NEVADA COUNTY PLANNING COMMISSION
STAFF REPORT

HEARING DATE: May 11, 2017 **FILE NOs:** Z15-004; U15-008; RP15-001; MGT17-003; EIS15-014

APPLICANT/OWNER: Jeff Hansen, Hansen Brothers Enterprises

REPRESENTATIVE: Alicia Brenner, BT Consulting, Inc.

PROJECT: A Rezone (Z15-004) of APNs 38-370-17, 38-380-15 & -16 and 38-430-02 from Forest-40 (FR-40) to FR-40 with the Mineral Extraction combining district (FR-40-ME); a Use Permit (U15-008) to expand an existing in-stream aggregate mining operation to an additional 38 acres in and on the banks of Greenhorn Creek in the vicinity of the Red Dog Road creek crossing and for work within the 100-year floodplain; a Reclamation Plan (RP15-001) to reclaim and restore the site after mining activities are completed; and a Management Plan (MGT17-0003) for work within a waterway.

LOCATION: Within Greenhorn Creek from the northeast corner of Section 25, Township 16N, Range 9E, to Missouri Canyon at the south within Section 36, Township 16N, Range 9E. Red Dog-You Bet area of Grass Valley, CA, approximately 7 miles east of Grass Valley, 2.4 miles north of You Bet Road, and 3.3 miles north of Rollins Reservoir.

ASSESSOR PARCEL NOs.: 38-370-17; 38-380-15, -16; 38-430-02

PROJECT PLANNER: Tyler Barrington, Principal Planner

General Plan:	Forest 40 (FOR-40)	**Water:**	N/A
Region/Center:	Rural Region	**Sewage:**	N/A
Zoning:	FR-40	**Fire:**	CalFire
Flood Map:	FEMA Panel #0675 Zone A&X	**Schools:**	Nevada City/NJUHSD
ZDM No.:	78	**Recreation:**	NC Benefit Zone
Parcel Size:	38-acre portion of larger parcels	**Sup. Dist.:**	V
Date Filed:	August 7, 2015	**Receipt No.:**	61000028047
Prev. File Nos.:	U93-063; U90-093; RP93-001; RP90-004; MIN05-002		

ATTACHMENTS:

1. Recommended Conditions of Approval
2. Draft Resolution- Mitigated Negative Declaration
3. Draft Ordinance- Rezone to add Mineral Extraction Combining District
4. Mine and Reclamation Plan*/Financial Assurance Cost Estimate
5. Management Plan- Biological Inventory/1997, 2012, 2014 Streambed Alteration Agreements

6. Rezone Justification Statement
7. Vicinity, Zoning and Public Notice Map
8. Agency/Public Comments

* Includes the current Mine and Reclamation Plan, the entire document providing historical plans is over 500-pages and available for viewing at the County Planning Department Webpage along with other supporting documents for this project.

RECOMMENDATION: Staff recommends the Planning Commission make the following actions:

I. Environmental Action: Adopt Mitigated Negative Declaration EIS15-004 (*Attachment 1*)
II. Project Actions:
    1. Approve the Biological Management Plan (MGT17-003)
    2. Approve the Use Permit and Reclamation Plan (U15-008)
    3. Recommend the Board of Supervisors Approval of the Rezone (Z15-004)

BACKGROUND:

Greenhorn Creek flows through a deep canyon with substantial gravel deposit resulting from numerous upstream hydraulic mining operations dating back to the 1860s. Hydraulic mining operations used high-pressure jets of water to dislodge and move the overburden and surface soils and rocks. The water-sediment slurry was directed through sluice boxes to capture gold, while natural and manmade processes moved the aggregate waste into the Greenhorn Creek streambed, where it covered the original streambed. These sand and gravel deposits still sit atop the natural streambed. More material moves downstream with every winter season, ultimately moving into Rollins Reservoir where it causes a loss of water storage capacity at the reservoir. The source of the gravel within Greenhorn Creek comes from Gas Canyon near Scotts Flat Reservoir, the Buckeye Diggings, portions of the Red Dog/You Bet Diggings, Little York Diggings, and Missouri Canyon. In the unmined areas, the historic creek channel is estimated as being 30 to 70 feet below the present surface of the creek.

In 1975 HBE first applied for a permit to mine sand and gravel from Greenhorn Creek, along with a permit to construct and operate a processing plant (U75-003). In 1978 a rock crusher and settling ponds were added to the operation (U78-013), and in 1982 an amendment was granted to the times and days of operation (U82-020). At that time the area of operation included an NID lease area from just upstream (north) of Rollins Reservoir to approximately three miles upstream. In 1994 the Planning Commission approved an expansion of the operation into Section 25, at the northern end of the extraction area (U93-063).

PROJECT LOCATION AND SURROUDING LAND USES:

The project is located in the Red Dog-You Bet area, approximately 7 miles east of Grass Valley, 2.4 miles north of You Bet Road, and 3.3 miles north of Rollins Reservoir. Figure 1 below shows the general location of the project site. Access to the site is from State Route 174 to County-maintained You Bet Road, to privately maintained Hansen Gravel Road just past the Greenhorn Creek crossing. From the processing plant off the Hansen Gravel Road, access to the in-stream

mining areas is north up the Greenhorn Creek canyon, as shown in Figure 2 below. Proposed areas of expansion extend from approximately 1 mile north of the processing plant to the parcel just north of the Red Dog Narrows and the Red Dog Road creek crossing. Although the Hansen Bros. Enterprises (HBE) operation extends to Rollins Reservoir to the south, the project area for this project is defined as the new expansion areas within APNs 38-430-02, 38-380-15, 38-380-16, and 38-370-17 (see Figure 3).

Depending on site conditions, the operational areas may also be accessed from Red Dog Road, though it is not the current practice of the applicant to use Red Dog Road for operational purposes. The Red Dog Road crossing over Greenhorn Creek is a ford, and vehicles must wait until storm flows subside before crossing the stream.

