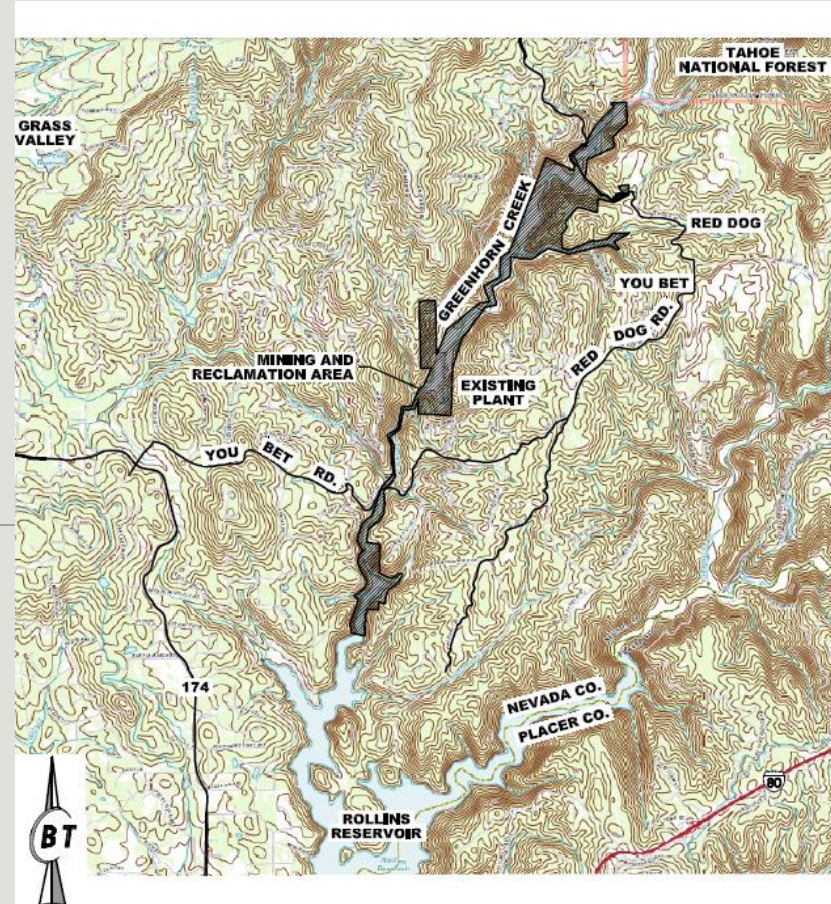


# Hansen Bros. Enterprises Greenhorn Creek Harvest Expansion Project Rezone Z15-004; EIS15-014

APN: 38-370-17, 38-380-15,  
38-380-16; 38-430-02

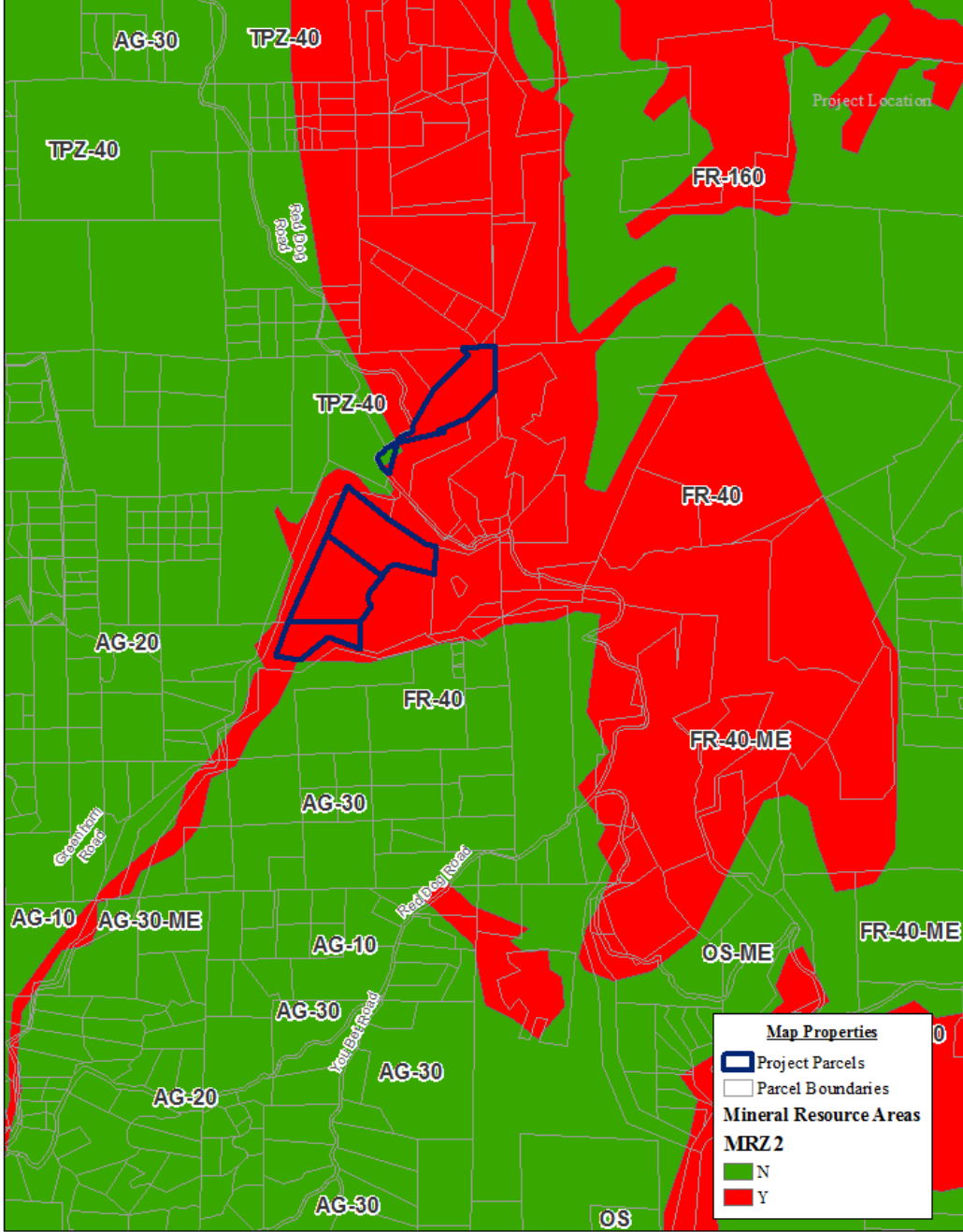
Project Planner: Jessica Hankins, Senior Planner  
Staff Report Preparer: Tyler Barrington, Principal Planner

