



Siskiyou County
Planning Commission Supplemental Staff Report
August 21, 2024

New Business Agenda Item No. 2.7
Jenner Kidder Creek Mine (UP-87-10) and SP-24-02
(formerly known as Tschopp Kidder Creek Mine)

Property Owners: 2004 Jenner Family Limited Partnership
5941 Island Road
Etna, CA

Paul & Candace Brown
140 Glendenning Road
Fort Jones, CA

Project Summary Use Permit 87-10 Revocation

Location: On Highway 3, one-half mile south of the community of Greenview, on APNs 024-220-280, 024-220-300, 024-220-260, 024-220-290, 024-220-310 (Rebooked from APNs 024-220-160 and 024-220-170); Township 43N, Range 9W, Section 29, MDB&M (Latitude 41°32'39" N, Longitude 122°54'13" W).

Exhibits: A. Jenner Kidder Creek Mine UP-87-10
B. Reclamation Determination by Lead Agency
C. Draft Resolution PC-2024-018

Background

Land Use Permit UP-87-10 was approved by the Siskiyou County Planning Commission on July 15, 1987 (Exhibit A) to allow removal of sand, gravel and rock material from Kidder Creek for commercial stock piling, crushing and screening onsite. This Use Permit automatically terminated and all rights thereunder rescinded when not used within one year of the date of issuance or, if once established, not used for one year, Notation of the Use Permit.

NOTATION:

THIS PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THEREUNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN ONE YEAR OF ISSUANCE OR, IF ONCE ESTABLISHED, NOT USED FOR ONE YEAR.

Figure 1: Use Permit UP-87-10 Notation

According to Inspection and production reports on file, the Jenner Kidder Creek mine was mined intermittently until 2007. In December of 2007 a minor reclamation plan amendment was approved by the Interim Director of Community Development. The approval was appealed, which the appeal was later denied by the Planning Commission. No mining occurred under the newly approved reclamation plan. A site inspection was conducted in December of 2016 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 February 27, 2017 (Exhibit B). No response was received from DMR.

As the Use Permit was not used for the removal or stockpiling or crushing of rock material 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: Jenner/Kidder Gravel Pit- Aerial Image showing existing site conditions (8/15/2023)

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 87-10 has not used for commercial rock material removal, stockpiling, or crushing for over one year therefore it is automatically terminated as identified in Notations 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-2024-018 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-87-10 is no longer effective and should be revoked.
 2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-87-10.
 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-2024-018, A Resolution of the Planning Commission of the County of Siskiyou, Recommending that the Siskiyou County Board of Supervisors Revoke the Use Permit of Jenner Kidder Creek (UP-87-10), 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

UP-87-10
RP-87-03
AP#: 24-220-160, -170

SISKIYOU COUNTY PLANNING COMMISSION

LAND USE PERMIT

PERMISSION IS HEREBY GRANTED TO: Dean and Ruth Foster

ADDRESS: 8415 Skyline Drive, Los Angeles, California 90046

PURPOSE: To allow annual removal of approximately 15,000 cubic yards of sand, gravel and rock materials from Kidder Creek for commercial stockpiling, crushing and screening at a site adjacent to State Highway 3.

PROPERTY LOCATED IN SECTION(S) 29, TOWNSHIP 43N, RANGE 9 WEST.

SUBJECT TO THE FOLLOWING BEFORE THE USE COMMENCES:

1. The Use shall be in accordance with the approved plot plan.
2. The Use Permit does not supersede deed restrictions.
3. All County road and yard setbacks must be met.
4. The applicant shall obtain a permit from the Siskiyou County Air Pollution Control District.
5. All terms set down by the California Department of Fish and Game's Streambed Alteration Notice and Agreement shall be met with respect to commercial gravel operations.
6. The applicant shall obtain encroachment permits from Cal-Trans for both access points to Highway 3.
7. The owner shall review the project each year prior to September 30 with the Soil Conservation Service to assure the channel is ready for the next year's winter runoff. This date may be extended up to one month in accordance with an approved Department of Fish and Game extension.
8. The applicant shall provide a chemical toilet for use by all workers.
9. All materials transported from the Kidder Creek source to the processing site shall be accomplished using the existing on site access road. Material transported between the source and processing/storage area shall not use State Highway 3.
10. All work in Kidder Creek shall be limited to between June 1 and September 15 of each year.
11. All quarrying and processing activities and all activities capable of producing noise shall be confined to the daylight hours of 7:00 a.m. to 6:00 p.m. daily.
12. All mining shall be confined to the existing natural depth and gradient of the Kidder Creek channel.
13. The discharge of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature into any stream or watercourse in the basin, in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited.

