



County of Lassen
Department of Planning and Building Services

• Planning • Building • Environmental Health • Code Enforcement • Surveyor • Surface Mining

November 23, 2021

Patrick Holley
Lassen Municipal Utility District
65 South Roop Street
Susanville, CA 96130

Maurice L. Anderson, Director
707 Nevada Street, Suite 5
Susanville, CA 96130-3912
Phone: 530 251-8269
Fax: 530 251-8373
email: landuse@co.lassen.ca.us
website: www.co.lassen.ca.us

Zoning & Building
Inspection Requests
Phone: 530 257-5263

Environmental Health
Messages: (530) 251-8528
email: EHE@co.lassen.ca.us

Re: Hayden Hill Transmission Line Preliminary Review Report (PR #2021-001)

Dear Patrick Holley:

This letter is in response to the Preliminary Review Application our Department received on September 2, 2021. As you know, the removal of the transmission line is a requirement of the Hayden Hill Reclamation Plan and Hayden Hill Resource Plan and as such, no environmental work regarding the construction or electrification of the transmission line has previously been conducted. Because of the substantial changes proposed which will require major revisions and involve new significant environmental effects to the current EIR, a Subsequent EIR will be required if you were to apply to amend the current Reclamation Plan and Hayden Hill Resource Plan to allow for the transmission line to remain in place.

The project parcels are zoned U-C-A-P (Upland Conservation, Agriculture Preserve Combing District), U-C-2 (Upland Conservation/Resource Management District), U-C (Upland Conservation District), U-C-2-A-P (Upland Conservation/Resource Management District, Agriculture Preserve Combing District), E-A-A-P/U-C-A-P (Exclusive Agriculture, Agriculture Preserve Combing District/Upland Conservation, Agriculture Combing District. Some of these parcels are currently under Williamson Act Contracts.

The parcels have a land use designation of Extensive Agriculture and for the portion of the transmission line within the Hayden Hill mining boundary, include Significant Mineral Resources Area, General Forest Environment, Grazing and Sagebrush Environment, and Prime Recreation Area.

The project site is designated as "Zone D" by the Federal Emergency Management Agency (FEMA) Flood Map Service Center meaning it is in an area with possible but undetermined flood hazards.

Lassen County is the lead agency for this project under the California Environmental Quality Act (CEQA and the Surface Mining and Reclamation Act (SMARA) and has the primary authority for project approval. In addition to Lassen County, the following agencies may have permitting authority over the project or portions thereof:

- Modoc National Forest
- California Department of Fish and Wildlife (CDFW)
- Bureau of Land Management (BLM)
- Department of Conservation, Division of Mine Reclamation (DMR)
- California Department of Transportation (Caltrans)
- Lassen County Environmental Health Department
- California Department of Forestry and Fire Protection (CAL FIRE)

During the preliminary review for this project, our Department sent out a Preapplication Consultation to various agencies to obtain comments concerning potentially significant impacts which could result from project approval. Please find the enclosed comments we received.

Relevant issues that may cause significant environmental impacts associated with keeping the transmission line in place include but may not be limited to, Scenic Resources, Agriculture and Forestry Resources, Biological Resources, Energy, Hazards and Hazardous Materials, Land Use and Planning, Population and Housing, Cultural Resources, Utilities and Service Systems, and Wildfire.

As you may know, an Environmental Impact Statement was prepared during the Special Use Permit process for the portion of the transmission line within the Modoc National Forest. Electrification is not authorized under this Special Use Permit and the permit is not transferable. Therefore, the transmission line would be subject to planning under the National Environmental Policy Act if the line were to transfer ownership and/or be energized.

If you choose to submit applications to allow the transmission line to remain in place, the following will need to be submitted to our office:

- Reclamation Plan Application
- General Plan Amendment Application
- Environmental Impact Report Application

A basic biological assessment including botanical, wildlife, and habitat surveys conducted at the appropriate time of year by an experienced biologist with specific experience with greater sage-grouse surveys shall be submitted as part of your application package. A cultural resources review and field survey shall be conducted by a professional archaeologist and the appropriate

local Native American representatives contacted for information regarding traditional cultural properties that may be located within the project boundaries.

