after the swift and complete fulfillment of the initial intention to restore the river bed -where it operates- to near-natural conditions.

It is also my understanding that the "conditions" under which this permit was first issued have been all but completely ignored. Though the company has recently (the past few years or so) been sold by the initial violator of the conditions on this permit, it seems that any business title transfer (if that is the correct terminology for change of ownership) should include following the initial terms, by the new owner, that the original contract included: remove and restore. Unfortunately, the removal of debris was greatly complicated by an agreement with CALTRANS (and zero public input, as far as I know) to allow tons and tons of additional debris from a land/rock slide restoration project of Caltrans in the Little French Creek area of HWY. 299 to be dumped on-site at the Smith Pit Tailings operation.

I work at the Junction City School where I notice daily a stream of heavy, noisy truck traffic- often not slowed down to the recommended 25 m.p.h. rate of speed when school is in session. This is not an industrial area, though the current mega marijuana grows (which I also feel are misplaced and often a nuisance) vie to defy that notion. Junction City is predominantly a rural residential enclave of human settlement that should be preserved as just that- a peaceful home space for all its 750 residents. At the school, in particular, all the diesel exhaust that is daily expelled into the air close by no doubt drifts somewhat into the school property- onto the playground area and possibly into open windows and doors. It is no secret that diesel emissions contain traces of dioxin (a very powerful carcinogen), which certainly will have a greater impact on a child's health if imbedded in their lungs- than it might on the many adults also on-site five days a week. These are just a couple of concerns that arise from the extended operations of the Smith Pit Mine's initial agreement to remove the debris left from mining tailings, restore the river bed to a natural condition and cease operations once accomplished.

Please do the right thing by insisting that the initial contract be honored, by not granting any permits or renewal of permits that would extend operations beyond this goal, whatsoever, and allow Junction City to return to the (relatively) residential enclave in the mountains for which most of us chose to be here to cherish and protect. It is within the conditions of removing excess debris and restoring the riverbed to a more natural state that the community initially offered little or no opposition to an operation that has seemingly and contemptuously disregarded the wishes and concerns of the residents of Junction City, Please do not merely side with business interests in your considerations, but hold the wishes of the community members first and foremost in those considerations.

Sincerely~

Michael Bien
Junction City, CA. 96048
Dear Planning Commissioners and Department Staff,

My name is Josh Brown and along with my family, I reside at [redacted] in Junction City. I am writing today to strongly urge the Planning Commission to revoke the Conditional Use Permit (CUP) for the Smith Pit Tailings Mine located on Red Hill Road in Junction City at their upcoming March 25th, 2021 meeting. Furthermore, I urge the Commissioners to levy fines and penalties for the years that this business, Trinity Sand and Gravel, has been grossly out of compliance with the original 1997 CUP.

The only county permit which this business has the right to operate under is a 1997 Conditional Use Permit. The language of this permit is largely geared towards reclamation, and in 1997 the permit stated the mining operations would be finished and reclamation efforts complete by 2020. The language also states that the mining was to be a “scoop and haul” operation only, with the goal to remove material in order to restore the flood plain to pre-dredging conditions and a suitable wildlife corridor. Furthermore, the land itself is zoned as Open Space (OS) and the surrounding parcels as Rural Residential (RR). The 1997 CUP was designed to meet this zoning designation and the environmental limits that Open Space zoning defines.

Today and for the past number of years the site has been a full fledged industrial mining operation that has grossly violated every aspect of their 1997 CUP. In the process of operations they have endangered and polluted the community with excess truck traffic, noise, and dust. Up to 90 truck trips in a day have been recorded that barrel past our elementary school often during drop off/pickup hours, a condition that explicitly violates their CUP. We who live within line of site of the Pit mine are subject up to 110 decibels of noise from rock crushers, beeping equipment, diesel engines and worst of all, sounds of crashing rock that can penetrate the walls of our home. On still days, diesel fumes waft up the mountain, compromising our air quality. Permitted operating hours and days are routinely violated, to the point where it’s sadly comical to be calling Kim Hunter, at the planning department, yet again, to report another violation. The Pit mine footprint continues to grow and excessive equipment, tailing ponds, junk piles and barrels of waste oil litter the site, all in violation of the CUP. 500,000 cubic yards of downriver slide waste was deposited on site in 1997 by Caltrans with no plan for reclamation and in further violation of the CUP. All the while the present owner, Judd Buick, continues to blatantly lie to the planning department and ignore community concerns.

My question is: How has this gone on so long without decisive action from the Planning Department and Planning Commission??? The Smith Pit Mine is in complete, and ongoing gross violation of their 1997 CUP with no fines, penalties or repercussions from the County. Our schoolchildren are endangered and our quality of life violated by this illegal operation. The
business did file for an amendment in 2017 but this has not been approved by the County or associated state agencies, and yet they operate as if it has. Besides, the present zoning of the site and the surrounding neighborhood and school location would not allow such an amendment.

In general, I am not opposed to permitted aggregate mining that follows proper environmental, and health& safety laws but an operation like this, in the middle of our neighborhood, next to our elementary school is unacceptable. I am continually baffled by the Planning Department and their inability to bring Trinity Sand and Gravel into compliance with their CUP. I also feel the Planning Department cares little of the concerns of the Junction City community and the real and potentially dangerous impacts this business continues to pose.

It is time for the Planning Commission to act in the public interest and the rule of law and revoke the Smith Pit’s CUP and shut this illegal business down. Thank you for your time.

Sincerely,

Josh Brown
Hello,

As a resident of Junction City, I have serious concerns over how the Smith Pit mine operates. It is my understanding that the mine has essentially not completed typical environmental impact analysis for the work it has, and continues to conduct. I work on environmental permitting projects (NEPA, CEQA), and spend hours researching and compiling documents to inform the public about the environmental impacts that can occur to projects along the Trinity River, and how to mitigate them. Yet Smith Pit is allowed to conduct industrial activities within the Trinity River watershed, right next to the river bed itself, without any accountability for the processes it conducts. Disturbing old mining residue can liberate mercury into the watershed, thus impacting aquatic life, especially salmon.

In addition to my environmental concerns, I am opposed to the excessive noise that comes from the plant. I understand an acoustical analysis was conducted, but not during normal operating conditions. The activities can be heard from far away and provide an undue impact to residential homes.