14. The placement or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen material from any logging, construction, or associated activity of whatever nature at locations where such material could pass into any stream or watercourse in the basin which would be deleterious to fish, wildlife or other beneficial uses is prohibited.
15. All stockpiling of extracted material shall be above the floodplain.
16. All on-site fuel storage facilities, whether temporary or permanent shall have adequate containment facilities to prevent spills into surface or groundwaters of the state.
17. The reclamation shall be in accordance with the approved Reclamation Plan, including supplemental Reclamation Plan mapping provided by the U.S. Soils Conservation Service Streambank Protection Plan, Profiles and Statements.
18. Reseeding, fertilizing and irrigation of all graded areas on the reclaimed site including the processing plant site area shall be accomplished upon closure of the site.
19. All areas used for the plant operation which required removal of topsoil including the stockpiling and processing site shall be graded and replaced with the native soils removed originally in order to accommodate regrowth of native vegetation.
20. A performance agreement shall be prepared for County approval to assure reclamation of the site.
21. The developer shall provide a reclamation bond in the amount of \$5,000 providing for the faithful performance of the Use Permit and Reclamation Plan.
22. The developer shall provide \$500,000 public liability and property damage insurance naming the County of Siskiyou additionally insured for the life of the project. The insurance company shall notify Robert Sellman, Siskiyou County Planning Department, P.O. Box 1085, Yreka, California 96097 in the event of cancellation or default of the insurance policy.

NOTATION:

THIS PERMIT IS AUTOMATICALLY TERMINATED AND ALL RIGHTS THEREUNDER RESCINDED WHEN NOT USED FOR THE ABOVE PURPOSE WITHIN ONE YEAR OF ISSUANCE OR, IF ONCE ESTABLISHED, NOT USED FOR ONE YEAR.

DATE: July 15, 1987


ROBERT W. SELLMAN, SECRETARY
SISKIYOU COUNTY PLANNING COMMISSION

ISSUED: 3/18/88

2/88 cc: Pub. Works: Jack Anderson
Larry Gibson
Bob Flock
Assessor: Elaine Kische
Health
Air Pollution
Engineer



COUNTY OF SISKIYOU

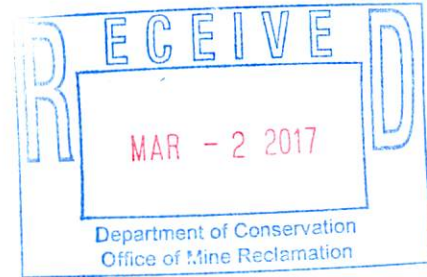
COMMUNITY DEVELOPMENT DEPARTMENT
Building ♦ Environmental Health ♦ Planning
806 South Main Street · Yreka, California 96097
Phone: (530) 841-2100 · Fax: (530) 841-4076
www.co.siskiyou.ca.us

VACANT
DIRECTOR

STEPHEN KOPACOFF, M.D.
HEALTH OFFICER

February 27, 2017

Roger Le-Hinds
Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento, CA 95814



RE: 2017 Closure Report (MRRRC-1) for the Jenner Kidder Creek Mine; California Mine ID# 91-47-0068

Dear Mr. Le-Hinds,

Pursuant to PRC Section 2774(b) of the Surface Mining and Reclamation Act (SMARA) an inspection of the Jenner Kidder Creek Mine, CA Mine ID# 91-47-0068, was conducted by this Department on December 13, 2016. Enclosed for your review and records is a copy of the inspection report (MRRRC-1). Enclosed with this report are the approved Use Permit UP-87-10 and Reclamation Plan RP-07-02 for this mine site.

The land owner/operator has submitted a letter (copy enclosed) of his intent not to mine this site as approved under Reclamation Plan RP-07-02 and Use permit UP-87-10. With regards to a pre-existing stockpile of material located on site, the land owner has expressed his interest in retaining this material for use on the ranch property.

No violations of SMARA were noted and this Department, following the completion of this inspection, has determined that the reclamation of this mine site has been completed as land disturbing activity associated with this mine site has not occurred. This Department, as the lead agency for Siskiyou County, has determined that there remains no outstanding reclamation liabilities associated with this closed mining operation. A Financial Assurance Cost Estimate, prepared by the lead agency, pursuant to CCR Section 3805.5(a)(2) is included with this closure report for your review and records. Please contact this Department if you should have question or concerns in regards to this matter.

Sincerely,


William J Navarre, REHS
Deputy Director of Environmental Health

Cc: Mr. Doug Jenner; Jenner Cattle Company, Inc.

