

**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:

Direction	Land Use	Zoning	General Plan Designation
North	BLM	OS	RE
South	Residential/Undeveloped	RR10	RR
East	Residential/BLM	RR5/OS	RR/RE
West	Residential	RR2.5	RR

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 the 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 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.

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

ATTACHMENT 1

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.

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- 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

Director) prior to commencement of road construction activities. Verification of compliance with permitting requirements of the U.S. Corps of Engineers shall also be provided to the Planning Director prior to earth disturbing activities to construct the haul road.

14. Prior to the commencement of mining activity, both the permittee (operator) and landowner shall enter into an agreement with the County, which is to be approved by County Counsel, stipulating the following:
 - a. County, State, and Federal agencies will not be responsible for any damages to mining facilities or property as a result of flooding, or site contamination.
 - b. It is the responsibility of the permittee and landowner to keep informed of the status of river flows, especially during major storm events, and to ensure that all mining facilities are removed from the path of rising flood waters.
 - c. It is the responsibility of the mine operator and landowner to contact State and Federal agencies to obtain information for any scheduled or emergency flood flow releases from Trinity and Lewiston dams.
 - d. Any other statements which County Counsel determines should be included to reduce agency liability in the event of flooding or site contamination.
15. Permittee shall comply with requirements of other permitting authorities, such as requirements of the North Coast Unified Air Quality Management District for operation of the screening unit, California Department of Fish and Game for riparian setbacks and prevention of fish entrapment, the U.S. Army Corps of Engineers for any necessary permits, County Health Department, County Department of Transportation, and compliance with Department of Conservation requirements for mine operations, reclamation and financial assurances.
16. Monitoring:
 - a. The permittee (operator) shall make arrangements for a site inspection prior to the commencement of mine operations. The inspection shall assess compliance with use permit and reclamation requirements.
 - b. The site, operations and reclamation activities shall be subject to review by planning staff during annual inspections, or more frequently if necessary, to ensure that use permit and reclamation plan requirements are being met.

- 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)

Prepared By:

ERIKSON CONSULTING & SURVEYING
P.O. Box 460
Lewiston, CA 96052-0460
(916) 778-0306

AUTHOR'S NOTE

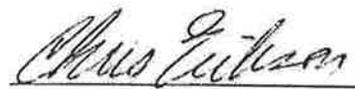
This Reclamation Plan for the expanded operations on the Smith property in Junction City is nothing more than a resubmission of original data for the same operators and owners prepared during the period of June to August 1995 by:

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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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 flood plain of the Trinity River (Flood Zone-A, FEMA Flood Insurance Rate Maps #06105C0505 B, 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

directly into the ground."

- 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 patten, 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 land fill, 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.)

Move 500 cy @ \$1.50/cy	\$ 750.00
Heavy equipment transport	<u>500.00</u>
Subtotal	\$ 1,250.00
Insurance	
(on-site liability 1.5%)	\$ 18.75
Contract Administration (15%)	187.50
Bond	
(performance & payment 1.5%)	18.75
Profit	<u>125.00</u>
Subtotal	\$ 350.00
GRAND TOTAL	<u>\$ 1,600.00</u>

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:

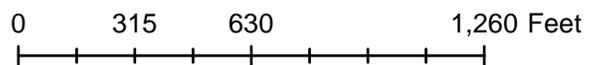
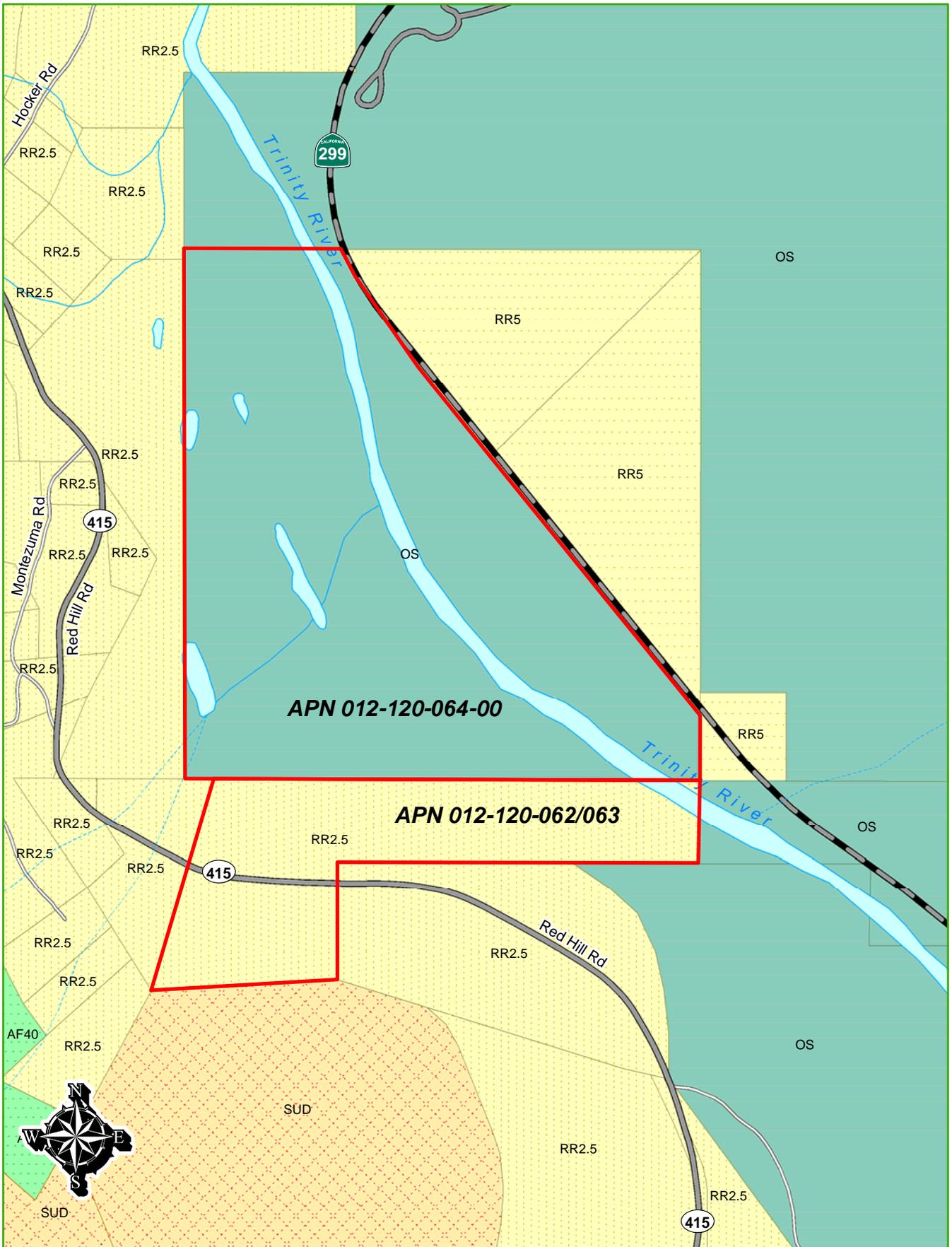
I, the undersigned, hereby agree to accept full responsibility for reclaiming all mined lands as described and submitted herein with any modifications required by the administering agency as conditions of approval.

Signed this ____ day of _____, 1997.

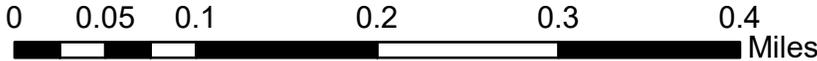
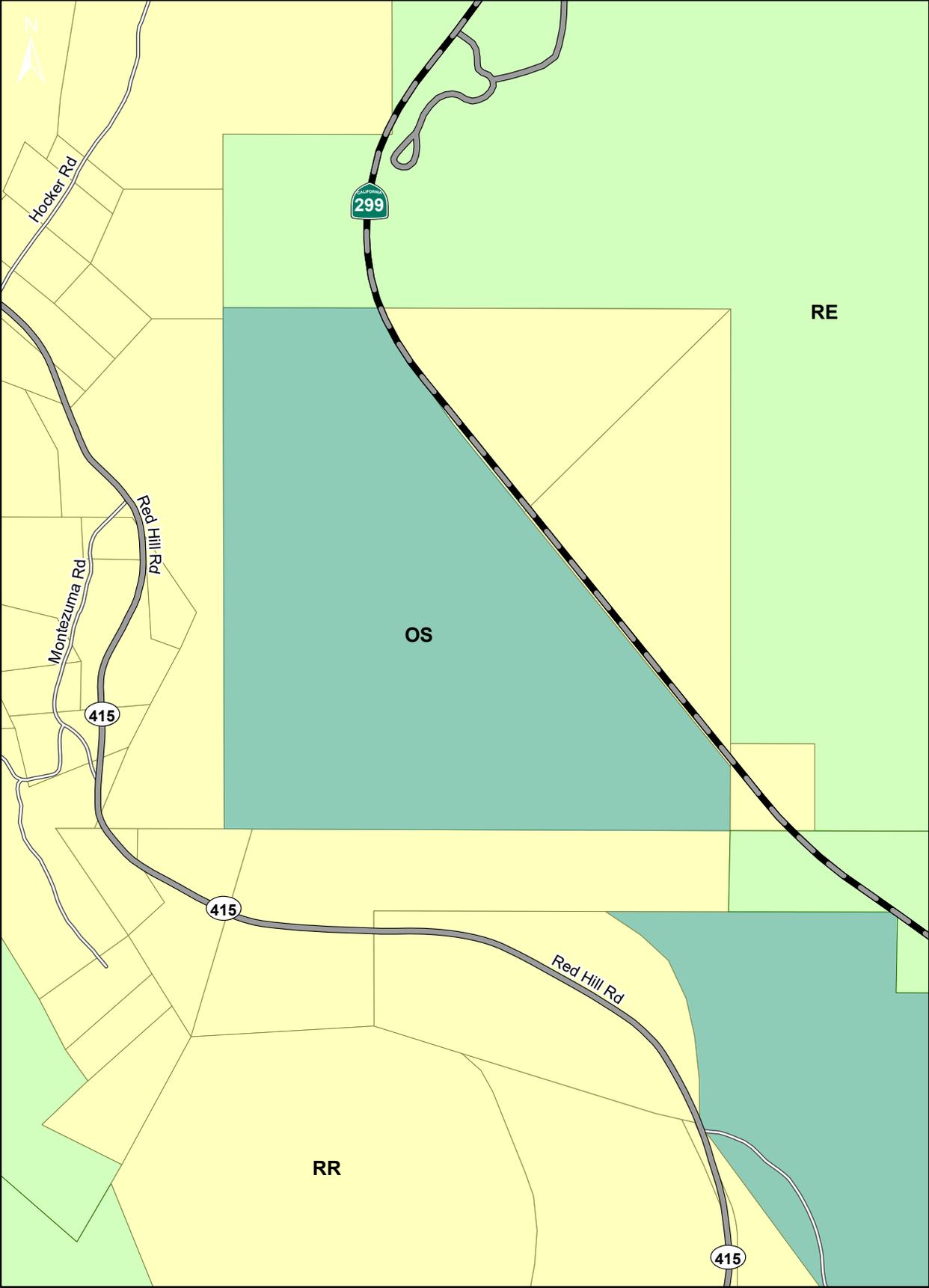
Clint Robison
Mine Operator

Irvin J. Smith
Property Owner

ATTACHMENT 2
Zoning Map
APN 012-120-062,
012-120-063 and 012-120-064



ATTACHMENT 3 General Plan Map



ATTACHMENT 4

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.

