MEMORANDUM

DATE: October 8, 2021

TO: Planning Commissioners and Members of the Public

FROM: Kim Hunter, Director of Planning

SUBJECT: Agenda Item 2 – Smith Pit II Tailings Project (P-97-32)

This item was remanded back to the Planning Commission by the Board of Supervisors for reconsideration on July 7, 2021. The Planning Commission has previously reviewed this matter on the following dates:
- October 8, 2020
- March 25, 2021
- April 8, 2020

Due to the large volume of information associated with this item, past staff reports, memos and meeting minutes can be found online at the Planning Department’s “Agendas, Minutes, and Staff Reports” webpage for the October 14th meeting date at:

https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports

Staff recommends that the Planning Commission:
1. Receive a staff presentation;
2. Open the noticed public hearing and take public comment; and
3. Close the public hearing; and
4. Consider the matter and make a motion with findings to either revoke or modify Conditional Use Permit P-97-32.

Recommendation: Staff encourages the Planning Commission to consider modification of the Conditional Use Permit. However, should the Planning Commission make the decision to revoke the land use entitlement, a draft resolution with finding is attached.

Attachments:
1. Planning Commission Resolution No. 2021-11 (Draft)
2. Board of Supervisors meeting minutes from July 7, 2021 (excerpt)
3. Board of Supervisors staff report coversheet for Item 5.11 from July 7, 2021
4. Recent public comment received
RESOLUTION NO. 2021-11

A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
FOR REVOCATION OF CONDITIONAL USE PERMIT P-97-32
(Trinity Sand and Gravel, Smith Pit Tailings Project Phase II)

WHEREAS, pursuant to Trinity County Code Section 17.25A.030(B) a use permit is required in order to conduct mining activities on parcels zoned Open Space; and

WHEREAS, a Conditional Use Permit (Use Permit) and Floodplain Development Permit (Exhibit A), along with a Reclamation Plan, was approved by the Planning Commission on November 13, 1997 to allow mining operations on Phase II of Smith Tailings Project (then identified as APN’s 012-120-42-00 and 012-120-49-00); and

WHEREAS, as a result of a Tentative Parcel Map (P-08-06) the subject parcels are now identified as APN’s 012-120-62, 012-120-63 and 012-120-64; and

WHEREAS, in 2018, Trinity Sand and Gravel became the landowner and mine operator of the Smith Tailings Project mining operation and subject properties; and

WHEREAS, the Trinity County Planning Commission and Planning Department received complaints from the Junction City Community beginning in 2017 which continue to the present time; and

WHEREAS, a public nuisance is defined by the California State Civil Code §3480 as one which affects at the same time an entire community or neighborhood, or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal; and

WHEREAS, the Trinity County Planning Department or Department of Transportation has not issued any notices of violation to the Mine Operator within the last three years; and

WHEREAS, the Trinity County Department of Transportation oversees the implementation of the Surface Mine and Reclamation Act (SMARA) program; and

WHEREAS, revocation of a Use Permit does not revoke a Reclamation Plan or alter an existing financial assurance mechanism; and

WHEREAS, with the revocation of a Use Permit P-97-32, slide material located on the parcel will remain in place; and

WHEREAS, a new use permit must be obtained to continue mining operations; and

WHEREAS, pursuant to Section 17.32.060(C) County Code of Ordinances, during the August 13, 2020, Planning Commission meeting, the Planning Commission directed staff to have the Smith Pit Tailings mining operation on the agenda for the next reasonable meeting for discussion; and

WHEREAS, during the October 8, 2020 Planning Commission meeting the Planning Commission gave direction to staff to schedule Use Permit P-97-32 for modification or revocation by the Planning Commission per Trinity County Code Section 17.32.070(C); and WHEREAS, after due notice of a public hearing in accordance with applicable laws, the matter came before the Planning Commission of the County of Trinity on March 25, 2021; and
WHEREAS, at said hearing, due consideration was given to all oral and written comments regarding the request for modification or revocation the Conditional Use Permit, and the Planning Commission directed staff to prepare findings for revocation of Use Permit P-97-32 to present at the April 8, 2021, Planning Commission meeting; and

WHEREAS, at the April 8, 2021, meeting the Planning Commission voted to revoke Conditional Use Permit P-97-32 with findings reflected in Planning Commission Resolution No. 2021-05; and

WHEREAS, the decision of the Planning Commissions was appealed by Trinity Sand and Gravel to the Board of Supervisors and considered at the July 7, 2021, meeting which resulted in the item being remanded back to the Planning Commission without Commissioner McIntosh’s involvement and holding the current revocations in place.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity makes the following findings:

1. Pursuant to Section 17.32.060(C) County Code of Ordinances, which includes provisions for the Planning Commission to set a hearing for Modification or Revocation of a Use Permit.

2. The Planning Commission makes the following determinations regarding the Phase II Smith Pit Tailings Mining Operation Commission Issued Use Permit P-97-32:
   A. Given complaints received by Junction City School staff and Junction City residences regarding noise, air quality, hours of operation, disruption of school activities, and general concern with students’ and residences’ safety and welfare the Planning Commission has determined that the mining operation has been conducted in a manner that is determinantal to the public health, safety or welfare and constitutes a public nuisance specifically regarding traffic, noise, and air quality (Exhibit B); and
   B. The Planning Commission determines that this mining operation has been found in violation of Condition #5 after staff investigated complaints submitted by Junction City residents on January 31, 2020 and October 15, 2020 (Exhibit C);

3. The Planning Commission of the County of Trinity hereby adopts Resolution 2021-11 for Revocation of Use Permit P-97-32.

DULY PASSED AND ADOPTED this 14th day of October, 2021 by the Planning Commission of the County of Trinity by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECYCLE:

WILLIAM SHARP, VICE-CHAIRMAN
Planning Commission
County of Trinity, State of California
ATTEST:

By:

KIMBERLY HUNTER
Secretary of the Planning Commission
5.10 Received an update on the Commercial Cannabis Program from Director of Building and Planning Kim Hunter and Senior Environmental Compliance Specialist David Colbeck.

Received comments from Anna Wright, Dojcilo Sciekic, Lisa Wright, John Brower, and Adrien Keys.

5.11 Hold an appeal hearing to uphold, modify, or overturn the Planning Commission’s decision to revoke a Conditional Use Permit for the Smith Pit Tailing’s Project on Assessor’s Parcel Numbers 012-120-62, 012-120-63 and 012-120-64. (Project Applicant/Appellant: Judd Buick P-97-32)

Received comments from Director of Building and Planning Kim Hunter, Senior Environmental Compliance Specialist David Colbeck, Appellant Representative Jeff Swanson, Paul Bollard, Cari Bachelier, Christine Camara, Will Shia, Miceal Bien, Martha Helberg, Liz McIntosh, Amanda Bareger, Elaine Brown, Veronica Kelly-Albiez, Shannon Wilhite, Deidre Brower, Josh Brown, Matthew Gray, Judd Buick, and John Brower.

Remanded the appeal of Planning Commission's decision to revoke a Conditional Use Permit for the Smith Pit Tailing's Project on Assessor's Parcel Numbers 012-120-62, 012-120-63 and 012-120-64 to the Planning Commission without Planning Commissioner McIntosh's involvement, holding the current revocations in place.

Motion: Jeremy Brown  Second: Keith Groves  Carried
Ayes: Brown, Cox, Frasier, Gogan, Groves

Probation

5.12 Approved budget adjustment for Probation department 2400 increasing revenue by $19,764, and decreasing fixed assets by $6,805; approved budget adjustment for Contingency department 9901 increasing provisions for contingency by $26,569.

Received comments from Business Manager Robi Camacho.

Motion: Jeremy Brown  Second: Dan Frasier  Carried
Ayes: Brown, Cox, Frasier, Gogan, Groves

Closed Session
5.11 Appeal of Planning Commission Decision: Judd Buick/Trinity Sand & Gravel

Requested Action:
Hold an appeal hearing to uphold, modify, or overturn the Planning Commission's decision to revoke a Conditional Use Permit for the Smith Pit Tailing's Project on Assessor's Parcel Numbers 012-120-62, 012-120-63 and 012-120-64. (Project Applicant/Appellant: Judd Buick P-97-32)

Fiscal Impact:
Unknown fiscal impact.

Summary:
On April 8, 2021, the Planning Commission revoked Conditional Use Permit (CUP) P-97-32 for the Smith II Tailings Project in accordance with Trinity County Code Section 17.32.070(B).

Discussion:
Ongoing complaints have been, and continue to be, received by the Planning Department since 2017 for the Smith Pit II Tailings Project which is an existing sand and gravel mining operation. Prior to April 8, 2021, this was a County approved mining operation associated with the CUP, Flood Development Permit and a Reclamation Plan.

Based on direction received by the Planning Commission on October 9, 2020, this matter was later placed on the March 25, 2021 agenda for consideration of the modification or revocation of the CUP. At the March 25th meeting, the Planning Commission received public testimony and then directed staff to return to the April 8, 2021, meeting with a Resolution containing specific findings to revoke the CUP for the Smith Pit II Tailings mining operation.

At the April 8th meeting the Planning Commissioners McHugh, Stewart, Sharp and Heaton voted unanimously to adopt an Resolution 2021-05 with amendment revoking CUP P-97-32 (Commission McIntosh recused).

The operator/owner, Judd Buick/Trinity Sand & Gravel, filed an appeal of the Planning Commission decision on April 19, 2021. The reason for appeal is stated as there is not sufficient evidence to support the findings made to justify the revocation.

Alternatives Including Financial Implications:
Alternatives include: (1) Grant the appeal; or (2) Direct item to be returned to the Planning Commission for modification of the CUP as provided by TCC section 17.32.070(A).

Departmental Recommendation:
The Planning Department staff recommends that the Board of Supervisors deny the appeal. Based on the public testimony provided by the Junction City Community and the findings made by the Planning Commission contained in Resolution 2021-05, staff support the decision to revoke CUP P-97-32.

ATTACHMENTS:
Description
Appeal Application for P-27-32
Trinity County Code Section 17.32.070 Modification or Revocation
Planning Commission Resolution 2021-05
Planning Commission Staff Report 3/25/21
Planning Commission Memo #1 3/25/21
Planning Commission Memo #2 3/25/21
Planning Commission Staff Report 10/8/20
Planning Commission Minutes 10/08/20
Communication received at meeting
Planning Commission Meeting Minutes received at meeting
To Whom It May Concern:

I do not support this business and want the CUP removed. This business should not be allowed to develop an industrial mining operation next door to the Junction City Elementary School on Red Hill Road. Everything about this business is in non-compliance with its permit. The original intent was for reclamation and was never meant to be a long-term operation. Caltrans has done a study showing serpentine exists in the soil on this site in unsafe levels which is known to cause harm to human health. It has also been proven by Caltrans that unsafe levels of lead are in some of the materials on this site adjacent to the school and Trinity River.

Respectfully submitted,

Colleen Ryberg
Resident of Junction City
Sent from Mail for Windows
Dear Commissioners,

The story of what we know today as Trinity Sand and Gravel and the Smith Pit Tailings project, has a very long history full of controversy and non-compliance. Some in our community were here and participated in the very beginning, more than 20 years ago. Others were not, but have invested countless hours since 2018 researching, bearing witness to, and being active against what we see as gross negligence on behalf of both this business and Trinity County as the lead agency regulator.

As you consider whether to hold this permit revoked or to allow for modification, please take the time to review the history and documentation carefully. Your decision will have lasting impacts on our community and environment for decades to come and we beg you to take great care.

There is no doubt that Trinity County as the lead regulatory has been completely unable to properly regulate this business over the years. However, the ultimate responsibility of operating within special use permit confines should 100% lie with the business owner who promised they would follow them. This is a special use; it is a privilege granted on conditions that are placed to protect the surrounding community and environment. If the conditions have been knowingly broken, the privilege should be taken away from the present owner - period.

This has often been characterized as giving Trinity Sand and Gravel a chance to clean up a mess that was there before them. They would have you believe they didn’t know they were doing anything wrong. But that is false. They’ve had 3 ½ years to show they can comply, be good neighbors and follow through with reclamation. Yet, even under intense scrutiny from the public, and a multitude of calls to them directly and formal complaints to planning for violations, they have chosen to willfully break the rules of their permit.

I would argue that your decision today will have even broader impacts that set a precedent for all other businesses in Trinity County. If you choose to modify, will it be standard to allow all businesses this option, if the County is unable to properly regulate it? Would this be allowable for a cannabis permit? With such little resources, I feel this could be a dangerous and costly precedence to set, that may invite litigation.

3 minutes of time at the podium can’t even begin to touch all that we have experienced in just the last few years and how it’s impacted our quality of life. In meetings past, it looks like the community claiming one thing and Trinity Sand and Gravel claiming the opposite. My goal with this letter is to provide you with more than just claims. I will give a brief history of this project, a detailed account of our experience, as well as supplying as much backup as possible.

If you too can recognize that there has been repeated substantial deviation and violations of CUP conditions, we urge you cast your vote to revoke this permit and privilege from Trinity Sand and Gravel. Thank you all for your time, attention and care in this matter. Please feel free to reach out with any questions you might have.

Sincerely, [Signature]
A Brief History

The Smith Pit Tailings reclamation project has been in operation since 1995 with Phase I. The CUP for Phase II was approved in 1997. This was a very controversial project for the community when it was proposed as it is nestled into a neighborhood with the elementary school as one of the closest neighbors. There have always been concerns about the truck traffic on Red Hill Road as it is a small residential road and the only ingress and egress for many JC community members who live off of it. There were also those who voiced concerns that there would not be enough oversight to make sure that the activities would indeed be limited to scoop and haul reclamation as the CUP requires. (attachment A)

When approval for Phase II was up for discussion, Phase I of the reclamation was almost complete. There was good reason for people to feel more at ease and confident that the operators would continue to work in good faith and follow requirements of their new CUP. Further, it should be noted that all processing was to take place at the operator’s site in Weaverville.

Prior to the Smith Pit project, the Chagdud Gonpa had proposed a similar project but they had included a rock crusher in their proposal. This drew fierce opposition from the community and the Gonpa withdrew their permit. Unlike the Gonpa, the Smith Pit is not zoned for industrial activity. It is zoned open space which is intended for recreation and wildlife. The Smith Pit project was never supposed to have crushers onsite.

The site lay fallow for years after Phase II approval. An inspection report from early 2002 (attachment B) states that operations had not yet begun at the site. I want to point out that even then Trinity County Code would not be followed. Section 17.32.050 states, “a use for which a use permit is granted must be established within two years after such a permit is issued. If such use is not so established, the use permit shall be deemed to have expired and shall be null and void”. 4 years of no activity, yet the permit remained active.

There would be activity on and off from 2005 through 2016 but it was sporadic and limited, the community was not impacted enough to investigate. They trusted that rules were being followed and the site was being properly regulated. Unfortunately, that was not the case. In several inspection reports, washing ponds, the truck scale and other equipment is noted but the inspector never called out that those things were not permitted for use according to P-97-
was there. Again, if this is true, and the main screener never left the site, how did it get repaired without violating condition 12? We have seen repair trucks go into this site on numerous occasions, it has been reported, but no action has been taken.

One aspect that is not seeking change in the current amendment proposal is the hours of operation, which is also described in CUP condition 5. Since Trinity Sand and Gravel has taken ownership of the site, this is easily the most violated of all the conditions. They routinely work outside of daily hours, operating on holidays, weekends and within the prohibited window of time that kids are coming and going to school (attachment K). During my time as a staff member at the JC School, I sat in the front office that faces Red Hill Road. I often worked long hours and was a witness to and filed numerous complaints about breaches of condition 5.

When the 97' permit was approved, the school did not have a morning program or an after school program, so there has been many questions about when those time frames of pick up and drop off really are. Using the most conservative time frames, that don't include those programs, the start of school is 8:30am and the end is 3pm M-Th, with early dismissal of 2pm on Fridays. Though the Superintendent and I communicated directly with Trinity Sand and Gravel about this, our request were ignored. We made formal complaints to the planning department, which did help. On several occasions, planning staff came to the school to count truck traffic. They too witnessed violations of these hours, which were noted in the resolution presented to the PC on April 8, 2021.

On the topic of truck traffic, page 13 of the reclamation plan calls out what should be expected as far as frequency and size of loads. It states:

suppressor (50 kw). Typically two dump trucks (10 wheel, 10 yard) 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."

Much of the time, the trucks being used are truck and transfers, regardless of peak periods of activity and I question if those being used today are of the same capacity as outlined above. That said, 2 trucks at a maximum of 8 round trips would mean we should rarely, if ever, see more than 32 trucks passing by the school in either direction in one day. Again, this has not been the case with either the previous or current owner.
Mr. Buick’s statements are false. It is documented and acknowledged by staff that material was going in a week before the contract was signed. This contract is just over one page long with a full paragraph describing the toxicity of the lead. What responsible business owner, does not read a simple contract? Further, we have the contract for the Big French Creek slide, and there is no mention of lead or other toxins, as Mr. Buick reported. Lastly, his amendment was not approved at this time. He had no right to be contracting with Caltrans without County approval.

His prior claims to me personally that he had permits for the rock crusher are also false. Trinity County has no record of any such permit. In fact, it is noted on numerous inspection reports, that no crusher was found on site (attachment B). It is clear to me that both the prior and new business operators simply make sure the crushers are not onsite when inspections take place.

These are not surprise inspections, they are planned and coordinated between the department and the business. On June 22, 2020, the day before a planned inspection, the Superintendent of Junction City School and I witnessed a rock crusher and screening unit pass by the school, headed toward Weaverville. We notified Director Hunter and she headed toward 299 to see if she might see something. Here’s what was reflected in the staff report at the October 8, 2020 meeting:

- **June 22, 2020:** Planning staff confirmed with photos and by the operator that a rock crusher was temporarily at the site after reports were received from residents in the area. The operator, Mr. Buick, stated that it had only been onsite for the weekend to be weighed on the scale and for maintenance. Director Hunter advised Mr. Buick that the maintenance of equipment, except in emergency situations, is not permitted per Condition 12 of the Conditional Use Permit and that the rock crusher should not be on the site.

With the timing and past experience, it’s hard to swallow Mr. Buick’s excuse for why this equipment was there – but even if we did – it is still a violation of Condition 12. It is acknowledged by the Director of Planning, but no violation was issued.

A couple months prior to this incident, after multiple complaints of it being extra loud at the site, aerial photography revealed that there were two screeners at the site. CUP condition 6 says the only onsite processing permitted is the use of one portable, temporary screen. Complaints were made to planning and within 2 days, the screener was witnessed passing the school, leaving the site. We would be told later that the main screener needed repair and that’s why the second one...
biggest employer. Again, this site is for reclamation to return it to open space for recreation and wildlife. Clearly, the new owner was intent on bringing in more material for his business.

6 months later, we saw this to be true when we began witnessing a dramatic increase of truck traffic going past the school, bringing load after load into the site. I reached out to Director Tippett on January 16th via text, to ask what was going on but I didn’t hear back right away. The next day, a coworker at the school told me how she popped a tire the night before because of a rock that had flown off of one of these trucks. There was oncoming traffic and no shoulder to get out of the way so she had to run it over. Realizing there was a special meeting taking place at the PC that night, I decided to give public comment. This meeting can be found on youtube (attachment G). Here is a snap of the meeting minutes:

Ms. McIntosh requested the matter of the Smith Tailings CUP Project revocation be agendized.

Director Tippett advised he became aware of the work going on out at that location late this afternoon. He said his first impression was this had something to do with CalTrans and the cleanup they are doing at Valcor Road. He said he did request, last time when the Big French Creek slide was over, that CalTrans would call and coordinate with us and he did not receive a call, so we are going to be following up to verify that, and if it wasn’t that, then we will find out what’s actually going on. He said he wanted to let Ms. McIntosh know that we are looking into it. Chair McHugh requested Director Tippett report back with his findings at the next meeting.

This activity continued until January 24th and was stopped by Director Tippett (attachment H). A few months later we would learn through a record request that this activity was due to Trinity Sand and Gravel entering into contract with Caltrans to bring in 30,000 - 40,000 cubic yards of slide material (attachment I). Moreover, we learned that by signing this contract the owner acknowledged that the site was zone commercial/industrial and that the material contained unsafe levels of lead (attachment I). This contract was signed on January 23rd, a full week after the activity began.

At the October 8, 2020 meeting, Commissioner Matthews questioned Mr. Buick about this contract. He asked how he could sign a contract certifying his property was commercial/industrial when he knew it was not and how could he bring in toxic lead to a site on the floodplain. Mr. Buick replied, “I was misled by that. I revoked that almost immediately. Clint Robison signed the exact same thing when he deposited all that material from Big French Creek. So, I was misled on that, I immediately revoked it and they never deposited any material.”

Commissioner McIntosh stated that his understanding was that the material was being deposited until it was brought to Director Tippet’s attention and then it was stopped but that around 1,500 cubic yards had gone in. He questioned Mr. Buick again as to how much material actually went in. Mr. Buick revised his previous statement that none had gone in - to say that that a small amount went in, but it wasn’t 1,500. He continued to say the contract was signed one day and revoked a day or two later.
there were no permits for equipment in use and activity already taking place, concerned community members put together a community meeting on May 31st. With just two days' notice, over 40 people showed up. Among them was Clint Robison who would end up being the main speaker that night. This was a public meeting and it was audio recorded. It’s an hour and nineteen minutes and can be found on YouTube. (attachment G)

Clint was adamant that the only change we’d be seeing was the concrete plant. He acknowledged that they had already installed the truck scale and that he had been bringing in portable rock crushers periodically since year 2000. He also spoke about being a good community member who’d been here all his life and raised his kids here. He tried to reassure a frustrated community that they could come to him if they were experiencing any issues with the business going forward. When asked about his operating hours and working on weekends and holidays he said that sometimes there’s emergencies and that the planning department has called him to ask him to operate.

Before the meeting got fully underway, I asked Clint about the change in ownership. He did not acknowledge that a sale of the business had taken place but he did say he would never let go of the mineral rights on this property. It is now starting to appear to many that perhaps this is a shared business relationship.

The Violations Continue...

On 6/14/2018 North Coast Air Quality Control did an inspection (attachment F) and noted that Robison had mobilized 2 portable rock crushers to begin operating onsite by the 18th. At this point, Judd Buick is the owner of this property and actively advertising his business, but Clint is still representing it; and they together, are working together and bringing in equipment and engaging in activity expressly prohibited in their permit.

Around this time, I used the number for Judd listed in the recreational guide. Judd was forthcoming about being the new owner and he said he was working to make sure all permits were in place. When I asked him about the concrete plant he became frustrated and said he didn’t know where I got the impression that there would be a concrete plant. I told him it was in the application for amendment, on his ad, and that Clint had spoke about it at our community meeting. He said that was wrong and there wouldn’t be a concrete plant, which was a relief. Trinity Sand and Gravel did end up revising their amendment request in September 2019, and the cement plant was removed from the request. (attachment C)

I then asked about the rock crusher to which he said he already had a permit for. As no one had heard of any other permits in addition to P-97-32, I plead with Judd to share this permit with the community as that was a massive sore spot of anger and distrust for his company. He simply said no. I moved on to talking about Caltrans. I asked if he would consider not doing any more contracting for slide material. He said that was out of the question as Caltrans was his
resources code 2773.1 (a)(3) & (a)(5)(C)(c). This is a failure of the prior operator, the current operator and Trinity County as the lead regulator. Because Trinity County may be responsible for reclamation if this permit is revoked, I believe this to be the only viable reason there could be any push from the county to see this permit modified. (attachment K)

Page 6 of the reclamation plan details that there was to be a total of 250,000 cubic yards of material reclaimed from Phase II with an estimate of all rock piles being reclaimed by 2020. However, in the current CUP amendment application, it is clear that neither operator has begun reclamation of Phase II (attachment C). This project started out with a total of 350,000 cubic yards of material to be reclaimed between Phases I and II. However, between Phase II and the Big French Creek slide material, there is now at least 750,000 cubic that need to be removed. Using the acceptable amount of traffic hauling from the current reclamation plan, which estimated an annual removal of 15,000 cubic yards, it would take 50 years to remove these piles. There’s no way that $3,800 could even begin to cover the cost of reclamation. What a clever business plan for Mr. Robison; illegally create a situation that would allow a business like this to be here for years to come and then sell it before everyone figures out what you did.

2018 Trinity Sand and Gravel

Clearly, the previous operator had no care for following his CUP and rec plan or the impacts of not doing so. What is most important to remember today, is that the new operator was ushered in through the old, and has carried on in the same fashion, all the while knowing he was operating far outside of his CUP.

When the sale of this business and application for CUP amendment became public knowledge, there was an immediate public outcry in recognizing that the site was not compliant and was now seeking forgiveness rather than permission. Though Trinity Sand and Gravel would like to appear completely separate from Clint Robison of ConAgra, the timelines and evidence just don’t agree with that narrative.

The sale of this property was finalized early April of 2018 (attachment D). Judd Buick ran ads in April and May in the Trinity Journal announcing the grand opening of Trinity Sand and Gravel. Redi-mix concrete is listed as something this business provides (attachment E). The notice of intent to amend the CUP and request for comments had only just been released to the public (attachment C). Indeed, the new application sought to permit the truck scale that was already in place, a permanent rock crusher, and a ready-mix concrete plant. There was no concrete plant at this site yet, however, Clint Robison had a concrete plant at this time in Weaverville.

At this point, Judd is the owner of the property and is now advertising his new business. Yet, the applicant/owner listed on the CUP amendment was Clint Robison of Con Aggregate Products. With the realization that indeed,
32 pg 12-13, 15-16. (attachment B). In 2014, corrective action is taken due to ponds being full of silt and though there is recognition that ponds were not planned, there is not recognition that the reclamation plan states that no washing was to occur here.

| No ponds were planned in the reclamation plan, but excavation to 15' below grade is allowed. | Excavations to 15' deep encounter groundwater are left open to supply process water. The settling pond that receives water from the wash plant is full. Directed the operator to empty the pond prior to any further washing operations as a CORRECTIVE ACTION. |

2017 Big French Creek Slide

This project is for reclamation only, so residents were extremely concerned in early 2017 when they were subjected to round the clock activity for months while the site took in 500,000 cubic yards of material from the Big French slide (attachment I). This activity came with constants beeping and dumping of trucks, terrible traffic, dust so thick you could not see the lines on our roads, and flood lights that blasted the neighborhoods and the entire river corridor. Countless complaints were made during this time but nothing was done. The activities, equipment and operating hours were all violations of the permit. Recently, an employee of the planning department informed me that our complaints were going to an email that no one in the department was checking or knew was there. While seeking these reports, other community members have been told that they’ve been lost. The community did their part to alert planning, but again, no action was taken. I believe many in authoritative roles really had no idea what permits were on this property as I sat in BOS meetings where the site was praised for helping take this material away.

Later it would be claimed that there were emergency permits in place to allow the Big French Creek slide dump at this site, but in the end, no such permits exist. The slide was an emergency, but dumping at this site was not...and we know there were other sites that bid on the project.

Financial Assurances

Condition 2 of the current CUP mandates that “adjustments to the financial assurances shall be made if necessitated by modifications to the project, including but not limited to, changes in site conditions or the cost of reclamation.” Financial assurance review was intended to occur annually in concert with inspections, which was the case for years. This site has received correction notices when one has not been turned in (attachment B). The last known update to these assurances happened in 2013 for the amount of $3,864.26. This amount has been auto renewed each year. This was the amount listed on the 12/14/2016 (just one month before Big French Creek Slide) and at the April 8, 2021 meeting of the BOS, David Colbeck confirmed that this was still the amount on record.

Not reviewing this assurance annually, not updating it after massive changes occurred (including a change of ownership) is violation of condition 2 as well as a violation of public
In June of 2020, Trinity Sand and Gravel had a contract they were bringing material to. Again, there was a dramatic increase in truck traffic. I decided I would try to take a tally of just the trucks going in (as they had to come out) to get an idea of the frequency. I counted 42 trucks going in on June 23rd. That’s 84 times these trucks passed the school that day. 16 of those trips happening between 7am and 8am. As this seemed far outside of the current plan, I reported this information to planning but no violations were issued.

The current amendment request calls for 3 dump trucks with average traffic generated by the project estimated to include 24 round trips per day. If this is per truck, this may be as many 144 times a day that these trucks pass by our elementary school. As this business has been well known to speed and overuse their jake brakes as they pass by the school, this would constitute a major nuisance. Red Hill Road was not constructed to handle this kind of activity and being that it is our only ingress and egress with almost no shoulders, there is deep concern of the safety and welfare of the community who must share this road with this business.

I will not be able to touch on everything, but the last piece of information I would like to talk about is that vast majority of this site being well within FEMA flood zone AE, noted in red in the picture on the right. This is talked about in the reclamation plan and has also been mentioned at past PC meetings. As I recall, staff has expressed concern about slide materials possibly drifting away during a flood event. However, what has not been discussed is the real threat of all the equipment, structures and hazardous material that could be washed into our river. The reclamation plan calls out no bone piles of unused equipment should exist and condition 12 prohibits hazardous materials from being stored on the site. There are pictures and complaints on file and again, the current operator’s amendment proposal acknowledges the existence of these things. Yet, no violations have been issued.

It is worth noting, that while the 1997 flood removed trees from the banks, it did not carry away the rockpiles (P-97-32 pg9). However, at that time none of the structures, equipment and hazardous waste was onsite. These are violations and should be removed immediately. As someone who lives and swims just down river of this site, I am much more concerned with truck scales, storage containers, tires, conveyor belts, fuel and oil going into our river than I am about rock.
Loose Interpretations and Findings Questioned

In recent meetings, David Colbeck (DOT) provided a loose interpretation of this CUP and reclamation plan. He described the reclamation plan as being vague; a guide to follow but not necessarily hard requirements. I disagree wholeheartedly with this perception. Perhaps that is generally the case, but this reclamation plan is on land zoned open space with rural residential land use, surrounded by neighborhoods and a school. This is why it called for a CUP. Due to the highly controversial nature of this permit, condition #1 states that “All mining operations and activities; method of mining and equipment used; and area to be mined shall be those described in the approved final reclamation plan”. This seems very clear that any deviation from the reclamation plan is a violation of the CUP.

It was recently mentioned at a PC meeting by Director Hunter, that the BOS questioned the findings of your revocation. I would argue that your findings were sound and actually did not include all of the broken conditions. I would like to clarify Director Hunter’s statement to reflect that the only reason there were any questions is because there are no documented violations from the county. Director Hunter, walked into this nightmare, she did not create it. She has said that she has almost drawn up violations herself but didn’t because it was so complicated. Indeed, she is correct. It is a complicated mess, but it is clear that this permit has and continues to be violated at the expense of our community for over 20 years.

I am not looking to place blame for this on any one individual in our county staff. I am pointing it out in an effort to make it beyond clear that the community has exhausted every available avenue to provide the lead agency with complaints and documentation so they could issue violations. The fact they didn’t does not make findings flimsy or these violations non-existent.

It is documented and acknowledged by the operator in their amendment application (attachment C), that they are seeking permission for equipment and activities they’ve been engaged in since they bought the business. Most of which are expressly prohibited in the current CUP and reclamation plan.

As I stated in the beginning of this letter, the ultimate responsibility should lie with the business owner. Many of us are not opposed to seeing real reclamation happen at this site. However, we do believe Trinity Sand and Gravel is not the appropriate operator as they have repeatedly demonstrated, that they do not care to follow their permit; they do not care for our community or environment. Like the previous operator, Judd Buick has shown that he has no problem lying and cheating in the name of profit. In my opinion, there is no way to go forward with good faith that Trinity Sand and Gravel can be trusted with this special use any longer. I urge you to please revoke this permit.

Thank you,
Liz McIntosh
707.599.2901
mcintosh09@gmail.com
Appendix

Attachment A: Public comments, meeting minutes and other documents surrounding the 1997 approval of phase II

Attachment B: Trinity County Inspection Reports

Attachment C: CUP amendment applications and revisions

Attachment D: Grant Deed, Change of Ownership

Attachment E: Trinity Sand and Gravel Ads

Attachment F: North Coast Air Quality Control Inspection

Attachment G: YouTube Videos

Attachment H: Email Correspondence with Director Tippet regarding 2019 Caltrans activity

Attachment I: Caltrans Contracts 2017 & 2019

Attachment J: Public Resources Code 2773.1
Attachment A

Public comments, meeting minutes and other documents surrounding the 1997 approval of Phase II
TRINITY COUNTY
PLANNING COMMISSION
Regular Meeting
November 13, 1997 at 7:00 p.m.
Trinity County Library Meeting Room,
Weaverville

MINUTES

1. CALL TO ORDER

Chairman Groves called the meeting to order at 7:00 p.m. Members present: Alan Brainerd, Ray Bushman, Steve Decker, Mark Groves, Tom McKnight - Commissioners; John Jelicich - Planning Director; Colleen O’Sullivan - Associate Planner; Jeanne Krevitsky - secretary.

2. ADOPTION OF AGENDA

Commissioner Brainerd moved to adopt the agenda with change. Move Item 6, the discussion item, to the last item to be discussed on the agenda. Commissioner McKnight seconded. Motion carried.

3. MINUTES (October 9, 1997)

Commissioner McKnight moved to approve the minutes. Commissioner Brainerd seconded. Motion carried.

4. DEPARTMENTAL MATTERS AND COMMUNICATIONS

None

5. WITHDRAWN OR CONTINUED ITEMS

Agenda Item 8 (Grunden), Item 13 (Schmidbauer), Item 14 (Bridge), and Item 15 (Smith) continued to December 11, 1997.

OLD BUSINESS

NEW BUSINESS

7. MODIFICATION OF USE PERMIT & AMEND TO REC. PLAN AND FLOODPLAIN DEV. USE PERMIT.

Modification of an existing use permit, amendment of an existing reclamation plan, and a floodplain development use permit to allow for expansion of an existing commercial sand and gravel mining operation involving the extraction of dredge mine tailings. Located adjacent to the SW bank of the Trinity River, approximately 1/2 mile northwest of the Junction City School, off Red Hill Road.
APN 12-120-42 & 49 Applicant: Weaver City Construction

Director John Jelicich presented the staff report. Jelicich said this item has been before the Commission in the past when Commission approved Phase 1. This hearing is for approval of Phase 2. Phase 1 and Phase 2 are on opposite sides of the river on the same property in Junction City. Phase 1 is located between the Highway and the Trinity River. Phase 2 is located between Red Hill Road and the Trinity River. Phase 1 allowed removal of 100,000 cubic yards of material. Phase 2 would allow removal of
250,000 cubic yards for a total of 350,000 cubic yards. The Planning Commission previously approved only Phase 1. Phase 1 included provisions for a temporary screening unit, but it was never needed. Phase 2 also includes a request for screening operations. The matter before the Commission tonight is Phase 2. Between the two areas, the applicants propose to remove 15,000 cubic yards of material per year. There have been concerns expressed by the citizens of the area regarding the effect on the school and the children.

The main issues reviewed were the reclamation plan, the use permit and the floodplain development use permit. Changes were made to the reclamation plan to address concerns from the Department of Conservation and Fish and Game. The issues dealt with in the use permit have to do with noise, dust, access, impact to fisheries, hazardous material storage and hours of operation. One of the issues raised in the past is the amount of truck traffic in relation to the school. The proposed access is on Red Hill Road. The project will start at the upstream end of the property and progress downriver. This is primarily a scoop and haul operation. Reclamation will include placing larger boulders on top and having a slight slope toward the river. Hours of operation are the same as Phase 1: 7 am to 6 p.m. and limited hours when children are going to school. There are noise dampening measures on the equipment. No use of jake brakes near the school except for safety purposes. Dust is a concern most times of the year. There are provisions for watering during the dry part of the year. If screening is done, a permit from the Air Quality Board will be required. Fish and Game had no problem, but require a 30 foot setback from the river, and during spawning: setback of 100 feet. No fuels or other hazardous materials are proposed to be stored on site. The County and State are not responsible for cleaning up hazardous materials if it happens.

The Floodplain Development use permit is required to address the fact that the property is located within the 100 year floodplain of the Trinity River in a Zone AE. An aerial photo of the 1974 flood is provided which shows this area. There are wetlands between Red Hill Road and the tailings which will not be affected by the project. There will be no permanent structures built in the floodplain, but mining could change the flows of the river. This area flooded worse in 1977 but the flood area still did not get into the tailing area.

A monitoring program is required. Once they get started, staff will go out and make sure the operation complies with the use permit conditions and will be reviewed once a year after that.

On page 6 of the staff report there are 4 pages of conditions. The first four conditions pertain to the reclamation plan. Conditions 5-12 pertain to the use permit. Condition 13 pertains to the floodplain development use permit. Condition 14 pertains to entering an agreement to protect the County against any action due to flooding. Condition 15 requires taking care of any other permits from any other agencies. Condition 16 deals with the monitoring.

Jelicich stated that mining in the 1940's caused the tailings. This mining will provide reclamation for this old mine operations. There are a number of letters from area residents and a petition included with the staff report.

Chairman Groves opened the public hearing. Chris Erikson, agent for the operator, said he prepared the reclamation plan. Erikson said these tailing piles resulted from mining done in the 1940s. The rocks will be used to support Concrete Aggregates business. They haul their material from the Smith property in Junction City to Weaverville where they crush them. To date they have not placed a screen on the east side of the river, but they want to reserve the right to have a screen in Junction City in case they want to haul rocks down river. This will save them going to Weaverville to screen the rocks, and then haul them back over Oregon Mtn. It takes about 2 hours for a round trip. They will get about 16 round trips a day with two trucks. The trucks that go by Junction City school are the same that go by the elementary school in Weaverville and by the elementary school in Lewiston. All of these areas are posted 25 mph. The truck traffic is not considered significant. This is really an environmental project to clean up a scar.
that has been left there for 50 years. The applicant asks for approval. The Commission can judge how
they will do by looking at their operation over on the highway side. Concrete Aggregates is a diligent
operator. Commissioner Bushman asked if the mine tailings would be the primary material to be mined.
Erikson replied they will be the only material. That and the sands under the tailings. They will be going
down 15 feet. The miners in the ‘40s went down 30 feet. The applicants are realistically looking at a
closure date of 2020. The material is boulders and sand, which is not dusty. There is no silt. Bushman
asked if logging trucks use this road. Erikson said it is a county road, loggers and other trucks use it.
Forest reserves pay for the upkeep on the road along with taxes charged on the trucks.

Chairman Groves asked if the comments from the Office of Mine Reclamation were incorporated into the
reclamation plan. Erikson said they were. Commissioner Bushman asked how close the nearest
residence is. Erikson said Jim Smith’s, the property owner, is the nearest house. The next nearest house
is 300 feet from the property line, 600 feet from the area to be mined. The tailings will help shield any
noise from the operation to this home.

Connie Robertson, resident on Red Hill Road, said he was concerned about the noise. He said it deflects
off the highway side, off the hill. When he bought his property in 1970, it was because the mine tailings
were there and he figured no one would move in. He mentioned the dust created at the Eagle Rock Mine.
He would not be happy with that. He has had a lung collapse 3 times. There are a lot of retirees and they
didn’t move up here to listen to this noise. He bought a pile of rocks and he is stuck with a pile of rocks.

Mr. Cappelli of Slattery Pond, which is located across the highway from Eagle Rock, another mining
operation, asked if any of the Commission lived by a rock crusher. Capelli said they were supposed to
terrace it off. They put in a blacktop plant without a permit, now they are putting in a concrete plant.
We get woke up night and day. Commissioner Bushman asked how far Mr. Capelli was from Jim
Smith’s property. Capelli said about 4 miles.

Dixie Capelli-Fullerton, resident of Junction City, said she lives about a mile up on the hill across from the
Eagle Rock mine. She said there is nobody to monitor the dust and noise of Eagle Rock right now.
She doesn’t think they will monitor dust and noise on Smith’s property either. She said the dust does not
dissipate. It stays in the lungs forever. She said we need to start thinking of our children. We need to
focus on the younger generation. We need to focus on keeping money in the county but we also need to
think of our children.

Alfreda Conapetsci said she moved to Red Hill Road in 1956. Her concern is that the trucks don’t stop
once they pull out onto the road. She had to follow a truck all the way up Oregon Mtn. one time. Her
concern is the truck traffic on Red Hill Road which she felt wasn’t built for truck traffic.

Jim Smith, owner of the property, said his property lies on both sides of the river. The Capellis live 4
miles away. Smith said the gravels in these tailings are unique and meet or exceed Caltrans
requirements. There are few tailing piles on private land in the county. The land use designation and
zoning are right for this project. We are making a reasonable request. This type of project was even
mentioned in the Junction City Community Plan. The material will be hauled to Weaverville. To give
you an idea of the operation, the operator’s annual needs are 15,000 cubic yards. He uses two trucks. It
would take about 17 full weeks of maximum use of the trucks to haul 15,000 cubic yards. They will only
be hauling about 900 cubic yards a week. The concern over the truck traffic has been blown completely
out of proportion. The plan meets the needs of the school. The peak use of the trucks will be during
summer vacation. The bulk can be hauled in summer. Smith said he believes the removal of the tailing
piles will enhance the area and will improve habitat for wildlife. There is neither food nor cover now.
There will be some noise and some dust, but it will be at a low level. This operation will not generate the
noise of Caltrans. It will be less offensive than the county operation less than a mile away. They screen
and crush with no noise protection. No one seems to be offended by that. Smith said he went out and
circulated a petition himself for people in favor of the project. He said he found it interesting that most
people when presented with the facts found no trouble in signing his petition. In fact some of the people who had previously signed the petition against the operation, signed my petition. They said they were misinformed. We are talking about eleven jobs that are on the line. There are 72 contractors that rely on this material. The families of these workers spend much of their money in Trinity County. We believe this is a reasonable request and urge approval.

Judy Bailey, of Junction City, said she and her husband own quite a bit of surrounding property to Smith’s. She wanted to express their support for the project. The applicant’s are to be commended for accomplishing something that will restore this land. We hear a lot of noise in our area from the highway department. They create a lot more noise than the trucks being loaded from Phase 1, and we can see those trucks. There is no dust that we can see. Most of the opposition is from personal vindictiveness. It is a shame that people have to act this way.

Pam Shimel, resident off Red Hill Road, stated she is against the project. She said Smith helped write the Junction City Community Plan. He is involved in the school district. We didn’t move up here to be next to this. It all starts this way, small and grows. Forty years ago they mined for greed, for gold. People do logging, but we have to turn around and look behind us and see the mess we leave behind us. I don’t think people should have to live next to this. It is 300 feet from the school. You as the Commission should look ahead 50 years and ask yourselves if this is a good plan.

Roger Smith, a resident of Junction City for 18 years, said he remembers a year ago the same concerns being raised about Phase 1. There have been no problems with that operation. These are legitimate concerns but they have been addressed. It is a shame that a few people with ulterior motives have caused so much time and money.

Marie Deal, resident of Junction City, said she started the petition against the project. She got all names on the petition in two afternoons. All I said was there was going to be another gravel operation. Of 84 people approached, 80 signed. One more came forward on his own and said he found out there was mercury used in the old mining operation. There is still mercury present. Maybe we ought to have a report by EPA.