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

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

Exhibit B

State of California

DEPARTMENT OF CONSERVATION
Financial Assurance Cost Estimate
Form OMR-23 (New 06/96)



FINANCIAL ASSURANCE COST ESTIMATE

FOR

JENNER CREEK MINE

CA MINE ID # 91-47-0668

Prepared by:

Bill NAVARRE

Date: 2-27-2017

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: AREA REMAINS UNDISTURBED DUE TO MINING

Methods to be Used:

Miscellaneous Information: AREA USED FOR HAY STORAGE + HAULING ASSOC. W/ CATTLE OPERATIONS

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:

No Disturbance Due To Mining Operations

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. HAY BARN

Methods to be Used:

REMAINS AS PER THE END USE OF THE PROPERTY

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

VI. SUPERVISION/PROFIT & OVERHEAD/CONTINGENCIES/MOBILIZATION

A. Supervision - Supervision or reclamation management includes project inspection and supervision. These activities are usually performed by a consultant or staff member with experience in reclamation of disturbed lands. Reclamation management may include recommending change orders, verifying completed work, verifying compliance with project specifications, and other reclamation management oversight activities. Please refer to Graph No. 1 to determine the supervision cost factor.

B. Profit and Overhead - Where it becomes necessary for the Lead Agency or the Department of Conservation to complete reclamation of the mining site, a third party will be retained to do the actual reclamation work. Because profit and overhead costs are not included in the reclamation cost sheets, these costs must be added to the total reclamation estimate. Please refer to Graph No. 2 to determine the profit and overhead cost factor.

C. Contingencies - A contingency cost should be included in the financial assurance estimate to provide for project uncertainties and unexpected natural events. The U.S. Department of the Interior, Office of Surface Mining publishes the Handbook for Calculation of Reclamation Bond Amounts which recommends contingency percentages be based upon the level of direct costs, as shown below:

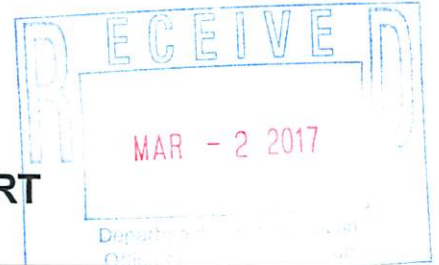
<u>Total Direct Cost (\$)</u>	<u>Contingency (%)</u>
0 - \$500,000	10
\$500,00 - 5 million	7
5 million - 50 million	4
Greater than 50 million	2

D. Mobilization - Mobilization costs are attributed to moving equipment to the project site for reclamation purposes. These costs normally range between one and five percent of the total direct cost of the reclamation operations. These costs will vary depending upon the site location and the total value of the reclamation operations to be performed. Please insert the percentage used to estimate mobilization costs under Section VIII - Summary of Costs.

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.



SURFACE MINING INSPECTION REPORT

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

I. Mine Name (As Shown on Approved Reclamation Plan) JENNER KIDDER CREEK MINE	Inspection Date: December 13, 2016	CA MINE ID# 91- 47-0068
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II. Mine Operator Jenner Cattle Company, Inc.		Telephone (530) 598-6102
Onsite Contact Person Doug Jenner		Telephone (530) 598-6102
Mailing Address 5941 Island Road		
City Etna	State CA	ZIP Code 96027
E-mail Address (optional) gforini@sisqtel.net		

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

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB) Siskiyou County		
Inspector Bill Navarre		Telephone (530) 841-2112
Title Deputy Director of Environmental Health	Organization Community Development Department	
Mailing Address 806 South Main Street		
City Yreka	State CA	ZIP Code 96097
E-mail Address (optional) bnavarre@co.siskiyou.ca.us		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Permit # - Start and Expiration Dates UP-87-10
Vested Right to Mine	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Year of Lead Agency determination
A Reclamation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP# RP-87-03 Date Approved July 15, 1987
Reclamation Plan Amendment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RP Amendment # (as applies) Date Approved or Status of Amendment RP-07-02 January 11, 2011
Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One:				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Year of Most Recent Filed Annual Report: 2015

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below:		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
California Mining Claim Number (CAMC#): N/A	Latitude/Longitude at Mine Entrance (Decimal Degrees): N41 32' 53" W-122 54' 23"	
U.S. Forest Service or BLM Identification Number (Plan of Operations #) : N/A	Status of Plan of Operations (Current/Expired/In Process): N/A	

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

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date: December 13, 2016	CA MINE ID#: 91-47-0068	
Type of Financial Assurance Mechanism(s) Certificate of Deposit	Financial Assurance Mechanism Number(s) CD #1837576	Amount of Mechanism \$19,035.86	Date of Expiration Annual Renewal	Date of Lead Agency Approval of Mechanism June 30, 2014
Total Amount of Mechanism(s)		\$9,035.86		
<input checked="" type="checkbox"/> Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism: On March 20, 2015 an updated Financial Assurance Cost Estimate was submitted for review.				
Has there been a change of operator since last inspection? If yes provide the date of notice. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Date of Change:	If yes, has the new operator posted a Financial Assurance Mechanism? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, describe status of new operators Financial Assurance Mechanism:	Does new operator's Notice of Change include a statement of responsibility for reclamation? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: April 10, 2016		Amount: 14,461.37	
<input type="checkbox"/> Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:			
<input type="checkbox"/> Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:			
<input type="checkbox"/> Other?				