Sincerely,
Dwight Chapman

--
Dwight Chapman
Re: Trinity Sand & Gravel’s Reclamation Conditional Use Permit for Smith Tailings APN: 12-120-42 & 12-120-49

S.A.F.E. (Safe Alternatives for our Forest Environment) is a 501(c)(3) nonprofit educational and advocacy organization of diverse individuals in Trinity County and has been Trinity County’s environmental voice since the mid-1970s. We are dedicated to promoting healthy ecosystems through contemplation, education, community involvement, organizing, activism and legal remedies.

Trinity County, California - Code of Ordinances Title 17 - ZONING Chapter 17.32 - USE PERMITS
17.32.070 - Modification or revocation of a use permit.

Planning Commission May Revoke or Modify Use Permit. Upon a determination by the planning commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any condition imposed by the planning commission, the planning commission may revoke the use permit.

S.A.F.E stands with Junction City residents and members; we insist the Planning Commission revoke Trinity Sand & Gravel’s Conditional Use Permit. This commercial enterprise has been in continuous non-compliance with its Conditional Use Permit for years. Even worse it is located in the middle of a residential zone and next door to the Junction City Elementary School, it is literally operating in the Trinity River flood plain (a federally listed wild & scenic river). There have been numerous formal complaints made to the County over the years about this project. According to public records no citations have been issued to this flagrantly illegally operated business.

According to Ordinance No. 315, Section 32, Page 1 of 5, Trinity County stipulates:
A use permit is a zoning instrument utilized to review uses which are of such a nature as to warrant special consideration. These uses generally have a distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties unless given special attention. A use permit is granted at the discretion of the Planning Commission or the Planning Director and is not the automatic right of any applicant. In considering an application for a use permit, the following guidelines shall be observed.

1. **Sound Principles of Land Use.** A use permit shall be granted upon sound principles of land use.

2. **Not Injurious.** A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance. (all of these are being violated)

3. **Plan Consistency.** A use permit must comply with the objectives of the general or specific plan for the area in which it is located. (this parcel is zoned OS - open space district. Trinity County defines Open Space as, “intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to public health and safety reasons.”)

Revoke Trinity Sand & Gravel’s Conditional Use Permit.

This Conditional Use Permit what granted for the reclamation of this river front parcel. No reclamation of this site has occurred by our observation this parcel has been further degraded. It has been brought to our attention the county has allowed Caltrans and others to dump waste material there and by some accounts more than 500,000 cubic yards.

Lots of equipment is stored on site, new structures have appeared there, and large piles of junk have accumulated. This is NOT reclamation.

Revoke Trinity Sand & Gravel’s Conditional Use Permit.

Sound violations: In violation of the Conditional Use Permit materials are been routinely processed on site. A rock crusher has been in use and is loud enough to “wake the dead”.

Conditions of Approval #6: “This is primarily a ‘scoop and haul’ operation. The only onsite processing permitted is the use of one (1) portable, temporary screening unit. Grates on the screening unit shall be padded to dampen the noise generated when loading rock into the equipment. The power source used for the screening unit and/or other equipment shall be equipped with noise suppressor(s) when possible.”

The noise from this operation is clearly a public nuisance.

Our local members report to us that truckers are regularly applying their “Jake Brakes” while driving down Red Hill Rd. and at times as a retribution for community opposition. Conditions of Approval #6: “When transporting material along Red Hill Road, “jake” brakes shall be used only when absolutely necessary for safety.”

Revoke Trinity Sand & Gravel’s Conditional Use Permit.

The continuing threat to health and safety of Humans and Wildlife:

Conditions of Approval #12: “There shall be no storage, placement or disposal of fuel, oil or any other material on the property which may pose a hazard to fish, wildlife or humans.” “Maintenance of equipment, other than emergency repairs, shall not occur on the property. The County Health
Department and the California Department of Fish and Game shall be notified immediately of any spill of material which may be hazardous to fish, wildlife or humans.”

From what can be observed from outside the property there is an excessive amount of equipment and trash on the parcel, including at least 5 box trailers, 1 trommel, 2 rock crushers, 2 excavators, 2 bulldozers, 3 old trucks, piles of parts and tires, truck scale, fuel drums, and other junk too numerous to list. This permit holder has allowed equipment to be maintained, repair and refueled on site, all of which is prohibited by their permit. Of particular concern to SAFE are the 4 clearly contaminated holding ponds. Locating even one of these this close to the Trinity River should not just cause revocation of their permit but should result in fines and jail time.

Revoke Trinity Sand & Gravel’s Conditional Use Permit

Operations in the trinity river flood plain:

Conditions of Approval #10: “The permittee (operator) shall not operate within one hundred (100) feet of the Trinity River riparian corridor during the period of September through April each year. During the remainder of the year (May through August), the operator shall observe a setback of thirty (30) feet from the riparian area. The limits of the riparian setback area (non-disturbance zone) shall be flagged or posted on the site, prior to commencement of mining activity, for easy identification during operations and annual inspections. Following the completion of reclamation outside of the setback area, the remaining tailings within the setback area may be carefully removed and processed, without disturbing the riparian vegetation, to allow for final leveling and reclamation activities. Planning staff and the California Department of Fish and Game shall be notified when work will commence within the setback area.”

This business operates within a few feet the Trinity River and with flagrant disregard for riparian vegetation, this water course is a designated Wild & Scenic river.

Revoke Trinity Sand & Gravel’s Conditional Use Permit

Section: Conditions of Approval #7: “The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from the leaving property.”

The permittee never does these, trucks regularly drive by the school with dust billowing out the back. This business never waters down it’s haul road, the mine area, or material leaving the property. Clouds of dust can be observed from a great distance away.

Revoke Trinity Sand & Gravel’s Conditional Use Permit

Thank you for your consideration

Larry Glass
Executive Director
SAFE
Hayfork, Ca 96041
TO;  Trinity County Planning Department
FROM:  Lupe Gutierrez, property owner

I am concerned if the permit is requesting an expansion or extension of their mining following must be taken into consideration:  1) The Smith Pit Tailings Mine constitutes a nuisance in that it generates a noise factor from their operation that can be heard at all times within a 24 hour period and within a minimum of a 2 mile radius.  It echoes down and up the river.  2) The rock piles have become unsightly and infringe on the natural beauty of the environment which affects property values and stunted economic growth.  3) Most importantly, the quality of water has deteriorated in the surrounding area.