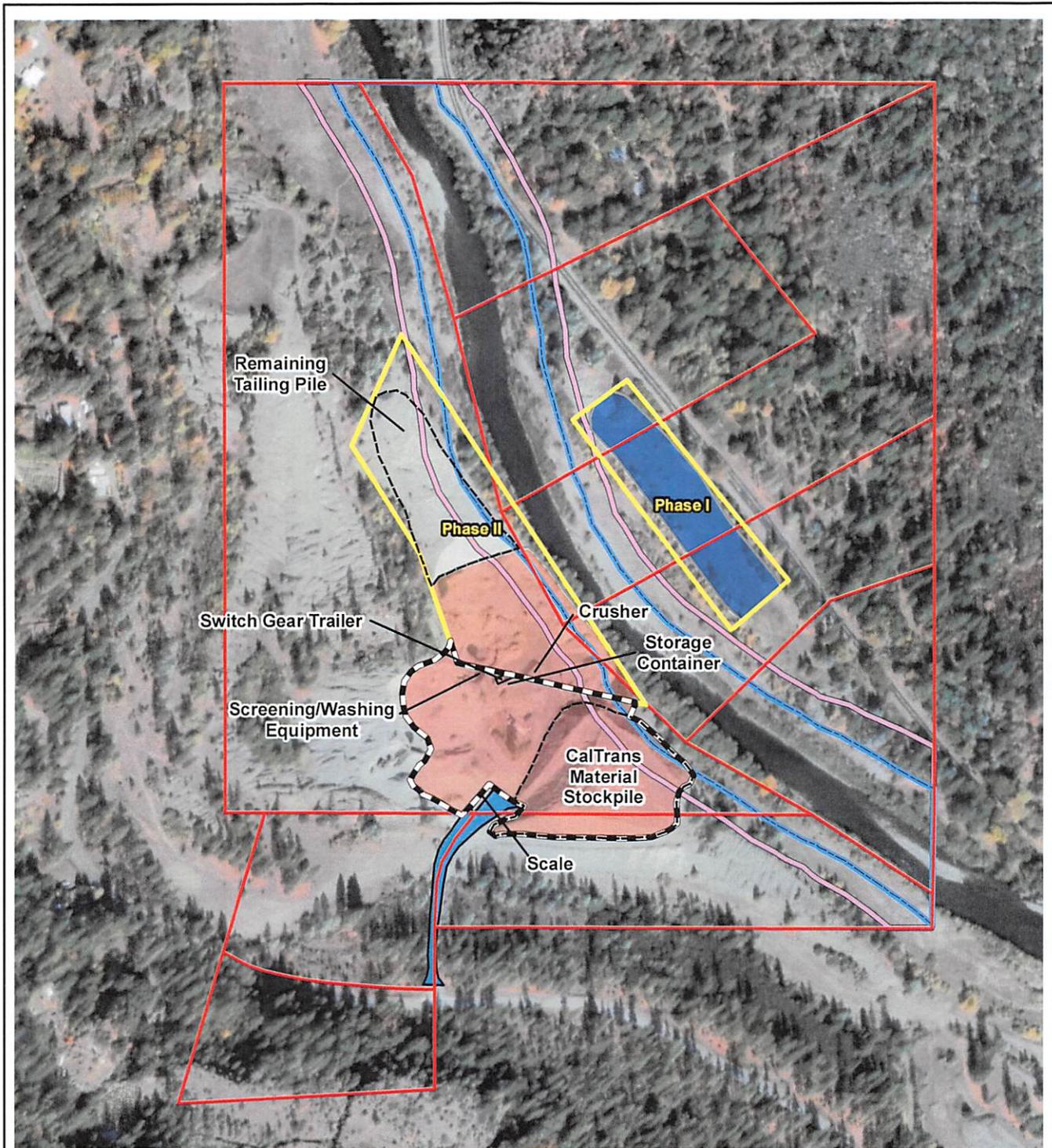
The Smith Tailings site is located northwest of Junction City in Trinity County, California. The permitted mine area includes land on both sides of the Trinity River between Highway 299 and Red Hill Road (County Road #415) in Junction City, California. The general site location is shown on Figure 1. 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.



FIGURE 1
 GENERAL SITE LOCATION
 SMITH TAILINGS
 TRINITY COUNTY, CALIFORNIA



- Approximate Parcel Boundary
- 1997 Reclamation Plan Boundary (10.3 acres)
- Amended Mining Area (6.4 acres)
- 30-Foot Setback from Riparian Buffer
- 100-Foot Setback from Riparian Buffer
- Driveway (0.5 acres)
- Existing Disturbed Area (9.5 acres)
- Reclaimed Area (2.4 acres)

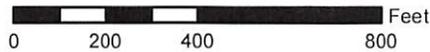
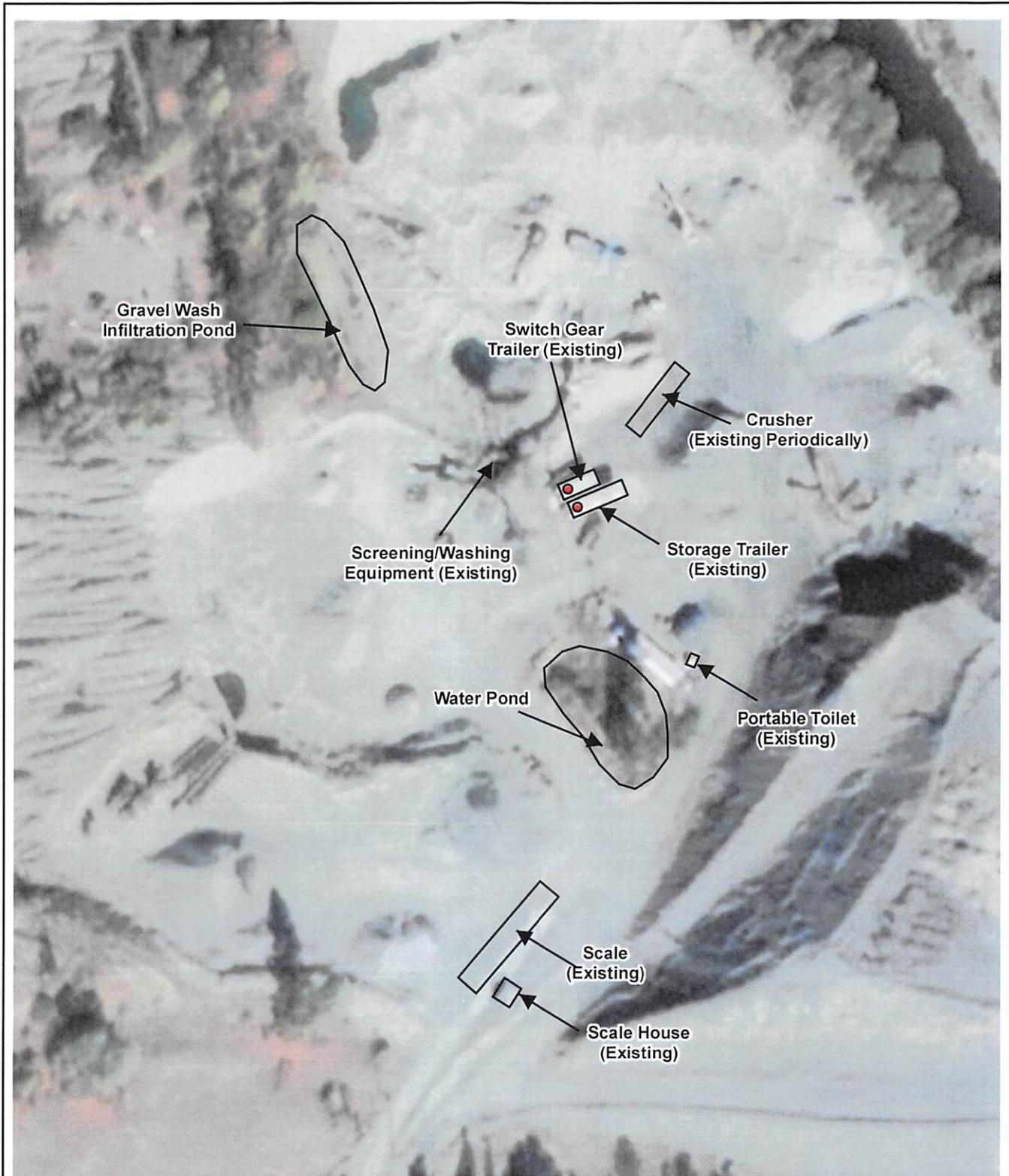
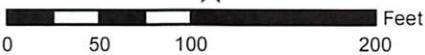