Figure 1: Project Location

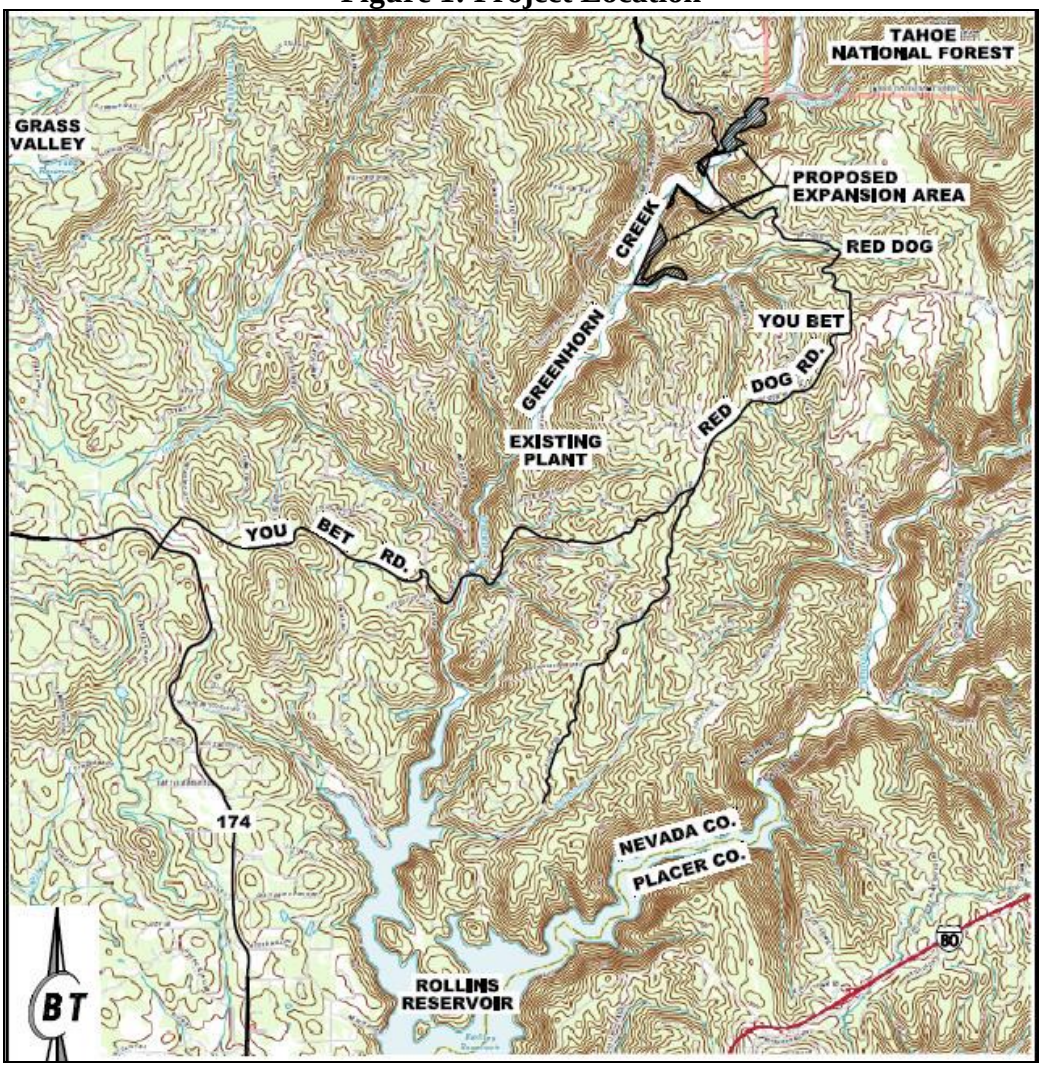


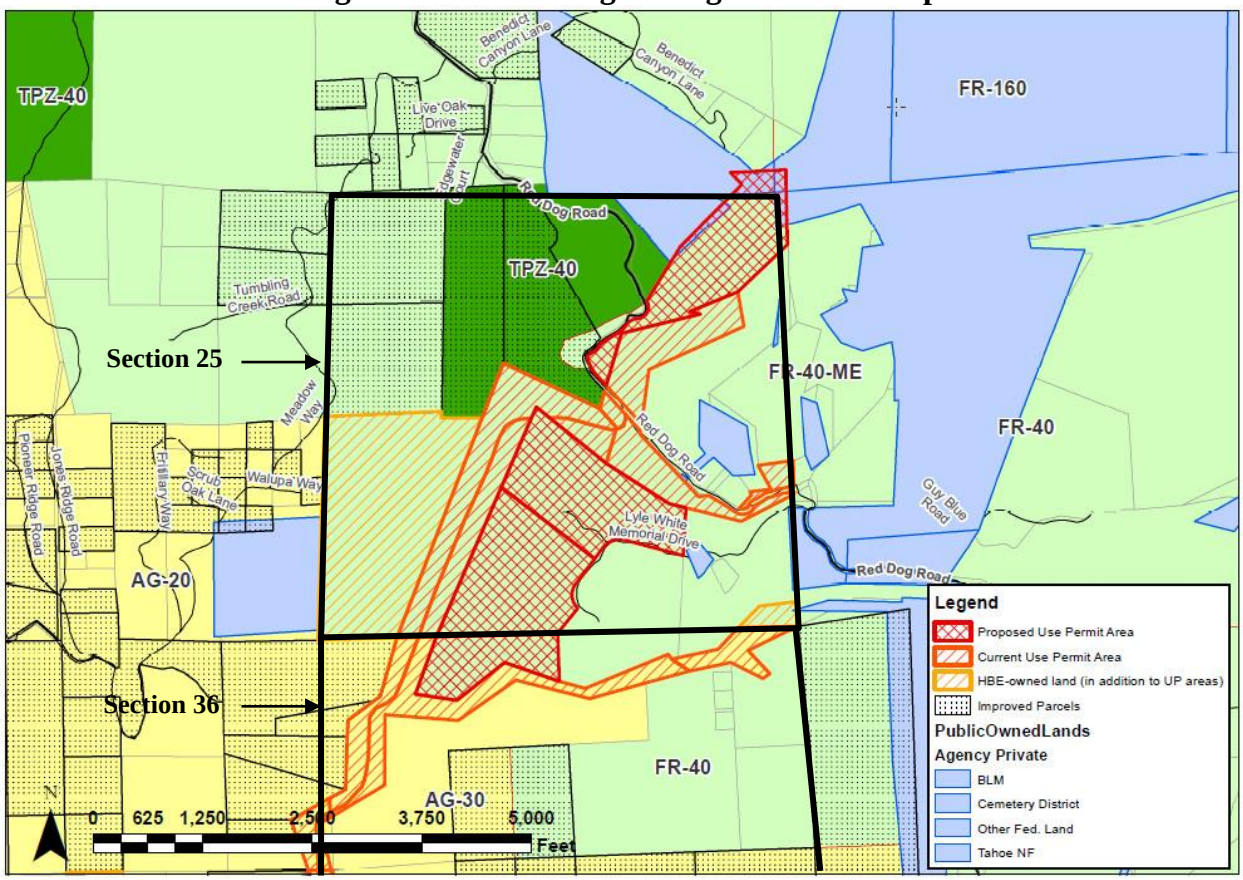
Figure 2: Site Access

The proposed sand and gravel extraction operation would operate within and on the banks of Greenhorn Creek, Missouri Canyon, and Arkansas Ravine. The width of the aggregate deposit varies from approximately 40 feet wide to approximately 600 feet wide throughout the length of the streambed in the operational area. The expansion area is located at elevations approximately 2,100 to 2,600 feet above mean sea level (msl). The streambed of Greenhorn Creek, which trends northeast to southwest, is mostly devoid of vegetation except for locations along the edge of the channel and in gravel bars where riparian vegetation grows. The canyon walls rise over 3,000 feet in elevation msl, and are heavily vegetated with upland species in the Douglas-fir forest alliance, and much of the area is characterized by disturbed or ruderal areas, including some areas of Scotch broom invasion. Other than the gravel processing plant and infrastructure improvements, there are no known manmade features on the subject properties.

Public lands are located to the north and east as shown in Figure 3. Unimproved private parcels are also located to the east, while many of the parcels to the west are improved private parcels.

Several buffers are in place given that HBE owns adjoining parcels (many of which are mined under existing use permits), one to the southeast of APN 38-370-17 and all adjoining lands to the north, west, and south of the remaining project area (see Figure 3).

Figure 3: Surrounding Zoning and Ownership



PROJECT DESCRIPTION:

The proposed project involves an expansion of extraction areas for the existing aggregate mining operation, with expanded areas including the bed and banks of Greenhorn Creek and Missouri Canyon, as shown in Figure 4. Although it appears from the site mapping that some expansion areas would occur within forested uplands, HBE would limit harvesting to the Placer diggings soil type, which occurs almost predominantly within the creek as shown in Figure 5. The new harvest areas are within four parcels immediately upstream and downstream of the Red Dog Road creek crossing, up to the northerly limit of USGS Section 25, and within both Sections 25 and 36 (see Figure 6). Figure 7 shows the cross sections (referenced in Figure 6) of the expansion areas before and after aggregate harvesting. The material collected from Greenhorn Creek consists of placer diggings, placer digging fragments, and other minor components, which can range from fine sand to gravel to large cobble materials. This aggregate material is the resultant deposit from historic upstream hydraulic mining activities.

The project includes a Rezone, Use Permit, Reclamation Plan, and Management Plan as discussed in more detail below. The proposed use permit and management plan would function

independently, while past and proposed reclamation plans would be incorporated under one Reclamation Plan (RP15-001) pursuant to Office of Mine Reclamation (OMR) requirements and to facilitate implementation and monitoring of reclamation plan measures.

Rezone

A Rezone (Z15-004) of APNs 38-370-17, 38-380-15 & -16 and 38-430-02 is proposed to add the Mineral Extraction (ME) combining district to these parcels. Zoning is currently Forest 40 (FR-40) and if approved would be changed to FR-40-ME. The ME zoning overlay is required for all mineral extraction projects.

Use Permit

The Use Permit would allow existing aggregate harvesting activities within Greenhorn Creek to be expanded into the areas shown in Figure 4, and would permit this mining activity within the 100-year floodplain. The lifespan of the existing mining operation and use of the processing facilities would therefore be increased. All other aspects of the existing operation would remain the same, including the number of employees, the operational hours, the amount of aggregate materials processed annually, the type of harvesting and processing equipment used, and the methods of mining and processing. Extraction would simply be moved from the existing permitted area to the expansion area. Mineral exploration is not required for this operation as the material to be harvested, processed, and sold is naturally deposited in the creek canyon by stream flows and is visible without further exploration. The existing processing plant located approximately one mile downstream of the southernmost portions of the new extraction areas would continue to be used to process the materials by screening, washing and/or crushing, and stockpiling. This plant is shown in Figure 8.

Harvesting Methods

Prior to commencement of extraction activities each year, the applicant installs gravel berms to divert braided channels of Greenhorn Creek into one main stream channel. Dry diversion channels are also constructed starting at the bottom of the new channel, then working upstream to channelize flows between meanders that would otherwise exchange flows from side to side in the floodplain. Once construction of the channel is complete, water is introduced into the channel. Temporary crossing culverts are installed for repeated crossings of large equipment. Sand and gravel is not harvested from within the flowing portion of Greenhorn Creek. As required under the terms of the California Department of Fish and Wildlife (CDFW) Streambed Alteration Agreement, a pre-extraction plan is required to be provided to the department prior to the onset of extraction activities each season. The plan specifies the locations of the extraction areas for that season, a map of the season's access roads and stream crossings, and a delineation of the low flow channel for the upcoming year's operation. Harvesting utilizes heavy equipment, typically paddle wheel scrapers, to remove sand and gravel from sandbars within the streambed.

