

Calaveras County Civil Grand Jury

Calaveras County Planning Department Are We Running Out of Rock?

May 19, 2025



The Royal Mountain King Mine (Mine ID 91-05-0002, see Appendix A), which is undergoing reclamation, is located near Copperopolis, California. The pit is approximately 1600 by 500 feet in dimension, and 400 feet in depth. California EPA's State Water Resources Control Board shows arsenic levels in the pit water are consistently higher than prescribed limits. Photo by S.M. Testa.

SUMMARY

As part of the “Mother Lode” region of California, Calaveras County has a rich mining heritage, dating back to the gold rush of the mid-1800s. Today its mines primarily produce sand, gravel, and aggregate, materials which are used in the construction of new homes, businesses, roads and other infrastructure projects throughout the County.

Calaveras County Civil Grand Jury examined how the County has been addressing its mining concerns in recent years, focusing on three areas of interest: the administration of surface mining operations, mineral resource management, and abandoned mines.

The Surface Mining and Reclamation Act of 1975 (SMARA) provides regulations for the extraction of minerals that are essential to the continued economic well-being of California and the needs of society, as well as for the reclamation of mined lands in order to prevent or minimize adverse effects on the environment and public health. Under SMARA, authority over the operation of mining in a county is vested in a lead agency. In most counties, including Calaveras, the lead agency is the County Board of Supervisors (BOS), which delegates certain administrative duties, such as conducting annual mine inspections, to the Planning Department.

The BOS also has authority over the approval of the General Plan, an outline of long-term development goals for the County assembled by the Planning Department. In order to implement many of these goals, it is crucial to have an adequate supply of quality mineral products such as sand, gravel, and aggregate. Therefore, the General Plan also includes goals for making sure such resources continue to be available, and that their extraction does not conflict with new developments or negatively impact the environment.

Lastly, the County’s mining heritage comes with a potentially hazardous consequence: Abandoned mines which predate SMARA regulations are located throughout the County, but many only enter the public’s awareness when they result in bodily harm or threats to structural integrity. Abandoned mines fall within the BOS’s jurisdiction through nuisance laws and during the review of new development plans. However, not all abandoned mines are known to County officials, and there are few resources available at the County level to help the public mitigate the dangers abandoned mines can pose.

The Civil Grand Jury found during its investigation that the County could greatly improve its handling of mining concerns across all three areas of interest. The Planning Department has been fulfilling many of the lead agency’s basic responsibilities to the State under SMARA, and has done so without enforcement actions when warranted or adequate review of information provided by mine operators for accuracy. In addition, all Planning Department’s actions are performed without regular oversight or involvement by the BOS which serves as the SMARA lead agency. This level of performance could end up costing the County more to correct in the long term or even compromise the future availability of locally mined materials for County projects. Likewise, implementing the General Plan’s goals for conserving the County’s finite mineral resources remains a low priority.

The findings and recommendations presented in this report are intended to improve overall surface mining administration and mineral resources management by the County without significantly compromising existing staff levels or County finances. A more proactive approach to mining concerns, and improved communication between the Planning Department and the BOS, will help

to ensure Calaveras County can fulfill its mineral needs for decades to come.

GLOSSARY

AMLU	Abandoned Mines Land Unit
BOS	Calaveras County Board of Supervisors
CCCGJ	Calaveras County Civil Grand Jury
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
CGS	California Geological Survey
DMR	Division of Mine Reclamation
DOC	Department of Conservation
IMP	Interim Management Plan
MRMP	Mineral Resources Management Policies
PCC	Portland cement concrete
PRC	Public Resources Code
SMARA	Surface Mining and Reclamation Act of 1975
SMGB	State Mining and Geology Board

METHODOLOGY

Calaveras County Civil Grand Jury (CCCGJ) conducted interviews with relevant county employees and reviewed online documents from several sources, including the Calaveras County Planning Department, the California Department of Conservation (DOC) Division of Mine Reclamation (DMR) and Abandoned Mine Lands Unit (AMLU), the State Mining and Geology Board (SMGB), and news articles.

BACKGROUND

Surface mining throughout California is regulated under the Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Code (PRC), Division 2, Chapter 9, Sections 2710-2796.5. SMARA's policies cover the extraction of minerals which are essential to the economic well-being of the State and the needs of society. It also provides guidelines for the reclamation of mined lands, in order to prevent or minimize adverse effects on the environment and public health and safety (PRC §2711(a)). Reclamation is the process by which a site where surface mining is no longer taking place is returned to a condition that is usable for other purposes, such as development, agriculture, or rewilding.

Prior to 1975, when the California Legislature signed SMARA into State law, mines were not required to undergo a reclamation process once they ceased operation, resulting in thousands of abandoned mines throughout California. These sites continue to pose a health and safety risk for the public.