Is this an action item or discussion item on the agenda?  If action I am highly disappointed that I have not received any other information regarding this matter.

Please let me know you have received this email.

Respectfully,
Lupe Gutierrez
March 21, 2021

Trinity County Planning Department
PO Box 2819
Weaverville, California 96093-2819

From: Richard & Martha Helberg, Residents of Junction City, California 96048

RE: Modification / Revocation of Conditional Use Permit (P-97-32):

Dear Commissioners:

We strongly OPPOSE the Trinity Sand and Gravel / Smith Pit Conditional Use Permit (CUP) Amendment and moreover, we note the ZERO oversight by Trinity County for this reclamation, the contradictions are countless and mind boggling!

*How did the Smith Pit go from a permitted “Scoop and Haul” to an “Industrial Rock Crushing Quarry”?*
Trinity County DOT Inspection Reports – SMARA/Reclamation notes:

Each one of these Inspection Notice Forms are certified by the Trinity County, stated it is consistent with the reclamation plan. What happened to the PLAN?

**New Map not included with Amendment, showing Fuel and HazMat?**

February 3, 2021 California State Water Boards Notice of Intent Application to discharge storm water included site map, dated 2016. Site map shows two separate locations, one with Haz Materials Storage (<5-Gallon Containers), one Mobile Equipment Storage and Fueling.

Smith Tailings Conditional Use Permit (P-97-32) states:

12. There shall be no storage, placement or disposal of fuel, oil or any other material on the property which may pose a hazard to fish, wildlife or humans.

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<td>Structures</td>
<td>None</td>
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<td>Scale House</td>
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<td>Equipment</td>
<td>Extraction, Screening, Stock Piling - loader, dozer</td>
<td>Parts of portable crusher-sorter unit</td>
<td>Sorting &amp; Processing plant installed, several conveyors &amp; two truck trailers</td>
<td>Added Excavator</td>
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<td>Closure of Adits</td>
<td>No crush / wash or batch plants. No unused equip staging</td>
<td>Added conveyor, sorter, crusher;</td>
<td>Added Wash Plant, Sorter</td>
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<tr>
<td>Other Reclamation Plan Requirements</td>
<td>No fuel or waste.</td>
<td>Fuels on Site</td>
<td>Taking rock from Caltrans, Lime Point</td>
<td>New excavatoin area started, Lowered FACE</td>
<td>New second pit, rebuilding wash basin</td>
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In 2007, SMARA/Reclamation Inspection Report notes to remove or amend plan for fuel on site. The fuel and hazmat is never discussed in new amended plan, now shown to be there for 5 years?

**Trinity Sand and Gravel Amendment states NOA Testing:** Materials transported to the site have been tested by Caltrans for asbestos. Where is the Asbestos Report? The material dumped from the slide to Junction City contained serpentinized peridotite and most written information attached on this subsection states it contains Asbestos. There is NO safe level of asbestos. Now Trinity Sand & Gravel is starting to process this material. Please before anymore processing is done, this needs to be analyzed for dangerous materials.

**Caltrans Environmental File 02-2H740 Big French Creek Slide 02-TRI-299, PM 23.3**

*Project Setting*

Lithology and Stratigraphy... this subsection is dominated by Mesozoic granitic rocks and Paleozoic to Jurassic gabbro and metavolcanic and metasedimentary rocks, including serpentinized peridotite ...

Soils... the soils are mostly Dystric and Dystric Lithic Xerochrepts and Ultic Haploxeralfs, plus shallow Dystric Lithic Xerochrepts on granitic rocks and Mollic Haploxeralfs on serpentinized peridotite ...

UC Division of Ag & Natural Resources – Facts about Serpentine Rock and Soil Containing Asbestos in California:

What is Serpentine? Serpentine is California’s state rock. Most ultramafic rocks, including serpentinite, contain naturally occurring asbestos (NOA) particles, microscopic needlelike particles of asbestos or asbestos-like fibers.
Junction City Community Promises & Permits Made...

This new amendment does nothing to address the environmental impacts of projected noise and dust pollution that will plague Junction City’s community with no end date. At the beginning of March 2021, Trinity Sand and Gravel added some type of sound barrier around the wash/processing/gold mining plant. So, this piece of equipment has been in place since 2010 and just now the noise has been too loud. Has it been over 55 db this whole time?

We are very proud to call Junction City our home. We were married on our property in 1989 and have been residents since 2013. As a community we must continue to work together to keep our community safe, secure, healthy, and the wellbeing of the children at the Junction City Elementary School being of the utmost concern. Thank you for your time and consideration of all the facts and malicious non-compliance.

Respectfully,

Martha Helberg

Richard Helberg

PLANNING FOR ALL!

Junction City Community Promises & Permits Broken...
Deborah Rogge

From: Angela Dills < >
Sent: Tuesday, March 23, 2021 1:01 PM
To: Info.Planning
Subject: Rock pit on Redhill Road JC.

This is my concerns with having the so called gravel pit/mining area on this side ..Redhill rd Junction City. It is noisy loud, he's digging down below water table creating a mosquito pond mess. Disturbing the old mercury thats was used way back ,before they knew the problems it causes to health... as it is people living here in the later years havd died of weird cancers.. the trees are dying along the road at the entrance from water used to keep the dust down .. when in operations the dust blows toward our property's. Its toxic also .. we don't need all that mercury stirred up . And the promise was to remove that two story tall gravel pile , flatten it out some ... more like it was before ... get to much change and it will change the river channel. Since it ran on the Redhill side many years ago ,before the dredging of river... peoples homes would be back in the flood plain...Angela & Shirley Dills Junction City,CA
March 22, 2021

To: Trinity County Planning Department Commissioners  
Re: Smith Tailings Project No. P-97-32  
From: Junction City School Site Council and District Governing Board

Dear Honorable Commissioners,

The Junction City School Site Council and District Governing Board are urging you to revoke the permit of the Smith Tailings Project, currently operating as Trinity Sand and Gravel.

The Smith Tailings Project was originally approved and permitted as a reclamation project. Over the last couple of decades, this reclamation project has operated outside of its approved permit, and is currently, a for-profit business enterprise with total disregard for the health and safety of the students, staff, and families of our school community.

Recently, Trinity Sand and Gravel’s behavior has changed a little, but only after numerous public complaints and requests to revoke their operating permit, forcing you to pay attention. Our concern is that they will revert back to their past bad behavior, and stop following the rules of their permit, as soon as we all stop watching.

