



Siskiyou County
Planning Commission Supplemental Staff Report
August 21, 2024

New Business Agenda Item No. 2.4
McLauglin Quarry (UP-82-23) and SP-24-02

Property Owners: Jonathan & Lorraine Menell
1340 Lighthill Road
Fort Jones, CA

Project Summary Use Permit 82-23 Revocation

Location: West of Moffett Creek and the city of Fort Jones on Light Hill Road, on APNs 024-040-220 and 024-040-320; Township 43N, Range 9W, Section 3, MDB&M (Latitude 41°36'19" N, Longitude 122°51'51" W).

Exhibits:

- A. McLauglin Quarry UP-82-23
- B. Reclamation Determination by Lead Agency
- C. Determination concurrence by the State Agency
- D. Draft Resolution PC-2024-020

Background

Land Use Permit UP-82-23 was approved by the Siskiyou County Planning Commission on August 18, 1982 (Exhibit A) to remove rock from an existing quarry. This Use Permit automatically terminated and all rights thereunder rescinded when not used within one year of the date of issuance or, if once established, not used for one year, as noted in the Use Permit.

THIS PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THEREUNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN OR FOR IN EXCESS OR ONE (1) YEAR.

Figure 1: Use Permit UP-82-23 Note

According to Inspection and production reports on file, the McLaughlin Quarry was mined intermittently until 2008. Reclamation activities occurred during periods of production and continued through 2011. A site inspection was conducted in October 2011 in which Siskiyou County, as the Lead Agency, determined that reclamation had been completed. The determination was sent to California Department of Conservation, Division of Mine Reclamation (DMR formerly Office of Mine Reclamation OMR) on June 19, 2012 (Exhibit B) and DMR responded that they did not concur with the closure determination. After further discussion between county staff and DMR, they provided a letter with their concurrence (Exhibit C) on January 25, 2013.

As the mine operation was not active for more than a year, the permit automatically terminated and to formalize the termination of the Use Permit, staff believe it is appropriate for the corresponding use permit to be revoked in accordance with Siskiyou County Code Section 10-6.1402.



Figure 2: McLaughlin Quarry - Aerial Image showing existing site conditions (7/16/2022)

Discussion

According to California Civil Code and confirmed by several court cases throughout the state, rights (such as a Conditional Use Permit) are freely transferrable and run with the land. In order to formalize the termination of the Use Permit due to the closure of the mine site and conclusion of the effective date, the permit would need to be formally revoked.

Before the Board shall consider the revocation of any permit, the Planning Commission shall hold a public hearing thereon after giving written notice thereof to the permittee at least ten (10) days in advance of such hearing and in the same time and manner provided by law. Within five (5) days thereafter, the Planning Commission shall transmit a report of its findings and its recommendations on the revocation to the Board.

Findings

The following finding must be made in order for the Planning Commission to recommend revocation to the Board of Supervisors:

Use Permit UP 82-23 was not mined for more than one year, and therefore automatically terminated as identified on page 1 of the permit.

Environmental Review

The revocation of a use permit is considered to be a Class 21 Categorical Exemption pursuant to Section 15321 of the California Environmental Quality Act (CEQA), Enforcement Actions by Regulatory Agencies.

Comments

No comments have been received at the time this staff report was written.

Planning Staff Recommendations

- Adopt Resolution PC-2024-020 taking the following actions:
 1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-82-23 automatically terminated and should be revoked.
 2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-82-23.
 3. The Planning Commission determines this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

Suggested Motion

I move that we adopt Resolution PC-2024-020, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of McLaughlin Quarry (UP-82-23), Make All Necessary Findings Required Under the Siskiyou County Municipal Code and Determine the Project Exempt from the California Environmental Quality Act (CEQA).

Preparation

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Bernadette Cizin, Associate Planner
Siskiyou County Planning Division
806 S. Main Street
Yreka, California 96097

SISKIYOU COUNTY PLANNING COMMISSION

Land Use Permit

PERMISSION IS HEREBY GRANTED TO: James W. McLaughlin

ADDRESS: P.O. Box 545, Fort Jones, CA 96032

PURPOSE: To remove rock from an existing quarry.

ON PROPERTY LOCATED IN SECTION 3, TOWNSHIP 43 NORTH, RANGE 9W

SUBJECT TO THE FOLLOWING BEFORE THE USE COMMENCES:

1. The Use shall be in accordance with the approved plot plan.
2. This Use Permit does not supersede Deed Restrictions.
3. County Road and Yard setbacks must be met.
4. All blasting and quarrying of rock shall take place between June 1 and October 15 of each year.
5. The quarry excavations shall not extend further into the south and enter the ephemeral drainage course which could alter the flow pattern.
6. The traffic on the County Road shall be supervised by the applicant during the blasting period.
7. The applicant shall have equipment present to keep the County Road clear after blasting.
8. The use shall be limited to the extraction of 50,000 cubic yards. The developer shall provide the Planning Department with monthly volume slips.

(See over, please)

THIS PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THEREUNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN OR FOR IN EXCESS OR ONE (1) YEAR.

DATE: August 18, 1982



DAVID G. HEDBERG, SECRETARY
SISKIYOU COUNTY PLANNING COMMISSION

9. Restoration of the site shall be in accordance with the Reclamation Plan.
10. The applicant shall obtain appropriate permits from the Air Pollution Department.