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

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # ⁹¹⁻ 47-0068	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information	See Attachment #1		<input type="checkbox"/>
a) Permitted Mineral Product(s)			
b) Approved Production Amount <small>(Annual/Gross)</small>			
c) End Date of Operations Per RP			
d) Permit end date			
e) End Use			
2) Boundaries			<input type="checkbox"/>
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			<input type="checkbox"/>
3) Slopes – Grading			
a) Fill Slopes – Note Condition of:			
i) Slopes – Working (max/current)			
ii) Slopes – Reclaimed			<input type="checkbox"/>
iii) Compaction			
b) Cut Slopes – Note Condition of:			
i) Slopes – Working (max./current)			<input type="checkbox"/>
ii) Slopes – Reclaimed			
4) Erosion Control			<input type="checkbox"/>
a) BMPs			
b) Grading			
c) Vegetation			<input type="checkbox"/>
5) Ponds			
a) Design – Function			
b) Capacity (area/depth/volume)			<input type="checkbox"/>
c) Maintenance			
6) Stream & Wetland Protection			<input type="checkbox"/>
a) Buffers (distance to channel)			
b) Berms (distance/length/height)			
c) Best Management Practices			
d) Drainage			
e) Grading & Slopes			
f) Stockpiles			
g) Stream Diversions			<input type="checkbox"/>
7) Sensitive Wildlife & Plant Protection			
a) List Species			<input type="checkbox"/>
b) Protection Measures			

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SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91- <b style="font-size: 1.2em;">47-0068	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
8) Soil/Overburden Stockpile Management			<input type="checkbox"/>
a) Topsoil			
i) Location			
ii) Slope Stability			
iii) BMPs			
b) Overburden			
i) Location			
ii) Slope Stability			
iii) BMPs			
c) Topsoil Application			
i) Amendments			
ii) Depth			
iii) Moisture			
iv) Application Methods			
9) Revegetation			<input type="checkbox"/>
a) Test Plots			
b) Species Mix			
c) Density			
d) Percent Cover			
e) Species Richness			
f) Protection			
g) Success Monitoring			
h) Invasive Species Control			
10) Structures			<input type="checkbox"/>
11) Equipment			<input type="checkbox"/>
12) Closure of Adits			<input type="checkbox"/>
13) Other Reclamation Plan Requirements			<input type="checkbox"/>

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

SURFACE MINING INSPECTION REPORT

<p>IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary)</p> <p>The operator submitted for review and approval to the lead agency an updated Financial Assurance Cost Estimate (FACE) on April 10, 2016. 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 (OMR) on May 6, 2016. The operator was notified by the lead agency in a June 28, 2016 letter of the approval of the 2016 cost estimate and that the current value of the Financial Assurance Mechanism (FAM) is of an adequate amount to cover the cost of reclamation consistent with the 2016 FACE report.</p> <p>The Streambed Alteration Agreement (R1-08-0161) terminated on December 31, 2013 for this mining operation. The Regional Water Quality Control Board permit (WDID No. 1A11077WNSI) expired on August 15, 2016.</p> <p>The operator/land owner has submitted a letter (attached) expressing his interest to terminate his mining operation as permitted under Use Permit UP-87-10 and Reclamation Plan RP-07-02. The land owner has expressed his interest in retaining the existing stockpile of rock for use on the ranch.</p> <p>No violations were noted during this inspection. This mine site is considered a newly permitted mine and has not conducted land disturbing activity in association with the current use permit and reclamation plan. Reclamation of this mine site has been determined by the lead agency to be completed in accordance with California Code of Regulation (CCR) Section 3805.5 and that there are no outstanding reclamation liabilities.</p> <p>The following documents pertinent to this inspection report are attached:</p> <ol style="list-style-type: none"> 1) A Financial Assurance Cost Estimate prepared by the lead agency pursuant to CCR Section 3805.5(a)(2) indicating that there are no further outstanding reclamation liabilities associated with this closed mine site. 2) Copy of Reclamation Plan RP-07-02. 3) Copy of Use Permit UP-87-10. 4) A copy of the operator letter of intent to cease mining operations as allowed under the use permit and his interest in retaining the existing stockpile of material for use on the ranch. <p>A Financial Assurance Mechanism (FAM) in the form of a certificate of deposit is currently being held in safekeeping with the Siskiyou County Treasurer's Office. Upon acknowledgment from OMR that the land is reclaimed and concurs with the lead agency's determination that no further outstanding reclamation liabilities remain, the lead agency will release its interest in the Financial Assurance Mechanism (FAM) for this closed mine site.</p>	<p>CA MINE ID # 91- 47-0068</p> <hr/> <p>Inspection Date: December 13, 2016</p> <hr/> <p>Weather Code(s): CR</p> <hr/> <p>Duration of Inspection: 0.5 hour Start Time: 3:30 PM End Time: 4:00 PM</p> <hr/> <p>Status of Mine Code(s): NOP-C</p> <hr/> <p>Status of Reclamation Code(s): RC Approximate Acreage Under Reclamation: N/A Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan: None</p> <hr/> <p>Approximate Total Disturbed Acreage: None Approximate Pre-SMARA Disturbed Acreage: None</p> <hr/> <p>Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate: 0 acres</p> <hr/> <p>Previous Inspection Date (and Number of Violations then Noted): October 8, 2015; No Violations Violations Corrected? (explain in block to left) N/A</p> <hr/> <p>Inspection Attendees and Affiliations:</p>
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X. Number of Current Violations: No Violations Noted	Inspectors Signature:  Date Signed: 2-27-2017	If inspector is a contractor for the lead agency give license type and number:
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DISTRIBUTION: Lead Agency sends copies of Inspection notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