SMARA was also created with the recognition that minerals are vital, finite, and important natural resources that must be protected and developed sustainably. The primary way local governments identify and protect the mineral resources within their jurisdiction is through general plans (PRC §2711 (e)).

CCCGJ decided to examine how Calaveras County is handling its own mineral resource concerns, given the General Plan states the importance of the County's rich mining heritage to its economy and character. CCCGJ's inquiry covers three specific areas of interest:

- the administration of surface mining in accordance with SMARA guidelines,
- mineral resources conservation through the General Plan,
- and legacy, or pre-SMARA, abandoned mines.

A well-run SMARA program at the County level should ensure that locally mined mineral resources are available for future use in County projects, surface mines within the County's jurisdiction are able to operate on a fair and even playing field, and risks to the health of the public and the environment are minimized.

Administration of SMARA

There are thirteen surface mining operations within the jurisdiction of Calaveras County, based on a review of 2024 surface mining inspection reports submitted to the State, which are readily available on the DMR website (Appendix A). Of these, five are deemed active, five are administered under an Interim Management Plan (IMP; inactive or idle), one is post-closure and in reclamation with no intention to mine in the future, and two are newly permitted mines. Of the active mines, materials produced include sand, gravel, and aggregate.

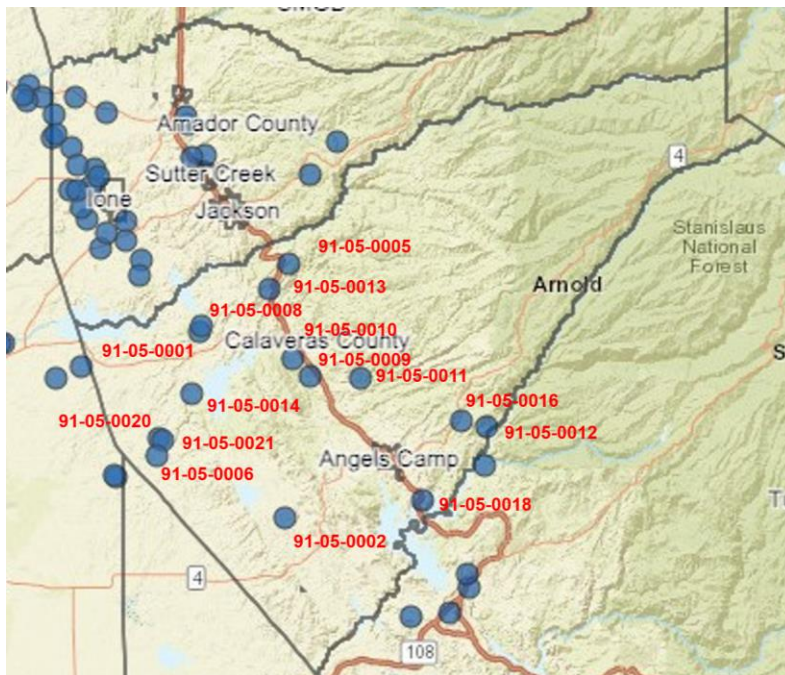


Figure 1. Location of surface mines in Calaveras County as noted by their mine identification number (see Appendix A).

SMARA is administered at the county level by a lead agency. “Lead agency” is defined as the city, county, or board which has the principal responsibility of approving a mine ordinance (PRC

§2774(a)), reviewing and approving reclamation plans (PRC §2728), as well as fulfilling annual reporting requirements to the State (PRC §2207). In Calaveras County, the County Board of Supervisors is recognized as having that authority and therefore is the lead agency. The BOS delegates some of its administrative responsibilities to the Planning Department.

Those administrative responsibilities include conducting annual inspections (and more if required), determining and approving financial assurances, and reporting requirements to the DMR. A financial assurance is a cost estimate approved by the lead agency that has been set aside to ensure funds are available to reclaim the mine site to a usable and safe condition that is readily adaptable for alternative land uses. A financial assurance takes the form of a surety bond, irrevocable letter of credit, or other mechanism. It is important an accurate estimate is approved so that the burden of cleanup falls on the operator and not the taxpayer.

As part of the inspection process, the lead agency also identifies and issues violations for non-compliance with SMARA. Identifying violations as part of surface mining site operations is not discretionary, whereas the BOS, serving as lead agency, does have the discretion to allow sufficient time for compliance and to issue financial penalties.

In addition, technical information (i.e., information regarding disturbed acreage, financial assurance amounts, and written reports provided by the surface mine operator or their consultant) needs to be prepared by licensed individuals such as licensed engineers, engineering geologists, and/or geologists. Such information is provided by the operator or their consultants and should undergo internal review by County staff or their consultants to ensure adequacy and accuracy prior to submittal to the DMR. Failure to do so can have significant bearing on maintaining compliance and establishing adequate financial assurances mechanisms.

