



PLANNING DEPARTMENT COUNTY OF TEHAMA

STAFF REPORT

DATE: October 1, 2024

TO: Tehama County Planning Commission

FROM: Jessica Martinez, Interim Planning Director

SUBJECT: **TCR-2 CA MINE NO. 91-52-0041 AMENDED RECLAMATION PLAN**

BACKGROUND:

On April 28, 2023, the Planning Department submitted the Amended Use Permit No. 04-01 and Reclamation Plan to the Department of Conservation Division of Mine Reclamation (See Attachment B). This document also includes a certified Index as required by the California Department of Conservations as part of the amended Reclamation Plan in order to help facilitate the review and comments as set forth in PRC 2772(b),(c) & 2772.1(a)(3). On October 10, 2023 the Department of Conservation Division of Mine Reclamation stated that since they did not comment within the 60 day review the lead agency was free to move forward with the approval process. There have been a number of amendments to Use Permit No.04-01, of which the most current Reclamation Plan approval occurred on July 20, 2006. This Plan approval includes All slopes will be graded for positive drainage to the creek, perimeter slopes will be 2:1 or less; the expiration date was also be extended to December 31, 2028.

DESCRIPTION & LOCATION:

The applicant is proposing an amendment to the original Reclamation Plan #04-01; which will include a Reclamation Plan that will ensure the end use of the mine complies with SMARA and the Tehama County General Plan. The mine ceased operation in 2018 and the mine operator, Thomas Creek Rock, Inc., has been in the process of reclaiming the site (closed under reclamation). The applicant request an amendment to the following five items. 1) To reduce the amount of acreage in the reclamation plan from 131.31 acres to 94.12 acres. 2) Change the end use in the East area of the mine from irrigated pasture to non-irrigated pasture. 3) Changing the end use in the West Area of the mine from irrigated pasture to Apiary use. 4) Permit the finished floor elevations of the mine to be at a lower elevation than shown on the original reclamation plan maps, not to exceed 190' in elevation to allow for drainage. 5) Installing a small berm to help reduce stream flows from entering the mine during higher flows in Thomes Creek. The proposed project is located in an AG-2; Agricultural Zoning District, NR; Natural Resources and PF; Primary Flood Plain District/Valley District in a Valley Floor Agricultural General Plan designation

that allows the mining operation with a use permit. APN: 067-120-001, 067-120-006, & 067-120-010.

PROJECT LOCATION: The project is located east of the community of Richfield along the east side of Hall Road and south of Thomes Creek on the property known as the Doyle Ranch. The extraction site is approximately 1500 feet north of Hall Road and River Road intersection.

SURROUNDING LAND USE:

North: NR: Natural Resources
South: AG-2: Valley Floor Agriculture
East: AG-2: Valley Floor Agriculture
West: AG-2: Valley Floor Agriculture

GENERAL PLAN:

VFA: Valley Floor Agriculture

ZONING

AG-2 Valley Floor Agriculture District (20 Acre Minimum)

ENVIRONMENTAL IMPACT

The Tehama County Planning Department determined that the proposed project will not have any significant impacts on the environment with the incorporation of twelve (12) mitigation measures (Section III. Air Quality (b) #1 - #4, Section IV. Biological Resources (a-b) #1- #3, (c) #4, Section V. Cultural Resources (b-c) #1, Section VII. Geology/Soils (b) #1, Section X. Hydrology/Water Quality (a) #1, Section XVIII. Tribal Cultural Resources (a) #1, Section XXI. Mandatory Finding of Significance (a) & (c). Through the CEQA process it was determined that this project will not substantially increase the demand for County services. Planning staff evaluated the proposed project based on the use of the Tehama County Environmental Impact Checklist. Therefore, a proposed notice of intent to adopt a Mitigated Negative Declaration was circulated for public review and comments from June 25, 2024 to July 25, 2024 (Attachment F-Mitigated Negative Declaration).

DISCUSSION

The Surface Mining and Reclamation Act (SMARA) requires that all mining operations have an approved Reclamation Plan and Financial Assurance. In 1998, Tehama County adopted an ordinance that required a Use Permit for the commercial extraction of gravel. The amended Reclamation Plan and Financial Assurance was sent to the Department of Conservation (DOC) for their review and comments on April 20, 2023. On October 30, 2023, the Planning Department received a response from the Department of Conservation Mine Reclamation Division advising that because DMR did not choose to comment on the submittal within the 60 day review period, the lead agency is free to move forward with their approval process

The Reclamation Plan was set for Public Hearing on October 17, 2024 with a notices mailed and published in the Daily News on October 5, 2024.

RECOMMENDATION:

The staff recommends that the Planning Commission take the following actions:

- A.** Public Hearing – Conduct a public hearing to consider approval of TCR-2 CA Mine #91-52-0041 amended Reclamation Plan incorporating the Revegetation Plan and changing the end use of the site along with the August 22, 2022 Financial Assurance Cost Estimate, August 24, 2022 Financial Assurance Mechanism, and the associated Mitigated Negative Declaration.
- B.** Request adoption of CEQA findings contained in Attachment E amending Use Reclamation Plan #04-01, including the CEQA Findings for the adoption of the Mitigated Negative Declaration; and
- C.** Request adoption of findings contained in Attachment E relative to the Amended Reclamation Plan #04-01 that also incorporates the Revegetation Plan and changing the end use of the site along with the August 22, 2022 Financial Assurance Cost Estimate and August 24, 2022 Financial Assurance Mechanism, and
- D.** Request approval of the Amended Reclamation Plan #04-01 as contained in Attachment B along with the financial documents and Mitigated Negative Declaration.

ATTACHMENTS

- A. Vicinity Map
- B. Amended Reclamation Plan No. 04-01 Package Dated March 8, 2022.
- C. August 24, 2022 Financial Assurance Cost Estimate
- D. May 6, 2024 Financial Assurance Mechanism
- E. Findings
- F. CEQA – Mitigated Negative Declaration (MND)