FIGURE 2A
SITE PLAN
SMITH TAILINGS
TRINITY COUNTY, CALIFORNIA

SOURCE: TRINITY COUNTY 2013; USDA 2016 AERIAL PHOTOGRAPH

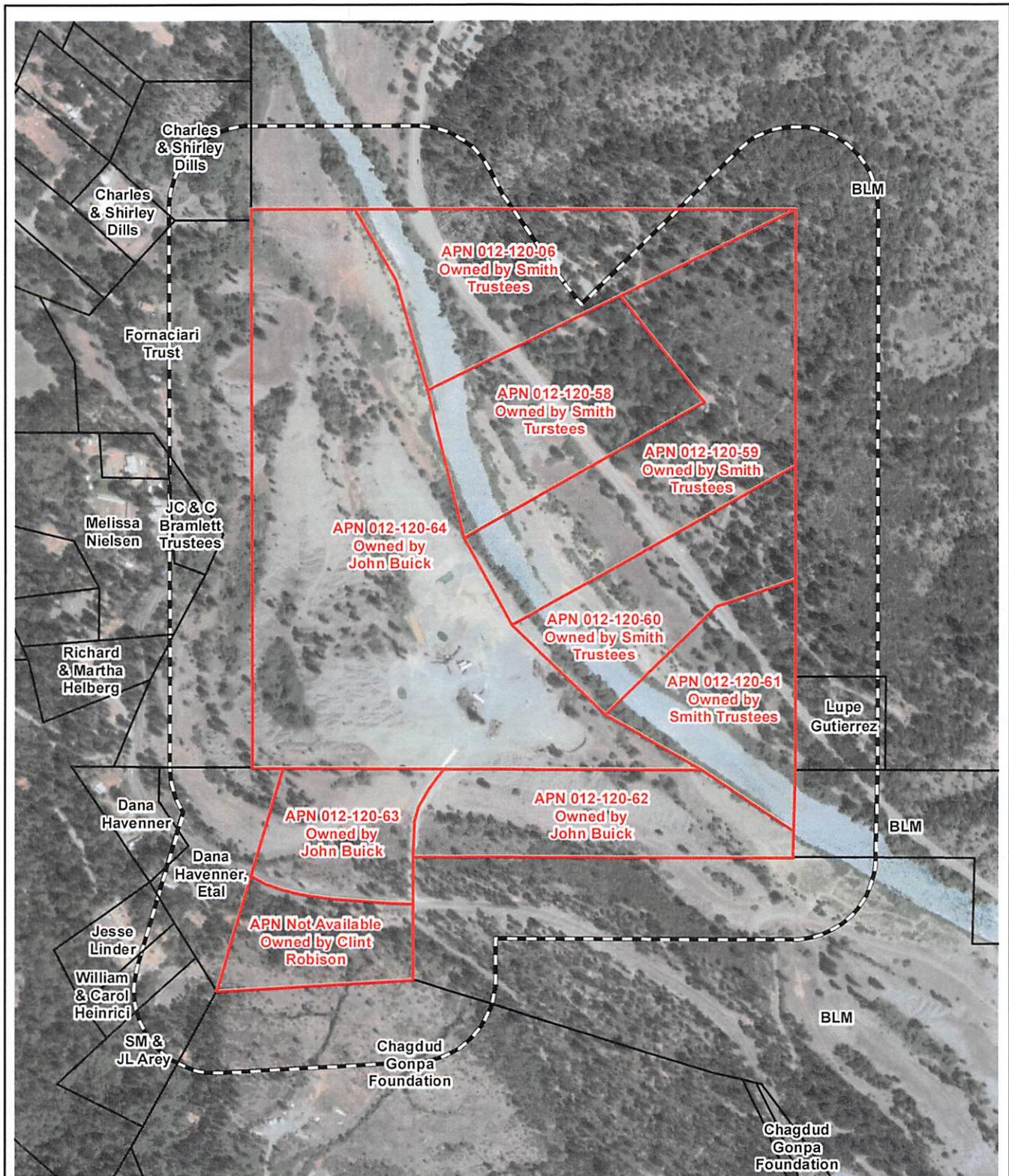


● Fire Extinguisher



SOURCE: DIGITALGLOBE 2017 AERIAL PHOTOGRAPH

FIGURE 2B
SITE EQUIPMENT
SMITH TAILINGS
TRINITY COUNTY, CALIFORNIA



-  Approximate Project Parcel Boundary
-  Approximate Nearby Parcel Boundary
-  300-Foot Buffer Around Property Boundary

0 250 500 1,000 Feet



SOURCE: TRINITY COUNTY 2013; USDA 2016 AERIAL PHOTOGRAPH

FIGURE 3
PROPERTY OWNERSHIP MAP
SMITH TAILINGS
TRINITY COUNTY, CALIFORNIA

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 5

SMITH PIT 2 - COMPLAINT LOG - UPDATED: June 21 2020											
Date Received	Brief Description	Form of Complaint	Noise	Traffic	Dust	Hours of Operation	School Impacts	Truck Speed	Safety	Other (Explain)	Notes
April 30th 2020	Rock Crusher running at night	Code Complaint Form				*					2 of the exact same complaints within 2 minutes/Same Person
April 27th 2020	Rock Crusher running on weekend	Code Complaint Form				*					4 of the exact same complaints within a couple minutes of each one/Same Person
April 25th 2020	Many trucks driving in front of school/violating CUP	Code Complaint Form	*	*			*			Violating CUP	Complainant made 2 complaints on same day
April 25th 2020	Rock Crusher	Code Complaint Form				*					4 of the exact same complaints within a couple minutes of each one/Same Person
April 15th 2020	Rock Crusher	Code Complaint Form				*					2 of the exact same complaints within 1 minute/ says they're getting a lawyer
April 7th 2020	Rock Crusher	Code Complaint Form				*					
April 6th 2020	Rock Crusher	Code Complaint Form	*			*					2 of the exact same complains within 1 minute
April 4th 2020	Rock Crusher	Code Complaint Form								Operating on Weekend	3 Complaints within a minute of each one
April 3rd 2020	Rock Crusher	Code Complaint Form				*					2 complaints/ keeping complainant up at night
April 1st 2020	Loud Noise	Code Complaint Form	*			*					2 complaints/ keeping complainant up at night/getting lawyer
March 30th 2020	Loud excessive Noise	Code Complaint Form	*								2 of the exact same complaints within 1 minute
March 25th 2020	Rock Crusher	Code Complaint Form				*					4 of the same complaints by same person
March 20th 2020	at home very upset	Code Complaint Form								Non Compliant	Violating rules, stuck at home due to COVID and have to listen to them working
March 2nd 2020	Working early	Code Complaint Form				*					Working before permitted hours/2 complaints
March 1st 2020	Working at all hours	Code Complaint Form				*					4 complaints/complainant very upset/feels vibration
February 28th 2020	Multiple Complaints	Code Complaint Form	*	*	*	*	*			Contaminated Dust	16 Complaints in same day,Feel like they need to move/contaminating school and river with dust
January 15th 2020	Operating outside hours from use permit	Code Complaint Form	*			*				Violating CUP	3 Complaints/Upsetting the neighborhood
January 4th 2020	Excessive Noise	Code Complaint Form	*								
January 2nd 2020	Violating Rules	Code Complaint Form	*	*	*	*	*		*	Violating CUP/Contaminates	2 ComplaintsNuisance to the neighborhood, worried about contaminates
June 20th-23rd 2020	Traffic	Email Correspondance	*				*	*		Not official complaint	Same person email correspondance on traffic throughout the day
March 9th 2020	Traffic	Email Correspondance	*			*	*	*	*		Truck drivers driving too fast by the school, very early in the morning,
January 24th 2020	Violating CUP	Email Correspondance	*							Working outside of CUP	Violating CUP, community doesn't want CUP amendment
February 13th 2020	Violating CUP	Email Correspondance	*		*	*	*	*	*		Operating outside of CUP hours, driving by during pick up and drop off of students
February 25th 2020	Traffic/Speed	Email Correspondance	*		*	*	*	*	*		
June 21st 2020	Violating CUP	Email Correspondance				*					Operating outside CUP hours
June 17th 2020	Rock Crusher	Code Complaint Form				*					4 Complains/Rock crusher runs all night
June 16th 2020	Rock Crusher	Code Complaint Form				*					
June 14th 2020	Rock Crusher	Code Complaint Form				*					3 Complaints/ Rock crusher running all night
June 10th 2020	Rock Crusher	Code Complaint Form				*					4 Complaints/Rock crusher running all night/Getting Lawyer
June 9th 2020	Rock Crusher	Code Complaint Form				*					4 Complaints/Rock crusher running all night
June 8th 2020	Rock Crusher	Code Complaint Form				*					4 Complaints/Rock crusher running all night
June 7th 2020	Loud Noise	Code Complaint Form	*			*					2 Complaints/loud grinding noise all night
June 5th 2020	Rock Crusher	Code Complaint Form				*					3 Complaints/ Rock crusher running all night
June 3rd 2020	Rock Crusher	Code Complaint Form	*			*					4 Complaints/ Rock crusher running all night
May 19th 2020	Rock Crusher	Code Complaint Form	*			*					5 Complaints/Loud Grinding Noises
May 18th 2020	Loud Grinding	Code Complaint Form	*			*					Loud Grinding Noises/Ready to go to court
May 12th 2020	Operating outside of hours	Code Complaint Form			*	*					4 Complaints/Not covering truck loads/operating outside of hours
May 1st 2020	Rock Crusher	Code Complaint Form				*					2 Complaints/running crusher all night
April 29th 2020	Rock Crusher	Code Complaint Form				*					4 Complaints/running crusher all night
May 31st 2020	Loud Noise	Code Complaint Form	*			*					
May 31st 2020	Multiple Complaints	Code Complaint Form	*	*	*	*	*	*	*	Violating CUP	Feels like he/she has to move, horrible neighbor,many complaints
January 22nd	Multiple Complaints	Code Complaint Form	*	*	*	*	*	*	*	Violating CUP	
January 25th 2020	Operating Hours	Code Complaint Form	*		*	*					Every morning there is a line of trucks waiting
June 18th 2020	Traffic	Email Correspondance	*			*	*	*	*		Lot's of Truck Traffic and Speeding in front of JC School
June 2nd 2020	Multiple Complaints	Email Correspondance	*	*	*	*	*	*	*	Violating CUP	Trucks not covering loads, lots of dust, very unsafe driving, speeding in front of school, working all hours

ATTACHMENT 6

Bella Hedtke

From: Christine Camara <ccamara@tcoek12.org>
Sent: Wednesday, September 30, 2020 3:51 PM
To: Kim Hunter; Bella Hedtke; Info.Planning
Subject: Documents to submit to Planning Commissioners
Attachments: JCS Letter to Planning Commisioners.pdf; ATT00001.htm

Hello Kim and Bella,

Please submit the attached letter and documents to the Planning Commissioners as public comment regarding the Smith Tailings Project up for discussion at the October 8, 2020 Planning Commission meeting. Please let me know if you received this email and my attachment.

Thank you,
Christine



September 30, 2020

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

JUNCTION CITY ELEMENTARY SCHOOL DISTRICT

**430 Red Hill Road
Junction City, CA 96048**



**(530) 623-6381 Phone
(530) 623-5652 Fax**

June 4, 2018

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 crusher 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,

A handwritten signature in cursive script that reads "Camara".

Christine Camara
Superintendent

From: Colleen O'Sullivan <cosullivan@trinitycounty.org>
Subject: RE: Comments regarding Con Ag Project
Date: June 4, 2018 at 5:02 PM
To: Christine Camara <ccamara@tcoek12.org>

Thank you for letting your stakeholders and Site Council members know. The response has been vigorous. I could not attend the community meeting either, but I hope to in the future if my superiors are on board with it. I don't see this going to hearing until late summer at the earliest.

Your comments and response are noted.

Colleen O'Sullivan

Associate Planner

Trinity County Planning Department
Box 2819, Weaverville, CA 96093
530-623-1351, Extension 5

From: Christine Camara <ccamara@tcoek12.org>
Sent: Monday, June 4, 2018 4:59 PM
To: Colleen O'Sullivan <cosullivan@trinitycounty.org>
Subject: Comments regarding Con Ag Project

Hi Colleen,

I put the request for comments out to the Junction City School stakeholders, and there has been quite a response. There was a community meeting surrounding the project that I did not know about or attend, as I was in Washington D.C. with our 8th graders, but I hear it was quite a turnout. I have attached my response from Junction City School. It is based on feedback from School Board members and School Site Council members. You may also get feedback from specific staff members and parents, but my letter does not represent all of them.

Thank you for reaching out to me for input. Please let me know if you need anything else from me or if you would like me to attend any meetings regarding the decision surrounding this project.