Board of Supervisors  
June 13, 2017



# Project Site

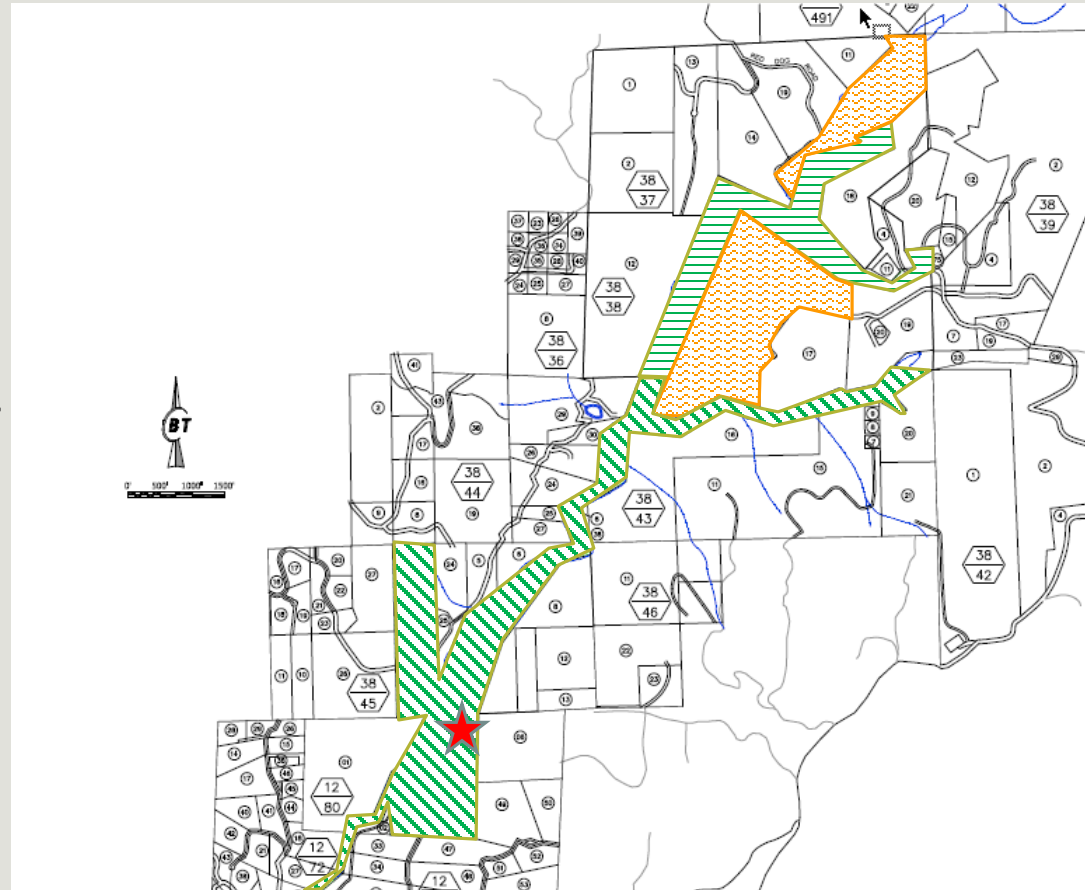
- Approximately 7-miles east of Grass Valley, 2.4 miles north of You Bet Road and 3.3 miles north of Rollins Reservoir
- Red Dog/You Bet Area
- Within Greenhorn Creek
- Approximately 38-acre harvest expansion area on 4 parcels
- Zoning: FR-40
- Surrounding Uses: Rural, Rural Residential, Mining- Gold and Aggregate
- Mineral Resources Zone- MRZ-2



Every possible effort has been made to ensure the accuracy of the map. The Department of Natural Resources does not warrant the accuracy of the information presented on this map. The Department of Natural Resources is not responsible for any errors or omissions on this map. The Department of Natural Resources is not responsible for any errors or omissions on this map. The Department of Natural Resources is not responsible for any errors or omissions on this map.