There are six categories of violations by a lead agency under which the State Mining and Geology Board (SMGB) may find a lead agency needs to take corrective actions. Furthermore, the SMGB may take over or assume some or all of the lead agency's powers (except for permitting authority and vested rights determinations), should it find that a lead agency has done any of the following (PRC § 2774.4):

- Category 1 - Approved reclamation plans or financial assurances which are not consistent with SMARA;
- Category 2 – Failed to inspect or cause the inspection of surface mining operations;
- Category 3 – Failed to seek forfeiture of financial assurances and to carry out reclamation of surface mining operations;
- Category 4 – Failed to take appropriate enforcement actions;
- Category 5 – Intentionally misrepresented the results of inspections;
- Category 6 – Failed to submit information to the Department of Conservation.

The SMGB may also choose to assume the lead agency's responsibilities if it finds the lead agency's mine ordinance is not in accordance with State policies, and the lead agency fails to submit a revised mine ordinance within 90 days of notification (PRC §2774.5(a)). When a county's lead agency does not have an approved mine ordinance, the SMGB assumes its SMARA responsibilities until the county can take such action.

If a surface mining operation becomes idle, the operator must submit an Interim Management Plan (IMP) to the lead agency. The plan ensures that the mine site is maintained under certain conditions

imposed by the lead agency until mining resumes. The operator must submit an IMP within 90 days of the operation becoming idle. The operation is considered idle if it is curtailed by more than 90% of its previous annual production for at least one year.

If the IMP is not submitted within 90 days or an existing IMP has expired, the site is considered abandoned, and the operator must then complete reclamation in accordance with the approved reclamation plan. IMPs can remain in effect for up to five years. The lead agency can renew the IMP for another five years if the operator has complied with the IMP.

Mineral Resources Conservation

As stated in the County General Plan, Calaveras County has a long history of mining with a rich array of mineral resources due to its location within the Mother Lode Belt of the Sierra Nevada foothills. While early development in the County revolved around extracting mineral resources such as gold and copper, more recently the emphasis is on construction materials such as clay, sand, and gravel. Mineral extraction from mine tailings is also common.

Sand, gravel, and crushed rock, collectively referred to as aggregate, are construction materials that provide essential components for Portland cement concrete (PCC), the basic ingredient of concrete. PCC aggregate is necessary to build a strong economy and is vital to building County infrastructure. Specifications for PCC aggregate are more restrictive than specifications for the other grades of aggregate, making deposits acceptable for use as PCC aggregate the scarcest and most valuable aggregate resource.

SMARA requires the State Geologist to classify land based upon the presence, absence, or potential occurrence of significant mineral deposits, including the minerals that comprise PCC. The purpose is to ensure that the mineral potential of land is recognized and considered before land-use decisions are made that could irreversibly preclude mining. The committing of land to uses incompatible with mining is a major factor in the loss of significant mineral resources in a region. Therefore, land-use and planning decisions need to be made with an understanding of underlying mineral deposits, and the important role they play in supplying future needs.

SMARA provides requirements and guidance as to how best to protect and conserve mineral resources. Mineral conservation includes the State classification and designation of mineral lands at the state level, and the development and exercise of Mineral Resources Management Policies (MRMP) by the lead agency. Mineral lands classified or designated by the State Geologist require a lead agency to prepare an evaluation of the area to ascertain the significance of the mineral deposits located in the area (PRC §2762) when considering alternative land uses. Such evaluation is more stringent regarding designated mineral lands.

Information regarding the County's approach to mineral resources conservation via MRMP is provided in the County's General Plan pursuant to the provisions of PRC §2762. MRMP must include but not be limited to:

- (a) A summary of the information provided by the classification and/or designation reports, or incorporation of PRC §2710 et seq., and state policy by reference, together with maps of the identified mineral deposits or incorporation by reference of the classification and/or designation maps provided by the SMGB.

(b) Statements of policy in accordance with the provisions of PRC §2762(a).

(c) Implementation measures including: (1) reference in the general plan of the location of identified mineral deposits, and a discussion of those areas targeted for conservation and possible future extraction by the lead agency; (2) use of overlay maps or inclusion of information on any appropriate planning maps to clearly delineate identified mineral deposits and those areas targeted by the lead agency for conservation and possible future extraction; and (3) at least one of the following:

(A) Use of special purpose overlay zones, mineral resource/open space zoning, or any other appropriate zoning that identifies the presence of identified mineral deposits and restricts the encroachment of incompatible land uses in those areas that are to be conserved.

