

Chapter 17: Mineral Management

Introduction and Setting

Historically in Nevada County, mining activities have played an important role in not only the local economics, but also in regional, state and national economics. In recent years, conflicts have intensified between interests in renewed mining and interests in the burgeoning growth of urban and suburban uses of the land.

This Mineral Management Chapter, a part of the County's General Plan, provides guidance for identifying, evaluating, and resolving those conflicts. It is not the intent of the Chapter to resolve every conflict; it is the intent, however, to provide policies which can either eliminate obvious conflicts and/or guide the resolution of more obscure conflicts.

The Mineral Management Chapter applies to lands in Nevada County which are outside the administration of the Bureau of Land Management, the Forest Service and other Federal and State land-holding agencies. It recognizes that while mining on said lands may not be prohibited by the County, and thus the County's use permit process will not apply to such activities, such mining is subject to compliance with the County's health, sanitation, building, and environmental regulations (reference is to the U.S. Supreme Court decision in Granite Rock).

The Chapter is compatible with and required by the California State Surface Mining and Reclamation Act of 1975.

The Chapter includes the goals, objectives and policies followed by an appendix identifying State Classification Reports incorporated by reference. A Mineral Management Background Data Report is contained in Volume 2, Section 7 of the General Plan.

Urbanization and increased environmental awareness have resulted in conflicts between non-mining and mining interests in Nevada County. The goal of this Chapter is to outline policies to be used by both planners and private interests to mitigate and resolve these conflicts and to better manage the development of mineral resources in the County. These policies will help to protect

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valuable mineral resources from urban encroachment while assuring that mining operations do not disturb the more developed regions of the County.

Recreational mining is allowed in all Nevada County General Plan designations without County permits. Mine exploration of limited scope and duration is allowed in designations compatible with mining, but is restricted in incompatible designations. Large scale exploration projects, surface mines, and subsurface mines, however, require conditional use permits issued by the County, and most of these activities are disallowed in designations incompatible for mining. Incompatible designations are generally in the more urban areas of the County, whereas compatible designations are generally in the more rural areas.

Mine development is encouraged in compatible areas before encroachment of conflicting uses. The anticipated time until these conflicts arise will be a factor used to determine the permitted duration of operations. Reclamation will be an integral part of any mining operation and must be designed to conserve resources and protect the environment. Thus, new mining operations may result in the reclamation of previously mined and environmentally damaged areas. Water conservation will also be a part of any mine plan, and conservative on-site use as well as measures assuring the quality and quantity of off-site discharge will be required for mine operations. If a proposed venture threatens the environmental quality of public or private property, the County may require a surety to assure mitigation of any damage.

Surface mining is conditionally permitted in compatible designations that are zoned within the "ME" Mineral Extraction Combining District. Such areas are those known to contain potentially significant mineral resources and lie in compatible areas for surface mining. Areas not currently zoned "ME" and that lie in a compatible designation may be rezoned if a significant resource can be shown to be present. The "ME" zone will be used to warn the public that the potential for a future surface mining operation exists and thus this zone will discourage the encroachment of incompatible land uses. Its use will be based on data found in State Classification Reports or similar data identifying significant mineral resource areas.

Subsurface mining is conditionally permitted in all General Plan designations, but in areas whose designation is incompatible with surface mining these mines must assure a minimal impact on surface land uses. Changes in water quality and quantity, noise, vibration, land subsidence, and traffic at the surface access will all be addressed.

Surface access to subsurface mines is conditionally permitted only in areas compatible with surface mining. Minor surface disturbance, such as emergency access or air vents may be permitted in incompatible areas. Surface plants for subsurface mines that may cause significant disruption at the surface are subject to the same policies as surface mines.

This Chapter outlines only part of the regulations to which recreational mining, mineral exploration, and surface and subsurface mines are subject. Mining and related operations must also comply with the other Chapters of the Nevada County General Plan. All mine operations in Nevada County must comply with all State and Federal regulations that may apply. It is the responsibility of the mine developer to meet all regulatory requirements.

Further discussion of the mineral resources of the county is contained in Section 4: Open Space/Conservation Inventory, of Volume 2 of the Nevada County General Plan; and in Section 3 of the Nevada County Master Environmental Inventory, which is part of Volume 3 of the Nevada County General Plan.

Goals, Objectives, and Policies

The mineral deposits identified throughout the County represent a significant local economic resource, which needs to be balanced with other resource and community values. Increasing urbanization has the potential to create conflicts with future mineral extraction activities.