Public Works Conditions:

11. The applicant shall provide a Performance Bond in the amount of \$5,000.
12. The applicant shall provide a Reclamation Bond in the amount of \$5,000.
13. The applicant shall provide \$300,000 Public Liability and Property Damage Insurance naming the County of Siskiyou additional insured for the life of the project. The Insurance Company shall notify David Hedberg, Planning Director, P.O. Box 1085, Yreka, CA 96097 in the event of cancellation or default.
14. The applicant shall provide signing and flaggers when needed in accordance with all federal state and local regulations.
15. The applicant shall obtain an encroachment permit from the Public Works Department.
16. Hauling operations will begin after May 1 and end before November 1.
17. The applicant will not operate before 7:00 A.M. or after 8:00 P.M.
18. The applicant shall use every reasonable means to reduce noise and dust pollution during hours of operation.
19. The applicant shall provide annual notice of renewal of bonds and insurance.
- ~~20. The applicant will provide a 60' wide right of way and appropriate slope easements for all cut and fill slopes needed for a 32' wide roadway on Lighthill Road #56020.~~



COUNTY OF SISKIYOU

PUBLIC HEALTH & COMMUNITY DEVELOPMENT DEPARTMENT
Building ♦ Environmental Health ♦ Office of Emergency Services
Personal Health ♦ Planning
806 South Main Street · Yreka, California 96097
Phone: (530) 841-2100 · Fax: (530) 841-4076
www.co.siskiyou.ca.us/phs

TERRY BARBER
DIRECTOR

STEPHEN PERLMAN, M.D.
HEALTH OFFICER

June 19, 2012

Mrs. Melody Williamson
Department of Conservation
Office of Mine Reclamation
801 K Street, MS-09-06
Sacramento, CA 95814-3530

RE: 2011 Annual Inspection Report (MRRRC-1) of the McLaughlin Quarry; California Mine ID# 91-47-0027

Dear Mrs. Williamson,

Pursuant to PRC Section 2774(b) of the Surface Mining and Reclamation Act (SMARA) an inspection of the McLaughlin Quarry, CA Mine ID# 91-47-0027, was conducted by this department on October 3, 2011. Enclosed for your review and records is a copy of the inspection report (MRRRC-1). No violations of SMARA were noted and this department, following the completion of this inspection, has determined that mine reclamation has been completed in accordance with the approved reclamation plan and that there are no outstanding reclamation liabilities associated with this closed mining operation. This mine site is in compliance with the approved Reclamation Plan approved under Use Permit # UP-82-23. A Financial Assurance Cost Estimate, prepared by the lead agency is included with this closure report for your review. Please contact this department if you should have question or concerns in regards to this matter.

Sincerely,


William J. Navarre, REHS
Land Use Division Manager

Cc: Butch Kellmer
Harry Frey

Enclosures (3)

BUILDING
Michael Crawford,
Deputy Director
Telephone: (530) 841-2100
Fax: (530) 842-0111

ENVIRONMENTAL HEALTH
William J. Navarre,
Deputy Director
Telephone: (530) 841-2100
Fax: (530) 841-4076

**OFFICE OF
EMERGENCY
SERVICES**
Robert L. Rowley,
Deputy Director
Telephone: (530) 841-2155
Fax: (530) 841-4076

PERSONAL HEALTH
Terri Funk,
Deputy Director
Telephone: (530) 841-2100
Fax: (530) 841-4094

PLANNING
Greg Plucker,
Deputy Director
Telephone: (530) 842-8203
Fax: (530) 841-4076

Exhibit B

SURFACE MINING INSPECTION REPORT

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

I. Mine Name as reported by Operator on Mining Operation Annual Report MCLAUGHLIN QUARRY	Inspection Date: October 3, 2011	CA MINE ID#: 91 - 47-0027
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II. SMARA Lead Agency Name (City or County <u>only</u>) Siskiyou County		
Inspector Bill Navarre	Telephone (530) 841-2112	
Title Land Use Program Manager	Organization Public Health & Community Development	
Mailing Address 806 South Main Street		
City Yreka	State CA	ZIP Code 96097
E-mail Address (Optional) navarre@co.siskiyou.ca.us		

III. Mine Operator Tschopp Excavating		
Contact Person Gilbert Kellmer	Telephone (530) 598-8004	
Mailing Address P.O. Box 814		
City Fort Jones	State CA	ZIP Code 96032
E-mail Address (Optional)		

IV. Does the operation have:	P	NR	No	Yes
A permit to mine?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # UP-82-23
An approved Reclamation Plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RP # UP-82-23
Has the operator filed a Mining Operation Annual Report (form MRRRC-2)? Check one:				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown
Is this operation on Federal Land? Check one:				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes", provide one or both of the Federal Mine Land Identification Numbers below:				
California Mining Claim Number (CAMC#): N/A				
U.S. Forest Service Identification Number (USFS ID#): N/A				