Thanks again,
Christine

Bella Hedtke

From: Tilghman Myers <tilghman@chagdudgonpa.org>
Sent: Wednesday, September 30, 2020 4:11 PM
To: Info.Planning
Subject: Regarding Smith Tailings Mine

Dear Planning Commission,

I am writing in regards to the activity of the Smith Tailings Mine in Junction City. I am a resident of Chagdud Gonpa located across the street from the mine. The primary concern I have with the mine is the level of noise and the time of day of the noise. We constantly hear the pounding of the rock crusher, the beeping of the trucks in reverse, sometimes early in the morning, and the noise of the trucks driving on the road. Chagdud Gonpa is a retreat center, a place where people come to reflect and to enjoy the peaceful environment. The mining operation is harmful to our life here.

Beyond our situation, other people in the community also suffer from the noise, and the kids at the elementary school are in danger from the speeding trucks and the dust in the air. The mining operation and their potential expansion is degrading the quality of life for the residents of Junction City.

I request that the Planning Commission take action immediately to revoke the Mine's Use Permit. It is a public nuisance and a detriment to our well-being.

-Best, Tilghman Myers

Bella Hedtke

From: Martha Helberg <marthahelberg@gmail.com>
Sent: Wednesday, September 30, 2020 4:22 PM
To: Info.Planning; Kim Hunter
Subject: Trinity Sand & Gravel, Smith Tailings, 10/08/2020 meeting
Attachments: Sept 30 2020 TCPD package.pdf

Issues with Smith Tailings and I oppose any additions to the use permit and believe their permit should be revoked.

-martha
Martha Helberg
23 Montezuma Road
Junction City, CA 96048

Attachment for 10/08/2020 meeting

Junction City Community Promises & Permits Made...

September 30, 2020

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: Project Name: P-97-32, Smith Tailings Use Permit Amendment
Mine Operator: John Judson Buick, Trinity Sand & Gravel

Dear Planning Commission Members:

We strongly **OPPOSE** the Smith Tailings Conditional Use Permit (CUP) Amendment and with the blatant disregard for the community, their permit should be revoked. We live across the street (about 375 feet from property line to property line) on Red Hill Road in Junction City. I'm concerned about the adverse effects and impacts of all the non-compliance activities of Trinity Sand and Gravel in one of the most scenic and recreational parts of Trinity County.

In 1997, the CUP was amended which added provisions and measures for the new Phase II, Phase I was almost complete, which provided a stable environment and coexistence with the Junction City Community. Sadly in 2017, our quiet and peaceful environmental friendly residential neighborhood was turned into a living hell for over seven (7) months, in which the "the primary scoop and haul operation" operated 24 hours a day, seven (7) days a week of unstoppable dumping of 500,000 tons of rock, dirt and debris, from the Big French Creek Slide. Since then the lack of code enforcement by Trinity County DOT, they have allowed the non-compliant use of illegal equipment, including truck scale, rock crusher(s), diesel trucks and a retail site to deteriorate our community.

Local residents such as me do not support approval of the subject permit. We live in this community and enjoy the peaceful and serene Junction City and Trinity River that is our birthright and will be our legacy. We pre-date this new amendment and we'll be here after Trinity Sand and Gravel is either defeated in their deceptive efforts or has finished their phase II reclamation. Trinity Sand and Gravel has shown they cannot be trusted. Do not approve this permit, it's time to explore the revocation process. At the very least, afford concerned residents the opportunity for a public meeting and allow the time needed to bring all the facts into the full light of day. Thank you, in advance, for your consideration.

Sincerely,

Martha Helberg

Richard Helberg

PLANNING FOR ALL!

Junction City Community Promises & Permits Broken...

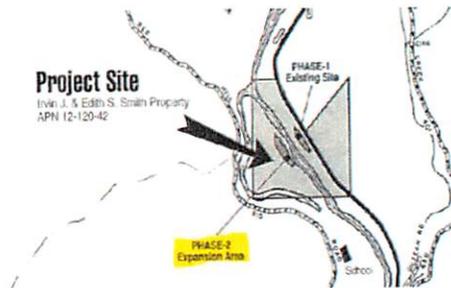
Junction City Community Promises & Permits Made...

Trinity County ordinance 315 section 32 regarding Use Permits states:

"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."

1. RECLAMATION/MINING ACREAGE INCREASED OVER 175%? HOW?

- a. The Smith Pit has exceeded the acreage of land that was established by the Reclamation Plan for the Phase II quarry pit that is located on Red Hill Road. The 1997 Smith Tailings Reclamation Plan specifies that Phase II total acres to be disturbed and reclaimed is 6 Acres.
- b. The recent 2019 non-approved, submitted Amendment, to the 1997 Approved Smith Tailings Use Permit by the new operator indicates that, *"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."* Phase II Reclamation Plan now shows a total of 16.7 acres (10.3 + 6.4) 10.7 acres beyond what was contemplated and approved by the 1997 Reclamation Plan.



- c. May 22, 1995, KLH to Trinity County Planning Department, states that, *"All future mining operations will be confined to two areas of existing tailing piles...The second area, proposed for mining in the future, lies southwesterly of the river and consists of tailing piles containing approximately 350,000 cubic yards of gravel. This area is also identified on the aerial photograph and is approximately six acres in size..."*
- d. June 22, 1995, Trinity County Planning Department to Junction City Public Information Meeting, states, *"The Applicant is requesting consideration and approval by the Trinity County Planning Commission of a reclamation plan and related use permit pursuant to Public Resources Code Section 2710 et seq. (Surface Mining and Reclamation Act of 1975-SMARA), State Mining and Geology Board regulations for surface mining and reclamation, and Trinity County Zoning Ordinance Sec 30.A. (see Site Plan Map-Exhibit "B")."*
- e. November 13, 1997, P-97-32, *"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. ..."*

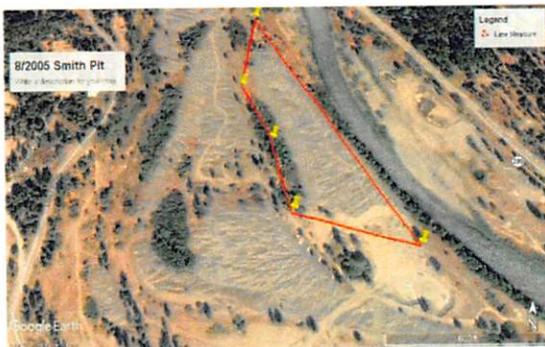
Junction City Community Promises & Permits Broken...

Junction City Community Promises & Permits Made...

2. DURING THE ANNUAL REVIEWS BY TRINITY COUNTY, HAVE THE FINANCIAL ASSURANCES BEEN UPDATED TO REFLECT THE PRIOR AND CURRENT CHANGES IN OPERATIONS, SINCE 1995?
 - a. In section E of the 1997 CUP it states, "No structures, removal of excavator, screening equipment, no more than 3 acres at one time, single face at one end of the tailings, therefore, the active mine site is generally less than one acre in size and this is a scoop and haul operation for the most part, or a scoop, screen, and haul operation."
 - b. Stated in the 2019 not approved amendment, they have on site, truck scale building (2016), rock crusher (over 10 years), wash plant (7 years), storage trailers (2), double face at two ends of tailings, and no longer for the most part a scoop, screen, and haul operation.

3. WHY IS MINING AND EXTRACTION ALLOWED OUTSIDE PHASE II FOR OVER TEN YEARS?

- a. By working the tailings in the same half-moon patten, from upstream toward downstream, any storm carried silts will be deposited in the active excavation area, where they will be deposited.
- b. Figure 3, Property Owners Map (2016), shows on the not approved amendment a half-moon pattern from downstream towards upstream. (The exact opposite to 1995 & 1997 CUPs!) Google Earth Pro Historical Imagery 8/2005 also shows the start of the extraction outside of Phase II. This is now not visible, as there is a 500,000 ton rock pile cover up. ☺



4. 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)? (2019 not approved amendment, page 2)
 - a. Trinity County Ordinance 17.30.020 – Use. vi. "Portable concrete plants and aggregate processors shall not produce material for retail

Junction City Community Promises & Permits Broken...

Junction City Community Promises & Permits Made...

- sale within ten road miles of a permitted permanent plant producing a similar product..." Eagle Rock is less than six road miles away.*
- b. *May 22, 1995, KLH to Trinity County Planning Department, Page Two, "There will be no crushing or washing of material in connection with this operation."*
 - c. *June 22, 1995, Trinity County Planning Department to Junction City Public Information Meeting, "Mining activity on-site 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 applicant's existing plant facility in Weaverville for processing into concrete aggregate, road construction products, and fishery habitat restoration material."*
 - d. *June 4, 1997, Trinity County Planning Department to Erikson Consulting and Surveying, "Past public controversy over mining projects in Junction City has not been limited to this operation. In 1988, the Chagdud Gonpa proposed a tailing extraction operation on their property, upstream from the Smith tailings site. There was very strong opposition to the project that resulted in the applicant withdrawing their application, due primarily to concern over possible effects to the school and from heavy truck traffic on Red Hill Road. Your proposal and theirs are different in regards to material processing. Your project does not include rock crushing on-site, where theirs did. Although you and your clients may perceive a new environmental document as a burden, given the past public controversy, it is in your client's interest that the CEQA process is handled properly. Failure to do so could jeopardize approvals granted by the Commission through court challenge of our CEQA process." "The primary issues that created controversy two years ago remain. They include possible impacts to the Junction City School, increased heavy truck traffic on Red Hill Road, and effects from noise and dust."*
 - e. *November 13, 1997, Approved Smith Tailings Use Permit, "This is primarily a "scoop and haul" operation. The only on-site processing permitted is the use of one (1) portable temporary screening unit..."*
5. *California Water Boards Order 2014-0057-DWQ, Statewide General Permit for Storm Water Discharge Associated with Industrial Activities, (Industrial General Permit or IGP) implements the federally required storm water regulations in California for storm water associated with industrial activities discharging to waters of the United States. The IGP regulates discharges associated with 10 federally defined categories of industrial activities.*
- a. *3. Oil and Gas/Mining Facilities: Facilities classified as SICs 10XX through 14XX, including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 Code of Federal Regulations. 434.11(1) because the performance bond issued to the facility by the appropriate Surface Mining Control and Reclamation Acts authority*

Junction City Community Promises & Permits Broken...

Junction City Community Promises & Permits Made...

has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with any overburden, raw material, intermediate products, finished products, by-products, or waste products located on the site of such operations. Inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator. Inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined material; or sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim.