George McColm said he has been in Trinity County since 1973. He went out with the Real estate people. They showed me a lot of areas ruined by mining. They apologized for all the rock piles. What they didn’t know is that I have been involved with land studies. I have seen community after community where their development was inhibited because they didn’t have a ready supply of rock. Here was a great wealth of rock, and no one here seemed to know how valuable it was. I have seen Arizona open rock pits for a million and half to get their construction going. I wish someone in Trinity County would realize how valuable these rock piles are. Here is an available supply, and if you don’t think engineers take this into consideration when coming into an area, well, they do. A good deal of farmland was lost in this county and a lot of damage done when these rock piles were made. Now we have the rock piles. Let’s make use of them. The time has come. I am not involved in this project, but what I see is that when people get somewhere, they don’t want any else to come. When that fellow came into Shasta Lake City to build the Knoff plant what he didn’t know was that in the first six months he was there he was going to meet some of the nastiest people. You have to decide whether you want to see the county develop or not. When you get here then you don’t want to see the county develop. Look at what your children are doing. They are taking off for other developed areas. They should be able to stay here.

Ben Moffit, a resident of Junction City, said many years ago when I went to school I remember the story of Henny Penny and the sky is falling. That’s what all this is about. I live near Senger Road. I have lived there since 1987. Mrs. Deal says there is mercury. I must live right on top of it. All this deal about trucks going up and down Red Hill Road — there are all kinds now. I have to go up Oregon Mtn. and get behind trucks. They put out a lot of pollution. I don’t know how we survive. Unless Jim Smith has been lying to me they won’t have a rock crusher. I would be the first to know. I hear the trucks going by, I
hear Caltrans on the highway. We are not in a metropolitan area. We don’t get that noise. I guess you can dig into a hole if you don’t want to hear it.

Dixie Capelli-Fullerton said she has a brother retired out of the Air Force and one from the Marines. She has lived here since 1969. She loves this county. She hears Jim Smith is moving. She said she wants to complain about Eagle Rock. If she can’t complain about the dust at Eagle Rock, who are these people going to complain to. They don’t water the roads. When Air Quality comes over they water. I get dust at 2:00 in morning. It stays in the air. They say there won’t be much dust, but there will be some. You will have to hire someone to monitor it.

Joyce Robertson said she has been against dust for 25 years.

Public hearing closed.

Commissioner Brainerd asked what someone does if there is concern about dust. Director Jelicich replied that the procedure is to contact the Planning Department and we make arrangements to go out. There is a mine in Douglas City where we get calls about the dust. We get the call, we go right out and there is no activity. It is hard to monitor That is the reason we have conditions of approval. There is always the provision that the use permit can come back to the Commission for revision. The other remedy is to complain to the Air Quality Control Board. They are the ones who require a permit for a screening operation.

Commissioner Bushman asked for the department’s response time. Jelicich said we are not able to go out immediately in most instances. For the mine in the Tucker Hill Road area we have been able to be out there within 15 to 20 minutes. Jelicich said for the mining operation on Red Hill Road staff would try to respond immediately to call about dust. Chairman Groves said he suspects the dust would be from hauling the roads, not loading. Groves said he has driven past Phase 1 and never saw dust.

Groves commented on the school situation. He said Coffee Creek School has had 30 loaded trucks a day go by the school hauling material for the roads and there has been no complaint. They slow down for the school zone. These people are trying to make something out of something that really isn’t there.

Commissioner McKnight asked staff that if they have only mined Phase 1 for about 13 months, why are we visiting Phase 2 so soon? Jelicich replied that the operator would like to be able to get material from both sites. If they exhaust Phase 1 and then while working Phase 2 and something happens, then they would not be able to move back to the Phase 1 area. Most of the operations in the Phase 2 area will occur during the summer. In my way of thinking, it is better for them to have both sites open so that they have the option of operating at the best site at the best time.

Chairman Groves said he hasn’t seen any problem with the Phase 1. That was the reason for not allowing operation at Phase 2 at the time operation at Phase 1 was allowed. A trial period.

Commissioner Bushman said he sees a lot of people for and against the project. There has been a lot of press. Fish and Game and other agencies don’t have a lot of concerns due to the conditions and mitigation measures. There is concern about mercury but it seems it has filtered below the mining area. Bushman said he feels it is the Commissions job to separate the emotions from the job.

Commissioner Brainerd moved to approve the Reclamation Plan, Use Permit, and Floodplain Development use Permit subject to conditions 1-16 and based on findings 1-3, as contained in the staff report. Commissioner Decker seconded. Roll call vote: Commissioners Brainerd, Decker, Bushman, Groves - yes. Commissioner McKnight - no. Motion carried.

Break called. 8:15 p.m.
TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT

APPLICANT: Weaver City Construction
APN: 12-120-42 & 49
APPLICATION: A. Reclamation Plan for Phase II of Smith Tailings Mining Project
B. Use Permit to operate a sand and gravel mine (approximately 250,000 CY) on approximately six acres of a 101.5 acre site.
C. Flood Plain Development Permit

PROPOSAL/LOCATION: The applicant is requesting approval of entitlements to expand existing commercial sand and gravel mining operations to add a six acre site (Phase II) located between the Trinity River and Red Hill Road, Junction City. (ref: file # P-95-19, approval to mine on approximately 3 acres (Phase I) located between the Trinity River and Highway 299, Junction City, on the same property.) Attached as Exhibit A is a location map identifying the two areas. An aerial photo is included in the reclamation plan which also identifies the site.

PROJECT INFORMATION:

A) Planning Area: Junction City
B) Existing General Plan Designation: Open Space
C) Existing Zoning: Open Space/Flood Hazard-Scenic Conservation Overlay (OS/FH-SC)
D) Existing Land Use: vacant open space with natural resources
E) Adjacent Land Use Information:

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<td>Michael R. &amp; Hilda Evans</td>
<td>Michael R. &amp; Hilda Evans</td>
<td>Box 45 J.C.</td>
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<tr>
<td>Carole R. Robertson</td>
<td>Carole R. Robertson</td>
<td>Box 400 J.C.</td>
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<tr>
<td>F. E. Raney</td>
<td>F. E. Raney</td>
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<tr>
<td>Carol J. Flesh</td>
<td>Carol J. Flesh</td>
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<tr>
<td>Daniel Staph</td>
<td>Daniel Staph</td>
<td>N. 31 J.C.</td>
</tr>
</tbody>
</table>
NAME (please print)  SIGNATURE  ADDRESS  PHONE

21  Oscar H. Neumann  p.p.  Alfred Neumann  P.O. Box 346  T.C. Co.  623-2750
22  Gary Seppanen  George Seppanen  P.O. Box 389  S.C. CA  623-2482
23  Karl Seppanen  Rose Seppanen  P.O. Box 312  S.C. CA  623-6579
24  Elaine Deming  Elaine Simmons  H.C. 2, Box 312  T.C. Co.  623-3374
25  Earl L. Simmons  Earl Simmons  H.C. 2, Box 305  623-2270
26  Walt Lawson  Walt Lawson  H.C. 2, Box 305  623-2270
27  Louise Lawson  Louise Lawson  H.C. 2, Box 305  623-2270
28  Gary Winsell  Jim 303  H.R. 315  623-4138
29  Alice M. Winsell  Vilie M. Winsell  H.R. 3, Box 317  623-4138
30  Glenn E. Kasper  Doris Diane Kasper  H.C. 2, Box 308  623-4873
31  Dennis A. McCutcheon  D. A. McCutcheon  P.O. Box 359  T.C.  623-3471
32  Bettincie M. Shirley  Betty McShirley  H.C. 2, Box 312  S.C.  623-6826.579
33  John M. Evans  John N. Enos  P.O. Box 313  S.C.  623-7010
34  Reba Westbrock  Regina Westbrock  Box 538  T.C.  623-4879
35  Ronald C. Kasper  Ronald C. Kasper  H.C. 2, Box 307  T.C.  623-4879
36  Bobbie Stone  Bobbie Stone  P.O. Box 225  T.C.  623-5423
37  David A. Daly  Terence A. Daly  P.O. Box 144  T.C.  623-3152
38  Michael A. Vecchio  Michael Vecchio  P.O. Box 336  T.C.  623-3346
39  Laura D. Vecchio  Laura Travers  70 Box 336  T.C.  623-3346
40  Dorothy J. Evans  Dorothy O. Evans  H.C. 2, #304  T.C.  623-2265
<table>
<thead>
<tr>
<th>NAME</th>
<th>SIGNATURE</th>
<th>ADDRESS</th>
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</tr>
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<tbody>
<tr>
<td>George F. Deal</td>
<td>George F. Deal</td>
<td>P.O. Box 368, Junction City</td>
<td>623-2336</td>
</tr>
<tr>
<td>Marie C. Deal</td>
<td>Marie C. Deal</td>
<td>Box 266, Junction City</td>
<td>623-2385</td>
</tr>
<tr>
<td>Jim Shuman</td>
<td>Jim Shuman</td>
<td>Box 262, Junction City</td>
<td>623-5115</td>
</tr>
<tr>
<td>Shirley Dills</td>
<td>Shirley Dills</td>
<td>P.O. Box 239, J.C.</td>
<td>623-4915</td>
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<tr>
<td>Donna Shuman</td>
<td>Donna Shuman</td>
<td>P.O. Box 37, J.C.</td>
<td>623-5773</td>
</tr>
<tr>
<td>David Shuman</td>
<td>David Shuman</td>
<td>P.O. Box 37, J.C.</td>
<td>623-5773</td>
</tr>
<tr>
<td>Betty Corbell</td>
<td>Betty Corbell</td>
<td>P.O. Box 253, J.C.</td>
<td>623-5265</td>
</tr>
<tr>
<td>Ben Corbell</td>
<td>Ben Corbell</td>
<td>P.O. Box 253, J.C.</td>
<td>623-5265</td>
</tr>
<tr>
<td>Irwin Bostwick</td>
<td>Irwin Bostwick</td>
<td>P.O. Box 155, J.C.</td>
<td>623-2119</td>
</tr>
<tr>
<td>Russell E. Bostwick</td>
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<tr>
<td>Dale Haze</td>
<td>Dale Haze</td>
<td>P.O. Box 668, Weaverville</td>
<td>623-636</td>
</tr>
<tr>
<td>Jose Valiente</td>
<td>Jose Valiente</td>
<td>P.O. Box 317, J.C.</td>
<td>623-5774</td>
</tr>
<tr>
<td>Maria Flores</td>
<td>Maria Flores</td>
<td>P.O. Box 153, J.C.</td>
<td>623-1620</td>
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<tr>
<td>Rebecca Hamilton</td>
<td>Rebecca Hamilton</td>
<td>P.O. Box 147, W.V.</td>
<td>623-6411</td>
</tr>
<tr>
<td>Charles T. Capelli</td>
<td>Charles T. Capelli</td>
<td>P.O. Box 77, J.C.</td>
<td>623-6228</td>
</tr>
<tr>
<td>Garrett Capelli</td>
<td>Garrett Capelli</td>
<td>P.O. Box 77, J.C.</td>
<td>623-6228</td>
</tr>
<tr>
<td>James Lee</td>
<td>James Lee</td>
<td>P.O. Box 74, J.C.</td>
<td>623-5771</td>
</tr>
<tr>
<td>Janet Conrad</td>
<td>Janet Conrad</td>
<td>P.O. Box 354, Weaverville</td>
<td>623-4617</td>
</tr>
<tr>
<td>Deborah W. Wehlke</td>
<td>Deborah W. Wehlke</td>
<td>P.O. Box 119, J.C.</td>
<td>623-3282</td>
</tr>
<tr>
<td>Shirley B. Neumann</td>
<td>Shirley B. Neumann</td>
<td>Box 396, Junction City</td>
<td>623-2750</td>
</tr>
</tbody>
</table>
The following citizens of Junction City

Respectfully,

I DON'T THINK SO!

Rocks. No rocks? But I went ahead and purchased the property anyway! Of course rock and gravel are needed in the construction and to have a source close by is important. But is Junction City the only place in Trinity County that needs Eagle rock? But it's been known for many years that the people at Junction City didn't want yet another gravel pit. Isn't that a conflict of interest? Thereby making theirs an unfair vote?

Junction City school board has two members who rely on construction for their livelihood. Isn't that a...
their children don't go to school here. Overwhelmed by the number of construction workers present, most of these men do not live in Junction City and

When the Board of Supervisors heard the pros and cons of Phase I (and passed it), our concerns were

told) needed to make everyone local happy. Operation at the same time! Doesn't Phase I supply enough rock for the "teensy, weensy little bit of rock" we're

At Phase II, Phase II is even closer to the school. Now, it has been suggested that both Phase I and Phase II be in

Phase I is already a concern, as several people in the area have reported dust clouds going over the school now.

Let's not forget about the costly computer equipment we are so fortunate to have at the school. The dust from

day this narrow road is a bottleneck already.

The truckers, people evading taxes and parents picking up children, plus trucks hauling rock, at certain times of the

week. Our First Responders would have a difficult time driving in the equipment, ambulance, trucks, etc.

In the event of a fire or other catastrophe, Red Hill road is the only way out, even down through and including

next 20 years! This is a great chance to take with our children

The safety and well being of the children at Junction City School being of the utmost concern. Trucks making 30

Smith Rock Reclamation Project referred to as Phase II

The people of Junction City respectfully request that the Planning Dept take another long look at the Jim

TRI CITY PLANNING DEPT.

AUG 15 1997

RECEIVED

Dear Sir:

TRI CITY PLANNING DEPT.

AUG 15 1997

RECEIVED
Junction City petitioners disputed

FROM TANYA MORTIMEYER
JUNCTION CITY

I, Tanya Mortimeyer, a 30-year resident of Junction City and the business manager of the Junction City School for 10 years, felt the urgent need to respond to your article related to the rock quarry project in Junction City.

I was amazed that the battle over the proposed dredge pile reclamation plan has taken such a dramatic turn since our school board meeting in July. Considering the article reported on a petition initiated by a few Junction City community members, not the Junction City School, it is reasonable for myself and other staff members to be concerned when the article states this petition cites the school as the reason “this is a bigger battle.”

Your article states that “Cited in the petition are concerns for the safety of children with trucks making runs up and down Red Hill Road, which leads to the school.” This was also a concern of the school board and was addressed at the board meeting.

Mr. Smith (the owner of the dredge piles) and Mr. Robison (Weaver City Construction) estimated the number of times the trucks would pass the school area was eight times. (four times each direction).

After a lengthy discussion between the board and Mr. Robison, it was obvious that Mr. Robison was more than willing to take every precaution while driving past the school, including not using the Jake brakes so as not to create additional noise. The board also took into consideration the unfairness of prohibiting the two Weaver City Construction trucks from using the public road in front of the school when numerous large trucks, including 18-wheelers, Amerigas, ProFlame, Sysco, County Road Department, and other construction companies have used this same road daily.

A contract between Junction City School and Weaver City Construction was approved unanimously and signed by all parties. The agreement restricts large truck traffic to a minimum during peak pickup and drop-off times because it was felt that this would be the only time students would be near enough to Red Hill Road to pose any danger to them.

Regarding the article’s reference to the “costly computer equipment at the school that will be damaged by dust clouds from the quarry operation,” the concerned community members present at the school board meeting mentioned that since the reclamation project on the Highway 599 side had begun, huge dust clouds hang over the school every morning. The staff, who are present every day during the school year, have not noticed any dust clouds.

As for the computers, dust is a daily part of everyone’s life when living in the country. The school has not experienced any technology failures because of it since the computers are housed inside the school. The most disturbing part of this article was the statement that the petition suggests that two members of the school board who work in construction had a conflict of interest in the vote, and that the supervisors were unduly influenced by the construction workers present at that meeting.

For the people behind this petition to even suggest that two members of the school board had a conflict of interest when voting is not only ludicrous, but also slanderous. First, who were the construction workers who were unduly influencing the board? Why didn’t I see them? The only people present were Mr. Robison (Weaver City Construction), the school board, the community members that are behind the petition, Kathleen Graham (administrator), Susie Sheppard (teacher), and Roger (business manager).

The Junction City School Board consists of a special education teacher’s aide, a retired PG&E lineman, a realtor, a building contractor, and an Avon representative. No board members are related to Jim Smith or Weaver City Construction, nor do they stand to gain financially by the reclamation project. If the petitioners feel that anyone who would possibly use rock products (i.e., gravel, cement, etc.) produced by Weaver City Construction should not have been able to vote on the reclamation project use permit, then it would be presumed that no one in Trinity County who plans any construction, landscaping or home improvement project on their property should be allowed to have any say for fear of being in conflict.

In closing, I would like to address the one comment in the article that pretty much sums up the real reason behind the petition. Marie Deal is quoted as saying, “I don’t want the thing there, period” and “I don’t think we need three quarries here in Junction City.” Well, Mrs. Deal, I am sure there are lots of things Clint Robison and Jim Smith don’t want. Topping the list would no doubt be having their private property rights and their right to work to support their families denied by people who feel the need to shut the door behind them.
LISTED BELOW ARE APPLICATIONS RECEIVED BY THE TRINITY COUNTY PLANNING DEPARTMENT. THIS NOTICE WAS MAILED TO YOU BECAUSE YOU OWN PROPERTY THAT IS ADJACENT TO OR WITHIN 300' OF THE SUBJECT PROPERTY. ONLY THE PROJECT NUMBER HIGHLIGHTED IS NEAR YOUR PROPERTY.

NOTICE OF PUBLIC HEARING

1. Proposed Negative Declaration and Tentative parcel map to create two parcels of .6 and .4 acres each, on Martin Rd. Wvile. APN 24-43-52 Applicant: W. Ashbrook (P-97-37)

Determination by the Planning Commission regarding the number of permitted camping, RV and mobilehome spaces in Wyntoon Resort. Loc: north of Trinity Center on Hwy 3. APN 7-220-51. 68 & 71 Applicant: H. Behrens (Files T-65, UO-154, T-66, UO-151, T-133, UM-804)

Proposed Negative Declaration and Rezone from A-20 to A-20/Flood Hazard Overlay on property located on Highway 3 and Salt Creek, about 3 mi. south of Hayfork. Applicant: TC Planning Dept. P-97-13

Proposed Negative Declaration, Rezone from Unclassified to Public Facilities, and a use permit to establish a church. Loc: 2 mi. so. of Ruth Reservoir on Ruth-Zenia Rd. in the Hettenshaw Valley. APN: 20-51-23 Applicant: Solid Rock Foundation Church (P-97-41)

5. Modification of an existing use permit, amendment of an existing reclamation plan, and a floodplain development use permit to allow for expansion of an existing commercial sand and gravel mining operation involving the extraction of dredge mine tailings. Located adjacent to the SW bank of the Trinity River, approx. 1/2 mi. NW of the Junction City School, off Red Hill Rd. APN 12-120-42 & 49 Applicant: Weaver City Construction (P-97-32)

<table>
<thead>
<tr>
<th>Item</th>
<th>Hearing Body</th>
<th>Date &amp; Time</th>
</tr>
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<tbody>
<tr>
<td>1, 2, 3, 4, 5</td>
<td>Planning Commission</td>
<td>9/11/97 at 7:00 p.m</td>
</tr>
<tr>
<td>3, 4</td>
<td>Board of Supervisors</td>
<td>10/8/97 at 10:15 a.m.</td>
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</table>

The Planning Commission and Board of Supervisors meet in the Trinity County Library meeting room, in Weaverville. Anyone desiring to make a statement may do so, either in writing or in person. The Planning Department would appreciate your input. TRINITY COUNTY PLANNING, Box 2819, Weaverville, CA 96093. (916) 623-1351

1-26-97 In answer to #5, the community said no - what part of NO is not understood? As for trucks entering Red Hill Rd. in school area it is too dangerous for children, pets, motorists. Their working noise has been unpleasant and it on the school as do it will be really bad. W. Ashbrook.
The Junction City School Governing Board has the following comment regarding the Smith Tailings Reclamation Plan:

1. Due to the noise and distraction created when large trucks use their "Jake Brakes", we request a restriction be attached to the use permit which would forbid the use of Jake Brakes on the downhill portion of the road which passes directly in front of the school.
August 28, 1997

Trinity County Planning
Box 2819
Weaverville, CA 96093

RE: Public Hearing 9/11/97 at 7:00 p.m.
Weaver City Construction P-97-32

Dear Planning Commission:

We are strongly protesting the modification of the existing use permit for Weaver City Construction. We would attend your meeting on the eleventh but our work prevents us.

Our property faces the area in question. Viewing the present location of their operation it is obvious that the dirt would be extreme, the noise excessive, and the property value would drop. The newly repaired Red Hill road would be destroyed. The school with children walking, present traffic, and new truck traffic will be dangerous. The only acceptable solution is to haul the rock out on weekends which would seem to be quite costly for the company.

If this is allowed please give us ample time to put our property up for sale!

NO TO ALLOWING MODIFICATION OF USE PERMIT.

Very sincerely,

[Signature]
David A. Wood

[Signature]
Rosemary Wood
Aug. 28, 1997

Dear Trinity County Planning Commision:

This letter is in response to the notice of a public hearing on 9/11/97 regarding the modification of APN 12-120-42 & 49. by Weaver city Construction (P-97-32).

We would like to say, that we strongly disapprove of this being allowed.

First and foremost we feel that this could be detrimental to the value of our property. In any given area, where they mix commercial with residential, it brings down the residential value. We feel that when and if we ever decide to sell our home, it could be a deterrent for a buyer.

Secondly We don't want the added traffic, noise, or dust that this could create.

Sincerely,

Don & Laura Kirkpatrick
871 Redhill Road,
Junction City, Ca.

Mailing Address:
P.O. Box 122
Junction City, Ca. 96048
MEMBERS OF THE TRINITY COUNTY PLANNING COMMISSION:

WE FEEL VERY STRONGLY THAT PHASE II OF JIM SMITH'S ROCK REMOVAL PLAN WILL DESTROY THE LIVES OF MANY PEOPLE OF JUNCTION CITY FOR NOW AND GENERATIONS TO COME.

IT SEEMS JIM HAS BEEN MANIPULATING PEOPLE FOR YEARS TO MAKE HIS PLAN WORK. HE SAT ON THE BOARD THAT ADOPTED THE GENERAL PLAN FOR JUNCTION CITY YEARS AGO. HE SERVED AS A TRINITY COUNTY SUPERVISOR FOR PERSONAL GAIN. ALSO IN THE PAST, AND TRIED AGAIN TO SERVE ON THE JUNCTION CITY SCHOOL BOARD. ALL THIS SO HE COULD UNDERHANDEDLY SWAY PEOPLE TO HIS WAY OF GETTING RICH AT OTHER PEOPLE'S EXPENSE.

WE FEEL IT IS UNACCEPTABLE TO HAVE BIG RIGS TRAVELING LESS THAN 300 FEET FROM SCHOOL CHILDREN'S DESKS; THE NOISE, DUST AND OTHER POLLUTION WILL BE UNBEARABLE. WE CAN'T BELIEVE ANYONE WHO IS TRULY INVOLVED IN A BETTER EDUCATION CAN THINK THIS GRAVEL PLANT IS A BENEFIT TO OUR COMMUNITY.
THE TAXPAYERS OF THIS COUNTY HAVE PAID A BIG PRICE TO IMPROVE THE SCHOOL, RED HILL ROAD AND THE APOGNS TO MAKE IT SAFER FOR ALL THAT TRAVEL THIS ROADWAY. IT SEEMS UNFAIR FOR A FEW TO PROFIT SO MUCH WHILE THE REST OF US SUFFER FOR NO REASON. IN FACT IT WILL COST US OUR HEALTH AND WELL BEING.

YEARS AGO GREED ALONE ALLOWED THIS CATASTROPHIC DESTRUCTION OF THE TRINITY RIVER. NOW AGAIN GREED DRIVES AND MOTIVATES THE DESTRUCTION OF THE ENVIRONMENT AND HABITAT FOR PEOPLE AND WILDLIFE; NOT ONLY ON THIS COMMUNITY BUT THE RIVER HERE AND DOWNSTREAM.

PLEASE CONSIDER THIS DECISION WITH GREAT WEIGHT; BECAUSE IN FIFTY YEARS FROM NOW PEOPLE WILL LOOK BACK AND KNOW WHAT KIND OF PLANNERS YOU WERE. PLANNERS FOR GREED OR FOR FUTURE GENERATION. WE PRAY YOU MAKE THE RIGHT DECISION.

THANK YOU FOR YOUR TIME
CARL & PAM SHINEL 693-6758
P.O. BOX 236
JUNCTION CITY, CA
October 1, 1997

Members of the Trinity County Planning Commission

I have a few questions about Jim Smith's rock removal plan on the Trinity River.

First, why didn't the adjacent property owners receive notification of this project? Why is Phase 2 being applied for when phase 1 is only half complete? Why would a school board be in favor of this project? I think I can guess why. First there have been two planning commission meetings with no community input or out cry! Who's responsibility is it to notify property owners?

Second, Phase 1 had requirements that have not been met. I'm speaking of the restoration of the land for wildlife habitat. Could it be Jim Smith is trying to beat the Coho salmon habitat improvement act? As you must know phase 2 is in the flood plane of the Trinity River. What effect will this have on the river? As far as the school board is concerned, three out of five are involved in construction. Is this a conflict of interest?

Since when is it good for education to having large trucks shifting and braking less than 300 feet from school children's desks? We have enough trouble with attention spans. What about safety???? Will you please address these questions? Will you ask yourself, do we need gravel so bad we can jeopardize education? Can we look the other way and ignore wildlife conservation? Can we ask a community to live with another gravel operation?

Please don't let this ruin our lives and future generations.

Carl and Pamela Shimel

P. O. Box 236, Junction City
October 30, 1997

Trinity County Planning Commission
Trinity County Planning Department
Weaverville, CA 96093

Dear Commissioners,

Re: Jim Smith, Junction City

I am writing this letter in regard to the Jim Smith gravel issue. As third and fourth generation property owners in Trinity County, my father and I support our nation’s belief in private property rights. Property owners have the right under our United States Constitution to utilize our property for economic gain.

Trinity County’s heritage has been to use its natural resources for the betterment of the citizens. As a part of our local government, the Planning Commission must protect our rights as United States citizens and also protect our local customs and local economy.

The facts regarding Jim Smith’s gravel development indicate that it will benefit the community and will not cause undo harm or injury to the environment nor his neighbors. Therefore, under the protection of the United States Constitution, he should be allowed to develop his property.

Your consideration of his request will be appreciated.

Very truly yours,

Richard Lorenz and Floyd Lorenz
The undersigned find no fault with the removal of the two large dredger tailing piles that parallel the river on Jim Smith's property. These two piles have been designated Phase 1 and 2. The current operation is on the Phase 1 side and expansion would allow the removal of that portion on the opposite side called Phase 2 (6 acres which parallel the river).

We believe that the removal of these dredger tailings will not have any negative impact on the Junction City community.

9/1/4/97

Name: | Address:  
---|---
Francis K. Bailey | PO Box 206, Junction City, CA 96048
Judith M. Bailey | PO Box 206, Junction City, CA 96048
Nicholas M. McRitchie | P.O. Box 206, Junction City, CA 96048
Joseph W. Moffatt | P.O. Box 206, Junction City, CA 96048
Johanie F. Moon | Hwy 299 W, St. Paul, Junction City, CA 96048
David Ruoff | P.O. Box 206, Junction City, CA 96048
Tina King | P.O. Box 206, Weaverville, CA 96093
Mary F. Vaughn | PO Box 206, Junction City, CA 96048
Beth D. Lind | PO Box 206, Junction City, CA 96048
Gaylen Leach | Box 206, Junction City, CA 96048
Joe Leach | Box 206, Junction City, CA 96048
David Johnson | Box 307, J.C., CA 96048
Don Brown | Box 307, J.C., CA 96048
Kim Smith | POB 300, J.C., CA 96048
Jim Smith Gravel Operation

The undersigned find no fault with the removal of the two large dredger tailing piles that parallel the river on Jim Smith's property. These two piles have been designated Phase 1 and 2. The current operation is on the Phase 1 side and expansion would allow the removal of that portion on the opposite side called Phase 2 (6 acres which parallel the river).

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9/15 6/97

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carl A. Becher</td>
<td>Box 132, Junction City</td>
</tr>
<tr>
<td>Russell E. Feller</td>
<td>Box 314 Junction City</td>
</tr>
<tr>
<td>Linda M. Hunsen</td>
<td>Box 125 Junction City</td>
</tr>
<tr>
<td>Richard T. Stewart</td>
<td>Box 104 Junction City</td>
</tr>
<tr>
<td>William E. Fricke</td>
<td>Box 132 Junction City</td>
</tr>
<tr>
<td>Donald W. Fricke</td>
<td>Box 62 Junction City</td>
</tr>
<tr>
<td>Russell W. Westen</td>
<td>Box 5 Junction City</td>
</tr>
</tbody>
</table>
PETITION

Jim Smith Gravel Operation

The undersigned find no fault with the removal of the two large dredger tailing piles that parallel the river on Jim Smith's property. These two piles have been designated Phase 1 and 2. The current operation is on the Phase 1 side and expansion would allow the removal of that portion on the opposite side called Phase 2 (6 acres which parallel the river).

We believe that the removal of these dredger tailings will not have any negative impact on the Junction City community.

9/17-10/2/97

Name | Address
---|---
John W. Russel (Joan W. Russel) | 4 Canyon Creek Rd
Henry A. D. D. D. | Dutch Creek Rd
Frank E. Over | Dutch Creek Rd
Mary Tunnell | 157 Canyon Creek Rd, J.C.
Evelyn (K.) J. | 157 Canyon Creek Rd, J.C.
Jessica Hope May | 229 Winderfield, CA. 96073
Jason Tunnell | Canyon Ck, CA. 96073
Ann (Hay) | 229 Box K, Junction City, CA. 96073
Jeanine | RPO 217, Junction City 96073 623-271
Barbara B. Hay | Box 274, J.C. 96073 623-2724
Carole A. Dodds | RPO 279, J.C. 96073 623-2731
Nancy L. Dunsin | RPO 289, J.C. 96073 623-277
Greta E. Mass | 67048, J.C. 96073 623-279
Lonna M. Meher | RPO 395, J.C. 96073 623-289

*
PETITION

Jim Smith Gravel Operation

The undersigned find no fault with the removal of the two large dredger tailing piles that parallel the river on Jim Smith's property. These two piles have been designated Phase 1 and 2. The current operation is on the Phase 1 side and expansion would allow the removal of that portion on the opposite side called Phase 2 (6 acres which parallel the river).

We believe that the removal of these dredger tailings will not have any negative impact on the Junction City community.

10/17/97

Name

Address

[Handwritten Signature]

[Handwritten Address]
Attachment B

Trinity County Inspection Reports
## SURFACE MINING INSPECTION REPORT

Instructions for completing this form are on the reverse side. Attach notice(s) of violation(s) and order(s) to comply for all observed non-compliance.

### I. Mine Name as Reported by Operator on Mining Operation Annual Report

<table>
<thead>
<tr>
<th>Mine Name</th>
<th>CA MINE ID #</th>
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<tbody>
<tr>
<td>Smith Mine Tailings (Phase II)</td>
<td>91-33-0015</td>
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### II. SMARA Lead Agency Name (City or County only)

<table>
<thead>
<tr>
<th>Agency Name</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity County Planning Department</td>
<td>(530) 623-1351 Ext.</td>
</tr>
</tbody>
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### III. Mine Operator

#### Concrete Aggregate Products

<table>
<thead>
<tr>
<th>Contact Person</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clint Robison</td>
<td>(530) 623-2981</td>
</tr>
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### IV. Does the operation have:

<table>
<thead>
<tr>
<th>Requirement</th>
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<tbody>
<tr>
<td>An approved Reclamation Plan?</td>
<td>RP# P-97-32</td>
</tr>
<tr>
<td>A permit to mine?</td>
<td>Permit # P-97-32</td>
</tr>
<tr>
<td>An approved financial assurance?</td>
<td>X</td>
</tr>
<tr>
<td>Has the financial assurance undergone the required annual review?</td>
<td>Date: Operations not begun...amount $0.00</td>
</tr>
<tr>
<td>Has the operator filed a Mining Operation Annual Report (form MRRC-2)?</td>
<td>X</td>
</tr>
</tbody>
</table>

### V. Inspecting Agency Code(s):

<table>
<thead>
<tr>
<th>Code</th>
<th>Reason for Inspection Code(s):</th>
<th>BLM or USFS ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Is this operation on Federal Lands? Circle one: Yes No

Inspection Date: 1/23/01

DISTRIBUTION: White—Operator  Green—State (by Lead Agency) Pink—Lead Agency  Gold—Department (by Operator)  Canaries—BLM or USFS (if required)
SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>VI. Is the operation in compliance with provisions of the approved Reclamation Plan and Mining Permit with respect to:</th>
<th>OK</th>
<th>VN</th>
<th>NI</th>
<th>NA</th>
<th>CA Mine ID #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife Habitat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>91 - 53 - 0015</td>
</tr>
<tr>
<td>Revegetation</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Weather Code(s): RN</td>
</tr>
<tr>
<td>Agricultural Land</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Duration of Inspection: 15 minutes</td>
</tr>
<tr>
<td>Stream Protection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Approximate Disturbed Acreage: None</td>
</tr>
<tr>
<td>Tailings and Mine Waste Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Status of Operation Code(s): Not yet started</td>
</tr>
<tr>
<td>Building, Structure, and Equipment Removal</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Status of Reclamation Code(s): Not yet started</td>
</tr>
<tr>
<td>Topsoil Salvage, Maintenance, and Redistribution</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backfilling, Regrading, Slope Stability, and Recontouring</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage, Diversion Structures, Waterways, and Erosion</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (list or explain below)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VII. Comments/Description of Violation(s) and Corrective Measure(s) Required [NOTE: please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form]:

Operations have not yet started at this time. Inspection report is only being filed since this site is part of any existing mine operation plan (Smith Mine Tailings Phase I). Inspection consisted of drive by to ascertain that no operations have been started on this phase.

VIII. Number of Violations: 9

Inspector's Signature: [Signature]
Date Signed: 1/26/02
### SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>VII. Is the operation in compliance with provisions of the approved Reclamation Plan with respect to:</th>
<th>OK</th>
<th>VN</th>
<th>NI</th>
<th>NA</th>
<th>CA MINE ID # 91-53-0015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife Habitat</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td>Inspection Date: 11/29/06</td>
</tr>
<tr>
<td>Revegetation</td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
<td>Weather Code(s): CR</td>
</tr>
<tr>
<td>Agricultural Land</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
<td>Duration of Inspection: 1 hr</td>
</tr>
<tr>
<td>Stream Protection</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td>Approximate Disturbed Acres: ± 3 acres</td>
</tr>
<tr>
<td>Tailings and Mine Waste Management</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td>Status of Operation Code(s): Phase II</td>
</tr>
<tr>
<td>Closure of Surface Openings</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td>Status of Reclamation Code(s): RN</td>
</tr>
<tr>
<td>Building, Structure, and Equipment Removal</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Topsoil Salvage, Maintenance, and Redistribution</td>
<td></td>
<td></td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Backfilling, Regrading, Slope Stabilization, and Recontouring</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage, Diversion Structures, Waterways, and Erosion Control</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (list or explain below)</td>
<td>✔</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

VIII. Comment/Description of Violation(s) and Corrective Measure(s) Required [NOTE: please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form]:

*Noted storage of hazardous materials on site - oil, fluids*

Need to remove or amend Reclamation plan

| IX. Number of Violations: | 0 | Inspector's Signature: Kathleen Hut | Data Signed: 6/26/07 |

DISTRIBUTION: Original to Operator. Copies to: Lead Agency, State (by Operator), and BLM or USFS (if required).
### SURFACE MINING INSPECTION REPORT

#### V. Does the Operator currently have a Lead Agency approved Financial Assurance?

Check one: [ ] Yes  [ ] No  [ ] Other, complete section below.

If "No", refer to Instructions on the reverse of this page and complete Section VI.

<table>
<thead>
<tr>
<th>Type of Financial Assurance Mechanism(s)</th>
<th>Financial Assurance Mechanism Number(s)</th>
<th>Current Amount on File</th>
<th>Date of Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Surety Bond</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Certificate of Deposit</td>
<td>17515</td>
<td>1,655</td>
<td>Renewal annually</td>
</tr>
<tr>
<td>[ ] Letter of Credit</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Trust Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Pledge of Revenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ] Budget Set Aside</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>[ ]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Financial Assurance Amount must be adjusted annually. Attach a copy of the revised Financial Assurance Amount calculation with this report.

Date of Financial Assurance Amount Calculation: 3/26/10

Does the current mechanism(s) on file cover the new annual calculation?  [ ] Yes  [ ] No

If "No", date operator was notified that a new mechanism is required.

---

### VI. Financial Assurance comments.

*Note: See correspondence requesting additional information and justification prior to approving the updated cost estimate.*
Clint Robison
Concrete Aggregate Products
PO Box 2250
Weaverville, CA 96093-2250

November 5, 2010

RE: Annual Surface Mine Inspection for Smith Pit; CA Mine ID# 91-53-0015

Dear Clint,

Trinity County Planning Department, as Lead Agency under the Surface Mining and Reclamation Act (SMARA), will be conducting annual inspections of mine operations in Trinity County during the month of November. The inspection will address compliance with your Reclamation Plan and Use Permit Conditions, and your Financial Assurance Cost Estimate and Mechanism.

In addition, an updated financial assurance cost estimate must be submitted to our office by December 1, 2010. A Financial Assurance worksheet is attached to assist you. Even if you have an approved 2010 Financial Assurance Cost Estimate and your reclamation costs have not changed, please submit an estimate with the current date.

Last year, the County contracted with Vestra Resources, Inc. to perform the annual inspections and financial assurance review. You signed a Pass-through Agreement agreeing to pay Trinity County $800.00 per mine inspection plus the cost of any additional work required of Vestra to bring your mine into compliance with SMARA. You have a remaining balance of fees owed to the County for these services of $0.

The agreement between the County and Vestra has now expired, and this year the inspections and financial assurance review will be performed by County personnel. The fee for the annual inspection, financial assurance review and submittal to the California Office of Mine Reclamation is a flat $800.00. The Inspection Fee will be invoiced, payable within 45 days of the inspection date. The invoice will include any additional fees due from 2009.

Please contact me as soon as possible to set up a time for your inspection, preferably this month, by calling me at (530) 623-1365, or emailing me at jsmith@trinitycounty.org. You may also contact me to discuss the status of your mine and any specific issues that need to be resolved for you to be in compliance with SMARA.

Sincerely,

Janice Smith
Sr. Environmental Compliance Specialist
# SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Type of Financial Assurance Mechanism(s)</th>
<th>Financial Assurance Mechanism Number(s)</th>
<th>Current Amount on File</th>
<th>Date of Expiration</th>
<th>Inspection Date:</th>
<th>CA MINE ID#:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certificate of Deposit</td>
<td>101130771 North Valley Bank</td>
<td>$3,864.00</td>
<td>auto-renew annually</td>
<td>11/14/2012</td>
<td>01 - 53-0015</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Financial Assurance Amount must be adjusted annually. Attach a copy of the revised Financial Assurance Amount calculation with this report.

Date of Financial Assurance Amount Calculation: 12/13/2012

Does the current mechanism(s) on file cover the new annual calculation?  \(\square\) Yes  \(\square\) No

If "No", date operator was notified that a new mechanism is required.

---

VI. Financial Assurance comments.

Processing equipment has been added to the site. A new excavation area has been started, but the previous one has been reclaimed in accordance with the reclamation plan, so there is no new net disturbed area. A new cost estimate has been prepared for 2013. The former FACE included revegetation, but the reclamation plan does not call for revegetation, so that cost has been eliminated, resulting in a lower FACE of $3,508. There is a FAM in the amount of $3,864, described above, copy enclosed. Therefore, the FAM will cover the FACE.
## SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Item</th>
<th>OK</th>
<th>VN</th>
<th>NI</th>
<th>NA</th>
<th>CA MINE ID #</th>
<th>Inspection Date: 11/14/2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wildlife Habitat</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Revegetation</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agricultural Land</td>
<td></td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stream Protection</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tailings and Mine Waste Management</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Closure of Surface Openings</td>
<td></td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td>Approximate Disturbed Acreage: 1.5</td>
</tr>
<tr>
<td>Building, Structure, and Equipment Removal</td>
<td>XX</td>
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<td></td>
</tr>
<tr>
<td>Topsoil Salvage, Maintenance, and Redistribution</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td>Status of Operation Code(s): AD</td>
</tr>
<tr>
<td>Backfilling, Regrading, Slope Stability, and Recontouring</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td>Status of Reclamation Code(s): R</td>
</tr>
<tr>
<td>Drainage, Diversion Structures, Waterways, and Erosion</td>
<td>XX</td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other (list or explain below)</td>
<td></td>
<td></td>
<td></td>
<td>XX</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### VIII. Comments/Description of Violation(s) and Corrective Measure(s) Required

**NOTE:** please indicate if you have attached notice(s) of violation(s) and correction order(s), in lieu of description on this form:

The previous excavation has been backfilled with waste material (large rock) and surfaced with fine soils, per the reclamation plan. A sorting plant has been installed, including several conveyors and two truck trailers housing power equipment and supplies.

The plant is surrounded by berms of existing tailing piles, to prevent excess noise from travelling to the residential neighborhood, as specified in the reclamation plan and use permit.

Process water is discharged to a pond, where it is settled out and recycled. The pond supports riparian and wetland vegetation. The extraction and processing areas are separated from the river by high berms with native riparian vegetation that have not been disturbed.

Materials stockpiles and topsoil (fine material) stockpiles are neat and maintained in areas separated from the river by a high berm.

### IX. Number of Violations:

0

**Inspector's Signature:** Janice C. Smith  
**Date Signed:** 12/18/2012

**DISTRIBUTION:** Original to Operator, Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).
SURFACE MINING INSPECTION REPORT

Instructions for completing this form are on the reverse side. Attach notice(s) of violation(s) and order(s) to comply for all observed non-compliance.

<table>
<thead>
<tr>
<th>I. Mine Name as reported by Operator on Mining Operation Annual Report</th>
<th>Inspection Date</th>
<th>CA MINE ID#:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Tailings Phase II</td>
<td>11/14/2012</td>
<td>91 - 53-001S</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>II. SMARA Lead Agency Name (City or County only)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janice Smith</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(530) 623-1365</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sr. Environmental Compliance Specialist</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2490</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weaverville</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>96093</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-mail Address (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:jsmith@trinitycounty.org">jsmith@trinitycounty.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Mine Operator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Concrete Aggregate Products</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Person</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clint Robison</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>(530) 623-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2250</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weaverville</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ZIP Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>96093</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>E-mail Address (Optional)</th>
</tr>
</thead>
<tbody>
<tr>
<td><a href="mailto:conaggclint@yahoo.com">conaggclint@yahoo.com</a></td>
</tr>
</tbody>
</table>

| IV. Does the operation have: |
|---|---|---|---|
| P | NR | No | Yes |
| Permit to mine? | □ | □ | □ | Permit # P-97-32 |
| An approved Reclamation Plan? | □ | □ | □ | RP # P-97-32 |

| Has the operator filed a Mining Operation Annual Report (Form MRRC-2)? Check one: |
|---|---|---|
| □ Yes | □ No | □ Unknown |

| Is this operation on Federal Land? Check one: |
|---|---|
| □ Yes | □ No |

<table>
<thead>
<tr>
<th>If &quot;Yes&quot;, provide one or both of the Federal Mine Land Identification Numbers below:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>California Mining Claim Number (CAMC#):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>U.S. Forest Service Identification Number (USFS I#):</th>
</tr>
</thead>
</table>

DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).
## SURFACE MINING INSPECTION REPORT

**X. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary):**

No crushing allowed.
Did you do annual RPT? Ask client + ask kids name.