Additional goals, policies and objectives generally related to minerals management are located in Chapter 1: Land Use; Chapter 6: Open Space; Chapter 9: Noise; and Chapter 10: Safety.

Goal 17.1

Recognize and protect valuable mineral resources for current and future generations in a manner that does not create land use conflicts.

Objective 17.1

Protect valuable mineral deposits from intrusion by incompatible land uses that will impede or preclude mineral extraction or processing. Promote the proper management of all mineral resource activities in the County and minimize the impact of extraction and processing on neighboring activities and the environment in general.

Recreational Mining

Directive Policy

Policy 17.1

Recreational mining as defined herein shall not require a County use permit; however, certain Federal or State regulations and local building and sanitation regulations may apply.

Exploration

Directive Policies

Policy 17.2

Exploration is conditionally permitted in compatible General Plan designations. A conditional use permit shall be required if:

- a. Overburden or mineral deposits in excess of 1,000 cubic yards are disturbed, or
- b. The operation in any one location exceeds one acre in size, or

- c. De-watering will occur or water will be discharged from the site as a result of the operation.

Exploration is conditionally permitted in incompatible General Plan designations providing:

- a. Methods of geological survey, geophysical, or geochemical prospecting are used, or
- b. Bore holes and trial pits not exceeding 100 cubic yards of overburden or other mineral disturbance per acre may be done.
- c. No explosives may be used other than geophysical; there may be no drifting or tunneling and de-watering or water discharge is not allowed.

Policy 17.3

All exploratory operations shall require a reclamation plan unless:

- a. Less than 1,000 cubic yards of overburden are disturbed, and
- b. The size of the operation in any one location is one acre or less.

In those instances where a reclamation plan is not required, an erosion control plan, approved by the Nevada County Planning Department, and a grading permit shall be required for those operations in which 50 cubic yards or more of overburden are disturbed.

Mine Development and Operation

General

Directive Policies

Policy 17.4

All operations shall comply with the Nevada County General Plan Noise Chapter standards.

Policy 17.5

Nevada County hereby recognizes, accepts, and adopts by reference those State Classification Reports as found in Appendix A of this Chapter providing information on the location of significant mineral deposits within the County.

The General Plan land use map shall include a Significant Mineral Deposit identification reflecting MRZ-2 areas as determined in the Reports and similar studies. At any time a Classification Report is presented to the County, said map shall be amended to reflect the

Report within 12 months. When it is necessary, due to the lack of specificity, to clarify the exact location of this identification, said Reports shall be used.

Policy 17.6 Encourage extraction of mineral resources in compatible areas prior to intensified urbanization or conversion to other incompatible land use development.

Policy 17.7 Use permit time limits for each project shall be established on a case-by-case basis. Time limits shall be based on the reasonably expected life of the mining operation and potential conflicts with future neighboring land uses. Each project shall have a periodic review for compliance with the use permit by the Planning Agency. In no case shall such review time period exceed five years. Said review shall be funded by the applicant.

Policy 17.8 A reclamation plan, consistent with the State Surface Mining and Reclamation Act standards, is required for all mining operations. Reclamation shall:

1. Prevent, mitigate, or minimize adverse effects on the environment.
2. Encourage the production and conservation of minerals.
3. Provide for the protection and subsequent beneficial use of mined and reclaimed land.
4. Eliminate residual hazards to the public health and safety.
5. Ensure that mined lands are reclaimed on a timely basis to a usable condition that is readily adaptable for alternative land uses.
6. Avoid the environmental and legal problems created by improperly abandoned mines.

Policy 17.9 Encourage the mining of previously mined land, if such land still contains economically mineable minerals, so the land can be reclaimed for alternative uses.

Policy 17.10 Consider the socio-economic impacts associated with proposed mining operations.

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- Policy 17.11** Recognize the importance of water conservation and quality for the present and future needs of the County by:
1. Requiring the conservation of on-site water during mining operations.
 2. Requiring that off-site water discharge complies with State water quality standards.
 3. Requiring that any increase or decrease of off-site discharge is not detrimental to the downstream environment or downstream water users.

Policy 17.12 In approving mining projects which according to expert opinion may threaten the existing quality or quantity of surface or subsurface water which supply adjacent homes and businesses, the County shall require the operator to guarantee a comparable supply of water to such homes or businesses through accessible forms of security or alternate sources of water.

Where water quantity and quality problems occur, an immediate water supply shall be provided by the operator until the source of the problem is determined. The burden of proof shall be on the operator to show that the mining operation did not create the water problem. If it is determined that the operator is at fault, impacted owners shall be compensated by the operator.