9/30/2020

California Integrated Water Quality System (CIWQS) - Printer Friendly View

Regulated Facility Report (Detail)

SEARCH CRITERIA:

Grouped By Region, Region (1), County (Trinity), Status Active

DRILLDOWN HISTORY:

Program Storm Water, Region 1, Program (Specific) INDSTW

Agency	Agency Address	Facility Name	Facility Address	Latitude	Longitude	Class/Permit Type	REGIONS	County	Region	Program	Status	Regulatory History Measure Date	Regulatory Measure Date	Centerline	WQID	NPDES No.	Adoption Date	Effective Date	Termination Date
State	PO Box 1499, Weaverville, CA 96093	State Route 239e	State Route 239e, Weaverville, CA 96093	40.73237	-123.02193	Industrial - Construction Sand and Gravel	1442	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531000476	CA0200001		03/13/1992		
Merced	PO Box 1206, Eureka, CA 95922	Merced Center Co	380 Highway 36, Dinmore, CA 95926	40.44386	-123.54057	Industrial - Nonclassifiable Establishments	9999(H)	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531019043	CA0200001		09/23/2004		
Trinity	PO Box 1341, Lewiston, CA 96022	Trinity Area Center	1 Fairview Marina St, Lewiston, CA 96052	40.81677	-122.76734	Industrial - Marinas	4493	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531NEC004528	CA0200001		09/26/2018		
Trinity	PO Box 2702, Weaverville, CA 96093	Trinity Area Center	Highway 3 273 Tom Bell Road, Weaverville, CA 96093	40.743232	-122.925167	Industrial - Local Trucking Without Storage	4212	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531003899	CA0200001		04/03/1992		
Trinity	PO Box 249, Weaverville, CA 96093	Trinity Area Center	Highway 239, Weaverville, CA 96093	40.72549	-122.932	Industrial - Sawmills and Planing Mills	2421	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531018328	CA0200001		08/05/2003		
Trinity	45810 State Hwy 3, Trinity Center, CA 96091	Trinity Area Center	45810 State Hwy 3, Trinity Center, CA 96091	40.846156	-122.830221	Industrial - Marinas	4493	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531NEC003794	CA0200001		11/13/2017		
Trinity	8402 Paradise Drive, Oakland, CA 94621	Trinity Area Center	716 Main Street St, Weaverville, CA 96093	40.728428	-122.938774	Industrial - Corner Services Except by Air	4215	Trinity	1	INDOTW	Active	2014-0057-DWQ	1	531NEC001490	CA0200001		11/10/2018		

b. Current status of Smith Tailings, no ACTIVE California Water Boards Permit.



Junction City Community Promises & Permits Broken...

Junction City Community Promises & Permits Made...

6. Did Trinity County do any inspections?

MINE ID: 91-53-0015	
Mine ID	91-53-0015
Mine Name	SMITH PIT MINE 2
Operation Type	STREAMBED OR GRAVEL BAR DUMPING AND PITTING TAILINGS PROCESSING
Mine Status	ACTIVE
Primary Product	Sand and Gravel
Other Products	
Owner	CONCRETE AGGREGATE PRODUCTS
Operator	CONCRETE AGGREGATE PRODUCTS
Lead Agency	County of Trinity
Report Year	2017
Access Disturbed	0.00
Reclamation Status	RECLAMATION NOT STARTED
Number of Sites	2,000.00
Permit Dates	3-20
Financial Assurance Mechanism Total	1,844.25
Financial Assurance Cost Estimate	3,702.08

On May 31, 2018 held a Community Meeting about the Smith Pit Mine, here is what Clint Robison stated during the meeting:

https://www.youtube.com/watch?v=F3O7e4mX_qY&t=3653s

22 minute mark – Clint Robinson, “Trinity County comes in once a year and I pay ‘em \$800 dollars to come in and they spend about 5 minutes and leave. You know. They’ve got to do their annual inspections, they’re the lead agency for the State Department Conservation.”

The Junction City Community has also been very vocal for many years.

Junction City Community Organization Meeting
CALL TO ACTION
about Smith Pit Mine a.k.a. Trinity Sand and Gravel
 When: March 9th, 2020
 Time: 6:30 pm
 Where: North Fork Grange, JC

For years operators of this site have been doing business outside of their Use Permit, essentially acting illegally, with no recourse or accountability.

We've complained to the Planning Department.
 We've complained to the owners of the property.
 We've complained to the Planning Commissioners.
 How can we make our voices be heard?

In this meeting, we will organize the community to **strategize, unify, and identify** where our power is to apply pressure.

This business is looking to expand.

They want to develop a cement batch plant, bring in more rock crushers, add more trucks to the road, and more! All things would significantly impact the Junction City Community regardless of where you live.

Community concerns for this business includes:

- Unhealthy levels of lead found in the soil next door to our elementary school
- Trucks drive through our community with this soil uncovered daily
 - Operations within 10 ft of the river
- Presence of rock crushers on the property at times even though they're not included in their Use Permit
 - Add many more...

Join your community to learn more, voice your concerns, and find out how we can apply pressure to the right people to see real change.

May 31, 2018 North Fork Grange Smith Pit Community Meeting – here are some of the statements that Clint Robinson made around the 12 minute mark.

https://www.youtube.com/watch?v=F3O7e4mX_qY&t=3653s

- “you know my phone rang from starting 10 o'clock at night till 5 o'clock”.
- “I had to leave because my phone was ringing off hook all night long”.

The Mission Statement for Trinity County:

*With transparency and integrity Trinity County works responsively to create and maintain a safe and healthy quality of life for **all citizens**.*

If a community builds up around a quarry, they are making a decision to take the risks in living near a quarry and experiencing its attendant dangers. However, bringing a quarry into an existing community without the community’s permission is a violation of the community’s property rights and the rights to living without threat of adverse living conditions. Trinity County has a responsibility to protect existing land owners from the intrusion of facilities such as Trinity Sand and Gravel.

Junction City Community Promises & Permits Broken...

KLH PACIFIC, INC.

ENGINEERING • CONSTRUCTION CONTRACTING • SURVEYING

May 22, 1995

**Mr. Ron Adams
Assistant Planner
Trinity County Planning Department
P.O. Box 2819
Weaverville, CA 96093**

Re: Use Permit Application for J. Smith Property at Junction City

Dear Mr. Adams:

The following is intended to supplement the information provided in the above referenced application.

The property, which is the subject of the Use Permit Application, is identified on the attached aerial photograph as being all of the land owned by Irvin J. & Edith S. Smith lying southwesterly of State Highway 299, and is more particularly described as Assessor's Parcel Nos. 12-12-42 and 12-12-49.

All future mining operations will be confined to two areas of existing tailing piles. The first area consists of about three acres of gravel piles lying between the State Highway and the Trinity River. It has been estimated that this area contains about 100,000 cubic yards of gravel. One acre on the southeast end of this area is currently the subject of a reclamation plan application.

The second area, proposed for mining in the future, lies southwesterly of the river and consists of tailing piles containing approximately 350,000 cubic yards of gravel. This area is also identified on the aerial photograph and is approximately six acres in size. It should be noted that there will be substantial gravel deposits left undisturbed between the second area mentioned above and the west property line.

An additional fact that should be emphasized is that no riparian habitat will be disturbed at any time during the mining of these areas.

Stockpiling will only occur adjacent to the area being mined, at the location where screening takes place. The material stockpiles will not be visible from the highway. The proposed location of the screen behind the tailing piles should prevent any need for noise abatement measures. If noise levels become objectionable at any time, the operator is

**Mr. Ron Adams
Assistant Planner
Trinity County Planning Department**

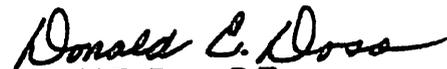
**May 22, 1995
Page Two**

prepared to utilize additional noise dampeners on the screen to mitigate the noise. Hours of operation for screening will be 7:00 A.M. to 4:00 P.M., five days a week, year around, not to include holidays and weekends. There will be no crushing or washing of material in connection with this operation. Mined materials will be transported using two trucks. Each truck could make eight trips per day, five days a week with the operating season being year around. The hours of operation will be from 7:00 A.M. to 6:00 P.M. It is the intent not to operate on holidays and weekends. The option to exceed these limitations on an emergency basis should be available under the use permit conditioning.

At the time the second area is mined an access road will be developed, as shown on the aerial, and will be located so as to maximize the sight distance at the point of encroachment to Red Hill Road. Adequate signage will be placed to alert traffic using Red Hill Road to the truck traffic, and these trucks will be admonished to use extreme caution due to the pedestrian traffic in this area.

We trust the information provided is adequate, but if additional information is required please call upon this office.

Sincerely,


Donald E. Doss, P.E.

DED:eb

Enclosures



TRINITY COUNTY
Planning Department

P.O. Box 2819 (916) 623-1351
Weaverville, CA 96093 (916) 623-1353 (fax)
Email: tcplng@tcoe.trinity.k12.ca.us

June 4, 1997

Chris Erikson
Erikson Consulting and Surveying
P.O. Box 460
Lewiston, CA 96052-0460

RE: Proposed Use Permit Modification and Reclamation Plan for Phase II of the Smith Tailings mining project.

Dear Chris:

I've reviewed the application and draft reclamation plan (Draft Plan) you submitted for the above noted project. The purpose of this letter is to request additional information and to provide you with my initial response to your submittal.

After reviewing the Draft Plan and considering the various issues that must be addressed, it is necessary to reevaluate our ability to use the prior Negative Declaration for this project. In past conversations we discussed use of the prior Negative Declaration since the original proposal included a request to mine the tailings on the south side of the river. While various arguments can be made that support this, a number of factors exist that warrant a new Initial Study. These factors include: permit requirements not addressed earlier (Flood Plain Development Permit, F&G 1603 permit, etc.); changes in environmental regulations (such as the Coho listing); the fact that the prior approval limited mining activity to the highway side of the river; the fact that no reclamation plan was submitted or evaluated that addressed mining in Phase-2; and, that the potential for major public controversy exists. Considering these factors we have determined that a new Initial Study should be prepared to address the new mining activity as proposed.

Past public controversy over mining projects in Junction City has not been limited to this operation. In 1988, the Chagdud Gonpa proposed a tailing extraction operation on their property, upstream from the Smith tailings site. There was very strong opposition to the project that resulted in the applicant withdrawing their application, due primarily to concern over possible effects to the school and from heavy truck traffic on Red Hill Road. Your proposal and theirs are different in regards to material processing. Your project does not include rock crushing on-site, where theirs did. Although you and your clients may perceive a new environmental document as a burden, given the past public controversy, it is in your clients interest that the CEQA process is handled properly. Failure to do so could jeopardize approvals granted by the Commission through court challenge of our CEQA process.

I will complete a new draft Initial Study and proposed Mitigated Negative Declaration, then route the documents to the State Clearinghouse for distribution to reviewing agencies. At the same time I will also route to the National Marine Fishery Service a biological evaluation and a proposed determination of "not likely to adversely affect" the Coho Salmon or its habitat. The review period will be for 30-days. Your Draft Plan will be routed directly to the Dept. of Conservation, Office of Mine Reclamation (OMR) for mandatory review. I would expect comments from OMR near the end of the 30-day State Clearinghouse review period. Given this scenario, the August 14th Planning Commission meeting is the earliest that this matter can be ready for a public hearing, although the September meeting may be more realistic.