Figure 4: Site Plan

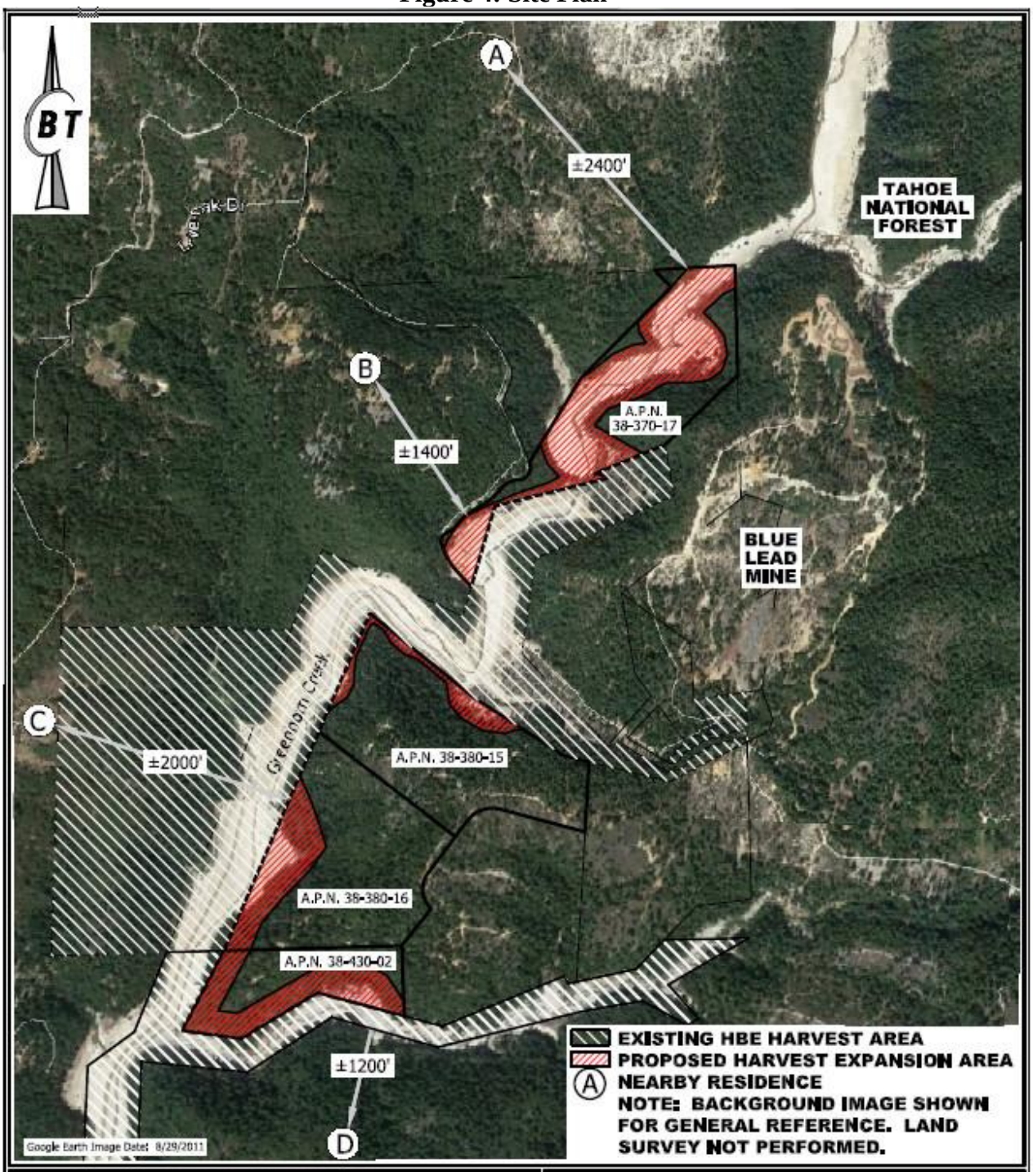
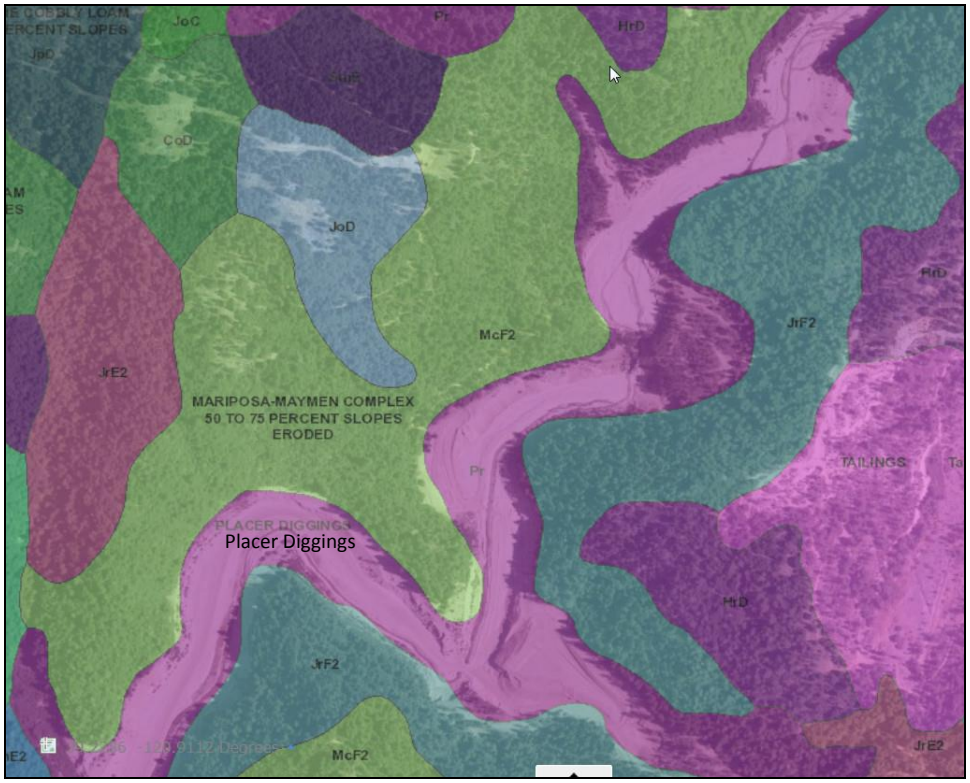