(B) Recording, on property titles in the affected mineral resource areas, a notice identifying the presence of identified mineral deposits.

(C) Imposing conditions upon incompatible land uses in and surrounding areas containing identified mineral deposits for the purpose of mitigating the significant land use conflicts prior to approving a use that would otherwise be incompatible with mineral extraction.

Abandoned Mines

The Abandoned Mines Land Unit (AMLU) under the Department of Conservation Division of Mine Reclamation, reports that California has tens of thousands of abandoned mine sites statewide. In California, these mines are situated on public lands (about 64% on federal lands and 4% on lands owned by state and local governments) and privately-owned lands (about 32%), with a large concentration in the “Mother Lode” counties. It has been reported that in Calaveras County there are:

- 1,362 records of mining claims on public land managed by the Bureau of Land Management. Of these, 137 are active mining claims and 1,225 are closed.
- 584 pre-SMARA abandoned mines documented by the AMLU.
- 882 abandoned mines recorded by the USGS.

Obtaining accurate numbers for pre-SMARA abandoned mines is difficult because many of them were not well documented when they were initially excavated, or records were not well maintained or correct for a variety of reasons. The way abandoned mines are counted may differ from agency to agency, hence why the federal USGS and California AMLU report different tallies. Ultimately, reported numbers will most likely grow as mines that have been intentionally obscured for safety reasons or have been forgotten are rediscovered.

Many of these mines can present a public health and safety risk. These concerns include unstable rock and weak structural integrity; deep excavations and vertical shafts that may be hidden or obscured; unstable dynamite or blasting caps; habitat for rattlesnakes, mountain lions, bears and

other wildlife; pockets of oxygen-depleted air or lethal gas; dust particles containing hantavirus or valley fever; and naturally-occurring elements such as asbestos, arsenic, or chromium that can present a health risk.

Examples of public health and safety concerns surrounding abandoned mines in Calaveras County have been reported over the years. In April 1998, the *Modesto Bee* reported an off-road ATV rider left his vehicle and a companion to go exploring at night in a remote area and fell 75 feet down an air shaft into an abandoned gold mine. The victim lay injured with a broken back at the bottom of the shaft for more than twelve hours and was rescued only after the last shot fired from his handgun alerted rescuers to his location. In November 2010, the baseball diamond at San Andreas Community Park began to sink into a previously unknown, poorly sealed 200-foot mineshaft as children played on the field. In February 2022, Calaveras County Sheriff's Office warned of the variety of dangers that can be found in abandoned mines and caves.

On February 10, 2025, a group of friends decided to explore an abandoned mine, making international headlines when one fell into the 50-foot mineshaft and needed rescue. While the mine was located in Placer County, Calaveras possesses numerous abandoned mine sites that could lead to a similar incident. The story highlights the potential danger these legacy mines continue to pose to public safety.

DISCUSSION

Administration of SMARA

CCCGJ reviewed the conditional use permit, reclamation plan, and inspection reports prepared by the County for the years 2021 and 2024, with an emphasis on 2024 since these reports reflect the most current understanding of site conditions. Comprehensive inspection reports have a direct relationship to determining adequate financial assurance amounts. Inspection reports generated by the Planning Department were completed and submitted to the DMR. However, several deficiencies were noted.

- As previously stated, the BOS, as the lead agency for the County, is the only body with the authority to approve reclamation plans and IMPs, not the Planning Department nor the mine inspector. CCCGJ discovered communication between the County's BOS and the Planning Department on surface mining issues in recent years has been inconsistent and lacking in certain respects. Inspection reports are simply filed once they are completed, with a copy submitted to the State DMR. However, no further internal review or administrative actions by the lead agency (such as the issuing of fines for violations) are considered since the "lead agency" is not included in the lines of communication. These practices have existed for years and reflect a culture in the County of avoiding the issuing of violations, addressing expired IMPs in a timely manner, and documenting site conditions with time to assure compliance with SMARA.
- Inspection reports do not indicate any violations being issued, nor recommendations for corrective measures. In review of the inspection reports, CCCGJ noticed some violations have existed for years, such as the configuration of slopes at Mine ID 91-05-0018, and elevated arsenic levels in surface waters at Mine ID 91-05-0002 (Figure 1). Inspection reports do not provide any further documentation other than the minimal information

provided on the State form submitted by the Planning Department on behalf of the lead agency. Violations are not brought to the attention of the BOS for enforcement consideration.