In addition, as you are aware, the purpose of this correspondence is to communicate the possible impacts that leaving the transmission line in place may have on the environment. The Board of Supervisors will be required to make findings of fact and a statement of overriding considerations pursuant to §15091 and §15093 of the CEQA Guidelines if the impacts cannot be mitigated. LMUD shall provide the substantial evidence required to make these findings and statement of overriding considerations.

This communication contemplates only the environmental component of the process. As you are already aware, approval of the Reclamation Plan and General Plan amendments are completely discretionary regardless of the outcome of the above environmental process.

If you have any questions, please contact Cortney Flather, Natural Resources Technician at (530) 251-8271.

Sincerely,



Maurice L. Anderson
Director

Enclosures: Agency Comments, Reclamation Plan Application, General Plan Application, Environmental Impact Report Application

MLA:clf
S:\PLA\Planning\2021\PR #2021-001, LMUD

Cortney Flather

From: Gonzalez, Marcelino@DOT <marcelino.gonzalez@dot.ca.gov>
Sent: Thursday, September 16, 2021 3:24 PM
To: Cortney Flather
Cc: Grah, Kathy M@DOT; Battles, Michael@DOT; Pascal, Anthony C@DOT; GAIDO, CHRIS S@DOT; Akana, Eric E@DOT; Pro, Emiliano@DOT
Subject: Las-139-53.78 to 61.46 PR 2021-001 LMUD Remove Power Line Caltrans Permits
Attachments: Las-139-53.78 to 61.46 Notice of Preapplication Consultation_ LMUD.pdf; Las-139-54 to 58 Citizens Utilities 1990 0290-6us-0438.pdf; Las-139-58 to 61 Citizens Underground 1989 0289-6uk-0163.pdf

This message comes from an external sender. EXTERNAL SENDER WARNING!

Caltrans is reviewing the Preapplication Notice of Preparation provided to remove power lines along SR 139 from its intersection with Susanville Road to Hayden Hill Mine Road.

Our records indicate encroachment permits were issued to remove the power lines along the state highway for a majority of the area described. If there are remaining pole lines to be removed within the state highway right of way or work within the highway right of way is needed for the project a Caltrans encroachment permit is required. Any studies for archaeological or biological environmental clearance should include any affected state highway right of way.

Marcelino "Marci" Gonzalez
Local Development Review
& Regional Transportation Planner
(530)225-3369

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SEP 17 2021

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Cortney Flather

From: Land Use
Sent: Monday, September 20, 2021 10:17 AM
To: Cortney Flather
Subject: FW: PR2021-001, Lassen Municipal Utility District
Attachments: 20210917_071636.pdf

From: Coster, Lynn@Waterboards <Lynn.Coster@Waterboards.ca.gov>
Sent: Monday, September 20, 2021 9:44 AM
To: Land Use <landuse@co.lassen.ca.us>
Subject: FW: PR2021-001, Lassen Municipal Utility District

This message comes from an external sender. EXTERNAL SENDER WARNING!

Hello Cortney,

On 16 September 2021, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) received a request for comments on Preliminary Review Application PR2021-001, Lassen Municipal Utility District. Since the proposal involves a ministerial transfer of ownership and they are planning to leave the transmission line in place, there is no project that would be subject to the Central Valley Water Board's discretionary approval and we therefore have no comment.

Thank you,

Lynn Coster
Senior Environmental Scientist
Storm Water / Water Quality Certifications / Irrigated Lands
Central Valley Regional Water Quality Control Board
(530) 224-2437



United States
Department of
Agriculture

Forest
Service

Modoc National Forest

225 W 8th Street
Alturas, CA 96101
(530) 233-5811
TTY (530) 233-8708

File Code:
Date: 10/29/2021

Courtney Flather
Lassen County Dept of Planning
707 Nevada St, Suite 5
Susanville, CA 96130

Courtney please find my comments on File No PR2021-001, project proposal to leave the 81,000 feet of powerline in place and transfer ownership to Surprise Valley Electrification Corporation for energization.

Lassen Municipal Utility District (LMUD) is under special use permit (Authorization ID:BIG0500) for the 81,000 feet of 69-kV powerline located on the Modoc National Forest. As permitted, LMUD will own and maintain the powerline in its current condition with the exception of, performing necessary repairs to maintain the line in safe condition. Electrification is not authorized. Any divergence from the documented decision is subject to planning under the National Environmental Policy Act. The permit is not transferable. A Lassen County General Plan Amendment will not amend the existing direction in the Environmental Impact Statement nor the terms of the existing Special Use Permit with LMUD.

