

Mono County Community Development Department

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Planning Division

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NOTICE OF DECISION Director Review 20-12 Minor Amendment to Reclamation Plan 32-01-04

APPLICANT: Mono County Public Works

OWNER: Mono County

SUBJECT PROPERTY: APN 006-120-010

PROPOSAL: Minor amendment to Reclamation Plan CA mine ID #91-26-0037

Pursuant to the Mono County General Plan, Chapter 31 Director Review Procedures, Chapter 35 Reclamation Plans and based upon the following findings, you are hereby notified that Director Review 20-002 has been:

_____ Granted as requested.
_____ Granted subject to the attached Conditions of Approval.
_____ Denied.

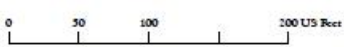
BACKGROUND

The proposed project is a minor amendment to Reclamation Plan 32-01-04 for the Sonora Pit, CA mine ID #91-26-0037, owned and operated by Mono County Public Works, in compliance with Mono County General Plan Chapter 35, Reclamation Plan. The project is located on a parcel situated east of the junction of Highway 108 West and US Highway 395 (APN 021-130-017). The minor amendment is to:

1) Revise the Reclamation Plan expiration date to 2041.

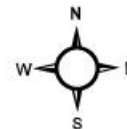
The Sonora Gravel Pit has continuously been used for the mining of gravel, and is annually inspected for SMARA compliance. The site is approximately 1.5 miles east of the junction of Highway 108 and Highway 395 North and approximately 5.5 miles west of the nearest housing subdivision of Devil's Gate; it is also adjacent to the Caltran's Sonora yard. This minor amendment will extend operations until 2041, at which point mining operations shall cease and the reclamation plan implemented.

Sonora Pit Gravel Mine Site Map



Sonora Pit Excavation
Boundary Closeup

- Excavation Boundary
- Property Boundary



The analysis utilized the methodology of the original EIR; specifically, a review of existing analysis from annual SMARA inspections.

DIRECTOR REVIEW FINDINGS

Under Mono County General Plan, Chapters 16.050 and 31.030, the Community Development Department director may issue a Director Review permit after making all the following findings:

1. *All applicable provisions of the Land Use Designations and Land Development Regulations are complied with, and the site of the proposed use is adequate in size and shape to accommodate the use and to accommodate all yards, walls and fences, parking, loading, landscaping and other required features.*

This minor amendment to the reclamation plan does not conflict with any Land Use Designations and Land Development Regulations, as the proposed change is to extend the termination date. Thereby, the standards of SMARA and the EIR thresholds are still applicable. The property's land use designation of Resource Extraction (RE) is intended to provide mining activities in a manner consistent with the Mono County General Plan and federal laws. The reclamation plan includes restoring the site to open space and wildlife habitat, contouring slopes, ripping, or disking compacted areas, and revegetation of the slope and pit floor. Further, the associated Environmental Impact Report also places operation conditions (*Attachment A*).

2. *The site for the proposed use relates to streets and highways adequate in width and type to carry the quantity and kind of traffic generated by the proposed use.*

The mine is an existing operation that will not increase traffic. US Highway 395 provides access to the project site, so it has adequate capacity. No new impacts to streets and highways are expected. A previous road that provided secondary access has been restored.

3. *The proposed use will not be detrimental to the public welfare or injurious to property or improvements in the area in which the property is located.*

The minor change proposed in this amendment is not detrimental to the public welfare or injurious to property or improvements in the area because it is an existing use and complies with the EIR for the project. Furthermore, the reclamation plan requires that the site be restored to wildlife habitat and open space once mining operations cease.

4. *The proposed use is consistent with the map and text of this General Plan and any applicable area plan.*

The property has a land use designation of Resource Extraction (RE). The reclamation plan requires the restoration of an existing mine site to a more natural habitat and environment. In no way does this amendment conflict with the land use designation or any other section of the General Plan or any applicable area plans.

5. *The improvements indicated on the development plan are consistent with all adopted standards and policies as set forth in the Land Development Regulations, this General Plan and any applicable area plan.*

The Mono County General Plan Chapter 35.040 allows that the Community Development Department director may approve a minor amendment to a reclamation plan only after making all the additional findings:

- a. *That the proposed change involves only minor changes in dimensions, volumes or timing of the reclamation plan and will not affect the basic character or implementation of the reclamation plan.*

Dimensions- A site survey was conducted on April 18, 2020 indicating that the area being mined in the reclamation plan have been consistent and do not surpass the threshold of the EIR. The property boundary consists of 80 acres, with a permitted extraction area of 3 acres, in a total 8-acre disturbance area. There is a 100' setback from the property boundary. The reclamation plan includes the entire 80-acre parcel and was also analyzed by the EIR in totality.