<table>
<thead>
<tr>
<th>CA MINE ID #</th>
<th>91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection Date:</td>
<td>10/24/13</td>
</tr>
<tr>
<td>Weather Code(s):</td>
<td>CR</td>
</tr>
<tr>
<td>Duration of Inspection:</td>
<td>Start Time: 9</td>
</tr>
<tr>
<td>Status of Mine Code(s):</td>
<td>Active</td>
</tr>
<tr>
<td>Status of Reclamation Code(s):</td>
<td>RIV.1, S2.7, 4, 6</td>
</tr>
<tr>
<td>Approximate Acreage Under Reclamation:</td>
<td>3</td>
</tr>
<tr>
<td>Approximate Total Disturbed Acreage:</td>
<td>2, 1940’s, 1952, 1953</td>
</tr>
<tr>
<td>Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:</td>
<td>12</td>
</tr>
<tr>
<td>Previous Inspection Date (and Number of Violations then Noted):</td>
<td></td>
</tr>
<tr>
<td>Violations Corrected? (explain in block to left):</td>
<td></td>
</tr>
<tr>
<td>Inspection Attendees and Affiliations:</td>
<td></td>
</tr>
</tbody>
</table>

Additional sheets/documents attached: □ Yes □ No

<table>
<thead>
<tr>
<th>X. Number of Current Violations</th>
<th>Inspectors Signature:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Date Signed:</td>
</tr>
</tbody>
</table>

**DISTRIBUTION:** Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator’s designated agent, BLM or USFS (if required) & retains original.
SURFACE MINING INSPECTION REPORT

X. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary)

Annual Report for 2012 will be submitted to OMR by December 31, 2013.

Additional sheets/documents attached: ☐ Yes ☐ No

X. Number of Current Violations: 0

Inspection Attendees and Affiliations:
Janice Smith Trinity County
Aaron Robison Concrete Aggregate Products

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.
## FINANCIAL ASSURANCE COST ESTIMATE

<table>
<thead>
<tr>
<th>Quarry Name</th>
<th>Smith Pit Phase 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>MINE ID</td>
<td>91-53-0015</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>ITEM</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PRIMARY RECLAMATION ACTIVITIES</td>
<td>$1,545</td>
<td>$1,568.18</td>
</tr>
<tr>
<td>II. REVEGETATION</td>
<td>$0</td>
<td>$0.00</td>
</tr>
<tr>
<td>III. PLANT STRUCTURES AND EQUIPMENT REMOVAL</td>
<td>$0</td>
<td>$0.00</td>
</tr>
<tr>
<td>Plant Structures and Removal remain 0 as per attached quote from Thorsteinson Equipment</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Screen Plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 Trommel System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>IV. MICELLANEOUS COSTS</td>
<td>$0</td>
<td>$0.00</td>
</tr>
<tr>
<td>V. MONITORING</td>
<td>$800</td>
<td>$812</td>
</tr>
<tr>
<td>TOTAL DIRECT COSTS</td>
<td>$2,345</td>
<td>$2,380</td>
</tr>
</tbody>
</table>

### VI. INDIRECT COSTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPERVISION (7%)</td>
<td>$164</td>
<td>$238</td>
</tr>
<tr>
<td>Profit/overhead (14%)</td>
<td>$328</td>
<td>$238</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>$235</td>
<td>$238</td>
</tr>
<tr>
<td>Mobilization (5%)</td>
<td>$117</td>
<td>$238</td>
</tr>
<tr>
<td>TOTAL INDIRECT COSTS</td>
<td>$844</td>
<td>$952</td>
</tr>
</tbody>
</table>

**TOTAL DIRECT AND INDIRECT COSTS**

<table>
<thead>
<tr>
<th>Description</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3,189</td>
<td>$3,332</td>
</tr>
</tbody>
</table>

### VII. LEAD AGENCY ADMINISTRATIVE COSTS (10%)

<table>
<thead>
<tr>
<th>Description</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$319</td>
<td>$333.22</td>
</tr>
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</table>

**Total estimated cost of reclamation**

<table>
<thead>
<tr>
<th>Description</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$3,508</td>
<td>$3,665.47</td>
</tr>
</tbody>
</table>

*CPI from US Dept of Labor, Bureau of Labor Statistics http://www.bls.gov/news.release/cpi.nr0.htm*
### SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Potential Reclamation Plan Requirements:</th>
<th>List Reclamation Plan Requirements (Recommended to be filed at time of field inspection)</th>
<th>Note Site Conditions and Compliance Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA MINE ID # 91</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) General Information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Permitted Mineral Product(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Approved Production Amount (Amount/Year)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) End Date of Operations Per RP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Permit end date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) End Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Boundaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Property Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Permit Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Rec. Plan Boundary (RPB)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Slopes &amp; Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Fill Slopes – Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes – Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes – Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Compaction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Cut Slopes – Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes – Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes – Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Erosion Control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Vegetation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Ponds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Design – Function</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Capacity (area/depth/volume)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Stream &amp; Wetland Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Buffers (distance to channel)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Berms (distance/length/height)</td>
<td></td>
<td></td>
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<td>c) Best Management Practices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Grading &amp; Slopes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Stockpiles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Stream Diversions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Sensitive Wildlife &amp; Plant Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) List Species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Protection Measures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISTRIBUTION:** Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.
VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See instructions for Block VII on reverse side of page. [Use separate sheet(s) when necessary. Refer to item numbers below.]

<table>
<thead>
<tr>
<th>Potential Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)</th>
<th>List Reclamation Plan Requirements</th>
<th>Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)</th>
<th>VN?</th>
</tr>
</thead>
<tbody>
<tr>
<td>8) Soil/Overburden Stockpile Management</td>
<td></td>
<td>Previously reclaimed area - excavation fill/bys as go is vegetated by working area now covered with 5% to 10% veg and sods but not required</td>
<td>NA</td>
</tr>
<tr>
<td>a) Tonsil</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Location</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slope Stability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) BMPs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Overburden</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Location</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slope Stability</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) BMPs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Tonsil Application</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Amendments</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Depth</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) Moisture</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv) Application Methods</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9) Revegetation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Test Plots</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Species Mix</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Density</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Percent Cover</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Species Richness</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Protection</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Success Monitoring</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Invasive Species Control</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>10) Structures</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11) Equipment</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12) Closure of Adits</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13) Other Reclamation Plan Requirements</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion Instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)  
Smith Tailings 2  
Inspection Date:  
CA MINE ID#:  
94-53-0015

II. Mine Operator  
Telephone ( )
Onsite Contact Person  
Telephone ( )
Mailing Address
City  
State  
ZIP Code  
E-mail Address (optional)

III. Designated Agent  
Telephone ( )
Mailing Address
City  
State  
ZIP Code  
E-mail Address (optional)

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGRB)
Inspector  
Telephone ( )
Title  
Organization
Mailing Address
City  
State  
ZIP Code  
E-mail Address (optional)

V. Does the operation have:

| Permit to Mine | Yes
| Vested Right to Mine | Yes
| Reclamation Plan | Yes
| Reclamation Plan Amendment | Yes

Permit # - Start and Expiration Dates:
11/13/97  
Year of Lead Agency determination:
Non

Year of Most Recent Filed Annual Report:

VI. Is this Operation on Federal Land? Check One:
If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:

California Mining Claim Number (CMMC#):
Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #):
Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (If required) & retains original.
## SURFACE MINING INSPECTION REPORT

### VII. Financial Assurance

<table>
<thead>
<tr>
<th>Type of Financial Assurance Mechanism(s)</th>
<th>Financial Assurance Mechanism Number(s)</th>
<th>Amount of Mechanism</th>
<th>Date of Expiration</th>
<th>Date of Lead Agency Approval of Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>For 3 acres at a time</td>
<td>FACE</td>
<td>$3,864</td>
<td>We to renew</td>
<td></td>
</tr>
<tr>
<td>N or Y grass seed</td>
<td></td>
<td>$350 E</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>3540.62</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Amount of Mechanism(s)**

- $3,864
- $350
- 3540.62

- **Financial Assurance Mechanism Pending Review** by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:
  - Yes

- Has there been a change of operator since last inspection? If yes, provide the date of notice:
  - Yes
  - No

- **Date of Change:**

- **If yes, has the new operator posted a Financial Assurance Mechanism?**
  - Yes
  - No

- If not, describe status of new operator's Financial Assurance Mechanism:

- **Does new operator's Notice of Change Include a statement of responsibility for reclamation?**
  - Yes
  - No

- **Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:**
  - Date: 
  - Amount: 

- **Financial Assurance Cost Estimate Pending Review with Lead Agency?**
  - Date Submitted/Explanation/Amount of pending estimate:

- **Financial Assurance Cost Estimate Appealed by Operator?**
  - Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:

- **Other?**

---

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## SURFACE MINING INSPECTION REPORT

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</thead>
<tbody>
<tr>
<td>1) General Information</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Permitted Mineral Product(s)</td>
<td>Sand and gravel excavated from mine tailings pile. 15,000 cubic yards per year, total 250,00 cy. Start 1998, end 2020. End use is open space.</td>
<td>Operation is mining less than the annual maximum, and is not near the total maximum. Simple excavation of loose gravel from a tailings pile.</td>
</tr>
<tr>
<td>b) Approved Production Amount (annual/peak)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) End Date of Operations Per RP</td>
<td></td>
<td>Only 1.5 acres have been disturbed by mining and operations, well within the boundaries and setbacks.</td>
</tr>
<tr>
<td>d) Permit end date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) End Use</td>
<td></td>
<td>Working cut slope is 1:1, at angle of repose, and approximately 20' high. The &quot;U&quot; shape design is being implemented. There are also two excavations to groundwater (less than 15' deep).</td>
</tr>
<tr>
<td>2) Boundaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Property Boundary</td>
<td>Property is 101.5 acres. Mined area 6 acres including processing. Setbacks: 100 feet from the Trinity River riparian corridor during the winter (September - April), and 30 feet from the riparian area at other times of year.</td>
<td></td>
</tr>
<tr>
<td>b) Permit Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Rec. Plan Boundary (RPB)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Slopes - Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Fill Slopes - Note Condition of:</td>
<td>Excavate loose gravel from tailings pile approximately 20 feet high.</td>
<td></td>
</tr>
<tr>
<td>i) Slopes - Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes - Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Cut Slopes - Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes - Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes - Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Erosion Control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) BMPs</td>
<td>Operations limited to 100' from river during winter. Berms separate operation from Trinity River.</td>
<td>The berm, approximately 10' high, is intact. There are no operations in, or near the Trinity River.</td>
</tr>
<tr>
<td>b) Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Vegetation</td>
<td></td>
<td>Excavations to 15' deep encounter groundwater. Two such excavations are left open to supply process water, which is pumped from the excavated pond and discharged back to the pond.</td>
</tr>
<tr>
<td>5) Ponds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Design - Function</td>
<td>No ponds were planned in the reclamation plan, but excavation to 15' below grade is allowed.</td>
<td></td>
</tr>
<tr>
<td>b) Capacity (area/depth/volume)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Stream &amp; Wetland Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Buffers (distance to channel)</td>
<td>Berm to separate mining and processing from Trinity River and to prevent fish entrapment. There are no other surface water or drainage courses on site.</td>
<td>The berm is well maintained and the setbacks from the Trinity River riparian zone are being observed. Stockpiles are within the bermmed area.</td>
</tr>
<tr>
<td>b) Berms (distance/length/height)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Best Management Practices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Grading &amp; Slopes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Stockpiles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Stream Diversions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Sensitive Wildlifs &amp; Plant Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) List Species</td>
<td>Wildlife habitat is outside the bermmed area, in the riparian zone of the Trinity River, which is not to be disturbed by the mine operation.</td>
<td>There is no suitable habitat within the operations area. Areas outside of the bermmed, designated area are undisturbed.</td>
</tr>
<tr>
<td>b) Protection Measures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SURFACE MINING INSPECTION REPORT

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<tbody>
<tr>
<td>8) Soil/Overburden Stockpile Management</td>
<td>No re-seeding or revegetation is required, because when mining is complete the site will be graded smooth, the berm will be removed and the site will be in the floodplain of the Trinity River where it will revegetate naturally with woody herbs and willows. Loose material from the remaining stockpiles will be spread to provide a base for natural vegetation and to eliminate the piles.</td>
<td>No topsoil required. Materials stockpiles are few, because most mined material is hauled away to the Concrete Aggregate plant in Weaverville as soon as it is removed from the tailings pile. The few stockpiles are kept within the berm operations area.</td>
</tr>
<tr>
<td>8) Revegetation</td>
<td>Revegetation in the floodplain is not proposed.</td>
<td>No test plots, because no revegetation is proposed.</td>
</tr>
<tr>
<td>10) Structures</td>
<td>No structures proposed.</td>
<td>No structures on site, but a trailer is used for storage.</td>
</tr>
<tr>
<td>11) Equipment</td>
<td>Screener/sorter, conveyors, loaders, bulldozers and dump trucks.</td>
<td>A conveyer and sorter plant has been set up. Front end loaders and dump trucks are operating.</td>
</tr>
<tr>
<td>12) Closure of Adits</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

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**SURFACE MINING INSPECTION REPORT**

(See reverse side of each form page for completion instructions)

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<tr>
<th>I. Mine Name (As Shown on Approved Reclamation Plan)</th>
<th>Inspection Date</th>
<th>CA MINE ID#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Pit Phase 2</td>
<td>10/24/2013</td>
<td>91-53-0015</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>II. Mine Operator</th>
<th>Concrete Aggregate Products</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clint Robison</td>
<td></td>
<td>(530) 623-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Onsite Contact Person</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(530) 623-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III. Designated Agent</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Same</td>
<td>( )</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity County</td>
<td>(530) 623-1365 ext 3405</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspector</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janice Smith</td>
<td>(530) 623-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title</th>
<th>Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sr. Environmental Compliance Specialist</td>
<td>Trinity County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2250</td>
<td>Weaverville</td>
<td>CA</td>
<td>96093</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2490</td>
<td>Weaverville</td>
<td>CA</td>
<td>96092</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V. Does the operation have:</th>
<th>P</th>
<th>NR</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit to Mine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vested Right to Mine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reclamation Plan</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reclamation Plan Amendment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| Year of Lead Agency determination |
| RPW | Date Approved | 11/13/1997 |
| RP Amendment # (as applies) | Date Approved or Status of Amendment |

<table>
<thead>
<tr>
<th>Has the Operator filed a Mining Operation Annual Report? (Form MRRC-2) this year?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Year of Most Recent Filed Annual Report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>VI. Is this operation on Federal Land? Check One:</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>If &quot;Yes,&quot; Provide One or Both of the Federal Mine Land Identification Numbers Below.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Mining Claim Number (CA/MCN):</td>
<td>Latitude/Longitude at Mine Entrance (Decimal Degrees):</td>
<td></td>
</tr>
</tbody>
</table>
# SURFACE MINING INSPECTION REPORT

**Type of Financial Assurance Mechanism(s)**

<table>
<thead>
<tr>
<th>Financial Assurance Mechanism Number(s)</th>
<th>Amount of Mechanism</th>
<th>Date of Expiration</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD 101130771 North Valley Bank</td>
<td>$3,864.26</td>
<td>NA auto-renew</td>
</tr>
<tr>
<td></td>
<td></td>
<td>01/02/2013</td>
</tr>
</tbody>
</table>

**Total Amount of Mechanism(s):** $3,864.26

- **Financial Assurance Mechanism Pending Review by Lead Agency:** If yes, provide date submitted/explanation and amount of pending mechanism:

- **Has there been a change of operator since last inspection?** If yes, provide the date of notice:
  - **Yes**
  - **No**
  - **Date of Change:**

- **Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:**
  - **Date:** 11/21/2013
  - **Amount:** $3,665.47

- **Financial Assurance Cost Estimate Pending Review with Lead Agency?**
  - **Date Submitted/Explanation/Amount of pending estimate:**

- **Financial Assurance Cost Estimate Appealed by Operator?**
  - **Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:**

- **Other?**
### SURFACE MINING INSPECTION REPORT

**VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]**

<table>
<thead>
<tr>
<th>Potential Reclamation Plan Requirements</th>
<th>List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)</th>
<th>Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8) Soil/Overburden Stockpile Management</td>
<td>No re-soiling or revegetation is required, because when mining is complete the site will be graded smooth, the berm will be removed and the site will be in the floodplain of the Trinity River where it will revegetate naturally with woody herbs and willows. Loose material from the remaining stockpiles will be spread to provide a base for natural vegetation and to eliminate the piles.</td>
<td>No topsoil required. Materials stockpiles are few, because most mined material is hauled away to the Concrete Aggregate plant in Weaverville as soon as it is removed from the tailings pile. The few stockpiles are kept within the bermed operations area.</td>
</tr>
<tr>
<td>a) Topsoil</td>
<td>Revegetation in the floodplain is not proposed.</td>
<td></td>
</tr>
<tr>
<td>9) Revegetation</td>
<td>No test plots, because no revegetation is proposed.</td>
<td></td>
</tr>
<tr>
<td>a) Test Plots</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Species Mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Percent Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Species Richness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Success Monitoring</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Invasive Species Control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10) Structures</td>
<td>No structures proposed.</td>
<td>There is a small now scale house for weighing trucks. A trailer is used for storage.</td>
</tr>
<tr>
<td>11) Equipment</td>
<td>Screener/sorter, conveyors, loaders, bulldozers and dump trucks.</td>
<td>A conveyer and sorter plant has been set up. A portable sawmill is also on site. Front end loaders and dump trucks are operating.</td>
</tr>
<tr>
<td>12) Closure of Adits</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>13) Other Reclamation Plan Requirements</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>
Annual Report for 2012 will be submitted to OMR by December 31, 2013.
# SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Type of Financial Assurance Mechanism(s)</th>
<th>Financial Assurance Mechanism Number(s)</th>
<th>Amount of Mechanism</th>
<th>Date of Expiration</th>
<th>Date of Lead Agency Approval of Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>CD</td>
<td>101130771 North Valley Bank</td>
<td>$3,864.26</td>
<td>NA auto-renew</td>
<td>01/02/2013</td>
</tr>
</tbody>
</table>

| Total Amount of Mechanism(s) | $3,864.26 |

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

Has there been a change of operator since last inspection? If yes provide the date of notice.  
☐ Yes ☐ No  

Date of Change:  

☐ Yes ☐ No  

Has there been a change of operator since last inspection? If yes provide the date of notice.  

☐ Yes ☐ No  

Date of Change:  

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:  
Date: 10/31/2014  
Amount: $3,749.78  

☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?  
Data Submitted/Explanation/Amount of pending estimate:  

☐ Financial Assurance Cost Estimate Appealed by Operator?  
Data Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:  

☐ Other?
### SURFACE MINING INSPECTION REPORT

**VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]**

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<tr>
<th>Potential Reclamation Plan Requirements:</th>
<th>List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection):</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Information</td>
<td>Sand and gravel excavated from mine tailings piles. 15,000 cubic yards per year, total 250,00 cy. Start 1998, end 2020. End use is open space.</td>
</tr>
<tr>
<td>a) Permitted Mineral Product(s)</td>
<td>Operation is mining less than the annual maximum, and is not near the total maximum. Simple excavation and processing of loose gravel from a tailings pile.</td>
</tr>
<tr>
<td>b) Approved Production Amount (Annual/Total)</td>
<td>Only 1.5 acres have been disturbed by mining and operations, well within the boundaries and setbacks.</td>
</tr>
<tr>
<td>c) End Date of Operations Per RP</td>
<td>Working cut slope is 1:1, at angle of repose, and approximately 20' high. The &quot;U&quot; shape design is being implemented. There are also two excavations to groundwater (less than 15' deep).</td>
</tr>
<tr>
<td>d) Permit end date</td>
<td>The berm, approximately 10' high, is intact. There are no operations in, or near the Trinity River.</td>
</tr>
<tr>
<td>e) Permit End Date</td>
<td>Excavations to 15' deep encountered groundwater are left open to supply process water. The settling pond that receives water from the wash plant is full. Directed the operator to empty the pond prior to any further washing operations as a CORRECTIVE ACTION.</td>
</tr>
<tr>
<td>2) Boundaries</td>
<td>The berm is well maintained and the setbacks from the Trinity River riparian zone are being observed. Stockpiles are within the berm area.</td>
</tr>
<tr>
<td>a) Property Boundary</td>
<td>There is no suitable habitat within the operations area. Areas outside of the bermed, designated area are undisturbed. Water supply pond supports riparian vegetation.</td>
</tr>
<tr>
<td>b) Property Permit Boundary</td>
<td></td>
</tr>
<tr>
<td>c) Rac. Plan Boundary (RPB)</td>
<td></td>
</tr>
<tr>
<td>d) Setbacks</td>
<td></td>
</tr>
<tr>
<td>3) Slopes - Grading</td>
<td></td>
</tr>
<tr>
<td>a) Fill Slopes - Note Condition of:</td>
<td></td>
</tr>
<tr>
<td>i) Slopes - Working (max/current)</td>
<td></td>
</tr>
<tr>
<td>ii) Slopes - Reclaimed</td>
<td></td>
</tr>
<tr>
<td>iii) Compaction</td>
<td></td>
</tr>
<tr>
<td>b) Cut Slopes - Note Condition of:</td>
<td></td>
</tr>
<tr>
<td>i) Slopes - Working (max/current)</td>
<td></td>
</tr>
<tr>
<td>ii) Slopes - Reclaimed</td>
<td></td>
</tr>
<tr>
<td>Operations limited to 100' from river during winter. Berms separate operation from Trinity River.</td>
<td></td>
</tr>
<tr>
<td>4) Erosion Control</td>
<td></td>
</tr>
<tr>
<td>a) BMPs</td>
<td></td>
</tr>
<tr>
<td>b) Grading</td>
<td></td>
</tr>
<tr>
<td>c) Vegetation</td>
<td></td>
</tr>
<tr>
<td>5) Ponds</td>
<td></td>
</tr>
<tr>
<td>a) Design - Function</td>
<td></td>
</tr>
<tr>
<td>b) Capacity (area/depth/volume)</td>
<td></td>
</tr>
<tr>
<td>c) Maintenance</td>
<td></td>
</tr>
<tr>
<td>6) Stream &amp; Wetland Protection</td>
<td></td>
</tr>
<tr>
<td>a) Buffers (distance to channel)</td>
<td></td>
</tr>
<tr>
<td>b) Berms (distance/length/height)</td>
<td></td>
</tr>
<tr>
<td>c) Best Management Practices</td>
<td></td>
</tr>
<tr>
<td>d) Drainage</td>
<td></td>
</tr>
<tr>
<td>e) Grading &amp; Slopes</td>
<td></td>
</tr>
<tr>
<td>f) Stockpiles</td>
<td></td>
</tr>
<tr>
<td>g) Stream Diversions</td>
<td></td>
</tr>
<tr>
<td>7) Sensitive Wildlife &amp; Plant Protection</td>
<td>Wildlife habitat is outside the bermed area, in the riparian zone of the Trinity River, which is not to be disturbed by the mine operation.</td>
</tr>
<tr>
<td>a) List Species</td>
<td></td>
</tr>
<tr>
<td>b) Protection Measures</td>
<td></td>
</tr>
</tbody>
</table>

**CA MINE ID #:** 91-53-0015

**MN?:**

**Note Site Conditions and Compliance Issues:**

**Note additional comments on Page 5 as necessary:**

**V:**

**DISTRIBUTION: Lead Agency sends copies of inspection notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original**
SURFACE MINING INSPECTION REPORT

(I. Mine Name (As Shown on Approved Reclamation Plan))
Smith Pit Phase 2

(Inspection Date)
10/30/2014

(CA MINE ID#)
91-53-0015

(II. Mine Operator)
Concrete Aggregate Products

(Onsite Contact Person)
Clint Robison

(Mailing Address)
PO Box 2250

(City)
Weaverville

(State)
CA

(ZIP Code)
96093

(Telephone)
(530) 623-2981

(III. Designated Agent)
Same

(Telephone)
( )

(V. Does the operation have:

<table>
<thead>
<tr>
<th>Permit to Mine</th>
<th>Vested Rights to Mine</th>
<th>Reclamation Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

(Reclamation Plan Amendment)

(RP#)
P-97-32

(Date Approved)
11/13/1997

(VI. Is this operation on Federal Land? Check One:
If "Yes," Provide One or Both of the Federal Land Identification Numbers Below:

<table>
<thead>
<tr>
<th>California Mining Claim Number (CAMC#):</th>
<th>U.S. Forest Service or BLM Identification Number (Plan of Operations #):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(DISTRIBUTION: Lead Agency sends copies of inspection notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original)
SMARA LEAD AGENCY INSPECTION NOTICE FORM
(This form is provided for the convenience of lead agencies. See instructions on the back of the form.)

To: Reporting Unit
   California Department of Conservation
   Office of Mine Reclamation
   801 K Street, MS 0906
   Sacramento, CA 95814

From: Janice C. Smith
   Trinity County
   PO Box 2490
   Weaverville, CA 96093

Date of this Notice: 11/3/2014

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)

Date of Inspection: 10/30/2014

Mine ID: 91-53-0015

I certify that this surface mining operation is in compliance with SMARA (mining operation is permitted [or vested], consistent with reclamation plan, the financial assurance is adequate for reclamation costs, and no violations were cited on the MRRC-1 inspection form*).

Check applicable box:
Yes [x] No [ ] - If no, which aspects of the operations are inconsistent with SMARA:

Does the surface mining operation have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section 2770, or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770?

Yes [ ] No [x]

Are the completed MRRC-1 inspection form and any supporting documentation, including, but not limited to, any inspection report prepared by the licensed geologist, civil engineer, landscape architect, or forester, who conducted the inspection attached?

Yes [x] No [ ]

Janice C. Smith
Env Camp Spec
Signature and Title of Lead Agency Representative

* See instructions on back of form
A new pit, 200' by 200' by 10' deep has been opened in the former processing area.

Slopes stand at the angle of repose for loose gravel (former mine tailings), and are about 10' high.

This new pit was opened adjacent to the former pit.

Processing was done in the former pit area this summer, but most equipment has been removed.
SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>CA MINE ID #</th>
<th>53-0015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inspection Date:</td>
<td>11/17/2015</td>
</tr>
<tr>
<td>Weather Code(s):</td>
<td>CL</td>
</tr>
<tr>
<td>Duration of Inspector:</td>
<td>1.0 hour</td>
</tr>
<tr>
<td>Start Time:</td>
<td>11:00 am</td>
</tr>
<tr>
<td>End Time:</td>
<td>12:00 noon</td>
</tr>
<tr>
<td>Status of Mine Code(s):</td>
<td>OP</td>
</tr>
<tr>
<td>Status of Reclamation Code(s):</td>
<td>RN</td>
</tr>
<tr>
<td>Approximate Acreage Under Reclamation:</td>
<td>0</td>
</tr>
<tr>
<td>Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:</td>
<td></td>
</tr>
<tr>
<td>Approximate Total Disturbed Acreage:</td>
<td>1.5 acres</td>
</tr>
<tr>
<td>Approximate Pre-SMARA Disturbed Acreage:</td>
<td>6 acres dredge tailings</td>
</tr>
<tr>
<td>Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:</td>
<td>1.5 acres</td>
</tr>
<tr>
<td>Previous Inspection Date (and Number of Violations Noted):</td>
<td>10/30/2014 no violations</td>
</tr>
<tr>
<td>Violations Corrected? (explain in block below):</td>
<td></td>
</tr>
</tbody>
</table>

| Inspectors Signature: | Janice Smith Trinity County Robert Robison Concrete Aggregate Products |
| Date Signed: | 1/12/2016 |

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-11a operator, operator's designated agent, SLIM or USFS (if required) & retains original.
## SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Potential Reclamation Plan Requirements</th>
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<th>Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Information</td>
<td>Sand and gravel excavated from mine tailings piles. 15,000 cubic yards per year, total 250,000 cy. Start 1998, end 2020. End use is open space.</td>
<td>Operation is mining less than the annual maximum, and is not near the total maximum. Simple excavation and processing of loose gravel from a tailings pile.</td>
</tr>
<tr>
<td>a) Permitted Mineral Product(s)</td>
<td></td>
<td>Two new areas are being mined, well within the boundaries and setbacks. One is where the sorter was located, and one is adjacent to the former pit. Processing now going on where the former pit and pond were.</td>
</tr>
<tr>
<td>b) Approved Production Amount (New/Gras)</td>
<td></td>
<td>Working cut slopes are 1:1, at angle of repose, and approximately 10' high. The &quot;U&quot; shape design is being implemented in the new pits.</td>
</tr>
<tr>
<td>c) End Date of Operations Per RP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Permit End date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) End Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Boundaries</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Property Boundary</td>
<td>Property is 101.5 acres. Mined area 6 acres including processing. Setbacks: 100 feet from the Trinity River riparian corridor during the winter (September - April), and 30 feet from the riparian area at other times of year.</td>
<td></td>
</tr>
<tr>
<td>b) Permit Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Rec. Plan Boundary (RPS)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Slopes – Grading</td>
<td>Excavate loose gravel from tailings pile approximately 20 feet high. Excavate in a &quot;U&quot; shape with the cut facing upstream to catch sediment in the event of a flood. Excavations may also be dug, up to 15' below grade.</td>
<td></td>
</tr>
<tr>
<td>a) Fill Slopes – Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes – Working (max/current)</td>
<td></td>
<td></td>
</tr>
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<tr>
<td>iii) Compaction</td>
<td></td>
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<td></td>
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<tr>
<td>4) Erosion Control</td>
<td>Operations limited to 100' from river during winter. Berms separate operation from Trinity River.</td>
<td>The berm, approximately 10' high, is intact. There are no operations in, or near the Trinity River.</td>
</tr>
<tr>
<td>a) BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Vegetation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Ponds</td>
<td>No ponds were planned in the reclamation plan, but excavation to 15' below grade is allowed.</td>
<td>There is a new pond for recycling wash water. When the pond is cleaned, the fines go into aggregate base product.</td>
</tr>
<tr>
<td>a) Design – Function</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Capacity (area/depth/volume)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Stream &amp; Wetland Protection</td>
<td>Bern to separate mining and processing from Trinity River and to prevent fish entrapment. There are no other surface water or drainage courses on site.</td>
<td>The berm is well maintained and the setbacks from the Trinity River riparian zone are being observed. Stockpiles and processing are within the bermed area.</td>
</tr>
<tr>
<td>a) Buffers (distance to channel)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Berms (distance/length/height)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Best Management Practices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Grading &amp; Slopes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Stockpiles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Stream Diversions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Sensitive Wildlife &amp; Plant Protection</td>
<td>Wildlife habitat is outside the bermed area, in the riparian zone of the Trinity River, which is not to be disturbed by the mine operation.</td>
<td>There is no suitable habitat within the operations area. Areas outside of the bermed, designated area are undisturbed.</td>
</tr>
<tr>
<td>a) List Species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Protection Measures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]

<table>
<thead>
<tr>
<th>Potential Reclamation Plan Requirements:</th>
<th>List Reclamation Plan Requirements</th>
<th>Note Site Conditions and Compliance Issues</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Recommended to be filled out prior to field inspection)</td>
<td></td>
<td>(Note additional comments on page 5 as necessary)</td>
</tr>
<tr>
<td>8) Self/Overburden Stockpile Management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Topsoil</td>
<td>No re-soiling or revegetation is required, because when mining is complete the site will be graded smooth, the berm will be removed and the site will be in the floodplain of the Trinity River where it will revegetate naturally with woody herbs and willows. Loose material from the remaining stockpiles will be spread to provide a base for natural vegetation and to eliminate the piles.</td>
<td>No topsoil required. Materials stockpiles are few, because most mined material is hauled away to the Concrete Aggregate plant in Weaverville as soon as it is removed from the tailings pile. The few stockpiles are kept within the bermed operations area.</td>
</tr>
<tr>
<td>i) Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slope Stability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Overburden</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Location</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slope Stability</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Topsoil Application</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Amendments</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Depth</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) Moisture</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iv) Application Methods</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9) Revegetation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Test Plots</td>
<td>Revegetation in the floodplain is not proposed.</td>
<td>No test plots, because no revegetation is proposed.</td>
</tr>
<tr>
<td>b) Species Mix</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Density</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Percent Cover</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Species Richness</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Protection</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Success Monitoring</td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Invasive Species Control</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10) Structures</td>
<td>No structures proposed.</td>
<td>No structures on site. A trailer is used for storage.</td>
</tr>
<tr>
<td>11) Equipment</td>
<td>Screener/sizer, conveyors, loaders, bulldozers and dump trucks.</td>
<td>A conveyer and some plant has been set up. The wash plant is not currently operating. Plant and hoppers and fans are located on the bank.</td>
</tr>
<tr>
<td>2) Closure of Adits</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>13) Other Reclamation Plan Requirements</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>Mine Name (As Shown on Approved Reclamation Plan)</th>
<th>Inspection Date</th>
<th>CA MINE ID#</th>
</tr>
</thead>
<tbody>
<tr>
<td>Smith Pit Phase 2</td>
<td>11/17/2015</td>
<td>ss- 53-0015</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mine Operator</th>
<th>Concrete Aggregate Products</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clint Robison</td>
<td></td>
<td>630 623-2981</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2260</td>
<td>Weaverville</td>
<td>CA</td>
<td>96093</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SMARA Lead Agency Name (City, County, BDC, or SIMOE)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trinity County</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspector</th>
<th>Title</th>
<th>Organization</th>
<th>Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janice Smith</td>
<td>Environmental Compliance Specialist</td>
<td>Trinity County</td>
<td>630 623-1365 ext 3405</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>City</th>
<th>State</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>PO Box 2490</td>
<td>Weaverville</td>
<td>CA</td>
<td>96092</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>V. Does the operation have:</th>
<th>P</th>
<th>NR</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>A Permit to Mine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vested Right to Mine</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Reclamation Plan Amendment</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permit# - Start and Expiration Dates</th>
<th>Year of Lead Agency determination</th>
<th>Date Approved</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year?</th>
<th>Yes</th>
<th>No</th>
<th>Year of Most Recent Filed Annual Report: 2014</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>VI. Is this operation on Federal Land? Check One:</th>
</tr>
</thead>
<tbody>
<tr>
<td>If &quot;Yes,&quot; provide one or both of the Federal Mine Land Identification Numbers below:</td>
</tr>
<tr>
<td>California Mining Claim Number (CAM#/):</td>
</tr>
<tr>
<td>U.S. Forest Service or BLM Identification Number (Plan of Operations #):</td>
</tr>
</tbody>
</table>

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.
**SURFACE MINING INSPECTION REPORT**

<table>
<thead>
<tr>
<th>VII. Financial Assurance</th>
<th>Inspection Date: 11/17/2015</th>
<th>CA MINE ID#: 91-53-0015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Financial Assurance Mechanism(s)</td>
<td>Financial Assurance Mechanism Number(s)</td>
<td>Amount of Mechanism</td>
</tr>
<tr>
<td>CD</td>
<td>101130771 North Valley Bank</td>
<td>$3,864.26</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Amount of Mechanism(s)</td>
<td></td>
<td>$3,864.26</td>
</tr>
</tbody>
</table>

☐ Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

Has there been a change of operator since last inspection? If yes, provide the date of notice. If not, describe status of new operator's financial assurance mechanism:

☐ Yes ☐ No

Date of Change:

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:

<table>
<thead>
<tr>
<th>Date: 01/12/2016</th>
<th>Amount: $3,754.65</th>
</tr>
</thead>
</table>

☐ Financial Assurance Cost Estimate Pending Review with Lead Agency?

Date Submitted/Explanation/Amount of pending estimate:

☐ Financial Assurance Cost Estimate Appealed by Operator?

Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:

☐ Other?

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SURFACE MINING INSPECTION REPORT

I. Mine Name (As Shown on Approved Reclamation Plan) | Inspect Date | CA MINE ID#
---|---|---
Smith | 11/17/15 | 91-

II. Mine Operator
- Second pit where RSP was before 200' x 200' x 10' deep
- Third pit toward ed where plant used to be.

III. Designated Agent
- Original pit working further

IV. SIMARA Lead Agency Name (City, County, BCDC, or SMGB)
- Rebuilding wash basin
- Wash plant ties go into a base
- 3 pits, sorter, wash plant. No crusher
- Wash pond

V. Does the operation have:

<table>
<thead>
<tr>
<th>P</th>
<th>NR</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit to Mine</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Vested Right to Mine</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>A Reclamation Plan</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>Reclamation Plan Amendment</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Has the operator filed a mining Operation Annual Report (Form MARC-2) this year?
- [ ] Yes
- [ ] No

VI. Is this operation on Federal land? Check one:
- [ ] Yes
- [ ] No

California Mining Claim Number (CA#):

BLM Identification number (Plan of Operations #):

Status of the Plan of Operations (Current/Expired/In Process):

Latitude/Longitude at Mine Entrance (Decimal Degrees):

Name/Title of Designated Agent:

Date of Field Inspection:

Address:

Telephone:

City:

State:

ZIP Code:

Email Address (optional):

Inspector:

Title:

Organization:

Mailing Address:

Telephone:

City:

State:

ZIP Code:

Email Address (optional):

Note: Underlined text indicates handwritten or marked-up information.
## FINANCIAL ASSURANCE COST ESTIMATE

<table>
<thead>
<tr>
<th>ITEM</th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
<th>2013 + 2.27 CPI*</th>
<th>2014 + 0.13 CPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. PRIMARY RECLAMATION ACTIVITIES</td>
<td>$1,545</td>
<td>$1,568.18</td>
<td>$1,604.24</td>
<td>$1,606.33</td>
</tr>
<tr>
<td>II. REVEGETATION</td>
<td>$0</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>III. PLANT STRUCTURES AND EQUIPMENT REMOVAL</td>
<td>$0</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>IV. MICELLANEOUS COSTS</td>
<td>$0</td>
<td>$0.00</td>
<td>$0.00</td>
<td>$0.00</td>
</tr>
<tr>
<td>V. MONITORING</td>
<td>$800</td>
<td>$812</td>
<td>$830.68</td>
<td>$831.76</td>
</tr>
<tr>
<td><strong>TOTAL DIRECT COSTS</strong></td>
<td><strong>$2,345</strong></td>
<td><strong>$2,380</strong></td>
<td><strong>$2,435</strong></td>
<td><strong>$2,438.08</strong></td>
</tr>
</tbody>
</table>

VI. INDIRECT COSTS:

<table>
<thead>
<tr>
<th></th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
<th>2013 + 2.27 CPI*</th>
<th>2014 + 0.13 CPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUPERVISION (7%)</td>
<td>$164</td>
<td>$238</td>
<td>$243</td>
<td>$243.81</td>
</tr>
<tr>
<td>Profit/overhead (14%)</td>
<td>$328</td>
<td>$238</td>
<td>$243</td>
<td>$243.81</td>
</tr>
<tr>
<td>Contingency (10%)</td>
<td>$235</td>
<td>$238</td>
<td>$243</td>
<td>$243.81</td>
</tr>
<tr>
<td>Mobilization (5%)</td>
<td>$117</td>
<td>$238</td>
<td>$243</td>
<td>$243.81</td>
</tr>
<tr>
<td><strong>TOTAL INDIRECT COSTS</strong></td>
<td><strong>$844</strong></td>
<td><strong>$952</strong></td>
<td><strong>$974</strong></td>
<td><strong>$975.23</strong></td>
</tr>
<tr>
<td><strong>TOTAL DIRECT AND INDIRECT COSTS</strong></td>
<td><strong>$3,189</strong></td>
<td><strong>$3,332</strong></td>
<td><strong>$3,409</strong></td>
<td><strong>$3,413.32</strong></td>
</tr>
</tbody>
</table>

VII. LEAD AGENCY ADMINISTRATIVE COSTS (10%)

<table>
<thead>
<tr>
<th></th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
<th>2013 + 2.27 CPI*</th>
<th>2014 + 0.13 CPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>$319</td>
<td>$333.22</td>
<td>$340.89</td>
<td>$341.33</td>
<td></td>
</tr>
</tbody>
</table>

**total estimated cost of reclamation**

<table>
<thead>
<tr>
<th></th>
<th>2012 estimate</th>
<th>2012 +1.5% CPI*</th>
<th>2013 + 2.27 CPI*</th>
<th>2014 + 0.13 CPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>$3,508</td>
<td>$3,665.47</td>
<td>$3,749.78</td>
<td>$3,754.65</td>
<td></td>
</tr>
</tbody>
</table>

### SURFACE MINING INSPECTION REPORT

**VIII. Non-SMARA facility operations conditions solely of local concern (e.g., hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page.**

If separate sheet(s) are necessary, refer to item numbers below.

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<th>Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>b) Soil/Overburden Stockpile Management</strong></td>
<td>No re-soiling or revegetation is required, because when mining is complete the site will be graded smooth, the berm will be removed and the site will be in the floodplain of the Trinity River where it will revegetate naturally with woody herbs and willows. Loose material from the remaining stockpiles will be spread to provide a base for natural vegetation and to eliminate the piles.</td>
<td>No topsoil required. There are stockpiles of processed material, some over 10 feet high. The stockpiles are kept within the berm operations area, and cannot drain to the Trinity River. No overburden is being generated.</td>
</tr>
<tr>
<td><strong>9) Revegetation</strong></td>
<td>Revegetation in the floodplain is not proposed.</td>
<td>No test plots, because no revegetation is proposed.</td>
</tr>
<tr>
<td><strong>10) Structures</strong></td>
<td>No structures proposed.</td>
<td>No structures on site. A trailer is used for storage.</td>
</tr>
<tr>
<td><strong>11) Equipment</strong></td>
<td>Screener/sorter, conveyors, loaders, bulldozers and dump trucks.</td>
<td>A conveyor and sorter plant has been set up. The wash plant is not currently operating. Front and loaders and dump trucks are kept on site to transfer material to and from the plant.</td>
</tr>
<tr>
<td><strong>12) Closure of Adits</strong></td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td><strong>13) Other Reclamation Plan Requirements</strong></td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**CA MINE ID #:** 53-0015

**DISTRIBUTION:** Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.
## SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>CA MINE ID #</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>91-</td>
<td>53-0015</td>
</tr>
</tbody>
</table>

**Inspection Date:**
12/14/2016

**Weather Code(s):**
RN

**Duration of Inspection:** 1.0 hour

**Start Time:** 10:15 am  
**End Time:** 11:00 am

**Status of Mine Code(s):**
OP

**Status of Reclamation Code(s):**
RN

Approximate Acreage Under Reclamation:
0

Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plans:

- Approximate Total Disturbed Acreage: 1.5 acres
- Approximate Pre-SMARA Disturbed Acreage: 6 acres
dredge tailings.

Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
1.5 acres

**Previous Inspection Date (and Number of Violations then Noted):**
11/17/2015 no violations

**Violations Corrected?** (explain in block to left)

**Inspection Attendees and Affiliations:**
Janice Smith Trinity County  
Clint Robison Concrete  
Aggregate Products

**Number of Current Violations:**
0

**Inspektors Signature:**
Janice Smith

**Date Signed:**
12/14/16

**If inspector is a contractor for the lead agency give license type and number:**

---

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# SURFACE MINING INSPECTION REPORT

<table>
<thead>
<tr>
<th>VII. Financial Assurance</th>
<th>Inspection Date: 12/14/2016</th>
<th>CA MINE ID#: 91-53-0015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Financial Assurance Mechanism(s)</td>
<td>Financial Assurance Mechanism Number(s)</td>
<td>Amount of Mechanism</td>
</tr>
<tr>
<td>CD</td>
<td>101130771 North Valley Bank</td>
<td>$3,864.26</td>
</tr>
</tbody>
</table>

| Total Amount of Mechanism(s) | $3,864.26 |

- **☐** Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:

- Has there been a change in operator since last inspection? If yes provide the date of notice.
  - **☐** Yes  ☑ No
  - Date of Change: 

- **☐** Financial Assurance Cost Estimate Pending Review with Lead Agency?
  - Date Submitted/Explanation/Amount of pending estimate: 

- **☐** Financial Assurance Cost Estimate Appealed by Operator?
  - Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation: 

- **☐** Other?

---

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<th>Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) General Information</td>
<td>Sand and gravel excavated from mine tailings piles. 15,000 cubic yards per year, total 250,000 cy. Start 1998, end 2020. End use is open space.</td>
<td>Operation is mining less than the annual maximum, and is not near the total maximum. Simple excavation and processing of loose gravel from a tailings pile.</td>
</tr>
<tr>
<td>a) Permitted Mineral Product(s)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Approved Production Amount (Actual/Proposed)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) End Date of Operations Per RP</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Permit end date</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) End Use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) Boundaries</td>
<td>Property is 101.5 acres. Mined area 6 acres including processing. Setbacks: 100 feet from the Trinity River riparian corridor during the winter (September - April), and 30 feet from the riparian area at other times of year.</td>
<td>Two areas are being mined, well within the boundaries and setbacks. One is where the sorter was located, and one is adjacent to the former pit. Processing now going on where the former pit and pond were.</td>
</tr>
<tr>
<td>a) Property Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Permit Boundary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Rec. Plan Boundary (RPB)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Setbacks</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) Slopes – Grading</td>
<td>Excavate loose gravel from tailings pile approximately 20 feet high. Excavate in a &quot;U&quot; shape with the cut facing upstream to catch sediment in the event of a flood. Excavations may also be dug, up to 15' below grade.</td>
<td>Working cut slopes are 1:1, at angle of repose, and approximately 10' high. The &quot;U&quot; shape design is being maintained.</td>
</tr>
<tr>
<td>a) Fill Slopes – Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes – Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes – Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>iii) Compaction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Cut Slopes – Note Condition of:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>i) Slopes – Working (max/current)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ii) Slopes – Reclaimed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) Erosion Control</td>
<td>Operations limited to 100' from river during winter. Berms separate operation from Trinity River.</td>
<td>The berm, approximately 10' high, is intact. There are no operations in or near the Trinity River.</td>
</tr>
<tr>
<td>a) BMPs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Grading</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Vegetation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) Ponds</td>
<td>No ponds were planned in the reclamation plan, but excavation to 15' below grade is allowed.</td>
<td>The pond for recycling wash water has been recently cleaned out. The fines will go into aggregatebase product or other products that specify fine materials.</td>
</tr>
<tr>
<td>a) Design – Function</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Capacity (area/depth/volume)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Maintenance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6) Stream &amp; Wetland Protection</td>
<td>Berm to separate mining and processing from Trinity River and to prevent fish entrapment. There are no other surface water or drainage courses on site.</td>
<td>The berm is well maintained and the setbacks from the Trinity River riparian zone are being observed. Stockpiles and processing are within the bermed area.</td>
</tr>
<tr>
<td>a) Buffers (distance to channel)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Berms (distance/length/height)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Best Management Practices</td>
<td></td>
<td></td>
</tr>
<tr>
<td>d) Drainage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Grading &amp; Slopes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Stockpiles</td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Stream Diversions</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7) Sensitive Wildlife &amp; Plant Protection</td>
<td>Wildlife habitat is outside the bermed area, in the riparian zone of the Trinity River, which is not to be disturbed by the mine operation.</td>
<td>There is no suitable habitat within the operations area. Areas outside of the bermed, designated area are undisturbed.</td>
</tr>
<tr>
<td>a) List Species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>b) Protection Measures</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As shown on Approved Reclamation Plan)
   Smith Pit Phase 2

II. Mine Operator
   Concrete Aggregate Products
   Onsite Contact Person
   Clint Robison
   Mailing Address
   PO Box 2250
   City
   Weaverville
   State
   CA
   E-mail Address (optional)
   conaggclint@yahoo.com

III. Designated Agent
    Same
    Mailing Address

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)
   Trinity County
   Inspector
   Janice Smith
   Title
   Sr. Environmental Compliance Specialist
   Mailing Address
   PO Box 2490
   City
   Weaverville
   State
   CA
   E-mail Address (optional)
   jsmith@trinitycounty.org

V. Does the operation have:
   Permit to Mine
   Vested Right to Mine
   Reclamation Plan

   Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year?

   Yes ☐ No ☐

   Year of Most Recent Filed Annual Report: 2015

VI. Is this operation on Federal Land? Check One:
   Yes ☐ No ☐

   California Mining Claim Number (CAMC#):
   Latitude/Longitude at Mine Entrance (Decimal Degrees):

   U.S. Forest Service or BLM Identification Number (Plan of Operations #):
   Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection Notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.
SMARA LEAD AGENCY INSPECTION NOTICE FORM
(This form is provided for the convenience of lead agencies. See instructions on the back of the form.)

To: Reporting Unit
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

From: Janice C. Smith
Trinity County
PO Box 2490
Weaverville, CA 96093

Date of this Notice: 01/12/2016

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)

Date of Inspection: 12/14/2016   Mine ID: 91-53-0015

I certify that this surface mining operation is in compliance with SMARA (mining operation is permitted [or vested], consistent with reclamation plan, the financial assurance is adequate for reclamation costs, and no violations were cited on the MRRC-1 inspection form*).
Check applicable box:
Yes  No  - if no, which aspects of the operations are inconsistent with SMARA:

Does the surface mining operation have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section 2770, or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770?
Yes  No 

Are the completed MRRC-1 inspection form and any supporting documentation, including, but not limited to, any inspection report prepared by the licensed geologist, civil engineer, landscape architect, or forester, who conducted the inspection attached?
Yes  No 

Signature and Title of Lead Agency Representative

* See instructions on back of form
Attachment C

CUP amendment applications and revisions
To:  
- County Assessor's Office
- County Building Department
- County Environmental Health
- County Public Works
- County Surveyor
- Supervisor:
- Caltrans - District 02
- CalFire/County Fire Chief's Association
- B.L.M.
- Calif. Dept. of Fish & Wildlife
- North Coast Water Quality Control
- North Coast Unified Air Quality Management Dist.
- Northeast Information Center - Chico State
- Forest Service: Six Rivers, Mad River RD
- Fire District: Junction City
- C.S.D.
- Code Enforcement
- Other: CA Board of Forestry and Fire Protection
- Other: CA Division of Mine Reclamation
- Junction City Elementary School

The following project has been submitted to the Trinity County Planning Department for discretionary action (Use Permit Amendment, Rezone, Variance, Subdivision, etc.). An assessment of the potential impacts of the project is being made. Please review and submit comments by June 7, 2018.

Project Description: Amendment to existing use permit to add a rock crusher and concrete batch plant to the site and to amend the reclamation plan to include the existing operational area of the site (equipment). Location: 821 Red Hill Road, Junction City

Environmental Evaluation:
Proposed Negative Declaration

APN: 012-120-42 and 49
Existing Zoning: FH/05/VRR-5.0 acre min.

Sec: 1 and 2, Township 33 North, Range 11 West, MDB&M
Existing General Plan: Rural Residential/C.S.

Applicant: Clint Robison, Con Aggregate Products
Agent: Vestra Resources, Inc

Box 255, Weaverville, CA
5300, Aviation Drive, Redding 96002

For information regarding this project contact Colleen O'Sullivan, 530-623-1351, Ext. 5

Comments:
[ ] No Comment.  [ ] See attached comments.
[ ] We have reviewed the above request and have the following comments:

[ ]

Reviewing Agency: ___________________________ Signature: ___________________________

J drive associate planner P-18-11
PROJECT NARRATIVE
Smith Tailings

Project Name: Smith Tailings

Mine Operator: Clint Robison
Concrete Aggregate Products, Inc.
P.O. Box 2250
Weaverville, CA 96093
(530) 999-1072

Owner of Property and Mineral Rights: SAME

This Use Permit Amendment is to address changes to the existing sand and gravel mine at the Smith Tailings site (CA Mine ID#: 91-53-00-15). The current Use Permit and Reclamation Plan (P-97-32) for the operation were approved by Trinity County on November 13, 1997. Changes at the site include additional processing equipment and receipt of cleanup material from Caltrans sites of slope failure, road cleanup, or other activities. This Use Permit Amendment also addresses revisions to the permitted mining area boundary.

The Smith Tailings site is located northwest of Junction City in Trinity County, California. The permitted mine area includes land on both sides of the Trinity River between Highway 299 and Red Hill Road (County Road #415) in Junction City, California. The general site location is shown on Figure 1. Adjacent properties and their ownership are shown on Figure 3. Mining on the eastern side of the river has been completed and the land reclaimed. Mining activities are currently occurring only on the southwest side of the river in the Phase II area. The mining area is separated from the Trinity River by a riparian buffer and tailing berm.

The mining area consists of dredger tailing originating from gold mining activity occurring in the 1940s. Materials are extracted with a frontend loader and bulldozer. The mined aggregate material is processed using a crusher followed by screening. Three dump trucks are used to transport the processed material to Weaverville. Discarded boulders and fine material are separated and set aside for use in reclamation.

The Use Permit Addendum includes the addition of processing equipment to operations at the site. Currently permitted processing equipment includes the use of a screen at the site. The Use Permit Amendment includes the addition of the rock crusher and concrete batch plant to the site. In addition, a truck scale was added to the site in 2016. The location of the new equipment is shown on Figure 2.

In addition to the new equipment, the operation will receive and process cleanup material from Caltrans sites of slope failure, cleanup, or other activities. Usable aggregate will be processed, and soil and other organic debris will be processed onsite and used for reclamation or exported for recycling. This material is stored in the southeast portion of the Phase II mining area.
In addition, this amendment modifies the Reclamation Plan boundary to encompass the existing operational area of the site. The limits of the mining area included in the 1997 Reclamation Plan were drawn in marker on an aerial photograph and did not include setbacks from any of the property lines. The mining of Phase II of the site began slightly south of mining area drawn on the map. The amended mining area, expanded to include the existing operational area is shown on Figure 1. The amended boundary adds approximately 4.9 acres to the mining area.

**Hours of Operation:** Normal hours of operation will be 7:00 a.m. to 6:00 p.m., Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on legal holidays. Processing equipment operations shall cease by 4:00 p.m. each business day.

**Truck Trips:** Average traffic generated by the project includes three dump trucks at a maximum of 8 trips per day for a total of 24 trips per day.

**Blasting:** No blasting will occur onsite.

**Employees:** A maximum of four employees will operate the various types of equipment and machinery on the Smith Tailings site.

**Equipment List:** Existing permitted processing equipment onsite includes screening equipment. The following additional equipment is included in the Use Permit Amendment include:

- Rock crusher (100 ton/hour capacity).
- Ready Mix concrete plant (20 cubic yards/hour capacity).
- Truck scale

Locations of this equipment are shown on the site plan (Figure 2).
PROJECT NARRATIVE
Smith Tailings

Project Name: Smith Tailings

Mine Operator: John Judson Buick
Trinity Sand and Gravel, Inc.
P.O. Box 21
Weaverville, CA 96093
(530) 949-8757

Owner of Property and Mineral Rights: SAME

This Use Permit Amendment is to address changes to the existing sand and gravel mine at the Smith Tailings site (CA Mine ID#: 91-53-00-15). The current Use Permit and Reclamation Plan (P-97-32) for the operation were approved by Trinity County on November 13, 1997. Changes at the site from Use Permit P-97-32 include additional processing equipment. This equipment has been onsite for many years. This Use Permit Amendment also addresses revisions to the permitted mining area boundary.

The Smith Tailings site is located northwest of Junction City in Trinity County, California. The permitted mine area includes land on both sides of the Trinity River between Highway 299 and Red Hill Road (County Road #415) in Junction City, California. The general site location is shown on Figure 1. Adjacent properties and their ownership are shown on Figure 3. Mining on the eastern side of the river has been completed and the land reclaimed. Mining activities are currently occurring only on the southwest side of the river in the Phase II area. The mining area is separated from the Trinity River by a riparian buffer and tailing berm.

The mining area consists of dredger tailing originating from gold mining activity occurring in the 1940s. Currently permitted activities at the site consist of gravel extraction, screening, and temporary stockpiling. This Use Permit Amendment includes the addition of processing equipment to site operations. The Use Permit Amendment includes the addition of the rock crusher and gravel washing operations to the site (these activities have occurred for the past 10 to 20 years at the site). In addition, a truck scale was added to the site in 2016. The Site Plan is included as Figure 2A. The location of the equipment is shown on Figure 2B.

Starting in 2017, the operation began receiving material from Caltrans to process onsite in addition to materials extracted on the site. The material includes cleanup material from Caltrans sites of slope failure, cleanup, and other activities. Other activities include all activities associated with slide cleanup along roadways including maintenance, construction, and removal of unstable rock from slopes. This material will no longer be accepted; however, the existing material currently onsite (500,000 cubic yards) will be processed onsite. Caltrans material will be processed in the same manner as the material extracted from the site. Usable aggregate will be processed, and soil and other organic debris will be processed onsite and used for reclamation or exported for recycling. All materials received from Caltrans to date have been usable. The material stockpile is located in the southeast portion of the project site.
In addition, this amendment modifies the Reclamation Plan boundary to encompass the existing operational area of the site. The limits of the mining area included in the 1997 Reclamation Plan were drawn in marker on an aerial photograph and did not include setbacks from any of the property lines. The mining of Phase II of the site began slightly south of mining area drawn on the map. The amended mining area, expanded to include the existing operational area, is shown on Figure 1. The amended boundary adds approximately 6.4 acres to the mining area. Only processing activities will occur in the additional area and no additional ground disturbance will occur in the area outside of the 1997 mining boundary.

**Hours of Operation:** Hours of operation will be the same as those contained in Use Permit P-97-32. Hours of operation will be 7:00 a.m. to 6:00 p.m., Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on State and/or Federal holidays. Processing equipment operations (including crushing) shall cease by 4:00 p.m. each business day. Activities that will occur between 4:00 p.m. and 6:00 p.m. include final shutdown of all equipment as well as servicing and fueling of plant equipment. In addition, the plant will be dug out and prepped for the following day of work. The majority of aggregate processing (including screening, crushing, and washing) will occur between May and September. Minor activity will take place in fall and winter. After processing, approximately one-third of the material will be shipped offsite for sale, while the remaining will be sold onsite. Most of the material will be delivered to customers in trucks. A small percentage (estimated at 10 percent) of customers will come to the site to pick up materials.

**Description of Mining and Processing:** Extraction methods at the site will continue as described in the current Use Permit and Reclamation Plan for the site. The mining activity consists of the gradual removal of dredger tailings. The estimated annual production of onsite materials contained in the 1997 Reclamation Plan is 15,000 cubic yards and Phase II mining is estimated to produce 350,000 cubic yards of material. The Use Permit and Reclamation Plan include a maximum depth of mining of 15 feet below grade.

The current Use Permit allows gravel extraction, screening, and temporary stockpiling. Operations onsite also include rock crushing and gravel washing. The mined aggregate material is processed using a crusher followed by screening and gravel washing. Gravel washing is accomplished by pumping water from an existing pond to the wash plant where it is used to wash aggregate. The water is then discharged into a settling pond. Gravel washing has occurred at the site for at least 7 years. Crushing has been ongoing for the last 20 years at the site. The Caltrans material currently stockpiled onsite will be processed in the same manner as materials extracted from the site until it is gone.

Pursuant to the NCUAQMD permit for the aggregate screening/ wash plant, the applicant can screen/wash a maximum of 50 tons of aggregate per hour or 438,000 tons per year.

**Truck Trips:** Average traffic generated by the project is estimated to include 24 round trips per day. This includes employee trips and haul truck trips. The majority of trips will be haul truck trips (20), while 4 round trips will be generated by employees.

**Blasting:** No blasting will occur onsite.

**Employees:** A maximum of four employees will operate the various types of equipment and machinery on the Smith Tailings site.
Equipment List: Equipment to be used at onsite includes:

- Rock crusher with 100-ton/hour capacity (El Jay model 1145)
- Truck scale
- Screening and wash plant
  - Triple-deck screen
  - Reciprocating plate feeder
  - Feed conveyor (Conveyor A)
  - Cross Conveyor-Inner Conveyor (Conveyor F)
  - Cross Conveyor-Outer Conveyor (Conveyor G)
  - Stacker (Conveyor B)
  - Stacker (Conveyor D)
  - Gold Bowl and Chute
  - Sand Screw
- Excavators (2)
- Front-end loaders (2)
- Dump trucks (3)
- Water truck

Locations of the stationary equipment are shown on the site plan (Figure 2B). A switch gear trailer, scale house, and storage trailer are also onsite as shown on Figure 2B.

Utilities:

Water Services: No Municipal Services Provider; water for dust suppression and gravel washing is pumped from onsite pond.
Sewer Services: No Municipal Services Provider.
Electricity: Trinity Public Utilities District.

Outdoor Lighting: The use of outdoor lighting will be kept to a minimum and will only be used when required for safety. Lighting will generally not be needed during normal operations since activities will occur from 7:00 a.m. to 6:00 p.m. Lighting will not change from lighting used at the site during past operations.

If needed, localized and portable lighting will be used. Lighting will be used in the bottom of the onsite depression when possible instead of at the top of stockpile to screen the lights from neighbors. Lights will consist of vehicle-mounted lights or portable light towers. Vehicle-mounted lights or portable light towers direct light only where it is needed and reduce overall lighting usage. Lighting will be equipped with hoods or louvers and aimed toward the ground to avoid causing glare and sky glow as well as spillover.

Noise and Dust Mitigation Measures: The closest residential land uses are located west and northwest of the project area. Mining will continue to be conducted so that there is a “U-shaped” excavation with the open end oriented to the southeast. Maintaining a tailing berm between the mining equipment and nearest receptors will reduce noise and visual impacts of equipment at the
site. The tailing pile is currently tall enough to block the line of sight between processing equipment and nearby residential receptors (greatly reducing noise levels from onsite processing equipment).

Dust control measures required by the NCUAQMD permit for the screening/wash plant include:

- Operation and maintenance of a wet suppression spray nozzle system to control fugitive particulate matter emissions from screens, conveyor transfer points, and conveyor stacker transfers to stockpiles.
- Prior to any loading of materials, the material loaded shall be adequately wetted.
- Exposed areas, inactive stockpiles, or quarried materials that are prone to mechanical or wind disturbance shall be adequately wetted or controlled using 1) dust palliatives or suppressants, 2) paving, 3) wind berms or breaks, or 4) covered with tarps or other material.
- All unpaved areas including access and haul roads, parking lots, and staging areas, or access roads shall be stabilized using one or more of the following measures: 1) dust palliatives or suppressants, 2) paving, 4) wind berms or breaks, or 4) covered with tarps or other material.
- The speed of any vehicles at the plant site and on access and haul roads shall not exceed fifteen (15) miles per hour. This speed shall be posted on all access and haul roads. For the purposes of this permit, "plant site" means the area that includes all emission units and activities which may produce air contaminants, all stockpiles, staging areas, parking lots and all access and haul roads.

A speed limit of 5 mph is posted on the access road to the site. A 4,000-gallon water truck will be onsite at all times during mining and processing operations. The water truck will apply water every 3 to 4 hours or as needed to ensure that no fugitive particulate matter leaves the property. If deemed necessary, sprinklers will be utilized. Water is obtained from the existing gravel wash pond onsite. The same dust mitigations will be applied to the Caltrans slide material stockpile and crusher operations at the site.

NOA Testing: Materials transported to the site have been tested by Caltrans for asbestos.
Attachment D

Grant Deed, Change of Ownership
RECORDING REQUESTED BY:
Trinity County Title Company

WHEN RECORDED MAIL TO AND SEND TAX STATEMENTS TO:
John Judson Buick
PO Box 494564
Redding, CA 96049

ORDER NO.
ESCROW NO. 61041
APN: 012-120-62 & 63 & 64

GRA NT DEED

THE UN DERSIGNED GRANTOR(s) DECLARE(s)

DOCUMENTARY TRANSFER TAX is: $385.00

X computed on full value of property conveyed, or
* computed on full value less value of liens or encumbrances remaining at time of sale.

In the City of Junction City; and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Concrete Aggregate Products, Inc. a California corporation

hereby GRANT(S) to John Judson Buick, a married man, as his sole and separate property.

the following described real property in the City of Junction City, County of Trinity, State of California:

LEGAL DESCRIPTION ON EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Date: March 20, 2018

CONCRETE AGGREGATE PRODUCTS, INC. A CALIFORNIA CORPORATION

Clint Robison
President

MAIL TAX STATEMENT AS DIRECTED ABOVE
State of California
County of Trinity

On 3-27-18 before me, Kimberly Trujillo, Notary Public personally appeared
Matt Robinson, who proved to me on the basis of satisfactory evidence to be the person(s), whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

(seal)

KIMBERLY TRUJILLO
COMM. NO. 2179689
NOTARY PUBLIC - CALIFORNIA
TRINITY COUNTY
MY COMMISSION EXPIRES
JANUARY 12, 2021
EXHIBIT "A"
LEGAL DESCRIPTION

That real property situated in the County of Trinity, State of California, described as follows:

Parcel No. 1:
Lot 5 as shown on the Map of the Smith Subdivision, in Section 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys page 91 and 92.

Parcel No. 2:
Lot 6 as shown on the Map of the Smith Subdivision, in Section 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys page 91 and 92.

Parcel No. 3:
That certain land identified as the "Remainder Parcel" as shown on the Map of the Smith Subdivision in Sections 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys pages 91 and 92, inclusive.

EXCEPTING FROM Parcels 1, 2 and 3 any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposits within the land above described, which may have been discovered or known to exist on or prior to the 10th day of September, 1896 as contained in the patent recorded April 3, 1931 in book 6 of Patents page 423.
Recording Requested by:
Trinity County Title Company

When Recorded Mail to:
Concrete Aggregate Products, Inc.
PO Box 2250
Weaverville CA 96093

SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

DOCUMENT TITLE

Pursuant to Senate Bill 2 — Building Homes and Jobs Act (GC Code Section 27388.1), effective January 1, 2018, a fee of seventy-five dollars ($75.00) shall be paid at the time of recording of every real estate instrument, paper, or notice required or permitted by law to be recorded, except those expressly exempted from payment of recording fees, per each single transaction per parcel of real property. The fee imposed by this section shall not exceed two hundred twenty-five dollars ($225.00).

Reason for exemption:

☐ Not related to real property - GC 27388.1(a)(1)

☐ Recorded concurrently “in connection with” a transfer subject to the imposition of Documentary Transfer Tax - GC 27388.1(a)(2)

☐ Transfer of real property that is a residential dwelling to an owner-occupier - GC 27388.1(a)(2)

☐ Recorded concurrently “in connection with” a transfer of real property that is a residential dwelling to an owner-occupier - GC 27388.1(a)(2)

☐ Maximum $225.00 fee per transaction reached - GC 27388.1(a)(1)

I hereby declare that the information provided above is true and correct.

Signature
Danielle Dias
Printed Name
Date

3/28/2018

Failure to include a valid exemption will result in the imposition of the $75 Building Homes & Jobs Act fee. Fees collected are deposited to the state and may not be available for refund.
SHORT FORM DEED OF TRUST AND ASSIGNMENT OF RENTS

This Deed of Trust, made this 20th day of March, 2018, between

John Judson Buick, a married man, as his sole and separate property, herein called TRUSTOR, whose address is PO Box 494564, Redding, CA 96049

Trinity County Title Company, a California corporation, herein called TRUSTEE, and

Concrete Aggregate Products, Inc. a California corporation,

herein called BENEFICIARY,

Witnesseth: That Trustor IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST, WITH POWER OF SALE, that property in Trinity County, California, described as:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TOGETHER WITH the rents, issues and profits thereof, SUBJECT, HOWEVER, to the right, power and authority given to and conferred upon Beneficiary by paragraph (10) of the provisions herein to collect and apply such rents, issues and profits.

For the Purpose of Securing: 1. Performance of each agreement of Trustor incorporated by reference or contained herein. 2. Payment of the indebtedness evidenced by one promissory note of even date herewith, and any extension or renewal thereof, in the principal sum of $300,000.00 executed by Trustor in favor of Beneficiary by order. 3. Payment of such further sums as the then record owner of said property may borrow from Beneficiary, when evidenced by another note (or notes) reciting it is so secured.

To Protect the Security of This Deed of Trust, Trustor Agrees:

By the execution and delivery of this Deed of Trust and the note secured hereby, that provisions (1) to (14), inclusive, of the fictitious deed of trust recorded in Santa Barbara County and Sonoma County October 18, 1961, and in all other counties October 23, 1961, in the book and at the page of Official Records in the office of the county recorder of the county where said property is located, noted below opposite the name of such county, viz.:

<table>
<thead>
<tr>
<th>COUNTY</th>
<th>BOOK</th>
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File No.: 61041
CA TD to Seller Short Form
El Dorado  588  456  Merced  1547  538  San  Luis  1151  12  Tuare  2294  275
Fresno  4828  572  Modoc  194  851  Obiapo  
Glen  422  184  Mono  52  429  San Mateo  4078  420  Tuolumne  135  47  
Humboldt  857  527  Monterey  2194  538  Santa Barbara  1879  850  Ventura  2062  398  
Imperial  1091  501  Napa  639  85  Santa Clara  5338  341  Yolo  853  246  
Inyo  147  598  Nevada  365  320  Santa Cruz  1431  494  Yuba  334  486  
Kern  3427  68  Orange  5688  611  Shasta  884  528  
San Diego  Series 2, Book 1861, Page 183887

(which provisions, identical in all counties, are printed on the reverse hereof) hereby are adopted and incorporated herein and made a part hereof as fully as though set forth herein at length; that he will observe and perform said provisions; and that the references to property, obligations, and parties in said provisions shall be construed to refer to the property, obligations, and parties set forth in this Deed of Trust.
The undersigned Trustor requests that a copy of any Notice of Default and of any Notice of Sale hereunder be mailed to him at his address hereinafter set forth.

If the Trustor shall sell, convey, or alienate said property or any part thereof, or any interest therein, or shall be divested of his title or any interest therein in any manner or way, whether voluntarily or involuntarily, without the written consent of the Beneficiary being first had and obtained, Beneficiary shall have the right, at its option, to declare any Indebtedness or obligation secured hereby, irrespective of the maturity date specified in any Note evidencing the same, immediately due and payable.

Date: March 30, 2018

[Signature]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta

On 3/27/2018 before me N Rightsell, Notary Public (here insert name and title of the officer) personally appeared

[Signature]

John Judson Buick

who proved to me on the basis of satisfactory evidence to be the person(s), whose names and (are subscribed to the within instrument and acknowledged to me that she/he/they executed the same in their/their authorized capacity(ies), and that by her/his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature] (Seal)

Comm. No.: 2160256
Notary Public - California
Shasta County
My Commission Expires July 22, 2020

File No.: 61041
CA TO to Seller Short Form
EXHIBIT "A"

LEGAL DESCRIPTION

That real property situated in the County of Trinity, State of California, described as follows:

Parcel No. 1:

Lot 5 as shown on the Map of the Smith Subdivision, in Section 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys page 91 and 92.

Parcel No. 2:

Lot 6 as shown on the Map of the Smith Subdivision, in Section 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys page 91 and 92.

Parcel No. 3:

That certain land identified as the "Remainder Parcel" as shown on the Map of the Smith Subdivision in Sections 1 and 12, Township 33 North, Range 11 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on September 30, 2013 in book 23 of Maps and Surveys pages 91 and 92, inclusive.

EXCEPTING FROM Parcels 1, 2 and 3 any veins or lodes of quartz, or other rock in place bearing gold, silver, cinnabar, lead, tin, copper or other valuable deposits within the land above described, which may have been discovered or known to exist on or prior to the 10th day of September, 1896 as contained in the patent recorded April 3, 1931 in book 6 of Patents page 423.
Attachment E

Trinity Sand and Gravel Ads
Mold, bond issues in Mountain Valley
FROM SHARON MILLER REDONDO BEACH, CA
Unfortunately, there is some
trial in the news about the
newly constructed Mountain Valley
Unified School District. The district
is facing legal challenges related
to mold issues and bond
problems. It is unclear if the
problems have been
completely resolved.

Healthcare tax unfound
FROM STEFFINI HAYMON
In my opinion, the city council,
most likely, is just using
taxpayers' money to fund
their own projects.

Natural solutions to mass shootings
FROM ESTEBAN CASTRO
A natural solution to mass shootings
is the implementation of stricter
枪支控制 laws, which are currently
being advocated by various
groups and organizations. This
approach is more sustainable
and effective in reducing the
number of incidents.

Gratitude from therapist
FROM HANNAH JAMES
WEANMEAL
I am so grateful for my
therapist's guidance and
support throughout this
treatment. She has helped
me overcome many
challenges and has been
a constant source of
strength.

Bicycle accident by the Nugget
FROM ROBERT MCGREGOR LUCAS
We were driving down the
country road when suddenly, a
cyclist appeared out of nowhere.
I was unable to react in time,
leading to a severe accident.

Let the Rewards Begin!
COAST CENTRAL CREDIT UNION
Dear member, welcome to our
Credit Union. We are excited
to offer you a wide range of
financial services.

- Earn 1.5% cash back on
your credit card. 
- Look for our
Credit Card offers on
our website.
- Visit our
locations in
Weaume, Grover Beach,
and San Luis Obispo.

Coast Central Credit Union
693-3374
40 Glen Rd., Weaume, CA
PROJECT: Cannabis plan dismissed

Continued from page 1

Board members were expecting to hear from the board's specialty schedule meeting on March 3. After she said the Planning Department is still working on the current draft and she requested the special meeting know that the project proposal making recommendations for the meeting was.

Newly appointed Principal Marguerite County Administrative Officer Richard Rehfeld and his staff made a presentation on the local regulations and requested more time on February 7, 2023, for the draft that was made on Thursday, the Planning Commission was reviewing the draft on the current draft.

They don't believe there has been adequate address, they said that even basic questions in the Environmental Document have not been addressed and as a result the planning is going on as usual.

"A motion was made to deny the project and there was a second. No other motions were presented to approve or amend it, so when the vote was taken, it ended your term. Any subsequent motion needed to be done prior to vote."

deeply County Councilman Sophie Payne

Riders gearing up for LaGrange Classic

Sponsored by the New York Trail Alliance, the event will be held at the LaGrange Classic Mountain Bike Race, coming Saturday, June 11, at the West Fork Trail System.

Riders are gearing up for LaGrange Classic on the West Fork Trail System, providing a weekend fun for participants of all ages and abilities.

Most of the race course is singletrack trails winding up and down through the forests and creeks, offering some technical and fun obstacles along the way.

The course is designed to accommodate riders of all abilities, with routes ranging from beginner to advanced. Riders can choose from a variety of distances, from short to long, to suit their skill level and fitness goals.

Registration for the race is open online at different times, and entry fees vary depending on the route and date.

The race is scheduled to begin at noon on Saturday, June 11. Riders can expect challenging terrain, technical climbs, and rewarding descents.

Spectators are welcome to watch the race and cheer on the riders from the sidelines. Free parking will be available near the starting point.

For more information, including registration details and race logistics, visit the New York Trail Alliance website or contact them directly.

HHS gets interim director

An interim director has been named for the Trinity County Health and Human Services Department in the wake of the recent retirement of former county administrator.

Interim Director Advocate Blackmon will lead the county's process of recruiting for a new director, which is expected to take about two months.

He will serve as interim director since January 1, 2023, and previously held the position of medical director. He has worked for the county since April 2007. The Human Resources Department has reviewed over 1,500 applications from July through the end of January. Interviews and presentations are anticipated soon. The position is currently filled by a part-time employee, who has been serving as interim director since July 2020.

The Trinity County Board of Supervisors approved the interim appointment in a meeting last month, effective March 11. The director will continue to serve in the role until a new director is appointed.

The position carries an annual salary of $120,000 and 120 benefits per month for the part-time employee. Under Blackmon's oversight, the county and the community's Office of Public Health have been working to maintain operations during this period.

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Possible options for In-River Sports Fishing

FISHING REPORT

L. DeLong
1-800-535-535
1-800-535-535
linda@stevensmedia.com

Because of the COVID-19 pandemic, the PPMC meeting in Vancouver, Wash., has been canceled. We will be holding a virtual version of the meeting, which will include a panel discussion on how to handle fishing during the pandemic. We hope to see you there.

For more information, please visit our website at www.ppmc.org. For fishing-related questions, please contact the Stevens Media Group at 1-800-535-535.

Cafe on Main opens

Chefs from Bistro on the Park in downtown Steilacoom will be preparing meals for "Steilacoom's Best Bites" on Main Street from 5 to 8 p.m. today and Wednesday. The food will be served on the sidewalk and on Main Street.

Coronavirus-related fraud

Health officials have warned that coronavirus-related fraud is on the rise. People are being asked to send money to help "victims" of the virus. Be cautious and only give personal information to trusted sources.

Weaverville Chamber meeting Thursday

The Weaverville Chamber of Commerce will host a meeting on Thursday, March 5th, at 6:30 p.m. The meeting will be held at the Weaverville Community Center. For more information, call 1-800-535-535.

Dream Makers Gala and Auction

With heavy heart, the 2020 Gala has been canceled for the safety of our students, volunteers, and community. However, the need for scholarship funding still exists. Please help us advance the dreams of this year's TDS graduates who are losing their senior year experiences. Donate online at DreamMakers.com/donate or by check.
River flows increasing

Trinity County Environmental Health (TCEH) is advising all restaurants to offer fully-cooked chopped romaine lettuce and pre-made salads containing romaine lettuce following a nationwide E. coli outbreak and warnings from the Center for Disease Control. Take caution in eating out, ask for the source of the chopped romaine lettuce – if it’s from Trinity, CA, do not consume. If romaine can be found do not purchase or consume.

Healthy food provider immediately: if you have any of the following symptoms of E. coli infection, which includes severe stomach cramps, bloody diarrhea or vomiting, contact TCEH at 530-834-7284 to report any questions or concerns regarding this outbreak.

Weaverville Volunteer Fire Sale
4th Annual
Mother’s Day Rose Sale
Starts all Mother’s Day right with a surprise order of perfume roses and hand delivered by the fire men and women of the Weaverville Fire Department, accompanied by our own signature fire roses.

$8 Single Rose
$35 Half Dozen Roses (24 stems)
$55 One Dozen Roses (Assorted)

This Mother’s Day don’t forget some of the hardest working women in the world! Order by contacting Secenra at 623-6156
By phone, email, or in person Thursday, May 10th, 2018
Free delivery available for orders of 50 or more to the following areas:

Weaverville Fire District: Weaverville, Trinity, and Forest City.

You are invited to the Golden Age Center’s Annual Cinco de Mayo Fundraiser Dinner Saturday, May 5
5 to 7 p.m.
201 Browns Ranch Road, Weaverville
530-623-2324
Advance Tickets: Adults $15
At the Door: Adults $18; Children 56
Mother’s Day Quilt & Drawing
Auction 50/50 Drawing

Even a small ad gets noticed. Call 432-8568 for an ad in the Journal.
Attachment F

North Coast Air Quality Control Inspection
### Field Report

**Source:** Concrete Aggregate Products  
**Site Address:** Smith Pit APN #012-120-32  
**Mailing Address:** P.O. Box 2250, Weaverville, CA. 96093  
**County:** Trinity  
**Facility I.D. #:** 452-53  
**Permit #:** 000884-1  
**Person Contacted:** Jerry Sanders  
**Title:** Vice President  
**Contact Phone #:** (530) 623-2981  
**Cell Phone #:**  
**Fax #:** (530) 623-2057

**Summary:** On 06-15-2017, District staff (Lloyd Green), inspected the Concrete Aggregate Products Plant, located in Junction City, CA. for the purpose of converting their ATC / TPTO to a Permit to Operate.

**Narrative:** I arrived at the plant at approx. 9:54 a.m. & met with Manager Dane Robison. At the time of the inspection, the plant was not in operation. We then proceeded to the aggregate crushing & screening plant and began the inspection. The following was observed:

1. Device S-1 (Cone Crusher) had been scrapped.
2. Device S-2 (Conveyor) had been scrapped.
3. Device S-3 (Double-deck Screen) had been scrapped.
4. Device S-4 (Crusher Return Conveyor) had been scrapped.
5. Device S-5 (Stacker) had been scrapped.
6. Device S-6 (Triple-deck Screen) was on-site. An unlisted Sand Screw was observed to be below this unit. In addition, Two (2) cross conveyors had been added on to the Triple-deck Screen. The outer conveyor was observed to be feeding to Device S-11, while the inner conveyor was observed to be feeding to Device S-9.
7. Device S-7 (Reciprocating Plate Feeder) was on-site.
8. Device S-8 (Feed Conveyor A) was on-site.
9. Device S-9 Stacker (Conveyor B) was on-site.

10. Device S-10 Stacker (Conveyor C) had been scrapped.

11. Device S-11 Stacker (Conveyor D) was on-site.

12. Device S-12 Sand Screw was on-site.

13. Device S-13 Stacker (Conveyor E) had been scrapped.

14. A Gold Chute (gravity feeds to Gold Bowl) and Gold Bowl had been added to the unlisted Sand Screw, located at the bottom of the Triple-deck.

At the end of the equipment inspection, we proceeded to review records. When asked, Mr. Robison produced the following:

1. Production & Inspection Logs.

3. Breakdown Log

4. ATC / TPTO Permit

5. Water Truck Logs

All logs appeared to be adequately maintained. Pictures were taken to document the on-site records.

At the end of the inspection, Mr. Robison was thanked for his time and I exited the property at approx. 11:14 a.m.
Comments: **All scrapped devices noted above need to be removed from the ATC / TPTO. In addition, both the unlisted Sand Screw beneath the Triple-deck and the Gold Chute / Gold Bowl needs to be added to the permit. Once those items are corrected, I would recommend converting the ATC / TPTO to a Permit to Operate.**

**Much of this is not permitted with Trinity County and is still onsite.**

Time In: **9:54 A.M.**  
Inspector: **Lloyd Green**  
Badge #: **103**

Time Out: **11:14 A.M.**  
Date of Inspection: **06 / 15 / 2017**
AGGREGATE PROCESSING PLANT INSPECTION FORM

10. Equipment:

Crusher(s):
- Visible Emissions? YES NO N/A
- Water added? YES NO
- Nozzles clear? YES NO

#1
#2

Conveyors(s):
- Visible emissions? YES NO
- Water added? YES NO
- Nozzles clear? YES NO

If yes, where? ________________________________

If no, where are nozzles clogged? ____________

Screen(s):
- Visible emissions? YES NO
- Water added? YES NO
- Nozzles clear? YES NO

If yes, where? ________________________________

If no, where are nozzles clogged? ____________

Hopper:
- Visible emissions? YES NO
- Water added? YES NO
- Nozzles clear? YES NO

COMPLIANCE ACTIONS:

10. Notice of Violation Issued? YES NO

If “YES”, list NOV items below:

None

NOV #: ____________________________

Additional Comments:

One Cross conveyor was taken off the bag line. Water sprays operational. Equip in good working order. Mobile hopper has mobilized (2) PERP - Portable exposures units in process of set-up. Units will come online Monday 6/18/2018. Separate reports filed for PERP resp.

Inspector: E. Brander

Badge #: 106

Date of Inspection: 6/14/2018
AGGREGATE PROCESSING PLANT INSPECTION FORM

Company: Con Agg (Concrete Aggregate Products)  Date: 6/14/18

Facility I.D. #: 452-53  Permit #: 848-2  Contact: Clint Robison

Facility: Smith Plant Facility  Physical Address: APN: 012-120-32 Red Hill Rd, J.C.

Facility Manager: Sonny  Facility Phone: (530) 623-2701  Time In: 1303  Out: 1506

EQUIPMENT DESCRIPTION:

1. Is equipment same as described on Permit to Operate?  
   YES  NO
   If "NO", describe changes:

2. Is the current Permit to Operate posted on-site & in a conspicuous location?  YES  NO

EQUIPMENT INSPECTION:

3. Equipment observed in operation?  YES  NO

4. Records kept?  YES  NO

5. Process Rate: 50T/hr.  Annual Production: Unknown

6. Type of Control Equipment: Spray Bars

7. Control Equipment Parameters: always Required Actual

8. Opacity Violations?  YES  NO
   If "YES", describe violation:

9. Fugitive Dust Violations? Roadways watered → observed  YES  NO
   If "YES", where: Access Roads  Work Area  Yard Area  Other:
NCUAQMD Report Sheet

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<td>Phone Interview</td>
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**Facility ID #:** 704-53  
**Date:** 11/30/2018  
**Time:** 1000 hrs.  
**Source:** Concrete Aggregate Products  
**Site Address:** 320 Industrial Park, Weaverville, CA 96093  
**Phone:** NEW #: (530) 623-9999

**Person Contacted:** Clint Robison  
**Responsible Party:** Concrete Aggregate

**Summary:** Bruckner performed an facility informational update investigation to ascertain facility disposition to the owner of record Clint Robison on 11/30/2018. Updated information was found and contact was made with Robison who was alerted to contact the AQMD Permitting Division to update the legal status of both Weaverville FID #: 704-53 & PTO #701-2 and Smith Pit FID #: 452-53 & PTO #848-2.