Figure 5: Placer Diggings Soil Type



Northern Extent (TOP) Southern Extent (BOTTOM) of Project Site

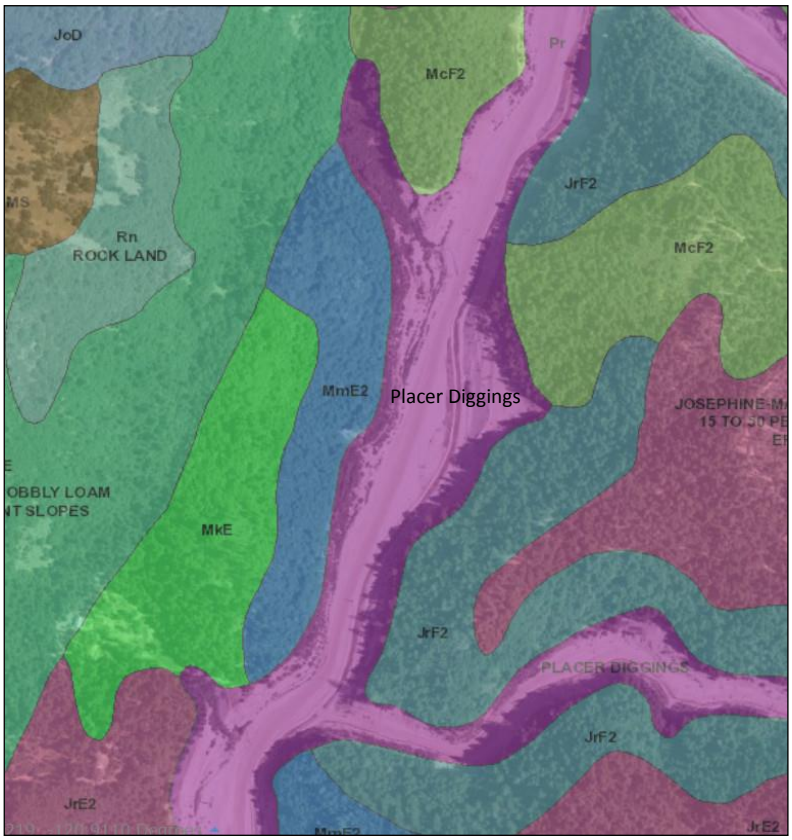


Figure 6: Expansion Areas – North and South

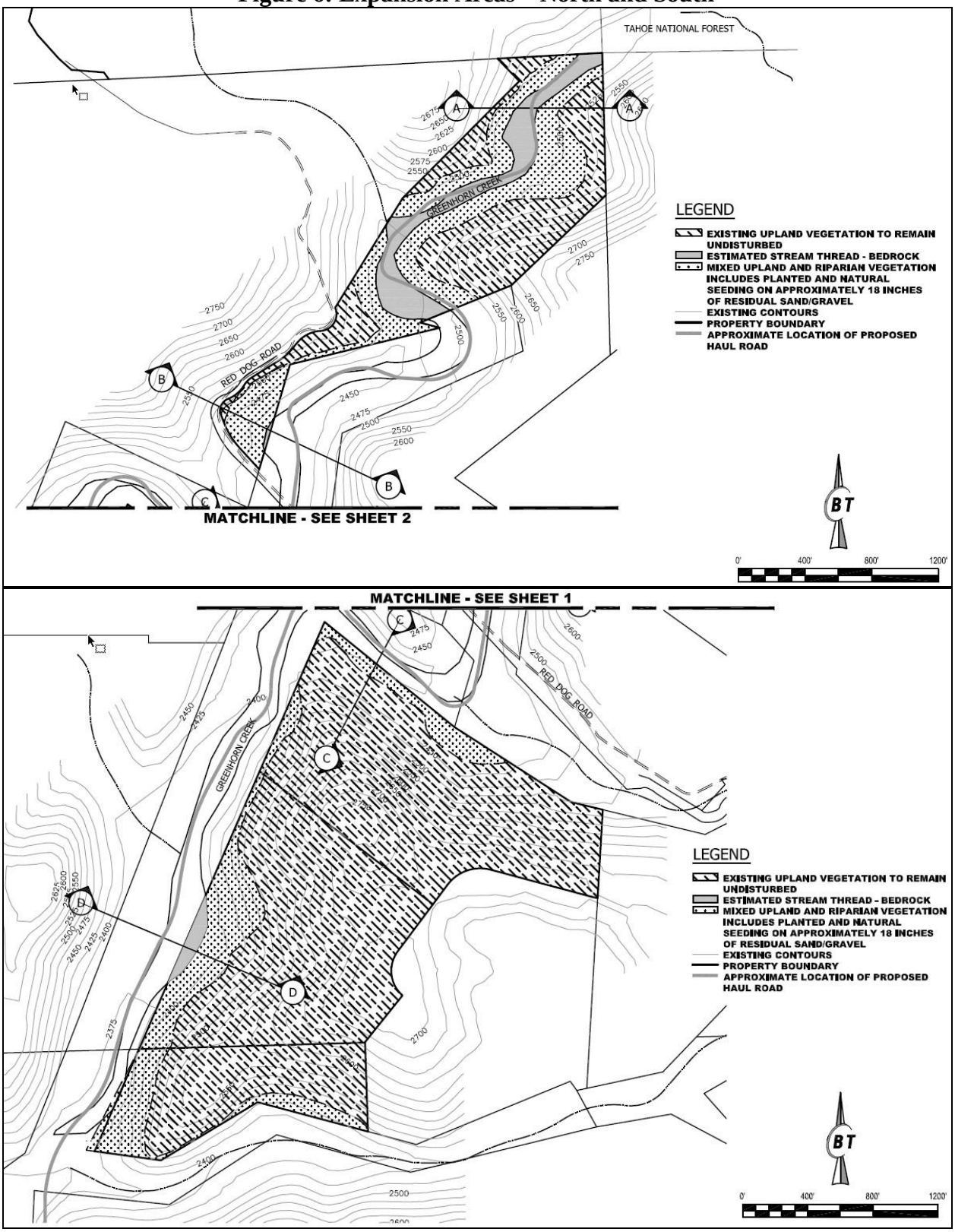


Figure 7: Cross Sections after Reclamation

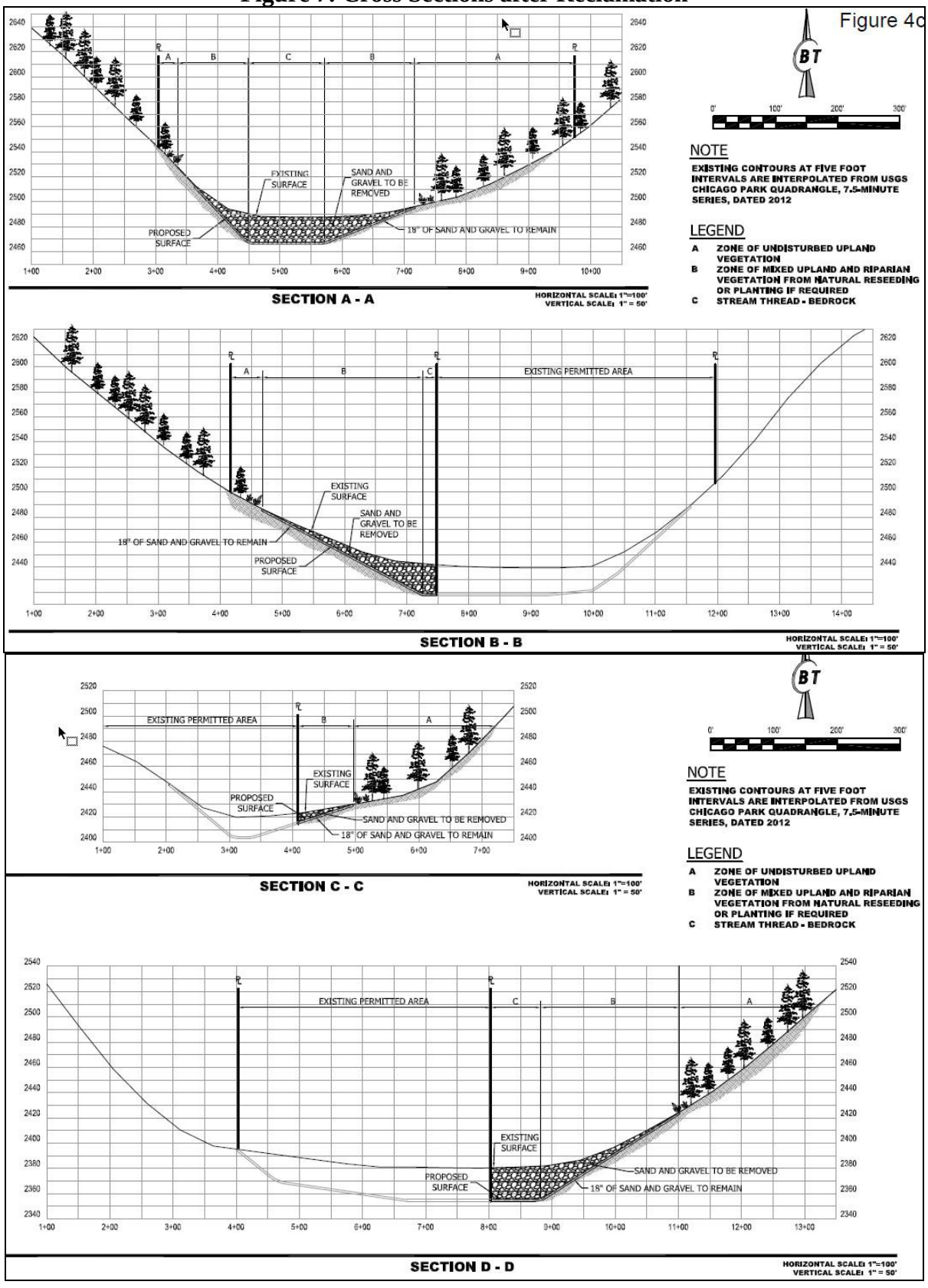
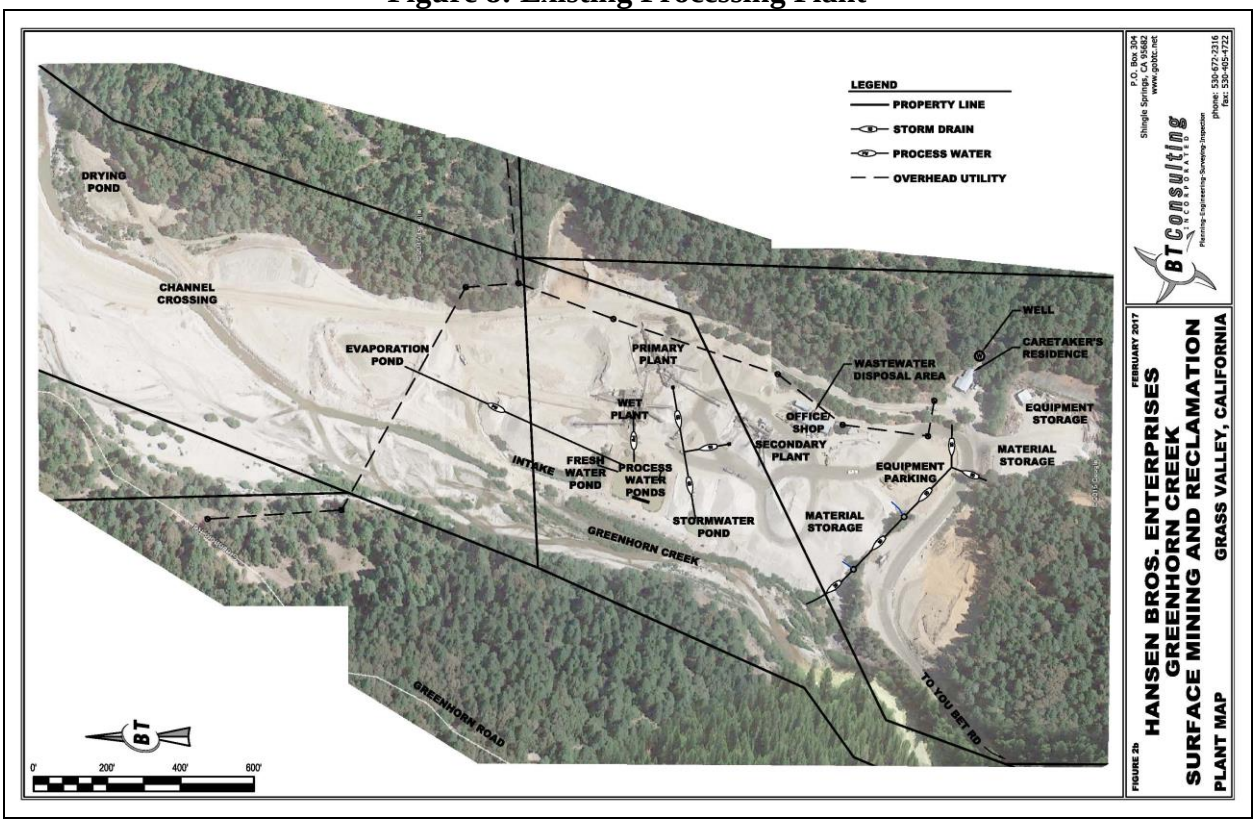


Figure 8: Existing Processing Plant



Processing Facilities

After harvesting the material is transported to the material processing plant for screening, washing, and/or crushing. Raw and processed material is stockpiled at the plant. Crushed aggregate material that is mined from the facility's operation is crushed onsite with a jaw and cone rock crusher. The operation mines negligible quantities of overburden or waste material and therefore does not require waste piles or dumps. There is no rock waste resulting from this operation. All crushed and uncrushed rock material is sold and hauled offsite.

An office, maintenance shop, fuel building, scale, scale house, caretaker's residence, water tank, sheds, and other ancillary structures are located adjacent to the plant. Restrooms for the facility are located inside the office/maintenance shop and inside the scale house. The caretaker's residence and shop are served by a private well and a private septic system. Unused and aged equipment is stored in a designated area near the plant for future use or to supply parts for actively used equipment. The plant is powered by electrical service.