- Most of the reclamation plans were approved shortly after the SMARA program was implemented in 1975 and lack engineered scaled site maps of the surface mining operation, making determination and confirmation of disturbed acreage difficult. This raises questions as to whether the current state and configuration of each surface mining operation is truly reflected in the inspection report and approved reclamation plans.
- Technical information provided by the operator or their consultants (e.g., financial assurance amounts and disturbed acreage of a mining site) receives minimal internal review by Planning Department staff or their consultants for adequacy and accuracy prior to submittal to DMR, which can have significant bearing on maintaining compliance and establishing adequate financial assurances mechanisms.
- Financial assurances have not changed appreciably for many years. The County has relied on information provided by the site operator or their consultant, with no internal review for accuracy or compliance with the State Financial Assurance Guidelines. The estimated cost per acre for reclamation (Table 1) is lower in most instances than what would be necessary for full reclamation of lands disturbed by mining in accordance with the approved reclamation plan and conditions of approval.

Table 1 Comparison of Approved Financial Assurance versus Estimated Reclamation Cost per Acre		
Mine ID No.	Approved Financial Assurance Amount	Estimated Remediation Cost per Acre
91-05-0001	\$2,729.45	\$545.89
91-05-0002	\$3,302,000.00	\$5,503.33
91-05-0005	\$4,484.12	\$888.24
91-05-0006	\$80,000.00	\$1,212.12
91-05-0008	\$8,302.19	\$1,664.44
91-05-0010	\$2,932.00	\$1,466.00
91-05-0012	\$128,475.00	\$3,058.93
91-05-0013	\$35,072.18	\$5,010.31
91-05-0014	\$165,768.00	\$23,681.14
91-05-0016	\$38,634.00	\$6,439.00
91-05-0018	\$94,192.00	\$1,600.00
91-05-0020	\$35,000.00	\$2,333.33
91-05-0021	\$53,209.26	Uncertain

Note: Estimated reclamation cost per acre based on financial assurance amount divided by disturbed acres. Information was provided in the 2024 inspection reports for surface mines, shown in Appendix A.

- SMARA allows for the lead agency to charge the surface mining operator reasonable rates for administering its duties. A summary of rates charges by the County is presented in Table 2. For a period of time the Planning Department charged times and materials, then in 2018 decided to charge a flat rate for both conducting inspections and related administrative activities. The rates currently being charged are low when compared to what was deemed reasonable reimbursement pre-2018, especially considering that wages for County staff as well as the cost of materials and fuel have increased. The current rate reflects a minimum level of administrative effort, implying that all surface mining operations require the same amount of time to conduct inspections regardless of the size of the mining operation, acreage, level of activity, and complexity of the issues associated with each operation.

Table 2 Summary of Administrative Fees and Inspection Fees			
YEAR	Administrative Fee	Inspection Fee	Total
2009	148.00	615.00 – Deposit-Time and Materials	763.00
2010	148.00	Time and materials	Varied depending on mine
2011	148.00	Time and materials	Varied depending on mine
2012	148.00	Time and materials	Varied depending on mine
2013	148.00	Time and materials	Varied depending on mine
2014	148.00	Time and materials	Varied depending on mine
2015	148.00	Time and materials	Varied depending on mine
2016	148.00	Time and materials	Varied depending on mine
2017	148.00	Time and materials	Varied depending on mine
2018	None	205.00	205.00
2019	None	205.00	205.00
2020	None	205.00	205.00
2021	None	205.00	205.00
2022	None	205.00	205.00
2023	None	205.00	205.00

Lastly, certain surface mining operations that are deemed idle and have been approved to exist under an IMP may currently be considered abandoned since their approved IMP has expired (see

Figure 1, Mine ID 91-05-0001, ID 91-05-0010, and ID 91-05-0012). If a surface mining operation is deemed abandoned, SMARA requires the operator to commence reclamation promptly. A lead agency does not have the authority to issue an IMP or revert an operation’s status back to active once a site has been deemed abandoned. Should the operator decide to continue mining, the operator must start the permitting process over from the beginning, which would require a new reclamation plan compliant with current standards and statutes. Should the operator decide not to continue mining the site, the mineral resources that exist there will no longer be accessible unless or until a new surface mining operation is permitted on the site.

Mineral Resources Conservation

There have been four reports prepared by the California Geological Survey (CGS) pertaining to mineral classified lands throughout Calaveras County (Table 3). In Calaveras County, mining activities occur on both public (U.S. Bureau of Land Management and U.S. Forest Service) and private lands. As of 2025, no lands in Calaveras County have been designated as mineral areas of regional or statewide significance. As mineral resources are depleted elsewhere in the state, however, there is an increased need for future mineral designation considerations, especially for PCC, which is necessary for infrastructure projects. There are currently no lands classified for PCC aggregate in the County.