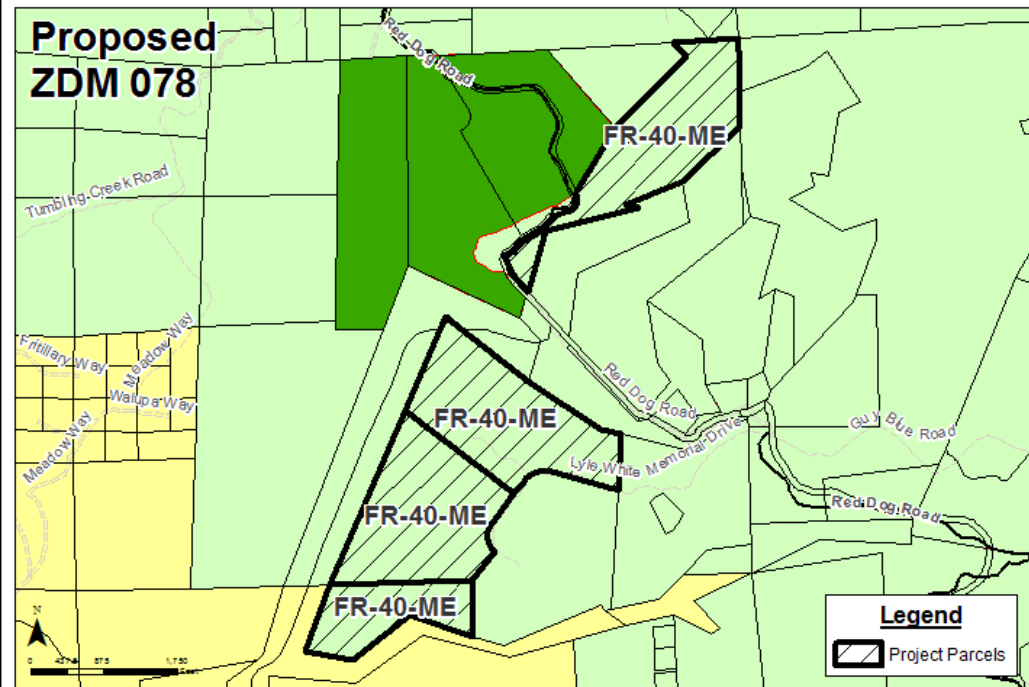
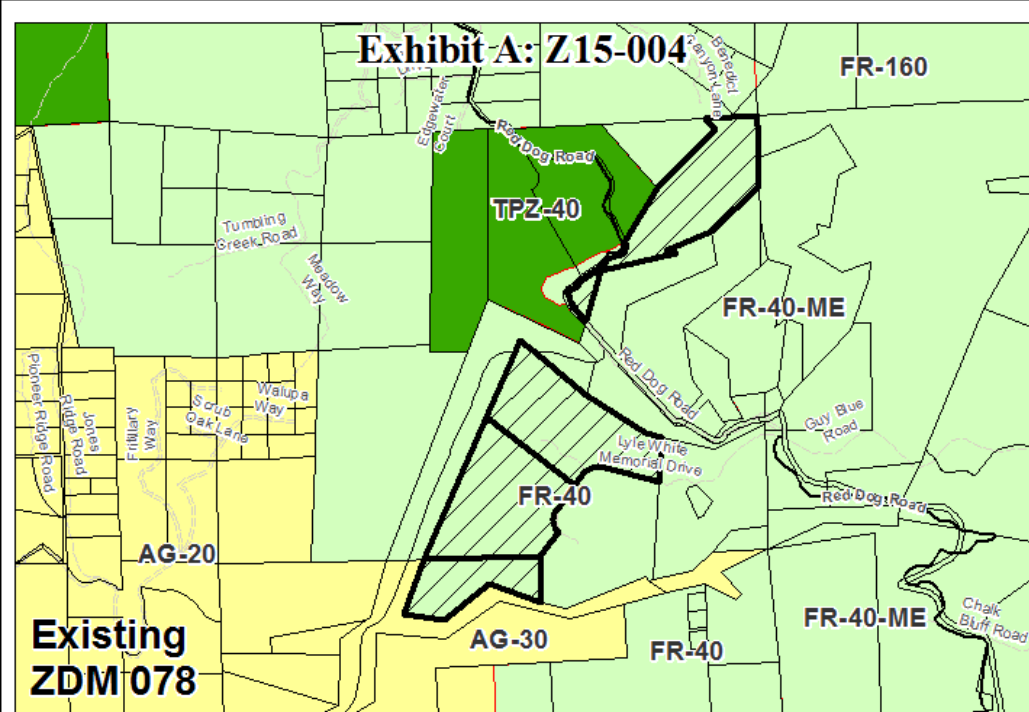
# Background

- 40+ year history of aggregate mining
- U75-003- HBE mine sand and gravel and construct/operate processing plant
- U75-013- Adding a rock crusher and settling ponds
- U82-020- Amended days and times for operation
- U93-063- Expansion into Section 25 near north end of extraction area
- U15-008, RP15-001, MGT17-0003, - Approved May 11, 2017 (4-0, 1-absent vote).
- Action Final



# Rezone (Z15-004)

- LUDC Sec. L-II 2.7.3- ME Combining District Required for Mineral Extraction
  - Must be in MRZ-2 zone
  - Must clearly demonstrate that significant mineral deposits are present
- LUDC Sec. L-II 3.22.D.3- Allows surfacing mining where property is zoned with ME, subject to a Use Permit/Rec. Plan
- Existing: Forest-40 (FR-40)
- Proposed: FR-40-ME





# Planning Commission Recommendation



**On May 11, 2017, the Planning Commission made the following recommendation on a 4-0 (1 absent vote):**

- I. Approve the attached Resolution for the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (EIS15-014), pursuant to Section 15073.5 and 15074 of the California Environmental Quality Act Guidelines based on the findings contained in the Resolution (Attachment 1).*
- II. Introduce, waive further reading and adopt the attached Ordinance amending Zoning District Map No. 078 to add the Mineral Extraction (ME) combining district to APNs 38-370-17, 38-380-15, 38-380-16 and 38-430-02 resulting in a Forest (FR)-40-ME designation, based on the findings contained within the Ordinance (Attachment 2).*

# Entitlements Requested

- Z15-004: Rezone of 4 parcels to add the Mineral Extraction “ME” Combining District
- U15-008: Use Permit expand to additional 38-acres in and around Greenhorn Creek, including work within the Floodplain
- RP15-001: Reclamation Plan to reclaim site
- MGT17-0003: Management Plan for work within 100-ft of a watercourse.



