



Environmental & Mine Permitting Services

October 6, 2021

Mr. Wes Erving
Planning and Development Services Department
1735 Montgomery Street
Oroville, CA 95965

**Re: Administrative Reclamation Plan Amendment for the Ron Harmon Mine
CA Mine ID 91-04-0022**

Dear Mr. Irving,

This letter is being submitted on behalf of Ron Harmon to request an administrative amendment to the borrow operation for the Ron Harmon Borrow Pit (CA Mine ID#91-04-0022) located in the City of Oroville, California. The purpose of the amendment to the Reclamation Plan is to allow an additional five years of mining operations to occur beyond the initial 20-year timeline and the added 5 year extension approved in May of 2016 that was included in the approved 1997 Reclamation Plan text. The Plan identifies a proposed initiation date of June 1997 and a 20-year timeline for the life of the mine.

The Ron Harmon mine site was initially granted a Conditional Use Permit (CUP) and approval of a Reclamation Plan in November of 1996. The CUP includes 27 conditions that guide operations at the site while the reclamation plan provides an overview of mining operations and plans on how to reclaim the site to an industrial use consistent with current zoning once mining is complete. The CUP has no expiration date; however, the Reclamation Plan has a proposed 20-year life of the mine, ending on November 16, 2016. With the economic downturn experienced in the late 2000's and the slow recovery, the mine site has not extracted as much material as estimated at the time of the initial approval in 2016. Because of lower demand for mined material from the site for construction projects than initially anticipated, the mine operator requires additional time to fully deplete the permitted reserves.

Based on the above information, we propose an administrative amendment to the Reclamation Plan to allow the mine site to operate for an additional five years beyond the November 16, 2021 date that was identified in the approved Reclamation Plan. Discussion below provides explanation of how an administrative amendment for this specific situation is consistent with SMARA.

SMARA §3502 provides, amongst other things, that the lead agency (i.e., City of Oroville) must determine whether extending the life of the operation for an additional five years triggers the need for an amended reclamation plan that complies with, current reclamation standards as described in Chapter 9 SMARA §3502(d), which states: "*in determining whether a change or expansion constitutes*

a substantial deviation, the lead agency shall take into consideration the following five criteria": (with discussion following each criteria)

(1) A substantial increase in the disturbance of a surface area or in the maximum depth of mining;

The site operator does not propose any increase to the disturbance area or mining depths described in the approved Reclamation Plan. All past mining activity has been conducted within the approved boundary and future operations are proposed to be within the limits of the approved Reclamation Plan.

(2) A substantial extension of the termination date of the mining operation as set out in the approved reclamation plan;

A five year extension of mining operations is proposed. The approved plan assumed the entire permitted reserves would be depleted after a 20 year period. Due to a depressed economy in California and the rest of the United States over the past years, mining has progressed at a pace slower than anticipated. Several construction projects are planned in the immediate area for the coming years and should deplete the remaining reserves within the five year period.

(3) Changes that would substantially affect the approved end use of the site as established in the reclamation plan;

Extending the duration that mining may occur at the site by five years will not affect the approved end use. The approved 1997 Reclamation Plan identifies industrial development as the proposed end use for the site after mining and reclamation is complete. Allowing the operation additional time to extract material from the site will allow for further site leveling to occur which will allow for industrial pad development as specified in the 1997 plan.

(4) The consistency of any proposed change to the operation with the previously adopted environmental determinations.

Operations at the site are consistent with the project description contained within the Mitigated Negative Declaration (MND) adopted in conjunction with the approval of CUP and Reclamation Plan. Allowing mining to continue for an additional five years would not change operations as described in the approved environmental document.

According to CEQA statute, continuing mining beyond what was described in the 1997 Reclamation Plan falls under a CEQA Class I exemption. CEQA Guidelines §15301 allow for the following activities to be exempt from additional CEQA analysis: *"maintenance and permitting of existing private facilities, mechanical equipment and topographical features with no expansion of the use, as originally permitted"*.

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(5) Any other changes that the lead agency deems substantial deviations as defined in the subsection.

There are no "other changes" associated with allowing the mine to continue operations for an additional five years that is as a substantial deviation.

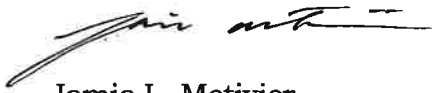
For the reasons mentioned above, allowing the mine to continue operations for an additional five years does not constitute a "substantial deviation," as described by SMARA §3502, and an administrative amendment to the reclamation plan is all that is needed to accept this change. We request this administrative amendment to the Reclamation Plan be formally considered by the City of Oroville Planning Director and that a response letter to this request be issued.

If the change to the Plan is determined by the City of Oroville to meet the criteria for approval of an administrative amendment, the letter approving the amendment should be forwarded to the Division of Mine Reclamation for its review at least 30 days prior to the approval.

Please let me know if you need additional information.

Should you have any questions regarding this matter please contact me anytime at my office at (619) 284-8515.

Respectfully submitted,
EnviroMINE, Inc.



Jamie L. Metivier
Project Manager

Attachment: Ron Harmon Mine Project Description

Ron Harmon Mine Project description:

Location:

The Ron Harmon Mine is located in the City of Oroville, County of Butte on private lands consisting of four parcels. The project is bounded on the northeast side by Baggett Marysville Road, on the south side by Ophir Road, and on the east side by Baggett Palermo Road. The project is located in portions of the north half of the northeast quarter of section 31 Township 19 north, range 4 east, Mount Diablo and Meridian.