Table 3 Mineral Classified Lands in Calaveras County			
Date Issued	Title	Report Number	Mineral commodity
1982	Mineral Land Classification of the Ordway Skunk Gulch Carbonate Deposit, Calaveras County, California	DMG Open-File Report 83-1	Carbonates, industrial limestone and dolomite
1983	Mineral Land Classification of the Sutter Creek 15 Minute Quadrangle, Amador and Calaveras Counties, California	DMG Open-File Report 83-36	Clay, lignite, specialty sand, metals and industrial carbonates
1987	Mineral Land Classification of the Camino and Mokelumne Hill 15-Minute Quadrangles, El Dorado, Amador, and Calaveras Counties, California	DMG Open-File Report 87-2	Gold, silver, copper, lead, zinc, limestone and talc
1991	Mineral Land Classification of the San Andreas 15-Minute Quadrangle, Calaveras County, California	Special Report 169	Lode gold, metals, limestone and talc

Note: No mineral lands containing PCC-aggregate have been classified in Calaveras County.

In the 2019 General Plan, under “Associated Plans and Documents: Mineral Resources,” the County states it “maintains the following text, maps and diagrams identifying the location and relative importance of mineral lands countywide and the County’s adopted policies for managing those resources. Text, maps and diagrams are updated on a regular basis with current versions available at the Calaveras County Planning Department office.” These maps are not included as part of the General Plan.

Measures (Calaveras County Resource Production Element, June 27, 2019, pp. RP 13-14) delegated by the BOS to the Planning Department to implement the MRMP include:

1. County Code: Amending the County Code to address the use and development of geothermal resources.
 - Update the Mineral Extraction (-ME) Combining Zone district to be consistent with the State’s mineral classification scheme.
 - Clarify that a conditional use permit is required for all surface and subsurface mining activity unless specifically exempted pursuant to Section 17.56.040 (or equivalent).
 - Include notification procedures for designating mineral reserve areas.
 - Continue to use the -ME Combining Zone to designate existing permitted and grandfathered mining operations, to identify lands with commercial mineral potential and to allow owners of land containing commercially valuable mineral resources to apply for mineral extraction permits.
 - Address changes to state law and regulations from the SMGB.
 - Incorporate California Mineral Land Classifications in Table RP-1.
2. Subsurface Mines: Amending the County Code to establish permitting procedures and standards for subsurface mining operations and activities that are not addressed pursuant to County Code Section 17.18.030 [i.e., are outside the Mineral Extraction (-ME) zone].
3. Mineral Resources Information: Adopt a procedure for incorporating new Mineral Classification Reports from the State Geologist into the General Plan land use map to reflect newly classified valuable mineral resources.
4. Mining Advisory Committee: Consider establishing a Mineral Advisory Committee to make recommendations to the Board of Supervisors related to the management of mineral reserves countywide, to consider appropriate non-mining uses on mineral reserve lands, to review requests for general plan amendments on lands identified as containing important mineral reserves, and to review other actions related to mining operations in Calaveras County.
5. Abandoned/Historic Mines: Use guidelines from the Abandoned Mine Lands Unit of the Department of Conservation and reference this agency as a source of funding for remediating abandoned/historic mines.
6. Mineral Resources Zones: Petition the SMGB to prioritize additional areas of significant mineral resources in the county for consideration and designation as Mineral Resource Zones. Identify through appropriate zoning important mineral lands identified in State Classification Reports from the State Geologist to assist in their conservation for future use.
7. Reclamation: Continue to require a reclamation plan and financial assurances, consistent with state law including SMARA and adopted rules and regulations for the implementation of SMARA (California Code of Regulations, Title 14, Division 2, Chapter 8, Subchapter 1, and as may be amended), and other applicable state and federal standards, for all mining operations that are not otherwise expressly exempted by state law. In addition to State-mandated requirements, reclamation plans shall:

- When creating or restoring plant or wildlife habitats, aesthetically blend the reclaimed site into the surrounding area or provide an acceptable alternative so far as is reasonably practical.
- Provide for the utilization of existing facilities and/or infrastructure for compatible uses other than those associated with mining.

Ranking priorities and establishing a timeline for review and completion of these measures promotes the importance of considering current and future mineral resource needs and increases the likelihood such policies will be implemented. The Planning Department has not to date formally set forth a priority ranking or schedule for accomplishing the objectives of the MRMP.

Furthermore, there is no measure in the General Plan that specifically addresses whether existing aggregate production in the County is sufficient to meet projections of future needs. According to the State Department of Finance's growth projections, as reported in the General Plan, the population of Calaveras County was expected to increase from 2019's level of 41,277 persons to 43,340 persons by 2035, a number which was already surpassed in 2023 (46,565 persons, according to the U.S. Census Bureau). If the County's population continues to increase at this rate, it will surpass the General Plan's projections for 2040 of 48,038 persons well ahead of time, making the need for new residences and the infrastructure to support them all the more pressing.