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

SURFACE MINING INSPECTION REPORT

V. Does the Operator currently have a Lead Agency approved Financial Assurance? Check one: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "Yes", complete section below. If "No", refer to instructions on the reverse of this page and complete Section VI.		Inspection Date: October 3, 2011	CA MINE ID#: 91 - 47-0027
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Current Amount on File	Date of Expiration
<input type="checkbox"/> Surety Bond		\$	
<input type="checkbox"/> Certificate of Deposit		\$	
<input type="checkbox"/> Letter of Credit		\$	
<input type="checkbox"/> Trust Fund		\$	
<input type="checkbox"/> Pledge of Revenue		\$	
<input type="checkbox"/> Budget Set Aside		\$	
<input type="checkbox"/>		\$	
The Financial Assurance Amount must be adjusted annually. Attach a copy of the revised Financial Assurance Amount calculation with this report.		Date of Financial Assurance Amount Calculation: February 18, 2011	
Does the current mechanism(s) on file cover the new annual calculation? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		If "No", date operator was notified that a new mechanism is required: Under OTC	

VI. Financial Assurance comments.

On February 19, 2009 a Notice of Violation (NOV) was issued to the operator requiring the submittal of a cost estimate within 30 days of receipt of the NOV. On April 15, 2009 the County issued an Order to Comply (OTC) requiring the operator to submit a FACE report to the lead agency within 30 days. The OTC was affirmed by the Siskiyou County Planning Commission on July 1, 2009.

On June 26, 2009 a FACE report prepared by the operator and dated June 21, 2009 was received by the lead agency. On July 6, 2009, the Public Health & Community Development Department (PH&CDD), as the lead agency, notified the operator of deficiencies in the report and suggested corrections determined necessary in order to approve of the FACE report. On July 15, 2009 a revised FACE report was received by the lead agency. Following a review of the revised report the lead agency could not approve of the FACE report as it did not include an estimate for a slope stability report and erosion control plan for the mine site, a required outcome of the 2008 Annual Inspection Report by the lead agency for this mine site.

Continues on the following page.

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Supplement to the Annual Inspection Report
McLaughlin Quarry; California Mine ID# 91-47-0027
October 3, 2011

Section VI; Financial Assurance Comments (continued)

A meeting was held on August 3, 2009 with the operator, Butch Kellmer, and his representative, Harry Frey. With respect to the revised FACE report, the Director of Public Works agreed to assist the Public Health & Community Development Department by conducting a site visit of the mine and providing input as to the need for a slope stability report. A report was submitted from Scott Sumner, Director of the County's Public Works Department on September 10, 2009. The report was inconclusive as to the stability of the final slopes. As a result of this report, the lead agency solicited the opinion of Kevin Doherty of the Department of Conservation.

On January 26, 2009 the site was observed by staff and Mr. Doherty. He verbally expressed concerns with respect to the final slopes of this mine site and confirmed the necessity of a slope stability report to address a reasonable measure of safety in compliance with the end use of this site. On February 25, 2010, the operator was notified by the lead agency that the submitted FACE report could not be approved until an adequate estimate of the cost of a slope stability report prepared by a licensed geotechnical engineering geologist was included in the revised July 13, 2009 FACE report for this site.

As a result of a reevaluation of the regulations and the permitting documents recently conducted by this department, the position of this department has changed with regards to the necessity of a slope stability report for this mining operation (See Section VIII). This department will notify the operator of our position and request that an updated Financial Assurance Cost Estimate (FACE) be resubmitted with current figures for labor rates and equipment rental rates. Upon approval of the FACE report, this department will forward the report to OMR for their review and comments.

On February 22, 2011, a Financial Assurance Cost Estimate was submitted to the lead agency for review. The FACE report was reviewed and approved by the lead agency and a copy of the report was submitted to the Office of Mine reclamation for their review and concurrence. Comments with respect to the submitted FACE report were not received and on April 26, 2011 the operator was notified of the acceptance of the 2011 FACE report and the necessity to submit for review and approval a Financial Assurance Mechanism for the mine site reflective of the amount of the approved FACE report.

Attached to this inspection report is a Financial Assurance Cost Estimate prepared by the lead agency for review pursuant to California Code of Regulations (CCR), Title 14, Article 11, Section 3805.5(a)(2).

SURFACE MINING INSPECTION REPORT

VII. Is the operation in compliance with provisions of the approved Reclamation Plan with respect to:	OK	VN	NI	NA	CA MINE ID # 91 - 47-0027
Wildlife Habitat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Inspection Date: October 3, 2011
Revegetation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Agricultural Land	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Weather Code(s): RN
Stream Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Duration of Inspection: 2 Hour
Tailings and Mine Waste Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Closure of Surface Openings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate Disturbed Acreage: 0 Acres
Building, Structure, and Equipment Removal	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Topsoil Salvage, Maintenance, and Redistribution	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Operation Code(s): MC
Backfilling, Regrading, Slope Stability, and Recontouring	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Drainage, Diversion Structures, Waterways, and Erosion	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Status of Reclamation Code(s): RC
Other (list or explain below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

Methodology Utilized: A review of the McLaughlin Quarry Mine File was preformed prior to the inspection of October 3, 2011. This task included a review of the approved reclamation plan, use permit conditions, site map, and the prior year's inspection report. In order to document staff's findings, photographs were taken as part of the October 3, 2011 field inspection and are included with this report.

Site Description and Location: The Use Permit and Reclamation Plan for this mining site was approved by the Siskiyou County Planning Commission on August 18, 1982. The Applicant, James W. McLaughlin, utilized the old suggested model reclamation plan form for this pre-existing mine site, located on the west side of Lighthill Grade Road, 1.5 miles north of State Highway 3, T43N, R9W, Section 3, MDBM; APNs 024-040-220 & 024-040-320.