A bigger concern is that this dangerous behavior and activity has been allowed to continue for decades. Despite the countless complaints, no enforcement occurred to ensure any of the operators were following the conditions of their permit. At this point in time, numerous and detailed complaints have been submitted to the Planning Department from the school and our community regarding the current operator. Although these concerns were brought to your attention at the Planning Commission Meeting on October 8, 2020, Trinity Sand and Gravel continues to operate outside of their permit. Why have they been allowed to continue to operate?

You have heard our concerns, over and over again. You know that we are worried about the dangerous semi-truck traffic along our students’ route to school. You know this is the only route we have to evacuate our students and community in the case of an emergency. You know our concerns about the noise and rumbling of truck traffic disrupting our students’ learning. You know our community is worried about the rock crushing affecting our air quality. You know that imported rock material containing unsafe levels of lead was brought to the site. You allowed this to happen.

These facts warrant the questions: Who is monitoring the materials being processed at Trinity Sand and Gravel? Who is ensuring the health and safety of our students? Who is responsible for enforcing the rules of their permit? You have demonstrated that you are not able to enforce the conditions and assurances of the permit you have granted. Therefore, we believe it is your obligation to revoke the permit issued to the Smith Tailings Project.

If you have any concern for the safety and well-being of our students and community, you will revoke the use permit of the Smith Tailings Project and end the operations of Trinity Sand and Gravel.

Respectfully submitted on behalf of the entire Junction City School Site Council and District Governing Board,

Christine Camara  
Superintendent
Dear Trinity County Planning Commissioners and Director of Planning Department,

I’m writing in regards to the Smith Tailings mine issue, a.k.a. Trinity Sand & Gravel.

I have owned a home in Junction City since 2015. I have seen over time the impacts this business has made on my community and witnessed the widespread opposition from my neighbors about the mining activity going on there.

I do not feel this business is appropriate. It’s in the middle of a rural residential land use zoning area, and is zoned Open Space which is intended for “significant or critical wildlife habitat areas or areas which should not be developed due to public health and safety reasons.”

The permit that does exist is meant for reclamation, however, if you have seen what’s going on at this mining site over the years, we’re a far cry from reclaiming that land to “pre-dredging conditions”. It’s an industrial mining operation.

I do not support this business mining there for a number of reasons. They are not adhering to sound principles of land use. They are not fulfilling their reclamation activities as stipulated by their conditional use permit and they’re literally working only a few feet from the Trinity River, a designated Wild & Scenic waterway.

At times their traffic has been upwards of 80 or more truckloads in a 6-hour window, which they’re only permitted for 2 trucks, and a maximum of 12 trips. These trucks drive by our local elementary school. Never have they sprayed down their truck loads, which means dust is billowing out of the truck beds during every load driven out. In 2019 Judd Buick knowingly signed a contract with CalTrans that accepted material with higher than safe levels of lead. How can we be sure this isn’t affecting our school children and the neighboring community?

It’s common knowledge the noise has affected a number of neighbors in impactful ways. Simply put, this business is detrimental to the public health and safety, and is a downright nuisance. Additionally, the owners of this business have done nothing to mitigate the behaviors that cause this nuisance. One huge complaint is that they work outside of operating hours (7am-6pm and not on holidays or weekends). Yet, they continue to work before 7am, on weekends, and on holidays. I have also witnessed numerous times, multiple trucks coming to and from the mine between the hours of 11 p.m.-1 a.m.

They are not adhering to their original plan of their permit. The reclamation in the current CUP is clearly defined yet they are non-compliant with all of it.

For all of these reasons, their current permit needs to be looked at, addressed and revoked if necessary. It has been going on too long, and the county officials need to provide oversight and act on this overwhelmingly non-compliant activity.
Thank you for your time,

Laura Landgraf
Concerning the Smith Pit mining operation in Junction City, also known as Trinity Sand and Gravel:

Please do not allow the expansion of this business to continue to function in a non-commercial area.

Please do not allow use permits to be granted to extend the expansion of the business on this property, which could then be sold to a future owner who could (will try) to expand the business to rival the scale of Eagle Rock in Junction City. Trinity County government does not have the staff nor energy to effectively regulate this business. They have not self-regulated over the past 20 plus years. With the shutdown of Con Agg in the Industrial Park in Weaverville, there is an economic need for another business of this nature, but the Smith Pit site is the wrong location for so very many reasons.

Thank you for your consideration.
Dear Trinity County Planning Commissioners and Director of Planning Department,

I’m writing in regards to the Smith Tailings mine issue, a.k.a. Trinity Sand & Gravel.

I am a Junction City resident and for years now I have been impacted by the mining operations being done on Red Hill Road.

I lived right across from it when it was running 24 hours a day, lights shining they my bedroom window, backup censors of trucks making it impossible to sleep, rock crushing machine unbearable noise, dust in the air, roads being impacted. It needs to be stopped, because they are not following their permit conditions.

I now live on Lake Road and still hear the quarry operating even more than a mile away. The sound spreads far and wide around Junction City, impacting dozens and dozens of residents.

Also, this mine is being operated illegally right on the Trinity river. There is supposed to be a 100’ setback, but they’re operating 15 feet from the river, and have been for years. Why hasn’t the county regulated the special use permit that explicitlymandates this? Additionally, the business is supposed to remove all equipment from the site between September – April of every year to mitigate hazards for fish and wildlife health during flood season. More equipment that is even allowed by the permit has been there permanently, for years. Again, why has the county done nothing, and how is this being allowed?

Have you been to this site lately? It’s an industrial zone at this point. The permit is for reclamation, yet there is even more environmental impact than when it begun. Not to mention over 500,000 cubic yards of soil being dumped there in 2017, when it was supposed to only be a scoop and haul operation.

The number of trucks that they drive out of that site is sometimes more than 40 trucks per day, one way. So that’s 80+ truck loads driving through our community within a few hours, by the elementary school, and on the only egress and ingress for Red Hill Rd. residents.
In the summer of 2017, when they were operating 24 hours a day, and driving 100s of trucks on the road throughout the day, is when the Helena Fire happened. There could have been catastrophic issues with that much traffic happening at a time of an emergency such as that, which could lead to loss of life.

The county needs to consider this issue seriously. This business is a hazard to the residents who live on Red Hill Road in case of an emergency.