**Report:** AQMD Inspector Bruckner performed an investigation to locate and update contact information and facility PTO status for Concrete Aggregate Products on 11/30/2018 commencing at approx. 1000 hrs. utilizing both internet search and telephone. Bruckner was able to identify a single different phone number via a Google search finding the following phone number: (530) 623-9999 with no change to mailing address of P.O. Box 2250, Weaverville, CA 96093. Bruckner spoke with Concrete Aggregate owner of record Clint Robison on 11/30/2018 at approx. 1035 hrs. to ascertain updated contact information and verify facility operational status and PTO disposition for the Weaverville and Smith Pit facilities. Robison was requested to contact AQMD Permitting Division to update his PTO status or be subject to PTO revocation. Robison stated he was in the process of selling both facility locations to an unnamed individual. Again, Bruckner reiterated the need for Robison to update the current legal ownership status for both facilities or be subject to permit cancellation. Robison stated he understood and would be contacting the AQMD Permitting Division promptly. No further actions taken at that time. END

*Sale was final 4/2/2018*

**By:** AQMD #106 Eric Bruckner /s/ EB
Attachment G

YouTube Videos
YouTube: May 31, 2018 audio recording of community meeting to discuss CUP amendment proposal:  https://www.youtube.com/watch?v=F3O7e4mX_quY&t=3s

YouTube: 1/17/2019 Planning Commission meeting. Public comments regarding new activity brining in material 2m 48s into the meeting:  
https://www.youtube.com/watch?v=0Fu67VXzXwU&t=507s

YouTube: October 8, 2020 Planning Commission meeting. Conversation regarding slide material with toxic levels of lead 3h 50m into the meeting: 
https://www.youtube.com/watch?v=xJxKc_OFoQM

YouTube: March 25, 2021 Planning Commission Hearing to Modify or Revoke:  
https://www.youtube.com/watch?v=oXNvyZzTBQ&t=9467s

YouTube: April 8, 2021 Planning Commission meeting. David Colbeck's comments regarding financial assurances:  https://www.youtube.com/watch?v=zsg8IAiAiaQ&t=12033s

Colbeck acknowledges he was wrong when he said no Serpentine rock was found in slide material and has since been informed otherwise 2h 37m. Current financial assurances 2h 38m 51s
Attachment H

Email Correspondence with Director Tippet regarding 2019 Caltrans activity
Use Permit Revocation

Liz McIntosh <mcinchap09@gmail.com>
To: Richard Tippett <rtippett@trinitycounty.org>

Wed, Jan 23, 2019 at 6:20 AM

Dear Rick,

As you know, I am deeply concerned about the Clint Robison/John Buick mining operation on Red Hill Road (aka Trinity River Sand and Gravel). I have been requesting additional documentation from the Planning Department that would validate that this site is legitimately operating. While there is a request for a CUP amendment in process for current activity, the only Use Permit documentation the Planning Department has been able to provide to me is the original CUP from 1997. That permit had strict conditions on it that have not been followed for years. It was meant to primarily be a scoop and haul operation to reclaim the tailing piles on site. The only equipment allowed in this permit is a screen and the hours of operation and truck traffic are limited – especially during drop off and pick up times at the school. So far as I can see, none of these conditions are being observed or enforced at this time.

According to Clint Robison, at a public community meeting in May of 2018, they’ve been operating a rock crusher on this site for 20 years now. However, allowing for a rock crusher would constitute a substantial deviation from the original use permit and would require another public hearing, yet no one has been able to provide documentation to show this happened.

Bringing in mountains of material from the slides, increasing their hours to non-stop operation, increasing their truck traffic exponentially – all these things would also constitute a new hearing according to our ordinances. One would think that it would also be cause for a new CEQA document on this site. At the meeting mentioned above, Mr. Robison claimed that his newest project request (which also included a concrete batch plant) is only an amendment to the original use and would not require a new CEQA. This is extremely hard to believe. Do you agree with his assessment?

Mr. Robison claims that he has a Water Board permit that allows him to operate almost in the river; a grandfathered permit that only he and the Hoopa Nation hold. However, I have been in contact with a representative from the Water Board who said she could not find an industrial storm water permit in place for this site but that it likely needs one. Does the County have an obligation to be sure a permit like this is in hand before allowing operations forward?

I have been in as much contact with Leslie and Bella as I can be in an effort to track this information down. I am now coming to you for a couple of reasons. (1) after last week’s planning commission meeting, I had the impression that the commission wanted you to update me on what you knew about the permits for this site. And (2) after re-reading Section 32 of ordinance 315 regarding Use Permits, I see there is something that you personally can do. Here is an excerpt from section G:

"Planning Director may set Hearing on Revocation or Modification of Permit. When in the discretion of the Planning Director a use permitted by a use permit is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the Planning Commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred, the Planning Director shall set a hearing before the Planning Commission to consider revocation or modification of the use permit."

You may recall that the very first time I gave public comment about this project was over a year ago during the Big French slide. I have been very very patient over the past 8 months in awaiting proper documentation; and it seems to me that the County has an obligation to either provide such documentation or stop the project until it has all the proper permits.

Please let me know your thoughts on this. Thank you.

Best, Liz
Quick note, it is Caltrans and they have been advised to stop.

...Rick.

[Quoted text hidden]
Thank you for the response. I know you are super busy and a short response is fine if you are short on time, but are you planning to answer my other questions?

If the CUP from 1997 is the only active and approved permit - the whole operation outside of what is allowed needs to be stopped, right? Though you said that the trucks were told to stop today, I continued watching them operating all day long till about 4:30 or so. Just to give you an idea of why I am so aware of all the activity...I am currently working well more than 8 hours every weekday and I sit in the front office with a giant window that looks at Red Hill Road. I am there as early as 5:30am and as late as 6pm at times. Part of my job is to notice who is driving by or in to the school and so I am probably more aware of the amount of truck traffic then the site's closest neighbor. Furthermore, we have video camera's that hold recordings for several months making it incredibly easy for me to prove what I am claiming to be seeing.

I understand that it's Caltrans removing the road debris from the slide, but they have a contract with Trinity Sand and Gravel and according to Mr. Buick (the owner) he has permits that he refuses to share with the public. Hmmmm....if everything is legit, and he has all the proper permits, why not share them? It's not like this is the only site that Caltrans can contract with. We were told that it was just the cheapest - Eagle Rock was going to charge them more. I don't blame Caltrans and I don't blame the truck company, unless each of them has an obligation to verify County permits before entering into contract. That said, I have submitted a public records request with Caltrans to seek any and all documentation related to this mine from last August until now. One of my questions to them is whether or not they have a legal obligation to verify proper County permits are in place before contracting to bring materials to a site.

I'm really feeling like the County has dropped the ball on this project and word on the street is that Clint is a good boy with lots of connections in Weaverville. You know how I feel about nepotism Rick...it chaps my ass in a big way. All I want is fairness and equitable, consistent treatment. I've got community members talking to me about protesting in front of the site while calling the media and potentially filing a class action suit. Because I am the point person on this for gathering and disseminating information, people are coming to me and asking what we can do. I am then coming to you, Leslie & Bella, the Commission, the Water Board, Air Quality, Caltrans, you name it. What am I supposed to tell people? When they don't get answers and they don't see change, they get desperate - and really, who can blame them?

I hope you know how much I appreciate what you and your family sacrifice for you to be such an instrumental player in County governance. I hope you can also understand where I am coming from in feeling so strongly that this operation needs to be held to the highest of standards.

Thank you very much for your time!
All my best, Liz
Use Permit Revocation

Rick Tippett <rtippet@trinitycounty.org>
To: Liz McIntosh <mcinchap09@gmail.com>

Thu, Jan 24, 2019 at 9:09 AM

Sorry,

I'm slammed right now, hence the quick response.

Caltrans has stopped. They now have another site.

[Quoted text hidden]
Attachment I

Caltrans Contracts 2017 & 2019
THIS AGREEMENT, Dated \underline{23\text{rd}, 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 reuse 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 hereinabove 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.
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
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) Page 1 of 2

CONTRACT NUMBER COUNTY/ROUTE/POST MILES
02-0J2204 Trinity-Route 299-PM32.7

The contractor, Stimpel-Wiebelhaus Associates, Inc. (Contractor), has entered into Contract Number 02-0J2204 (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 96048

(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 gradings, or other material), hereafter referred to as “Material,” generated from the Project.

The Owner agrees that the Contractor has assumed ownership from the Department 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 appraised, 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.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento CA 95814.
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.

<table>
<thead>
<tr>
<th>PROPERTY OWNER (Print Name)</th>
<th>SIGNATURE</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Judd Buick</td>
<td></td>
<td>1-23-19</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CONTRACTOR'S AUTHORIZATION REPRESENTATIVE PER STANDARD SPECIFICATIONS Section 5-1.16</th>
</tr>
</thead>
<tbody>
<tr>
<td>REPRESENTATIVE (Print Name)</td>
</tr>
<tr>
<td>Marshall Harmon</td>
</tr>
</tbody>
</table>
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 shall not be released without the consent of 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 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.
October 5, 2021

To: Trinity County Planning Department Commissioners  
Re: Smith Tailings Project No. P-97-32  
From: Junction City School Elementary School District

Dear Honorable Commissioners,

The Junction City School Elementary School District is urging you to revoke the permit of the Smith Pit Tailings Mine, currently operating as Trinity Sand and Gravel.

We insist that you revoke the Conditional Use Permit P-97-32 for the following documented issues:
1) The pit has operated in a manner detrimental to the public health, safety, and welfare of our school community.
2) The pit has operated in a manner which constitutes a public nuisance.
3) The pit has operated in violation of several conditions imposed by the Planning Commission.

There have been numerous detailed complaints submitted to the Planning Department from the school and our community. We have voiced our concerns regarding Trinity Sand and Gravel’s operations at the Planning Commission meetings on October 8, 2020, March 25, 2021, and April 8, 2021. We also formally voiced our concerns to the Trinity County Board of Supervisors on July 7, 2021.

Attached to this letter is a timeline and documentation of our complaints and concerns regarding the Smith Pit.

If you do not revoke this permit, you will be putting our community at risk. You will be allowing dangerous semi-truck traffic along our students’ route to school. You will be impeding the only road we have to evacuate our students and community in the case of an emergency. You will be allowing the noise and rumbling of the truck traffic to disrupt our students’ learning, and you will be exposing our community to noise and dust pollution.

Please, do not allow the Smith Pit to hurt our community.

If you have any concern for the safety and wellbeing of our students and community, you will revoke the Conditional Use Permit of the Smith Tailings Project and end the operations of Trinity Sand and Gravel.

Respectfully,

Christine Camara  
Superintendent
The following is a timeline of documented concerns regarding the Smith Tailings Project, currently operating as Trinity Sand and Gravel. The documentation is provided as a series of attachments.

<table>
<thead>
<tr>
<th>Date</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/23/95</td>
<td>Comments submitted by Junction City School to the Planning Department regarding the Application for the Smith Pit Reclamation Project and concerns about the truck traffic affecting the students at the school.</td>
</tr>
<tr>
<td>7/23/97</td>
<td>Comments submitted by Junction City School to the Planning Department regarding the noise and distraction of the truck traffic and use of “Jake brakes.”</td>
</tr>
<tr>
<td>11/27/97</td>
<td>Commission issued Permit for Smith Pit Reclamation Project with Conditions of Approval to address concerns.</td>
</tr>
<tr>
<td>1/23/17</td>
<td>500,000 cubic yards of material from Cal Trans is brought to the Smith Pit site for $150.00 payment.</td>
</tr>
<tr>
<td>5/8/18</td>
<td>Smith Pit requests to amend the Permit, admitting to violating the approved Permit.</td>
</tr>
<tr>
<td>6/4/18</td>
<td>Letter from Junction City School to the Planning Department urging Commission to NOT amend permit due to truck traffic, safety, health concerns, and noise.</td>
</tr>
<tr>
<td>1/23/19</td>
<td>Judd Buick/Trinity Sand and Gravel acknowledges that the material he allowed to be brought to the Smith Pit site contains lead with concentrations between 80mg/kg and 320mg/kg which is above the residential California Human Health Screening Level for Lead.</td>
</tr>
<tr>
<td>9/30/20</td>
<td>Letter from Junction City School to the Planning Commissioners urging Commission to NOT amend permit due to truck traffic, safety, health concerns, and noise, and resubmitted letter from 6/4/18, along with photos.</td>
</tr>
<tr>
<td>10/8/20</td>
<td>Trinity Sand and Gravel truck passed the school at 7:03am, 8:09am, 8:45am, 9:00am, and 9:40am. Christine Camara spoke to Kim and Bella at the Planning Department at 10:00am, formally complained about the morning truck traffic. After making formal complaint, truck passed the school at 3:02pm, 3:12pm.</td>
</tr>
<tr>
<td>10/8/20</td>
<td>Planning Commission Meeting to address complaints regarding the Smith Pit. Planning Department Staff Report acknowledged on-going complaints, and provided a summary of the complaints. Christine Camara addressed the</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
</tr>
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<td>------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>10/20</td>
<td>Planning Department requested a Noise Study of the Smith Pit and admitted that the operator made several modifications to the Smith Pit that were not authorized by the existing Conditional Use Permit, including truck scale, rock crusher, and receipt of 500,000 cubic yards of material.</td>
</tr>
<tr>
<td>10/19/20</td>
<td>Noise Study takes place, see attached Noise Study Assessment dated 3/22/21.</td>
</tr>
<tr>
<td>11/2/20</td>
<td>Junction City School filed a formal complaint online to Planning Department, followed up with an email with photo attachments to Kim and Bella.</td>
</tr>
<tr>
<td></td>
<td>“The Trinity Sand and Gravel truck was driving at an illegal and unsafe speed along Dutch Creek Road, and along Red Hill Road, and was driving past Junction City School before 7:00am. This is a safety hazard for our community and it is a violation of their operating permit. He was going 49mph on Dutch Creek Road, through the posted 25mph zone. He took the corner onto Red Hill Road going 31mph. He continued to speed up to 35mph on Red Hill Road toward the school. When the driver noticed me behind him, he slammed on the breaks. He drove past the school at 6:53am, a clear violation of their CUP. Attached are photos documenting my statement. I also have video, but the file is too large to email. Please let me know that you successfully received my complaint and photos.”</td>
</tr>
<tr>
<td>11/4/20</td>
<td>Junction City School filed a formal complaint online to Planning Department, followed up with an email with photo attachment to Kim and Bella.</td>
</tr>
<tr>
<td></td>
<td>“Trinity Sand and Gravel drove their semi-truck past the school at 8:40am, a safety hazard for our students coming to school, and a direct violation of their current use permit. This is another demonstration of their blatant disregard for following the conditions of their current use permit, and another reason to revoke their permit. A photograph documenting this will be submitted to Kim Hunter and Bella Hektke at the Planning Department.”</td>
</tr>
<tr>
<td>3/22/21</td>
<td>Letter from Junction City School to the Planning Commissioners requesting that the Smith Pit Permit be revoked citing concerns regarding truck traffic, safety, health concerns, noise, and especially due to the lack of enforcement and the numerous violations of the permit.</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
</tr>
<tr>
<td>----------</td>
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</tr>
<tr>
<td>3/25/21</td>
<td>Planning Commission Meeting held to consider modification/revocation of the Smith Pit Permit. Planning Department Staff Report acknowledges ongoing copious complaints and includes a summary of the complaints. Christine Camara addressed the Planning Commissioners regarding truck traffic, safety, health concerns, and noise, along with resubmittal of prior complaints. Students also addressed the Planning Commissioners.</td>
</tr>
<tr>
<td>4/8/21</td>
<td>Planning Commission Meeting held to consider modification/revocation of Smith Pit Permit and Planning Department Staff presented very few violations. Christine Camara addressed Planning Commissioners regarding the truck traffic, safety, health concerns, and noise, along with resubmittal of prior complaints. Planning Commission voted to revoke use permit.</td>
</tr>
<tr>
<td>6/18/21</td>
<td>Bollard Acoustics returns to Junction City School to do a sound study of the truck noise generated by the Smith Pit operations, but they did not use one of the Smith Pit trucks and instead used a rented newer model truck that had sound buffering technology. The driver of the truck and the sound tech guy even admitted this. Super dishonest. While the sound study was taking place, Christine Camara sent a text message to Bella Hertke about this issue and she forwarded the message to Kim Hunter.</td>
</tr>
<tr>
<td>7/7/21</td>
<td>Board of Supervisor’s Meeting held to address the Planning Commission’s decision to revoke the Smith Pit permit. Christine Camara urges Supervisors to uphold the revocation decision due to numerous complaints of truck traffic, safety, health concerns, and noise. Supervisors decide to send the issue back to the Planning Commission.</td>
</tr>
<tr>
<td></td>
<td>Numerous photos of violations taken by Christine Camara and other school staff.</td>
</tr>
</tbody>
</table>
TRINITY COUNTY Planning Department
P.O. Box 2819
303 Trinity Lakes Blvd.
Weaverville, CA 96093-2819

(916) 623-1351 (916) 623-1353 (fax)

Project No.: P-95-19
Date: 5/23/95

REQUEST FOR COMMENTS

To:
- County Assessor's Office
- County Building Department
- County Health Department
- County Public Works/Surveyor
- Commissioner: T. McKnight
- Supervisor: M. Leffler
- Caltrans - District: #2 Redding
- C.D.F. / County Fire Chief's Association
- B.L.M.
- Calif. Dept. of Fish & Game
- North Coast Water Quality Control
- North Coast Unified Air Quality Management Dist.
- Northeast Information Center - Chico State
- Forest Service:
- Fire District: Junction City
- School District: Junction City
- C.S.D.:
- Other: D.O.C. - Office of Mine Reclamation
- Other: U. S. Fish & Wildlife Service
- Other: Bureau of Reclamation

The following project has been submitted to the Trinity County Planning Department for discretionary action (Use Permit, Rezone, Subdivision, etc.). An assessment of the potential impacts of the project is being made. Please review and submit comments by 6/26/95.

Project Description:
Applicant is requesting Planning Commission review and approval of a use permit and related reclamation plan to support a proposed surface mining operation. Please see enclosed documents for completed project description. Loc: Eagan Flat area, Junction City (approx. 3/4 mile northwest of Junction City post office - I.J.Smith property).

Environmental Clearance:
Proposed Negative Declaration

A.P.N.: 12-120-42 and 12-120-49
Sec. 1 Twn. 33 N. Rge. 11 W. MDBM

Existing Zoning: OS / FH
Existing General Plan: Open Space

Agent: Don Doss, K.L.M. Pacific, Inc.
1647 Hartnell Avenue
Redding, CA 96002

Applicant(s): Weaver City Construction
Address: P.O. Box 2250
Weaverville, CA 96093

Ron Adams (916-623-1352)

Comments:
- No Comment.
- See attached comments.
- We have reviewed the above request and have the following comments:
The Junction City Governing Board has concerns regarding truck traffic on Red Hill Road during the hours of 8:00am - 9:00am and 3:00pm - 4:00pm, as this is the hours in which children are coming to school ongoing home.

Date: 6/13/95

Reviewing Agency: Signature: [Signature]
TRINITY COUNTY PLANNING DEPARTMENT
P.O. Box 2619 - 303 Trinity Lakes Blvd. - Weaverville, CA 96093
Email: tcping@tcoe.trinity.k12.ca.us
916-623-1351 916-623-1353(fax)

REQUEST FOR COMMENTS

To:
- County Assessor's Office
- North Coast Regional Water Quality Control Board
- County Building Department
- North Coast Unified Air Quality Management Dist.
- County Health Department
- Northeast Information Center - Chico State
- County Public Works/Surveyor
- Forest Service:
- Commissioner: T. McKnight, Dist. 3
- Fire District: Junction City
- Supervisor: M. Leffler, Dist. 3
- School District: Junction City
- Caltrans - District: Redding, Dist. 2
- C.S.D.:
- C.D.F. / County Fire Chief's Association
- Other: D.O.C. - Office of Mine Reclamation
- B.L.M.
- Other:
- Calif. Dept. of Fish & Game
- Other:

The following project has been submitted to the Trinity County Planning Department for discretionary action (Use Permit, Rezone, Subdivision, etc.). An assessment of potential impacts from the project is being made. Please review and submit comments by 8/4/97.

Project Description:

The applicant is requesting approval by the Planning Commission to modify a previously approved use permit and reclamation plan for an existing sand and gravel mining operation located in Junction City on property owned by Irvin J. Smith. The original approvals were granted in 1995 and allow extraction of approximately 3 acres of mine tailings (100,000 cu. yds.) situated on the north side of the Trinity River adjacent to Hwy 299. Approximately 1/3 to 1/2 of the material in the permitted area has been mined. Access to the existing operation is from Hwy 299. The proposed modifications would allow expansion of operations to include approximately 6 acres of mine tailings (300,000 cu. yds.) located on the opposite side of the Trinity River from the existing site. The attached draft reclamation plan refers to the expansion area as "Phase II". Access to the Phase II tailings is from Red Hill Road (Co.Rd.#415). A Flood Plain Development Use Permit is also required for mining in the expansion area since the site is located within the 100-year flood plain of the Trinity River.

The methods of mining in the expansion area will be the same as that presently used. Existing operations consist of tailings extraction, material screening, and temporary stockpiling of sorted rock. Sorted material will be transported to the applicant's existing plant facility in Weaverville for processing into concrete aggregate, road construction products, and fishery habitat restoration material. Front-end loaders and bulldozers are used to extract the tailings. No rock crushing, washing, or asphalt production is proposed on-site. Total annual production is approximately 15,000 cu. yds. per year.

This matter is tentatively scheduled for consideration by the Planning Commission at their August 14, 1997 meeting. Please refer to the enclosed draft reclamation plan for additional project information.

Environmental Clearance:
Proposed Negative Declaration

A.P.N.: 12-120-42 & 12-120-49

Existing Zoning: OS / FH / SC

Sec. 1 Twn. 33 N. Rge. 11 W. MDMB

Existing General Plan: Open Space

Applicant: Clint Robison

Agent: Chris Erickson

Address: P.O. Box 2250

P.O. Box 460

Weaverville, CA 96093

Lewiston, Ca 96052

For information regarding this project contact Ronald Adams, Associate Planner (916-623-1352)

Comments:
- No Comment.
- See attached comments.

Reviewing Agency: Junction City School

Signature: Kathleen Graham

Date: 7/23/97
The Junction City School Governing Board has the following comment regarding the Smith Tailings Reclamation Plan:

1. Due to the noise and distraction created when large trucks use their "Jake Brakes", we request a restriction be attached to the use permit which would forbid the use of Jake Brakes on the downhill portion of the road which passes directly in front of the school.

\[\text{This is an on-going problem with Trinity Sand \\& Gravel trucks.}\]

Unfortunately, it's been a concern for decades and we were assured that this wouldn't happen back in 1997.
PLANNING LAND USE ENTITLEMENT(S)

<table>
<thead>
<tr>
<th>Project No.</th>
<th>P-97-32</th>
<th>APN: 12-120-42 &amp; 49</th>
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<tr>
<td>Project Location:</td>
<td>Adjacent to the southwest bank of the Trinity River, approx. 1/2 mile NW of Junction City School, off Red Hill Road</td>
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<tr>
<td>Applicant:</td>
<td>Clint Robison-Weaver City Con.</td>
<td></td>
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<tr>
<td>Owner:</td>
<td>Irvin Jim Smith</td>
<td></td>
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<tr>
<td>Address:</td>
<td>P.O. Box 2250</td>
<td></td>
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<tr>
<td>Weaverville, CA 96093</td>
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<tr>
<td>Address:</td>
<td>P.O. Box 310</td>
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<tr>
<td>Junction City, CA 96048</td>
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</table>

Applicant's Signature: [Signature]  
Date: 5/1/97

Requested Entitlement(s):

Modification of an existing use permit, amendment of an existing reclamation plan, and a floodplain development use permit to allow for expansion of an existing commercial sand and gravel mining operation.

Reviewed By:  
☐ Board of Supervisors  
☐ Planning Commission  
☐ Subdivision Review Committee  
☐ Planning Director  
☐ Architecture Review Committee

Action Taken:  
☐ Approval  
Date: 11/13/97

Entitlement(s) Granted & Conditions:

Commission Issued Use Permit, Floodplain Development Use Permit and approval of Reclamation Plan for a sand and gravel operation on APN 12-120-42 & 49, subject to conditions of approval (attached).

See conditions of approval, especially #5, #6

November 27, 1997  
Effective Date:  

Note: Approval does not constitute a Building Permit. Building Department may not issue a permit until the effective date.
EXHIBIT "A"
LOCATION MAP
Project P-95-19 (Weaver City Construction)
WEAVER CITY CONSTRUCTION: P-97-32
SMITH TAILINGS PROJECT, PHASE II
APN: 12-120-42 & 49

Use Permit, Flood Plain Development permit, and reclamation plan to allow mining operations on phase II of Smith Tailings Project (located between the Trinity River and Red Hill Road, Junction City) subject to conditions of approval and based on findings which follow:

CONDITIONS OF APPROVAL:

1. All mining operations and activities, method of mining and equipment used; and area to be mined shall be those described in the approved final reclamation plan. The limits of the mine area (described in Rec. Plan, and identified on the aerial map included in the plan) have been flagged and posted on the site and benchmarks have been established. The mine operation boundaries and benchmarks shall be maintained throughout the life of the mine for easy identification during operations and annual inspections. (Note: In order to provide continued access to the property after mining has been completed, it is not necessary to reclaim the haul road; therefore, the haul road may be developed prior to final approval of the reclamation plan and completion of financial assurances, but it must be developed in accordance with the description in the reclamation plan and these conditions of use permit approval.)

2. The operator shall amend the reclamation plan to provide financial assurances in accordance with Public Resources Code Section 2773.1 to ensure that reclamation is performed and completed as described in the approved reclamation plan. Initial financial assurances shall be secured, as reviewed and approved by the Planning Director in consultation with County Counsel and the California Department of Conservation, prior to any site disturbance associated with mine operations. Adjustments to the financial assurances shall be made if necessitated by modifications to the project, including, but not limited to, changes in site conditions or the cost of reclamation (ref: PRC, Sec 2773.1 (a)(3)). 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.

3. The operator shall file an initial report and subsequent annual reports with the Department of Conservation and Trinity County Planning Department in accordance with Public Resources Code Section 2207. Operator shall meet state and county requirements for annual inspections and reporting.
4. The reclamation plan shall be amended if site conditions, mining operations, or other activities necessitate a reevaluation of mine operations and reclamation in relation to standards contained in Sections 3700 et seq. (Article 9, Reclamation Standards) of the California Code of Regulations, including any amendments to the standards.

5. Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. 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 4:00 p.m. each business day. 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).

6. This is primarily a "scoop and haul" operation. The only on-site processing permitted is the use of one (1) portable, temporary screening unit. Grates on the screening unit shall be padded to dampen 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 screening unit shall be located within the limits of the area to be mined as shown in the reclamation plan, and shall, to the extent practical, be situated to take advantage of natural sound barriers (e.g.: behind tailing piles). When transporting material along Red Hill Road, "jake" brakes shall be used only when absolutely necessary for safety. The permittee is advised that the operation of screening equipment will require a permit from the North Coast Unified Air Quality Management District.

7. The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from leaving the property.

8. The permittee (operator) shall obtain an encroachment permit from the County Department of Transportation for access onto Red Hill Road. The encroachment improvements shall be completed and approved by the Director of the Department of Transportation, or his designee, prior to commencement of mining operations. The approximate location of the encroachment is as shown on the map included in the reclamation plan. Only one access onto Red Hill Road is permitted.

9. The permittee (operator) shall provide sanitary facilities on-site for employees as required by the County Health Department.
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 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.

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.

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. The permittee (operator) shall be responsible for acting immediately to contain any contamination of the site and shall clean the site as required by the appropriate agency. Financial assurances pertain only to reclamation activities, neither Trinity County nor the State of California will assume any responsibility for site clean-up. If the permittee does not meet his obligations to contain or clean-up a contaminated area, then the landowner shall be responsible for the clean-up and associated costs.

13. While the area to be mined is not adversely affected by 100 year flood events as shown on 1974 aerial photos and site review following the January 1997 storm, the haul road will cross a flood channel which was active in the January 1997 storm. 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. The grade of the haul road across the flood channel shall not be higher than the existing grade. The existing grade shall be established by a California licensed land surveyor, and a signed copy of his report (with wet stamp and signature) shall be provided to the County Flood Plain Administrator (Planning
c. The permittee (operator) shall reimburse county for costs of monitoring and annual inspections as set forth in the County fee schedule.
RECLAMATION PLAN

SMITH TAILINGS
CA Mine ID#: 91-53-00-15

PHASE II

JUNCTION CITY
TRINITY COUNTY, CALIFORNIA

CLINT ROBISON, Operator
WEAVER CITY CONSTRUCTION
P.O. Box 2250
Weaverville, CA 96093-2250

Lead Agency
Trinity County Planning Department
P. O. Box 2819
Weaverville, CA 96093-2819

April 21, 1997
May 19, 1997 (Revised)
June 15, 1997 (Revised)

* Please see pages 6, 12, 13, 14

Prepared By:
ERIKSON CONSULTING & SURVEYING
P. O. Box 460
Lewiston, CA 96052-0460
(916) 778-0306
AUTHOR'S NOTE

This Reclamation Plan for the expanded operations on the Smith property in Junction City is nothing more than a resubmission of original data for the same operators and owners prepared during the period of June to August 1995 by:

KLH Pacific, Inc.
1647 Hartnell, Suite 6
Redding, CA 96002

At that time, the Planning Commission restricted operations to the northeasterly side of the Trinity River. The reclamation plan as submitted was modified to reflect the Planning Commission restrictions. Subsequent to that conditional approval the operator has mined a significant amount of the Commission approved tailings next to State Highway 299 on the northeast side of the river, and he now desires to extend his operations into the area southwest of the Trinity River that was designated as "Phase II" of the original KLH Pacific, Inc. plan. This Phase II area was addressed in the comments received from the Division of Mines and Geology letter dated June 29, 1995.

The previous Reclamation Plan submitted by KLH, Inc. is hereby included by reference in accordance with the Surface Mining And Reclamation Act of 1975, as amended. Discussion items in "quotation marks" are directly excerpted from the previous KLH, Inc. Plan and are hereby acknowledged and attributed to that document. The inclusion of the other document, nearly in its entirety was not a plagiarism, but an earnest attempt to keep the applicants from having to pay twice for the same work and to demonstrate that this submission is at best a redundant effort.

It is the desire of the land owner and of the operator, that this document be considered an amendment to the previously approved Use Permit and the previously approved Reclamation Plan. When the original permit and plan were upheld in a decision of the Board of Supervisors, the discussion at the time indicated that the Board felt it would be unfair to require the applicants to pay duplicate fees, submit duplicate plans, and post duplicate bonds for what is obviously a single operation that is being conducted in two phases.

Chris Erikson
RECLAMATION PLAN FOR
SMITH TAILINGS - PHASE II
JUNCTION CITY, CALIFORNIA

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<td>Figure 3 Aerial Photograph of Mine</td>
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Section A.

GENERAL INFORMATION:

1) Mine Name:
   J. Smith Property at Junction City

2) California Mine ID#:
   91-53-00-15

3) Operator and Agent of Service:
   Clint Robison
   Weaver City Construction
   P. O. Box 2250
   Weaverville, CA 96093-2250
   (916) 623-2981

4) Operator’s Agent:
   Chris Erikson
   Erikson Consulting & Surveying
   P. O. Box 460
   Lewiston, CA 96052
   (916) 778-0306
   FAX: 778-3257

5) Property Owner:
   Irvin J. Smith and Edith S. Smith
   P. O. Box 310
   Junction City, CA 96048
   (916) 623-5789

6) Owner of Mineral Rights:
   Same as #5 above

7) General Location:
   The project site is located on both sides of the Trinity River between State
   Highway 299 and Red Hill Road (County Road #415 in Junction City, CA. The
   property lies approximately seven tenths of a mile northwest of the Post Office
   in Junction City and extends across the Trinity River to a point that is three tenths
of a mile northwest of the Junction City Elementary School.

8) Assessor’s Parcel Number:

Mining will be restricted to APN: 12-120-42. Haul road access from Red Hill Road to the mine site on the southwest side of the Trinity River will cross APN: 12-120-49 which is also owned by the Smiths.

9) Section, Township and Range

Section 1, T. 33 N., R. 11 W., M. D. B. & M.
Haul road will cross a portion of Section 12 - in the same township.

10) Commodity to be Mined:

Sand and Gravel

11) Estimated Annual Production:

15,000 Cubic Yards

12) Estimated Total Production:

Phase I - 100,000 Cubic Yards (35,000 CY to date and 65,000 remaining), approximately one-half of the total tailings pile that constitutes Phase I has been removed by CalTrans, Eagle Rock, and the present operator.

Phase II - 250,000 Cubic Yards
Total - 350,000 Cubic Yards

13) Proposed Start-up Date:

August 1995 under the previously approved Use Permit and Reclamation Plan on this property. Phase II will start up following approval of this amendment but will not be in full production until Phase I operations are completed, estimated to be in 1998 or 1999.

14) Proposed Termination Date:

In 2020, or when the rock piles are gone.

15) Total acres of project area:

101.5 Acres
16) Total number of acres to be disturbed by the surface mining operation:

Phase I - 3 Acres
Phase II - 6 Acres
Total    - 9 Acres

17) Total number of acres to be reclaimed:

Phase I - 3 Acres
Phase II - 6 Acres
Total    - 9 Acres
Section B:  
SITE DESCRIPTION: 

1) Existing Land Use/Site History: 

"During the late 1940's the project site was mined for gold using dredges, and the piles of rock remaining (tailings) are the end product of that effort. Between 1980 and 1983, a portion of dredger (sic) tailings within the proposed mine area where (sic) processed and used by Caltrans for road construction material (see attached Caltrans "Mining and Reclamation Plan"). Reclamation has taken place at this location that generally consists of placing left over boulders and fine materials to bring the land elevation up to the approximate level of the highway adjacent, with natural revegetation. An encroachment onto Highway 299 was developed by Caltrans about 550 feet northwest of the intersection of the highway and the easterly property line of the subject property (Post Mile 42.6). This location is visible on the aerial map showing the boundary of the project."

Subsequent to the approval of the Use Permit and the Reclamation Plan, Weaver City Construction has excavated much of the material that was along Highway 299 following the plan of operation laid down in the previous Reclamation Plan. The reclamation of the site has progressed along with the mining and there is currently only about one acre of disturbed and not reclaimed land.

This present proposal will address the large pile on the southwest side of the river. There is a pile of rock that covers about six acres and is about 20 feet deep that was the spoil material from the dredge operations in the 1940's. This pile is located between the Trinity River and another long ridge of tailings lying northeast of Red Hill Road (County Road #415).

2) County Zoning and General Plan Designation: 

"The current zoning is Open Space (OS), and the general plan designation (Junction City Community Plan) is also Open Space."

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."
4) Describe the environmental setting of the site, including a description of site condition, vegetation, hydrology, soils, and general geology.

"As previously noted, the area proposed for mining activity consists of dredger (sic) tailings (barren piles of rock) that originate from gold mining activity occurring in the 1940's. The general geology of the area is described as alluvial deposits in a riparian corridor surrounded by meta-sedimentary type geologic structure. Specifically, the area to be mined consists of 18 to 20 feet of gravel over hard serpentine bedrock which has been disturbed by dredging.

A riparian corridor consisting of willow, cottonwood, and alder provides a visual barrier between the river and the mine area. Mixed vegetation including canyon live oak, black oak, digger pine, cottonwood, ponderosa pine, Douglas-fir, and native grasses exist adjacent to the State Highway. The operator is prohibited from disturbing any vegetation by the terms of his lease."

"The subject mine tailings are located within the 100 year floodplain of the Trinity River (Flood Zone-A, FEMA Flood Insurance Rate Maps #06105C0505R, Dated 8/16/88). (Emphasis added) However, proposed mining activity is located on a riverside terrace, well above the normal annual high-water area of the river, and behind natural curtains of riparian vegetation and berms of rock. Proposed mine areas did not experience flooding during the 1974 100 year flood on the Trinity River."

The existing 3 acre mine site and the area surrounding the additional 6 acre site were flooded on New Year's day, 1997. The flood water covered the 3 acre site between the highway and the normal channel of the river. These waters removed most of the cottonwood and alders along the bank and deposited sand and silt in the previously excavated area. On the southwest bank, the river coursed along between the rock piles and the County Road (Red Hill Road). It washed out much of the vegetation and deposited sand on top of the ground. The higher areas where there were rock piles were largely unaffected by the flood waters. The net effect of removing this additional rock pile on future flooding will be to provide a broader flood plain for the river, thereby decreasing velocity and erosive capacity.

"The proposal will have little or no effect on the water quality of the river since the berms and riparian corridor provide an effective drainage barrier. Furthermore, the porosity of the gravel is such that even in the heaviest storms, most surface water percolates
5) Address the presence/absence of sensitive species, sensitive habitats (wetlands, riparian, etc.). And the relationship between any necessary mitigation, and mining operations and reclamation.

"A record search of the CA Department of Fish & Game Natural Diversity Data Base - RAREFIND (Junction City Quadrangle) indicated that a Federal listed, Category-2 plant known as Heckner's Lewisia (Lewisia cotyledon var. Heckneri, ID#PDPOR 04052) exists in the general vicinity of the subject property. The Department of Fish & Game has reviewed this project for potential impacts to Heckner's Lewisia and other species, and commented that the area proposed for mining activity does not have suitable habitat for the plant."

"The riparian vegetation, located between the subject mine tailings and the Trinity River, is an important feature of the site and contributes in mitigating potential noise and visual impacts of the operation. To reduce the chance of inadvertent disturbance of riparian vegetation from mining activity, a 30' setback (non-disturbance area) will be established from the edge of the riparian vegetation occurring adjacent to the Trinity River (see Section D.1 for discussion of final reclamation activities within riparian setback area). The limits of the setback area will be flagged on the site for easy identification during operations and annual inspections. The flags shall be spaced a maximum of 50 feet apart, with each marker clearly visible from the immediately adjacent markers. All flags will be installed prior to commencement of operations and maintained until reclamation is completed."

Subsequent to the approval of Phase I, the Coho Salmon has been listed as an endangered species. There is also a good probability that the steelhead will be classified as endangered in the near future. Because of the proximity of this operation to the Trinity River, some consideration must be given to assessing any potential impacts on that habitat.

While the actual mining operations will occur out of the stream channel, any storm water runoff that carries fine sediments into the stream channel would be detrimental to the fishery habitat. To preclude this from happening, a berm must be left along the bank of the river during operations. This was provided for in the original, Phase I, plan. The operator was restricted from operating within 30 feet of the riparian vegetation corridor on the river side of the tailings pile until the reclamation phase of operations. At the time of final reclamation, the tailings
that are interspersed within the riparian vegetation would be carefully removed to provide an on grade transition between the mined and unmined bank. This is also the plan of operation for the Phase II area on the southwest side of the river.

There will be no effect on spawning gravel in the stream. The riparian buffer area will protect the stream from the migration or addition of fine silt and clay materials from the mine area into the stream. By working the tailings in the same half-moon pattern, from upstream toward downstream, any storm carried silts will be deposited in the active excavation area, where they will be deposited. This pattern of working within a U-shaped area will provide an entrapment area for the fine particles that might otherwise be released from the site.

After meeting on the site with Catherine Gaggini, Engineering Geologist, Department of Conservation, Office of Mine Reclamation, and with Bernard Aguilar, Department of Fish and Game, three additional provisions for Phase II were proposed to protect spawning habitat and fish survival. These shall be implemented as a mandatory part of this Phase II Amendment to the Reclamation Plan.

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 potentially 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.

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. This restriction is not designed to prevent random entrapments in 100 year floods, but is designed to prevent fish entrapment at foreseeable releases from Trinity Dam. The levee that has built up along the riparian corridor is a sufficient dam to fish entrapment as it now exists. Therefore, as long as the 30 foot setback is observed, there should not be any impact from this condition.

3. This plan calls for a maximum excavation of 15 feet below grade. A permanent benchmark will be established to provide a certain reference from which to measure the depth of the excavation.
Section C.
DESCRIPTION OF MINING OPERATIONS:

1) Maximum depth of Mining:

"The maximum depth of mining will be approximately fifteen feet." The depth will be measured from a permanent referenced benchmark at the northeast end of the pile.

2) Estimated Number of Personnel:

"Two."

3) Describe the type of mining to be employed and the size and type of equipment to be used. Include how mining operations will proceed within the plan area and how product will be stored and transported through and from the site (will mining be conducted in phases?).

DESCRIPTION OF MINING

"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."

"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."

"Mining will be 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."

TYPES OF EQUIPMENT TO BE USED
"Extraction will be accomplished by means of a front-end loader (Caterpillar 950 with 3 yard bucket) and bulldozer. The loader will dump rock into a single powered screening unit which separates large boulders from the smaller ones, and transports the desired material on a 20' +/- conveyor belt to a stock pile. Discarded boulders and fine material will be separated and set aside for use in reclamation. The screen unit is powered by a 15 hp electric motor fed by a gas generator equipped with noise suppressor (50 kw). Typically two dump trucks (10 wheel, 10 yard) 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."

HOURS OF OPERATION
"Hours of operations are from 7:00 am to 6:00 pm, Monday through Friday, and with no operations on legal holidays. Screening activity will end by 4:00 pm each business day. Daily activity will likely fluctuate with seasonal construction demands."

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 the site.

PHASES OF OPERATION
Operations will be conducted in two phases. The first phase consists of the tailings on the northeast side of the river. The second phase will be on the southwest side of the river. It is anticipated that Phase I will be completed within three years, but may be mined out sooner. To provide for a smooth transition between phases with no interruption in material flow, the haul road into Phase II will be constructed within the next year.

The haul road necessary for the Phase II site will originate on Red Hill Road (County Road #415) and will terminate at the southeasterly end of the single large pile of rocks to be mined. This road will necessarily cut through a ridge of rocks between the westerly flood channel below Red Hill Road and the flood channel to the west of the target material. The total length of the haul road will be approximately 1/4 mile. The encroachment onto Red Hill Road will be approximately opposite an existing encroachment and will conform to County Standards. Sight distance from the point of encroachment is approximately 600
feet in each direction. The surface of this road will be constructed from on-site materials. The entrance to this road will be chained and locked to bar the general public from vehicular access to the area being mined. Red Hill Road has recently been widened and a bike lane added from the Elementary School south to Dutch Creek Road.

Road construction below the elevation of the 1997 flood will be abandoned in place. The portion of the road above the flood level that accesses Red Hill Road will remain as a permanent encroachment onto the County Road and the primary access point for future maintenance and access to the portion of the land lying westerly of the Trinity River. The applicants will apply for a road encroachment permit from the County Public Works Department and the encroachment will be constructed to their standards. 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. No drainage structures will be required because of the existing slopes and porous nature of the existing soil.

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.

4) Explain how any hazardous materials will be stored, used and disposed of:

"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 at the County maintained waste oil disposal station located at the Weaverville land fill, or by contract with a State licensed disposal service such as Chico Drain Oil Service."

5) Indicate what permits or approvals, in addition to that required by SMARA, are required to conduct surface mining as proposed:

Possible consideration for related approvals and permits from the Army Corps of Engineers, Trinity County Flood Plain Development Permit, and California Department of Fish and Game 1603 Permit. Also, a Storm Water, Pollution Prevention Plan is required for inclusion under the State of California's NPDES General Permit for discharges of storm water associated with Industrial Activities. This operation will be under EPA Category iii (Active and inactive oil and gas operations and mining facilities).
An Army Corps of Engineers permit is triggered when operations will be occurring below the ordinary high water line. As all operations will be above the ordinary high water line, there is no requirement for an Army Corps of Engineers Permit.

Trinity County requires a Flood Plain Development Permit for all development within the 100 year flood plain. As this area is within the 100 year flood plain, there is a requirement for a Flood Plain Development Permit. Any construction within this area would require base flood elevation determinations. No structural construction is planned.

The California Department of Fish and Game require a 1603 permit for all "in stream modifications". This also applies to "margin areas" along the stream. The Department of Fish and Game will be asked to determine if this operation is within their "margin area", and if so, to issue a 1603 permit for the operation. Because the Trinity River is a designated "Wild and Scenic" river, if a 1603 permit is required, then a determination will have to be made whether or not this operation is permissible within the "Wild and Scenic" corridor.