There are a few questions I have that I will need answered before I can complete the Initial Study. Please provide a written response to these as soon as possible so that I can move forward in processing the application. The questions and requested information are as follows:

- #1 You indicate in the Draft Plan that 50,000 cu.yds. of material has been produced to date from Phase-1 of this operation. This represents half of the total available material as permitted by existing approvals. The aerial photo attached to the Draft Plan (taken on 3/29/97) indicates a smaller area of disturbance/production. When comparing earlier aerial photos of the site with the new one, it appears that less than half of the permitted site has been developed. Will you please explain this. Also, assuming that there is only 50,000 Cu. Yds. of material remaining and that estimated annual production will be 15,000 Cu. Yds. (as noted in your Draft Plan), is it correct to assume that there is at least a three year supply of rock remaining in the existing permitted area? You should review the production quantities that Clint has and/or will be reporting to the state for this operation to determine if the figure in the Draft Plan is correct.
- #2 Based on conversations with you and Clint Robison, it's my understanding that there has been little or no screening activity as allowed by the existing use permit. In other words, this has been primarily a scoop and haul operation which leaves an open pit with little or no waste rock for back-filling. The existing use permit and reclamation plan assume fines and waste rock would be generated from the screening process, then be used to help accomplish reclamation work. The Draft Plan also includes this process.

Please describe the type of reclamation activity completed to date, as indicated in Section B.1 of your Draft Plan, and explain how reclamation has been accomplished without benefit of waste material from screening operations. Also, if little or no screening is conducted in the existing site or with the proposed Phase-2 work, how will excavated areas be back-filled (see discussion under Section D.1 in the Draft Plan).
- #3 You indicate in Item A.13 "Proposed Start-up Date" that the proposed Phase-2 operations will begin following the required approvals, but will not be in full production until Phase-1 work is completed. Exactly what type of mining activity and level of production do you propose for the Phase-2 area prior to final closure of the Phase-1 site? Will initial Phase-2 work be limited to road construction only? Please be specific. Recognize that if you are proposing to operate both sites at the same time this could affect your burden for financial assurance. However, there may be a benefit to maintaining some reserves on the highway side of the river, especially if hauling activities are required to work around the Junction City School schedule.
- #4 Are you proposing that this Draft Plan replace the existing reclamation plan, or that it be considered an addendum subject only to the proposed Phase-2 area?
- #5 What is the maximum depth of mining for Phase-2? For Phase-1 it was 15 feet - please clarify.
- #6 Please provide a cross-section and detail for the depressions as indicated in Figure 2 (pg.19) in the Draft Plan. Please include details on length, depth, slope, etc.
- #7 Phase-2 is clearly within the flood plain of the river and will likely be influenced more often by the river's high flows once the existing tailings are removed. Using your preferred reclamation alternative, what would be required to complete reclamation of the Phase-2 site if one year after the mine closes the river floods and significantly modifies all reclamation work completed (grading, depressions, etc.)? Would the operator be required to come back and re-do the work? Does the 2 year time frame to allow natural revegetation start over?
- #8 Please provide an updated property owners list and stamped- addressed envelopes for the public hearing notice. Attached is the prior list for your reference.

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

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

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

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

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

The question has been presented on why a FPDUP was not required two years ago. The answers is that the Smith Property is located along a section of the Trinity River without Base Flood Elevations and with a Zone-A 100-year flood designation. For the Trinity River, the Flood Plain Ordinance references not only Flood Insurance Rate Maps (FIRMs) as the basis for determining areas of special flood hazards, but also aerial photos taken during the 1974 major flood event. We often will use the referenced photos, or other better available information, in-lieu of the FIRMs in Zone-A areas of the Trinity River. It is the duty of the Flood Plain Administrator (Planning Director) to make the determination on what is the best available information on a case-by-case basis. Two years ago it was determined by using the aerial photos that most if not all

proposed mining activity in Phase-1 was out of the flood plain. The proposed Phase-2 area had a greater risk for flooding, but became a non-issue with the Commission's final action. As you are aware, the referenced aerial photos are available in our office for review. It is clear from this past winter's flooding that the 1974 photos do not accurately define the boundaries of risk for a 100-year flood on this section of the Trinity River. It should also be noted that the New Years flood was likely less than a 100-year event. We are requiring the FPDUP at this time, since the evidence of this past winter storms demonstrate flooding of less than 100-year duration affects existing and proposed mine areas.

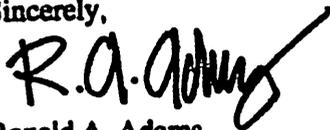
I spoke with Bob Taylor yesterday in regards to the need for a Fish & Game 1603 permit. He said that the permit would be required since mining operation will include excavations below grade along the margin of the river.

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

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

Please feel free to call if you have any questions.

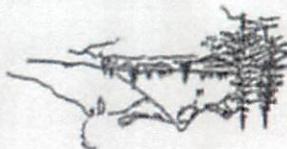
Sincerely,



Ronald A. Adams
Associate Planner

CC: Jim Smith
Clint Robison
Matt Leffler, Supervisor-Dist. 4
Tom McKnight, Commissioner-Dist. 4
Catherine Gaggini, Dept. of Conservation, Office of Mine Reclamation
Kathleen Ghrum, Junction City School
Bob Taylor, Dept. of Fish and Game

TRINITY COUNTY
Planning Department
P.O. Box 2819
Weaver, CA 96093
916-623-1351
916-623-1353 (fax)



Public Information Meeting
Thursday, June 22, 1995, 7:00 PM
Grange Meeting Hall, Junction City

Proposed Project:

Minning Use Permit and Reclamation Plan for Weaver City Construction - J. Smith (Project P-95-19)

Location:

Between Red Hill Road and State Hwy 299, approx. 3/4 mile west of the Junction City Post Office, Junction City area. APN #12-120-42 & 49. Portion of Section 1 T.33N. R.11W. HBM.

Project Description:

The Applicant is requesting consideration and approval by the Trinity County Planning Commission of a reclamation plan and related use permit pursuant to Public Resources Code Section 2710 et seq. (Surface Mining and Reclamation Act of 1975-SMARAA), State Mining and Geology Board regulations for surface mining and reclamation, and Trinity County Zoning Ordinance Sec 30.A. (see Site Plan Map-Exhibit "B").

Minning activity on-site 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 applicant's existing plant facility in Weaverille for processing into concrete aggregate, road construction products, and fishery habitat restoration material.

Proposed minning operations are confined to two areas of existing rock tailing piles. The initial phase consists of approximately three acres (100,000± yards) of tailings lying between State Highway 299 and the Trinity River. The State Highway provides direct access to this area. The future phase is located directly across the river from the initial phase activity, and is approximately six acres in size (300,000± yards). Red Hill Road would be used for access to this area.

The use permit request addresses both initial and future minning activity on the site. The reclamation plan submitted applies only to a one acre area of the initial phase of operations (an area description is provided on page 3 of the reclamation plan). This area contains approximately 30,000 yards of material, and is estimated to provide three years worth of material. Preparation and Planning Commission approval of a subsequent reclamation plan will be required prior to commencement of minning activity beyond that addressed in the present reclamation plan.

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 set aside for use in reclamation. The screen unit is powered by a 15 hsp electric motor fed by a gas generator equipped with noise suppressor (50 KW). Two dump trucks (10-wheel, 10 yard) will be used to transport the screened material to Weaverille. 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 each truck could make as many as eight trips per day. However, average daily truck activity will be much less since stockpiles of material in Weaverille will be maintained and used during slow periods of the year. Please see page 4 of the reclamation plan for a discussion of reclamation activities.

Proposed hours of operations are from 7:00am to 6:00pm, Monday through Friday, and with no operations on legal holidays. Screening activity will end by 4:00pm each business day. Actual daily activity will fluctuate with seasonal construction demands.

TRINITY COUNT
PLANNING DEPARTMENT

303 Trinity Lakes Blvd. 916-623-1351
 P.O. Box 2819 916-623-1353 (fax)
 Weaverville, CA 96093-2819



PLANNING LAND USE ENTITLEMENT(S)

Project No. P-97-32 APN: 12-120-42 & 49

Project Location: Adjacent to the southwest bank of the Trinity River, approx. 1/2 mile NW of Junction City School, off Red Hill Road

Applicant: Clint Robison-Weaver City Con. Owner: Irvin Jim Smith

Address: P.O. Box 2250 Address: P.O. Box 310
Weaverville, CA 96093 Junction City, CA 96048

Applicant's Signature: *[Signature]* Date: 5/21/97

(Please Sign and Date Only)

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:	Action Taken:	Date:
<input type="checkbox"/> Board of Supervisors	_____	_____
<input checked="" type="checkbox"/> Planning Commission	<u>approval</u>	<u>11/13/97</u>
<input type="checkbox"/> Subdivision Review Committee	_____	_____
<input type="checkbox"/> Planning Director	_____	_____
<input type="checkbox"/> Architecture Review Committee	_____	_____

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).

November 27, 1997
 Effective Date:

[Signature]
 John Alan Jelichich
 Planning Director

Note: Approval does not constitute a Building Permit. Building Department may not issue a permit until the effective date.

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)

Prepared By:

ERIKSON CONSULTING & SURVEYING
P.O. Box 460
Lewiston, CA 96052-0460
(916) 778-0306

AUTHOR'S NOTE

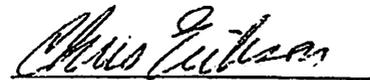
This Reclamation Plan for the expanded operations on the Smith property in Junction City is nothing more than a resubmission of original data for the same operators and owners prepared during the period of June to August 1995 by:

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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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 flood plain of the Trinity River (Flood Zone-A, FEMA Flood Insurance Rate Maps #06105C0505 B, 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

directly into the ground."

- 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 patten, 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 land fill, 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.)

Move 500 cy @ \$1.50/cy	\$ 750.00
Heavy equipment transport	<u>500.00</u>
Subtotal	\$ 1,250.00
Insurance	
(on-site liability 1.5%)	\$ 18.75
Contract Administration (15%)	187.50
Bond	
(performance & payment 1.5%)	18.75
Profit	<u>125.00</u>
Subtotal	\$ 350.00
GRAND TOTAL	<u>\$ 1,600.00</u>

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
Mine Operator

Irvin J. Smith
Property Owner

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.