Volume-. The sand and gravel mining operation may extract up to 3,000 cubic yards of sand and gravel annually for the life of the operation. There has been a total of 400,000 cubic yards mined. There is an allotted total of 43,087 cubic yards left for extraction, based on a current depth of 6890' from sea level, to the final bottom contour of 6905' from sea level.

Timing-

The current reclamation plan expires 2021, and this minor alteration would extend the reclamation plan to 2041.

- b. *No substantial adverse environmental damage, either on site or off site, will result from the proposed change and the proposed change is consistent with adopted environmental determinations.*

An Environmental Impact Report was prepared with evaluation of potential adverse impacts and concluded that the project would not result in any significant impacts to habitat or wildlife. There is no evidence that the proposed project would have a future adverse effect on resources. Based on substantial evidence, the "presumptive adverse effect" is rebutted as contained in §753.5(d) of the Fish and Wildlife code. In conformance with the established CEQA guidelines, the EIR was routed through the State Clearinghouse for review and comment, and those received were adequately addressed, as required of CEQA Guidelines §15088. This included identifying all surface waters and ephemeral drainages, using best management practices for any storm water runoff, and contains a storm water detention basin. There is no influence on the Walker River, divided by Highway 395. In relationship to wildlife, the Deer Herd Management Plan prepared by CDFW thoroughly discusses the potential disturbance to the deer herd by mitigating increased noise, lights, and vehicular traffic. There are Bi-State Sage-Grouse leks within 5km, but are geographically isolated by the moraine of Burcham Flat, recently losing much sage and meadow habitat to a brush fire in 2019, and the HWY 395 along the Walker River, each bisecting the site from the meadow. Each lek has no line of site available, nor any perching features for corvid predation. According to the Bi-State Sage-Grouse Action plan, mining activity within the Desert Creek-Fales population has no impacts available and is a low risk to further destabilization of the population.

The extension of the mining operations is within the scope of the original EIR as the total available volume has not been extracted, and there is no expansion of the disturbance area originally analyzed.

- c. *That the proposed change will not be detrimental to the public health, safety and welfare and is compatible with the objectives and policies of this General Plan, applicable area or specific plans or approved end land use of the site.*

There is no detrimental effect to public health, safety, or welfare by approving this project. The objectives are compatible with the policies of the General Plan, and annual SMARA inspections maintain adherence to the Reclamation Plan and EIR mitigations. The standards are assured by the FACE amount, recently updated November 2019 to \$11,775.57.

All slopes do not exceed a 3:1 aspect, and erosion control is practiced with berms in place with a 12'x12'x4' siltation detention pond. The drainage channel is monitored after major storm events (>0.5"/24hrs).

The previously established dirt access road has been restored and serves as the 40x40 test plot for revegetation. This provides a comparable restoration process, and the effects of the decompaction and seeding have rehabilitated the road, as conditioned in the use permit. A ten-day noticing was sent on August 21, 2020 to adjacent parcel addresses, and no comments were received.

6. *The project is exempt from the California Environmental Quality Act (CEQA).*

The project is exempt from the California Environmental Quality Act (CEQA). This project qualifies for Class 1 exemption, which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The proposed reclamation is a minor alteration of an existing facility with no expansion of an existing use (Exemption Class 1, 15301 CEQA); the proposed changes to the reclamation plan will not change or interfere with the plan's original intent to restore and enhance the environment, nor will it pass the thresholds of the original EIR.

CONDITIONS OF APPROVAL

DR 20-012 is issued with the following conditions:

- Adhere to original EIR mitigations,
- Conduct annual SMARA reports, and
- Amend the General Plan land use designation to a more appropriate environmental protection at the culmination of activity.
- The permit is valid to the date of expiration in the year 2041, or until max depth of 6905' is reached, whichever occurs first.

This Director Review permit shall become effective 15 days following the issuance of the Director's decision. This decision may be appealed within 15 days by filing a written notice of appeal with the secretary of the Planning Commission. If an appeal is filed, the permit will not be issued until the appeal is considered and the Planning Commission renders a decision.

PREPARED BY: Jake Suppa, Code Analyst

DATE OF DECISION: _____

SIGNED: _____
Wendy Sugimura, Community Development Director