Modoc National Forest Staff are available for consultation on this topic and are committed to supporting a new request for Special Use Permit. This letter is intended to inform and not dissuade. Please contact me at 530 708 7037 with questions.

Sincerely,

CHRIS
CHRISTOFFERSON
N

Digitally signed by
CHRIS CHRISTOFFERSON
Date: 2021.10.29
13:18:42 -07'00'

CHRIS CHRISTOFFERSON

Forest Supervisor
Modoc National Forest

cc:

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LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES





State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
601 Locust Street
Redding, CA 96001
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



October 12, 2021

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OCT 12 2021

Cortney Flather, Natural Resources Technician
County of Lassen
Department of Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130
CFlather@co.lassen.ca.us

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

SUBJECT: REVIEW OF PREAPPLICATION CONSULTATION FOR PRELIMINARY REVIEW PR-2021-001 LASSEN MUNICIPAL UTILITY DISTRICT, STATE CLEARINGHOUSE NUMBER 2021090243, ASSESSOR'S PARCEL NUMBER 015-120-013, NEAR ADIN, LASSEN COUNTY

Dear Cortney Flather:

The California Department of Fish and Wildlife (Department) has reviewed the Preapplication Consultation for the Preliminary Review of Lassen Municipal Utility District's (LMUD) Hayden Hill Mine transmission line dated September 13, 2021, for the above-referenced project (Project). As a trustee for the State's fish and wildlife resources, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a responsible agency, the Department administers the California Endangered Species Act (CESA) and other provisions of the Fish and Game Code (FGC) that conserve the State's fish and wildlife public trust resources. The Department offers the following comments and recommendations on this Project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code §21000 et seq. The following are informal comments intended to assist the Lead Agency in making informed decisions early in the Project development and review process.

Project Description

The Project as described is a "Preliminary review of a project proposal seeking to leave a 69-kV power transmission line approximately 20 feet wide and 81,000 feet in length (approximately 17,000 feet of this line is on USFS Property) in place and turn the line over (transfer ownership) to Surprise Valley Electrification Corporation for energization."

Cortney Flather, Natural Resources Technician
County of Lassen
October 12, 2021
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The adopted Environmental Impact Report (EIR) for the approval of the Use Permit and Reclamation Plan for Lassen Gold Mining Inc. mining operation, stated the power line would be removed at the conclusion of mining activity. Mining activity ceased in 1997. LMUD purchased the line December 2007. The line has not been energized "for several years."

Comments and Recommendations

The Department has the following comments and recommendations as they pertain to biological resources:

Biological Surveys

Because the proposed Project has not had any type of biological surveys conducted in over 20 years, the Department recommends surveys be conducted prior to site modification to avoid impacts to natural resources that may occur on the site. For this Project, the intent is to reenergize the transmission line; however, if there is the possibility the transmission line infrastructure will be removed as required in the previous EIR, assessing the impacts to either situation should be addressed in the biological assessment.

A basic biological assessment would include botanical, wildlife, and habitat surveys to determine whether focused or protocol-level surveys are warranted. These surveys would be conducted at the appropriate time of the year and by biologists that demonstrate experience in the local flora and fauna of Lassen County, including experience with greater sage-grouse (*Centrocercus urophasianus*). The Department recommends all plant and wildlife species identified in the California Natural Diversity Database (CNDDDB) and other biological resource databases (U.S. Fish and Wildlife Service, California Native Plant Society, or other pertinent references) be analyzed for the potential to occur within the Project area.

The CNDDDB is a positive sighting database. It does not predict where something may be found. The Department maps occurrences only where we have documentation that the species was found at the site. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present. The next step is to conduct surveys to document what is present today and submit the information on special status species to the Department and CNDDDB. All surveys should be conducted prior to approval of the Project and survey results shall be e-mailed to the Department at the R1CEQARedding@wildlife.ca.gov.