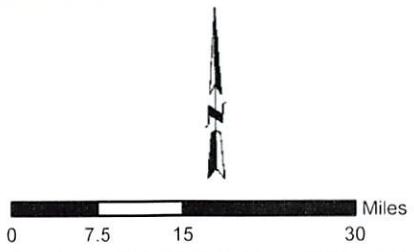
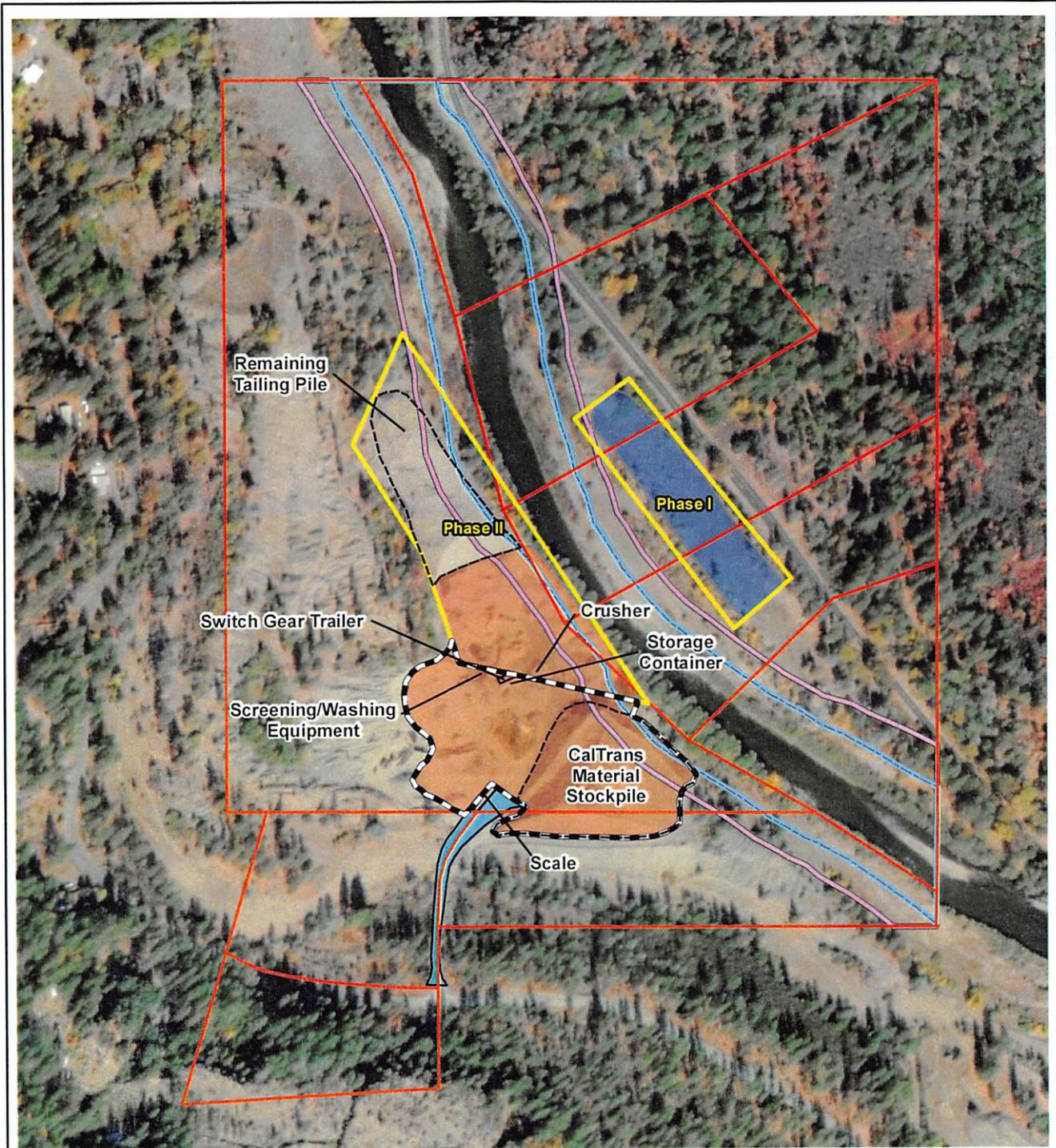


FIGURE 1
 GENERAL SITE LOCATION
 SMITH TAILINGS
 TRINITY COUNTY, CALIFORNIA



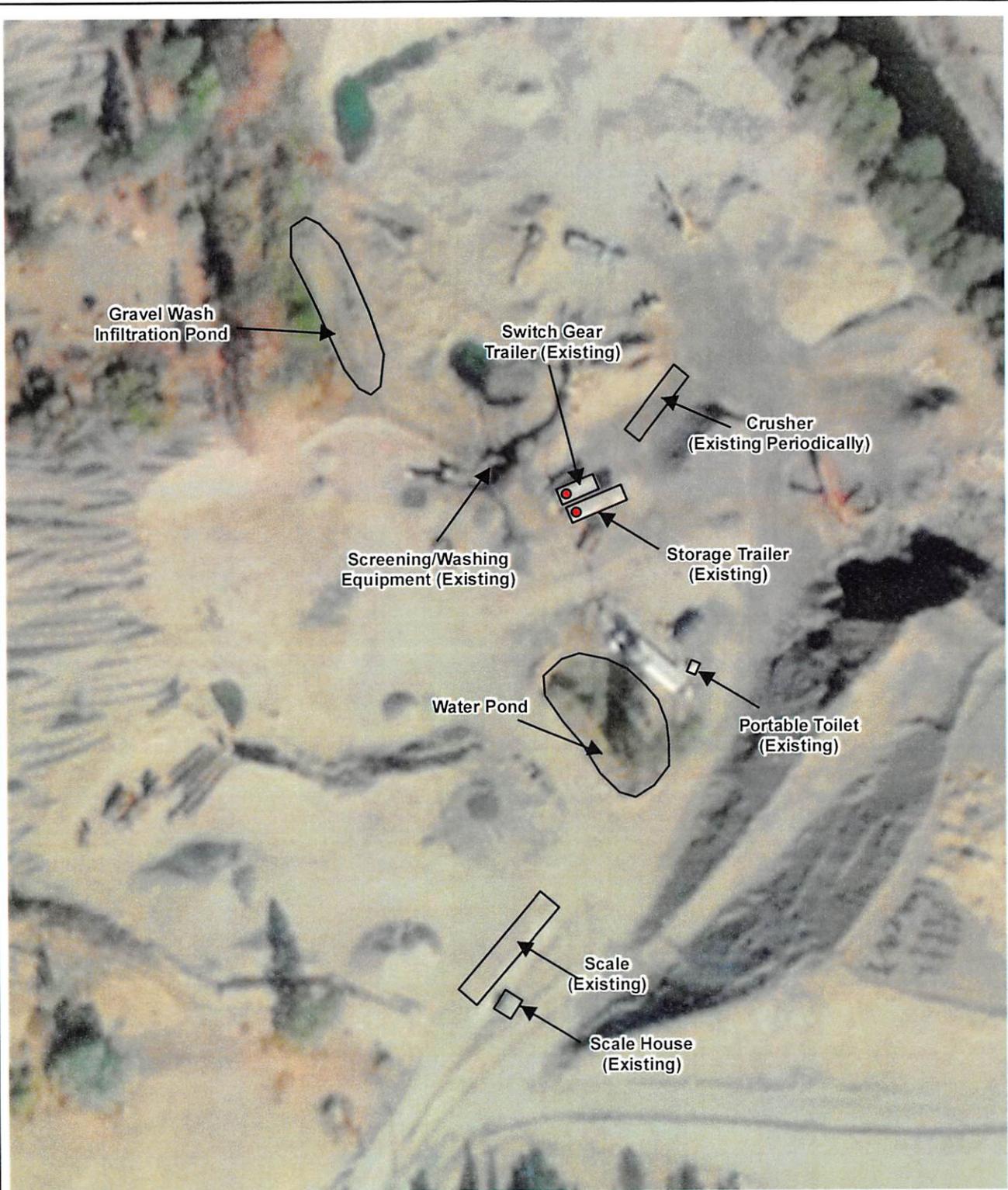
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|---|---|---|-------------------------------------|
|  | Approximate Parcel Boundary |  | Driveway (0.5 acres) |
|  | 1997 Reclamation Plan Boundary (10.3 acres) |  | Existing Disturbed Area (9.5 acres) |
|  | Amended Mining Area (6.4 acres) |  | Reclaimed Area (2.4 acres) |
|  | 30-Foot Setback from Riparian Buffer | | |
|  | 100-Foot Setback from Riparian Buffer | | |




FIGURE 2A
SITE PLAN
 SMITH TAILINGS
 TRINITY COUNTY, CALIFORNIA

SOURCE: TRINITY COUNTY 2013; USDA 2016 AERIAL PHOTOGRAPH

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● Fire Extinguisher



SOURCE: DIGITALGLOBE 2017 AERIAL PHOTOGRAPH

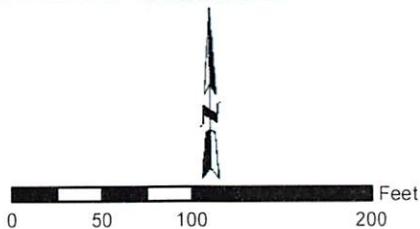
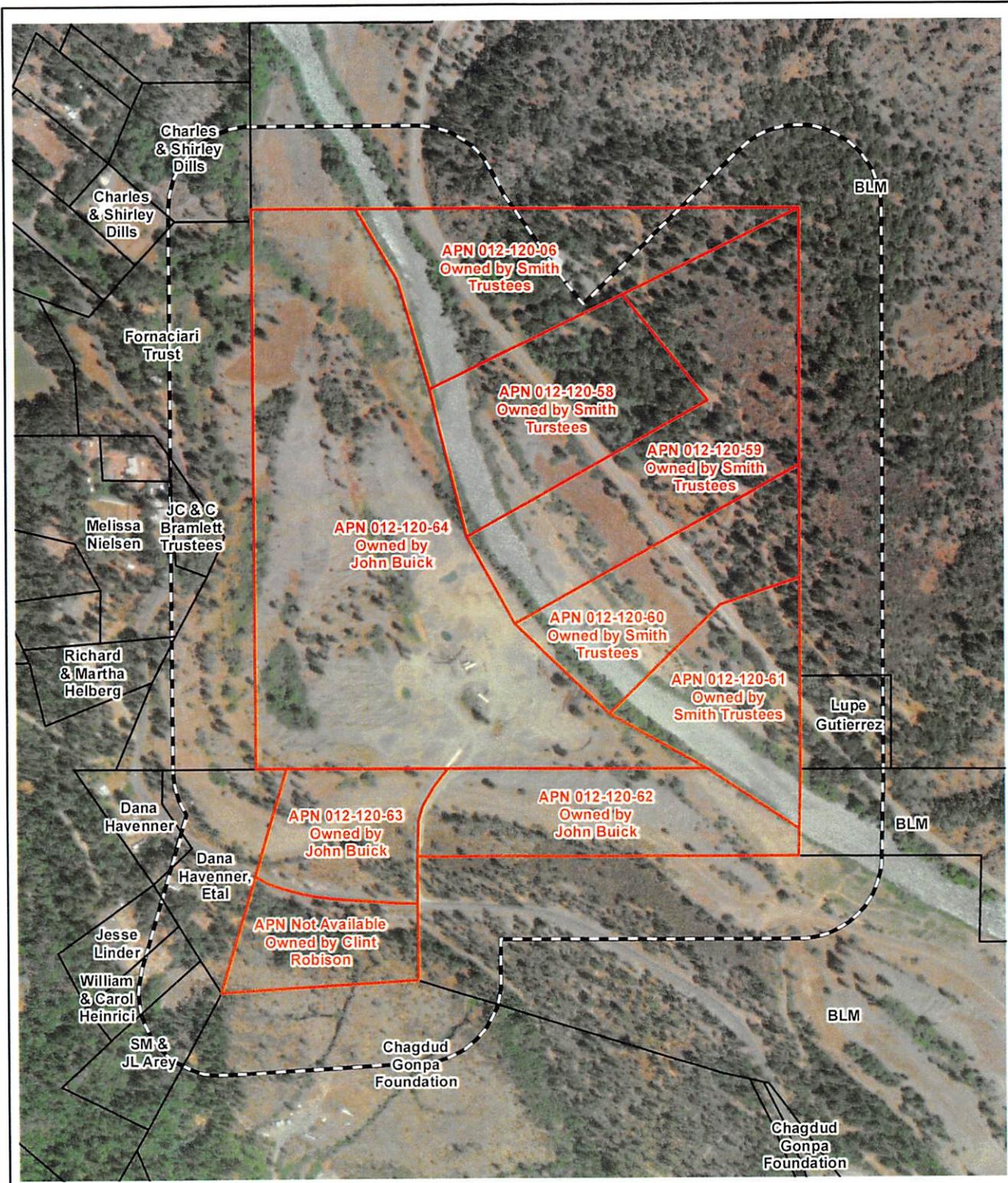


FIGURE 2B
SITE EQUIPMENT
SMITH TAILINGS
TRINITY COUNTY, CALIFORNIA



-  Approximate Project Parcel Boundary
-  Approximate Nearby Parcel Boundary
-  300-Foot Buffer Around Property Boundary



FIGURE 3
 PROPERTY OWNERSHIP MAP
 SMITH TAILINGS
 TRINITY COUNTY, CALIFORNIA

SOURCE: TRINITY COUNTY 2013; USDA 2016 AERIAL PHOTOGRAPH

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 .