The North Coast Regional Water Quality Control Board oversees compliance with the Environmental Protection Agency’s requirements for NPDES (National Pollutant Discharge Elimination) permits in Trinity County. A "Notice of Intent" to discharge will be submitted to the NCRWQB. Because of the U-shaped excavation planned for operations and the 30 foot buffer to be left along the river side of the operation, it is unlikely that any discharge will ever reach the river. There will be no storage of petroleum products on site, and any accidental spills will be contained within the operation area and will not reach the Trinity River.
Section D.

DESCRIPTION OF RECLAMATION:

1) With consideration of the proposed end use of the site, the type of mining to be employed and any necessary environmental mitigation, describe how land reclamation will be accomplished.

"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."

"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 (as provided by County Use Permit Condition #8 [previous area]). The final surface will be graded to a gentle slope toward the river to minimize the velocity of any surface runoff. There is no evidence of erosion resulting from the reclamation already accomplished from the prior Caltrans mining activity on-site. 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. Proof that revegetation occurs naturally and rapidly has been demonstrated on the areas previously reclaimed. The site will be seeded with native grasses to help jump-start natural revegetation of the site."

"The only equipment to remain on site throughout the life of the project will be an excavator and screening machinery. This equipment is valuable and therefore would be removed either for sale or use at another site upon the completion of reclamation. The removal can be accomplished by Heavy Equipment Transport. The cost of removal is addressed in the financial assurances section. 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 at the County maintained waste oil disposal station located at the Weaverville Landfill, or by contract with a State licensed disposal service such as Chico Drain Oil Service."

2) 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 breakup the compaction.

3) Vegetation planting

That the reader might know that the establishment of vegetation on the reclaimed area was considered, the following discussion is provided. The unique area where these tailings piles exist is within the flood zone of the Trinity River. It can be expected that there will be natural revegetation following any flood event. In areas that were inundated on January 1, 1997, much of the existing vegetation was stripped from the ground. However, five months later, there is a dense crop of volunteer revegetation. Woody herbs and willows abound. To require the operator to vegetate this area is unfair for two reasons. First, it is unnecessary as natural revegetation will occur. Second, if the operator artificially established vegetation in his reclaimed areas, it might be completely wiped out with the next high water event which would then keep his bond tied up for another two years.

This "no vegetative requirement" was proposed by Catherine Gaggini, Department of Conservation, with on site concurrence of Bernie Aguilar, Department of Fish and Game, and Ron Adams, Trinity County Planning Department.
Section E.

FINANCIAL ASSURANCE:

"The financial assurances necessary for the completion of reclamation will be concurrent with the mining. Since there are no structures to be demolished or removed, the only remaining costs which could occur are those connected with the removal of an excavator, screening equipment and back filling of any excavations remaining, as outlined below:

(Assume 500 cubic yards of material left in place to be placed in an excavated area and compacted.)

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Move 500 cy @ $1.50/cy</td>
<td>$ 750.00</td>
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<tr>
<td>Heavy equipment transport</td>
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<td><strong>Subtotal</strong></td>
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<tr>
<td>Insurance</td>
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<tr>
<td>(on-site liability 1.5%)</td>
<td>$ 18.75</td>
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<tr>
<td>Contract Administration (15%)</td>
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<tr>
<td>Bond</td>
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<tr>
<td>(performance &amp; payment 1.5%)</td>
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<tr>
<td><strong>Profit</strong></td>
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<td><strong>Subtotal</strong></td>
<td><strong>$ 350.00</strong></td>
</tr>
</tbody>
</table>

**GRAND TOTAL**

$ 1,600.00

The financial assurance will be review annually by the County as part of the annual inspection of the mine. Adjustments to the financial assurance will be made if necessitated by modifications to the project, including, but not limited to, changes in the site condition or the cost of reclamation.

The above financial assurance was determined to be adequate for the operations on the northeast side of the river. As no more than a total of three acres will be disturbed and unreclaimed at any time, it is unnecessary to provide a separate bond. The existing bond will be applied to both areas of work as the land is one parcel and the operator is the same for both sites. If the land is subdivided or if the operator is changed before reclamation is completed northeast of the river, then a duplicate bond must be provided. The nature of the mining process restricts the operation to a single face at one end of the tailings pile and does not allow for leapfrogged extractions. Therefore, the active mine site is generally less than one acre in size. This is a scoop and haul operation for the most part, or a scoop, screen, and haul operation.
Section F.
STATEMENT OF RESPONSIBILITY:

I, the undersigned, hereby agree to accept full responsibility for reclaiming all mined lands as described and submitted herein with any modifications required by the administering agency as conditions of approval.

Signed this ____ day of ______, 1997.

______________________________  ________________________________
Clint Robison                   Irvin J. Smith
Mine Operator                   Property Owner
THIS AGREEMENT, Dated January 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 slidding 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 reuse 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 the 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 hereinabove 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.

Why didn’t it go to Eagle Rock???
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 term 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 operations 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:

[Signatures]

Grantor:

[Signatures]

Jan 23, 2017

RECOMMENDED FOR APPROVAL:

KELLY BABCOCK
Right of Way Agent

ACCEPTED:

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

LISA HARVEY, Senior Right of Way Agent
Project Delivery, Redding
The following project has been submitted to the Trinity County Planning Department for discretionary action (Use Permit Amendment, Rezone, Variance, Subdivision, etc.). An assessment of the potential impacts of the project is being made. Please review and submit comments by June 7, 2018.

Project Description: Amendment to existing use permit to add a rock crusher and concrete batch plant to the site and to amend the reclamation plan to include the existing operational area of the site (equipment).

Location: 821 Red Hill Road, Junction City

Environmental Evaluation: Proposed Negative Declaration

APN: 012-120-42 and 49

Sec: 1 and 2, Township 33 North, Range 11 West, MDB&M

Existing Zoning: Fh Log/RR-5.0 acre min.

Existing General Plan: Rural Residential

Applicant: Clint Robison, Con Aggregate Products

Box 255, Weaverville, CA

Agent: Vestra Resources, Inc

5300, Aviation Drive, Redding 96002

For information regarding this project contact Colleen O'Sullivan, 530-623-1351, Ext. 5

Comments:

[ ] No Comment. [ ] See attached comments.

[ ] We have reviewed the above request and have the following comments:

Date:

Reviewing Agency: J drive

Signature: associate planner
PROJECT NARRATIVE
Smith Tailings

Project Name: Smith Tailings

Mine Operator: Clint Robison
Concrete Aggregate Products, Inc.
P.O. Box 2250
Weaverville, CA 96093
(530) 999-1072

Owner of Property and Mineral Rights: SAME

This Use Permit Amendment is to address changes to the existing sand and gravel mine at the Smith Tailings site (CA Mine ID#: 91-53-00-15). The current Use Permit and Reclamation Plan (P-97-32) for the operation were approved by Trinity County on November 13, 1997. Changes at the site include additional processing equipment and receipt of cleanup material from Caltrans sites of slope failure, road cleanup, or other activities. This Use Permit Amendment also addresses revisions to the permitted mining area boundary.

The Smith Tailings site is located northwest of Junction City in Trinity County, California. The permitted mine area includes land on both sides of the Trinity River between Highway 299 and Red Hill Road (County Road #415) in Junction City, California. The general site location is shown on Figure 1. Adjacent properties and their ownership are shown on Figure 3. Mining on the eastern side of the river has been completed and the land reclaimed. Mining activities are currently occurring only on the southwest side of the river in the Phase II area. The mining area is separated from the Trinity River by a riparian buffer and tailing berm.

The mining area consists of dredger tailing originating from gold mining activity occurring in the 1940s. Materials are extracted with a frontend loader and bulldozer. The mined aggregate material is processed using a crusher followed by screening. Three dump trucks are used to transport the processed material to Weaverville. Discarded boulders and fine material are separated and set aside for use in reclamation.

The Use Permit Addendum includes the addition of processing equipment to operations at the site. Currently permitted processing equipment includes the use of a screen at the site. The Use Permit Amendment includes the addition of the rock crusher and concrete batch plant to the site. In addition, a truck scale was added to the site in 2016. The location of the new equipment is shown on Figure 2.

In addition to the new equipment, the operation will receive and process cleanup material from Caltrans sites of slope failure, cleanup, or other activities. Usable aggregate will be processed, and soil and other organic debris will be processed onsite and used for reclamation or exported for recycling. This material is stored in the southeast portion of the Phase II mining area.
In addition, this amendment modifies the Reclamation Plan boundary to encompass the existing operational area of the site. The limits of the mining area included in the 1997 Reclamation Plan were drawn in marker on an aerial photograph and did not include setbacks from any of the property lines. The mining of Phase II of the site began slightly south of mining area drawn on the map. The amended mining area, expanded to include the existing operational area is shown on Figure 1. The amended boundary adds approximately 4.9 acres to the mining area.

**Hours of Operation:** Normal hours of operation will be 7:00 a.m. to 6:00 p.m., Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on legal holidays. Processing equipment operations shall cease by 4:00 p.m. each business day.

**Truck Trips:** Average traffic generated by the project includes three dump trucks at a maximum of 8 trips per day for a total of 24 trips per day.

**Blasting:** No blasting will occur onsite.

**Employees:** A maximum of four employees will operate the various types of equipment and machinery on the Smith Tailings site.

**Equipment List:** Existing permitted processing equipment onsite includes screening equipment. The following additional equipment is included in the Use Permit Amendment include:

- Rock crusher (100 ton/hour capacity).
- Ready Mix concrete plant (20 cubic yards/hour capacity).
- Truck scale

Locations of this equipment are shown on the site plan (Figure 2).
PROJECT NARRATIVE
Smith Tailings

Project Name: Smith Tailings

Mine Operator: John Judson Buick
Trinity Sand and Gravel, Inc.
P.O. Box 21
Weaverville, CA 96093
(530) 949-8757

Owner of Property and Mineral Rights: SAME

This Use Permit Amendment is to address changes to the existing sand and gravel mine at the Smith Tailings site (CA Mine ID#: 91-53-00-15). The current Use Permit and Reclamation Plan (P-97-32) for the operation were approved by Trinity County on November 13, 1997. Changes at the site from Use Permit P-97-32 include additional processing equipment. This equipment has been onsite for many years. This Use Permit Amendment also addresses revisions to the permitted mining area boundary.

The Smith Tailings site is located northwest of Junction City in Trinity County, California. The permitted mine area includes land on both sides of the Trinity River between Highway 299 and Red Hill Road (County Road #415) in Junction City, California. The general site location is shown on Figure 1. Adjacent properties and their ownership are shown on Figure 3. Mining on the eastern side of the river has been completed and the land reclaimed. Mining activities are currently occurring only on the southwest side of the river in the Phase II area. The mining area is separated from the Trinity River by a riparian buffer and tailing berm.

The mining area consists of dredger tailing originating from gold mining activity occurring in the 1940s. Currently permitted activities at the site consist of gravel extraction, screening, and temporary stockpiling. This Use Permit Amendment includes the addition of processing equipment to site operations. The Use Permit Amendment includes the addition of the rock crusher and gravel washing operations to the site (these activities have occurred for the past 10 to 20 years at the site). In addition, a truck scale was added to the site in 2016. The Site Plan is included as Figure 2A. The location of the equipment is shown on Figure 2B.

Starting in 2017, the operation began receiving material from Caltrans to process onsite in addition to materials extracted on the site. The material includes cleanup material from Caltrans sites of slope failure, cleanup, and other activities. Other activities include all activities associated with slide cleanup along roadways including maintenance, construction, and removal of unstable rock from slopes. This material will no longer be accepted; however, the existing material currently onsite (500,000 cubic yards) will be processed onsite. Caltrans material will be processed in the same manner as the material extracted from the site. Usable aggregate will be processed, and soil and other organic debris will be processed onsite and used for reclamation or exported for recycling. All materials received from Caltrans to date have been usable. The material stockpile is located in the southeast portion of the project site.
In addition, this amendment modifies the Reclamation Plan boundary to encompass the existing operational area of the site. The limits of the mining area included in the 1997 Reclamation Plan were drawn in marker on an aerial photograph and did not include setbacks from any of the property lines. The mining of Phase II of the site began slightly south of mining area drawn on the map. The amended mining area, expanded to include the existing operational area, is shown on Figure 1. The amended boundary adds approximately 6.4 acres to the mining area. Only processing activities will occur in the additional area and no additional ground disturbance will occur in the area outside of the 1997 mining boundary.

**Hours of Operation:** Hours of operation will be the same as those contained in Use Permit P-97-32. Hours of operation will be 7:00 a.m. to 6:00 p.m., Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on State and/or Federal holidays. Processing equipment operations (including crushing) shall cease by 4:00 p.m. each business day. Activities that will occur between 4:00 p.m. and 6:00 p.m. include final shutdown of all equipment as well as servicing and fueling of plant equipment. In addition, the plant will be dug out and prepped for the following day of work. The majority of aggregate processing (including screening, crushing, and washing) will occur between May and September. Minor activity will take place in fall and winter. After processing, approximately one-third of the material will be shipped offsite for sale, while the remaining will be sold onsite. Most of the material will be delivered to customers in trucks. A small percentage (estimated at 10 percent) of customers will come to the site to pick up materials.

**Description of Mining and Processing:** Extraction methods at the site will continue as described in the current Use Permit and Reclamation Plan for the site. The mining activity consists of the gradual removal of dredger tailings. The estimated annual production of onsite materials contained in the 1997 Reclamation Plan is 15,000 cubic yards and Phase II mining is estimated to produce 350,000 cubic yards of material. The Use Permit and Reclamation Plan include a maximum depth of mining of 15 feet below grade.

The Current Use Permit allows gravel extraction, screening, and temporary stockpiling. Operations onsite also include rock crushing and gravel washing. The mined aggregate material is processed using a crusher followed by screening and gravel washing. Gravel washing is accomplished by pumping water from an existing pond to the wash plant where it is used to wash aggregate. The water is then discharged into a settling pond. **Gravel washing has occurred at the site for at least 7 years.** Crushing has been ongoing for the last 20 years at the site. The Caltrans material currently stockpiled onsite will be processed in the same manner as materials extracted from the site until it is gone.

Pursuant to the NCUAQMD permit for the aggregate screening/ wash plant, the applicant can screen/wash a maximum of 50 tons of aggregate per hour or 438,000 tons per year.

**Truck Trips:** Average traffic generated by the project is estimated to include 24 round trips per day. This includes employee trips and haul truck trips. The majority of trips will be haul truck trips (20), while 4 round trips will be generated by employees.

**Blasting:** No blasting will occur onsite.

**Employees:** A maximum of four employees will operate the various types of equipment and machinery on the Smith Tailings site.
Equipment List: Equipment to be used at onsite includes:

- Rock crusher with 100-ton/hour capacity (El Jay model 1145) - currently prohibited.
- Truck scale - already installed.
- Screening and wash plant
  - Triple-deck screen
  - Reciprocating plate feeder
  - Feed conveyor (Conveyor A)
  - Cross Conveyor - Inner Conveyor (Conveyor F)
  - Cross Conveyor - Outer Conveyor (Conveyor G)
  - Stacker (Conveyor B)
  - Stacker (Conveyor D)
  - Gold Bowl and Chute
  - Sand Screw
- Excavators (2) - not currently permitted.
- Front-end loaders (2) - currently 1 allowed + bulldozer
- Dump trucks (3) - currently 2 allowed. First "CUP states" 10 wheel, 10 yard.
- Water truck - not currently permitted.

Locations of the stationary equipment are shown on the site plan (Figure 2B). A switch gear trailer, scale house, and storage trailer are also onsite as shown on Figure 2B.

Utilities:

Water Services: No Municipal Services Provider; water for dust suppression and gravel washing is pumped from onsite pond.

Sewer Services: No Municipal Services Provider.

Electricity: Trinity Public Utilities District.

Outdoor Lighting: The use of outdoor lighting will be kept to a minimum and will only be used when required for safety. Lighting will generally not be needed during normal operations since activities will occur from 7:00 a.m. to 6:00 p.m. Lighting will not change from lighting used at the site during past operations.

If needed, localized and portable lighting will be used. Lighting will be used in the bottom of the onsite depression when possible instead of at the top of stockpile to screen the lights from neighbors. Lights will consist of vehicle-mounted lights or portable light towers. Vehicle-mounted lights or portable light towers direct light only where it is needed and reduce overall lighting usage. Lighting will be equipped with hoods or louvers and aimed toward the ground to avoid causing glare and sky glow as well as spillover.

Noise and Dust Mitigation Measures: The closest residential land uses are located west and northwest of the project area. Mining will continue to be conducted so that there is a "U-shaped" excavation with the open end oriented to the southeast. Maintaining a tailing berm between the mining equipment and nearest receptions will reduce noise and visual impacts of equipment at the
site. The tailing pile is currently tall enough to block the line of sight between processing equipment and nearby residential receptors (greatly reducing noise levels from onsite processing equipment).

Dust control measures required by the NCUAQMD permit for the screening/wash plant include:

- Operation and maintenance of a wet suppression spray nozzle system to control fugitive particulate matter emissions from screens, conveyor transfer points, and conveyor stacker transfers to stockpiles.
- Prior to any loading of materials, the material loaded shall be adequately wetted.
- Exposed areas, inactive stockpiles, or quarried materials that are prone to mechanical or wind disturbance shall be adequately wetted or controlled using 1) dust palliatives or suppressants, 2) paving, 3) wind berms or breaks, or 4) covered with tarps or other material.
- All unpaved areas including access and haul roads, parking lots, and staging areas, or access roads shall be stabilized using one or more of the following measures: 1) dust palliatives or suppressants, 2) paving, 4) wind berms or breaks, or 4) covered with tarps or other material.
- The speed of any vehicles at the plant site and on access and haul roads shall not exceed fifteen (15) miles per hour. This speed shall be posted on all access and haul roads. For the purposes of this permit, “plant site” means the area that includes all emission units and activities which may produce air contaminants, all stockpiles, staging areas, parking lots and all access and haul roads.

A speed limit of 5 mph is posted on the access road to the site. A 4,000-gallon water truck will be onsite at all times during mining and processing operations. The water truck will apply water every 3 to 4 hours or as needed to ensure that no fugitive particulate matter leaves the property. If deemed necessary, sprinklers will be utilized. Water is obtained from the existing gravel wash pond onsite. The same dust mitigations will be applied to the Caltrans slide material stockpile and crusher operations at the site.

NOA Testing: Materials transported to the site have been tested by Caltrans for asbestos.
Dear Trinity County Planning Department,

Junction City Elementary School District is strongly opposed to the amendment of the existing use permit to add a rock crusher and concrete batch plant to the Con Aggregate Products site on 821 Red Hill Road in Junction City, and is strongly opposed to the amendment of the reclamation plan to include the existing operational area of the Con Aggregate Products site on 821 Red Hill Road in Junction City.

We have surveyed our stakeholders, and all of our Governing Board members, School Site Council members, and Parent Advisory Group members are adamantly opposed to amending the existing use plan and reclamation plan. The concerns about the Con Aggregate Products operation include road traffic, safety, health concerns, and noise.

Red Hill Road is a narrow, two lane, residential road with no bike lanes or shoulder. All traffic on Red Hill Road must travel past Junction City School, and all of our students must travel on Red Hill Road to get to and from school. It is already dangerous for our students to walk or ride their bikes to school due to the lack of bike lanes and shoulder. We already worry about our students sharing the road with the many cars of the residents who live in our community, but we are very concerned about them sharing the narrow road with large semi-trucks.

Red Hill Road is also the only ingress and egress for the majority of the residents in our community, and as we discovered during the Helena Fire, it is already an evacuation concern for the residential traffic. We are very concerned about how much more impacted Red Hill Road will be with the addition of the numerous semi-trucks and dump trucks traveling on Red Hill Road throughout the day, and what that might mean for the safe and timely evacuation of our students in the event of an emergency.

Another safety concern we have is the potential for accidents in front of the school, and possibly onto our school campus. Due to the proximity of Red Hill Road being so narrow and located right next to our campus, we are always concerned about cars driving off of Red Hill Road and onto our campus or even worse, into our school buildings. We have had accidents in the past that have provoked our staff to plant trees separating the road from our school driveway, just to have a barrier in case a car drives off of the road. So far, the trees have
actually helped, but we don’t think they would be strong enough to protect our students from a semi-truck accident.

In addition to safety concerns, the truck traffic creates a distraction for our students, which impacts their learning. We experienced how distracting this is when we had heavy truck traffic passing the school during the debris removal from the Big French Creek slide in Del Loma. Every time a truck drove by, the loud noise and rumbling of the heavy trucks caused our students to stop what they were doing and look out of the classroom windows at the trucks. We didn’t complain at the time, as we assumed it was due to the urgent need to clear the highway, and we understood that the traffic and noise were temporary.

Many of our stakeholders are very concerned about the dust created by the rock crushing and by the dust that comes off of the trucks as they pass the school. We experienced a lot of dust along Red Hill Road, in the school driveway, and on our playground during the debris removal from the Big French Creek slide, and during the debris removal that took place after the Helena Fire. We feel very strongly that the added dust from the Con Aggregate Products operation will degrade the air quality for our students and community, and pose a significant health risk.

It has also come to our attention that the current Use Permit for Con Aggregate Products may have not been followed or enforced, as we understand that a rock crushe has been in use on the site without a permit. Therefore, we have concerns regarding the integrity of Con Aggregate Products and their respect for the safety and concern of our students and community.

Junction City Elementary encourages you to NOT amend the current Use Permit for Con Aggregate Products, and requests that you ensure that the current Use Permit is followed as it was originally approved.

Thank you,

Christine Camara
Superintendent
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)

The contractor, Stimpel-Wiedehaus 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 96048

(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 from the Department 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 submitting 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:

http://www.dot.ca.gov/hcc/standardsnspecs.html

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.

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For alternate format information, contact the Forms
Management Unit at (916) 445-1233, TTY 711, or write to Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814,
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)  
T. Judd Buick  
SIGNATURE  
DATE  
1-23-19

CONTRACTOR'S AUTHORIZATION REPRESENTATIVE PER STANDARD SPECIFICATIONS Section 5-1.16  
REPRESENTATIVE (Print Name)  
Marshall Harmon  
SIGNATURE  
DATE  
01-23-19
September 30, 2020

Our formal request to consider revocation.

To: Trinity County Planning Department Commissioners

Re: Smith Tailings Project No. P-97-32

From: Junction City School Governing Board

Dear Honorable Commissioners,

Thank you for bringing this item forward for discussion. The health and safety of our students and families, and the integrity of the education provided to our students are the top priorities of Junction City School.

In 1997, when Phase II of the Smith Tailings Project was set into motion, there were concerns, but the Governing Board at that time did not object to the reclamation project. They were assured that safety concerns would be mitigated and that the reclamation plan and the conditions of approval set by the Trinity County Planning Department would be followed and enforced. Unfortunately, the reclamation plan and conditions of approval were not followed over the years, and our concerns for the safety of our students have grown as the illegitimate activities of the project have increased.

The original project description, which is still the current permitted plan, was written and approved to gradually remove dredger tailings that would result, with reclamation, in rehabilitation of the land to a state that is closer to what had existed prior to disturbance from past mining. However, that has not been the case, as over 500,000 cubic yards of material have been added to the project site. Equipment has been brought in and activities have taken place that are expressly prohibited by the current permit such as gravel washing, rock crushing and creating bone piles of unused equipment.

In 2017, the project operated 24 hours a day for months, subjecting our community to constant truck traffic, dust and noise during the day, and flood lights and the beeping and rumbling of trucks dumping rocks and debris all night long. The amount of trucks passing the school during the day were so numerous they could not be counted. At times, this created traffic jams that completely clogged the only ingress and egress for hundreds of residents. What was supposed to be a reclamation project had become a full-blown commercial enterprise that is not safe or appropriate to have next to a school or in a residential neighborhood.
In June of 2018, when the Associate Planner of the Trinity County Planning Department solicited our school for comments regarding an amendment to the existing use permit, we responded with the attached letter of opposition to the amendment because of road traffic, safety, health concerns, and noise. Unfortunately, none of those concerns were addressed, and have only become intensified over the last two years. Community members, school staff, parents, and other stakeholders have made numerous complaints directly to the company and formal complaints have been filed with the Planning Department, yet the violations persist.

The newest application to amend the use permit for the Smith Tailings Project includes a request to dramatically increase the amount of truck traffic along Red Hill Road, with 3 trucks running 24 round trips per day, and it would allow customers to come onto the site to get material. This would give permission for at least 144 trucks to pass our school each day. This new proposal represents an increase in truck traffic by 78% from the original plan. Not only will the noise be a constant interruption, which will impede the education of our students, the additional truck traffic on our narrow residential road will magnify the safety concern for our students and community.

The recent application for amendment also acknowledges that many of the activities they are now seeking permission for have been going on illicitly for years. This is of great concern because they blatantly chose not to follow the conditions of their original use permit. It is our opinion that because of this, not only should they not be able to amend their current use permit, we believe they should lose the privilege to continue to operate at all.

For all the reasons listed above, including the concerns in the attached letter submitted to the Planning Department in 2018, the Junction City School Governing Board opposes any amendments to the Smith Tailings Project, and further requests that the Planning Commission place the current permit on the Commission’s next agenda to be considered for revocation. We urge you to make your decision in the best interest in the health and safety of our students and community. Thank you for your time and consideration.

Respectfully submitted on behalf of the Junction City School Governing Board,

Christine Camara
Superintendent
Junction City School
TRINITY COUNTY PLANNING COMMISSION STAFF REPORT
SMITH PIT TAILINGS MINE

Amended

DATE PUBLISHED: October 6, 2020

PLANNER: Kim Hunter, Director

PROPERTY OWNER/OPERATOR: Trinity Sand and Gravel/Judson Buick

CONSULTANT/AGENT: Vestra Resources, Inc.

LOCATION: Junction City (APN: 012-120-62, 012-120-63 and 012-120-64)

APPROX. ACREAGE: 7.85 and 43.59

GENERAL PLAN DESIGNATION: Rural Residential (RR) and Open Space (OS)

ZONING DISTRICT: Rural Residential 2.5 Acre Min (RR2.5) and Open Space (OS)

OVERLAY ZONE: Flood Hazard (FH) – Floodway and 100-Year Floodplain

STAFF RECOMMENDATION: This is a non-action discussion item. Staff recommends that the Planning Commission provide direction to staff.

ADJACENT LAND USE AND ZONING INFORMATION:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>BLM</td>
<td>OS</td>
<td>RE</td>
</tr>
<tr>
<td>South</td>
<td>Residential/Undeveloped</td>
<td>RR10</td>
<td>RR</td>
</tr>
<tr>
<td>East</td>
<td>Residential/BLM</td>
<td>RR5/OS</td>
<td>RR/RE</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>RR2.5</td>
<td>RR</td>
</tr>
</tbody>
</table>

BACKGROUND: Ongoing complaints have been received in the past years (2018, 2019, and 2020) and continue to be received regarding the Smith Pit Tailings operation which is a County approved mining operation associated with Conditional Use Permit (CUP) and Reclamation Plan P-97-32.

2019/2020 DATES:

- January 28, 2019: Planning staff, Environmental Health staff, DOT staff were present at the site with representative Vestra Resources and Smith Pit Tailing operators (Buick, Robison, and Jurin).
- **September 30, 2019**: Planning staff met with the mining operators (Judd Buick and Clint Robison) at the Planning Department to discuss the proposed projects amendments and existing site conditions.
- **October 25, 2019**: Planning staff were present with representative Vestra Resources and the current and past mine operators (Judd Buick and Clint Robison).
- **January 21, 2020**: Director Hunter visited the site after complaints were received about a rock crusher being onsite and operations occurring prior to 7 a.m. A rock crusher was not found to be onsite.
- **January 31, 2020**: Planning staff investigated complaints regarding the mining operation working outside the required hours of operation set forth in the use permit.
- **March 9, 2020**: Director Hunter and Associate Planner Hedtke attend a community meeting for the Smith Pit Tailings mine in Junction City to answer specific questions about the Conditional Use Permit, Surface Mine and Reclamation Act and the proposed
- **June 16, 2020**: Director Hunter and Deputy Director Lisa Lozier drove by the site and counted truck traffic at Junction City Elementary School after complaints were received that the mining operation working outside the required hours of operation set forth in the use permit and the high volume of truck traffic on Red Hill Road.
- **June 22, 2020**: Planning staff confirmed with photos and by the operator that a rock crusher was temporarily at the site after reports were received from residents in the area. The operator, Mr. Buick, stated that it had only been onsite for the weekend to be weighed on the scale and for maintenance. Director Hunter advised Mr. Buick that the maintenance of equipment, except in emergency situations, is not permitted per Condition 12 of the Conditional Use Permit and that the rock crusher should not be on the site.
- **July 13, 2020**: Planning and CDFW staff conducted a site visit for the proposed amendments CEQA document preparation relating to project P-18-11 and to determine the location of the riparian setbacks in relation to the location of the slide material and mining activities.
- **Various Dates**: Director Hunter drove by the site numerous times on weekends after being contacted by nearby residents that the site was open and operating on weekends. No activity was noted during these visits.

**DISCUSSION:**

**Ongoing Complaints**

During the last few years (since 2017), many ongoing complaints have been received regarding the operations of the Smith Pit Tailings operation. During the last year the complaints received have generally focused on the following issues:

- **Noise**: Ongoing equipment noise and vibrations.
- **Hours of Operation**: Mining operation occurring outside of hours permitted by the CUP (Condition of Approval #5). Complaints have been received about mining and trucking activity prior to 7:00 a.m., during the morning when school start, in the afternoon when school is ending, on weekends and holidays.
- **Traffic**: Truck traffic impacts on Red Hill Road including the high volume of truck traffic at times and high speeds. This has especially been an ongoing concern regarding Junction City Elementary School.
- **Air Quality**: Dust and concerns about air quality relating to slide material being transported that was brought onto the site.
Importation of Slide Material
Approximately 500,000 cubic yards of slide material was imported by CalTrans to the Smith Pit Tailings site under an emergency declaration due to the French Creek Slide in the Winter of 2017. At the time State Highway 299 was blocked and there was an immediate need to clear the high priority route. Limited areas exist within the region that can take slide material. At the time the Smith Tailings Pit was identified as a site where the slide material could be stockpiled during the emergency closure of State Highway 299.

CUP and Reclamation Plan Amendment (P-18-11)
An application to amend the CUP and Reclamation Plan was received on April 30, 2018. The proposed amendments include the following:

- Add a rock crusher for permitted equipment to be onsite;
- Add the existing truck scale as a permitted use;
- Amend mining area boundaries to include the CalTrans slide material stockpile area;
- Add provisions to allow the use of lighting onsite

Currently, the application for the proposed amendments is in process. Further studies have been required to complete the environmental analysis for the California Environmental Quality Act (CEQA).

Options for the Planning Commission to Modify or Revoke CUP P-97-32
Trinity County Code Section 17.32.070 (Modification or revocation of a use permit) provides options for the Planning Commission to consider. A use permit may be modified or revoked under the following circumstances:

A. Modification at Request of Property Owner. The owner of property which is the subject of a use permit may apply for a modification to said permit in the manner prescribed by Section 17.32.030 of this chapter for the application for a use permit. In considering a modification to an existing use permit the planning commission shall apply the standards set forth in Section 17.32.010 of this chapter for the issuance of a use permit. When granting a modification to a use permit, the Planning Commission may impose such additional conditions as may be required to mitigate any deleterious effect of the modification.

B. Planning Director May Set Hearing on Revocation or Modification of Permit. When in the discretion of the planning director a use permitted by a use permit is being conducted in a manner detrimental to the public health, safety or general welfare, or in such a manner as to constitute a public nuisance, or in violation of any condition imposed by the planning commission on the use, or if conditions specified in the permit as limiting the duration of the permit have occurred, the planning director shall set a hearing before the planning commission to consider revocation or modification of the use permit. Notice of any hearing so set shall be given in the manner prescribed in Chapter 17.34, and in addition thereto notice shall be given to the owner of the property upon which the use is conducted, and to the person in possession of said property if other than the owner, which shall include a specific statement of the conditions which are deemed to constitute a detriment to the public health, safety or welfare or which constitutes a public nuisance, or which are in violation of conditions imposed by the planning commission on the use.

C. 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. If the planning commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the use permit, it may make such modifications in lieu of revocation.

PUBLIC COMMENTS: As of the date of this staff report, staff has received a number of public comment letters and emails which can be found in Attachment 6. The administrative record contains a large number of complaints received over the last few years. Due to the high volume of complaints received, not all have been added to this staff report as an attachment. Attachment 5 summarizes complaints received in 2019-2020 as of June 21, 2020.

ATTACHMENTS:

1. Conditional Use Permit (P-97-32) and Reclamation Plan (1997)
2. Zoning Map
3. General Plan Map
4. Project Narrative for Current CUP/Reclamation Plan Amendment Application P-18-11
5. Complaint Spreadsheet (2019-2020 Received as of June 21, 2020)
6. Public Comments Received for this Item as of 10.2.2020

All complaints should be included. The summary does not give details that demonstrate violations to permit.
<table>
<thead>
<tr>
<th>Date Received</th>
<th>Shift Description</th>
<th>Form of Complaint</th>
<th>Noise Traffic</th>
<th>Sound Hours of Operation</th>
<th>School Impacts</th>
<th>Track Speed</th>
<th>Safety</th>
<th>Other (Explain)</th>
<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>April 9th 2020</td>
<td>Rock Crusher running at night</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>2 of the exact same complaints within 2 minutes/same Person</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>April 27th 2020</td>
<td>Rock Crusher running on weekend</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>4 of the exact same complaints within a couple minutes of each other/same Person</td>
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<tr>
<td>April 20th 2020</td>
<td>Many trucks driving in front of school/violating CUP</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP/Complaints made 2 complaints on same day</td>
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<td>April 25th 2020</td>
<td>Rock Crusher</td>
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<td>*</td>
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<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
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<td>*</td>
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<tr>
<td>March 1st 2020</td>
<td>Loud Noise</td>
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<td>March 20th 2020</td>
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<td>*</td>
<td>*</td>
<td>4 at the same complaints by same person</td>
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<td>at home very quiet</td>
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<td>Non Complaint Violating rules, stuck at home due to COVID and have to listen to them working</td>
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<td>March 2nd 2020</td>
<td>Working early</td>
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<td>Working before permitted hours/2 complaints</td>
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<tr>
<td>February 28th 2020</td>
<td>Multiple Complaints</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Controversial Dust 5 Complaints in some day. Feel like they need to move/contaminating school and river with dust</td>
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<tr>
<td>January 15th 2020</td>
<td>Operating outside hours from one permit</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP 5 Complaints/bothering the neighborhood</td>
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<tr>
<td>January 4th 2020</td>
<td>Excessive Noise</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
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<tr>
<td>January 2nd 2020</td>
<td>Violating Rules</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP/Complaints 7 Complaints/Ruining a neighborhood, worried about contaminants</td>
<td></td>
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<tr>
<td>June 20th-21st 2020</td>
<td>Traffic</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>20 of 40 complaint - same persononald correspondence to traffic throughout the day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>March 28th-29th 2020</td>
<td>Traffic</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Truck drivers driving too fast in the school near early in the morning</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>January 24th 2020</td>
<td>Violating CUP</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP - community doesn’t want CUP amendment</td>
<td></td>
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<tr>
<td>February 12th-20th 2020</td>
<td>Violating CUP</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Operating outside of CUP hours, driving by during pick up and drop off of students</td>
<td></td>
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</tr>
<tr>
<td>February 25th 2020</td>
<td>Traffic/Speed</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Operating outside CUP hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 21st 2020</td>
<td>Violating CUP</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Operating outside CUP hours</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 17th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>2 Complaints/Rock crusher runs all night</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>June 15th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>3 Complaints/Rock crusher running all night</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 14th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>4 Complaints/Rock crusher running all night/Notting Lower</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 10th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>4 Complaints/Rock crusher running all night/Notting Lower</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 9th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>5 Complaints/Rock crusher running all night</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>June 8th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>6 Complaints/Rock crusher running all night</td>
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<td></td>
</tr>
<tr>
<td>June 7th 2020</td>
<td>Road Noise</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>2 Complaints/food printing noise all night</td>
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</tr>
<tr>
<td>June 6th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>3 Complaints/rock crusher runs at night</td>
<td></td>
<td></td>
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<tr>
<td>May 19th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>4 Complaints/rock crusher running all night</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>May 18th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>5 Complaints/food Grindind Noise</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>May 16th-17th 2020</td>
<td>Loud Grindind Noise</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Loud Grindind Noise/Neighbors ready to go to court</td>
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<tr>
<td>May 9th-10th 2020</td>
<td>Operating outside of hours</td>
<td>Code Complaint Form</td>
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<td>*</td>
<td>*</td>
<td>4 Complaints/Not covering truck loud/sounding outside of hours</td>
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<td>May 3rd 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
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<td>*</td>
<td>*</td>
<td>2 Complaints/running truck all night</td>
<td></td>
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<tr>
<td>April 20th 2020</td>
<td>Rock Crusher</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>3 Complaints/running truck all night</td>
<td></td>
<td></td>
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<tr>
<td>May 14th 2020</td>
<td>Loud Fab</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
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<td></td>
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</tr>
<tr>
<td>May 10th 2020</td>
<td>Multiple Complaints</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>February 27th</td>
<td>Multiple Complaints</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 22nd</td>
<td>Multiple Complaints</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Violating CUP</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>January 9th 2020</td>
<td>Operating Hours</td>
<td>Code Complaint Form</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Every morning there is a line of trucks waiting</td>
<td></td>
<td></td>
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<tr>
<td>June 18th 2020</td>
<td>Traffic</td>
<td>Small Correspondence</td>
<td>*</td>
<td>*</td>
<td>*</td>
<td>Lots of Truck Traffic and Speeding in front of St School</td>
<td></td>
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</tr>
<tr>
<td>June 2nd 2020</td>
<td>Multiple Complaints</td>
<td>Small Correspondence</td>
<td>*</td>
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Noise Study Request
Smith Tailings Operation (CA Mine ID #: 91-53-0015)

Background
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 operator submitted an application for an amendment to the existing Conditional Use Permit and Reclamation Plan (P-97-32) for the Smith Tailings Operation in 2018 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.

Prior to submittal of the application for a Conditional Use Permit and Reclamation Plan Amendment (P-18-011), the operator made several modifications to the Smith Tailings Operation that were not specifically authorized by the existing Conditional Use Permit (P-97-32). This includes, but is 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.

Information about the existing and proposed noise levels from the operation was provided in the revised application submittal (dated April 12, 2019) for the Conditional Use Permit Amendment (P-18-011). It has been determined that the information provided cannot be relied upon to provide an accurate representation of existing noise levels generated by the modifications to the Smith Tailings Operation.

The County of Trinity has received several noise complaints recently about activity at the Smith Tailings Operation. These complaints were received when the rock crusher was not operating at the site. Due to the complaints received, the County requests that a Noise Study be completed by a qualified professional to determine whether the modified operations (excluding the rock crusher) comply with the noise standards in the County General Plan Noise Element. This is necessary to ensure that nearby sensitive land uses (i.e., residential land uses and Junction City School) are not being impacted by
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

Sound Study 10-19-20
- Monitor set up at school at 7:40 am, after the sound test began.
- Wash plant broke down at 9:00, study ended.
- No truck traffic went past the school, no measurement of trucks or jake breaks.
- No crusher on site to measure.
- Monitor taken down and removed from school at 11:05 am.

What did they measure? Nothing.
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. These are the 2 sources of most complaints and they were not measured.

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.
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

430 Red Hill Road  Junction City, CA  96048  Phone (530) 623-6381  Fax (530) 623-5652
TRINITY COUNTY PLANNING COMMISSION STAFF REPORT
SMITH PIT II TAILINGS PROJECT P-97-32

STAFF:
- Kim Hunter, Planning Director
- David Colbeck, Senior Environmental Compliance Specialist (DOT)
- Bella Hedtke, Associate Planner

PROPERTY OWNER/OPERATOR: Trinity Sand and Gravel/Judson Buick

CONSULTANT/AGENT: Vestra Resources, Inc.


Note: The original parcel that was permitted was subdivided in 2008 and the former APNs were 12-120-42 & 49

APPROX. ACREAGE: 10.30, 7.85 and 43.59

GENERAL PLAN DESIGNATION: Rural Residential (RR) and Open Space (OS)

ZONING DISTRICT: Rural Residential 2.5 Acre Min (RR2.5) and Open Space (OS)

OVERLAY ZONE: Flood Hazard (FH) – Floodway and 100-Year Floodplain

ADJACENT LAND USE AND ZONING INFORMATION (Attachment 1 and 2):

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>General Plan Designation</th>
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<tbody>
<tr>
<td>North</td>
<td>BLM</td>
<td>OS</td>
<td>RE</td>
</tr>
<tr>
<td>South</td>
<td>Residential/Undeveloped</td>
<td>RR10</td>
<td>RR</td>
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<tr>
<td>East</td>
<td>Residential/BLM</td>
<td>RR5/OS</td>
<td>RR/RE</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>RR2.5</td>
<td>RR</td>
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</table>

STAFF RECOMMENDATION:
Staff recommends that the Commission:
1. Receive a staff report;
2. Hold a public hearing to receive public comment;
3. Provide direction to Planning Staff; and
4. Move to continue this item to the May 13th, 2021 Planning Commission meeting in order to:
   a. Allow Planning staff adequate time to verify compliance status with all conditions.
   b. Present any findings of the Surface Mining and Reclamation Act (SMARA) site inspection scheduled for April 6th, 2021; AND
   c. Allow Planning staff adequate time to compile the modified conditions for the Commission’s consideration on May 13th.
BACKGROUND:

Importation of Slide Material
Approximately 500,000 cubic yards of slide material was imported by CalTrans to the Smith Pit Tailings site under an emergency declaration due to the French Creek Slide in the Winter of 2017. At the time State Highway 299 was blocked and there was an immediate need to clear the high priority route. Limited areas exist within the region that can receive slide material. At the time, the Smith Tailings Pit was identified as a site where the slide material could be stockpiled during the emergency closure of State Highway 299.

Surface Mining and Reclamation Act (SMARA)
The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition.

Condition Use Permit, Flood Development Permit and Reclamation Plan P-97-32
The approved CUP and Reclamation Plan were approved in November of 1997 (Attachments 3 & 4). An amendment application request was received late April 2018 which proposes additional onsite processing equipment (rock crusher and gravel washing) and an existing truck scale. The amendment proposal also includes the addition to a modification of the boundaries of the mining area where the 500,000 cubic yards of slide material is stockpiled at the southeast portion of the mining site.

Ongoing complaints have been, and continue to be, received since 2017 for the Smith Pit II Tailings Project which is an and existing sand and gravel mining operation. This is a County approved mining operation associated with Conditional Use Permit (CUP), Flood Development Permit and Reclamation Plan P-97-32. Based on direction received by the Planning Commission in October 9, 2020, this matter has been placed on the agenda for potential modification or revocation of the CUP.

Planning Staff has monitored and visited the site but has not issued any formal violation notices. The SMARA program is currently administered by the Department of Transportation. A SMARA mine inspection on the site is scheduled for compliance with SMARA is scheduled for April 8, 2021.

