

STAFF REPORT TO: AGRICULTURE & NATURAL RESOURCES COMMITTEE
FOR MEETING OF: NOVEMBER 21, 2022

ITEM: Review and possible recommendation to the Board of Supervisors, pursuant to Amador County Code Section 7.36.180 – Surface Mining, of an administrative minor amendment to Reclamation Plan RP-77-6 to remove +/-7,500 acres acquired by Jackson Rancheria Development Corporation (+/-6,955 acres) and Circle Ranch, LLC (+/-545 acres).

Mine Operator: ARA Edwin Clays, LLC

Land Owners: Dry Creek Lands, LLC (+/-6,437 acres)
 Jackson Rancheria Development Corporation (+/-6,955 acres)
 Circle Ranch, LLC (+/-545 acres)

Supervisory District: 2

Location: Affecting +/- 7,500 acres between the City of Lone and Sacramento County, south of Highway 104, and north of Cook Road.

Background: This item is a request for an administrative action to remove +/-7,500 acres from the Edwin Mine Reclamation Plan. The acreage was acquired by Circle Ranch, LLC (+/-545 acres) in 2017, and Jackson Rancheria Development Corporation (+/-6,955 acres) in 2018. There is one mine site on the Jackson Rancheria Development Corporation portion, the 0.80-acre Volcanic Ash Pit. The Surface Mining and Reclamation Act of 1975 (SMARA) provides that mine sites established before SMARA which have no post-SMARA disturbance are not required to be reclaimed. The Volcanic Ash Pit was last mined pre-SMARA, and while there is no legal requirement for reclamation, it has been reclaimed through passive restoration and natural recruitment.

The Surface Mining and Reclamation Act (SMARA) allows minor amendments to an approved reclamation plan to be approved as an administrative action, whereas substantial deviations to a reclamation plan would require the appropriate level of CEQA analysis and approval in the same manner as the original plan. SMARA defines a substantial deviation as *“a change or expansion to a surface mining operation that substantially affects the completion of the previously approved reclamation plan, or that changes the end use of the approved plan to the extent that the scope of the reclamation required for the surface mining operation is substantially changed.”*

Pursuant to SMARA, when determining whether an amendment constitutes a substantial deviation, the following facts shall be taken into consideration. Does the proposed amendment involve:

- 1) A substantial increase in the disturbance of the surface area or in the maximum depth of mining;
- 2) A substantial extension of the termination date of mining operation as set out in the approved reclamation plan;
- 3) Changes that would substantially affect the approved end use of the site as established in the reclamation plan;
- 4) Changes to the operation inconsistent with the previously adopted environmental determinations; and/or
- 5) Any other changes that the lead agency deems substantial deviations.

Amador County Code Section 7.36.180, “Amendments to plan,” also provides distinct approval processes for minor amendments versus substantial deviations: *“Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial*

deviations from the original plan shall not be undertaken until such amendment has been filed and approved, in the same manner as established herein for an original application; provided, minor amendments may be recommended by the Land Use Director after consultation with the board of supervisors agriculture and natural resources committee. Said committee recommendations shall be placed on the consent agenda for approval by the full board of supervisors."

Suggested Committee Action: Recommendation to the Board of Supervisors that the Committee finds the request to be a minor amendment and not a substantial deviation of the previously approved reclamation plan. Findings to support this recommendation are:

- 1) The proposed amendment will not cause a substantial increase in the disturbance of the surface area or in the maximum depth of mining;
- 2) The proposed amendment does not request a substantial extension of the termination date of the mining operation set out in the approved reclamation plan;
- 3) The proposed amendment does not cause changes that would substantially affect the approved end use of the site as established in the original reclamation plan;
- 4) The proposed amendment does not conflict with any prior environmental determinations; and
- 5) The proposed amendment does not propose any changes that the County deems a substantial deviation.
- 6) Pursuant to Public Resources Code 21080(b)(1), and California Code of Regulations 15060(c)(1) & (2), 15061(b)(3), & 15268, approval of the minor amendment is an administrative, ministerial action and is exempt from CEQA. A Notice of Exemption will be filed with the County Recorder.

Attachment: Proposed Reclamation Plan Minor Amendment application