

**AGRICULTURE AND NATURAL RESOURCES COMMITTEE  
MINUTES OF FEBRUARY 9, 2022**

**Committee Members Present:** Supervisor Forster  
Supervisor Oneto

**Staff Present:** Chuck Beatty, Planning Director  
Mary Ann Manges, Recording Secretary

**Others Present:** Brad Johnson  
Patrick Mitchell  
Kevin Torell  
Thomas Swett  
Sondra West-Moore  
Meredith Sierra – Foothill Conservancy  
Dan Port  
...

Meeting called to order by Chairman Forster at 10:16 a.m.

**Agenda:** Approved

**Minutes:** Approved with corrections

**Correspondence:** Letter from Sondra West-Moore regarding Item 1.

**Public Matters Not on the Agenda:** None

**ITEM 1. Review and possible approval, pursuant to Amador County Code Section 7.36.180 – Surface Mining, of an administrative minor amendment to Reclamation Plan RP-77-6 (“Edwin Mine” portion) to facilitate the issuance of a separate Mine ID Number for those mine sites acquired by Vulcan Materials Company (Vulcan) from those mine sites retained by Edwin Lands and necessitated by the division, via purchase, of the sites.**

**Per County Code Section 7.36.180, minor amendments recommended by Agriculture & Natural Resources Committee are placed on the Board of Supervisors consent agenda for approval.**

**Operator:** Vulcan Materials Company, Western Division

**Supervisory District:** 2

**Location:** Affecting +/- 15,000 acres between the City of Ione and Sacramento County

Chair Forster introduced the item.

Mr. Beatty shared that this is an administrative process where the applicant is requesting to bifurcate the Edwin mine reclamation plan based on changes in ownership and mine operators. He stressed that it is not conveying any new rights to mine any property that has not already been approved either by vesting or through a conditional use permit.

Supervisor Forster asked if this is something that the State wants to have done.

Mr. Beatty responded that the Division of Mine Reclamation requires each mine operator to provide a statement of responsibility and post a financial security ensuring reclamation of their mine sites. The Edwin mine reclamation plan was bifurcated from the original Howard Properties reclamation plan in 2014 to reflect the change in ownership and operators at that time to prevent multiple ownerships and multiple operators with vague responsibility for different portions of the same reclamation.

Supervisor Oneto asked about the email received by Sondra West-Moore inquiring why neighbors did not receive notice.

Mr. Beatty responded that notice was not given because this is an administrative action that is not conferring any new rights and that it is not a discretionary matter that goes before the Planning Commission or the Board of Supervisors.

Supervisor Forster asked for confirmation that it is ministerial in nature and that staff can do this without sending notice out.

Mr. Beatty confirmed that it is not a ministerial action that staff can approve, our ordinance requires review by this Committee and approval by the Board. He shared that the Surface Mining Code allows for minor amendments that do not confer any new mining rights or new mining areas, and no changes in the end uses to be reviewed by the Agriculture and Natural Resources Committee, and if the Committee agrees that the matter is a minor amendment, it goes onto the Board of Supervisors consent agenda.

Sondra West-Moore stated that no one received notification and that there are discretionary actions within this proposal that are not purely administrative such as the end date was inserted, the depth of the mine was changed, and other discretionary permissions are being granted that are not administrative. She stated that this is why the neighbors should have been notified for public comment.

Mr. Beatty stated that there are no changes to any rights to mine, or to the depths of mines, and that the proposed end dates and are all included in the Edwin Reclamation Plan as it stands now. He shared that the reclamation plan is simply being divided.

Ms. West-Moore said the end date was unending before and that now it is a 75 year date.

Mr. Beatty responded that he believes that the 75 year end date is for SGI, which is not part of this request.

Ms. West-Moore commented that due to the sensitivity of the area that the neighbors should have been informed.

Mr. Beatty responded that he believes there is no requirement to do that and that it does not change any permit parameters for any of the mines.

Ms. West-Moore stated that the thing that would trigger an environmental review on the existing permits is all the new information in the valley and surrounding area such as new groundwater laws, new population, new emission controls, and information from 1977, 2008, and 2014.

Supervisor Forster asked for proponent representatives to speak about those issues.