# Studies Prepared/Agencies with Approval Authority

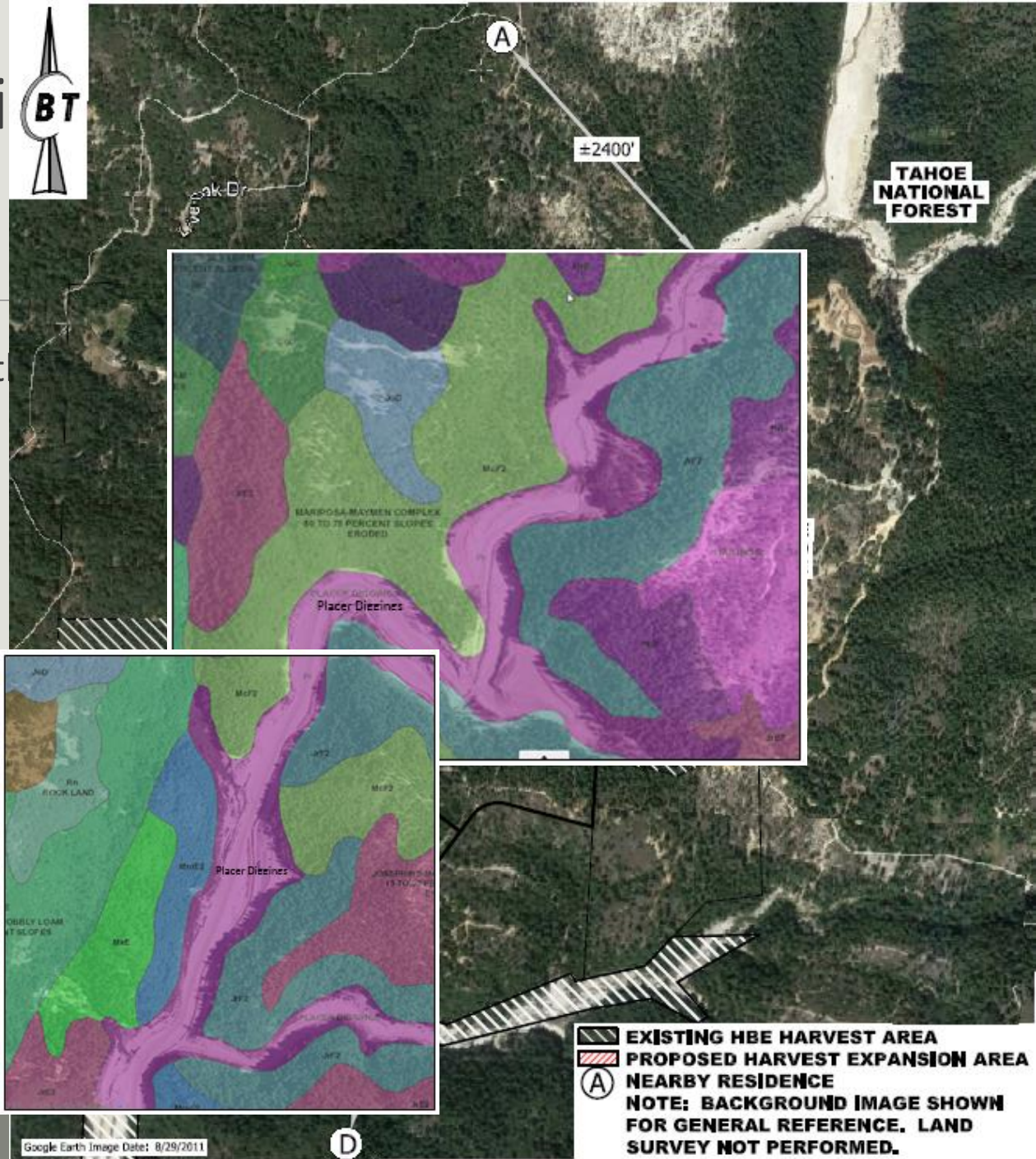
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- Geotechnical and Hydrological Feasibility Assessment- *H&K 2016*
- Water Supply Assessment (SB610)- *H&K 2015*
- Aggregate Sampling and Mercury Analysis- *H&K 2015*
- Surface Water Sampling and Analysis- *H&K 2016*
- Environmental Noise Assessment- *J.C. Brennan 2015*
- Biological Inventory/Management Plan- *Stantec 2015*
- Biological Baseline Data and Revegetation Recommendations- *Stantec 2015*
- Historical Records Search- *Northern Central Information Center 2015*
- *Nevada County*- Rezone, Use Permit, Rec. Plan, MGT Plan, CEQA Lead Agency (pending), Annual mine inspections (ongoing)
- *Nevada County Environmental Health*- Hazardous Materials Business Plan/Spill Prevention, Control, and Countermeasure Plan (existing)
- *Calfire*- Fire Protection Plan- (required)
- *Division of Mine Reclamation*- SMARA Compliance- Mine Operation Plan, Rec. Plan, FACE- (Approved 12/27/2016)
- *Regional Water Quality Control Board*- WDR/Industrial General Permit/SWPPP (*existing*)
- *California Dept. of Fish and Wildlife*- Streambed Alteration Agreements (existing and amended)
- *Northern Sierra Air Quality Management District*- Permit to Operate/Air Pollution Permit (existing)/Dust Control Plan (required)