Report continues on the following pages.

IX. Number of Violations: None	Inspector's Signature: 	Date Signed: June 19, 2012
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DISTRIBUTION: Original to Operator. Copies to: State (by Lead Agency), Lead Agency, State (by Operator), and BLM or USFS (if required).

Supplement to the Annual Inspection Report
McLaughlin Quarry; California Mine ID# 91-47-0027
October 3, 2011

Section VIII; Comments/Descriptions (continued)

Observations:

This report will serve as documentation of the inspection conducted on October 3, 2011, which provides an observation of conditions noted at the mine site, including reclamation efforts that have occurred. In evaluating the site, staff utilized the approved reclamation plan contained within Use Permit (UP-82-23). The operator has previously expressed his desire to complete reclamation of the site and close this mine site. This is also expressed in his 2010 Mining Operation Annual Report (MRRC-2) in which the operator has noted the mine is closed with no intention to resume, with a ceased mining date of December 31, 2007.

A. The mine site is closed and reclamation activities have been initiated by the operator. Reclamation activities have involved the construction of four (4) benches, approximately every 30-40 feet and 10+/- feet wide. The operator noted the construction of benches was suggested to him by a State Inspector as a means of stabilizing the final slope of this site. Review of the reclamation plan indicates a final slope configuration of 1H:2V. The instability of the slopes established by the operator as the proposed final slope configuration for this site was a concern noted in the 2008 and 2009 inspection reports. The operator was advised to provide a slope stability report prepared by a geotechnical professional for these final slopes. The County then met with the operator regarding the stability issue and offered the assistance of the County's Public Works Department in addressing the slope issue for this site. A report was submitted by the Director of the County's Public Works Department. A review of this report by the lead agency for the County's SMARA program noted that the current condition of the slopes are only marginally stable and periodic rock fall and debris slides could be expected.

Upon review of the history of this mine site, the regulations and the approved reclamation plan for this mine site, this department notes the following with regards to the reclamation of this mine;

1. Use Permit #82-23 was approved by the Siskiyou County Planning Commission on August 18, 1982. The reclamation plan was completed, reviewed and approved by the County and was reviewed by the Department of Conservation at this time as in compliance with the regulations in place at the time of approval. The Use Permit was reviewed and approved under the California Environmental Quality Act (CEQA).
2. Per the approved reclamation plan, final slopes are to be 1/2H:1V with the "grading of areas which can be graded when use is abandoned". A perimeter fence is to be constructed as a safety measure along the boundaries of the mine site. The reclamation plan further notes that topsoil is not present due to the lack of soils in the area and the result of pre-mining activities at this location.

3. Pursuant to the Surface Mining and Reclamation Act (SMARA), Public Resources Code (PRC), Section 2773(b), minimum, verifiable statewide reclamation standards were to be established by the State Mining and Geology Board by January 1, 1992. Minimum reclamation standards were established under Title 14 of the California Code of Regulations (CCR). Specifically, Article 9, Section 3704(f) of the CCR establishes minimum reclamation standards for cut slopes and quarry faces. This section requires that these final slopes shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform to the surrounding topography and/or approved end use.

4. With regards to the minimum statewide standards established under Title 14 of the California Code of Regulations, these standards do not apply to mining operations for which a reclamation plan has been approved prior to January 15, 1993 (Title 14, CCR, Section 3700(d)).

Being that Use Permit UP-82-23 was approved on August 18, 1982 and the reclamation plan was a document filed with this approved use permit and as the reclamation standards contained in Title 14, CCR, Article 9 do not apply to this mining operation pursuant to Title 14, CCR, Article 9, Section 3700; the final slope configuration is subject to conformance with the approved reclamation plan. Current slope configuration meets the approved final slopes of 1/2V:1H slope angle. Intermittent benches were not included in the final slope for this site. While the operator has established a series of benches in the final slope configuration as suggested by a previous inspector, the establishment of these benches is determined by this department to be in compliance with the approved slope angle provided for under UP-82-23 as the final slopes created do not exceed the slope angle approved under the reclamation plan.

B. A berm of waste rock, approximately 5 feet high, has been placed along the county road. The constructed berm restricts access to the pit floor of this quarry as per the fencing requirement of the approved reclamation plan and as agreed to by the operator, property owner and the lead agency. This constructed berm, which was later straightened by the County's Public Works Department, provides for an added measure of protection from a future slope failure or rock raveling from the mined slopes of this quarry. While the pit floor is sloped back towards the toe of the slope, the constructed berm further serves to contain storm runoff on site.

As documented in the reclamation plan for this mine site, the end uses proposed for this site include a barn, shop or equipment storage. While the site is zoned A2B 40 and this zoning allows for the construction of single family dwellings, the setback restriction and slope restrictions would preclude this reclaimed mine site from being considered for a dwelling construction permit approval. The constructed berm is not a permanent feature and is not viewed as a restriction to the purposed end use of this site and is considered in compliance with the approved reclamation plan.