Many counties benefit from appointing a County Geologist, a county employee with a degree in geology or geological engineering and appropriate license to practice, who, in addition to their regular duties, is available to provide such expertise and continuity across various county departments on geological, hydrogeological, and geotechnical issues that may arise, including administration of a county's SMARA program and the implementation of goals set forth in the general plan. Calaveras County does not currently have a County Geologist.

Abandoned Mines

Calaveras County BOS, as lead agency under SMARA, has authority over abandoned mines within its jurisdiction through nuisance laws and during the review of new developments. Lead agencies are required to comply with the California Environmental Quality Act of 1970 (CEQA) when permitting projects within their jurisdiction. CEQA requires the presence of an abandoned mine at the site of a proposed project to be adequately disclosed during the process. The Planning Department does not have a process for members of the public to report abandoned mines on their property, nor is proper disclosure well documented.

While the State and federal government maintain various maps of known abandoned mines, the Planning Department does not maintain a current map or tabulation of abandoned mines within its jurisdiction that can be readily accessed by other County departments when they encounter these features in the execution of their duties. The Sheriff's Office, for example, is a first responder to accidents, requests for rescue, and trespassing calls relating to abandoned mines.

Nor does the Planning Department's website provide resources to the public on abandoned mines, various mitigation measures available, disclosure requirements during property transfers, or how to contact the AMLU (1-877-OLD-MINE, DMR@conservation.ca.gov) for additional information.

FINDINGS, RECOMMENDATIONS, RESPONDENTS

Pursuant to Penal Code §933 and §933.05, the Calaveras County Civil Grand Jury requires responses within 60 days from elected county official(s), and within 90 days from governing bodies. In order to be included and published in the next CCCGJ report, invited responses must be received within 90 days.

After conducting interviews and reviewing documents, CCCGJ's findings and recommendations are as follows:

F1. The Planning Department does not update the Board of Supervisors on surface mining issues on a regular, annual basis, therefore the Board of Supervisors, as lead agency under SMARA, is unaware of the results of annual inspections, and is unable to adjust and approve annual financial assurance cost estimates or consider enforcement actions for surface mines within its jurisdiction.

R1a. Calaveras County Civil Grand Jury recommends the Planning Department adopt a schedule for reporting the annual mine inspection results to the Board of Supervisors, including any recommendations for administrative action, on an annual basis or more frequently as deemed necessary, beginning December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

R1b. Calaveras County Civil Grand Jury recommends the Board of Supervisors agendaize annually, or more frequently when needed, a report from the Planning Department's mine inspector as to the status of all surface mines within the County's jurisdiction, with recommendations for administrative actions when warranted, beginning December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F2. The Planning Department does not appropriately note violations on annual mine inspection reports, which may be considered a substantial enough violation of the County's administrative responsibilities under SMARA that those responsibilities could potentially be subject to assumption by the State Mining and Geology Board.

R2a. Calaveras County Civil Grand Jury recommends the Planning Department clearly note violations pursuant to SMARA when conducting annual inspections, which includes review of the site-specific reclamation plan, specific conditions set forth in the use permit issued by the Planning Department, observations made during mine inspection visits, and annual financial assurances adjustments, beginning December 31, 2025.

Required Response

Calaveras County Planning Department

R2b. Calaveras County Civil Grand Jury recommends the Planning Department present an overview of the annual mine inspection reports to the Board of Supervisors, including any

recommendations for administrative action, on an annual basis or more frequently as deemed necessary, by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F3. The Planning Department’s failure and reluctance to appropriately issue violations that may be subject to financial penalties and corrective actions in its inspection reports and in reporting to the Board of Supervisors negatively impacts the lead agency’s ability to maintain compliance across all surface mining operations within its jurisdiction, provide a level playing field for surface mining in the County, as well as avoid hidden financial liabilities that may increase substantially over time if left unaddressed.

R3a. Calaveras County Civil Grand Jury recommends the Planning Department notify the Board of Supervisors of violations identified during annual surface mine inspections and recommend financial penalties and/or corrective actions, beginning by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

R3b. Calaveras County Civil Grand Jury recommends the Board of Supervisors, as the lead agency under SMARA, begin exercising their authority to issue financial penalties and/or corrective actions for non-compliant operators by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F4. Without engineered scaled site maps, it is uncertain whether annual inspection reports prepared by the Planning Department reflect the true amount of disturbed acreage at each surface mining site.

R4. Calaveras County Civil Grand Jury recommends the Planning Department issue more comprehensive inspection reports, which include scaled site maps and annual annotated photo documentation of site conditions, beginning by December 31, 2025.