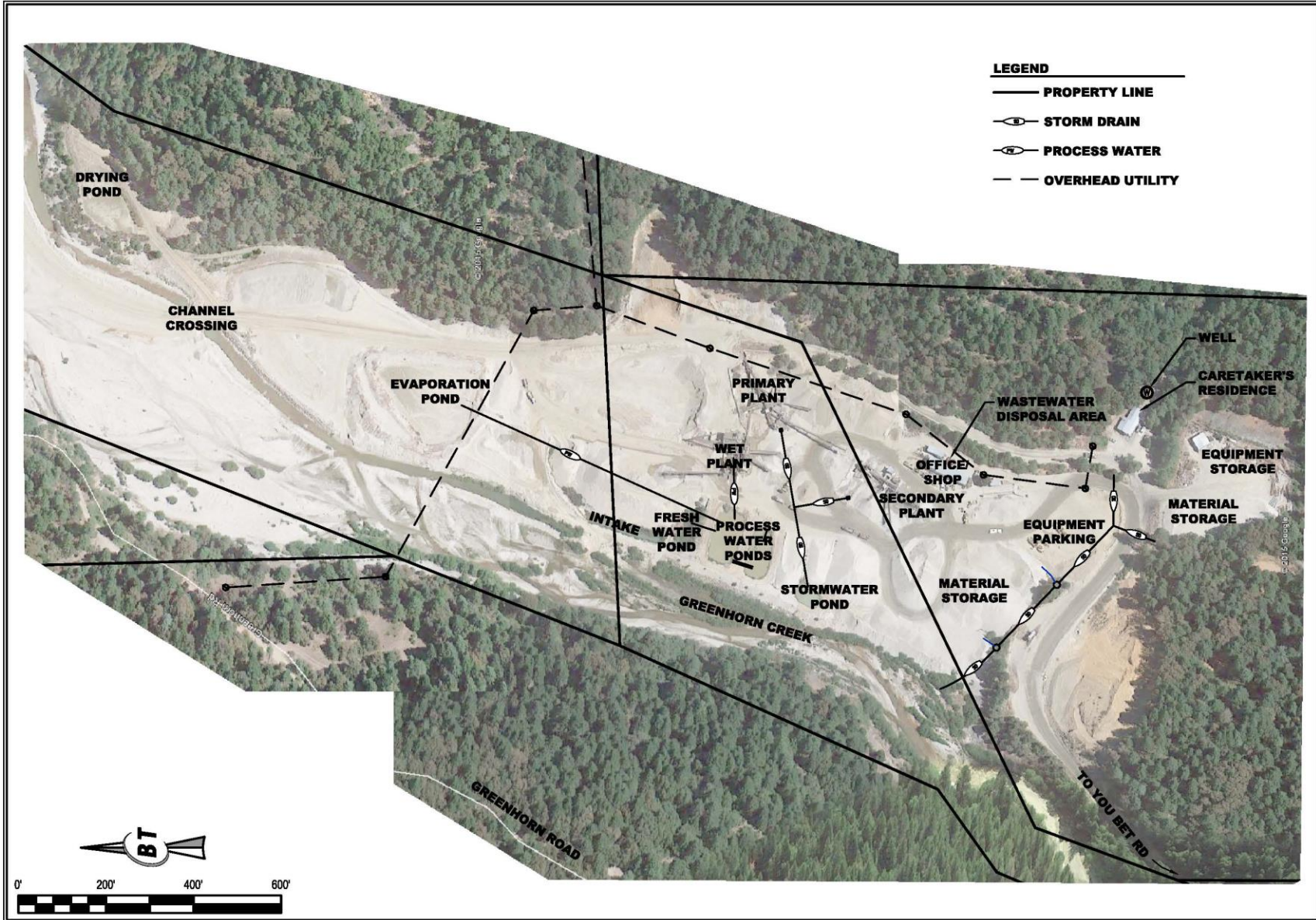
# Harvest Expansion U15-008

- Add an additional approximately 38-acres to the HBE in-stream aggregate mining operation
- No change in operations
  - Harvesting methods
  - Processing facilities
  - Water management
  - Employees
- No change in amount of materials harvested and off-hauled annually
- Lifespan for U15-008- 30 years





# Use Permit (U15-008)



P.O. Box 304  
 Shingle Springs, CA 95682  
 www.gbtc.net

**BT Consulting**  
 INCORPORATED  
 Planning - Engineering - Surveying - Inspection

phone: 530-672-2316  
 fax: 530-405-4722

FIGURE 2b

FEBRUARY 2017

**HANSEN BROS. ENTERPRISES  
 GREENHORN CREEK  
 SURFACE MINING AND RECLAMATION  
 PLANT MAP**

**GRASS VALLEY, CALIFORNIA**







# Reclamation Plan (RP15-001)

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- As project nears completion, all equipment (mobile and stationary) including plant related facilities would be removed including excess materials, waste or debris.
- All private access roads, haul roads and temporary traffic routes would be reclaimed by removing road base materials.
- The Hansen Gravel Road would be left in its operational condition, on a layer of sand and gravel.
- Financial Cost Assurance Estimate +/- \$507,000
- End uses including recreation, watershed and environmental use (such as FYLF habitat) in the Forest and General Agriculture Zoning Districts
- Operating Plan, Reclamation Plan and Financial Assurance Cost Estimate have been reviewed and approved by the Division of Mine Reclamation (DMR) (formerly OMR) and found to be consistent with SMARA and County Regulations

# Management Plan MGT17-003

- Biological Inventory
- Existing and amended CDFW streambed alteration agreements (SAA)
- MM 4A: Special-Status Plant Populations
- MM 4B: Avoid Disturbance to FYLF
- MM 4D: Amend SAA



State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND GAME  
North Central Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670-4599

EDMUND G. BROWN, Jr. Governor  
Charlton H. Bonham, Director



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1701 Nimbus Road, Suite A  
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916-358-2900  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN, Jr. Governor  
Charlton H. Bonham, Director



JUN 20 2014  
Date

Orson B. Hansen  
Hansen Brothers Enterprises  
P.O. Box 1599  
Grass Valley, CA 95945  
ohansen@gohbe.com

Subject: Amendment and Re-instatement of Lake or Streambed Alteration Agreement  
Notification No. 1600-2007-0142-R2  
Greenhorn Creek

Dear Mr. Hansen:

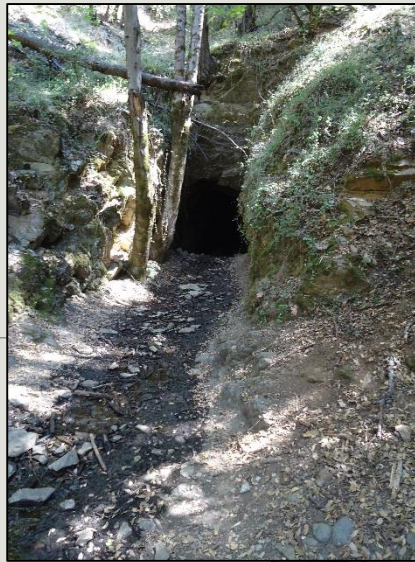
This letter supersedes the amendment of Lake or Streambed Alteration Agreement No. 1600-2007-0142-R2, dated March 27, 2014, and reflects the agreed upon changes to the avoidance measures as proposed. On November 1, 2013, the California Department of Fish and Wildlife (Department) suspended all work authorized by Streambed Alteration Agreement No. 1600-2007-0142-R2 (Agreement) downstream of the You Bet Bridge, due to new information that showed the work authorized by the Agreement could substantially adversely affect fish and wildlife resources. The Department has determined that additional measures are needed in order to protect the foothill yellow-legged frog (*Rana boylei*; FYLF). The Department hereby amends the Agreement with the addition of the following avoidance measures:

- 1) **Workers Environmental Awareness Program.** All workers shall receive worker environmental awareness training (WEAP) conducted by a qualified biologist or an environmentally trained foreman. WEAP may also be conducted through a video created by a qualified biologist specifically for this project. WEAP shall instruct workers to recognize FYLF, their habitat(s), and the nature and purpose of the protection measures in the Agreement.
- 2) **Delineation of Project and Habitat Areas.** Before starting work, the Operator shall clearly delineate the boundaries, including the upstream and downstream ends of the work area. Before starting work, the Operator shall clearly delineate all environmental sensitive areas. The Operator shall restrict all work to within the delineated boundaries. Delineation of work boundaries and environmentally sensitive areas may be in the form of a Department approved map and must be on site at all times.
- 3) **Work Period.** The time period for mining within Greenhorn Creek shall be restricted to periods of low stream flow and dry weather and shall be confined to the period of April 1<sup>st</sup> to December 31<sup>st</sup> of the same calendar year for the term of this Agreement. Mining activities shall be timed with awareness of precipitation forecasts and likely



# Staff Comment

- Hazards and Hazardous Materials
- Traffic and Circulation
- Hydrology and Water Quality
- Biology
- Noise
- The Red-Dog Narrows