Attachment #1

2016 Surface Mining Inspection Report Jenner Kidder Creek Mine; CA Mine ID# 91-47-0042 December 13, 2016

MRRC-1, Section VIII

1) General Information

Reclamation Plan Requirements

The Reclamation Plan (RP-87-03) and Use Permit (UP-87-10) for the site were approved on July 15, 1987 by the Siskiyou County Planning Commission. Reclamation Plan 07-02 was approved on January 11, 2011. The use permit and 2011 reclamation plan allows for a streambed gravel skimming operation within the Kidder Creek Channel within a 19.7 acre area. The mine site is located adjacent of the east side of State Highway 3 approximately 1/2 mile south of Greenview; T43N; R9W; Section 29; MDBM; Assessor Parcel Numbers 24-220-300 and 24-220-310. The Reclamation Plan (RP-07-02) allows of the extraction of up to 45,000 cubic yards of material from Kidder Creek every three (3) years. The processing site will remain a storage and shipping area for agricultural operations upon the completion of mining activities. The end date of operations is December 31, 2017.

Site Conditions and Compliance Issues Noted

RP-07-02 constitutes a newly permitted mining operation. No production under this approved operation has occurred to date. Material stockpiled on the processing area of the mine site is material which was harvested under RP-87-03. On file with the Community Development Department is a Water Quality Certification (WDID No. 1A11077WNSI) issued by the North Coast Regional Water Quality Control Board and a Streambed Alteration Agreement (No.R1-08-0161) issued by the California Department of Fish & Wildlife. The Streambed Alteration Agreement terminated on December 31, 2013. An updated agreement from the Department of Fish & Wildlife is required prior to further extraction from the stream channel. The Regional Water Quality Control Board permit expired on August 15, 2016.

A copy of the 2015 Mining Operational Annual Report (MRRC-2) was received by the lead agency on July 1, 2015. Active mining has not occurred on this site as of this date. The submitted MRRC-2 report indicates a newly permitted mine under Reclamation Plan RP-07-02 and reflective of the observed inactivity of this site since the approval of this reclamation plan.

A Financial Assurance Cost Estimate was prepared by the lead agency (copy enclosed) pursuant to CCR Section 3805.5(a)(2) indicating that there are no further outstanding reclamation liabilities associated with this closed mine site.

A Financial Assurance Mechanism (FAM) in the form of a certificate of deposit is currently being held in safekeeping with the Siskiyou County Treasurer's Office. Upon acknowledgment from OMR that the land has remained undisturbed from mining activity and concurs with the lead

agency's determination that no further outstanding reclamation liabilities remain, the lead agency will release its interest in the Financial Assurance Mechanism (FAM) for this closed mine site.

2) Boundaries

Reclamation Plan Requirements

The mine is a streambed gravel skimming operation within the Kidder Creek channel, east of Highway 3, just south of the community of Greenview, CA. A processing site of 5+/- acres is located to the south of the creek and east of the highway. The skimming operation is contained within 14.2 acres of the creek channel. The site is located adjacent of the east side of State Highway 3 approximately 1/2 mile south of Greenview; T43N; R9W; Section 29; MDBM; Assessor Parcel Numbers 24-220-300 and 24-220-310. The removal of material is restricted to the "Average Gradient One Percent Contours" and within the "Legal Description for Area of Source Materials". No gravel skimming of materials is permitted to occur within twenty (20) feet of any structures belonging to or appurtenant to the State Bridge across Kidder Creek. In stream gravel extraction is limited from June 1 to September 15 of each year per Condition #6 of the reclamation plan approval.