Process Water Management

Water for material washing, processing activities, and dust control is pumped and diverted from Greenhorn Creek. The operation is permitted by the Central Valley Regional Water Quality Control Board under Waste Discharge Order No. 98-185 to draw a maximum of 528,000 gallons per day of water from Greenhorn Creek. As permitted by CDFW Streambed Alteration Agreement No. 1600-2007-0142-R2, the operation is prohibited from drafting more than 20

percent of the flow in Greenhorn Creek as measured immediately upstream of the diversion point. The diversion may not cause flows to go below 2 cubic feet per second (cfs) below the diversion point. Creek water is conveyed via pipe from Greenhorn Creek into a pond where it is then pumped to the appropriate location for plant processes.

Process water is only utilized at the plant. Process water is discharged onsite to unlined settling ponds adjacent to Greenhorn Creek. Discharge of waste to surface waters or surface water drainage courses is prohibited.

The settling pond levees are constructed and maintained to prevent scouring and failure from elevated flows in Greenhorn Creek. A 2-foot freeboard is maintained in the settling ponds at all times. The ponds are aerated to prevent the breeding of mosquitoes and to minimize weeds, algae, and vegetation. The ponds are also monitored for dissolved oxygen and pH. Process water that is removed from the ponds is transferred to an onsite unlined evaporation pond. Sludge or solids that are removed from the ponds are transferred to an on-site drying pond and used in road base and other product applications.

The operation has an onsite stormwater settling/infiltration pond which receives runoff from the southern portion of the plant area. The watershed that drains to the stormwater pond is used to store piles of processed material, load trucks for the off hauling of processed materials, and access roads. The pond provides for the settling of material that is suspended in the storm water runoff, and the outlet of the pond is stabilized with native aggregate material. The pond is maintained by removing settled material as needed, typically in the drier seasons of the year when the pond contains minimal stormwater. There are also several diversion swales at the plant which serve the purpose of conveying process water, stormwater, and run-on to designated locations. Given that the material at the site is mainly aggregate, maintenance of the swales is minimal.

Anticipated Production

The annual anticipated production of aggregate to be mined and processed is expected to range from 200,000 to 600,000 tons per year, which is the same amount as historically mined for the last 35 years. The quantity of aggregate material varies substantially based on the current market demand and the amount of materials available that wash downstream from the historic hydraulic placer diggings. Storms continue to bring additional sand and gravel downstream into the operational area, replenishing the materials which are then harvested. Mineral commodities to be removed are estimated at 30 to 50 million tons, and the maximum anticipated depth of aggregate material to be removed is approximately 70 feet. The estimated ratio of tons per cubic yard of material being mined is 1.4 to 1.8 tons per cubic yard.

Mine Operation Schedule

Plant operation, gravel harvest, material hauling, truck loading, and hauling is limited under existing Use Permits U82-020 and U93-063 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, except for plant repairs which may take place beyond that time under the current approved use permit. Exceptions to the time and day limitations for Saturday operation, also limited to the hours of 7:00 a.m. to 6:00 p.m., may be made with County approval. In no case is

Saturday or Sunday operation authorized in the area lying south of the You Bet Road Bridge over Greenhorn Creek.

The harvesting operation is limited to April 1 to December 31 and to periods of low stream flow and dry weather under the terms of the existing Streambed Alteration Agreement with CDFW. In stormy periods, the gravel bars are flooded and the harvesting of sand and gravel is suspended until the water table subsides enough to allow heavy equipment to operate. The processing plant, however, operates continuously throughout the year, and portable aggregate processing plants may be utilized on a seasonal basis outside of Section 25 under the existing Use Permit conditions. No portable processing plants are proposed with the new use permit application.

Lifespan of Use Permit
Previous Use Permits approved by Nevada County do not have expiration dates. However, in keeping with other mining operations in the County in more recent years, HBE is currently proposing a maximum 30-year lifespan on the new Use Permit. If the operation requires additional time due to additional materials becoming available or additional market demand, a new Use Permit approval would be required.

Floodplain
The project would occur within the 100-year floodplain and as such requires a Use Permit for work within a floodplain pursuant to Land Use and Development (LUDC) Sec. L-II 4.3.10. Floodplain impacts are evaluated in the October 7, 2016, Geotechnical and Hydrological Feasibility Assessment by Holdredge & Kull, and mitigation is required at the end of each extraction season to ensure that remaining slope configuration do not cause flooding impacts. The conditions of the CFDW Streambed Alteration Agreement and the Waste Discharge Requirements of the Central Valley Regional Water Quality Control Board also serve to manage the impact of activities within the floodplain.

Reclamation Plan
Annual reclamation activities are required under the terms of the Streambed Alteration Agreement. They include removing temporary stream crossing culverts prior to the winter and/or significant rain events unless the crossing devices have been designed to pass the expected flows without impounding water upstream of the crossing or impacting the integrity of the watercourse. Structures and associated materials not designed to withstand high seasonal flows must be moved to areas above the high water mark before such flows occur.

Although the project lowers the streambed gravels, each year the creek moves in more material. Depending on the weather, the amount moved may be less than, equal to, or greater than the amount of material in the streambed the prior year. Occasionally, large parts of the upstream deposit cover over or scour out reclaimed areas and the natural revegetation process begins again. The vegetative cover proposed for the end use is anticipated to be self-regenerating to a large extent without continued dependence on irrigation, soil amendments, or fertilizer. The operation at the facility has been active for over 40 years and, according to the project biologist, natural revegetation of the riparian zone along the slopes of the Greenhorn Creek canyon, which were previously covered with aggregate waste, has proven to be effective. The project biologist has

concluded that vegetation at a density that is substantially similar to native surrounding areas, with various native species, develops unassisted and will successfully stabilize the slopes.

The revegetation process therefore entails two phases. First, passive or natural revegetation and active revegetation methods within small areas (test plots) over at least two years would be assessed. The second phase, landscape level restoration, would then occur as needed, applying adaptive management recommendations that would result from the test plot study. Test plots would occur both in riparian and upland habitats. Test plot success is generally defined as 50 percent of baseline conditions two years post-construction, as vegetation once established at 50 percent cover will likely continue to revegetate. This criteria was approved by OMR on December 27, 2016, and no comment was received from OMR on the project's Financial Assurance Cost Estimate (FACE) following the required 45-day review period which effectively automatically deems the FACE approved (*Attachment 6*). If at the end of two years, neither test plot type meet the success criteria, then adaptive management is recommended and additional testing of augmented replanting methods necessary. During this time, the passive plots should continue to be monitored to verify, if a longer study period facilitates meeting the success criteria in passive treatment plots.

The landscape level restoration would entail the application of the successful restoration techniques defined through the test plot study in riparian and upland habitats throughout the reclamation site. If passive revegetation was successful in the test plots they would be applied throughout the site. Passive revegetation methods have been successful in the past and may be viable at this site or in portions of the site. Passive landscape-level revegetation means the reclamation site would be left alone after the stream bed, bank, and upland areas are recontoured. The site is then expected to revegetate passively through natural propagation of riparian and upland species, much as it has in downstream areas previously mined by HBE. Active landscape-level revegetation would entail a directed revegetation planting palette based on the results of the test plots. The goal is to have the planting pallet recommendations primarily depend on locally sourced cuttings. The recommended duration and timing for the landscape-level restoration is five years to be implemented upon completion of mining activities and site re-contouring.

Mined lands are required to be reclaimed to a usable condition which is readily adaptable for alternate land uses and which creates no danger to public health or safety. After the end of the proposed aggregate mining activities, the ultimate condition of the creek would be something similar to the pre-hydraulic condition, with a layer of aggregate material 18 inches deep on average through the streambed and riparian plants along the edges of the stream and other species further outside the area of frequent flooding. The absence of the accumulation of sand and gravel will allow the natural propagation of alder, willow, and other riparian vegetation species.

After mining of each section is completed, the stream would be contoured into a "V" shaped channel shaped sufficiently to pass the 100-year peak flow, which conforms to the surrounding topography, with Greenhorn Creek flowing in the "V." The stream profile would be cut to the proper angle of repose. Although the final slope of the streambed under the gravel is unknown because the bedrock contour has not been explored, the bedrock contour is assumed to follow the pattern of the streambed cross section and have a slope of less than 35 percent. If canyon walls

under the deposit are less than 35 percent, no adjustments to the slope are planned. Sand and gravel would be left against slopes that are steeper than 35 percent as well as to cover the stream banks and streambed. The blanket of aggregate material that remains on the banks of the channel provides a natural form of rip-rap which assists in protecting the banks from soil erosion. Any soil encountered under the gravel would be left in place.

When the operation is nearing completion, the crushers, screens, scales, buildings, drainage structures, and all other plant related equipment would be removed in order to remove the aggregate material in which they are sited on, and any excess materials, waste, or debris would be removed from the work area. All private access roads, haul roads, and other temporary traffic routes used for mining purposes would then be reclaimed by removing any road base material. The Hansen Gravel Road would be left in its operational condition, on a layer of sand and gravel.

The potential end use of the reclaimed streambed would be for recreational, watershed, and beneficial environmental uses of Greenhorn Creek such as continued habitat for foothill yellow-legged frog. The current zoning designations for operation area include forest and agricultural designations in combination with the mineral extraction designation. The reclamation plan for the site is consistent with current and surrounding zoning and land use designations.

Management Plan

For all disturbance within watercourses, wetlands, and riparian, Nevada County LUDC Sec. L-II 4.3.3 requires a Management Plan to reduce impacts to water quality, habitat, and special-status species that could occur in these areas. The project's management plan (MGT17-0003) consists of the CDFW Streambed Alteration Agreement and the recommendations of the project Biological Inventory which includes numerous protections for water quality, habitat, and special-status within Greenhorn Creek that could be affected by the project's harvesting operations (*Attachment 5*). For impacts to creek banks and slopes, the project's Reclamation Plan would also serve as a "management plan" in the reclamation phase of the project.