C. The quarry's access ramp is present along the southern edge of the quarry. The lower ramp access appears to drain storm runoff onto the floor of the pit, with the upper access road being out sloped, appears to drain towards a seasonal drainage located parallel to the access ramp. While the reclamation plan does not address off site sedimentation and erosion potential due to past mining activities, the operation is subject to regulations with regards to water quality as implemented by the Regional Water Quality Control Board (RWQCB) if runoff from this mining site impacts water quality.

On March 22, 2011, an inspection of the quarry access ramp was conducted by the lead agency as recent weather of significant precipitation totals had recently impacted this area of the county. Data

documented by the Klamath National Forest (attached) indicated that between March 7, 2011 and March 15, 2011, this area received a total of 1.89 inches of rain. Observations of the access ramp at this mine site noted that while the lower portion of the ramp showed sign of runoff being directed and contained within the quarry floor, the upper portion of this access ramp showed no current runoff or visible sign of erosion. It was apparent that the out slope of this access ramp to the upper portion of the quarry is capable of shedding rainfall in a manor so as to prevent the accumulation of runoff. Additionally, the accumulation of leaf and pine needle litter is effective in reducing the erosion due to rainfall impact. In that erosion of this access ramp was not observed and has not occurred, impacts to the nearby seasonal drainage as a result of prior mining activity of this mining site are negligible.

D. The reclamation plan calls for the construction of a perimeter fence around the perimeter of the quarry. The fencing requirement along the boundary adjacent to Lighthill Grade Road was established with the construction of the rock berm. As the reclamation plan does not provide a description of the type of fence to be constructed, it was agreed that a three strand wire fence would suffice around the remaining perimeter of the quarry boundary. The lead agency requested that the fence be signed at appropriate intervals warning the public of the danger present with regards to the cut slopes. It should be noted that the mine site is contained within a 47.3 acre, privately owned parcel. Observations conducted indicate that the fence has been constructed around the perimeter of the quarry as previously agreed to and as required per the approved reclamation plan.

E. A constructed berm of waste rock was placed along the east side of Lighthill Grade Road by the operator. This area lies outside of the boundary of the mine and was constructed per a request from the prior owner of this parcel as a deterrent to public access to this privately owned land and the illegal dumping of refuse which had been occurring prior to the construction of this barrier. The Public Works Department has acknowledged that they do not have an issue with the constructed barrier along this stretch of this roadway. Per a conversation with the operator, the current owner of the parcel is satisfied with the constructed berm in this current location. As this activity is outside of the approved mine site, prior concern that the operations had extended outside of the permitted area were raised by the lead agency per the 2008 Annual Inspection Report. Evidenced provided indicates that this berm construction project outside of the mine site is not subject to the regulations and not a violation of SMARA or of the approved reclamation plan.

F. Revegetation of this mine site was not included in the approved reclamation plan. The reclamation plan noted that there were no soils remaining on this site as this site was previously mined prior to the approval of this use permit and reclamation plan. In that Use Permit UP-82-23 was approved on August 18, 1982 and the reclamation plan was a document filed with this approved use permit and as the reclamation standards contained in Title 14, CCR, Article 9 do not apply to this mining operation pursuant to Title 14, CCR, Article 9, Section 3700(d)(2); the revegetation of this site is subject to conformance with the approved reclamation plan. In that the approved reclamation plan did not include a revegetation plan into the reclamation of this site, compliance with the reclamation plan is considered acceptable to this department.

Conclusions:

The reclamation of this mining site has been delayed due to concerns raised by the lead agency and OMR with respect to the stability of the proposed final slopes of this site. The reclamation plan was

approved with a final slope configuration of a 1/2H:1V slope. This slope angle was later verified by the Director of the County's Public Works Department in his September 10, 2009 report concerning this mine.

The reclamation plan for this mine operation was incorporated into Use Permit #82-23. This conditional use permit, subject to CEQA review, was approved by the Siskiyou County Planning Commission with condition #9 of the use permit requiring the "restoration of the site shall be in accordance with the Reclamation Plan". As noted above under item A-4, the minimum statewide reclamation standards as described under Title 14, Article 9 of the California Code of Regulations do not apply to this mine operation as the approved reclamation plan was approved prior to the effective date of these minimum standards. In the absence of minimum reclamation standards, the reclamation of this site must proceed in accordance with the reclamation plan approved for this mine site. With respect to the final slopes constructed by the operator and verification of the final slope angle by the Public Works Department's report, this department considers these slopes in compliance with the approved reclamation plan.

Erosion of soils from the access ramp along the south side of the quarry was previously considered a potential impact to the seasonal drainage located to the south of the mine site. An inspection of the site following a significant rainfall event, documented to be 1.89 inches of rainfall over an 8 day period, indicated no erosion of this ramp was occurring, no evidence of prior erosion was visible and no impact to the drainage as a result of prior mining activity has occurred. The out sloped ramp and the accumulation of leaf and pine needle litter is effective in the control of erosion from this portion of the access ramp.

The perimeter fencing requirement per the reclamation plan has been constructed as agreed upon. The fence was required as a safety measure and was to be constructed around the perimeter of the site. The constructed fence consists of a three (3) strand fence around the upper portions of the mine site and a constructed berm of waste rock along and adjacent to Lighthill Grade Road.