# Hazards and H

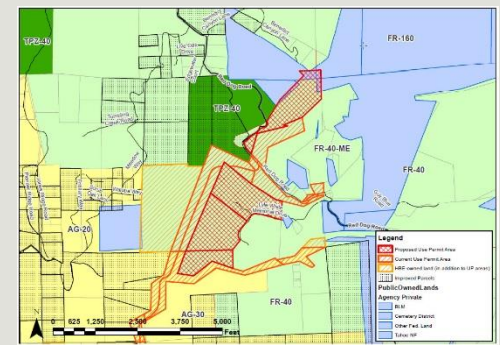
- 2004 USGS “Scientific Investigation of Mercury in the Starr Tunnel Portal”
  - Analyzed Water, sediment
  - Identified levels of mercury
  - Identified “hotspots” for mercury
- 2015/2016 Holdrege and Starr Tunnel portal (two aggregate mining)
  - Downstream of processing area
    - Analysis determined that all mercury was from the processing area
  - Sampling for dissolved mercury
    - Results were reviewed by the EPA and the USGS, and the sampling methods and results were approved
- Project operates under an approved permit (G.1)



GH-SW-DS-1 SURFACE WATER MONITORING POINT BASE MAP FROM GOOGLE EARTH, IMAGERY DATED APRIL 2015



# Traffic and Circulation

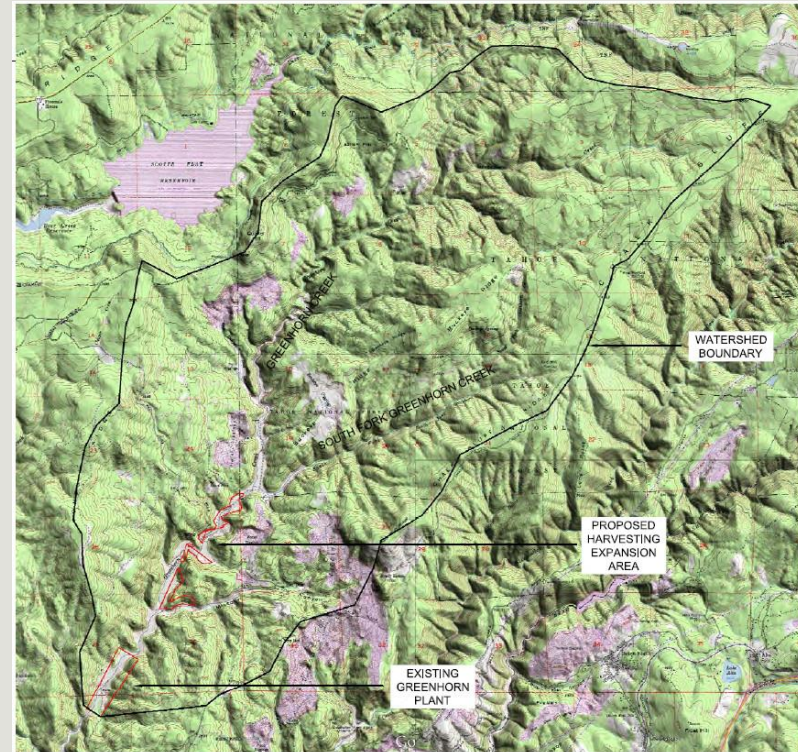


- Site is accessed from State Route 174 via You Bet Road to Hansen Gravel Road to the plant site
- Project will not increase amount of materials harvested daily/annually, no increase in traffic is anticipated to result from this project
- New expansion areas extend to the Red Dog Road Crossing
  - From stream crossing running west is a public. Running east is a public, non-county maintained road
  - U93-063 requires HBE to maintain the Red Dog Road crossing
  - County maintains the western portion of Red Dog Road within the public right of way
  - Red Dog Road serves as the emergency access road for the Red Dog-You Bet Area
  - Mitigation Measure 16A (DPW Condition B1) requires that Red Dog Road be maintained in a passable condition when the stream is passable.
- MM16B/DPW Condition B2- Requires remediation of Red Dog Road/Offer for Dedication
- MM16C/DPW Condition B3- Requires payment of fair-share toward public access road maintenance and improvements
- DPW Condition B4- Requires applicant to kept paved areas of public roads near entrances clear of dirt, mud and gravel as a result of trucking activities associate with this project



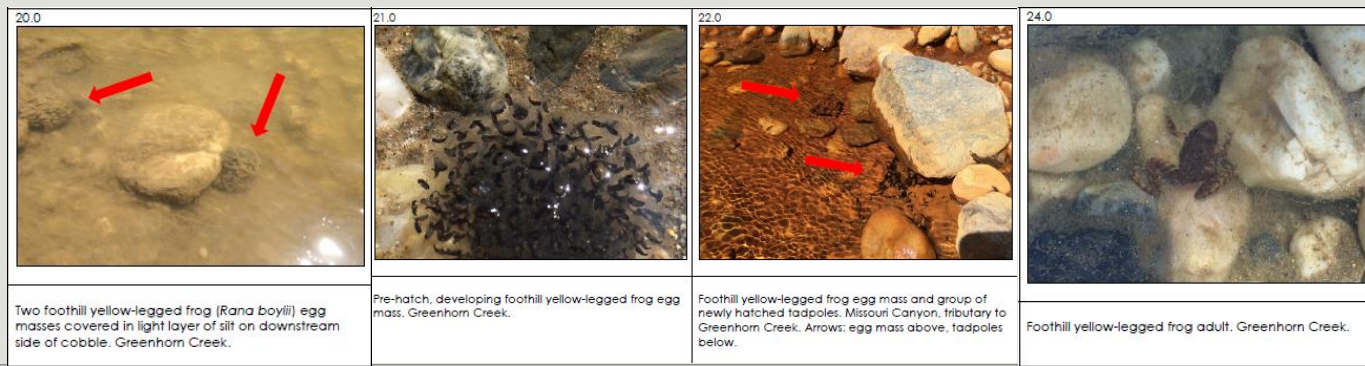
# Hydrology and Water Quality

- Project is subject to existing WDR Permit (CVRWQCB), existing/amended SAA (CDFW) which protect surface and ground water
- Project is also regulated under the California General Permit for Storm Water Discharges associated with Industrial Activities and a Storm Water Pollution Prevention Plan (CVRWQCB).
- Holdredge and Kull prepared an Water Supply Assessment pursuant to SB 610 which determined that both surface water and groundwater supplies are sufficient to meet project demands
- Mitigation Measure 4D requires amending the project SAA to incorporate the new harvest areas and Mitigation Measure 6A requires annual inspections of mined areas for creek bank slope stability and provides measures to reduce potential slope failure and erosion into the water course.