The following timeline summarizes events from January 2019 to October 2021:

2019/2020/2021 Timeline:
- January 28, 2019: Planning staff, Environmental Health staff, DOT staff were present at the site with representative Vestra Resources and Smith Pit Tailings operators (Buick, Robison, and Jurin).
- September 30, 2019: Planning staff met with the mining operators (Judd Buick and Clint Robison) at the Planning Department to discuss the proposed projects amendments and existing site conditions.
- October 25, 2019: Planning staff were present with representative Vestra Resources and the current and past mine operators (Judd Buick and Clint Robison).
- January 21, 2020: Director Hunter visited the site after complaints were received about a rock crusher being onsite and operations occurring prior to 7 a.m. A rock crusher was not found to be onsite.
- **January 31, 2020**: Planning staff investigated complaints regarding the mining operation working outside the required hours of operation set forth in the use permit and observed Trinity Sand and Gravel trucks passing by the Junction City Elementary School during the restricted morning drop off period and afternoon pick-up period. Staff also observed dust escaping from the trucks that were carrying material from the mining site.

- **March 9, 2020**: Director Hunter and Associate Planner Hedtke attend a community meeting for the Smith Pit Tailings mine in Junction City to answer specific questions about the Conditional Use Permit, Surface Mine and Reclamation Act and the proposed

- **June 16, 2020**: Director Hunter and Deputy Director Lisa Lozier drove by the site and counted truck traffic at Junction City Elementary School after complaints were received that the mining operation was working outside the required the hours of operation set forth in the use permit and the high volume of truck traffic on Red Hill Road.

- **June 22, 2020**: Planning staff confirmed with photos and by the operator that a rock crusher was temporarily at the site after reports were received from residents in the area. The operator, Mr. Buick, stated that it had only been onsite for the weekend to be weighed on the scale and for maintenance. Director Hunter advised Mr. Buick that the maintenance of equipment, except in emergency situations, is not permitted per Condition 12 of the Conditional Use Permit and that the rock crusher should not be on the site.

- **July 13, 2020**: Planning and CDFW staff conducted a site visit for the proposed amendments CEQA document preparation relating to project P-18-11 and to determine the location of the riparian setbacks in relation to the location of the slide material and mining activities.

- **Various Dates**: Director Hunter drove by the site numerous times on weekends after being contacted by nearby residents that the site was open and operating on weekends. No activity was noted during these visits.

- **August 13, 2020**: The Planning Commission directed staff to agendized the Smith Pit Tailings mining operation on the next reasonable meeting for discussion.

- **October 8, 2020**: The Planning Commission moved to put Conditional Use Permit and Reclamation Plan (P-97-32) located in the Junction City area off of Red Hill Road (Assessor's Parcel Numbers 12-120-42 & 49) on the agenda for modification or revocation of the Conditional Use Permit for the Smith Pit Mining Operation at the soonest possible meeting.

- **October 15, 2020**: After receiving complaints on Friday, October 9th, 2020 and Wednesday October 14th, 2020 regarding trucks operating during the restricted time periods, Trinity County Planning Department staff was instructed to observe truck traffic on Red Hill Road in Junction City to verify the Smith Pit Mining Operation was compliant with Condition #5 of P-97-32's Conditions of Approval list. Staff observed truck traffic to and from the Smith Pit Mine during the restricted drop off time period.

**COMPLAINTS:**

Since 2017, copious amounts of complaints have been received regarding the operations of the Smith Pit Tailings mining operation. The Reclamation Plan and Conditional Use Permit associated with this site are listed as Attachments 3 and 4. The most recent complaints received (January 2, 2020 to March 18, 2021) have been attached and categorized into the following most prevalent issues (Attachment 5):

- **Noise**: Complaints that mention high levels of noise and vibrations from equipment.
- **Traffic**: Complaints that mention high frequencies of trucks on Red Hill Road.
- **Dust/Flying Debris**: Complaints that mention dust and materials flying from trucks on Red Hill Road.
- **Hours of Operation:** Complaints that mention mining operations occurring outside of the permitted hours of the CUP (Condition of Approval #5). Complaints have been received about mining and trucking activity prior to 7:00 a.m., after 6:00 p.m., during the morning when school starts, in the afternoon when school is ending, on weekends and holidays.

- **School Impacts:** Complaints regarding concerns for impacts on the Junction City Elementary School. These complaints are usually in regards to truck crossing times, speed, frequency and dust.

- **Truck Speed:** Complaints regarding concerns for excessive truck speeds.

- **Safety:** Complaints that mention general safety concerns or explicit mention of feeling unsafe.

- **Equipment:** Complaints that mention the use of unauthorized equipment (i.e., rock crusher, wash plant, excavator).

Of the eight categories listed above, the level of prevalence is listed as (1 being most prevalent):

1. Hours of Operation
2. Noise
3. Traffic
4. Equipment
5. School Impacts
6. Safety
7. Truck Speed
8. Dust/Flying Debris

**Conditional Use Permit Compliance:**
A use permit is ultimately enforced through the modification and revocation code section of Trinity County Code (17.32.070). After receiving numerous complaints, at the October 8th, 2020 Planning Commission meeting, the Planning Commission moved to put Conditional Use Permit and Reclamation Plan (P-97-32) on the agenda for modification or revocation.

**Use Permit Modification vs. Use Permit Amendment**
While a Use Permit Amendment has been submitted for this mining operation (P-18-11), today’s discussion is to allow the Planning Commission to decide whether the original use permit (P-97-32) should be modified or revoked, given complaints that have been received since 2017 from the surrounding Junction City community. The use permit amendment (P-18-11) is currently still pending, as further studies are required to complete the environmental analysis for the California Environmental Quality Act (CEQA).

**Use Permit Revocation vs. Use Permit Modification**
The authority for the Planning Commission to Revoke or Modify a Use Permit is outlined in Trinity County Code Section 17.32.070.C. (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. If the planning commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the use permit, it may make such modifications in lieu of revocation.
Revocation:
If this use permit were to be revoked by the Planning Commission the existing Reclamation Plan will be implemented. The designated end use for the Smith Pit operation is Open Space Corridor. A total of 9 acres to be reclaimed. If the Reclamation work does not proceed, the existing Financial Assurance will be forfeited to the County.

Modification:
In lieu of revocation, detrimental aspects of the use which exist may be alleviated through a modification to the use permit. Based on the general nature of complaints received by the Planning Department thus far, staff has drafted some modified conditions below. Staff encourages the Planning Commission to adjust these modifications as they see necessary.

Modified Conditions for Discussion:
Language that has been removed is notated with strikethrough and language that has been added/modified is underlined.

Condition #5:
Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on legal holidays. Per 5 U.S. Code § 6103 (Holidays), the following are legal holidays and will be enforced as such in this use permit condition:
1. New Year’s Day, January 1.
2. Birthday of Martin Luther King Jr., the third Monday in January.
3. Washington’s Birthday, the third Monday in February.
4. Memorial Day, the last Monday in May.
7. Columbus Day, the second Monday in October.
8. Veterans Day, November 11.
9. Thanksgiving Day, the fourth Thursday in November.

Mechanical screening activity, if it occurs, shall cease by 4:00 p.m. each business day. 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). Commercial trucks shall not drive past the Junction City Elementary School during the following time periods:

a. #:#am to #:#pm and #:#pm-#:#pm on Mondays-Thursdays
b. #:#am to #:#pm and #:#pm-#:#pm on Fridays

Discussion - Staff recommends that specific times be noted in a modified language for condition #5 when material hauling and truck traffic associated with the mining operation is prohibited. The current language is ambiguous which has been problematic for interpretation. If the intent of this condition is to limit truck traffic when students are coming to the school grounds, then these times would be more conservative include the Morning and After School Program times. Currently, it is unclear what is considered the “start” and “end” to school. (Attachment 7)

- Monday – Friday a.m.: Morning Program starts at 7:30am and school starts at 8:30am.
• Monday – Thursday p.m.: School ends at 3:00pm and the After School Program ends at 6:00pm.
• Friday p.m.: School ends at 2pm and the After School Program ends at 6:00pm.

Additionally, it could be beneficial to establish that the prohibition in material hauling would, or would not, apply when school is in session during the summer and breaks. While school may not be in session, some student instruction and programs continue when school is not formally in session.

Condition #7:
The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from leaving the property. All trucks hauling material to or from mining operation must be covered or dampened.

Condition #17 (New):
Staff recommends consideration of an additional condition, Condition #17, that outlines clear parameters for compliance and enforcement of the use permit conditions:

Code Enforcement:

a. Upon receiving a complaint, the County staff will perform the following within 48 hours:
   i. Confirm receipt of complaint. Complaints will remain anonymous.
   ii. Observe site to verify complaint content as much as reasonably possible.

b. The Operator will be responsible for paying the County staff hourly rate if complaint is verified to be accurate.

c. If the mining operation is verified to have not complied with Use Permit Conditions

In addition to, or instead of, adding a 17th Condition, the Commission may wish to consider encouraging staff to draft an Enforcement Agreement. An Enforcement Agreement is used in other jurisdictions to set forth a timeline of specific compliance measures and disciplinary actions if those compliance measures are not met that the operator agrees to in lieu of revocation.

PUBLIC COMMENTS: As of the date of this staff report, staff has received four public comments specifically for this agenda item (Attachment 6). However, numerous comments and complaints have been received through the code violation process have been received as reflected in Attachment 5.

ATTACHMENTS:

1. Zoning Map
2. General Plan Designation Map
3. Reclamation Plan (1997)
4. Conditional Use Permit (P-97-32)
5. Complaints Received January 2, 2020 to March 18, 2021
6. Public Comments Received for this Item as of March 19, 2021
7. Email Correspondence October 14, 2020

Once again, only a summary of the complaints were documented & shared publicly. The detailed complaints demonstrate the violations of the use permit.
<table>
<thead>
<tr>
<th>Received</th>
<th>Brief Description</th>
<th>Form</th>
<th>Noise</th>
<th>Traffic</th>
<th>Dust/Flying Debris</th>
<th>Hours of Operation</th>
<th>School Impacts</th>
<th>Truck Speed</th>
<th>Safety</th>
<th>Equipment</th>
<th>Notes</th>
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<td>Rock Crusher</td>
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<td>4 Complaints/Rock crusher running all night/Getting Lawyer</td>
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<td>Rock Crusher</td>
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<td>3 Complaints/Rock crusher running all night</td>
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<td>6/17/2020</td>
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<td>Online Form</td>
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<td>4 Complaints/Rock crusher runs all night</td>
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<td>6/18/2020</td>
<td>Traffic</td>
<td>Email</td>
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<td>Let's us Truck Traffic and Speeding in front of JC School</td>
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<td>Traffic</td>
<td>Email</td>
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<td>Same person Email on traffic throughout the day</td>
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<td>Violating CUP</td>
<td>Email</td>
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<td>Operating outside CUP hours</td>
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<td>Rock crusher at night</td>
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<td>4 repeated complaints from one individual</td>
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<td>7/30/2020</td>
<td>Rock crusher at night</td>
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<td>2 repeated complaints from one individual</td>
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<td>8/3/2020</td>
<td>Rock crusher at night</td>
<td>Online Form</td>
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<td>8/5/2020</td>
<td>Rock crusher at night</td>
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<td>2 repeated complaints from one individual</td>
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<td>3/8/2020</td>
<td>Unauth Ept/polluted water</td>
<td>Online Form</td>
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<td>3/9/2020</td>
<td>Rock crusher at night</td>
<td>Online Form</td>
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<td>3 repeated complaints from one individual</td>
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<td>3/12/2020</td>
<td>Rock crusher at night</td>
<td>Online Form</td>
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<td>4 repeated complaints from one individual</td>
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<td>8/14/2020</td>
<td>Rumbling vibration/noise at night</td>
<td>Online Form</td>
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<td>3 repeated complaints from one individual</td>
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<tr>
<td>8/21/2020</td>
<td>Working Sunday/Noise (in April)</td>
<td>Online Form</td>
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<td>4 repeated complaints from one individual</td>
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<td>8/21/2020</td>
<td>Working before 6:30am/Moving Unauthorized Ept (in April)</td>
<td>Online Form</td>
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<td>2 repeated complaints from one individual</td>
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<td>8/21/2020</td>
<td>Working before 6:30am/after 6pm/speed/rock crusher (in April)</td>
<td>Online Form</td>
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<td>2 repeated complaints from one individual</td>
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<td>8/21/2020</td>
<td>Working Saturday/speed/excessive trucks (in April)</td>
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<td>2 repeated complaints from one individual</td>
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<td>8/21/2020</td>
<td>Excessive trucks/bringing in material/dust (in April)</td>
<td>Online Form</td>
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<td>2 repeated complaints from one individual</td>
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<td>Excessive trucks/unauth ept/working after 7:30pm/dust (in April)</td>
<td>Online Form</td>
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<tr>
<td>8/21/2020</td>
<td>Working on Sunday/early am/every weekend all April</td>
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<td>8/21/2020</td>
<td>42 uncovered trucks/work early am/dust (In April)</td>
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<tr>
<td>8/21/2020</td>
<td>Trucks passing school during drop off times/speeding</td>
<td>Online</td>
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<td>8/21/2020</td>
<td>Rock crusher at night</td>
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<td>8/21/2020</td>
<td>Trucks passing school during drop off/pick up times</td>
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<td>9/2/2020</td>
<td>Trucks over line/speeding/debris flying</td>
<td>Online</td>
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<td>10/2/2020</td>
<td>Passing by School During Restricted Hours/jake Brakes</td>
<td>Online</td>
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<td>10/3/2020</td>
<td>Rock Crusher @ night</td>
<td>Online</td>
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<tr>
<td>10/5/2020</td>
<td>Passing by School During Restricted Hours/jake Brakes</td>
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<td>10/10/2020</td>
<td>Working after 8pm on Oct 9th</td>
<td>Online</td>
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<td>10/10/2020</td>
<td>Working on weekend</td>
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<td>10/10/2020</td>
<td>Rock crusher at night</td>
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<td>10/12/2020</td>
<td>low vibration at night</td>
<td>Online</td>
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<td>10/12/2020</td>
<td>equipment running on weekend</td>
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<td>Working after 5pm on Oct 9th (after PC Meeting)</td>
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<td>10/14/2020</td>
<td>low vibration at night</td>
<td>Online</td>
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<td>10/20/2020</td>
<td>low vibration at night</td>
<td>Online</td>
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<td>10/21/2020</td>
<td>Ept running at night</td>
<td>Online</td>
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<tr>
<td>10/21/2020</td>
<td>Jake brakes in use past school</td>
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<tr>
<td>10/28/2020</td>
<td>Equipment running at night</td>
<td>Online</td>
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<tr>
<td>10/30/2020</td>
<td>Equipment running at night (night/weekends)</td>
<td>Online</td>
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<tr>
<td>11/2/2020</td>
<td>Trucks driving unsafe speed on Red Hill before 7am</td>
<td>Online</td>
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13 repeated complaints from one individual
3 repeated complaints from one individual
14 repeated complaints from one individual
4 repeated complaints from one individual
16 repeated complaints from one individual
2 repeated complaints from one individual
11 repeated complaints from one individual
2 repeated complaints from one individual
2 repeated complaints from one individual
10 repeated complaints from one individual
2 repeated complaints from one individual
2 repeated complaints from one individual
20 repeated complaints from one individual
3 repeated complaints from one individual
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<th>Date</th>
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<th>Notes</th>
<th>Total in Each Category</th>
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<tr>
<td>11/5/2020</td>
<td>Rock crusher at night and on weekends</td>
<td>Online Form</td>
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<tr>
<td>11/11/2020</td>
<td>Working on Veteran’s Day</td>
<td>Online Form</td>
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<tr>
<td>1/21/2021</td>
<td>Increase in traffic/jake brake/during pick up</td>
<td>Online Form</td>
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<td>2/20/2021</td>
<td>Worked on Jan 18 (Holiday)/excavator on site</td>
<td>Online Form</td>
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<td>3/1/2021</td>
<td>Working on Sunday (Feb 28), video submitted</td>
<td>Online Form</td>
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<tr>
<td>3/15/2021</td>
<td>Loud, jake brake use (about Oct 12, 2020)</td>
<td>Online Form</td>
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<td>11</td>
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<tr>
<td>3/15/2021</td>
<td>Loud, nuisance, before 7am, hear it inside house (abt Oc 29)</td>
<td>Online Form</td>
<td>*</td>
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<td>19</td>
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<tr>
<td>3/17/2021</td>
<td>Wash Plant and Excavator in use on site</td>
<td>Online Form</td>
<td>*</td>
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<td>11 repeated complaints from one individual</td>
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TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
April 8, 2021 At 6:00 p.m.
Trinity County Library Conference Room

Chairman Diana Stewart
Vice-Chairman Duncan McIntosh
Commissioner Mike McHugh
Commissioner William Sharp
Commissioner Todd Heaton

AGENDA

NEW MEETING TIME 6:00 P.M.

The Planning Commission Meeting will be conducted virtually via Zoom and members of the public wishing to comment may do so individually in person. There will not be public seating in the meeting room due to COVID-19.

Zoom Information
The Trinity County Planning Commission is inviting you to attend this meeting via Zoom.
Topic: Trinity County Planning Commission Meeting
Time: April 8, 2021 at 6:00 PM Pacific Time (US and Canada)

Zoom Meeting Link: https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09
Meeting ID: 595 007 2851
  o Passcode: 267684
  o One tap mobile
    o +1 669 900 9128,,7338092685# US (San Jose)
    o +1 346 248 7799,,7338092685# US (Houston)

Live Feed: This meeting will also be available via live feed on the internet at: https://www.youtube.com/user/dforslund/featured

NOTE: Limited public access for specific agenda items will be available. If you are interested in attending the meeting for a specific agenda item, contact Planning Department staff for specific attendance information at info.planning@trinitycounty.co or by phone at 530.623.1351 ext. 4.

TO ADDRESS THE COMMISSION: Members of the public may directly address the Planning Commission on any agenda item on the regular calendar during the Commission’s consideration of that item. In addition, the Planning Commission provides the members of the public with a Public Comment period, where the public may address the Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. Pursuant to the Brown Act (Govt. Code Sect. 54950, et seq.), Commission action or discussion cannot be taken on non-agenda matters, but the Commission may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Commission agenda.

PRESENTATION OF DOCUMENTS: All items presented to the Planning Commission during a public hearing, including but not limited to letters, e-mails, petitions, photos, maps, or other kinds of information shall become a permanent part of the record and must be submitted to the clerk of the Commission. It is advised that the presenter create copies in advance for their own records. If you have documents to present for the members of the Planning Commission to review, please provide a minimum of eight (8) copies.
CALL TO ORDER

PUBLIC COMMENT: During the Public Comment period, members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

REGULAR CALENDAR:

1. **APPEAL OF PLANNING DIRECTOR’S DECISION (P-20-43):** An appeal of the Planning Director’s Decision to deny a Commercial Cannabis License renewal application (CCL-046) for 30 Shasta View Lane, Weaverville. Appellant: Mary Killion-Hurst. Licensee: Hurst Family Farms. Assessor Parcel Number 024-680-32-00. (Continued from March 11, 2021)


3. **REQUEST FOR SUBDIVISION MODIFICATION (P-20-48):** A request for post approval modification of two conditions for access for a 3-parcel tentative subdivision map (P-11-22). The project site is located at Van Duzen River Road, Mad River. Applicant: Cameron Holmgren. Assessor Parcel Number 018-210-16-00. Planner: L. Lozier

4. **MODIFICATION / REVOCATION OF CONDITIONAL USE PERMIT (P-97-32):** Consideration of the modification or revocation of the Conditional Use Permit for Smith Pit Tailings Mine as provided by Trinity County Code section 17.32.070(C) as directed by the Planning Commission on October 6, 2020. The Planning Commission may revoke or modify a Condition Use Permit upon a determination that the use is being conducted: 1) in a manner detrimental to the public health, safety or welfare; 2) in a manner which constitutes a public nuisance; or 3) in a violation of any condition imposed by the Planning Commission. Trinity Sand and Gravel is the current operator of the mining operation located at 125 Egan Flat Road, Junction City. Assessor Parcel Numbers: 012-120-62, 63 and 64. Planner: K. Hunter and B. Hedtke. (Continued from March 25, 2021)


6. **PLANNING COMMISSIONER REPORTS**

7. **PLANNING DIRECTOR’S REPORT**

ADJOURN

ALL INTERESTED PARTIES are encouraged and invited to submit written comments regarding a proposed action or be present at the public hearing to be heard regarding the action to being considered. To ensure consideration by the Planning Commission, all written material concerning the proposed project should be submitted to the Trinity
County Planning Department, 61 Airport Road, PO Box 2819, Weaverville, CA 96093. (530) 623-1351, or by email to info.planning@trinitycounty.org, as soon as possible, and no later than three days prior to the hearing. All items presented to the Planning Commission before or during the public hearing become part of the permanent record. Persons wishing to submit comments or appear before the Planning Commission are encouraged to first contact the staff planner listed for the project.

Copies of the applications, environmental documents, all reference documents, and staff reports associated with each project are available for review at the Trinity County Planning Department, 61 Airport Rd, Weaverville, CA. Staff reports will also be available on the Internet at: https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports.

Please note that any challenge of the nature of the proposed action in court may be limited to addressing only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.
MEMORANDUM

DATE: April 3, 2021

TO: Planning Commissioners and members of the public

FROM: Kim Hunter, Director of Planning

SUBJECT: Agenda Item 4 – Modification / Revocation of Conditional Use Permit P-97-32

As requested at the March 25, 2021, Planning Commission meeting, Resolution 2021-05 is attached with findings for revocation of Conditional Use Permit P-97-32 for the Smith Pit Tailings Project Phase II.
RESOLUTION NO. 2021-05

A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
FOR REVOCATION OF CONDITIONAL USE PERMIT P-97-32
(Trinity Sand and Gravel, Smith Pit Tailing Project Phase II)

WHEREAS, pursuant to Trinity County Code Section 17.25A.030(B) a use permit is required in order to conduct mining activities on parcels zoned Open Space; and

WHEREAS, a Conditional Use Permit (Use Permit) and Floodplain Development Permit (Exhibit A), along with a Reclamation Plan, was approved by the Planning Commission on November 13, 1997 to allow mining operations on Phase II of Smith Tailings Project (then identified as APN’s 012-120-42-00 and 012-120-49-00); and

WHEREAS, as a result of a Tentative Parcel Map (P-08-06) the subject parcels are now identified as APN’s 012-120-62, 012-120-63 and 012-120-64; and

WHEREAS, in 2018, Trinity Sand and Gravel became the landowner and mine operator of the Smith Tailings Project mining operation and subject properties; and

WHEREAS, the Trinity County Planning Commission and Planning Department received complaints from the Junction City Community beginning in 2017 which continue to the present time; and

WHEREAS, the Trinity County Planning Department or Department of Transportation has not issued any notices of violation to the Mine Operator within the last three years; and

WHEREAS, the Trinity County Department of Transportation oversees the implementation of the Surface Mine and Reclamation Act (SMARA) program; and

WHEREAS, revocation of a Use Permit does not revoke a Reclamation Plan or alter an existing financial assurance mechanism; and

WHEREAS, with the revocation of a Use Permit P-97-32, slide material located on the parcel will remain in place; and

WHEREAS, a new use permit must be obtained to continue mining operations; and

WHEREAS, pursuant to Section 17.32.060(C) County Code of Ordinances, during the August 13, 2020, Planning Commission meeting, the Planning Commission directed staff to have the Smith Pit Tailings mining operation on the agenda for the next reasonable meeting for discussion; and

WHEREAS, during the October 8, 2020 Planning Commission meeting the Planning Commission gave direction to staff to schedule Use Permit P-97-32 for modification or revocation by the Planning Commission per Trinity County Code Section 17.32.070(C); and

WHEREAS, after due notice of a public hearing in accordance with applicable laws, the matter came before the Planning Commission of the County of Trinity on March 25, 2021; and

WHEREAS, at said hearing, due consideration was given to all oral and written comments regarding the request for modification or revocation the Conditional Use Permit, and the Planning Commission directed
staff to prepare findings for revocation of Use Permit P-97-32 to present at the April 8, 2021, Planning Commission meeting.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity makes the following findings:

1. Pursuant to Section 17.32.060(C) County Code of Ordinances, which includes provisions for the Planning Commission to set a hearing for Modification or Revocation of a Use Permit.

2. The Planning Commission makes the following determinations regarding the Phase II Smith Pit Tailings Mining Operation Commission Issued Use Permit P-97-32:

   A. Given complaints received by Junction City School staff and Junction City residences regarding noise, air quality, hours of operation, disruption of school activities, and general concern with students' and residences' safety and welfare, the Planning Commission has determined that the mining operation has been conducted in a manner that is determinantal to the public health, safety or welfare and constitutes a public nuisance (Exhibit B); and

   B. The Planning Commission determines that this mining operation has been found in violation of Condition #5 after staff investigated complaints submitted by Junction City residents on January 31, 2020 and October 15, 2020 (Exhibit C):

3. The Planning Commission of the County of Trinity hereby adopts Resolution 2021-05 for Revocation of Use Permit P-97-32.

DULY PASSED AND ADOPTED this 8th day of April, 2021 by the Planning Commission of the County of Trinity by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN: 
RECEIVE: 

DIANA STEWART, CHAIRMAN
Planning Commission
County of Trinity, State of California

ATTEST:

By: 
KIMBERLY HUNTER
Secretary of the Planning Commission
EXHIBIT B

TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING • PLANNING • ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 • FAX (530) 623-1353

Kim Hunter, Director

USE PERMIT COMPLIANCE REPORT

DATE: February 3, 2020

TO: Kim Hunter, Director

FROM: Bella Hedike, Associate Planner

SUBJECT: Smith Pit Mining Operation Truck Traffic Observation Report Per Condition #5 of P-97-32

After receiving several complaints from nearby sensitive receptors (residences and the Junction City School District), staff was instructed to observe truck traffic on Red Hill Road in Junction City to verify the Smith Pit Mining Operation was compliant with Condition #5 of P-97-32’s Conditions of Approval list.

Condition #5 of P-97-32 states:

“Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. 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 4:00 p.m. each business day. 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).”

Staff emailed the Principal/Superintendent of Junction City Elementary School, Christine Camara, on Thursday, January 30, 2020 to confirm the time periods when children are coming to and leaving school. Mrs. Camara informed staff that school formally starts at 8:30am and runs until 2:00pm on Fridays, and until 3:00pm Monday-Thursday. Given the specific timeframes notated in Condition #5, no mining activities shall occur prior to 7:00am and material hauling on Red Hill Road shall not occur during the following time periods:

- Between 8:00am and 8:45am
- Between 2:00pm and 2:45pm
Staff observed truck traffic from the Junction City Elementary School parking lot on Friday, January 31, 2020 during the following times and the following conditional use permit violations were observed:

- Between 6:15am to 8:45am
  - Two trucks were seen heading to the Smith Pit Mining Operation site prior to 7:00am
  - One truck was seen heading to the Smith Pit Mining Operation at 8:40am
- Between 2:00pm to 2:45pm
  - Two trucks were seen heading to the Smith Pit Mining Operation
  - One full truck was seen leaving the Smith Pit Mining Operation with a load that littered dust past the school

Staff did not review this mining operation for compliance with all conditions found in P-97-32, but the operator is in violation of Condition #5 for operating before 6am and material hauling on Red Hill Road during the morning and afternoon periods when children are coming to and leaving school.

Hard to believe this was all they had to list as violations.
DATE: October 16, 2020

TO: Kim Hunter, Director

FROM: Bella Hedtke, Associate Planner

SUBJECT: Smith Pit Mining Operation Truck Traffic Observation Report Per Condition #5 of P-97-32

After receiving complaints on Friday, October 9th and Wednesday October 14th regarding trucks operating during the restricted time periods notated in Condition #5 of Conditional Use Permit (P-97-32), Trinity County Planning Department staff was instructed to observe truck traffic on Red Hill Road in Junction City to verify the Smith Pit Mining Operation was compliant with Condition #5 of P-97-32’s Conditions of Approval list.

Condition #5 of P-97-32 states:

“Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. 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 4:00 p.m. each business day. 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).”

Staff confirmed with Junction City Elementary School staff that the school schedule is currently:

- School instruction starts at 8:30am Monday – Thursday
- School dismissal is at 3:00pm Monday – Thursday and 2:00pm Friday

Given the specific timeframes notated in Condition #5, material hauling on Red Hill Road shall not occur during the following time periods:

- 8:00am – 8:45am Monday – Friday
- 3:00pm – 3:45pm Monday – Thursday
- 2:00pm – 2:45pm Friday
Staff observed truck traffic from the Junction City Elementary School parking lot on Thursday, October 16, 2020 from 6:45am to 8:45am and from 3:00pm to 3:45pm.

3:00pm to 3:45pm: Truck traffic was observed during the restricted time period at 3:07pm and 3:24pm. Staff followed the truck to the Smith Pit Mining Operation site to ensure that the truck was associated with the mining operation and a video was taken during 3:07pm and 3:24pm. This constitutes as a violation of Condition #5 as referenced in Conditional Use Permit (P-93-32, Smith Pit Mine Tailings).

Once again, not nearly as many violations documented as there should have been.

We are very concerned about the Planning Department’s ability to enforce use permits.

Attachments:
1. Screenshot of videos with time stamp and location

Who is going to ensure the safety of our students and our community?
May 21, 2021

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

Dear Honorable Supervisors,

The Junction City School Site Council and District Governing Board is urging you to uphold the decision of the Trinity County Planning Commission 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. In 1995, our school community expressed its concerns regarding the project because of safety issues, truck traffic, noise, and dust. The Planning Commission assured our community that there would be conditions of approval to address our concerns.

Over the last couple of decades, the various operators of this reclamation project have violated those conditions and operated outside of the approved permit. Recently, the current owner, Trinity Sand and Gravel, has turned this reclamation project into a for-profit business enterprise with total disregard for the health and safety of the students, staff, and families of our school community.

What is most concerning is that Trinity County has allowed the various business operators at the Smith Pit site to violate the conditions of the use permit for decades. Trinity Sand and Gravel has violated the conditions of the use permit more than any other operator. Despite the countless complaints, there has been no enforcement to ensure that the operators of the Smith Pit were following the conditions of their permit. Although the Planning Department was aware of many of the violations, there were no citations issued. Trinity County has neglected their responsibility to ensure the health and safety of our students.

There have been numerous detailed complaints submitted to the Planning Department from the school and our community, however, only a few of those concerns were formally brought to the attention of the Planning Commission. It became our community’s responsibility to inform the Planning Commission of the various violations. We have voiced our concerns regarding Trinity Sand and Gravel’s operations at the Planning Commission meetings on October 8, 2020, March 25, 2021, and April 8, 2021. Although we were dissatisfied with the Planning Department’s assessment of the operation, we are very pleased with the Planning Commission’s decision to revoke the use permit on April 8, 2021.
Since that decision, our students have noticed the lack of disruption from the trucks. They can now safely ride their bikes and scooters to school. They are finally allowed to walk from school to our local Grange Hall to participate in community-based classes, and they can even walk safely to our local market. The children of our community deserve to move freely about our neighborhood, and they deserve to be safe.

If you overturn the Planning Commission’s decision, you will be allowing dangerous semi-truck traffic along our students’ route to school. You will impede the only route we have to evacuate our students and community in the case of an emergency. You will allow the noise and rumbling of the truck traffic to disrupt our students’ learning, and our community will be exposed to the dust and degraded air quality from the operation.

If you have any concern for the safety and wellbeing of our students and community, you will uphold the decision of the Planning Commission to 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
The following is a sample of the photos taken from my office window at the school. All are dated and timestamped to show violation of condition #5.
Here is a copy of your submission data for your records.

Submitted on Wednesday, November 4, 2020 - 8:52am
Submitted by user: Anonymous
Submitted values are:

APN Number and/or Address of reported Violation: 012-120-64, 012-120-42 Red Hill Road Junction City, Ca
Name of Owner/ Tenant being reported (or enter unknown): Trinity Sand and Gravel
Full Name: Christine Camara/Junction City School
Address: 430 Red Hill Road
Complainant Phone Number / voicemail : 530-623-6381
Email: ccamara@tcok12.org
Please verify email: ccamara@tcok12.org
What Date and time did you observe the violation? : November 4, 2020 8:40am
Date: Wed, 11/04/2020
Time: 8:40 am
Did you observe any weapons, explosives, traps, shafts, dogs/animals, or anything which appears to be a potential hazard or danger to the inspector on the site? A "YES" response requires a brief explanation: No
COMPLAINT (Please explain): Trinity Sand and Gravel drove their semi-truck past the school at 8:40am, a safety hazard for our students coming to school, and a direct violation of their current use permit. This is another demonstration of their blatant disregard for following the conditions of their current use permit, and another reason to revoke their permit. A photograph documenting this will be submitted to Kim Hunter and Bella Hedke at the Planning Department.
Hi Kim and Bella,

I submitted the following complaint online today:

Trinity Sand and Gravel drove their semi-truck past the school at 8:40am, a safety hazard for our students coming to school, and a direct violation of their current use permit. This is another demonstration of their blatant disregard for following the conditions of their current use permit, and another reason to revoke their permit. A photograph documenting this will be submitted to Kim Hunter and Bella Hedke at the Planning Department.

I have attached a photo documenting this. Please reply to this email to let me know you received my photo.

Thank you,
Christine
Here is a copy of your submission data for your records.

Submitted on Monday, November 2, 2020 - 9:39am
Submitted by user: Anonymous
Submitted values are:

APN Number and/or Address of reported Violation: 430 Red Hill Road
Name of Owner/ Tenant being reported (or enter unknown): Junction City School
Full Name: Christine Camara
Address: 430 Red Hill Road Junction City, CA 96048
Complainant Phone Number / voicemail : 530-623-6381
Email: ccamara@toek12.org
Please verify email: ccamara@toek12.org
What Date and time did you observe the violation? : November 2, 2020 at 6:53am
Date: Mon, 11/02/2020
Time: 6:53 am
Did you observe any weapons, explosives, traps, shafts, dogs/animals, or anything which appears to be a potential hazard or danger to the inspector on the site? A "YES" response requires a brief explanation: No
COMPLAINT (Please explain):
The Trinity Sand and Gravel truck was driving at an illegal and unsafe speed along Dutch Creek Road, and along Red Hill Road, and was driving past Junction City School before 7:00am. This is a safety hazard for our community and it is a violation of their operating permit.
He was going 49mph on Dutch Creek Road, through the posted 25mph zone.
He took the corner onto Red Hill Road going 31mph.
He continued to speed up to 35mph on Red Hill Road toward the school.
When the driver noticed me behind him, he slammed on the breaks.
He drove past the school at 6:53am, a clear violation of their CUP.
I will submit time-stamped video and photos to Kim Hunter and Bella Hedke.

The following are photos taken by me from my car on my way to the school.
The Trinity Sand & Gravel driver repeatedly drove past the school too early and way too fast.
Hello Kim and Bella,

I submitted the following complaint online this morning:

The Trinity Sand and Gravel truck was driving at an illegal and unsafe speed along Dutch Creek Road, and along Red Hill Road, and was driving past Junction City School before 7:00am. This is a safety hazard for our community and it is a violation of their operating permit.

He was going 49mph on Dutch Creek Road, through the posted 25mph zone. He took the corner onto Red Hill Road going 31mph. He continued to speed up to 35mph on Red Hill Road toward the school. When the driver noticed me behind him, he slammed on the breaks. He drove past the school at 6:53am, a clear violation of their CUP.

Attached are photos documenting my statement. I also have video, but the file is too large to email. Please let me know that you successfully received my complaint and photos.

Thank you,
Christine
Christine Camara
Superintendent/Principal
Junction City Elementary School District
430 Red Hill Road
Junction City, CA 96048
(530) 623-6381
Trinity Sand & Gravel truck going 49 mph on Dutch Creek Rd.
The truck turns onto Red Hill Road going 31 mph.
continues to speed up going up the hill toward the school.
He noticed me and slammed on his brakes.
Clearly, driving past the school at 6:53 am.
Dear Trinity County Planning Commissioners,

For the administrative record and historical context, I provide the following summary of my involvement with Conditional Use Permit P-97-32 for Smith Pit Tailings Mine ("Smith Pit"). The extent of my documented involvement includes three dates during my employment with the Trinity County Planning Department:

- **January 24, 2019**, close to 9:00 a.m.: Judd Buick came to Planning Department in response to complaints he received regarding operation of Smith Pit. To summarize notes from my work journal: I told him that if he was operating under the conditions of the use permit, it would be acceptable to continue operations. He informed me that he was, to which I responded that he should be ok to continue, although we would arrange a site visit to verify that the site was in compliance with the conditions included in the use permit.

- **January 28, 2019**, 10:00 a.m. – 12:00 p.m.: Site visit to Smith Pit.

- **February 8, 2019**: Follow-up correspondence to FEMA Planner Xing Liu regarding spoils in the floodplain and requirement to complete hydraulic modeling to assess the effect on flood elevations. My question: will FEMA confirm that no fill would be allowed within the regulatory floodway unless a professional engineer (PE) modeled the spoils’ location and certified a document stating that there would be no net rise in Base Flood Elevations resulting from placement of the spoils during a public emergency (slide material taken to keep road open)? I have no record of follow-up correspondence after this date.

I have no further documentation regarding the project, yet offer one additional detail for context. Although I'm not completely sure of the dates, my recollection is that the County initiated a new online complaint system late in 2018. Planning staff, however, was not aware that a new email address was associated with the online complaint system. Online complaints submitted to this new email address were intended to be received, then distributed to the appropriate County staff member or department. Although Planning was still receiving complaints directly via the previous process, the majority of new complaints were routed to the new email address. By the time Planning staff became aware of the new email address there was a backlog of over 90 complaints—some of which related to Smith Pit.
Junction City Community Promises & Permits Made...

October 06, 2021

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

From: Richard & Martha Helberg, Residents of 23 Montezuma Road, Junction City, California 96048

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

Dear Commissioners:

Our words are the same as last time and yes, again, we strongly OPPOSE the Trinity Sand and Gravel / Smith Pit Conditional Use Permit (CUP) Amendment and yet still, we note the ZERO oversight by Trinity County for this reclamation, even after the revocation, the contradictions are again, countless and mind boggling!

Trinity Sand and Gravel is a NUISANCE to the Junction City community. It is not a ‘dustless quarry’. It creates very fine dust from the separation, processing and transportation of the rock over our roads. It is not a ‘quiet quarry’, the noises it creates are sometimes sudden, and while it may be brief, the noise created by the separation and processing is constant during quarry operations and it can be heard from some distance away.

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 continuous malicious non-compliance.

Respectfully,

Martha Helberg
Richard Helberg
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County.

**Evidence:** February 3, 2021 California State Water Boards Notice of Intent Application applied for by Trinity Sand & Gravel to discharge storm water included a site map, dated 2016. Site map shows two separate locations, one with Haz Materials Storage (<5-Gallon Containers), one Mobile Equipment Storage and Fueling.

**Description of violation(s):** Non-compliance with Approved Conditional Use Permit (P-97-32) 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.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County and Trinity County Ordinance 17.30.020, E, 2, b, vi.

**Evidence:** May 25, 2019, observed and took picture of TS&G using unpermitted equipment on a Saturday and Holiday Weekend, within six miles of permitted rock quarry.

**Description of violation(s):**
Non-compliance with Approved Conditional Use Permit (P-97-32)
5. **Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or legal holidays.**

6. **This is primarily a “scoop and haul” operation. The only on-site processing permitted is the use of one (1) portable, temporary screening unit.**

Non-Approved Processing Equipment Trinity County Code of Ordinances, Title 17. Zoning, Chapter 17.30 General Provisions and Exceptions 17.30.020. – E – 2 – b:

vi. **Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the portable operation is part of a construction project and produces material only for that project**
or unless the temporary plant was established on the site prior to the start of operations at the permanent plant.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County and Trinity County Zoning Ordinance Code.

Evidence: April 11 and 12, 2020, observed and took picture of TS&G using unpermitted equipment on a Saturday and Sunday Holiday Weekend and within six miles of permitted rock quarry.

Description of violation(s):
Non-compliance with Approved Conditional Use Permit (P-97-32)
5. Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or legal holidays.
6. This is primarily a “scoop and haul” operation. The only on-site processing permitted is the use of one (1) portable, temporary screening unit.
Non-Approved Processing Equipment Trinity County Code of Ordinances, Title 17. Zoning, Chapter 17.30 General Provisions and Exceptions
17.30.020. – E – 2 – b:
vi. Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the portable operation is part of a construction project and produces material only for that project
or unless the temporary plant was established on the site prior to the start of operations at the permanent plant.

Documented by Junction City Resident: Martha Helberg,
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County and Trinity County Zoning Ordinance Code.

**Evidence:** September 04, 2019, observed and took picture of TS&G using unpermitted equipment, processing product, working less than 100 feet from Trinity River riparian corridor September through April and within six miles of permitted rock quarry.

**Description of violation(s):**
Non-compliance with Approved Conditional Use Permit (P-97-32)
6. This is primarily a “scoop and haul” operation. The only on-site processing permitted is the use of one (1) portable, temporary screening unit.
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.

Non-Approved Processing Equipment Trinity County Code of Ordinances, Title 17. Zoning, Chapter 17.30 General Provisions and Exceptions
17.30.020. – E – 2 – b:
vi. Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the
portable operation is part of a construction project and produces material only for that project or unless the temporary plant was established on the site prior to the start of operations at the permanent plant.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County.

**Evidence:** January 05, 2021, observed and took picture of TS&G working less than 100 feet from Trinity River riparian corridor September through April.

**Description of violation(s):**
Non-compliance with Approved Conditional Use Permit (P-97-32)

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.*

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County and Trinity County Zoning Ordinance Code.

Evidence: February 16, 2021, observed and took picture of TS&G working less than 100 feet from Trinity River riparian corridor September through April.

Description of violation(s):
Non-compliance with Approved Conditional Use Permit (P-97-32)
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.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County.

Evidence: February 09, 2021, observed and took picture of TS&G working less than 100 feet from Trinity River riparian corridor and using cement blocks and not padding to dampen noise.

Description of violation(s):

Non-compliance with Approved Conditional Use Permit (P-97-32)
6. This is primarily a “scoop and haul” operation. The only on-site processing permitted is the use of one (1) portable, temporary screening unit. Grates on the screening unit shall be padded to dampen noise generated when loading rock into the equipment.
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.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County.

Evidence: May 5, 2021, observed and took picture of TS&G working after revocation, hauling during school morning drop off and lack of dust control on and off property.
Description of violation(s):
Non-compliance with Approved Conditional Use Permit (P-97-32)

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).

7. The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from leaving the property.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of the Trinity County Board of Supervisors unanimous vote for Revocation of CUP (97-32) on 07/07/2021.

**Evidence:** August 30, 2021, observed and took picture of TS&G working after revocation processing material, that was supposedly done in Spring of 2021. TS&G started work on August 27, 2021 and ended on a Saturday, September 11, 2021.
Description of violation(s):
Non-compliance with Approved Revocation of Conditional Use Permit (P-97-32)
Trinity County Board of Supervisor’s Meeting Minutes 5.11:
Use Permit for the Smith Pit Tailing’s Project on Assessor's Parcel Numbers 012-120-62, 012-120-63 and 012-120-64 to the Planning Commission without Planning Commissioner McIntosh's involvement, holding the current revocations in place.