I’m concerned about the dust as well. We know there has been higher than safe levels of lead dumped there by CalTrans. There was a contract that Judd Buick signed with CalTrans in January of 2019 that allowed for that material to be dumped there. Thankfully, community residents helped stop that project from finishing, but not before 1,800 cubic yards were documented and confirmed by Planning Department staff, and over a week of that activity occurred before Rick Tippett finally called CalTrans to discontinue dumping there. This was after the owner of the business was told they could not sign contracts with CalTrans or do any business which brings in more material.

The owner of this business has blatantly disrespected the Junction City Community. Over and over again. Knowingly. He knows they can’t operate outside of working hours, weekends or holidays. Yet they still do! All the time. The most recent occurrences happened on March 19th, in which they were running equipment at 6:45am. They know they’re not supposed to do this. Additionally, they were loading material into the backs of trucks just two weeks ago on Sunday, February 28th. Can you imagine living next to a business in which front loaders dump tons of rock into a metal dump truck trailer? It’s loud as F$&*^!!

It’s frustrating that the owner of this business knows he is doing things he is not allowed to do, yet does them anyway. It is especially telling that he continues to disrespect the community knowing there is a planning commissioner meeting on the horizon. This shows his true character, in which he cannot be trusted to run an industrial business such as this in the midst of a rural residential zone, next door to a Junction City School. Scumbag...

This business is not appropriate at its location.

This business does not follow the rules.

This business continually and knowingly disrespects its neighbors.

It does not deserve the privilege of the conditional use permit it has, let alone any added amendments to allow for more mining activity.

These guys are scumbags and need to be stopped.
Please consider revoking the permit, as they are non-compliant with the entire CUP. They’re a nuisance and the cause of many impacts to our community including personal safety and wellbeing. They are not doing any reclamation on the land, nor consistent with the permit plan.

Thanks,

Shea Phillips
Steve and Colleen Ryberg
Junction City, CA 96048

March 22, 2021

Attention: Trinity County Planning Commission

CODE VIOLATION COMPLAINT
Smith Tailings Mine/Trinity Sand & Gravel

This subject has been blatantly ignored by Trinity County for too many years. The above business does not have permission to have an industrial mining operation in the current location adjacent to Red Hill Road in Junction City, CA.

The land is zoned for wildlife habitat areas.

Please address this issue immediately - sooner - not later!

Respectfully submitted,

Steve and Colleen Ryberg

[Signatures]
March 21, 2021

Trinity County Planning Commissioners
Trinity County Planning Department

My name is Virginia Shaw; my primary residence is in Junction City on Red Hill Road. We are approximately 1 mile from Smith Tailings project site.

I have been personally affected negatively by the operations at the project site. While sitting in my garden I can hear the rock crushers and machinery. This is supposed to be my quiet space and time. Road traffic and/or operations have increased the dust in our area; this creates health concerns for my family. Also, when they were hauling in road debris, from the slide down river, the traffic was terrible. I can remember waiting in line for 30 minutes or more behind at least 10 trucks that were lined up to go into the project site. The trucks were waiting for trucks to come out. I witnessed several dangerous occurrences of passenger cars passing the waiting trucks and heading head on into trucks leaving the site. This traffic seemed to go on 24 hours 7 days per week.

My concerns:

1. The operator is in total flagrant violation of 1990’s Conditional Use Permit from the county. I understand they have applied for additional authorizations for their actions that are in violation of their current permit. Trinity County should not sanction their violations.
2. Public Nuisance: The noise from this project site can be heard all directions over quite a distance in Junction City. The traffic is a problem; they are wearing out our roads. These roads were built for residential use. Public health is a concern because of the increase dust or air particles from increased road use and operations.
3. The project is located directly adjacent to a “Wild and Scenic River”. The original permit intent was for restoration and reclamation of the dredging piles and would have improved the area. The current activities are having negative effects on the “Wild and Scenic River”.
4. Trinity River has endangered species that could be negatively affected by the current and proposed operations directly adjacent to their habitat.
5. The project area is next to Junction City School, where all our children and grandchildren attend. Our children should not be subjected to consequences caused by the illegal operation of this permit.
6. The operator has shown disrespect for Trinity County and residences of Junction City. He has been untrustworthy and not shown willingness to comply with his existing permit.
7. Trinity County not truthful. Trinity County has failed to administer the Conditional Use Permit.

My recommendation:

1. Require adequate Bond for restoration and reclamation
2. Allow only what was in original Conditional Use Permit
3. Set Deadline for Restoration and reclamation
4. Demand removal of all unauthorized equipment
5. Deny applications for additional operations

My Desired Outcome: The area is restored and reclaimed and remains as open space.

Sincerely:

[Signature]

Virginia Shaw
Junction City, CA
September 30, 2020
Re: Smith Tailings Project No. P-97-32

Dear Trinity County Planning Commissioners,

The North Fork Grange in Junction City is a community organization that was established in 1952. Our current membership is at about 50 local members with the mission to encourage families to band together to promote the economic and political well-being of the community and agriculture. The North Fork Grange regularly holds community events from dances to weddings to public meetings; we clean up our stretch of highway 299 twice a year; we maintain the JC park and we hand out scholarships to the graduating youth of the Down River area every year. Our membership demographics range from young families to retirees and we all have a vested interest in seeing our little mountain community thrive.

The Grange Hall is located just a mile away from the Smith Tailings project site. We have hosted two public meetings regarding the Smith Tailings 2018 when we were first made aware that the new business owner was now seeking to amend their CUP. Many concerned neighbors, friends, officers and members of the Grange attended these public meetings as many of them have experienced the negative impacts this project has created.

The intent of the original property owner, Irvin Jim Smith, was to rehabilitate and reclaim this property for wildlife and recreation by gradually removing the tailing piles left from gold mining; which is consistent with open space zoning. The current permit states it is primarily a scoop and haul operation with most all processing to occur in Weaverville. Rock crushers, equipment bone piles and gravel washing are expressly prohibited. Being mindful of salmon spawning on the Trinity River and the fact that much of this property is in the Flood Zone, operations cannot take place within 100' feet of the riparian buffer zone from September - April. The reclamation plan and use permit conditions state that a temporary, portable screen, a front-end loader, a bulldozer and two dump trucks are all the equipment allowed onsite with an estimated 2 employees. Jake brakes are only to be used when absolutely necessary and trucks are not supposed to run when kids are coming to or going home from the school. No screening operations are to occur before 7am or after 4pm and no work on weekends or legal holidays. However, ALL of these requirements have been broken or ignored by both the former and the new operators. This has not only created an unsafe situation for our community, but it has become a nuisance. A project of this magnitude is best suited for industrial zoned land, not open space and not nestled into a neighborhood.