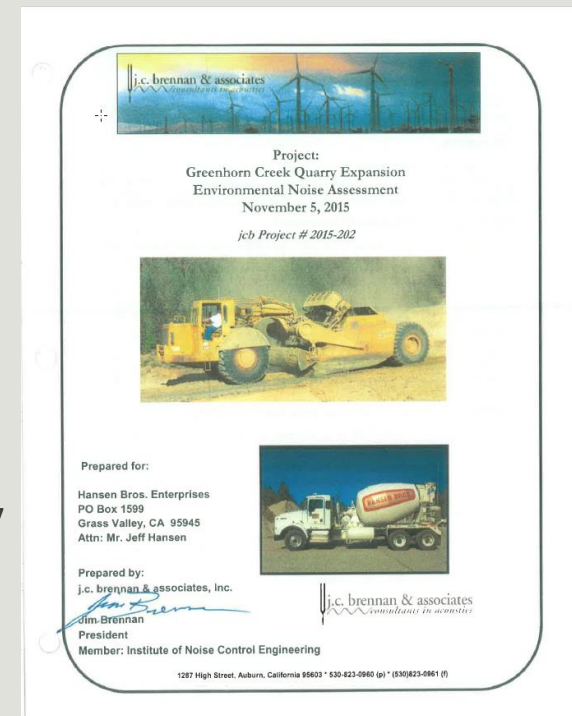
# Biology



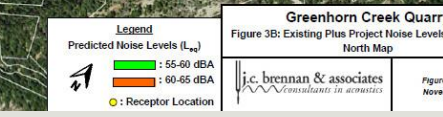
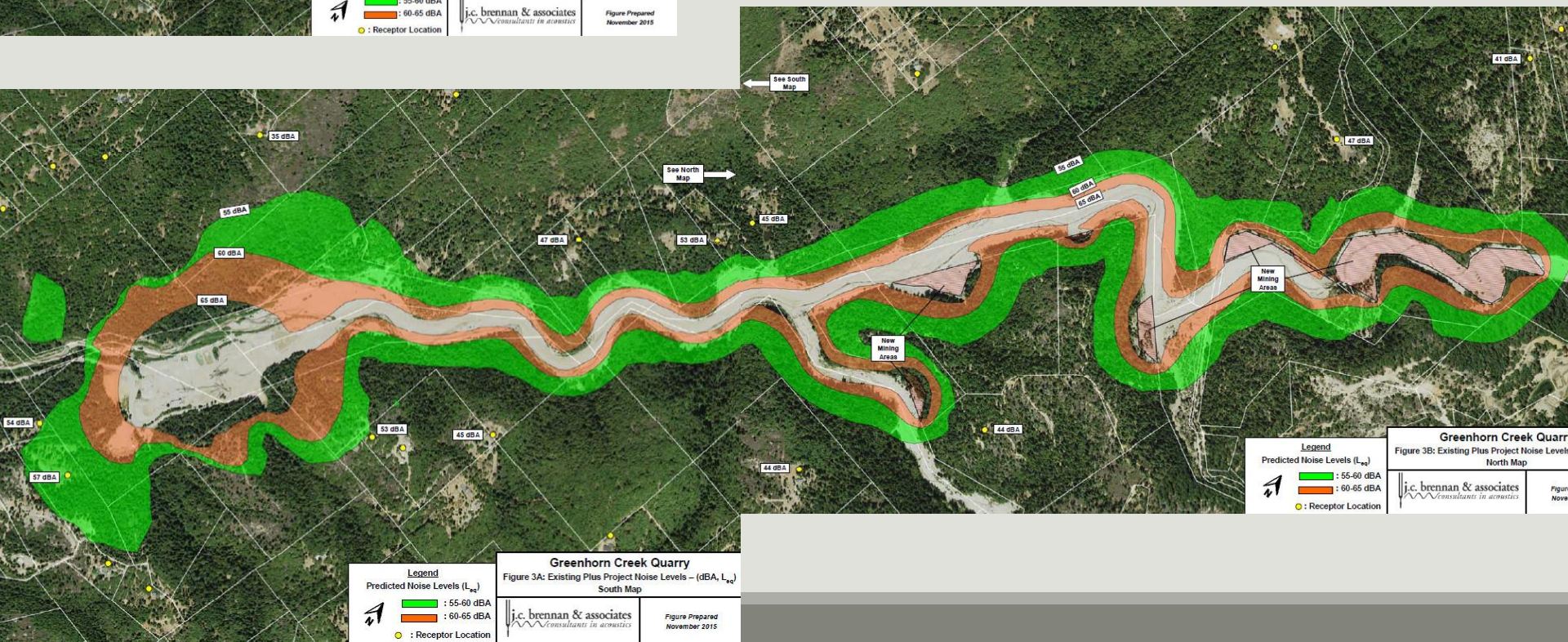
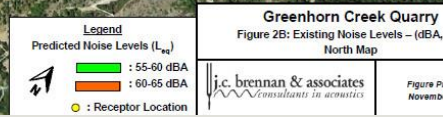
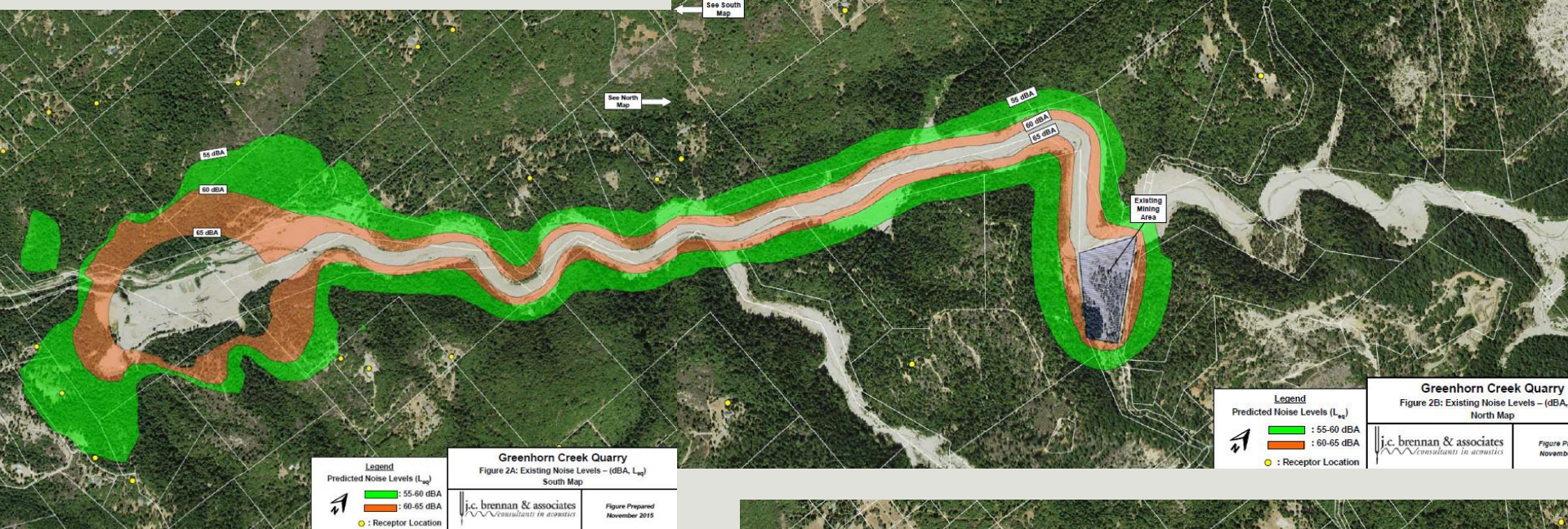
- Biological Inventory-Stantec
- Project located in transition zone where foothill and montane species can be found in one location
- Sensitive Plant and Animal Species
  - No rare or unusual occurrences of sensitive plant species were found
  - Suitable habitat for common foothill/montane species
  - Suitable habitat for sensitive migratory birds, raptors
  - No California Red Legged Frog (Federally Protected Species)
  - Foothill Yellow Legged Frog (State Species of Special Concern) occurs on site
- MM 4A: Special-Status Plant Populations- Protocol Level Surveys
- MM 4B: Avoid Disturbance to FYLF- Biological monitor on site, training, avoidance
- MM 4C: Avoid Impacts to Special Status Bird Species- Protocol Level Surveys
- MM 4D: Amend SAA- Includes protections for Biological Resources