Policy 17.13 The County shall require satisfactory forms of accessible security, including irrevocable letters of credit, cash deposits, escrowed negotiable securities, or performance bonds, from all mining projects to cover all such damages which may stem from the projects.

Policy 17.14 Already existing development - commercial, residential, and community - as well as undeveloped private lands, shall be protected from adverse environmental effects caused by mining through enforced use permit conditions and mitigations measures, or denial of the projects. The County shall be the enforcement agency.

Surface Mining

Action Policies

Policy 17.15 Surface mining is conditionally permitted only in compatible General Plan designations as defined herein and on parcels zoned "ME". Said mining shall be allowed only after impacts on the environment and nearby land uses have been adequately reviewed and found to be in compliance with CEQA
Of particular importance shall be the impact of the operation on nearby land uses, water quantity and quality, noise and vibration impacts, and traffic associated with the operation. All other related impacts shall also be addressed.

Policy 17.16 Upon acceptance of the State Classification Reports by the County, all existing and subsequent property owners of MRZ-2 lands shall be notified by the County of the existence of significant mineral deposits and the potential for mining in that area.

Directive Policies

Policy 17.17 The County shall use the "ME" Mineral Extraction Combining District as a means to provide for the public awareness of the potential for surface mining to occur where it has been established that important minerals are present. The "ME" District shall be used only on those lands which are within any of the compatible General Plan designations and which are not residentially zoned.

Policy 17.18 Incompatible land uses relative to surface mining should be discouraged in all areas designated both compatible and MRZ-2.

Policy 17.19 Any proposed residential development, including land divisions and dwelling unit construction, located within 1,000 linear feet from an area zoned "ME" shall be developed to ensure that said development is located as far removed from the area zoned "ME" as is reasonably possible.

Policy 17.20 Zone changes removing the "ME" district from the base district shall be considered by the County only when specific studies similar in nature to State Classification Reports prove that a significant mineral deposit no longer exists.

Policy 17.21 To ensure the protection of significant aggregate deposits, the County may zone "ME" all such identified and potential deposits within compatible General Plan designations and non-residential zoning districts.

Policy 17.22 Aggregate extraction may be allowed in rivers and floodplains provided environmental impacts associated therewith are addressed through the CEQA process.

Action Policies

Policy 17.23 Prepare a comprehensive plan for river and flood plain development that ensures aggregate operations within rivers and floodplains which have the least impact on the environment are developed before more environmentally-sensitive areas are approved and to also ensure that the environmental impacts of proposed aggregate operations within rivers and floodplains may be more readily assessed.

Subsurface Mining

Directive Policy

Policy 17.24 Regardless of the General Plan designation, subsurface mining shall be conditionally permitted throughout the County. Said mining shall be allowed only after impacts on the environment and affected surface land uses have been adequately reviewed and found to be in compliance with CEQA. Of particular importance shall be the impact of the operation on surface land uses, water quantity and quality, noise and vibration, land subsidence, and traffic associated with surface access. All other related impacts shall also be addressed.

Surface Access to Subsurface Mining

Directive Policies

Policy 17.25 Surface access to subsurface mining is conditionally permitted only in compatible General Plan designations as defined herein. However, vent and escape shafts are conditionally permitted in incompatible General Plan designations where surface disturbance is minimal.

Policy 17.26 Surface plants for underground mines differ greatly in complexity and areal extent so evaluation on an individual project basis is required to assess impact on the environment. The simplest case is

a mine portal or shaft collar from which ore and waste are removed from the site for treatment and disposal elsewhere. As a result, the impact on the environment could be minimal. The most complex cases involve stockpiles, crushing and grinding facilities, concentrators and other processing units, shops, warehouses and offices, waste disposal areas, tailings ponds and extended infrastructure. Such operations shall receive the same evaluation as large surface mines.

Appendix A

Classification Reports

The following State Classification Reports are herein incorporated by reference within the Mineral Management Element:

- Mineral Land Classification of the Placer Services Corporation Placer Gold Deposit on San Juan Ridge, 1982.
- Mineral Land Classification of the Joe Chevreux Company Property for Portland Cement Concrete Grade Aggregate, 1983.
- Mineral Land Classification: Portland Cement Concrete-Grade Aggregate in the Yuba City-Marysville Production-Consumption Region, 1986.
- Mineral Land Classification of Nevada County, California, 1990, Special Report 164.