STAFF COMMENT:

Use Permit/Rec Plan/FACE

As discussed in detail above, the applicant is requesting a 38-acre expansion to their existing aggregate mining activities in Greenhorn Creek. There is no change to the actual operations in terms of processing, off-hauling or the amount of material harvested in a given year. Pursuant to LUDC Section L-II 3.22, the applicant is seeking approval of a Use Permit (U15-008) to allow for this expansion. As with all mining projects their application includes approval of a Reclamation Plan (RP15-001) which also includes the approval of HBE's Financial Assurance Cost Estimate. The operational plan (Use Permit), Reclamation Plan (REC Plan) and Financial Assurance Cost Estimate (FACE) have all been reviewed by the State Division of Mine Reclamation (DMR) (formerly OMR) for compliance with the California Surface Mining and Reclamation Act (SMARA) and have been found to be compliant with those regulations. HBE has a long history of working in this area and have been a responsible operator. In concert with DMR, the County finds that the proposed Use Permit is compliant with County regulations and the REC Plan/FACE to be adequate for this project. All potential environmental impacts have

been adequately analyzed in the project specific environmental document (EIS15-014), which are discussed further below, and are adequately mitigated to levels of less than significance. Subsequently, this project is compliant with local and state regulations for this type of land use.

Hazards and Hazardous Materials

Greenhorn Creek was the subject of a 2005 USGS report, *Scientific Investigations Report 2004-5251,* that analyzed water, sediment, and invertebrate samples in the Greenhorn Creek drainage system and identified specific levels of mercury and methylmercury contamination at various sites throughout the drainage. The results document several hot spots of mercury contamination that represent areas for ongoing and future remediation efforts at abandoned mine sites. Due to the proximity to the Starr Tunnel portal and the location of the aggregate deposit within Greenhorn Creek aggregate sampling and mercury analysis was performed in 2015 by consulting engineers Holdredge & Kull. At the request of the RWQCB, Holdredge & Kull performed additional surface water sampling and analysis on May 5, 2016. Locations of soil and water sampling two soil and two surface water samples in the vicinity of the Starr Tunnel, and one additional surface water sample downstream of the processing plant.

The Starr Tunnel portal and immediate downstream areas are already approved for mining under the existing Use Permit U93-063, so the nearest possible location currently required to be evaluated was sampled as a part of the Holdredge and Kull testing. A second testing location captured any mercury that may been transported downstream from other mining sites upstream of this location, such as the Poore Mine, Buckeye Mine, and Boston Mine. The results of the analysis were compared to Human Health Screening Levels developed by the United States Environmental Protection Agency (US EPA) and the California Department of Toxic Substances Control (DTSC). The total mercury concentrations detected in all samples were all below human health screening levels, subsequently this project is not anticipated to result in the substantially adverse release of mercury into the waterway.

Holdredge & Kull also conducted surface water sampling for dissolved metals, the results of which show that the existing aggregate extraction and processing activities do not appear to threaten water quality with respect to mercury or other sampled constituents. The Regional Water Quality Control Board reviewed the results and concurred with the sampling methods and results. The project is subject to existing Waste Discharge Requirements and Permits which area already in place.

Traffic and Circulation

Access to the site is from State Route 174, to the County-maintained You Bet Road, to the privately maintained Hansen Gravel Road just past the Greenhorn Creek crossing. From the processing plant off the Hansen Gravel Road, access to the in-stream mining areas is north up the Greenhorn Creek canyon. Proposed areas of expansion extend from approximately one mile north of the processing plant two miles north up the Greenhorn Creek canyon to the boundary of the Tahoe National Forest. The expansion area includes the Red Dog Road crossing and the Red Dog Narrows. Red Dog Road in the vicinity of the stream crossing is public from the middle of the creek running west; and a public, non-County maintained road from the middle of the creek running east. HBE is conditioned under Use Permit U93-063 to maintain the Red Dog Road

crossing, while the County maintains the western portion of Red Dog Road within the public right-of-way. The eastern portion of Red Dog Road is not maintained by the County because the County does not have easements through this segment.

The proposed project is not anticipated to generate additional traffic on a day-to-day basis because the amount of aggregate being mined and processed would remain the same as under the existing Use Permit U93-063. Traffic from the existing and proposed operation are largely driven by market forces and can therefore fluctuate broadly in any given year depending on demand for aggregate materials. An estimated 4,000 tons of material is hauled to the plant daily and varies substantially based on the current market demand. However, the existing operation functions under the same principle, so the proposed project relative to that baseline would not contribute to additional traffic on a daily or yearly basis and the amount of trips would continue at the same rate as under existing conditions. The northerly portion of the proposed expansion area includes the Red Dog Road crossing, which is part of the emergency access route and circulation for the Red Dog-You Bet community. The existing Use Permit conditions of approval require maintenance of the crossing, but the new expansion area directly affects it and as such, Mitigation Measure 16A (Public Works Condition B.1) requires that Red Dog Road be maintained in a passable condition during all periods of the year when the stream is passable. Since the project will not increase the amount of offsite vehicle trips and the project specific mitigation measures/conditions of approval ensure emergency access is maintained potential impacts to traffic and circulation will not occur should this project be approved.

Hydrology and Water Quality

The proposed project operations are predominantly within Greenhorn Creek, a major tributary to the Bear River in the Upper Bear Watershed, feeding Rollins Reservoir. The project also extends into Missouri Canyon and Arkansas Ravine. The Greenhorn Creek basin includes Greenhorn Creek, South Fork Greenhorn Creek and several unnamed tributaries. The existing beneficial uses of Rollins Reservoir and the Bear River downstream of the discharge are municipal and agricultural supply; industrial supply; water contact and noncontact recreation; aesthetic enjoyment; groundwater recharge; fresh water replenishment; and preservation and enhancement of fish, wildlife and other aquatic resources. The applicant currently performs mining operations within Greenhorn Creek, which includes in-stream sand and gravel harvesting and processing, which would be expanded into new areas under the proposed project. The proposed project however, does not include any new processing components or increase in aggregate materials to be mined. As such, current regulations and requirements of the County, Regional Water Quality Control Board, and California Department of Fish and Wildlife that ensure that surface and groundwater is protected from siltation and pollutants, are anticipated to remain the same or substantially similar for the expanded harvesting areas.

Water quality must be protected onsite and for downstream beneficial uses of water during all phases of the project which will ensure that this project does not contribute to the degradation of water quality in Greenhorn Creek or its tributaries. Because the project will result in disturbance within the non-disturbance buffer of Greenhorn Creek and its tributaries, Nevada County Land Use and Development Code Section L-II 4.3.3 and L-II 4.3.17 requires a project specific Management Plan to protect water and biological resources. The County determined that

implementation of the recommendations of the project biological inventory as well as adherence to the requirements of the project's existing Streambed Alteration Agreement with California Department of Fish and Wildlife (as modified as required by the project mitigation measures) would suffice as the Management Plan for this project (*Attachment 5*). With regard to impacts to Waters of the U.S., the proposed expansion area is within the floodplain of Greenhorn Creek, and the site excavation areas are below the ordinary high water mark of the creek. Currently, the permitted areas of Greenhorn Creek (south of the project area) is covered under an Streambed Alteration Agreement, which would be extended to cover the proposed Project expansion as required by Mitigation Measure 4D (CDFW Condition F.4).

Biology

The proposed project region is ecologically distinguishable, as it is located within a transitional vegetation below where foothill Sierra species and montane species can be found in the same community associates. The upper reaches of Greenhorn Creek is a relatively steep, bedrock confined stream typical of the foothills; however in the proposed project area Greenhorn Creek is a meandering stream flowing from north to south, depositing sediments at the mouth of the channel at Rollins Reservoir. Riparian vegetation exists along the low flow channel and in the floodplain of Greenhorn Creek. For all disturbance within watercourses, wetlands, and riparian habitats, Nevada County LUDC Sec. L-II 4.3.3 requires a Management Plan to reduce impacts to water quality, habitat, and special-status species that could occur in these areas. As discussed above, the project's Management Plan consists of the recommendations of the project Biological Inventory prepared by Stantec dated June 16, 2015 and the existing (to be modified) Streambed Alteration Agreement, which includes numerous protections for water quality, habitat, and special-status within Greenhorn Creek that could be affected by the project's harvesting operations (*Attachment 5*). For impacts to creek banks and slopes, the project's Reclamation Plan would serve as a "management plan" in the reclamation phase of the project.

As a result of the diverse ecology of the project site, the potential for sensitive plant and animal species is present. Subsequently Stantec's biologists performed a data inventory and field review of the project site. The biological inventory concluded that no rare or unusual occurrences of sensitive plant species were identified during the early to mid-year bloom period survey nor were any of these species observed during the May 11, 2015 field survey. Regarding wildlife, only species that were typical and expected to be observed in the proposed project area were found during the May 11, 2015 field survey. The biological inventory identified the site as suitable habitat for nesting birds and raptors, and adequate standardized mitigation has been incorporated into the project specific environmental document. The biologist found that no occurrences were found or observations were made of the California Red Legged Frog (CRLF) (a federally threatened species) during their site visit nor were observations made of CFLF or their preferred habitat during background research or field surveys. The project biologist did however observe a breeding population of Foothill Yellow Legged Frog (FYLF) (a state species of special concern) in the project area and adequate standard mitigation has been applied to the project, as well as the implementation of the requirements of the Streambed Alternation Agreement, to ensure that the project does not result impacting this important wildlife species. All other sensitive plant or animal species found on the project site are adequately protected by the project specific mitigation measures and conditions of approval. The project, if approved, will continue to

perform the same activities in the streambed on the project site that have been conducted for over a period of 40-years, where the use and biological resources have co-existed overtime.

