

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT SMITH PIT II TAILINGS PROJECT P-97-32
--

STAFF:

- Kim Hunter, Planning Director
- David Colbeck, Senior Environmental Compliance Specialist (DOT)
- Bella Hedtke, Associate Planner

PROPERTY OWNER/OPERATOR: Trinity Sand and Gravel/Judson Buick

CONSULTANT/AGENT: Vestra Resources, Inc.

LOCATION: Junction City (APN: 012-120-62, 012-120-63 and 012-120-64).

Note: The original parcel that was permitted was subdivided in 2008 and the former APNs were 12-120-42 & 49

APPROX. ACREAGE: 10.30, 7.85 and 43.59

GENERAL PLAN DESIGNATION: Rural Residential (RR) and Open Space (OS)

ZONING DISTRICT: Rural Residential 2.5 Acre Min (RR2.5) and Open Space (OS)

OVERLAY ZONE: Flood Hazard (FH) – Floodway and 100-Year Floodplain

ADJACENT LAND USE AND ZONING INFORMATION (Attachment 1 and 2):

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

STAFF RECOMMENDATION:

Staff recommends that the Commission:

1. Receive a staff report;
2. Hold a public hearing to receive public comment;
3. Provide direction to Planning Staff; and
4. Move to continue this item to the May 13th, 2021 Planning Commission meeting in order to:
 - a. Allow Planning staff adequate time to verify compliance status with all conditions.
 - b. Present any findings of the Surface Mining and Reclamation Act (SMARA) site inspection scheduled for April 8th, 2021; AND
 - c. Allow Planning staff adequate time to compile the modified conditions for the Commission's consideration on May 13th.

BACKGROUND:**Importation of Slide Material**

Approximately 500,000 cubic yards of slide material was imported by CalTrans to the Smith Pit Tailings site under an emergency declaration due to the French Creek Slide in the Winter of 2017. At the time State Highway 299 was blocked and there was an immediate need to clear the high priority route. Limited areas exist within the region that can receive slide material. At the time, the Smith Tailings Pit was identified as a site where the slide material could be stockpiled during the emergency closure of State Highway 299.

Surface Mining and Reclamation Act (SMARA)

The Surface Mining and Reclamation Act of 1975 (SMARA, Public Resources Code, Sections 2710-2796) provides a comprehensive surface mining and reclamation policy with the regulation of surface mining operations to assure that adverse environmental impacts are minimized and mined lands are reclaimed to a usable condition.

Condition Use Permit, Flood Development Permit and Reclamation Plan P-97-32

The approved CUP and Reclamation Plan were approved in November of 1997 (Attachments 3 & 4). An amendment application request was received late April 2018 which proposes additional onsite processing equipment (rock crusher and gravel washing) and an existing truck scale. The amendment proposal also includes the addition to a modification of the boundaries of the mining area where the 500,000 cubic yards of slide material is stockpiled at the southeast portion of the mining site.

Ongoing complaints have been, and continue to be, received since 2017 for the Smith Pit II Tailings Project which is an and existing sand and gravel mining operation. This is a County approved mining operation associated with Conditional Use Permit (CUP), Flood Development Permit and Reclamation Plan P-97-32. Based on direction received by the Planning Commission in October 9, 2020, this matter has been placed on the agenda for potential modification or revocation of the CUP.

Planning Staff has monitored and visited the site but has not issued any formal violation notices. The SMARA program is currently administered by the Department of Transportation. A SMARA mine inspection on the site is scheduled for compliance with SMARA is scheduled for April 8, 2021.

The following timeline summarizes events from January 2019 to October 2021:

2019/2020/2021 Timeline:

- **January 28, 2019:** Planning staff, Environmental Health staff, DOT staff were present at the site with representative Vestra Resources and Smith Pit 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 and observed Trinity Sand and Gravel trucks passing by the Junction City Elementary School during the restricted morning drop off period and afternoon pick-up period. Staff also observed dust escaping from the trucks that were carrying material from the mining site.
- **March 9, 2020:** Director Hunter and Associate Planner Hedtke attend a community meeting for the Smith Pit Tailings mine in Junction City to answer specific questions about the Conditional Use Permit, Surface Mine and Reclamation Act and the proposed
- **June 16, 2020:** Director Hunter and Deputy Director Lisa Lozier drove by the site and counted truck traffic at Junction City Elementary School after complaints were received that the mining operation working outside the required the hours of operation set forth in the use permit and the high volume of truck traffic on Red Hill Road.
- **June 22, 2020:** Planning staff confirmed with photos and by the operator that a rock crusher was temporarily at the site after reports were received from residents in the area. The operator, Mr. Buick, stated that it had only been onsite for the weekend to be weighed on the scale and for maintenance. Director Hunter advised Mr. Buick that the maintenance of equipment, except in emergency situations, is not permitted per Condition 12 of the Conditional Use Permit and that the rock crusher should not be on the site.
- **July 13, 2020:** Planning and CDFW staff conducted a site visit for the proposed amendments CEQA document preparation relating to project P-18-11 and to determine the location of the riparian setbacks in relation to the location of the slide material and mining activities.
- **Various Dates:** Director Hunter drove by the site numerous times on weekends after being contacted by nearby residents that the site was open and operating on weekends. No activity was noted during these visits.
- **August 13, 2020:** The Planning Commission directed staff to agendized the Smith Pit Tailings mining operation on the next reasonable meeting for discussion.
- **October 8, 2020:** The Planning Commission moved to put Conditional Use Permit and Reclamation Plan (P-97-32) located in the Junction City area off of Red Hill Road (Assessor's Parcel Numbers 12-120-42 & 49) on the agenda for modification or revocation of the Conditional Use Permit for the Smith Pit Mining Operation at the soonest possible meeting.
- **October 15, 2020:** After receiving complaints on Friday, October 9th, 2020 and Wednesday October 14th, 2020 regarding trucks operating during the restricted time periods, Trinity County Planning Department staff was instructed to observe truck traffic on Red Hill Road in Junction City to verify the Smith Pit Mining Operation was compliant with Condition #5 of P-97-32's Conditions of Approval list. Staff observed truck traffic to and from the Smith Pit Mine during the restricted drop off time period.