Regulated Facility Report (Detail)

SEARCH CRITERIA:

Grouped By **Region**, Region (**1**), County (**Trinity**), Status **Active**

DRILLDOWN HISTORY:

Program **Storm Water**, Region **1**, Program (Specific) **INDSTW**

Agency	Agency Address	Facility Name	Facility Address	Latitude	Longitude	Place/Project Type	SIC/NAICS	County	Region	Program	Regulatory Measure Status	Regulatory Measure Tyrs	Order No.	WDID	NPDES No.	Adoption Date	Effective Date	Termination Date	Expiration/Review Date	Design Flow	Major/Minor	Complexity	TTWQ	Cafe Population	# Enforcement Actions within 5 years	# Viola withi years	
Eagle Rock Inc	1498 PO Box Weaverville CA 96093	Eagle Rock Inc LA Grange Pt	299w State Route Weaverville CA 96093	40.73237	-123.02193	Industrial - Construction Sand and Gravel	1442	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 531000476	CAS000001	03/13/1992									0	0	
Mercer Fraser Co	1008 Eureka, CA 95502	Mercer Fraser Co	35 Dinsmore CA 95526	40.46386	-123.54057	Industrial - Nonclassifiable Establishments	9999(+)	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 531019043	CAS000001	09/23/2004										0	0
Trinity Alga Marina	1 fairview marina rd, Lewiston, CA 96052	Trinity alga marina	1 fairview marina rd, Lewiston, CA 96052	40.81677	-122.76734	Industrial - Marinas	4493	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 53NEC004528	CAS000001	09/25/2018										0	0
Trinity City Solid Waste	2700 173 Tom Ball Road, Weaverville, CA 96093	Weaverville Landfill	173 Tom Ball Road/ PO Box 2700 Weaverville, CA 96093	40.743232	-122.925167	Industrial - Local Trucking Without Storage	4212	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 531003899	CAS000001	04/03/1992										0	0
Trinity River Lumber Co	PO Box 249, Weaverville, CA 96093	Trinity River Lumber Co	Highway 299, Weaverville, CA 96093	40.72549	-122.932	Industrial - Sawmills and Planing Mills, General	2421	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 531018328	CAS000001	09/05/2003										0	0
Trinity SMLLP	45810 State Hwy 3, Trinity Center, CA 96091	Trinity Lake Resort & Marina	45810 State Hwy 3, Trinity Center, CA 96091	40.846156	-122.830221	Industrial - Marinas	4493	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 53NEC003784	CAS000001	11/13/2017										0	0
United Parcel Service	8400 Pardee Drive, Oakland, CA 94621	UPS Weaverville CAWVR	716 Main Street Ste 1, Weaverville, CA 96093	40.728428	-122.938774	Industrial - Courier Services Except by Air	4215	Trinity	1	INDSTW	Active	Storm water industrial	2014-0057-DWQ	1 53NEC001490	CAS000001	11/10/2015										0	0

*Some facilities are associated with multiple agencies. When this occurs, two line items may be displayed.

Adoption Date: The date the Board Order was adopted. This is not applicable to enrollees.

Complexity: Value of A, B, or C. The value of A is the highest and typically indicates multiple discharge points, where C represents discharges with little or no treatment.

Design Flow: Though typically the flow at capacity, it may be the permitted flow.

Effective Date: The date the regulatory measure type became effective. This is used as a date of enrollment for facilities regulated by general orders.

Expiration/Review Date: This is the date that a permit is set to expire or the date when the facility and its WDR needs to be assessed to ensure the WDR implements State laws, regulations, updated Water Quality Control Planes, and conditions at the site.

Facility Name: The place named in the order/Notice of Applicability, associated with the discharge

Facility Type: The type of facility being regulated (i.e., wastewater treatment plant, food processor, etc.)

Major: EPA designates certain facilities as major depending on their industrial category or by the amount of flow, generally flow greater than 1 MDG or a discharge that poses a substantial threat to water quality.

Minor: EPA designates certain facilities as minor that have smaller flows and are considered lower threat.

NPDES No: Federal Identification Number that stays with the discharge when a permit is revised.

Order No: Number assigned to the Board adopted order. This changes when a permit/WDR is revised.

Program: The Water Boards have divided their workload into regulatory programs that are distinguishable by attributes of the discharge.

- Region:**
- 1 - North Coast
 - 2 - San Francisco Bay
 - 3 - Central Coast
 - 4 - Los Angeles
 - 5F - Central Valley, Fresno Office
 - 5R - Central Valley, Redding Office
 - 5S - Central Valley, Sacramento Office
 - 6T - Lahontan, Tahoe Office
 - 6V - Lahontan, Victorville Office
 - 7 - Colorado River
 - 8 - Santa Ana
 - 9 - San Diego

[\[Water Board Map\]](#)

Regulatory Measure Type: The type of order the facility is regulated by. It may be an NPDES Permit, Waste Discharge Requirements (WDR), an enrollee under a general order, a certification, etc.

SIC/NAICS: These are federal codes (SIC is historic) that are used to classify facilities.

Status: This is the status of the regulatory measure the facility is regulated under. It may be Active, Historical, or Terminated (storm water).

Termination Date: The date that coverage under a regulatory measure was terminated. Typically, this means either the discharge ceased or the facility is operating under another type.

TTWQ - Threat to Water Quality: Value of 1, 2, or 3. The value of 1 is the highest and the value 3 indicates low threat.

WDID: This is the waste discharge identification number that the Water Boards' assign to each discharge.

The current report was generated with data as of: 09/30/2020

Bella Hedtke

From: Padma Gyatso <lamapadma@gmail.com>
Sent: Wednesday, September 30, 2020 4:31 PM
To: Bella Hedtke; Kim Hunter; Lisa Lozier
Subject: Planning Dept Re: Smith Pit Mine
Attachments: Letter to TC Planning.docx

Hello friends, I am attaching my comments for the upcoming hearing relating to the Smith Mine. I hope it will get consideration in your deliberations.

--

To: Trinity County Planning Commission

Re: Smith Pit Mine

I am a Director of Chagdud Gonpa Rigdzin Ling and Vice-president of Chagdud Gonpa Foundation, the national not-for-profit organization that the Gonpa operates under as a Buddhist church. I have been involved in Chagdud Gonpa activities as a teacher and organizer for over thirty years and began visiting Trinity County when the Foundation purchased the land in 1988. In 2012, I was appointed to serve as the Resident Spiritual Director for Rigdzin Ling and have been living here since then.

One of the purposes of Rigdzin Ling, and approved and applauded by the county, is to provide a safe, clean and peaceful environment for the public to visit, for those who attend the formal programs offered here throughout the year and for short-term guests who yearn for the quiet of a personal retreat. There are also those visitors who decide on an overnight stay in a private room, in the dormitory or the campground. Every week we have visitors who come and walk the land, or just park and feel the peaceful atmosphere. The overwhelming number of comments in our guestbook relate how peaceful and inspiring it was to visit Rigdzin Ling. All these services rely on being able to offer a peaceful and relatively quiet environment. Those services we provide also make up our economic base of support. We have no other outside funding other than individuals and groups who use our facilities and our onsite gift shop. This resource is being negatively impacted by the growing intensity of noise, at all hours, coming from the Trinity Sand and Gravel operation.

Since establishing Rigdzin Ling here in Junction City there has been a strong feeling of being part of a greater community. Presently we have a staff of twelve who reside onsite, and scattered throughout the county are others who volunteer for various purposes. The service providers we contract with, like plumbers, electricians, builders, etc., are all local. As well, our original founder, Chagdud Rinpoche, set the policy of paying our full share of property tax to the county every year, even though we could be exempted as a church.

Given all of the above, Chagdud Gonpa Foundation opposes any industrial development within earshot of, or on the wind towards, Rigdzin Ling as it would directly undermine our ability to provide the services that fulfill our mission and for which we were approved by the county to carry out. This opposition refers particularly to the Smith Pit Mine proposal as well as the present intrusive activity carried out there that is not in compliance with their present use permit. Thank you very much for your consideration and your efforts on behalf of Trinity County.

Respectfully,
Richard Baldwin

Bella Hedtke

From: Liz McIntosh <mcinchap09@gmail.com>
Sent: Wednesday, September 30, 2020 4:42 PM
To: Kim Hunter; Bella Hedtke; Info.Planning
Subject: Public Comment for October 8th
Attachments: NFG Public Comment Regarding Project No P-97-32.pdf

Good Afternoon,

I have attached a letter given to me by Will Shaw on behalf of the North Fork Grange here in Junction City. Will is a prior Grange Master for the North Fork Grange and currently serves as the California Deputy State Grange Master.

Please consider the attached letter and document as public comment for the item on the October 8th agenda to discuss the Smith Tailings project. Let me know if you have any issues with the PDF and I will resubmit.

Thank you,
Liz

September 30, 2020

Re: Smith Tailings Project No. P-97-32

Dear Trinity County Planning Commissioners,

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

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

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

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

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

Sincerely,



Will Shaw, on behalf of the North Fork Grange

California Deputy State
Grange Master



PUBLIC RESOURCES CODE - PRC

DIVISION 2. GEOLOGY, MINES AND MINING [2001 - 2815] (*Heading of Division 2 amended by Stats. 1965, Ch. 1143.*)

CHAPTER 9. Surface Mining and Reclamation Act of 1975 [2710 - 2796.5] (*Chapter 9 added by Stats. 1975, Ch. 1131.*)

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

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

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

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

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

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

(5) Each financial assurance mechanism shall be made payable to the lead agency and the department. A financial assurance mechanism 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.

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

(Amended by Stats. 2017, Ch. 521, Sec. 38. (SB 809) Effective January 1, 2018.)