Noise

Existing noise in the project area is from the existing permitted Greenhorn Creek sand and gravel mining and processing operation which occurs adjacent to much of the proposed expansion area. Harvesting operations include belly-scrapers which harvest the aggregate material and transport it to the processing plant. The processing plant includes two cone crushers with screens and one jaw crusher with screens. Front-end loaders move the processed sand and gravel to stockpiles and load trucks, which transport the material. At any given time, up to three bellyscrapers, and three front-end loaders and load-out trucks are operating at the existing plant, along with the crushers and screens. The existing noise environment in the processing area and existing harvest areas is defined primarily by existing plant and harvesting operations. The proposed project will not increase overall operations and the volume of materials to be harvested will not increase as a result of this project. The primary sensitive noise receptor in the area are rural residential structures and residences approximately 1,000 to 1,200 feet from the proposed harvest expansion areas.

The project would expand the excavation area by approximately 38 acres, with the expansion area located to the north of the existing processing plant. The land uses adjacent to the proposed excavation areas are either existing quarry area or forested lands. The Tahoe National Forest boundary is located immediately adjacent to the northeast boundary of the proposed excavation area. The Blue Lead Mine, an approved but not yet operational project, is located approximately 500 feet east of the excavation area, and four residences are located between 1,200 feet and 2,400 feet from the proposed excavation areas. The harvesting plan includes running no more than two scrapers at any given time between the harvesting areas and the existing plant. The operations occur Monday through Friday between the hours of 7:00 AM and 6:00 PM. This plan is consistent with current operations. The project does not increase the production capacity or result in additional truck traffic on the roadway.

To quantify the existing ambient noise environment in the project vicinity, J.C. Brennan & Associates, Inc. conducted continuous hourly noise level measurements for a period of two days at two locations adjacent to the expansion areas. In addition, noise level measurements were conducted at the existing plant site and harvesting area to quantify the existing operations, as well as to acquire reference data for analysis of the existing and future operations. Based upon this data and the assumptions that existing conditions on the 1982 and 1993 use permits would continue for this project (for hours of operations, minimization of number of scrapers, use of mufflers, etc.), noise impacts from the proposed expansion areas would not result in an exceedance of the Nevada County 55 dBA Leq and 75 dBA Lmax noise level standards for Rural areas. All of the residences are located far enough away, and there is enough topographic relief and vegetation, to significantly reduce noise levels from the operation.

As noted above, the results of the noise analysis rely on the existing use permit conditions to reach the conclusion that noise impacts would not be substantially adverse. Therefore, these conditions should continue to apply to the current project to ensure these impacts remains less

than significant. These measures are therefore provided in Mitigation Measure 12A (Planning Condition A.11) to ensure that noise levels remain at current levels within both Sections 25 and 36 (proposed new harvesting areas). It should also be noted that existing Occupational Safety and Health Administration (OSHA) standards must also be met for the protection of employees from noise impacts in the work environment, and that these standards are enforced and monitored by OSHA.

Land Use Compatibility (Rezone)

The proposed expansion area is located within Greenhorn Creek and its tributaries from Missouri Canyon and Arkansas Ravine, where the project applicant currently operates an existing permitted aggregate extraction and processing mine operation. With the exception of occasional off-highway vehicle use by trespassers, the project lands are currently unoccupied and unused for human purposes. Surrounding land uses include timber/forest land, low-density single family homes and recreational uses at Rollins Reservoir and Greenhorn Creek. The Tahoe National Forest is located immediately north of the operation area. Several active and/or historic mine sites are also location within the vicinity of the operation. The land in which the proposed expansion area is located is zoned Forest and Forest with Mineral Extraction combining zoning designation with 40-acre maximum density (FR-40 and FR-40-ME). All land surrounding the operation property is zoned Agricultural, Forest, or Timber Production Zone, with densities ranging from 20 acres in the southerly area to 160-acres on the Tahoe National Forest land to the northeast. The Blue Lead Mine site to the east also has the Mineral Extraction combining district.

A portion of the project in the northern area is currently zoned Forest and requires a rezone to add the Mineral Extraction combining district in order to comply with the Zoning Ordinance Section L-II 3.22. In addition, the applicant is proposes to add the ME overlay district to three other parcels because the slopes of the existing approved harvest area extend into this parcel. Properties proposed for mining are required to have a Mineral Extraction zoning district overlay. The applicant has provided a "rezone justification statement" which is included as *Attachment 6*. With the approval of this rezone by the Board of Supervisors, the project would be consistent with the zoning districts established for the project area. The proposed project would not disrupt or divide the physical arrangement of any established community as it would occur within Greenhorn Creek and aggregate mining within the creek bed has been occurring for over 40-years and therefore is not a new land use for this area. Should the Planning Commission approve the project specific Use Permit, Reclamation Plan/FACE, and Management Plan, this approval would be contingent upon the Board of Supervisor's approval of the propose Rezone, based on the Planning Commission's recommendation.

PUBLIC/AGENCY COMMENT:

At the date of the completion of this staff report, a number of agency and public comment letters have been received regarding this project that were not in direct response to the comment period of the draft Initial Study and proposed Mitigated Negative Declaration. Initial Study comments are discussed below under the Environmental Review header, and the letters that were received outside of this comment period are summarized below and are provided in *Attachment 8*.

Agency Comments

As a result of this project, the County received letters from local and state agencies documenting whether the application complied with that agencies regulations and outlining any recommended conditions of approval, mitigation measures and recommendations. These letters were provided as a part of the initial distribution and project review process and include letters from the Central Valley Regional Water Quality Control Board (RWQCB), The Office (now Division) of Mine Reclamation (DMR), California Department of Forestry and Fire Protection (CALFire), Nevada County Environmental Health-Hazardous Materials Division, Nevada County Department of Public Works, Northern Sierra Air Quality Management District, Nevada Irrigation District, and the Army Corps of Engineers. Where necessary the comments received were incorporated into the project specific mitigation measures and conditions of approval or used to guide the project analysis in the CEQA document. Final agency letters are provided in *Attachment 8*.

Public Comments

Two letters were received from employees who work the existing HBE Greenhorn Creek aggregate mine in support of this project outlining the value the project has to their prosperity and the County's economy. A letter dated April 19, 2017 was received from Mr. Bruce Ivy, a 44-year neighbor to the property, who outlined that in 1972 Rollins Lake was below their home and now it is approximate ½ mile away. Mr. Ivy expressed that he believed HBE was doing a good job harvesting this area and the work they do is necessary for the long term sustainability of Rollins Reservoir. An email was received on April 19, 2017 from Mr. Jason Corrie who stated that he was not against the expansion but had concern over the "narrows" on Greenhorn Creek near Red Dog Road, asking whether or not the narrows were going to be destroyed. The project proposes to harvest sand and gravels that have been deposited overtime from historical hydraulic mining surrounding the narrow, the narrows is a rock formation consisting of bedrock which is not a material harvested by this operation.

There were also letters/emails provided early on in the project processing that expressed concerns over: 1) sedimentation in Rollins Reservoir (Ms. Sue Ralston), 2) potential legacy mining activities including mercury contamination, and impacts to flora and fauna, water quality, noise, aesthetics, air quality, local economy, county roads and other impacts requesting an EIR be prepared (Mr. Ralph Silverstein/Mr. Jonathan Keene) and 3) concerns over mercury contamination from historic mining in this area (Mr. Ray Byars/Ms. Sandy Jansen/Mr. Johnathan Keene/Mr. Ralph Silverstein). Regarding the erosion comment, one of the beneficial impacts of this project is it removes sands and gravels from the waterway before it can enter Rollins Reservoir. Regarding the request for an EIR, the County completed a CEQA Checklist (Initial Study) and this study made a good faith effort to analyze the potential impacts of this project on those criteria outlined by Mr. Silverstein. The results of study determined that all potential significant impacts could be mitigated and therefore a Mitigated Negative Declaration is recommended for this project. Finally, to determine the extent of mercury in the area, Holdrege and Kull Geological Engineers performed sampling as discussed in the Hazards and Hazardous Materials section above and in more detail in the project specific Initial Study. All comment letters and emails received are provided in chronological order in *Attachment 8* for the Planning Commission's consideration and review. Any future letters received after the publish date of this

staff report, will be provided to the Planning Commission for inclusion in the public record prior to the May 11, 2017 Planning Commission date.

ENVIRONMENTAL REVIEW:

On March 14, 2017, the County as lead agency released a public review draft of the project specific draft Initial Study and proposed Mitigated Negative Declaration (MND) (EIS15-014/SCH2017032040). The Initial Study was routed to several local, state and federal agencies in addition to residents and special interest groups who have previously requested notification of this project. The Draft MND was available for public review from March 14, 2017 to April 12, 2017. All project impacts have been mitigated to less than significant levels as outlined in *Attachment 1*.

Six comment letters were received regarding the project initial study. The State Clearinghouse provided a letter outlining that the County has completed with their CEQA review requirements. The United Auburn Indian Community (UAIC) provide their standard letter requesting a copy of the initial study and any cultural documents and requesting that they have an opportunity to consult on the project. Staff sent UAIC a copy of initial study and requested that the applicant facilitate the request to confer on the project. The United States Fish and Wildlife Service provide a letter outlining that both the yellow and red legged frogs are known to have habitat within 5-miles of the project site, suggesting that a biological analysis is conducted for the area. Stantec prepared a biological inventory dated June 2015 for the project and Mitigation Measure 4B (CDFW Condition F.2) is included to minimize impacts to yellow legged frogs; no red legged frogs or habitat was found on the site. The Federal Emergency Management Agency (FEMA) provided a form letter providing a summary of National Flood Insurance Program building requirements.