COMPLAINTS:

Since 2017, copious amounts of complaints have been received regarding the operations of the Smith Pit Tailings mining operation. The Reclamation Plan and Conditional Use Permit associated with this site are listed as Attachments 3 and 4. The most recent complaints received (January 2, 2020 to March 18, 2021) have been attached and categorized into the following most prevalent issues (Attachment 5):

- **Noise:** Complaints that mention high levels of noise and vibrations from equipment.
- **Traffic:** Complaints that mention high frequencies of trucks on Red Hill Road.
- **Dust/Flying Debris:** Complaints that mention dust and materials flying from trucks on Red Hill Road.

- **Hours of Operation:** Complaints that mention mining operations occurring outside of the permitted hours of the CUP (Condition of Approval #5). Complaints have been received about mining and trucking activity prior to 7:00 a.m., after 6:00p.m., during the morning when school starts, in the afternoon when school is ending, on weekends and holidays.
- **School Impacts:** Complaints regarding concerns for impacts on the Junction City Elementary School. These complaints are usually in regards to truck crossing times, speed, frequency and dust.
- **Truck Speed:** Complaints regarding concerns for excessive truck speeds.
- **Safety:** Complaints that mention general safety concerns or explicit mention of feeling unsafe.
- **Equipment:** Complaints that mention the use of unauthorized equipment (i.e., rock crusher, wash plant, excavator).

Of the eight categories listed above, the level of prevalence is listed as (1 being most prevalent):

1. Hours of Operation
2. Noise
3. Traffic
4. Equipment
5. School Impacts
6. Safety
7. Truck Speed
8. Dust/Flying Debris

Conditional Use Permit Compliance:

A use permit is ultimately enforced through the modification and revocation code section of Trinity County Code (17.32.070). After receiving numerous complaints, at the October 8th, 2020 Planning Commission meeting, the Planning Commission moved to put Conditional Use Permit and Reclamation Plan (P-97-32) on the agenda for modification or revocation.

Use Permit Modification vs. Use Permit Amendment

While a Use Permit Amendment has been submitted for this mining operation (P-18-11), today's discussion is to allow the Planning Commission to decide whether the original use permit (P-97-32) should be modified or revoked, given complaints that have been received since 2017 from the surrounding Junction City community. The use permit amendment (P-18-11) is currently still pending, as further studies are required to complete the environmental analysis for the California Environmental Quality Act (CEQA).

Use Permit Revocation vs. Use Permit Modification

The authority for the Planning Commission to Revoke or Modify a Use Permit is outlined in Trinity County Code Section 17.32.070.C. (Planning Commission May Revoke or Modify Use Permit):

Upon a determination by the planning commission that the use is being conducted in a manner detrimental to the public health, safety or welfare, or in a manner so as to constitute a public nuisance, or in violation of any condition imposed by the planning commission, the planning commission may revoke the use permit. If the planning commission determines that the detrimental aspects of the use which exist may be alleviated through a modification to the use permit, it may make such modifications in lieu of revocation.

Revocation:

If this use permit were to be revoked by the Planning Commission the existing Reclamation Plan will be implemented. The designated end use for the Smith Pit operation is Open Space Corridor. A total of 9 acres to be reclaimed. If the Reclamation work does not proceed, the existing Financial Assurance will be forfeited to the County.

Modification:

In lieu of revocation, detrimental aspects of the use which exist may be alleviated through a modification to the use permit. Based on the general nature of complaints received by the Planning Department thus far, staff has drafted some modified conditions below. Staff encourages the Planning Commission to adjust these modifications as they see necessary.

Modified Conditions for Discussion:

Language that has been removed is notated with ~~strikethrough~~ and language that has been added/modified is underlined.

Condition #5:

Hours of operations for the mining activities shall be from 7:00 a.m. to 6:00 p.m. Monday through Friday, with no operations to occur during the weekend (Saturday and Sunday) or on legal holidays. Per 5 U.S. Code § 6103 (Holidays), the following are legal holidays and will be enforced as such in this use permit condition:

1. New Year's Day, January 1.
2. Birthday of Martin Luther King, Jr., the third Monday in January.
3. Washington's Birthday, the third Monday in February.
4. Memorial Day, the last Monday in May.
5. Independence Day, July 4.
6. Labor Day, the first Monday in September.
7. Columbus Day, the second Monday in October.
8. Veterans Day, November 11.
9. Thanksgiving Day, the fourth Thursday in November.
10. Christmas Day, December 25.

Mechanical screening activity, if it occurs, shall cease by 4:00 p.m. each business day. To reduce potential conflict between the proposed commercial truck activity associated with this mine operation and school related pedestrian and vehicle traffic, ~~material hauling on Red Hill Road shall not occur during the morning and afternoon periods when children are coming to or leaving school (one-half hour prior to and fifteen minutes after the start of school, and for a 45 minute period after school ends).~~ commercial trucks shall not drive past the Junction City Elementary School during the following time periods:

- a. #:##am to #:##am and #:##pm-#:##pm on Mondays-Thursdays
- b. #:##am to #:##am and #:##pm -#:##pm on Fridays

Discussion - Staff recommends that specific times be noted in a modified language for condition #5 when material hauling and truck traffic associated with the mining operation is prohibited. The current language is ambiguous which has been problematic for interpretation. If the intent of this conditions is to limit truck traffic when students are coming to the school grounds, then these times would be more conservative include the Morning and After School Program times. Currently, it is unclear what is considered the "start" and "end" to school. (Attachment 7)

- Monday – Friday a.m.: Morning Program starts at 7:30am and school starts at 8:30am.