Site Conditions and Compliance Issues Noted

Since the approval of RP-07-02 the extraction of in-stream materials has not occurred. The current status of the mine remains as a "Newly Permitted Mine". On February 24, 2017 a letter was received by the lead agency from the owner/operator expressing his interest to close the mine site and will no longer pursue the extraction of material from this in-stream mining operation of Kidder Creek.

3) Slopes – Grading

Reclamation Plan Requirements

The topographic and site map of the Kidder Creek Channel restricts the skimming of gravel below the one (1) percent contour of the grade of the channel. Following the extraction of material from the creek channel each year in which materials are removed, the operator is to construct a low water channel and this channel shall be connected to existing channels to the satisfaction of the Department of Fish & Wildlife.

All on-site stockpiles are to be maintained at a 2H:1V slope angle or less.

Site Conditions and Compliance Issues Noted

The operator has submitted a letter expressing his interest in terminating his intent to mine Kidder Creek as approved under Reclamation Plan RP-07-02. The extraction of aggregates from the Kidder Creek Channel since the approval of RP-07-02 has not occurred. A stockpile of material, estimated at 9,300 cubic yards, is located on the property in the vicinity of a hay barn and located east of Highway 3. This material was harvested and stockpiled prior to the approval of the new reclamation plan and was conducted under RP-87-03. The operator/property owner

has expressed his interest in retaining this material for use on the ranch and within the boundaries of the property.

4) Erosion Control

Reclamation Plan Requirements

During quarry and reclamation activities, the best available technology shall be employed for erosion control. Methods of erosion control may include the installation of hay bales, sediment fencing, filter fabric, or other erosion control techniques to retain sediment on-site, and to prevent sediment from entering Kidder Creek.

Site Conditions and Compliance Issues Noted

Erosion of the aggregate stockpile was not observed due to the lack of fines contained in these stockpiles.

5) Ponds

Reclamation Plan Requirements

Sediment ponds were not proposed for the clarification of process water during crushing operations. Runoff from operations is to be directed to runoff channels utilizing erosion control and sediment traps to retain fines on the processing site.

Site Conditions and Compliance Issues Noted

Naturally occurring ponds do not exist within the boundaries of the mine.

6) Stream & Wetland Protection

Reclamation Plan Requirements

The extraction of material is restricted to the "Average Gradient One Percent Contours" and within the "Legal Description for Area of Source Materials" per the Topography and Site Map submitted for this mining operation. The mining operation is under a Water Quality Certification (WDID No. 1A11077WNSI) issued by the North Coast Regional Water Quality Control Board and a Streambed Alteration Agreement (No.R1-08-0161) issued by the California Department of Fish & Wildlife. The operation is restricted to the conditions per the Reclamation Plan RP-07-02, the Streambed Alteration Agreement, and the Water Quality Certification.

Site Conditions and Compliance Issues Noted

Mining operations have not occurred under Reclamation Plan RP-07-02. On file with the Community Development Department is a Water Quality Certification (WDID No. 1A11077WNSI) issued by the North Coast Regional Water Quality Control Board and a Streambed Alteration Agreement (No.R1-08-0161) issued by the California Department of Fish & Wildlife. The Streambed Alteration Agreement terminated on December 31, 2013. The

Regional Water Quality Control Board permit expired on August 15, 2016. On February 24, 2017 a letter was received by the lead agency from the owner/operator expressing his interest to close the mine site and will no longer pursue the extraction of material from this in-stream mining operation of Kidder Creek.

7) Sensitive Wildlife & Plant Protection

No sensitive plant or wildlife species were identified to inhabit this area during the permitted times allowed for the extraction of aggregates from the Kidder Creek Channel. Restoration of the channel is required each year in which material is removed to the satisfaction of the Department of Fish & Wildlife.

8) Soil/Overburden Stockpile Management

Reclamation Plan Requirements

Stockpiles are to be maintained at a 2H:1V slope angle or less. Upon commencement of processing activity, fines are to be retained on the processing area of the mine and are to be stockpiled and utilized on the processing area during final reclamation of the site. The stockpiling of materials and fines is to occur on the area depicted for processing and not subject to inundation by surface waters.