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The following should be included in the biological assessment:

1. Date/time/weather conditions during the survey(s).
2. A description of the natural environment.
3. A list of common and special status plant and wildlife species as well as habitats present onsite at the time of the survey(s).
4. Rare/local/unusual species and habitats present during the survey(s).
5. A thorough assessment of rare plants and sensitive natural communities should be conducted following the Department's March 2018 *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>).
6. If habitat is present for special status plants or wildlife, focused species-specific surveys should be conducted at the appropriate time of year and/or time of day when the species are active or otherwise identifiable. Acceptable species-specific survey procedures should be developed in consultation with the Department and the U.S. Fish and Wildlife Service. Links to some survey procedures are provided on the Department's website (<https://wildlife.ca.gov/Conservation>). All surveys should be conducted prior to approval of the Project and survey results provided in the subsequent environmental document.
7. If any special-status species are found during surveys, the Department requests that CNDDDB forms be filled out online and submitted. Instructions for providing data to the CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.
8. Impacts to and maintenance of wildlife corridor/movement areas and other key seasonal use areas should be fully evaluated and provided.
9. A discussion of impacts associated with increased lighting, noise, human activity, impacts of free-roaming domestic animals including dogs and cats, changes in drainage patterns, changes in water volume, velocity, quantity, and quality, soil erosion, and/or sedimentation in streams and watercourses on or near the Project site.
10. A discussion on fuels management, and how it would affect biological resources, should be discussed and analyzed, if applicable.
11. Mitigation measures for adverse Project-related impacts to sensitive plants, wildlife, and habitats should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts. For unavoidable impacts, the feasibility of on-site habitat restoration or enhancement should be discussed. If on-site mitigation is not feasible, off-site mitigation through habitat creation, enhancement, acquisition, and preservation in perpetuity should be addressed.

Cortney Flather, Natural Resources Technician
County of Lassen
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12. If the Project site has the potential to support aquatic, riparian, or wetland habitat, a delineation of lakes, streams, and associated riparian habitats potentially affected by the Project should be provided for agency and public review. This report should include a preliminary jurisdictional delineation including wetlands identification pursuant to the U.S. Fish and Wildlife Service wetland definition as adopted by the Department. Please note that some wetland and riparian habitats subject to the Department's authority may extend beyond the jurisdictional limits of the U.S. Army Corps of Engineers. The jurisdictional delineation should also include mapping of ephemeral, intermittent, and perennial stream courses potentially impacted by the Project. In addition to "federally protected wetlands" (see CEQA Appendix G (IV)(c)), the Department considers impacts to any wetlands (as defined by the Department) as potentially significant.

Botanical Surveys

Botanical surveys should be conducted across the entire Project site during the appropriate blooming time prior to the approval of this Project. Botanical surveys should follow the Department's March 20, 2018, *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities*, available here:
<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959>.

If no special status plant species are found during the botanical survey no other measures will be required. However, if drought conditions exist, additional pre-construction surveys for special status plant species may be warranted. If special status plant species are found during the botanical surveys, the plants should be marked by a qualified biologist familiar with the species. If the area can be avoided, exclusionary fencing will be placed around the plants and no pedestrian or vehicular entry shall be allowed. Botanical survey results shall be emailed to the Department at R1CEQARedding@wildlife.ca.gov.

California Endangered Species Act

Please be advised that a CESA permit must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required to obtain a CESA Permit. Information on how to attain a CESA permit is available here:
<https://wildlife.ca.gov/Conservation/CESA/Permitting>.

Cortney Flather, Natural Resources Technician
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Lake or Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a Lake and Streambed Alteration (LSA) Notification, pursuant to section 1600 et seq. of the Fish and Game Code, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring, and reporting commitments for completion of the agreement. To obtain information about the LSA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Nesting Birds

If the Project has the potential to directly impact nesting bird habitat or indirectly disturb nesting birds through audio or visual disturbance, the Department recommends the following measures be implemented to protect nesting birds and raptors protected under FGC sections 3503 and 3503.5:

- a) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
- b) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the preconstruction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov.

Cortney Flather, Natural Resources Technician
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If you have any questions, please contact Amy Henderson, Senior Environmental Scientist, at (530) 598-7194, or by email at Amy.Henderson@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Curt Babcock
974D273FEE784E2...