- Monday – Thursday p.m.: School ends at 3:00pm and the After School Program ends at 6:00pm.
- Friday p.m.: School ends at 2pm and the After School Program ends at 6:00pm.

Additionally, it could be beneficial to establish that the prohibition in material hauling would, or would not, apply when school is in session during the summer and breaks. While school may not be in session, some student instruction and programs continue when school is not formally in session.

Condition #7:

The haul road and mine area shall be watered as needed during dry periods to control dust and curtail fugitive particulate matter from leaving the property. All trucks hauling material to or from mining operation must be covered or dampened.

Condition #17 (New):

Staff recommends consideration of an additional condition, Condition #17, that outlines clear parameters for compliance and enforcement of the use permit conditions:

Code Enforcement:

- Upon receiving a complaint, the County staff will perform the following within 48 hours:
 - Confirm receipt of complaint. Complaints will remain anonymous.
 - Observe site to verify complaint content as much as reasonably possible.
- The Operator will be responsible for paying the County staff hourly rate if complaint is verified to be accurate.
- If the mining operation is verified to have not complied with Use Permit Conditions

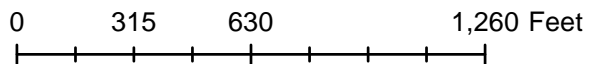
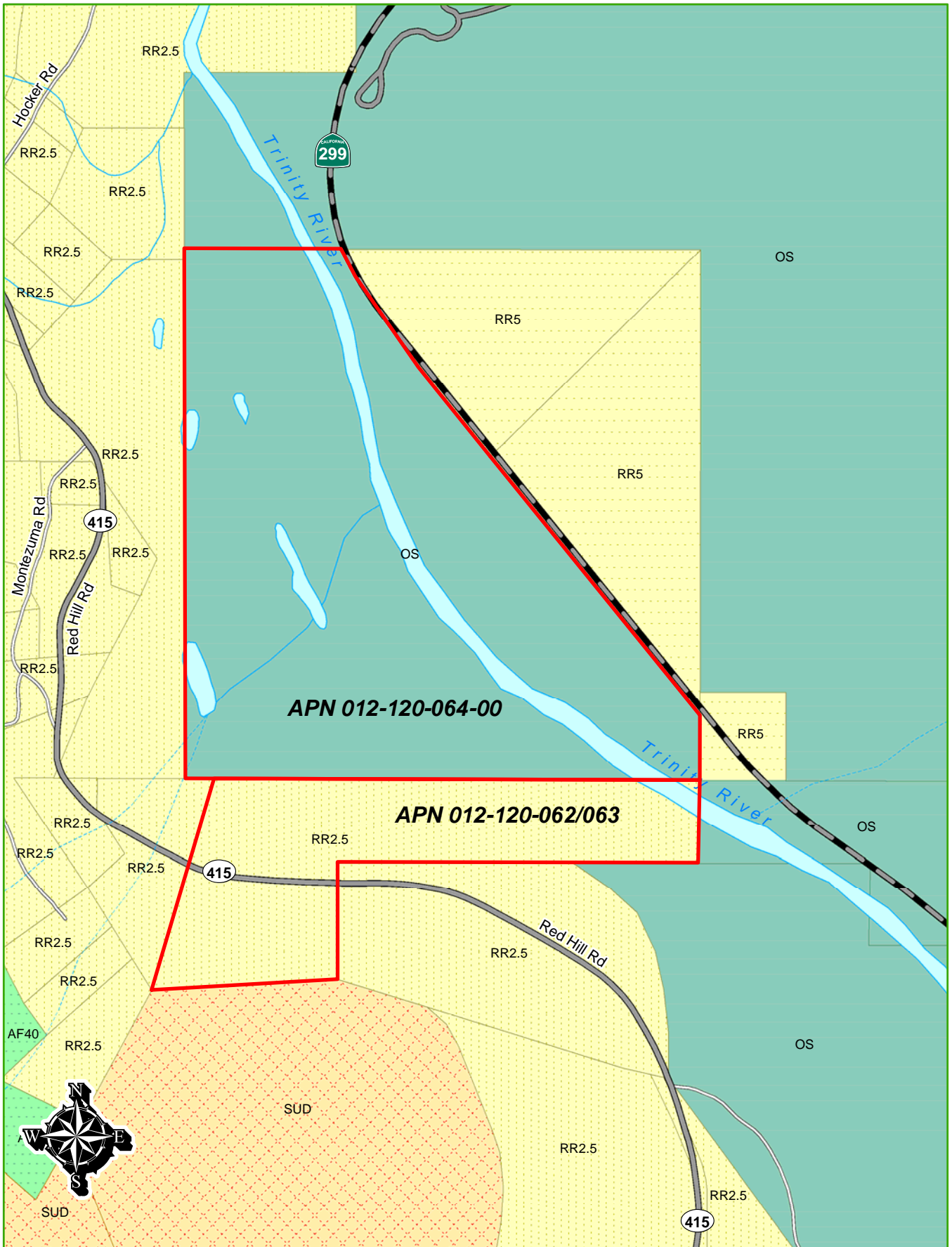
In addition to, or instead of, adding a 17th Condition, the Commission may wish to consider encouraging staff to draft an Enforcement Agreement. An Enforcement Agreement is used in other jurisdictions to set forth a timeline of specific compliance measures and disciplinary actions if those compliance measures are not met that the operator agrees to in lieu of revocation.

PUBLIC COMMENTS: As of the date of this staff report, staff has received four public comments specifically for this agenda item (Attachment 6). However, numerous comments and complaints have been received through the code violation process have been received as reflected in Attachment 5.