Environmental Setting:

The existing site consists of rolling valley grasslands. Currently the site has 14 acres of disturbed land with non-native grasses growing on the property. At the central area of the site towards the south there is a knoll with landfall to the north, east and west at slopes ranging 0-10%. The elevation ranges from 281 feet to 170 feet above mean sea level. A natural drainage swale exists along the easterly boundary of the site. The site typically demonstrates sheet flow and infiltration drainage characteristics. There are no sensitive species or sensitive habitats identified on this site.

Geology:

The mine site is located at the base of the westerly side of the Sierra Nevada Mountains. Geologic characteristics to the north, south and west consist of recent deposits of the Great Valley, sedimentary and metasedimentary rocks. These recent alluvial fan deposits are derived from sediments deposited from streams emerging from high lands surrounding the Great Valley which includes the Victor Formation of lenticular silt, sand, gravel and clay. Tailings are found on the north and west sides of the property and are remnants from gold dredging activities.

Geology and Soils of the Ron Harmon Mine:

The geologic characteristics of the mine site are also sedimentary and metasedimentary rocks, Plio-Pleistocene non-marine formed during the Pleistocene, Quaternary Period of the Cenozoic Era. These deposits are composed of silt, sand, clay, and unsorted gravels. The soil on the site is classified as a Redding gravelly sandy loam and contains minimal amounts or organic material.

Description of the Mine:

The site is a single-phase surface borrow mine. The material is excavated with a loader and off-hauled with 18-wheel trucks. There is no screening equipment of fixed facilities on the site.

End Use:

Once mining is complete the end use of the site is anticipated to be industrial development. The site is currently zoned as M-2, industrial. This is the same zone for properties surrounding the site. Following excavation of the materials, the site will be graded to a nearly level pad. A maximum of 2:1 cut slopes will occupy the fringes of the pad area. A maximum of one acre of the site will be sloped lands, enabling cost affective development for future industrial use compatible with the surrounding area.

Reclamation:

Prior to commencement of mining operations, the top six inches of topsoil was stripped and stockpiled for use in reclamation. When mining has ceased, all equipment and any refuse found at the site will be removed. Final grading will be completed to ensure positive drainage and compacted surfaces will be ripped to aid water infiltration. Topsoil will then be spread over the mined land to facilitate revegetation. The principal revegetation effort for this site is the seeding of native grass/legume/forbs. These materials will aid in the prevention of erosion, and erosion and help to stabilize the soils until further developed. Performance standards for revegetation success are included in the Reclamation Plan, as well as monitoring requirements.



City of Oroville

Planning Division - Community Development Department

1735 Montgomery Street
 Oroville, CA 95965-4897
 (530) 538-2430 FAX (530)
 538-2426 www.cityoforoville.org

TRAKIT#:

USE PERMIT APPLICATION

(Please print clearly and fill in/provide all that apply)

REQUIRED FOR A COMPLETE APPLICATION		PERMIT TYPE	
<input type="checkbox"/>	Completed and signed Application Forms	<input type="checkbox"/>	New Use Permit: \$2,889.98 (Deposit) + \$173.40(6% Tech Fee) = \$3,063.38
<input type="checkbox"/>	Application Fee Paid	<input checked="" type="checkbox"/>	Amendment to Existing Use Permit: \$1,024.09 + \$61.45 (6% Tech Fee) = \$1,085.54

PROJECT PLANS

All plans and drawings shall be drawn to scale to the extent feasible and shall indicate the full dimensions, contours and other topographic features and all information necessary to make a full evaluation of the project. Please include the following:

1. Site and floor plans , including the location, square footage and use of all structures.
2. Architectural drawings showing proposed building elevations.
3. Landscape plans showing the types, sizes and location of vegetation to be planted and the irrigation system to be installed
4. Plans for the configuration & layout of all off-street parking spaces, including entrances, exits and internal circulation routes.
5. Plans for all lighting to be installed on the site, including the location, type, height and brightness of each lighting fixture.
6. Drawings of all signs that are proposed in association with the project.
7. Plans showing the location, sq footage and capacity of any existing or proposed surface storm-water detention facilities.
8. Plans showing the location and square footage of any existing or proposed outdoor storage areas.
9. Descriptions of any off-site infrastructure improvements to be provided in conjunction with the project.
10. Hours of operation for all proposed land uses.
11. Number of employees and fleet vehicles for all proposed land uses
12. A letter authorizing the use permit application from the owner of the property.

CLASSIFICATION

Alcohol & Beverage Sales	Nonconforming Uses & Structures	Uses in Industrial Districts
Agricultural Uses	Outdoor Storage	Uses Mini-Storage Overlay(MS-O)
Animal Keeping (Commercial)	Parking Requirement Exceptions	Uses in Residential Districts
Barbed/Razor Wire Fence	Temporary Use	Uses in Special Purpose Districts
Density Bonus & Other Incentives	Uses in a Conditional Overlay (C-O)	Uses not Specified but Allowed
Exceptions to Height Limits	Uses in Commercial & Mixed-Use Districts	Wireless Communication Facilities
Other: (Please Specify)		

APPLICANT'S SIGNATURE

I hereby certify that the information provided in this application is, to my knowledge, true and correct.

Signature: <i>Ronald J. Davis</i>	Date:
OFFICE USE ONLY	
Approved By:	Date:
Payment:	Number:

PROJECT DESCRIPTION

Present or Previous Use:

Proposed Use:

Detailed Description:

The Community Development Department operates on a full cost recovery for processing of permits. Staff will charge their time and any expenses associated with processing the application against the initial deposit. Fees that have been captured for the reimbursement of City expenses are non-refundable.

Technology cost recovery fees are non-refundable