Pat Mitchell, representing Vulcan Materials Co. and Specialty Granules Inc., said that they support the staff report and presentation and concur that this is a ministerial act and that they are just doing a name change because the owners changed, and per State law, whoever owns the site has to be responsible for the site. He stressed that they are just trying to bifurcate it identically to the bifurcation that this Committee and the County approved in 2014 as contained in the staff report. He stated that there is nothing unusual here and that administrative approval does not open those kind of issues.

Supervisor Forster asked for confirmation that CEQA review issues are not applicable here.

Mr. Mitchell replied that it is only triggered by discretionary actions.

Ms. West-Moore asked what reclamation documentation there is for the former owner for this site.

Mr. Mitchell responded that is not subject of this administrative hearing today.

Mr. Beatty commented that no reclamation is required until a mine is closed.

Brad Johnson stated that the only thing happening today is that the red portions on the proposed bifurcation map are being separated out of this existing reclamation plan. He added that this plan has been around since the 1970's and was prepared to cover a number of mine sites on the ranch property. He added that this reclamation plan was prepared and updated in 2014. He stated the site has been inspected annually, there are financial assurances in place for reclamation, and there are annual reports showing what is and what is not occurring at the sites. He shared that some of these sites do not require reclamation because they have not been disturbed, do not require reclamation because they were disturbed before SMARA was enacted and not disturbed since, and then some do require reclamation and are active pits. He added that two of them are part of the action that is before the Committee today and that Mr. Beatty and Mr. Mitchell are right that this is not changing any substantive rights, not granting any expanded rights, nor changing any of the mining parameters.

Mr. Mitchell commented that the only application before the committee is the name change for the areas displayed in red on the proposed reclamation plan map.

Ms. West-Moore commented that the thing that triggers discretionary approval is any new information and added that environmental review has not been done since 1977. She shared that there is a tremendous amount of new information that should trigger cumulative environmental review for a new mine ID and added that neighbors are impacted daily.

Mr. Johnson stated that that is not a correct statement of the law. He explained that new information does not trigger CEQA review and that it does not define what is discretionary approval or when discretionary approval is required. He added that it is defined, though, in county code.

Mr. Mitchell shared that he agrees with Mr. Johnson and that a discretionary action is needed in order to get into the CEQA gate, and no discretionary action is being requested.

Supervisor Forster asked for any public comment.

Meredith Sierra, Foothill Conservancy, asked what is happening with the blue part on the map and if it is still part of the reclamation plan.

Mr. Beatty clarified that the action today is to remove the red section, owned now by Vulcan Materials, and that it will take a separate action to bifurcate the blue portion which is owned by Jackson Rancheria Development Corporation.

Supervisor Forster asked if there is still a reclamation plan on portions removed and on portions staying.

Mr. Beatty said there is.

Supervisor Forster stated that sometimes the end date can change because of economic conditions or material needs.

Mr. Beatty stated that SMARA requires that a reclamation plan include a proposed termination date and that official termination dates are not required unless there is a separate action in a use permit that has a specific expiration date.

Dan Port asked what would trigger the need to do a revised reclamation plan. For example, he asked if the current 30 acre pit is extended 5 acres if it would trigger the need for a new reclamation plan and if it would require environmental review. He also asked for confirmation that there is no use permit required because of the zoning of this property.

Mr. Beatty said there are two issues. He explained that one is if the area is a pre-SMARA (pre-1976) site and has not been disturbed since then there is no requirement to reclaim it. The second is if it is covered by a use permit that has a specific boundary for mining, and that boundary is proposed to be extended, then that would require a new or amended use permit and reclamation plan.

Mr. Port said this project does not have a use permit, right?

Mr. Mitchell said that all these mines are pre-SMARA.

Mr. Johnson reiterated the same.

Mr. Port asked if a new reclamation plan is required when an operation expands, and would it trigger environmental review.

Mr. Beatty replied that it would.

Mr. Johnson said that he concurs.

Mr. Port commented that it would have been a good idea to notify even though it was not required because it causes a lot of speculation.

Supervisor Forster shared that he is not chastising staff, but that it might be a good idea to notify since it is a pretty small number of people and asked staff to notify the neighbors on Dutschke Rd. and those participating at the meeting in the future for this item.

Mr. Beatty responded that staff would prepare a notification before the item goes to the full Board.

Supervisor Oneto said he thinks the project has been pretty well addressed.

The Committee recommended approval of the administrative minor amendment to Reclamation Plan RP-77-6 ("Edwin Mine" portion) to the Board of Supervisors.

The meeting was adjourned at 10:50 a.m.