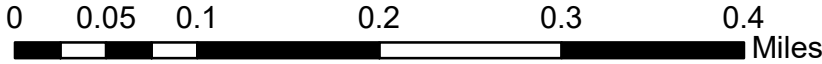
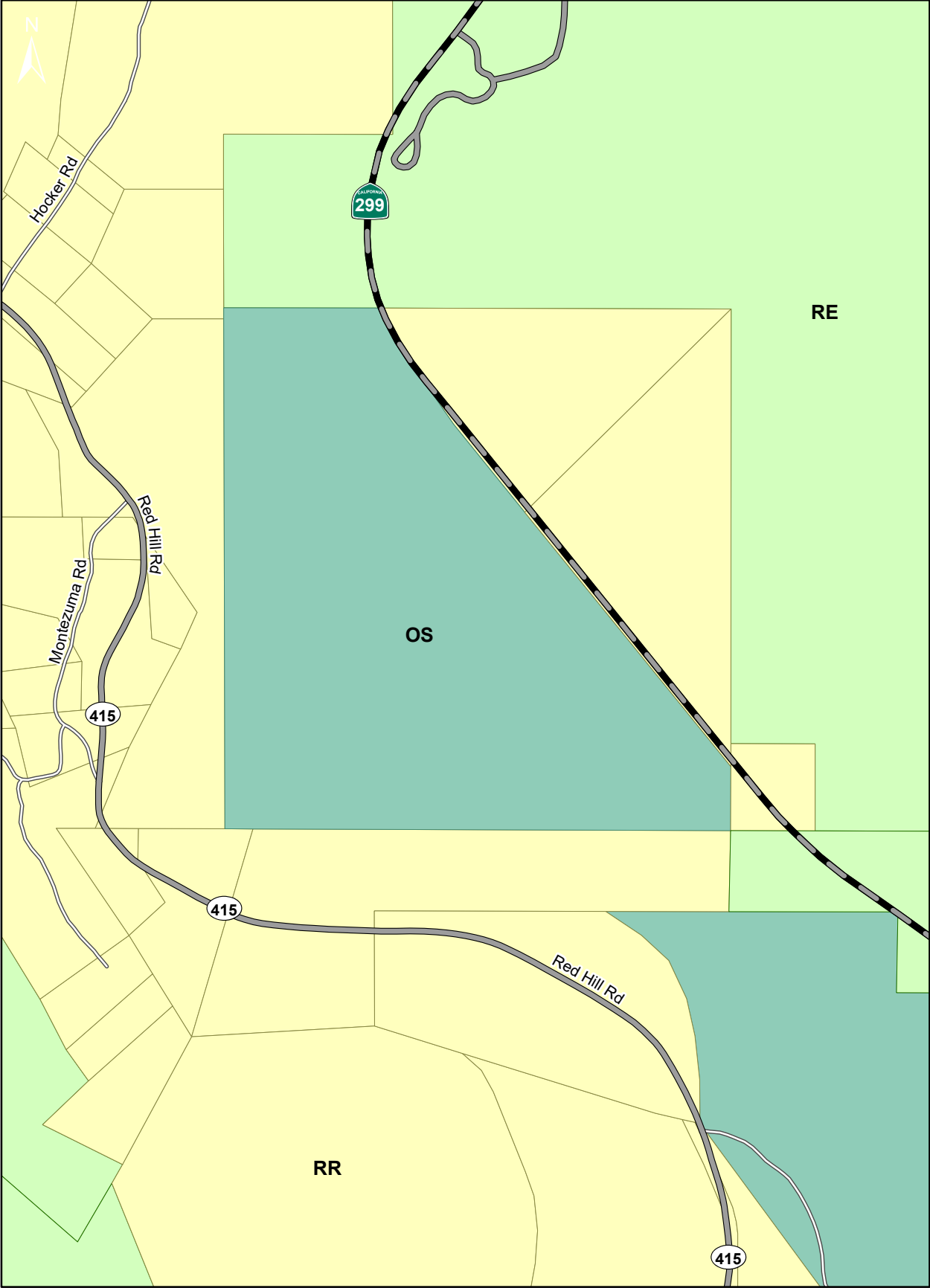
ATTACHMENTS:

1. Zoning Map
2. General Plan Designation Map
3. Reclamation Plan (1997)
4. Conditional Use Permit (P-97-32)
5. Complaints Received January 2, 2020 to March 18, 2021
6. Public Comments Received for this Item as of March 19, 2021
7. Email Correspondence October 14, 2020

ATTACHMENT 1
Zoning Map
APN 012-120-062,
012-120-063 and 012-120-064



ATTACHMENT 2 General Plan Map



ATTACHMENT 3

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

Contents

<u>Sections</u>	<u>Title</u>	<u>Page</u>
	Author's Note	2
Section A	General Information	5
Section B	Site Description	8
Section C	Description of Mining Operations	12
Section D	Description of Reclamation	16
Section E	Financial Assurance	20
Section F	Statement of Responsibility	21
<u>Figures</u>	<u>Title</u>	<u>Page</u>
Figure 1	Project Location Map	2
Figure 2	Proposed Progression From Mining to Reclamation	19
Figure 3	Aerial Photograph of Mine	20

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 4

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

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.