Site Conditions and Compliance Issues Noted

An existing stockpile of aggregate rock is located within the processing area of the mine site. A stockpile of material, estimated at 9,300 cubic yards, is located on the property in the vicinity of a hay barn and located east of Highway 3. This material was harvested and stockpiled prior to the approval of the new reclamation plan and was conducted under RP-87-03. The operator/property owner has expressed his interest in retaining this material for use on the ranch and within the boundaries of the property.

9) Revegetation

Reclamation Plan Requirements

The 5 acre processing area is to be de-compacted and graded prior to revegetation. The wash basin is to be filled in utilizing available material. Topsoil, fines and any suitable growth media shall be redistributed over the disturbed areas of the processing area. Reseeding with dryland wheatgrass and alfalfa of disturbed areas is to occur following completion of mining activity.

Baseline standards were not addressed in the reclamation plan. The success of revegetation shall be sufficient to stabilize the surface against erosion and shall be similar to naturally occurring habitats in the surrounding area.

Site Conditions and Compliance Issues Noted

The area that was to be utilized for the processing of aggregates under Reclamation Plan RP-07-02 is currently being used for the storage and hauling activities associated with the Jenner

Cattle Company, Inc. The land owner has submitted his interest in retaining the currently existing stockpile of material for use on the Jenner Cattle Company property and in association with ranching activities.

10) Structures

The construction of structures relative to the mining operation was not proposed under the currently approved reclamation plan. Existing structures located on the processing site are incidental to on-going cattle operations and will remain following mining activity and as consistent with the end use of this site.

11) Equipment

Reclamation Plan Requirements

All mining equipment is to be removed from the site upon final reclamation.

Site Conditions and Compliance Issues Noted

Equipment was not present on the mine site at the time of this inspection.

12) Closure of Adits

No adits exist on this mine site.

RECEIVED FEB 24 2017

Doug Jenner
Jenner Cattle Co., Inc.
6131 Island Road
Etna, CA 96027
530-598-6102

February 21, 2017

Mr. Bill Navarre, REHS
Deputy Director of Environmental Health
806 South Main Street
Yreka, CA 96097

RE: Jenner Kidder Creek Mine: CA Mine #91-47-0068

Dear Bill:

Jenner Cattle Company wants to terminate Mine #91-47-0068, known as Kidder Creek Mine. Jenner Cattle Company, however, wants to reserve all existing stockpiles of gravel for its own use.

We appreciate your assistance in the past years, but there seems to be no commercial reason to pursue paying fees and permits when there has been no interest in using the gravel, etc.

Again, thank you for your continued support.

Sincerely,

A handwritten signature in cursive script that reads "Doug Jenner".

Doug Jenner
for Jenner Cattle Co., Inc.

DATE STAMP

RECEIVED APR 29 2010

COUNTY OF SISKIYOU
RECLAMATION PLAN APPLICATION

(PLEASE TYPE OR PRINT NEATLY IN BLACK INK)

(If a particular item is not applicable, please indicate by stating N/A. If more room is necessary, please reference additional sheets.)

I. GENERAL OWNERSHIP/OPERATOR INFORMATION:

A. MINE NAME: Tschopp Kidder Creek Mine - California Mine ID No. 91-47-0018

Location of Mine: Easterly side of State Route No. 3, in and adjacent to

(Include Siskiyou County street address, if applicable)

"Kidder Creek", approximately 1/2 mile southeasterly of Town of Greenview

Attach a map that identifies how to access the mine site from the nearest highway.

APN's: 024-220-300 and 024-220-310

Section(s) 29, Township 43N Range 9W Meridian MDB & M

B. MINE OPERATOR(S): Jenner Cattle Company Inc.

Mailing Address: 5941 Island Road

Etna, CA 96027

Telephone Number: (530) 468-5331

C. LANDOWNER(S): 2004 Jenner Family Limited Partnership

(Property Owners, or owners of surface rights (list all owners))

Mailing Address: 5941 Island Road

Etna, CA 96027

Telephone Number (530) 468-5331

D. PROJECT REPRESENTATIVE: Same As Landowner

Mailing Address: _____

Telephone Number _____

E. OWNER OF MINERAL RIGHTS: 2004 Jenner Family Limited Partnership
Mailing Address: 5941 Island Road
Etna, CA 96027
Telephone Number (530) 468-5331

5

II. GENERAL LEAD AGENCY INFORMATION

A. Lead Agency: Siskiyou County Planning Department
P.O. Box 1085
Yreka, California 96097

(916) 842-8200

Staff Contact: Staff Planner

B. SMARA Sections 2770 and 2773.1 require mine operators to obtain a lead agency approved Financial Assurance to ensure reclamation occurs pursuant to the Reclamation Plan. Attach a copy of the proposed Financial Assurance.

Check here if you attached a copy of the proposed Financial Assurance.