Pursuant to Title 14, CCR, Section 3805.5, reclamation of this mine site has been determined by the lead agency to have been completed in accordance with the approved reclamation plan and that there are no aspects of the reclaimed surface mining operation that are inconsistent with the meaning of reclamation as defined in Public Resources Code Section 2733 and the Surface Mining and Reclamation Act of 1975. The lead agency determines that there are no outstanding reclamation liabilities governing this mining operation and is recommending the release of financial assurance liabilities associated with this mine site.

Photo Supplement to the 2011 Annual Inspection Report
McLaughlin Quarry; California Mine ID# 91-47-0027
October 3, 2011

Photograph #1



View of berm place along the roadway to control access to property. Berm placed at the request of the owner.

Photograph #2



View of the berm and the property east of the mine & road.

Photograph #3



Photos of the constructed berm to comply with the perimeter fence requirement of the reclamation plan. Berm also serves as a storm water retention basin and provides for an added measure of safety to rock fall or slope failure.

Photograph #4



Photo Supplement to the 2011 Annual Inspection Report
McLaughlin Quarry; California Mine ID# 91-47-0027
October 3, 2011

Photograph #5



Photograph #6



Photos of the upper portion of the mine site, above the cut slope of the quarry. Required perimeter three strand fence and signing requirement were noted as in compliance with the reclamation plan and lead agency agreement with the operator.

Photograph #7



Photograph #8



Views of the slopes of the quarry from the top of the cut face looking east with Lighthill Grade Road located at the bottom of the slope.

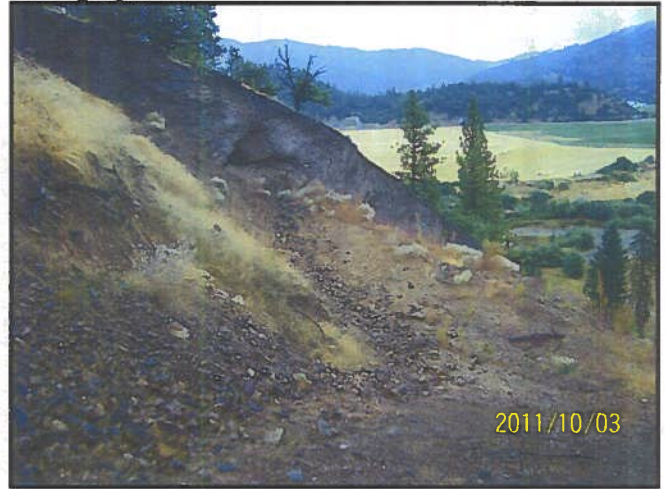
Photo Supplement to the 2011 Annual Inspection Report
McLaughlin Quarry; California Mine ID# 91-47-0027
October 3, 2011

Photograph #9



View of the upper bench from the access ramp road.

Photograph #10



View of a lower bench looking south across the quarry site.

Photograph #11



View of the lower access ramp road.

Photograph #12



View of the quarry from the berm along the county road.

Photograph #13



Looking northeast across the middle section of the quarry. Lighthill Grade Road with the quarry on the right in photo.
Exhibit B

Photograph #14



Bill Navarre

From: Dan Wessell
Sent: Wednesday, March 16, 2011 5:13 PM
To: Bill Navarre
Subject: FW: Hi / Low Temp & Precip
Bill

This is the precip data you wanted.

Dan

From: Richard J Goodwin [mailto:rgoodwin@fs.fed.us]
Sent: Wednesday, March 16, 2011 3:01 PM
To: Dan Wessell
Subject: RE: Hi / Low Temp & Precip

This is whats on record for Fort Jones

3-7-11 through 3-15-11 = 1.89

Richard Goodwin
Yreka Dispatch
Klamath National Forest
Work (530) 842-3380

-----Dan Wessell <dwessell@co.siskiyou.ca.us> wrote: -----

To: 'Richard J Goodwin' <rgoodwin@fs.fed.us>
From: Dan Wessell <dwessell@co.siskiyou.ca.us>
Date: 03/16/2011 01:30PM
Subject: RE: Hi / Low Temp & Precip

Hello Richard,,,

Can I bug you for the rainfall totals for this last storm event in Scott Valley say 3-7-11 through 3-16-11?

Thanks!

From: Richard J Goodwin [mailto:rgoodwin@fs.fed.us]
Sent: Wednesday, February 02, 2011 9:06 AM
To: parsonsp@water.ca; hook@ci.yreka.ca.us; Rick Dean ; Dan Wessell ; Joseph.Ulics@ca.usda.gov; steve@ci.yreka.ca.us
Subject: Hi / Low Temp & Precip

Richard Goodwin
Yreka Dispatch
Klamath National Forest
Work (530) 842-3380

State of California

DEPARTMENT OF CONSERVATION
Financial Assurance Cost Estimate
Form OMR-23 (New 08/98)

FINANCIAL ASSURANCE COST ESTIMATE

FOR

McLaughlin Quarry

CA MINE ID # 91-47-0027

Prepared by:

Bill Navarro

Date: 6-19-2012

Note: This worksheet was developed by the Office of Mine Reclamation to assist lead agencies and operators prepare a reclamation cost estimate and determine an appropriate amount for the financial assurance in conformance with Section 2773.1 of SMARA. It should be used in conjunction with the *Financial Assurance Guidelines* adopted by the State Mining and Geology Board.

