



**Siskiyou County**  
**Planning Commission Supplemental Staff Report**  
**December 15, 2021**

**Old Business Agenda Item No. 1**  
**Surface Mining and Reclamation Ordinance Update (Z-21-09)**

**Applicant:** Siskiyou County, Planning Division

**Project Summary:** The project is proposing a comprehensive update to amend the County's Surface Mining and Reclamation Ordinance in order to be consistent with the Surface Mining and Reclamation Act (Public Resources Code Sections 2710 et seq.)

**Location:** The project encompasses all parcels in the unincorporated area of Siskiyou County, California. The project area (i.e., unincorporated Siskiyou County) is roughly centered on Section 17 of Township 44 North, Range 7 West of the Mount Diablo Meridian.

**General Plan:** All

**Zoning:** All

**Exhibits:** A. Draft Resolution PC-2021-023  
A Resolution of the Planning Commission of the County of Siskiyou, State of California Recommending the Board of Supervisors Adopt the Proposed Ordinance Amending Chapter 5 of Title 10 of the Siskiyou County Code Regarding the County's Surface Mining and Reclamation Ordinance (Z-21-09)

Exhibit A-1. Draft Board of Supervisors Ordinance  
Amending Chapter 5 of Title 10 of the Siskiyou  
County Code Regarding the County's Surface  
Mining and Reclamation Ordinance

## **Background**

The County has the responsibility to administer but not the authority over the Surface Mining and Reclamation Act (SMARA). Currently the Board of Supervisors has directed the Community Development Department to administer SMARA at the local level. Adoption and maintenance of the current SMARA regulations into County ordinance is required. The Department of Mine Reclamation has made significant changes to the regulations that need to be incorporated into our local ordinance. Adoption of State ordinance gives the local authority the latitude to add more restrictive language to the ordinance however cannot introduce less restrictive regulations as set forth by the State.

This project was previously heard at the October 20, 2021 Planning Commission meeting. The meeting was continued to allow staff to research and respond to concerns related to the interpretation of exiting SMARA regulations:

- Section 10-5.102 (b) (8) Applicability and exemptions  
If the exemption would still apply to grading and rocking of roads cooperatively maintained where material is obtained from one parcel and applied to a portion of road on a parcel under separate ownership.  
  
If the exemption would still apply to the grading and rocking of roads that are within 100 feet of a Class one or 75 feet of a class two watercourse.
- Section 10-5.103. Definitions  
The addition to “Surface mining operations” of streambed skimming (14 CCR 3501).

## **Discussion**

A review of Public Resources Code Section 2714(j) confirmed that the proposed language of Section 10-5.102(b)(8) is a copy of the SMARA statute.

The exemption would apply to grading and rocking of cooperatively maintained roads where the material obtained was from land owned by a separate person or entity so long as the any member of the co-op was also a possessor of the land. Also, if the material obtained was less than 1,000 cubic yards in any one location of one acre or less the project would be exempt (14 CCR Section 3505 (a)).

The exemption would not apply to onsite excavation and grading to obtain materials within 100 feet of a Class One or 75 feet of a Class Two watercourse. However, the maintenance of the road occurring within the watercourse buffer would not preclude the exemption of the project, however it should be clear that the materials are to be obtained outside of the watercourse buffer.

The construction of ponds or small basins along tributaries that support groundwater basin recharge is one of the anticipated mitigation measures to help groundwater sustainability. To address the concerns raised regarding the interpretation of the

## **Planning Commission Staff Report December 15, 2021**

streambed skimming to the Surface Mining Operations definition as it pertains to SMARA permitting requirements for construction of future proposed groundwater recharge ponds. A meeting was requested with Department of Conservation, Division of Mine Reclamation (DMR) staff. County and DMR staff met via video conferencing to discuss the concerns expressed at the October Planning Commission Meeting regarding. DMR staff agreed that an exemption for projects within waterways that are under the supervision of another government agency (i.e. F&W 1600 permit) and the project itself is the reclamation, does make sense. Unfortunately, there currently is not an exemption written specifically for these types of projects.

DMR staff noted that there are other projected projects throughout the state like what was described at the Planning Commission meeting.

Also, the example of coffer dams was given. The idea that this type of project may fall under the exemption 2714 (b) as it could be considered a structure was discussed. It was determined that none of the current exemptions, as written, would apply with the exception of 'removal of material was less than 1,000 cubic yards in any one location of one acre or less (14 CCR Section 3505(a)).

DMR staff did however educate county staff on 2714(f) which allows owners to apply for an exemption by the State Mining and Geology Board. 2714(f) allows the board exempt projects that they determine to be infrequent in nature and that involve only minor surface disturbances.

County Staff has since researched projects similar in nature to the potential projects along the Scott River and Scott River tributaries that were described at the October Planning Commission meeting. Several found were granted the exemption. An inquiry was sent to the board on the application process. Jeffrey Schimit, Executive Officer responded that simply a written request detailing the project and why it is subject to 2714(f) is sufficient. SMGB staff would review the request and take it to the board during a regular business meeting. The project proponent would have the opportunity to present the project prior to the vote.

### **Planning Staff Recommendations**

- Adopt Resolution PC-2021-023 taking the following actions:
  - Recommend the Board of Supervisors adopt the proposed amendments to the County's Surface Mining and Reclamation Ordinance (Z-21-09); and
  - Recommend the Board of Supervisors determine the project exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3) and Section 15307.

**Planning Commission Staff Report  
December 15, 2021**

**Suggested Motion**

I move that we adopt Resolution PC-2021-023, A Resolution of the Planning Commission of the County of Siskiyou, State of California, recommending the Board of Supervisors adopt the proposed Ordinance amending Chapter 5 of Title 10 of the Siskiyou County Code regarding the County's Surface Mining and Reclamation Ordinance.

**Preparation**

Prepared by the Siskiyou County Planning Division.

For project specific information or to obtain copies for your review, please contact:

Bernadette Cizin, Assistant Planner  
Siskiyou County Planning Division  
806 S. Main Street  
Yreka, California 96097