III. GENERAL MINING OPERATION INFORMATION

A. Mined Mineral Commodity(ies): Sand, Gravel, and Rock

B. Estimated Annual Production: 15,000 cu.yds. - average over three years.
[In tons or cubic yards per year]

C. Estimated Total Production: Unknown
[In tons or cubic yards per year]

D. Total Number of Acres to be Disturbed by the Surface Mining Operation: 19.7 +/-

E. Total Number of Acres to be Reclaimed: 5.5 +/-

F. Maximum Anticipated Depth of Mining: 0 to 3 +/- FEET See Site Map ELEVATION
(mean sea level)

G. Start Up Date [indicate whether actual or proposed]: Sept. 1, 2007

H. Site Maps: Attach a map or maps of lands that will be affected by mining operations. The map scale should be 1" = 100' to 1" = 500' so that the following may be identified easily:

1. Existing site conditions
2. Mining operation features
3. Final site configuration
4. Project location (showing the nearest readily identifiable road, intersection or other landmark)
5. A reduced copy of exhibit maps (11" x 17" maximum) is requested to prepare transparencies for overhead projection. This will facilitate presentation at the Planning Commission meeting.

I. Attach a topographic map showing the configuration of the site before and after reclamation.

Check box if map is attached.

J. Describe the environmental setting of the mine site, include a general description of vegetation and a list of at least four plants currently on site that may be suitable for reclamation.

The source material site is located within the active stream bed of "Kidder Creek". There are two small areas located within this site that have some scattered trees and brush that are not to be disturbed during skimming operations. The processing site has sparse covering of native brush, grasses, and weeds with several larger trees located on it. These trees are not to be removed. Wheat grass and dryland alfalfa will be used for revegetation.

K. Address the presence/absence of sensitive species, sensitive habitats [wetlands].

The source site is a seasonal drainage and is dry and absent of water for dependent species during summer and early fall months. The processing site is currently being used as an agricultural storage and shipping area, with lands adjacent being used for hay fields. There are no known sensitive species or sensitive habitats located within the skimming or the processing areas.

L. Describe the geology of the area surrounding the mine site: _____

The geological character of the areas surrounding the site are the same as the site. State Route No. 3 is west and adjacent, lands to the north are rock, gravel and sand in the flood plain of "Kidder Creek", lands to the east are active hay fields, and lands to the south are gravelly and rocky of the same nature as the processing area.

M. Describe the geology of the area to be mined: _____

The area to mined is the active, dry streambed of "Kidder Creek". The operation will be a skimming operation as indicated on the site map. This streambed consists of sand, gravel, and rock that is loose and of the type that washes and moves during high-water flooding.

N. Indicate the method of mining to be employed:

- | | |
|---|-----------------------------------|
| Open Pit _____ | Gravel/Sand Pit _____ |
| Single Bench _____ | Drill and Blast _____ |
| Quarry: | |
| Hill Top _____ | Clay Pit _____ |
| Multibench _____ | Truck to processing plant to (RR) |
| Side Hill _____ | Borrow Pit _____ |
| Dragline _____ | Tailings Pond _____ |
| Low Level _____ | Slurry Pump _____ |
| Shovel _____ | Waste Dump _____ |
| Underground _____ | Rail _____ |
| Gravel Bar Skimming <input checked="" type="checkbox"/> | Other _____ |

Resolution PC 2024-018

**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 Jenner Kidder Creek Mine by Revoking Use Permit
UP-87-10 and Determine the Project Exempt from the California Environmental
Quality Act (CEQA)**

Whereas, Use Permit UP-87-10 was approved for the Jenner Kidder Creek Mine by the Planning Commission on July 15, 1987 to allow the removal of sand, gravel and rock material from Kidder Cree for commercial stockpiling, crushing and screening onsite which was discontinued as of 2007, with reclamation completed as of December of 2016; and

Whereas, the mine associated with use permit UP-87-10 is closed; and

Whereas, use permit UP-87-10 has not used for commercial rock material removal, stockpiling, or crushing for over one year therefore it is automatically terminated as identified in Notations of the permit; and

Whereas, revocation of use permit UP-8710 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-87-10 and hearing notices were mailed first class to all property owners of the properties associated with Use Permit UP-87-10; and

Whereas, the Planning Division presented its oral and written staff report on the revocation of UP-87-10 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-87-10 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-87-10, prior to reaching its decision; and

Whereas, the Planning Division recommended that the revocation of UP-87-10 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-87-10:

1. The Planning Commission recommends that the Board of Supervisors find pursuant to Siskiyou County Code 10-6.1402 that UP-87-10 is no longer effective and should be revoked.
2. The Planning Commission recommends that the Board of Supervisors revoke use permits UP-87-10.
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-2024-018 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