I. PRIMARY RECLAMATION ACTIVITIES

Description of Task:

RECLAMATION COMPLETED

Methods to be Used:

Miscellaneous Information:

Overburden (cubic yards): _____ Topsoil (cubic yards): _____ Acres: _____
 Production Rate (cubic yards/hour): 1. _____ 2. _____ 3. _____ 4. _____
 Haul Distance (feet): 1. _____ 2. _____ 3. _____ 4. _____

A. Equipment - List all equipment required to complete identified task. For large reclamation jobs separate mine areas for ease of accounting.

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)
1.				
2.				
3.				
4.				

Total Equipment Cost for this Task \$ 0

B. Labor - List all labor categories to complete identified task.

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)

Total Labor Cost for this Task \$ 0

C. Materials - List all materials required to complete identified task (include disposal costs).

Item	Quantity	\$/Unit	Cost (\$)

Total Materials Cost for this Task \$ 0

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Materials Cost = \$ 0

II. REVEGETATION

Description of Task

Not Required per Reclamation Plan

Methods to be Used:

A. Equipment - List all equipment required to complete identified task.

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)

Total Equipment Cost for this Task \$ 0

B. Labor - List all labor categories to complete identified task.

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)

Total Labor Cost for this Task \$ 0

C. Materials - List all materials required to complete identified task.

Item / Plant Species	Unit of Measure	# of Units	\$/Unit	Cost (\$)

Total Materials Cost for this Task \$ 0

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Materials Cost \$ 0

III. PLANT STRUCTURES AND EQUIPMENT REMOVAL

Description of Task:

NO STRUCTURES TO BE REMOVED

Methods to be Used:

A. Equipment - List all equipment required to complete identified task.

Equipment	Quantity	\$/Hour	# of Hours	Cost (\$)

Total Equipment Cost for this Task \$ 0

B. Labor - List all labor categories to complete identified task.

Labor Category	Quantity	\$/Hour	# of Hours	Cost (\$)

Total Labor Cost for this Task \$ 0

C. Demolition - List all structures and equipment to be dismantled or demolished.

Structure / Equipment	Type of Material	Volume (cubic feet)	Unit Cost Basis	Disposal Cost	Cost (\$)

Total Materials Cost for this Task \$ 0

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Demolition Cost = \$ 0

E. Surplus / Salvage Value

- 1. Total cost to reclaim plant structures and equipment pursuant to the approved reclamation plan. \$ 0
- 2. Net salvage value of the plant structures and equipment* \$ 0
- 3. Subtract Line 2 from Line 1 \$ 0

4. If Line 3 is greater than \$0, enter this amount on the total plant structures and equipment removal cost line under Section VIII (Summary of Costs). If Line 3 is less than \$0, enter \$0 on the appropriate line in Section VIII.

***NOTE** This is the value of plant structures, buildings and equipment on a salvage basis — e.g. after the structures and equipment have been removed for sale or use off-site. In order to include net salvage value in the financial assurance calculation, the operator must provide a letter of agreement, signed contract, bid or quote from an independent company which provides industrial dismantling or equipment salvage services, or is in the business of buying and selling scrap metals or similar products.

IV. MISCELLANEOUS COSTS

Examples of this type of cost could include temporary storage of equipment and materials off site, special one-time permits (i.e. transportation permits for extra wide or overweight loads, etc.), decommissioning a process mill (i.e. decontamination of equipment), or disposal of warehouse inventories.

Item / Task	Quantity	\$/Unit	Cost (\$)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

Total Miscellaneous Costs \$ 0

V. MONITORING

Monitoring Task	\$/Visit	# Visits/Year	# of Monitoring Years	Cost (\$)
1.				
2.				
3.				
4.				
5.				

Total Monitoring Costs \$ 0

VII. SUMMARY OF COST

Total of all Primary Reclamation Activities Costs	\$	<u>0</u>
Total of all Revegetation Costs	\$	<u>0</u>
Total of all Plant Structures & Equipment Removal Costs	\$	<u>0</u>
Total of all Miscellaneous Costs	\$	<u>0</u>
Total of all Monitoring Costs	\$	<u>0</u>
Total of Direct Costs	\$	<u>0</u>
Supervision (____%)	\$	<u>0</u>
Profit/Overhead (____%)	\$	<u>0</u>
Contingencies (____%)	\$	<u>0</u>
Mobilization (____%)	\$	<u>0</u>
Total of Indirect Costs	\$	<u>0</u>
^{15%} Total of Direct and Indirect Costs	\$	<u>0</u>
(±0%) Lead Agency Administrative Cost* (Determined by the Lead Agency)	\$	<u>0</u>
Total Estimated Cost of Reclamation	\$	<u>0</u>

***Note** The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary.



DEPARTMENT OF CONSERVATION

OFFICE OF MINE RECLAMATION

801 K STREET • MS 09-06 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 323-9198 • FAX 916 / 445-6066 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

September 10, 2013

Mr. Bill Navarre
County of Siskiyou
Public Health and Community Development Department
806 South Main Street
Yreka, CA. 96097



Dear Mr. Navarre,

RECLAMATION AND RELEASE OF FINANCIAL ASSURANCE, MCLAUGHLIN QUARRY (CA MINE ID #91-47-0027), COUNTY OF SISKIYOU

The Department of Conservation's Office of Mine Reclamation (OMR) has received notification from the County of Siskiyou, indicating that the McLaughlin Quarry has been reclaimed in accordance with the approved reclamation plan. The lead agency is therefore recommending a release of the financial assurance pursuant to California Code of Regulations (CCR) 3805.5. The County of Siskiyou is the lead agency for the McLaughlin Quarry under the Surface Mining and Reclamation Act (SMARA).