ATTACHMENT 5 - Complaints from January 2, 2020 to March 18, 2021

Received	Brief Description	Form	Noise	Traffic	Dust/Flying Debris	Hours of Operation	School Impacts	Truck Speed	Safety	Equipment	Notes
1/2/2020	Violating Rules	Code Complaint From	*	*	*	*	*		*		2 Complaints Nuisance to the neighborhood, worried about contaminates
1/4/2020	Excessive Noise	Online Form	*								
1/15/2020	Operating outside hours from use permit	Online Form	*			*					3 Complaints/Upsetting the neighborhood
1/22/2020	Multiple Complaints	Online Form	*	*		*					
1/24/2020	Violating CUP	Email		*							Violating CUP, community doesn't want CUP amendment
1/25/2020	Operating Hours	Online Form		*		*					Every morning there is a line of trucks waiting
2/13/2020	Violating CUP	Email		*		*	*		*		Operating outside of CUP hours, driving by during pick up and drop off of students
2/25/2020	Traffic/Speed	Email		*		*	*	*			
2/28/2020	Multiple Complaints	Online Form	*	*	*	*	*				16 Complaints in same day, Feel like they need to move/contaminating school and river with dust
3/1/2020	Working at all hours	Online Form				*					4 complaints/complainant very upset/feels vibration
3/2/2020	Working early	Online Form				*					Working before permitted hours/2 complaints
3/9/2020	Traffic	Email		*		*	*	*	*		Truck drivers driving too fast by the school, very early in the morning,
3/20/2020	at home very upset	Online Form									Violating rules, stuck at home due to COVID and have to listen to them working
3/25/2020	Rock Crusher	Online Form	*			*					4 of the same complaints by same person
3/30/2020	Loud excessive Noise	Online Form	*								2 of the exact same complaints within 1 minute
4/1/2020	Loud Noise	Online Form	*			*					2 complaints/ keeping complainant up at night/getting lawyer
4/3/2020	Rock Crusher	Online Form	*			*					2 complaints/ keeping complainant up at night
4/4/2020	Rock Crusher	Online Form	*								3 Complaints within a minute of each one
4/6/2020	Rock Crusher	Online Form	*			*					2 of the exact same complains within 1 minute
4/7/2020	Rock Crusher	Online Form	*			*					

4/15/2020	Rock Crusher	Online Form	*			*					2 of the exact same complaints within 1 minute/ says they're getting a lawyer
4/25/2020	Many trucks driving in front of school/violating CUP	Online Form	*	*			*				Complainant made 2 complaints on same day
4/25/2020	Rock Crusher	Online Form	*			*					4 of the exact same complaints within a couple minutes of each one/Same Person
4/27/2020	Rock Crusher running on weekend	Online Form	*			*					4 of the exact same complaints within a couple minutes of each one/Same Person
4/29/2020	Rock Crusher	Online Form	*			*					4 Complaints/running crusher all night
4/30/2020	Rock Crusher running at night	Online Form	*			*					2 of the exact same complaints within 2 minutes/Same Person
5/1/2020	Rock Crusher	Online Form	*			*					2 Complaints/running crusher all night
5/12/2020	Operating outside of hours	Online Form	*		*	*					4 Complaints/Not covering truck loads/operating outside of hours
5/18/2020	Loud Grinding	Online Form	*			*					Loud Grinding Noises/Ready to go to court
5/19/2020	Rock Crusher	Online Form	*			*					5 Complaints/Loud Grinding Noises
5/31/2020	Loud Noise	Online Form	*			*					
5/31/2020	Multiple Complaints	Online Form	*	*		*	*	*	*		Feels like he/she has to move, horrible neighbor, many complaints
6/2/2020	Multiple Complaints	Email		*	*	*	*	*	*		Trucks not covering loads, lots of dust, very unsafe driving, speeding in front of school, working all hours
6/3/2020	Rock Crusher	Online Form	*			*					4 Complaints/ Rock crusher running all night
6/5/2020	Rock Crusher	Online Form	*			*					3 Complaints/ Rock crusher running all night
6/7/2020	Loud Noise	Online Form	*			*					2 Complaints/loud grinding noise all night
6/8/2020	Rock Crusher	Online Form	*			*					4 Complaints/Rock crusher running all night
6/9/2020	Rock Crusher	Online Form	*			*					4 Complaints/Rock crusher running all night

6/10/2020	Rock Crusher	Online Form	*			*					4 Complaints/Rock crusher running all night/Getting Lower
6/14/2020	Rock Crusher	Online Form	*			*					3 Complaints/ Rock crusher running all night
6/16/2020	Rock Crusher	Online Form	*			*					
6/17/2020	Rock Crusher	Online Form	*			*					4 Complains/Rock crusher runs all night
6/18/2020	Traffic	Email		*			*	*			Lot's of Truck Traffic and Speeding in front of JC School
6/20/2020	Traffic	Email		*			*	*			Same person Email on traffic throughout the day
6/20/2020	Violating CUP	Email				*					Operating outside CUP hours
7/27/2020	Rock crusher at night	Online Form	*			*				*	4 repeated complaints from one individual
7/30/2020	Rock crusher at night	Online Form	*			*				*	2 repeated complaints from one individual
8/3/2020	Rock crusher at night	Online Form	*			*				*	2 repeated complaints from one individual
8/5/2020	Rock crusher at night	Online Form	*			*				*	2 repeated complaints from one individual
8/8/2020	Unauth Ept/polluted water	Online Form	*								
8/9/2020	Rock crusher at night	Online Form	*			*				*	3 repeated complaints from on individual
8/12/2020	Rock crusher at night	Online Form	*			*				*	4 repeated complaints from one individual
8/14/2020	Rumbling vibration/noise at night	Online Form	*			*				*	3 repeated complaints from on individual
8/21/2020	Working Sunday/Noise (In April)	Online Form	*			*					4 repeated complaints from one individual
8/21/2020	Working before 6:30am/Moving Unauthorized Ept (In April)	Online Form	*	*		*				*	2 repeated complaints from one individual
8/21/2020	Working before 6:30am/after 6pm/speed/rock crusher (In April)	Online Form	*	*		*	*	*	*	*	2 repeated complaints from one individual
8/21/2020	Working Saturday/speed/excessive trucks (In April)	Online Form	*	*		*		*	*	*	2 repeated complaints from one individual
8/21/2020	Excessive trucks/bringing in material/dust (In April)	Online Form		*	*				*	*	2 repeated complaints from one individual
8/21/2020	Excessive trucks/unauth ept/working after 730pm/dust (In April)	Online Form		*	*	*			*	*	7 repeated complaints from one individual