Curt Babcock
Habitat Conservation Program Manager

cc: State Clearinghouse
State.Clearinghouse@opr.ca.gov

Amy Henderson
California Department of Fish and Wildlife
Amy.Henderson@wildlife.ca.gov



October 5, 2021

Cortney Flather
Lassen County
Planning and Building Services
707 Nevada Street, Suite 5
Susanville, CA 96130

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OCT 06 2021

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES

Copy sent via email: CFlather@co.lassen.ca.us

SUBJECT: NOTICE OF PREAPPLICATION CONSULTATION
HAYDEN HILL MINE (CA MINE ID# 91-18-0012)

Dear Ms. Flather:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Hayden Hill Mine (Proposed Project) Notice of Preapplication Consultation. The notice indicates that Lassen County (County), as lead agency under the California Environmental Quality Act (CEQA), will prepare a draft Subsequent Environmental Impact Report (SEIR) for the Proposed Project.

As described in the notice, the Proposed Project will amend the existing use permit and reclamation plan (RP) for the Hayden Hill Mine (CA Mine ID# 91-18-0012) to allow for a preliminary review of the Proposed Project to leave in place a 69-kV power transmission line and transfer ownership of the power line to Surprise Valley Electrification Corporation. This would require the Permit and RP to be amended to remove the requirement that the power line be removed at the time of mine site reclamation.

The Division's primary focus is on active surface mining operations; however, the Division also addresses issues related to abandoned (pre-1976) legacy mines. Additionally, the Division has review responsibilities associated with lead agency implementation of SMARA. SMARA provides a comprehensive surface mining and reclamation policy to assure that:

- Adverse environmental effects of surface mining operations are prevented or minimized and mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses
- Production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment
- Residual hazards to the public health and safety are eliminated

Division staff has reviewed the subject notice of preapplication consultation and offers the following comments at this time:

Ms. Flather


Notice of Preapplication Consultation- Hayden Hills Mine (CA Mine ID# 91-18-0012)

October 5, 2021

- Division staff will provide comments on the amendment to the RP for this proposed mining activity once the Division receives the complete RP amendment and any supporting documents, along with the statement from the County that certifies the submission as complete and in accordance with PRC Section 2772.1(a)(3)(A-C).
- Division staff will provide comments on the financial assurance cost estimate for the Proposed Project in accordance with PRC Section 2773.4(a-d).

The Division requests to be included on the distribution list for this Proposed Project. Additionally, the Division requests that any subsequent project documents (e.g., notice of availability of the draft SEIR through the notice of determination and any supplemental environmental documents), as well as a copy of the certified final SEIR, be sent to the Division at DMR-Submittals@conservation.ca.gov or the mailing address on the bottom of page 1 of this letter. If you have any questions, please contact me at (916) 323-9198.

Sincerely,

DocuSigned by:

73ECCB6738194DA...

Carol E. Atkins, Manager
Environmental Services Unit

ec: State Clearinghouse, state.clearinghouse@opr.ca.gov

Department of Conservation, Office of Legislative and Regulatory Affairs,
OLRA@conservation.ca.gov

Cortney Flather

From: Snyder, Devin L <dlsnyder@blm.gov>
Sent: Wednesday, October 6, 2021 8:21 AM
To: Cortney Flather
Cc: Oyarzun, Megan C; Drake, Craig R
Subject: Hayden Hill Transmission Line Preapplication Consultation
Attachments: Hayden Hill Transmission Line_BLM Data.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

This message comes from an external sender. EXTERNAL SENDER WARNING!

Good morning Cortney,

Craig Drake asked that I follow up with you regarding land ownership status along the Hayden Hill transmission line route as well as provide information concerning any natural and/or cultural resources the BLM was aware of. I apologize for the delayed response but according to BLM records there are no known cultural or natural resource concerns within the existing line ROW. The line does extend onto BLM Applegate Field Office-managed lands at its southernmost extent for a little over a mile in Sections 1 and 6, however. I've attached a map for reference.

Please let me know if I can provide any additional information.

Thank you,

Devin Snyder
Archaeologist
Applegate Field Office
Bureau of Land Management, Region 10
(530) 233-7932
dlsnyder@blm.gov

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OCT 06 2021

LASSEN COUNTY DEPARTMENT OF
PLANNING AND BUILDING SERVICES