A neighboring property owner, Jo Garst has provided a letter outlining concerns regarding the project and the potential for erosion as a result of the existing project. It is the County's practice pursuant to OMR regulations to perform annual inspections of this facility which include review of potential erosion issues. In addition Mitigation Measure 6A requires annual inspections of this newly proposed mining area for creek bank slope and stability to ensure soil and rock conditions and slopes exposed for aggregate removal along the creek and within the Red Dog Narrows are not left in a state vulnerable to erosion or an increased risk of localized flooding. The last letter was an email from the Northern Sierra Air Quality Management District stating they have no comments. All letters received are provided in *Attachment 8*.

ZONING AND GENERAL PLAN CONSISTENCY:

The proposed aggregate mining project use is consistent with the Forest-40 land use designation of the Nevada County General Plan Land Use Maps. Further, the project is consistent with Land Use Element Policy 1.5.o in that it is situated within the Forest designation that provides for the protection of both timber and natural resources including minerals. With the implementation of the post-aggregate mining reclamation plan, the project will allow for the continued recreational, watershed, and beneficial environmental uses on site. The proposed project, would not result in the generation of substantial noise above what is already occurring as the project will not intensify the mining activities on the creek and will not relocate the processing component of the

operation from its existing location. The proposed project will only relocate the harvesting activities to new unharvested locations and to ensure this relocation does not result in noise impacts to surrounding sensitive noise receptors (residences) Mitigation Measures 12A (Planning Conditions A.11) is included that requires methods to reduce noise generation below County thresholds.

Through the recommended Mitigation Measures 3A (NSAQMD Condition E.1**)**, the project will require alternatives to open burning and minimize air pollution consistent with Safety Element Policy FP-10.8.2.1. Additionally, through the recommended Mitigation Measures 4D and 6A (CDFW Condition F.4 and Planning Condition A.10), the project will minimize the discharge of pollutants into surface waters of Nevada County which will help in reducing the potential health risks associated with any potential residual mercury on site from the historic mining era consistent with Water Element Policy 11.4. The proposed project will be consistent with the Mineral Element Policies 17.4, in its compliance with noise standards; Policy 17.6, that it's providing for mining in compatible areas prior to their intensified urbanization; Policy 17.7 as it has specific time limits for the Use Permit; and Policy 17.8 ensuring its compliance with an approved reclamation plan found to be consistent with state law. Finally, should the Board of Supervisors approves the addition of the Mineral Extraction combining district, the project will be compatible with Policy 17.15, which conditionally allows surface mining on parcels zoned with the "ME" combining district following CEQA review, which has occurred for this project.\.

As conditioned, the proposed mining operation will conform to the applicable provisions of the Nevada County Land Use and Development Code, and specifically including the Surface Mining and Reclamation Standards set forth in Section L-II 3.22.G applicable to the requirements of surface mining operation and the minimum standards of an acceptable reclamation plan.

SUMMARY:

This portion of Greenhorn Creek has been mined for aggregate materials for over 40 years. HBE is requesting an expansion to their current operation, related only to those areas that are eligible for harvesting. The project will not result in an increased amount of materials mined, any changes to historic approved mining practices or techniques, nor will it increase the number of onsite employees or offsite vehicle trips. The project Use Permit (U15-008) applies to both the mining activity and work within the 100-year floodplain for this 38-acre expansion area only. Per OMR regulations, the project (if approved) would place all existing HBE use permits for aggregate mining in Greenhorn Creek under one Reclamation Plan (RP15-001). The Management Plan (MGT17-003) (Biological Inventory and Streambed Alternation Agreements) has been reviewed for compliance with LUDC Sections L-II 4.3.3 and 4.317 and found to be compliant with those sections of the code. Recommended mitigation for project impacts to the watercourse have been appropriately carried over from the Management Plan to the project specific Initial Study and recommended Mitigated Negative Declaration (EIS15-014). All other project impacts have been mitigated to levels of less than significance (*Attachment 1*). Should the Planning Commission elect to approve this project, this approval will be contingent upon the Board of Supervisors approval of the proposed Rezone (Z15-004) to add the ME combining district to the project specific parcels as provided for in Planning Conditions A.2. No issues have been identified that are not otherwise addressed by the project's conditions of

approval/mitigation measures and subsequently staff recommends that the Planning Commission take the actions provided below.

RECOMMENDATION:

Staff recommends the Planning Commission take the following actions:

I. After reviewing and considering the proposed Mitigated Negative Declaration (EIS15-015, adopt the proposed Mitigated Negative Declaration pursuant to Section 15074 of the California Environmental Quality Act, and make Findings A through C:

A. That there is no substantial evidence in the record supporting a fair argument that the proposed project, as mitigated and conditioned, might have any significant adverse impact on the environment;

B. That the proposed Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and that the mitigation measures, as agreed to by the applicant, will reduce potentially significant impacts to less than significant levels; and

C. That the location and custodian of the documents which constitute the record of these proceedings is the Nevada County Planning Department, 950 Maidu Avenue, Nevada City, California.

II. Approve Management Plan (MGT17-003), to address impacts as a result of work within 100-feet of a perennial stream as described and mitigated in the project Management Plan (*Attachment 5*), which have been incorporated into the project specific environmental document, making the following Findings A-B pursuant to LUDC Section L-II 4.3.3.C and Section L-II 4.3.17:

A. That the issuance of this Management Plan is consistent with the provisions of Section L-II 4.3. Resource Standards of the Nevada County Land Use and Development Code; and

B. That potentially significant impacts to water courses, riparian areas and habitats located on the project site have been minimized through the incorporation of mitigation measures, primarily requiring adherence to the requirements of the project Streambed Alteration Agreement (No. 1600-2007-0142-R2), as modified per this project, and the biological inventory prepared by Stantec, dated June 16, 2015.

III. Approve the Use Permit (U15-008) and Reclamation Plan (RP15-001), subject to the attached Mitigation Measures and Conditions of Approval, and make Findings A through M pursuant to LUDC L-II Section 5.9:

A. That the approximately 38-acre area is adequate in size and shape to accommodate the proposed surface mining harvest expansion project utilizing existing processing infrastructure as required by the Section L-II 3.22.G surface mining site development standards as required by Chapter II of the Nevada County Land Use and Development Code;

B. That the proposed haul roads are established and adequate for the project. You-Bet Road and Red Dog Road is a County-maintained rural road and is adequate in size, width, and surfacing to carry the quantity and kinds of traffic generated by this project;

C. That because of its remote location, the existing ongoing aggregate mining activities, the relatively rural area and existing parcel sizes buffering the adjacent properties closest to the project site, the mining operation will not have an adverse effect on abutting property or the permitted uses thereof;

D. That this project, both the mining operation and the proposed reclamation plan, is consistent with the Goals and Policies of the Nevada County General Plan, specifically including Policy 1.5.o of the Land Use Chapter, Policy FP-10.8.2.1 of the Safety Chapter, Policy 11.4 of the Water Chapter, and with Policies 17.4, 17.6, 17.7, and 17.8 of the Mineral Management Chapter; and with the approval of the proposed rezone to add the Mineral Extraction "ME" combining district, the project will be consistent with Policy 17.15 of the General Plan;

E. Based on the comments received and conditions applied from the Nevada County Departments of Public Works, Planning, Environmental Health, and the California Department of Forestry and Fire Protection (Calfire), adequate public services exist in the immediate area to support the project. These services include adequate sewage disposal, adequate domestic water service, and safe and adequate roads;

F. That the payment of their fair share towards public access road maintenance and improvements, as established by the Mitigation Measure 16C, to offset the impacts this project may have on the local transportation system will be imposed and collected to offset the project's contribution to the regional traffic needs in this portion of the county;

G. That the conditions listed are the minimum necessary to protect the public's health, safety and general welfare and are essential to ensure that the Reclamation Plan will minimize water degradation, air pollution, damage to aquatic or wildlife habitat, erosion, and other adverse effects from surface mining operations;

H. That the ongoing monitoring and periodic review process will help ensure that the Reclamation Plan will restore the mined land to a usable condition which is

readily adaptable for an alternative land use that is consistent with the surrounding land uses, primarily low intensity recreation and forested lands and with the Nevada County General Plan;

I. That the Reclamation Plan will restore the mined land to a condition, which creates no danger to public health and safety;

J. That the requirement for the supplemental guarantee, which will be reviewed annually, is necessary to ensure a timely reclamation of the site, as well as to protect the County in the event of any unanticipated project abandonment;

K. That the approved Reclamation Plan complies with SMARA Sections 2772 and 2773, applicable requirements of the State regulations (CCR Section 3500-3505, and Section 3700-3713), and all other applicable provisions, as may be amended;

L. That the Reclamation Plan has been reviewed pursuant to the California Environmental Quality Act and the County's environmental review guidelines (LUDC Chapter 13), and that all significant adverse impacts from the reclamation of the surface mining operations have been mitigated to the maximum extent feasible; and

M. That a written response to the State Department of Conservation (Office/Division of Mine Reclamation) was prepared and submitted, and that all of the recommendations by the Division of Mine Reclamation are now incorporated into the Reclamation Plan and there are no further comments from the Division of Mine Reclamation that have not been included in this approved Reclamation Plan.

IV. Recommend the Board of Supervisors adopt the Mitigated Negative Declaration and amend Zoning District Map #78 to reflect the rezoning of the APNs 38-370-17, 38-380-15, 38-380-16 and 38-430-02 acres from FR-40 (Forest - 40 acre density) to FR-40-ME (Forest – 40 acre density – Mineral Extraction).

Respectfully submitted,

Original Signed

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BRIAN FOSS
Director of Planning