8/21/2020	Working on Sunday/early am/every weekend all April	Online Form	*	*		*					13 repeated complaints from one individual
8/21/2020	42 uncovered trucks/work early am/dust (In April)	Online Form	*	*	*	*	*		*		3 repeated complaints from one individual
8/21/2020	Trucks passing school during drop off times/speeding	Online Form		*		*	*	*	*		14 repeated complaints from one individual
8/21/2020	Rock crusher at night	Online Form	*			*				*	4 repeated complaints from one individual
8/21/2020	Trucks passing school during drop off/pick up times	Online Form		*		*	*		*		
9/2/2020	Trucks over line/speeding/debris flying	Online Form		*	*			*	*		
10/2/2020	Passing by School During Restricted Hours/Jake Brakes	Online Form	*	*		*	*		*		
10/3/2020	Rock Crusher @ night	Online Form	*								16 repeated complaints from one individual
10/5/2020	Passing by School During Restricted Hours/Jake Brakes	Online Form	*	*		*	*		*		
10/10/2020	Working after 8pm on Oct 9th	Online Form	*			*					
10/10/2020	Working on weekend	Online Form	*			*					2 repeated complaints from one individual
10/10/2020	Rock crusher at night	Online Form	*			*				*	11 repeated complaints from one individual
10/12/2020	low vibration at night	Online Form	*			*				*	2 repeated complaints from one individual
10/12/2020	equipment running on weekend	Online Form	*			*				*	2 repeated complaints from one individual
10/12/2020	Working on Sunday on August 16	Online Form	*			*					2 repeated complaints from one individual
10/12/2020	Working after 9pm on Oct 9th (after PC Meeting)	Online Form	*			*					
10/12/2020	Working after 9pm on Oct 9th (after PC Meeting)	Online Form	*			*					2 repeated complaints from one individual
10/14/2020	low vibration at night	Online Form	*			*				*	2 repeated complaints from one individual
10/20/2020	low vibration at night	Online Form	*			*				*	
10/21/2020	Ept running at night	Online Form	*			*				*	
10/21/2020	Jake brakes in use past school	Online Form	*				*				
10/28/2020	Equipment running at night	Online Form	*			*				*	20 repeated complaints from one individual
10/30/2020	Equipment running at night/weekends	Online Form	*			*				*	3 repeated complaints from on individual
11/2/2020	Trucks driving unsafe speed on Red Hill before 7am	Online Form		*		*	*	*	*		

11/5/2020	Rock crusher at night and on weekends	Online Form	*			*				*	11 repeated complaints from one individual
11/11/2020	Working on Veteran's Day	Online Form				*					
1/21/2021	Increase in traffic/jake brake/during pick up	Online Form	*	*		*	*		*		
2/20/2021	Worked on Jan 18 (Holiday)/excavator on site	Online Form	*			*				*	
3/1/2021	Working on Sunday (Feb 28), video submitted	Online Form				*					
3/15/2021	Loud, jake brake use (about Oct 12, 2020)	Online Form	*	*					*		
3/15/2021	Loud, nuisance, before 7am, hear it inside house (abt Oc 29)	Online Form	*			*			*		9 repeated complaints from one individual
3/17/2021	Wash Plant and Excavator in use on site	Online Form	*							*	
TOTAL IN EACH CATEGORY:			71	28		8	76	19	11	19	24

Deborah Rogge

From: Kathy Fornaciari <[REDACTED]>
Sent: Tuesday, March 16, 2021 10:13 AM
To: Info.Planning
Subject: Smith Pit Tailings Mine

We are writing in support of Judd Buick and the gravel operation at the Smith Pit. Our property adjoins this particular property. The owners and crew have proven time and time again to be good neighbors. They go out of their way to be good neighbors by reducing the noise levels and dust levels and accommodating any concerns that we may have. Communication is the key!

We are in strong support as property owners that this business is allowed to continue operating. We are in strong support of the people who are employed by Mr. Buick.

The Smith Pit is an asset to Trinity County because of the availability of road materials at a reduced cost and accessibility.

Again, we strongly support Mr. Buick and the Smith Pit

Michael and Kathy Fornaciari
Junction City, California

Sent from my iPad

Deborah Rogge

From: Melissa Nielsen <[REDACTED]>
Sent: Tuesday, March 16, 2021 12:51 PM
To: Info.Planning
Subject: Smith Pit Mine

Dear Planning Commission,

I own an adjacent property to the mine. I have 4 children that attend the elementary school. The mine is operating outside the limits of its original use permit and it is to the detriment of my community. Red Hill Road is the only exit in an emergency such as a fire and it has been compromised. The road is no longer safe for our children to ride bikes to school and the disregard for the community in general is appalling. When I bought my property in 2010, the mine was not operating in the same manner. Satellite imagery confirms the growth and development of this area far beyond what a potential buyer could ever imagine. As a result, it has been nearly impossible to sell my land. The exposure of lead to my children at the site of their school is criminal. As planning commissioners, you have an obligation to this community to regulate the mine. We deserve the country lifestyle that we envisioned when we settled here. If I wanted to live near an industrial eyesore, I would have moved somewhere with more amenities. As people that live in Junction City, we forego some amenities for that peace and tranquility. We do not forego the oversight of a planning commission.

Respectfully,

Melissa J. Nielsen

Sent from my iPhone

Trinity county planning commission

We live about 2000 yards from the smith gravel pit. We were opposed to this 20 some years ago and still do vehemently opposes it. This has been a real menace to our community. The LOUD noise,dust,mud on the road way and on and on. The pit owners have in the past broken all the permit guide lines and rules. I'm sure they will continue to do so. There is also environmental concerns.

So please revoke this permit and any new permits. This operation does not belong in our community.