Perhaps there are some economic benefits to this project, but we feel strongly that the dysfunctions and detriments far outweigh the benefits. At our July membership meeting, we voted unanimously to write this letter voicing the North Fork Grange’s opposition to any and all of the amendments proposed for the Smith Tailings project. The operators have shown that they cannot be trusted. Trinity County, as the lead agency, has shown that it does not have the resolve or resources to oversee this project properly. Countless formal complaints have been made by local residents over the years and yet no enforcement has happened; and no violations issued as a result.

We believe that it is in the best interest of the community and our environment if this permit was revoked entirely. Financial Assurances put into place to ensure reclamation would be completed are to be reviewed each year during the inspections (or whenever necessitated by modifications to the project or site). To our knowledge, no inspections have been done or financial assurances updated since 2016 – just before they brought in an additional 500,000 cubic yards of material to the site. In the event that the property is subdivided or there is a change in operators (both of which occurred in 2018) new assurances must be provided. If the financial assurances have been updated as they should — we urge you to revoke this permit and invoke the financial assurances to ensure reclamation. Thank you.

Sincerely,

Will Shaw, on behalf of the North Fork Grange

California Deputy State Grange Master
PUBLIC RESOURCES CODE - PRC
DIVISION 2. GEOLOGY, MINES AND MINING [2001 - 2815] (Heading of Division 2 amended by Stats. 1965, Ch. 1143.)
CHAPTER 9. Surface Mining and Reclamation Act of 1975 [2710 - 2796.5] (Chapter 9 added by Stats. 1975, Ch. 1131.)

ARTICLE 5. Reclamation Plans and the Conduct of Surface Mining Operations [2770 - 2779] (Article 5 added by Stats. 1975, Ch. 1131.)

2773.1. (a) Lead agencies shall require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation's approved reclamation plan, as follows:

(1) A financial assurance mechanism may take the form of surety bonds executed by an admitted surety insurer, as defined in subdivision (a) of Section 995.120 of the Code of Civil Procedure, irrevocable letters of credit, trust funds, or other forms of financial assurance mechanisms specified by the board pursuant to subdivision (e) that the lead agency reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan.

(2) Financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.

(3) The amount of the financial assurance cost estimate required of a surface mining operation for any one year shall be reviewed and, if necessary, adjusted once each calendar year to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. An operator shall be required to replace an approved financial assurance mechanism to bond for the reclamation of the surface mining operation only if the financial assurance cost estimate identifies a need to increase the amount of the financial assurance mechanism.

(4) Financial assurance cost estimates shall be submitted to the lead agency for review on a form developed by the supervisor and approved by the board. The form shall be subject to the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

(5) Each financial assurance mechanism shall be made payable to the lead agency and the department. A financial assurance mechanism that was approved by the lead agency prior to January 1, 1993, and was made payable to the State Geologist shall be considered payable to the department for purposes of this chapter. However, if a surface mining operation has received approval of its financial assurance cost estimate from a public agency other than the lead agency, the lead agency shall deem those financial cost estimates adequate for purposes of this section, or shall credit them toward fulfillment of the financial cost estimate required by this section, if they are made payable to the public agency, the lead agency, and the department and otherwise meet the requirements of this section. In any event, if a lead agency and one or more public agencies exercise jurisdiction over a surface mining operation, the total amount of financial assurances required by the lead agency and the public agencies for any one year shall not exceed that amount that is necessary to perform reclamation of lands remaining disturbed. For purposes of this paragraph, a "public agency" may include a federal agency.

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

(2) If the lead agency or the board, following the public hearing conducted pursuant to paragraph (1), determines that the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan or has abandoned its surface mining operation without completing reclamation, either the lead agency or the supervisor shall do all of the following:

(A) Notify the operator by personal service or certified mail that the lead agency or the supervisor intends to take appropriate action to forfeit the financial assurances and specify the reasons for so doing.

(B) Proceed to take appropriate action to require forfeiture of the financial assurance mechanisms.

(C) Use the proceeds from the forfeited financial assurance mechanisms to conduct and complete reclamation in accordance with the approved reclamation plan. If the surface mining operation cannot be reclaimed in accordance with its approved reclamation plan, or the financial assurance mechanisms are inadequate to reclaim in accordance with its approved reclamation plan, the lead agency or supervisor may use forfeited financial assurance mechanisms to reclaim or remEDIATE mining disturbances as appropriate for the site conditions as determined by both the lead agency and the supervisor. The financial assurance mechanisms shall not be used for any other purpose. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan or a remediation plan developed pursuant to this section as determined appropriate by both the lead agency and the supervisor that are in excess of the proceeds from the forfeited financial assurance mechanisms.

(c) Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon the written concurrence of the lead agency and the supervisor, which shall be forwarded to the operator and the institutions providing or holding the financial assurance mechanism, that reclamation has been completed in accordance with the approved reclamation plan. If a surface mining operation is sold or ownership is transferred to another person, the existing financial assurance mechanism shall remain in force and shall not be released by the lead agency and the supervisor until new financial assurance mechanisms are secured from the new owner and have been approved by the lead agency in accordance with Sections 2770, 2773.1, and 2773.4. Within 90 days of the sale or transfer of a surface mining operation, the new operator shall submit an appropriate financial assurance mechanism, which may be the existing mechanism if the existing mechanism is payable in the event the new operator's financial incapability or abandonment of the surface mining operation, that is subject to review by the lead agency and the supervisor pursuant to subdivision (e) of Section 2773.4. Within 15 days of the sale or transfer of a surface mining operation, the new operator shall sign a new statement of reclamation responsibility in accordance with paragraph (10) of subdivision (c) of Section 2772.

(d) The lead agency shall have primary responsibility to seek forfeiture of the financial assurance mechanisms and to reclaim mine sites pursuant to subdivision (b). However, if the board is not the lead agency pursuant to Section 2774.4, the supervisor may act to seek forfeiture of the financial assurance mechanisms and reclaim the mine sites pursuant to subdivision (b) only if both of the following occur:

(1) The financial incapability of the operator or the abandonment of the surface mining operation has come to the attention of the supervisor.