An inspection of the site was performed by an OMR geologist on January 26, 2010. As a result of the 2010 inspection, OMR did not concur with the release of the financial assurance. OMR, in a letter dated January 25, 2013, described remaining reclamation liabilities at the site as removal of the six foot tall berm along Lighthill Road, the preparation of a slope stability analysis by a licensed professional to address raveling slope materials and marginally stable slopes, and the preparation of a reclamation plan amendment to change the proposed end use of the site.

The County of Siskiyou responded to OMR's January 25, 2013, letter on July 16, 2013, stating that the site is reclaimed per the requirements of the reclamation plan. The lead agencies letter states the six foot tall berm is in place to meet the boundary "fence" requirement of the reclamation plan and to mitigate safety concerns related to raveling and marginally stable slopes. The slopes are cut as described in the reclamation plan and therefore do not require an amendment or further analysis for stability, and that 70% of the quarry floor area is within the setback requirements for Lighthill Road and is not suitable for the construction of a shop or barn (declared end use).

The property owner and Siskiyou County Road Department have each submitted letters to the lead agency stating they are satisfied with the reclamation of the McLaughlin Quarry. The County Road Department letter, dated September 10, 2009, states the slopes are marginally stable but are consistent with existing cut slopes along Lighthill

Mr. Bill Navarre
September 10, 2013
Page 2

Road. The letter further states that the berm provides a catchment basin for potential raveling material and sediment.

In response to Siskiyou Counties July 16, 2013, letter, OMR has conducted further review of the reclamation plan dated August 18, 1982, and concurs with the lead agency that the site has been reclaimed in accordance with the requirements of the approved reclamation plan. The berm placed along Lighthill Road, although not described by the reclamation plan, is an improvement to the approved plan in that it provides for catchment of potential sediment runoff and raveling slope materials. The end uses described by the reclamation plan are "barn, shop, equipment storage, etc" on the quarry floor. The site, in its current condition, has the potential for equipment storage and has met the described end use.

Although OMR concurs with the lead agency that the site is reclaimed and the financial assurance mechanism can be released, continued monitoring of the site should be performed by the Siskiyou County Road Department. It is recommended that the Siskiyou County Road Department continue to monitor the site and perform any necessary maintenance of the berm and associated catchment area to protect public safety along Lighthill Road.

If you have any questions, please contact me at (916) 323-9198.

Sincerely,



John G. Parrish, Ph.D., PG
Acting Assistant Director

Resolution PC 2024-020

A Resolution of the Planning Commission of the County of Siskiyou Recommending that the Siskiyou County Board of Supervisors Formalize the Termination of Use Permit for McLaughlin Quarry by Revoking Use Permit UP-82-23 and Determine the Project Exempt from the California Environmental Quality Act (CEQA)

Whereas, Use Permit UP-82-23 was approved for the McLaughlin Quarry by the Planning Commission on August 18, 1982, to remove rock from an existing quarry; and

Whereas, the mine associated with use permit UP-82-23 is closed; and

Whereas, use permit UP-82-23 was not mined for more than one year, and therefore automatically terminated, as identified on page 1 of the permit; and

Whereas, revocation of use permit UP-82-23 is necessary to properly close out the County's associated mine file; and

Whereas, a Notice of Public Hearing was published in the Siskiyou Daily News on June 12, 2024; and

Whereas, hearing notices were posted pursuant to Siskiyou County Code Section 10-6.2805 *et seq.*; and

Whereas, notification of the Community Development Department's intent to seek revocation of UP-82-23 and hearing notices were mailed first class to all property owners of the properties associated with Use Permit UP-82-23; and

Whereas, the Planning Division presented its oral and written staff report on the revocation of UP-82-23 at the Planning Commission's regularly scheduled meeting on August 21, 2024; and

Whereas, on August 21, 2024, the Chair of the Planning Commission opened the duly noticed public hearing on the revocation of UP-82-23 to receive testimony, both oral and written, following which the Chair closed the public hearing and the Commission discussed the revocation of use permit UP-82-23, prior to reaching its decision; and

Whereas, the Planning Division recommended that the revocation of UP-82-23 be determined categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321 of the CEQA Guidelines because this determination is defined as an enforcement action taken by a regulatory agency; and

Now, Therefore Be It Resolved that the Planning Commission, based on the evidence in the record, hereby takes the following actions on the revocation of UP-82-23:

1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-82-23 automatically terminated and should be revoked.
2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-82-23.
3. The Planning Commission determines this project categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15321.

It is hereby certified that the foregoing Resolution PC-2024-020 was duly adopted on a motion by Commissioner _____ and seconded by Commissioner _____, at a regular meeting of the Siskiyou County Planning Commission held on the 21st day of August 2024, by the following voice vote:

Ayes:

Noes:

Absent:

Abstain:

Siskiyou County Planning Commission

Jeff Fowle, Chair

Witness, my hand and seal this 21st day of August 2024.

Hailey Lang, Secretary of the Commission