Thank you
Carl and Pam Shimel

Junction City

Dear members of the Planning Commission,

In regard to the Smith Pit mining operation, we have been aware of the mine and its operation for over thirty years at our house on Hummingbird Road (neighbors of Amanda and her family from when she was a child). As residents here we've experienced the sudden expansion of the operation from and occasional novelty of living in the rough footprint of an old and primitive mining area to the daily noise of a full industrial operation.

When the issue of the unauthorized activity and illegal operation of the mine came up three years ago, we saw and understood that the board had, owing to limited time and resources, failed to provide the oversight that its own regulations and those of other agencies were followed, but nevertheless would act responsibly to protect the interests of the County and its residents. Instead, the County has compounded their original negligence by allowing a major expansion of operations to happen even in the face of vocal and widespread opposition from the local residents and citizens of the County.

I'm at a loss to explain this, even during these difficult times when sometimes the easiest and simplest activity is a challenge. The County's failure to act one way or another on this matter and to allow, by default, an outlaw operation is reprehensible and worthy of both legal and political action. But let's set that aside for now, and consider the merits of the operation itself. The Planning Commission still has a chance to set things right.

I've heard several arguments for why the mining operation--a couple of citizens with a financial interest in rocks and stone--why those who want to make a little money smashing rocks with heavy machinery--should be allowed or encouraged to do so. Let's address some of those.

First, of course, is the notion that this is a legitimate business operation under County rules and run by responsible businessmen who will abide by the regulations and the intent of County planning interests. The business operation, as I'm sure others have documented for you already, has clearly demonstrated disregard for County zoning interests and regulations from its inception, and even more so in recent years. They have expanded in the face of violation and local opposition, and demonstrated that they can be relied upon to continue to disregard *any* regulations they find inconvenient, whether they be air quality, noise, traffic, and regulation of their commercial activity. The blatant disregard for public interest is enough, in my view, to remove the Planning commission from the normal obligation to treat applicants with the benefit of a doubt as equal parties in a dispute. We are here because they have grievously abused the privilege of fair treatment and judicious consideration. They can't be trusted.

Another argument put forward is that this is a business, and the County needs businesses that provide work especially when it cleans the environmental damage left by others. There is no evidence to support this. Employment at the operation is a scarce handful of jobs--the work is done by noisy machines--and the operation has grossly added to the tailings at the site for their own profit and without authorization, rather than improving or mitigating damage. They've demonstrated no interest in "site clean-up" which would be in the long-term interests of the County.

On the other hand, consider the financial and long-term interests of the residents. The Junction City area is almost exclusively residential and increasingly favored as an alternative destination close to, but well away from, the town life of Weaverville. The immediate area of the rock smashing operation hosts the primary school, dozens of residences. A much larger community operation, the retreat center, (during normal times) is a magnet for many short and intermediate term visitors and has a full-time residential working staff considerably greater than the mining operation. The Gonpa, needless to say, is an attractive resource for the area and draws visitors and residents as a place of peace, tranquility and nature--but is one of the sites greatly effected by noise that travels directly from the rock crushing machinery into the open windows of the visitor residences there. The Smith Pit mine is a net loss for the County, in jobs, visitors and quality of life.

All the people living in the close proximity of the crushing operation, and visiting the area for vacation, shop and support local businesses directly--they live, work, and buy here but are adversely impacted

by the rock mining operation's noise, air pollution, traffic and general degradation of the area. Residential property values and corresponding tax revenue to the County are seriously harmed by the mining operation, far beyond any contribution in salaries and taxes from the operation in the short and long term. Income from tourism at the Gonpa, and from rentals and retirement in the area are significantly diminished by the presence of an operation using massive machinery without regard for consequences--and would still be impacted seriously if this were a responsible and concerned business group.

The school next door is located on a beautiful site that would be the envy of most anyone with young children, but residents must send dodge truck traffic to get their children to and from school, and the kids are subject to noise and air pollution that turns a beautiful school location into one of the most hazardous sites in the area. It's safer for the children to stay home. What is the justification of developing a menace next to our school?

The JC area was never intended to be an industrial and commercial zone, and never will be; the future viability of the area rests in residential tourism and recreation with access to the Trinity wilderness and the luxury of living in a wilderness area at modest cost. Animals and birds claim this as their territory, shared with the slivers of human settlement, and that's what we want. So let's look at the impact on wildlife by the noise generated by the operation.

There are abundant studies of the effect of noise on wildlife. Animals, birds and other creatures rely on sound for survival, both for communication with others of their species and to be alert to dangers in their midst. Every species occupies a particular niche in the sound spectrum for communication, and when that niche is overwhelmed by an artificially loud noise, communication becomes impossible, and there is no alternative but to move away from the sound.

Similarly in an environment of loud noises animals become defenseless. In a forest animals cannot rely upon site for defense, but must scan the environment with their acute hearing to warn of any predators. Look at the size of ears on jackrabbits and deer...! Loud background noise renders a location unsafe, and birds and animals will flee.

How noisy is the Smith operation? Our house is about 650 yards from the center of the rock crushing area and about 100 feet higher. I've regularly recorded a 10db increase in background noise when the operation begins work--which is to say that the background noise had increased ten times. Normally we can hear the river, with occasional distant vehicle noise. Once operations begin the chaotic large engine noise and conveyor belts are loud enough to drown out the river as well as most traffic.

But that's not all. The operation dumps buckets of rock into trucks and conveyor belts, and onto rock piles, and those spikes in noise are at least ten times louder, and frequently 100 TIMES louder than the background noise of the operation. I've frequently seen deer startle at the noise run away. The crashes happen randomly and can easily startle people inside my home because they are such a huge spike (100-1000 times) in the normal background noise. It's not a natural occurrence and is a stressor in the environment for animals and humans. This kind of unnatural and random noise causes many species to avoid the area and turns the entire region around the operation into a dead zone, void of the abundant wildlife that allows a wilderness area to thrive.