(2) The lead agency has been notified in writing by the supervisor of the financial incapability of the operator or the abandonment of the surface mining operation for at least 15 days, the lead agency has not taken appropriate measures to seek forfeiture of the financial assurance mechanisms and reclaim the mine site, and one of the following has occurred:

(A) The lead agency has been notified in writing by the supervisor that failure to take appropriate measures to seek forfeiture of the financial assurance mechanisms or to reclaim the mine site shall result in actions being taken against the lead agency under Section 2774.4.

(B) The supervisor determines that there is a violation that amounts to an imminent and substantial endangerment to the public health, safety, or to the environment.

(C) The lead agency notifies the supervisor in writing that its good faith attempts to seek forfeiture of the financial assurance mechanisms have not been successful.
The supervisor shall comply with subdivision (b) in seeking the forfeiture of financial assurance mechanisms and reclaiming mine sites.

(e) The board may adopt regulations specifying financial assurance mechanisms other than surety bonds, irrevocable letters of credit, and trust funds, which the board determines are reasonably available and adequate to ensure reclamation pursuant to this chapter, but these mechanisms shall not include financial tests or surety bonds executed by one or more personal sureties. These mechanisms may include reclamation bond pool programs.

(f) The board shall adopt or revise guidelines to implement this section as necessary. The guidelines are exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), and are not subject to review by the Office of Administrative Law.

(Amended by Stats. 2017, Ch. 521, Sec. 38. (SB 809) Effective January 1, 2018.)
September 30, 2020
Re: Smith Tailings Project No. P-97-32

Dear Trinity County Planning Commissioners,

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Will Shaw, on behalf of the North Fork Grange
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(2) If the lead agency or the board, following the public hearing conducted pursuant to paragraph (1), determines that the operator is financially incapable of performing reclamation in accordance with its approved reclamation plan or has abandoned its surface mining operation without completing reclamation, either the lead agency or the supervisor shall do all of the following:

(A) Notify the operator by personal service or certified mail that the lead agency or the supervisor intends to take appropriate action to forfeit the financial assurances and specify the reasons for so doing.

(B) Proceed to take appropriate action to require forfeiture of the financial assurance mechanisms.

(C) Use the proceeds from the forfeited financial assurance mechanisms to conduct and complete reclamation in accordance with the approved reclamation plan. If the surface mining operation cannot be reclaimed in accordance with its approved reclamation plan, or the financial assurance mechanisms are inadequate to reclaim in accordance with its approved reclamation plan, the lead agency or supervisor may use forfeited financial assurance mechanisms to reclaim or remediate mining disturbances as appropriate for the site conditions as determined by both the lead agency and the supervisor. The financial assurance mechanisms shall not be used for any other purpose. The operator is responsible for the costs of conducting and completing reclamation in accordance with the approved reclamation plan or a remediation plan developed pursuant to this section as determined appropriate by both the lead agency and the supervisor that are in excess of the proceeds from the forfeited financial assurance mechanisms.

(c) Financial assurances shall no longer be required of a surface mining operation, and shall be released, upon the written concurrence of the lead agency and the supervisor, which shall be forwarded to the operator and the institutions providing or holding the financial assurance mechanism, that reclamation has been completed in accordance with the approved reclamation plan. If a surface mining operation is sold or ownership is transferred to another person, the existing financial assurance mechanism shall remain in force and shall not be released by the lead agency and the supervisor until new financial assurance mechanisms are secured from the new owner and have been approved by the lead agency in accordance with Sections 2770, 2773.1, and 2773.4. Within 90 days of the sale or transfer of a surface mining operation, the new operator shall submit an appropriate financial assurance mechanism, which may be the existing mechanism if the existing mechanism is payable in the event of the new operator's financial incapability or abandonment of the surface mining operation, that is subject to review by the lead agency and the supervisor pursuant to subdivision (e) of Section 2773.4. Within 15 days of the sale or transfer of a surface mining operation, the new operator shall sign a new statement of reclamation responsibility in accordance with paragraph (10) of subdivision (c) of Section 2772.

(d) The lead agency shall have primary responsibility to seek forfeiture of the financial assurance mechanisms and to reclaim mine sites pursuant to subdivision (b). However, if the board is not the lead agency pursuant to Section 2774.4, the supervisor may act to seek forfeiture of the financial assurance mechanisms and reclaim the mine sites pursuant to subdivision (b) only if both of the following occur:

(1) The financial incapability of the operator or the abandonment of the surface mining operation has come to the attention of the supervisor.

(2) The lead agency has been notified in writing by the supervisor of the financial incapability of the operator or the abandonment of the surface mining operation for at least 15 days, the lead agency has not taken appropriate measures to seek forfeiture of the financial assurance mechanisms and reclaim the mine site, and one of the following has occurred:

(A) The lead agency has been notified in writing by the supervisor that failure to take appropriate measures to seek forfeiture of the financial assurance mechanisms or to reclaim the mine site shall result in actions being taken against the lead agency under Section 2774.4.

(B) The supervisor determines that there is a violation that amounts to an imminent and substantial endangerment to the public health, safety, or to the environment.

(C) The lead agency notifies the supervisor in writing that its good faith attempts to seek forfeiture of the financial assurance mechanisms have not been successful.
The supervisor shall comply with subdivision (b) in seeking the forfeiture of financial assurance mechanisms and reclaiming mine sites.

(e) The board may adopt regulations specifying financial assurance mechanisms other than surety bonds, irrevocable letters of credit, and trust funds, which the board determines are reasonably available and adequate to ensure reclamation pursuant to this chapter, but these mechanisms shall not include financial tests or surety bonds executed by one or more personal sureties. These mechanisms may include reclamation bond pool programs.

(f) The board shall adopt or revise guidelines to implement this section as necessary. The guidelines are exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), and are not subject to review by the Office of Administrative Law.

(Amended by Stats. 2017, Ch. 521, Sec. 38. (SB 809) Effective January 1, 2018.)
As the previous owner of the Smith pit mine, I would like to say that legitimate concerns of the nearby residents should be heard and evaluated according to facts.

In the late 1990’s petitions were circulated both pro and con the existence of the business. These addressed the potential creation of dust, noise and frequency of trips passing by the school. At the time, the Planning Dept. set requirements that allowed the removal of sand and gravel from the pit to continue.