Motion: Jeremy Brown Second: Keith Groves Carried
Ayes: Brown, Cox, Frasier, Gogan, Groves

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
TRINITY SAND & GRAVEL (TS&G) has been found to be in violation of Smith Tailings Conditional Use Permit (P-97-32) issued in Trinity County.

Description of violation(s):
Non-compliance with Approved Conditional Use Permit (P-97-32)
1. All mining operations and activities; method of mining and equipment used; and area to be mined shall be those described in the approved final reclamation plan. The limits of the mine
area have been flagged and posted on the site and benchmarks have been established. The mine operation boundaries and benchmarks shall be maintained throughout the life of the mine for easy identification during operations and annual inspections.

2. The operator shall amend the reclamation plan to provide financial assurances in accordance with Public Resources Code Section 2773.1 to ensure that reclamation is performed and completed as described in the approved reclamation plan. Initial financial assurances shall be secured, as reviewed and approved by the Planning Director in consultation with County Counsel and the California Department of Conservation, prior to any site disturbance associated with mine operations.

3. The operator shall file an initial report and subsequent annual reports with the Department of Conservation and Trinity County Planning Department in accordance with Public Resources Code Section 2207. Operator shall meet state and county requirements for annual inspections and reporting.

4. The reclamation plan shall be amended if site conditions, mining operations, or other activities necessitate a reevaluation of mine operations and reclamation in relation to standards contained in Sections 3700 et.seq. (Article 9, Reclamation Standards) of the California code Regulations, including any amendments to the standards.

Documented by Junction City Resident: Martha Helberg, 23 Montezuma Road
October 6, 2021

Trinity County Planning Department
61 Airport Road
Weaverville, CA 96093

Dear Planning Department:

I am writing to urge you to uphold the revocation of the CUP for Trinity Sand and Gravel (hereafter TS&G). The impacts on the environment of TS&G's negligence and disregard for the rules and statutes are numerous, profound and important. The damage being done is irreversible, and effects the land, the water, the people and animals. This is not nearly a complete list of the environmental impacts that Trinity Sand and Gravel is responsible for. TS&G has shown no concern for the environment in their operations, and cannot be trusted to do so in the future.

1. A report from the EPA (attached) showing the trends of air quality at the site over 6 years shows that the total Hazardous Air Pollutant has increased from 116.35 pounds in 2011 to 327.46 pounds in 2017. The total volatile compounds has increased from 125.01 pounds in 2011 to a whopping 1,077.48 pounds in 2017. The following hazardous air pollutants are among those have increased drastically: Benzene, Mercury, Chromium, Manganese, Cadmium, Toluene, Arsenic, Nickel and Formaldehyde. Formaldehyde, for example, was at 11.28 pounds in 2011 and increased to 104.07 pounds in 2017, which is a huge increase of a very hazardous pollutant.

2. Riparian Corridors provide numerous benefits to the community and the environment, such as improving water quality, increasing groundwater recharge, providing flood protection, enhancing wildlife and aquatic habitat, and supporting the spawning and recovery of salmon, steelhead and other endangered species. TS&G has been operating closer to the riparian zone than they are allowed under the CUP, and even operating in the riparian zone. This has tremendous, irreversible effects on the local environment, water quality and wildlife including loss of spawning habitat for threatened and endangered species. The CUP (condition #10) details explicitly the requirements for working outside the riparian zone and also for marking the boundaries of the zone. The letter from the DFW dated 9/24/2020 states:

“The Use Permit required seasonal setbacks from the Trinity River where no operations were allowed within one hundred (100) feet of the Trinity River riparian corridor from September through April each year. May through August, the operator was required to observe a setback of thirty (30) feet from the riparian area. The intent of these seasonal setbacks, as described in the 1997 Reclamation Plan, was to protect instream resources during the fall and winter spawning season. When Department staff conducted a site visit with County representatives in July, imported material was stockpiled adjacent to the riparian vegetation and on top of the constructed berm and the limits to the setbacks were not flagged. In addition to mitigating noise and visual impacts of the operation, the riparian vegetation also serves as important habitat for migratory birds.”

3. Fugitive Dust Emissions are covered by NCUAQMD (North Coast Unified Air Quality Management District) Reg. 1, Rule 104, which TS&G is required to comply with but has not.
Open bodied trucks going to and from Smith Pit Tailings have repeatedly carried uncovered materials which give rise to airborne dust. TS&G is supposed to take reasonable precautions to prevent airborne dust, such as but not limited to covering open bodied trucks and wetting down material. Not only are fugitive dust emissions an issue, but in some instances the dust contains harmful air contaminants. These trucks are going past the school as well as people's homes, likely spreading contaminants which our children, community, pets, wildlife and flora breathe. We cannot undo the harm this brings. At the least these emissions are a public nuisance, a health hazard and a breach of the CUP; they are also possibly a criminal violation of air quality statutes and the California Health and Safety Code.

In addition to the community, there are many endangered species identified by the Dept of Fish and Wildlife (DFW) to be of concern in this project, including but not limited to “federally threatened southern Oregon/northern California Evolutionary Significant Unit (ESU) of Coho salmon (Oncorhynchus kisutch), the upper Klamath and Trinity Rivers ESU of chinook salmon (O. tshawytscha, State Candidate ), northern California Distinct Population Segment steelhead (Oncorhynchus mykiss irideus, federally threatened, SSC), Pacific lamprey (Entosphenus tridentatus, SSC), foothill yellow-legged frog (Rana boylii, SSC), western pond turtle (Emys marmorata, SSC), raptors, and migratory birds.” (letter from DFW to Kim Hunter dated 9/24/2020)

If you have not done so already, I urge you to read the above mentioned letter from the DFW which further details many reasons this mine needs to be, at the very least, re-evaluated and further analyzed.

Thank you for your time.

Sincerely,

Faith Dickens
CAA Pollutant Report
Facility Summary

EAGLE ROCK
HWY 299, JUNCTION CITY, CA 96048

Facility Information (FRS)

- FRS ID: 110010460241
- EPA Region: 09
- Latitude: 40.72939
- Longitude: -123.03826
- Locational Data Source: EIS
- Industry:
- ICIS-Air Source ID:
- ICIS-Air Facility Status: No Information

Emission Inventories

- National Emissions Inventory (NEI): 1658011
- Greenhouse Gas Reporting Program (GHGRP): No Information
- Toxics Release Inventory (TRI): No Information
- Clean Air Markets Division (CAMD): No Information

Related Reports

- Detailed Facility Report
- Search for Excess Emission Reports
- Search for Spills

Emissions

⚠️ Please read important information about emissions data sources and reported values

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The Air Pollutant Report presents ten years of EPA air emissions data from the National Emissions Inventory (NEI), Greenhouse Gas Reporting Program, Toxics Release Inventory, and Clean Air Markets Programs for a selected facility. Emissions are presented by pollutant for each program and each year that values are available. Each of these programs is governed by a different regulatory authority and performs a distinct function. The NEI program includes both facility-reported and government-augmented emissions, while the other programs include exclusively emissions reported by facilities. While each program is distinct, there is some overlap in pollutants covered by the different programs. Where the same pollutant exists in multiple programs, the Air Pollutant Report will list each program's emissions estimates. Emissions values reported under multiple programs are not exclusive and should not be added together. Due to programmatic differences in calculation methods and how "facility" is defined, there may be significant discrepancies in emissions values between programs. By consolidating emissions data from four different EPA programs into one report, the Air Pollutant Report provides a single source for users looking to understand a facility's full suite of pollutants and the range of possible emissions associated with a given pollutant depending on the emissions program.

### Environmental Conditions

#### Air Quality

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September 24, 2020

Kim Hunter
Director of Planning
Trinity County Planning Department
P.O. Box 2819
Weaverville, CA 96093

Subject: Early Consultation Review Use Permit Amendment P-18-011, Smith Pit Mine Tailings; Trinity County APN 012-120-42 and -49

Dear Kim Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the early consultation request for the above-referenced project (Project) and conducted a site visit with Trinity County staff on July 13, 2020. As a trustee for the State’s fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State’s fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State’s trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project, as described in the early consultation request, is an amendment to an existing Use Permit to add a rock crusher and concrete batch plant and an amendment to the Reclamation Plan boundary to include the existing operational area of the site, approximately 4.9 additional acres of mining area. The Project is located in Junction City, Trinity County.

Project Comments and Recommendations

Use Permit and Reclamation Plan Amendment

The Use Permit Amendment includes the addition of a rock crusher, truck scale, and concrete batch plant. Currently, the rock crusher and truck scale are on-site and operational, although the original Use Permit explicitly states that “the only on-site processing permitted is the use of one (1) portable, temporary screening unit” and the Reclamation Plan states that “no rock crushing, washing, or asphalt production is
proposed on-site”. In addition to the processing equipment, the Use Permit Amendment proposes to “receive and process cleanup material from Caltrans sites of slope failure, cleanup, and other activities.” Aggregate from these materials are to be processed on-site and materials will be stored in the southeast portion of the Phase II mining area of the Project site.

Prior to the addition of a concrete batch plant to the site or the authorization to allow additional materials to be imported to the site, the Department recommends that an analysis of the impacts on biological resources from increased noise, light, glare, dust emissions, decreased water quality, and potential hazardous materials as a result of the batch plant and clean up material be included in the environmental document for this Project. Sensitive biological resources identified in the Project area that may be impacted by these additional stressors include, but are not limited to, the State and federally threatened southern Oregon/northern California Evolutionary Significant Unit (ESU) of Coho salmon (Oncorhynchus kisutch), the upper Klamath and Trinity Rivers ESU of chinook salmon (O. tshawytscha, State Candidate), northern California Distinct Population Segment steelhead (Oncorhynchus mykiss irideus, federally threatened, SSC), Pacific lamprey (Entosphenus tridentatus, SSC), foothill yellow-legged frog (Rana boylii, SSC), western pond turtle (Emys marmorata, SSC), raptors, and migratory birds.

The Use Permit required seasonal setbacks from the Trinity River where no operations were allowed within one hundred (100) feet of the Trinity River riparian corridor from September through April each year. May through August, the operator was required to observe a setback of thirty (30) feet from the riparian area. The intent of these seasonal setbacks, as described in the 1997 Reclamation Plan, was to protect instream resources during the fall and winter spawning season. When Department staff conducted a site visit with County representatives in July, imported material was stockpiled adjacent to the riparian vegetation and on top of the constructed berm and the limits to the setbacks were not flagged. In addition to mitigating noise and visual impacts of the operation, the riparian vegetation also serves as important habitat for migratory birds. The Department recommends the project proponent not disturb or remove vegetation in the process of working through these stockpiles or reclaiming the site. Tree removal or vegetation clearing should generally be conducted outside of the bird nesting season (February 1 - August 31) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code sections 86, 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). No additional imported material should be allowed within the designated 30-foot riparian setback. The Department recommends that existing material located within the setback be prioritized for processing and use in order to remove it from the setback as soon as possible. The Use Permit should specify a clear timeline for removing materials from the setback.

The Use Permit states: “The permittee (operator) shall design the mine and conduct mine operations in a manner which will prevent fish entrapment” and addresses the location and design of the haul road in order to meet this requirement. The Use Permit
further states that the haul road crosses an active flood channel and requires the section of the haul road crossing the channel to be designed and constructed “in a manner which does not impede the flow of flood waters in a 100 year storm event.” It is unclear at what stage this channel is captured by flood flow or how often it becomes activated. K-rails currently placed on the western side of the haul road will impede or re-direct flow during certain flood events, should this channel capture water from the Trinity River. The Department recommends an analysis to determine at what point this flood channel becomes activated during high flow events. The analysis would help plan appropriate treatment at this location so that the haul road does not impede the flow of flood waters. Additionally, the Department recommends seasonal removal of K-rails and any other materials placed with the channel prior to October 31 of each year and that these materials not be replaced in the channel until after the threat of high flow events has passed each season, the date of which could vary annually based on Trinity Dam operations, as well as late season weather events, such as warm rain on snow events.

Current mining operations are occurring outside of the originally approved mine boundary; therefore, the Department recommends additional analysis to determine whether current mining operations create the potential for fish entrapment or are impacting the 100-year floodplain. The Reclamation Plan calls for a maximum excavation of 15 feet below grade. It is not clear what elevation this grade references. However, the Plan describes how the entire mining operation and surrounding 6-acres were flooded during the New Year’s Day flood event in 1997, “removing most of the cottonwood and alders along the bank and deposited sand and silt in the previously excavated area.” For this reason, additional planning for the gravel mine expansion and Reclamation Plan amendment should ensure that no mining, excavation, or reclamation involves operating lower than the thalweg of the Trinity River to avoid pit capture. Additionally, the Department and National Marine Fisheries Service must be notified immediately if fish entrapment is occurring or has the potential to occur.

Foothill Yellow-Legged Frog (Rana boylii)

Foothill yellow-legged frog has been documented at the northern edge of the Project site and within the Trinity River. Mainly regarded as a stream obligate, few studies have focused on upland habitat use by foothill yellow-legged frog; however, it is likely that these frogs utilize a wide range of watershed features, including terrestrial habitat, depending on the season. One study in Tehama County found frogs rarely go beyond 12 meters from the channel during any time of the year (Bourque 2008). However, during the same study, Bourque observed a female move up a dry tributary and over a ridge to an adjacent watershed, a distance of over 7 km from her original location, although much of this was in wetted channels. Nussbaum et al. (1983) reported finding frogs 50 meters away from water under debris. Cook (2012) described frequent observations of foothill yellow-legged frogs in terrestrial locations far (16 meters to 331 meters, average distance of 71.3 meters) from natal streams and in
urban settings, near Ukiah, Mendocino County. Based on the results from these studies, it is probable that foothill yellow-legged frog could traverse the Project site during migration, or utilize the on-site ponds during portions of their life cycle.

This species is California Species of Special Concern and impacts may be considered significant under CEQA. Avoidance and minimization measures should be included the Project’s CEWA document to avoid these impacts.

**Bullfrog Control**

Aerial imagery of the Project site indicates that multiple areas of ponded water exist on-site. Perennial areas of ponded water create habitat conducive to American bullfrog (*Rana catesbeiana*) occurrence. The bullfrog is a non-native invasive species that is negatively impacting a wide variety of native species, including foothill yellow-legged frog and western pond turtle, both of which are documented in close proximity to the Project site. In order to minimize impacts to sensitive species from bullfrogs, the Department recommends that all perennial ponds created by mining activities on the Project site be drained annually between August 15 and October 15. This action will interrupt the bullfrog life-cycle and prevent metamorphosis, thus effectively controlling or eliminating bullfrog populations. The Department is available to assess the potential for bullfrog occupation of the Project site.

**Lake or Streambed Alteration Agreement**

The requirement to notify the Department for a Lake or Streambed Alteration Agreement (LSAA) prior to operating within the limits of the non-disturbance riparian setback area is addressed in the Use Permit and Reclamation Plan. No record of Notification for operating within these setbacks could be located within the past 5 years. In addition to these impacts, an LSAA may also be necessary for work associated with the construction of the flood channel crossing, work in the existing ponds on the Project site if they capture the river during high flow events, and/or if water drafting is occurring for mining operations or dust control purposes.

**Water Pollution**

FGC sections 5650 and 5652 prohibit water pollution and refuse disposal into waters of the state. FGC section 5650 (a)(1) specifically addresses asphalt. Because of these prohibitions, the Department recommends the removal of all asphalt materials from the floodplain during periods of high flow events or potential flooding, generally between November 1 and June 1.

**California Natural Diversity Database**

If any special-status species are found during future surveys for this Project, the Department requests that occurrence details are submitted to the California Natural Diversity Database (CNDDB). Instructions for providing data to CNDDB can be found
Kim Hunter  
September 24, 2020  
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at: [https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data](https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data). Additionally, we request a copy of these forms be sent to the Northern Region office at: Attn: CEQA, 601 Locust Street, Redding, CA, 96001.

The Department appreciates the opportunity to provide comments early in the environmental review process and looks forward to providing further comments and guidance as the review process proceeds. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,

Curt Babcock  
Habitat Conservation Program Manager

ec: North Coast Regional Water Quality Control Board  
NorthCoast@Waterboards.ca.gov

Pat Perez, Beth Hendrickson  
Division of Mine Reclamation  
Pat.Perez@conservation.ca.gov, Beth.Hendrickson@conservation.ca.gov

Kristin Hubbard, Adam McKannay, Kate Blanchard  
California Department of Fish and Wildlife  
Kristin.Hubbard@wildlife.ca.gov; Adam.McKannay@wildlife.ca.gov; Katherine.Blanchard@wildlife.ca.gov

References


October 6, 2021

Trinity County Planning Commissioner
Letter sent via email

Dear Trinity County Planning Commissioner:

I’m writing in regards to the Modification/Revocation of Conditional Use Permit (P-97-32), which is located on Red Hill Rd. in Junction City, CA next to the Junction City Elementary School.

Thank you for taking the time to sift through the hundreds of pages of letters and documentation coming from the Junction City community on this matter. The community has been vehemently against this business operating for a number of years, but especially since 2018 when the new owner, Judd Buick (Trinity Sand & Gravel) has literally turned it into a commercial mining industrial site replete with rock crushers, screeners, and hundreds of truck loads going in and out every day on our only egress and ingress road for most residents in Junction City, as well as right by the elementary school.

Trinity Sand & Gravel has repeatedly, and knowingly, been in non-compliance to the conditions in its Conditional Use Permit. It’s important to note, the main argument Judd Buick uses to claim ignorance, is that he has never been issued a citation. This is true, and that is the fault of county staff. Regardless of whether the county staff had the bandwidth to be a regulatory force, it should not fall onto the community to suffer the impacts of this business that is acting completely outside of its CUP.

The community has had to be the regulatory force. Without multiple community watch-dogs, there would be no documentation in county records for Trinity Sand & Gravel’s non-compliance. It has become at times a full-time job for some of our community members, such as myself and Christine Camara the JC School Principal and other neighbors, to continue to document their daily infractions. That’s how frequently they’re in non-compliance. It’s time to support the communities wishes and once and for all revoke Trinity Sand & Gravels conditional use permit.

This permit was originally granted to provide reclamation to this land, but in the last few years anyone can see by the photo documentation, that is far from happening. Throughout the years community members, including myself, have called Judd Buick personally to try to work with him and bring attention to the gross non-compliance they have been with their permit.
He has repeatedly disrespected our community by ignoring our pleas for him to respect the school and their impacts to our community. He has literally told me “I’m a businessman, I don’t care what the community thinks”.

Judd Buick does not live in Trinity County, and he does not care how he is impacting an entire community. Living next to this industrial mining site, in which processing is happening regularly (which is not allowed in the permit), is such a nuisance that I have seriously considered moving away from my home that my parents built, I was born and raised in, and now my children are growing up in.

Junction City is a wonderful place to grow up and I want that kind of life for my children. We’re close enough to the school that my children can ride their bikes to school, as I once did. However, there are days this business has, by their own admission, had upwards of 120 truck loads drive up and down this road where the school children ride and walk to and from school, between the hours of 7am-3pm. That means trucks are constantly streaming by. These trucks drive across the only bike/walk lane on Red Hill Road to exit their driveway. The original CUP only allows for two trucks, with a total of 12 loads per day to occur. Additionally, this business never adheres to limiting truck traffic during drop off and pick up times at the school, which is another condition in their CUP.

As the crow flies, we’re a ½ mile from this business. Even at that distance, noise and traffic are such a nuisance, it has drastically affected our quality of life. The sounds are so loud that we can hear rocks crashing on metal through our closed doors and windows. When we’re outside working in our garden, we can still hear the noise through the music in our headphones that we now put on all the time to drown out the industrial noises. This noise has even been loud enough to wake our sleeping baby, inside our house with all the doors and windows shut. I understand that Trinity Sand & Gravel hired a sound analysis specialist to prove that these noises are not detrimental to public health, however, the sound crescendos and echoes throughout the river corridor in a way that is an extreme nuisance to many residents. This isn’t just highway noise or neighbor dogs barking. This is psychologically damaging, constant 7am-4pm rocks crashing on metal noises. Please don’t discredit the noise complaints made by the residents just because the noise analysis specialist said it’s “okay”. If it were a non-nuisance issue, then it wouldn’t be one of the major complaints happening for years.

This business is in the middle of a rural residential zone. It’s highly inappropriate for this activity to occur. In fact, it was never supposed to get to this level of activity. The land in which this is occurring is zoned “Open Space” which is “intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to health and public safety reasons.”

Because mining activities are not appropriate on land zoned Open Space, it requires a special use permit. When this permit was approved, it was under very strict conditions to respect the neighborhood, the school, and the impacts to the entire community. Over the
years, Trinity Sand & Gravel has degraded its attention to the conditions set. It’s time to put a stop to it.

I urge you to watch YouTube videos of previous meetings concerning this issue. There are many, many issues our community has with this business, as there are numerous conditions of the permit that Trinity Sand & Gravel has been in non-compliance with. These meetings are as follows:

- **January 17, 2019** – During open public comment, Liz McIntosh notifies the Commission of new and un-permitted activity taking place at Smith Pit and asks for the Smith Tailings CUP be agendized for discussion through the Planning Commissioners. [https://www.youtube.com/watch?v=0fu67VXzXwU](https://www.youtube.com/watch?v=0fu67VXzXwU)

- **March 2020** - Amanda Barragar sent commissioners letters a packet of information about the issue. No response was sent back aside from a short email from Mike McHugh.

- **August 13, 2020** - Planning Commissioner meeting Amanda Barragar made a public statement. John Brower also made a public statement. Short discussion with commissioners and planning staff to ask that this item be agendized for the following meeting. [https://www.youtube.com/watch?v=rKfA_qH6ux8](https://www.youtube.com/watch?v=rKfA_qH6ux8)

- **October 8, 2020** - Planning Commissioner meeting - Smith Pit Tailings Mine Discussion. Item agendized only for discussion. Discussion begins at 2hr 47min. [https://www.youtube.com/watch?v=xJxKc_OFoQM](https://www.youtube.com/watch?v=xJxKc_OFoQM)

- **March 25, 2021** - Public Hearing - Planning Commissioners Meeting: Discussion starts at 11min: [https://www.youtube.com/watch?v=oXNvyZzTbFQ](https://www.youtube.com/watch?v=oXNvyZzTbFQ)

- **April 8, 2021** - Planning Commission meeting - Permit Revoked. Discussion begins at 3hrs 4min: [https://www.youtube.com/watch?v=zsg8laYAiaQ&t=6s](https://www.youtube.com/watch?v=zsg8laYAiaQ&t=6s)

- **July 7, 2021** - Board of Supervisors meeting. Revoked permit was appealed to the Board of Supervisors. Discussion begins at 1hr 21min: [https://www.youtube.com/watch?v=BlAjxW3vMw8](https://www.youtube.com/watch?v=BlAjxW3vMw8)

As you can see, this issue has been a problem for some time. For the most concise and thorough account of the communities’ issues, I recommend first watching the March 25, 2021 video. The October 8, 2020 video also has a lot of community comments as well as the April 8 & July 7 Board of Supervisors meeting.

Things our community would like you to keep in mind as you read, watch, and participate in the public hearing:

- Yes, the community of Junction City had a problem with the previous owner, Clint Robison, who was responsible for illegally dumping over 500,000 cubic yards of slide material that has caused a lot of contention for residents. **But please, stay focused on the current owner, Judd Buick, and his repeated non-compliance since he took over the business.** By his own admission, as you will see over and over again in the YouTube recordings, he has disregarded and been in non-compliance to his current CUP throughout his entire ownership, and at a large scale.
• **Let’s not get hung up on the issue of reclamation.** Let’s focus on the bad actor in place, and deal with the reclamation of the land later. The community cannot withstand this same bad actor in place in future years, we cannot trust him to do any reclamation.

• No matter how complicated this issue is (i.e. who will clean up the mess?, Legal threats, etc.). **Judd Buick cannot be trusted to carry out the current permits conditions.** He has not so far, even with the threat of a revoked permit, so why would he down the road if he’s allowed to continue to operate? Follow the rule of law set by the county ordinances. **It’s simple, let the county code’s help guide your decisions. Not the “what-ifs”**.

• It’s not fair the community has to suffer the impacts that has been created by the inability for county staff to do their job. Please direct the staff to enforce the permit with real citations (if the permit is not revoked). Do not put that responsibility on the community.

• Since Trinity Sand & Gravel wants to mine at this site, revoke their current CUP, as they’re no longer operating within that framework, and allow the business to re-apply for a more appropriate permit. They are not doing reclamation – this business operates as a commercial enterprise in the midst of a rural residential neighborhood next door to a school. Let them go through the proper protocols to apply for the appropriate land use permit.

I sincerely hope that you take the time to watch these videos, read the permit and the materials provided by the community. Keep in mind, that as you read through each condition of the CUP, take note that each and every condition has been in non-compliance. This business is in no shape or form following the current guidelines; therefore, its permit should be revoked.

Please follow the County Ordinance No. 315, Section 32 to help guide your decision. By the many years and documentation of non-compliance and complaints for this business, you’ll easily find how this business does 1) not use sound principles of land use according to its permit, 2) is injurious to its neighbors by being detrimental to public health, safety and results in a creation of a public nuisance, and 3) is not consistent with the plan by being in gross non-compliance with the CUP in place.

Thank you for your time,

**Amanda Barragar**
Dear Commissioners,

I represent a small group of local individuals supporting the revocation of Trinity Sand and Gravel permit also knowns as the Smith Pit Tailings Project. My clients have done a great job highlighting the history of noncompliance and outright defiance of this mining company. My letter to you focuses on the law.

First, by law, you are allowed to revoke the 1997 Current Use Permit and Reclamation Plan as provided for by Trinity County Code section 17.32.070(C), for the following reasons

1. in a manner detrimental to the public health, safety or welfare;  
2. in a manner that constitutes a public nuisance; or  
3. in a violation of any condition imposed by the Planning Commission.

Please find the following violations of law that Trinity County Sand & Gravel has engaged in.

Air Quality Violations
NCUAQMD reg. 1, Rule 104: Prohibitions

1. NCUAQMD reg. 1, Rule 104(A) and California Health and Safety Code § 41700
Public Nuisance: No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the health, comfort, repose or safety of any such
persons or the public or which cause or have an natural tendency
to cause injury or damage to business or property.

* The Smith Pit continually has discharged unallowable levels of
dust, which potentially contains high levels of lead or
asbestos, onto and into the Junction City Elementary School,
and homes located along the roadside.

2. California Civil Code § 3479 Nuisance: A nuisance
involves an unreasonable or unlawful use of property that
results in material annoyance, inconvenience, discomfort, or
injury to another person or to the public.

* Smith Pit allowed in its handling, open storage and
transportation of materials in a manner that allowed
unnecessary amounts of particulate matter to become airborne
and they failed to take reasonable precautions to limit
unnecessary amounts of airborne particulate matter, by not
wetting down or covering trucks traveling to and from Smith
Pit. Material stockpiles and other surfaces in the lack of
wetting also give rise to airborne dusts.

3. NCUAQMD reg. 1, Rule 104(A) and California Health and
Safety Code § 41700
Fugitive Dust Emissions: No personal shall allow handling,
transporting, or open storage of materials in such a manner
which allows or may allow unnecessary amounts of particulate
matter to become airborne. Reasonable precautions shall be taken
to prevent particulate matter from becoming airborne, including,
but not limited to, the following provisions:
1. Covering open bodied trucks when used for transporting
materials likely to give rise to airborne dust.
2. Installation and use of hoods, fans, and fabric to
enclose and vent the handling of dusty material.
3. The use of water or chemicals for control of dust in the
...construction operations, ...
4. The application of asphalt, oil, water or suitable
chemicals on dirt roads, material stockpiles, and other surfaces
which can give rise to airborne dusts.

* Smith Pit has not taken reasonable precautions. Open bodied
trucks have been transporting materials, without wetting, and
have led to airborne dust in such high quantities that the
school air filtration becomes clogged on a regular basis.
Loading and movement of materials on-site also requires that precautions been taken, which has not been occurring.

Any person who violates air pollution laws is guilty of a misdemeanor and is subject to a fine up to $5,000 or up to six months in the County jail, or both.

* Smith Pit is in violation of air pollution laws

5. California Health and Safety Code 42400.1
Any person who negligently emits an air contaminant in violation of air pollution laws is guilty of a misdemeanor and is subject to a fine up to $25,000, or nine months in the County jail or both.

* Smith Pit was negligent in emitting air contaminants because Smith Pit failed to exercise the care toward others which a reasonable or prudent business would do in the same circumstances. Smith Pit did not cover trucks or follow guidelines for precautions to prevent air contaminants from being released into the air, in violation of NHUAQMD regulations and the California Health and Safety Code laws. Smith Pit did not exercise due care to prevent harmful dust from becoming airborne. A reasonable or prudent business or person would have followed NHUAQMD guidelines to prevent dust from entering the air.

6. California Environmental Quality Act
October 20, 2020 California Department of Fish and Wildlife asks Trinity Sand and Gravel for an analysis of the impacts on biological resources from increased light, noise, glare, dust, emissions, decreased water quality, and potential hazardous material. To date this has not been done. Sensitive biological stressers the project area are but are not limited to State and federally threatened southern Oregon/northern California Evolutionary Significant Unit (ESU) of Coho Salmon (*Oncorhynchus kisutch*), the upper Klamath and Trinity Rivers ESU of chinook salmon (*O. tshawytscha*) State candidate, Northern California Distinct Population Segment steelhead (*O. mykiss irises*, federally threatened, SSC), Pacific lamprey (*Entosphenus tridentatus*, SSC), foothill yellow-legged frog (*Rana boylii*,
SSC), western pond turtle (Emys marmorata, SSC) raptors, and migratory birds.

* To date, Smith Pit has never complied with CEQA and has been continuously operating without an EA or a EIS while bringing operating outside of flood zone requirements, with unallowable equipment and bringing in unallowable material creating greater noise, airborne pollution, and possible take.


*Smith Pit currently has a haul road with potential to entrap fish in the event of a flood. The Use Permit specifically states the “operator shall design the mine and conduct mine operations in a manner which will prevent fish entrapment.” Smith Pit not only has equipment on-site that is not on the Use Permit but also does not observe the seasonal flood regulations. Exhibit 2: A true and correct copy of USGS National Flood Map showing that Smith Pit is in a “Special Flood Hazard Area.”

8. Lake or Streambed Alteration Agreement (LSAA): required by Cal. Fish and Wildlife to operate within the limits of the non-disturbance riparian set-back area described in the Use Permit and Reclamation Plan.

* Smith Pit has not provided this notification to Cal Fish and Wildlife in the last five years quoted on September 22, 2020. See Exhibit 1.

9. Fish and Game Code §§ 5650, 5652: prohibit water pollution and refuse disposal into waters of the state. FGC 5650(a)(1) specifically addresses asphalt.

* Smith Pit has asphalt material in the flood plain zone year round. In the case of a flood this material would enter the water and create a violation in accordance with the above rules.

10. Fish and Wildlife Department Recommendation: drain ponds annually between August 15 and October 15. See Exhibit 1.
* Smith Pit does not comply with this request putting sensitive species at risk.

11. Surface Mining and Reclamation Act § 2774.1(a)(1)(e), if the lead agency or supervisor determines that the surface mine is not in compliance with this chapter, so that the surface mine presents an imminent and substantial endangerment to the public health or the environment, the lead agency of the AG, on behalf of the supervisor, may seek an order from a court of competent jurisdiction enjoining that operation.

* Trinity County Planning Department has chosen to ignore blatant violations of the Smith Pit operations outside the scope of their permit and has allowed continued harm to the community and the public school.

12. 1997 Current Use Permit and Reclamation Plan Violations
This permit is 100% meant to be a reclamation plan. As stated on page 12 of this document, “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.” What is happening on-site now, activities that have steadily increased in size and scope all outside of the 1997 permit. Owners have actively and knowingly created a larger and larger commercial operation with no regard to the limitations of the permit or the law. Almost every single condition of the permit has been violated. Please find some below:

* Types of Equipment to be Used: Rock crusher, truck scale, gold separator on-site the original use permit states “the only on-site processing permitted is the use of one (1) portable, temporary screening unit” and the Reclamation Plan states “no rock crushing, washing, or asphalt production is proposed on-site.”

* Smith Pit has regularly exceeded the eight (8) trips per day limit in peak periods, and used more than the allowable two dump trucks plus pup trailer
* Hours of Operation: Smith Pit regularly operates outside of hours by operating on weekend days and holidays.

* Provision for a Bone Pile: There are piles on-site with non-in-use equipment. Exhibit 3: A true and correct copy of photos of junk piles at Smith Pit.

* Phases of Operation: Operation and material on-site have only increased since permit inception in 1997.

* Explain how any hazardous material will be stored, used and disposed of (4)- no storage of fuel or waste petroleum products onsite. Smith Pit has on-site storage of fuel.

* Indicate what permits or approvals, in addition to that required by SMARA, are required to conduct surface mining as proposed (5)- Smith Pit is in possible violation for failure to submit Trinity County Flood Plain Development Permits, A CEQA Environmental Assessment, Environmental Impact Statement, Department of Fish and Game 1603 Permit, Army Corps of Engineers.

* Description of Reclamation: Smith Pit is not using any reclamation practices as described in this Section D.

* Financial Assurances: Smith Pit has not updated annually or when massive changes have occurred since 2013. [California Public Resources Code 2773.1](#)

* Imported material is stockpiled adjacent to the riparian vegetation and on the top of the berm and limits are not flagged. The Use Permit requires seasonal setbacks from the Trinity River where no operations are allowed within one hundred (100) feet of the Trinity River riparian corridor from September though April each year. May through August operator is required to observe a setback of thirty (30) feet from the riparian area. Required to protect in stream resources during the fall and winter spawning season. See Exhibit 1: Letter to In July 2020 California Fish and Wildlife staff saw imported material stockpiled adjacent to the riparian vegetation and on top of the contracted berm and the limits to the setback were not flagged.

For the reasons stated above considering the amount of legal violations Smith Pit has at the very least negligently created
and are an example of bad business practices in the community, their permit should be permanently revoked.

Sincerely,

Shannon C. Wilhite

Shannon C. Wilhite
September 24, 2020

Kim Hunter
Director of Planning
Trinity County Planning Department
P.O. Box 2819
Weaverville, CA 96093

Subject: Early Consultation Review Use Permit Amendment P-18-011, Smith Pit Mine Tailings; Trinity County APN 012-120-42 and -49

Dear Kim Hunter:

The California Department of Fish and Wildlife (Department) has reviewed the early consultation request for the above-referenced project (Project) and conducted a site visit with Trinity County staff on July 13, 2020. As a trustee for the State’s fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State’s fish and wildlife public trust resources. The Department offers the following comments and recommendations on the Project in our role as the State’s trustee for fish and wildlife resources, and as a responsible agency under the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project, as described in the early consultation request, is an amendment to an existing Use Permit to add a rock crusher and concrete batch plant and an amendment to the Reclamation Plan boundary to include the existing operational area of the site, approximately 4.9 additional acres of mining area. The Project is located in Junction City, Trinity County.

Project Comments and Recommendations

Use Permit and Reclamation Plan Amendment

The Use Permit Amendment includes the addition of a rock crusher, truck scale, and concrete batch plant. Currently, the rock crusher and truck scale are on-site and operational, although the original Use Permit explicitly states that “the only on-site processing permitted is the use of one (1) portable, temporary screening unit” and the Reclamation Plan states that “no rock crushing, washing, or asphalt production is

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proposed on-site”. In addition to the processing equipment, the Use Permit Amendment proposes to “receive and process cleanup material form Caltrans sites of slope failure, cleanup, and other activities.” Aggregate from these materials are to be processed on-site and materials will be stored in the southeast portion of the Phase II mining area of the Project site.

Prior to the addition of a concrete batch plant to the site or the authorization to allow additional materials to be imported to the site, the Department recommends that an analysis of the impacts on biological resources from increased noise, light, glare, dust emissions, decreased water quality, and potential hazardous materials as a result of the batch plant and clean up material be included in the environmental document for this Project. Sensitive biological resources identified in the Project area that may be impacted by these additional stressors include, but are not limited to, the State and federally threatened southern Oregon/northern California Evolutionary Significant Unit (ESU) of Coho salmon (Oncorhynchus kisutch), the upper Klamath and Trinity Rivers ESU of chinook salmon (O. tshawytscha, State Candidate), northern California Distinct Population Segment steelhead (Oncorhynchus mykiss irideus, federally threatened, SSC), Pacific lamprey (Entosphenus tridentatus, SSC), foothill yellow-legged frog (Rana boylii, SSC), western pond turtle (Emys marmorata, SSC), raptors, and migratory birds.

The Use Permit required seasonal setbacks from the Trinity River where no operations were allowed within one hundred (100) feet of the Trinity River riparian corridor from September through April each year. May through August, the operator was required to observe a setback of thirty (30) feet from the riparian area. The intent of these seasonal setbacks, as described in the 1997 Reclamation Plan, was to protect instream resources during the fall and winter spawning season. When Department staff conducted a site visit with County representatives in July, imported material was stockpiled adjacent to the riparian vegetation and on top of the constructed berm and the limits to the setbacks were not flagged. In addition to mitigating noise and visual impacts of the operation, the riparian vegetation also serves as important habitat for migratory birds. The Department recommends the project proponent not disturb or remove vegetation in the process of working through these stockpiles or reclaiming the site. Tree removal or vegetation clearing should generally be conducted outside of the bird nesting season (February 1 - August 31) in order to avoid ‘take’ as defined and prohibited by Fish and Game Code sections 86, 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). No additional imported material should be allowed within the designated 30-foot riparian setback. The Department recommends that existing material located within the setback be prioritized for processing and use in order to remove it from the setback as soon as possible. The Use Permit should specify a clear timeline for removing materials from the setback.

The Use Permit states: “The permittee (operator) shall design the mine and conduct mine operations in a manner which will prevent fish entrapment” and addresses the location and design of the haul road in order to meet this requirement. The Use Permit
further states that the haul road crosses an active flood channel and requires the section of the haul road crossing the channel to be designed and constructed “in a manner which does not impede the flow of flood waters in a 100 year storm event.” It is unclear at what stage this channel is captured by flood flow or how often it becomes activated. K-rails currently placed on the western side of the haul road will impede or re-direct flow during certain flood events, should this channel capture water from the Trinity River. The Department recommends an analysis to determine at what point this flood channel becomes activated during high flow events. The analysis would help plan appropriate treatment at this location so that the haul road does not impede the flow of flood waters. Additionally, the Department recommends seasonal removal of K-rails and any other materials placed with the channel prior to October 31 of each year and that these materials not be replaced in the channel until after the threat of high flow events has passed each season, the date of which could vary annually based on Trinity Dam operations, as well as late season weather events, such as warm rain on snow events.

Current mining operations are occurring outside of the originally approved mine boundary; therefore, the Department recommends additional analysis to determine whether current mining operations create the potential for fish entrapment or are impacting the 100-year floodplain. The Reclamation Plan calls for a maximum excavation of 15 feet below grade. It is not clear what elevation this grade references. However, the Plan describes how the entire mining operation and surrounding 6-acres were flooded during the New Year’s Day flood event in 1997, “removing most of the cottonwood and alders along the bank and deposited sand and silt in the previously excavated area.” For this reason, additional planning for the gravel mine expansion and Reclamation Plan amendment should ensure that no mining, excavation, or reclamation involves operating lower than the thalweg of the Trinity River to avoid pit capture. Additionally, the Department and National Marine Fisheries Service must be notified immediately if fish entrapment is occurring or has the potential to occur.

Foothill Yellow-Legged Frog (Rana boylii)

Foothill yellow-legged frog has been documented at the northern edge of the Project site and within the Trinity River. Mainly regarded as a stream obligate, few studies have focused on upland habitat use by foothill yellow-legged frog; however, it is likely that these frogs utilize a wide range of watershed features, including terrestrial habitat, depending on the season. One study in Tehama County found frogs rarely go beyond 12 meters from the channel during any time of the year (Bourque 2008). However, during the same study, Bourque observed a female move up a dry tributary and over a ridge to an adjacent watershed, a distance of over 7 km from her original location, although much of this was in wetted channels. Nussbaum et al. (1983) reported finding frogs 50 meters away from water under debris. Cook (2012) described frequent observations of foothill yellow-legged frogs in terrestrial locations far (16 meters to 331 meters, average distance of 71.3 meters) from natal streams and in
urban settings, near Ukiah, Mendocino County. Based on the results from these studies, it is probable that foothill yellow-legged frog could traverse the Project site during migration, or utilize the on-site ponds during portions of their life cycle.

This species is California Species of Special Concern and impacts may be considered significant under CEQA. Avoidance and minimization measures should be included the Project’s CEWA document to avoid these impacts.

**Bullfrog Control**

Aerial imagery of the Project site indicates that multiple areas of ponded water exist on-site. Perennial areas of ponded water create habitat conducive to American bullfrog (*Rana catesbeiana*) occurrence. The bullfrog is a non-native invasive species that is negatively impacting a wide variety of native species, including foothill yellow-legged frog and western pond turtle, both of which are documented in close proximity to the Project site. In order to minimize impacts to sensitive species from bullfrogs, the Department recommends that all perennial ponds created by mining activities on the Project site be drained annually between August 15 and October 15. This action will interrupt the bullfrog life-cycle and prevent metamorphosis, thus effectively controlling or eliminating bullfrog populations. The Department is available to assess the potential for bullfrog occupation of the Project site.

**Lake or Streambed Alteration Agreement**

The requirement to notify the Department for a Lake or Streambed Alteration Agreement (LSAA) prior to operating within the limits of the non-disturbance riparian setback area is addressed in the Use Permit and Reclamation Plan. No record of Notification for operating within these setbacks could be located within the past 5 years. In addition to these impacts, an LSAA may also be necessary for work associated with the construction of the flood channel crossing, work in the existing ponds on the Project site if they capture the river during high flow events, and/or if water drafting is occurring for mining operations or dust control purposes.

**Water Pollution**

FGC sections 5650 and 5652 prohibit water pollution and refuse disposal into waters of the state. FGC section 5650 (a)(1) specifically addresses asphalt. Because of these prohibitions, the Department recommends the removal of all asphalt materials from the floodplain during periods of high flow events or potential flooding, generally between November 1 and June 1.

**California Natural Diversity Database**

If any special-status species are found during future surveys for this Project, the Department requests that occurrence details are submitted to the California Natural Diversity Database (CNDDB). Instructions for providing data to CNDDB can be found
at: https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data. Additionally, we request a copy of these forms be sent to the Northern Region office at: Attn: CEQA, 601 Locust Street, Redding, CA, 96001.

The Department appreciates the opportunity to provide comments early in the environmental review process and looks forward to providing further comments and guidance as the review process proceeds. If you have any questions, please contact Kristin Hubbard, Environmental Scientist, at (530) 225-2138, or by email at Kristin.Hubbard@wildlife.ca.gov.

Sincerely,

Curt Babcock
Habitat Conservation Program Manager

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References


EXHIBIT 2
EXHIBIT 3