Humans can adapt to remarkable levels of noise in cities, but we are not in a city here, and didn't sign up to live in a city. The gonpa was "invited" to Trinity County when the County created a Special Utility District that allowed multiple residences and staff housing to accommodate groups of visitors to enjoy the area, throughout the year. The Supervisors, in creating a special district along the river, determined that such activity was in the long-term excellent interests of the County and put their intent into planning code.

The Smith Pit operation received no such invitation. In fact, they received no invitation at all and have been operating in violation of zoning regulations and in the face of large public opposition for decades. The residents of the area didn't sign up for this, and it's the job of the Planning Commission to protect their expressed will along with the interests of the County. We're asking that after decades of failure

to act, you finally will act responsibility and rescind any and all measures that would allow this activity to continue.

Yours truly,

John Swearingen

From: [Kim Hunter](#)
To: ["Liz McIntosh"](#)
Cc: [Bella Hedtke](#); [Amand Starlight](#)
Subject: RE: Trucks this am
Date: Wednesday, October 14, 2020 2:31:55 PM
Attachments: [image001.png](#)

Liz,

Should the Planning Commission choose to modify the COAs of the Use Permit, staff would also be requesting (and/or proposing) that language be added for clarification to Condition #5 regarding school activities and times children are present. For hours, Condition #5 states that hours of operation for the mining activities shall be from 7am to 6pm. This comes down to how mining activities is defined. I can't find a definition for mining activities but found the below code in SMARA regulations and a similar definition in TCC section 17.30A.020:

§ 2735. "Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

(Added by Stats. 1975, Ch. 1131.)

Since "surface mining operations" includes all or any part of the mining process then that would include truck traffic associated with removing mined materials from the site as that activity is part of the operation. Again, another COA ambiguity where further clarification would be helpful.

K.

From: Liz McIntosh <mcinchap09@gmail.com>
Sent: Wednesday, October 14, 2020 11:53 AM
To: Kim Hunter <khunter@trinitycounty.org>
Cc: Bella Hedtke <bhedtke@trinitycounty.org>; Amand Starlight <amandabarragar@gmail.com>
Subject: Re: Trucks this am

Kim,

Well, I can certainly appreciate that interpretation and indeed, if that's how planning sees it, then that's how it will be enforced. I believe all the formal complaints that I have submitted about them driving during prohibited times fall within the timeline you point out - in an effort to err on the side of caution. That said, I respectfully disagree with that interpretation because I feel that the intent of the condition is very very clear - it is stated that 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."* As the pictures show, parents are clearly picking up/dropping off and driving behind these trucks. Should the commission decide to modify rather than revoke, our school board and school site council/advisory committee will likely ask to clarify this wording to include actual times that respect our morning and afterschool programs, as most of our kids attend.

I am also curious if you could clarify when trucks are able to begin going into the site? Like the picture I sent today, it is not uncommon to see trucks going by before 7am. Assuming they are part of the operation, and the operation is not allowed to begin before 7am, I assume this applies to the truck traffic as well - is that how you see it too? I am also curious if you might have any ideas about when we can expect this to come onto an agenda for modification/revocation? I am hopeful that this will be set for one of the next couple of meetings, do you think that is realistic? Lastly, if they are revoked we assume they will appeal - should that end up being the case - are they allowed to operate at all while they appeal? Just curious.

Thanks again,
Liz

On Wed, Oct 14, 2020 at 9:50 AM Kim Hunter <khunter@trinitycounty.org> wrote:

Hi Liz,

I'm interpreting the language of Condition #5 differently. The issue being ambiguous wording of the condition which leaves room for interpretation. I interpret the "start" and "end" of school to be actual the start and end of instruction, not when the school opens and closes for student access. With this interpretation, the window when material hauling can't be from 8-8:45am in the morning, 3-3:45pm M-Th, and 2-2:45pm on Fridays.

The wording of any Conditions of Approval (COA) for a use permit should be clear and concise and in this case a number of COAs leave room for interpretation. There seems to be a need to update and modify the language of this and other COAs if the operation is going to continue (when the public hearing is held and if there is a decision by the Planning Commission to modify the use permit COAS).

Bella will be out on site to observe mining operation activity in the morning tomorrow or Friday.

K.

From: Liz McIntosh <[REDACTED]>

Sent: Wednesday, October 14, 2020 8:37 AM

To: Bella Hedtke <bhedtke@trinitycounty.org>; Kim Hunter <khunter@trinitycounty.org>; Amand Starlight <[REDACTED]>

Subject: Fwd: Trucks this am

Good morning ladies!

Just to keep you abreast - yesterday we communicated with Cari from Trinity Sand and Gravel about pick up and drop off times for the school. Here's what I sent her:

The school is officially open at 7:30am and instruction begins at 8:30am every day.

Instruction ends at 3:00pm Monday -Thursday and 2pm on Fridays with a continuous flow of parents picking up their kids from the after school program until 5pm each school day.

Condition number 5 of the use permit states that “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).” Trucks should not be driving past the school between 7:00am and 8:45am Monday-Friday; 3:00pm-5:45pm Monday-Thursday; and 2:00pm-5:45pm on Fridays.

This morning, I took 4 videos of 2 trucks going in and out. Below are the attached screenshots of the videos that show the times. The first truck (with the Trinity Sand and Gravel logo) came by at 6:51am, then the blue truck at 7:13am. They came out within one minute of each other at 7:35am and 7:36. As you can see in the pictures, there are parents here dropping off kids at that time.

Best, Liz

----- Forwarded message -----

From: **McIntosh Family** <[REDACTED]>

Date: Wed, Oct 14, 2020 at 8:08 AM

Subject: Trucks this am

To: Liz McIntosh <[REDACTED]>

Sent from my iPhone