The current owner/operators of Trinity Sand and Gravel should be given the right to conduct a legitimate business, which has been in existence for several decades, as long as permits and proper guidelines are adhered to.

I believe that the previous operator (Clint Robison) the last few years he leased the business from me, took some liberties that he might not have, had my husband (co-owner with me) been around to check on him regularly. I often had the impression that he may not have been strict about mitigation efforts and permits. Not knowing exactly what to look for, I expected him to be responsible, since that is what our agreement was.

Some excesses such as noise and extra hours of operation may have soured the community to the current situation without being fully aware of mitigations now put in place, such as noise and dust reductions.

It is my opinion that an established business, which is also a local employer, should be allowed to function, as long as Planning Dept. guidelines and permits are followed.

Sincerely,
Edith S. Smith
March 20, 2021

Dear Trinity County Planning Director and Trinity County Commissioners,

I’m writing in regards to the rock quarry next door to the Junction City Elementary school and the upcoming meeting to consider the modification or revocation of the CUP for Smith Pit Tailings.

I was involved in the meetings during the time when the permit was first approved in the mid 1990s. I attended one of the original meetings when there was a community opposition about any mining operations happening at that location. Jim Smith was coordinating with Concrete Aggregate to reclaim rock produced from Dredge mining along the river in Junction City.

The issues in the community were much the same as they are now. The school had specifically addressed much of the concerns; traffic, dust and noise being their top issues. From my recollection, all of those issues were addressed and satisfied to allow the project moving forward.

At the time the argument was that if Concrete Aggregate couldn’t get rock to crush for their Weaverville business they would have to import rock from out of the county. I was in favor of utilizing the rock we have in-county, and voiced my support, as the concerns and issues were addressed in the community. The material would be processed at the Weaverville business, decreasing much of the impacts to the community.

The original permit was for reclamation. As far as I know, the project did just that; scoop and haul only, avoided hauling material out during traffic times at the school when kids are getting dropped off or picked up, and not processing any material at that site to mitigate nuisance and dust for neighbors.

My question for the Trinity County Planning Department now is, how did that original reclamation plan get to where it is now? At this point, the present activity is so far beyond that original intent that it completely goes against the original agreements made with the community to even get the conditional use permit issued in the first place.

Wouldn’t it make sense that if they’re not complying with the permit anymore as it was originally intended, that they should not do any mining there? That kind of industrial mining
business is not fitting for the zoning at that location, and all the needs and issues the community has with it are being completely ignored by this business.

I hope this historical context helps, and feel this business is no longer operating under the original guidelines that it was granted to do any mining on that land.

Thank you,

Roger Smith
Junction City, CA
David Steinhauser
Junction City, CA 96048
March 21, 2021

Trinity County Planning Commission

Re: Consideration of the modification or revocation of the Conditional Use Permit for Smith Pit Tailings Mine

Dear Planning Commissioners:

Thank you for giving the public an opportunity to comment on the Smith Pit Mine and providing a public hearing about modification/revocation of the Mine's conditional use permit (P-97-32). I have concerns and questions about this permit.

One concern that I have is the Mine's effect on the Wild and Scenic Trinity River. The 1997 P-97-32 use permit specified several Trinity River fishery related concerns.

- In phase II amendment, which was added as a result of consultation with several experts including Bernard Aguilar from California Fish and Game, there is discussion about the tailings extending into the riparian vegetation and potential for spawning to occur during September, October, and November on the other side of the riparian vegetation. As a result of this it is stipulated that all activity during those months be confined to 100' from the River. This has not been adhered to. The Mine activity has gone well beyond “scoop and haul” as it was defined in the 1997 use permit. The scale of these changes require new analysis of the effects on spawning.

- The mine has not complied with the 100 year flood concern of allowing currents to flow unimpeded by raised road level. The 100 year event in the Permit was defined according to 1974 levels even though, as discussed in the permit, the New Years Day 1997 level was higher than 1974. The post-dam flood in 1964 was considerably higher than 1997. This should be considered to be even more important considering increasing weather extremes due to global warming. Although the last years have been very dry, 2016-2017 was the wettest on record for the Northern California region, and 2018-2019 was very wet. PLOT_ESI.pdf (ca.gov)

Fortunately, there was not a single event that brought Trinity River levels up to the January 1 1997 level that was discussed in the 1997 document. We may expect to see more flooding events in the future than has been the norm. The expansion of Mine activity has included placing berms along the River, and a hill of new material on the upstream side. The landscape in relation to flooding has been altered. Permit requirements stipulating a 100' setback of operations, and equipment during September through April, are not being adhered to. The existing road level that would impede flood flows and the seasonal 100' setback both need to be reviewed in light of flooding potential.

- Specified Reclamation activities have not occurred such as sloping out to the river to prevent stranding of fish, and to allow alluvial processes to occur.

- On a Wild and Scenic River, a California Fish and Game 1603 permit is said to be required for both “in stream modifications” and “margin areas” along the stream. There is no public record of this being done. One would expect an operation next to the Wild and Scenic River to have been seriously looked at on an ongoing basis. The operation has grown in many ways beyond what is discussed in the P-97-32 permit including depositing 30,000-40,000 cubic yards of material in
2019. There is evidence that this imported material has lead concentrations between 80mg/kg and 320mg/kg which is above the California Human Health Screening Level for lead as determined by the California EPA. Whether the current standard is a Fish and Game 1603 permit or something else, it is certain that standards for operating along the Trinity River must be determined and met. New activities beyond those defined in P-97-32 need to be given an environmental analysis. An EIS/EIR similar to Trinity River Restoration Program projects should be required for the health of the river. The Trinity River has both California (1972) and Federal (1981) Wild and Scenic Status.

Finally, the increase in the scale of the operation beyond what was specified in P-97-32 has become a public nuisance. A noisy rock crusher has been periodically in use. Large numbers of trucks stream past the School and cross the bike lane between the school and Dutch Creek Rd. The truck's noise and toxic dust effects the health and well being of school and neighbors. The operation has also not adhered to the specified working hours of Monday through Friday 7AM to 6PM, compounding the noise and dust nuisance.

Thank you for reviewing my concerns, and for your time, attention, and consideration of the Smith Pit Mine Permit.

Sincerely,

David Steinhauser
Trinity River Rafting, Inc. Owner/Operator/Guide since 1988
Trinity Adaptive Management Working Group member
Stakeholder group of the Trinity River Restoration Program since 2001