# Noise

- Primary source of ambient noise- Existing permitting sand and gravel mining activities
- JC Brennan and Associates Noise Study
- Nearest sensitive noise receptor- Residences approximately 1,000 to 1,200 feet away from harvest expansion areas
- Operations occur Monday-Friday 7am to 6pm
- Noise Study determined project will not exceed County noise standards
- Mitigation Measure 12A/Condition A.11 provides measures to ensure project does not exceed County Noise Standards











**PROPOSED MINING AREA**



**LEGEND**

-  EXISTING PARCEL PERMITTED FOR MINING.
-  EXISTING AREA OF AGGREGATE WASTE TO BE REMOVED.
-  PROPOSED PARCEL FOR PERMITTED MINING.
-  PROPOSED AREA OF AGGREGATE WASTE TO BE REMOVED.



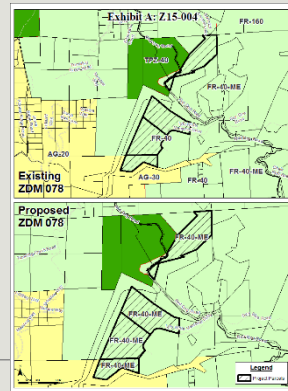
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# Zoning and General Plan Consistency



- General Plan
  - Land Use Policy 1.5.o provides for protection of timber and natural resources including minerals in the Forest GP Designation
  - Water Policy 11.4 by reducing potential health risks associated with discharge of pollutants, including mercury
  - Mineral Policy 17.4 for ensuring compliance with noise standards; 17.6 by providing mining in compatible areas; 17.8 by ensuring compliance with approved reclamation plan; 17.15 allows surfacing mining within ME combining zone (with Board approval)
- Zoning Regulations
  - LUDC Section L-II 2.3 Forest (FR)
    - Surface mining allowed with a use permit
  - LUDC Section L-II 2.7.3 with the addition of the “Mineral Extraction (ME)” combining district
    - Required for mining projects
  - LUDC Section L-II 3.22 Surface Mining and Reclamation Plans



# Environmental Review

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- Draft Initial Study (IS) and Mitigated Negative Declaration (MND) prepared by Jessica Hankins, Senior Planner
- Public review March 14 to April 12, 2017
- Public/Agency Comments Received:
  - State Clearinghouse- Stating compliance with OPR CEQA review requirements
  - United Auburn Indian Community- Requesting a copy of IS and consultation
  - U.S. Fish and Wildlife Service- recommending a biological inventory be prepared
  - Federal Emergency Management Agency- Outlining floodplain regulations
  - Neighbor Jo Garst- concerns over erosion
  - Northern Sierra Air Quality Management District- No comment email
- Project IS/MND identified potential impacts to Air Quality, Biology, Cultural, Geology and Soils, GHGs, Hydrology/Water Quality, Land Use and Planning, Noise, and Transportation and Circulation.
- All identified project impacts have been adequately mitigated

# Public Comment

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- Attachment 8
  - Initial Distribution Comments (2015)
    - Ralston- Sedimentation in Rollings Reservoir
    - Keene, Silverstein- Recommending EIR
    - Byars, Jansen, Keene, Silverstein- Concerns of legacy mining issues/mercury
  - Recent Public Comments
    - Two employee support letters
    - Corrie- Concerns about Red Dog Narrows
    - Ivy- Supporting Project



# Amendments- Staff Memo

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- Additional Public Comments
  - USFS, Zimmerman, FEMA
- Modify Condition D.1- Add “when in use for operations”
- Add Condition E.2- In response to USFS comment. Requires a Dust Control Plan to be approved by NSAQMD.
- Minor Amendments to Mitigation Measures 12A and 16A
  - 12A- to reflect the applicability of this measure to the current project
  - 16A- to ensure title does not conflict with requirements of the measures and to ensure measure remains feasible
- CEQA Section 15073.5
  - Required Finding