Required Response

Calaveras County Planning Department

F5. The Planning Department depends on technical information provided by the surface mining operator and their respective consultants, which should include appropriately scaled maps of current site conditions, disturbed acreage, and financial assurance cost estimates, with minimal internal review for accuracy. Submitting inaccurate reports could be viewed as cause for the State Mining and Geology Board to assume the County’s administrative responsibilities under SMARA.

R5a. Calaveras County Civil Grand Jury recommends all technical information provided by a surface mine operator or their consultant be verified that it was prepared by a California licensed

professional and be reviewed internally on behalf of the County by individuals qualified to review such information beginning December 31, 2025.

Required Response

Calaveras County Planning Department

R5b. Calaveras County Civil Grand Jury recommends the Planning Department request at the time of each annual inspection an updated engineered site map from surface mine operators at an appropriate scale for all surface mining operations beginning December 31, 2025.

Required Response

Calaveras County Planning Department

F6. Instead of charging each surface mining operation the actual cost of time and materials associated with the completion of inspections, the Planning Department charges all operators the same amount regardless of the size of the operation and complexity of the issues associated with each one.

R6. Calaveras County Civil Grand Jury recommends the Planning Department charge each surface mine operator reasonable reimbursement rates for time and other expenses associated with its annual inspection, rather than charging a flat rate, beginning December 31, 2025.

Required Response

Calaveras County Planning Department

F7. Certain surface mining operations are operating under an Interim Management Plan that has lapsed or expired, which puts them out of compliance with the County’s responsibilities under SMARA regulations.

R7. Calaveras County Civil Grand Jury recommends the Board of Supervisors, as lead agency, inform the operator that the surface mining operation is out of compliance with SMARA and should promptly commence reclamation by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F8. The Planning Department has neither conducted a comprehensive review nor analyzed the County’s existing quantities of permitted production of sand, gravel, and aggregate in relation to existing and future needs, which could impact the future availability of such materials as commercial and residential development and infrastructure repair increase throughout the County.

R8. Calaveras County Civil Grand Jury recommends the Planning Department partner with the California Geological Survey to assess the County’s existing supply of mineral resources and future needs, notably in regard to sand, gravel and aggregate, beginning by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F9. The Planning Department has mineral resource management objectives as part of the County’s General Plan which it does not regularly track or set as tasks to be performed and scheduled for implementation or completion, thereby decreasing the likelihood they will be implemented at all.

R9a. Calaveras County Civil Grand Jury recommends the Planning Department establish and maintain mechanisms for tracking progress on mineral resource management goals and setting reasonable timetables for completion by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

R9b. Calaveras County Civil Grand Jury recommends the Board of Supervisors establish a Mineral Advisory Committee for recommendations related to the management of mineral reserves countywide as suggested in the General Plan by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

R9c. Calaveras County Civil Grand Jury recommends the Board of Supervisors designate a County Geologist, who is licensed to practice in the State of California, to provide continuity on geological matters across all departments in County government by December 31, 2025.

Required Response

Calaveras County Board of Supervisors
Calaveras County Planning Department

F10. Despite hundreds of abandoned mines dispersed throughout the County, the Planning Department does not maintain a current map or tabulation of abandoned mines within its jurisdiction for use by first responders and as a readily accessible and standardized reference across County departments.

R10. Calaveras County Civil Grand Jury recommends the Planning Department maintain a database of known abandoned mines in Calaveras County for internal use by all affected County and State departments, to be implemented by December 31, 2025.

Required Response

Calaveras County Planning Department

Invited Response

Calaveras County Board of Supervisors
Calaveras County Sheriff’s Office
Calaveras County Office of Emergency Services

F11. The Planning Department provides no information or State Abandoned Mine Lands Unit guidelines to the general public as to how best to report or mitigate hazards associated with

abandoned mines, many of which are on private land and could become liabilities for property owners if they are not adequately secured or disclosed in property transfers.

R11. Calaveras County Civil Grand Jury recommends the Planning Department institute a process, accessible through their website, whereby the public can report locations of abandoned mines to the County and/or be directed to resources about mitigating their associated hazards, by December 31, 2025.

Required Response

Calaveras County Planning Department

Invited Response

Calaveras County Board of Supervisors

DISCLAIMER

Reports issued by the Civil Grand Jury do not identify the individuals interviewed. Penal Code §929 requires that reports of the Civil Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

REFERENCE SOURCES

Calaveras County Planning Department. "General Plan." Last modified April 19, 2023.
<https://planning.calaverasgov.us/General-Plan>.

California Department of Conservation. "Abandoned Mine Lands Unit." Accessed February 7, 2025. https://www.conservation.ca.gov/dmr/abandoned_mine_lands.

California Environmental Protection Agency State Water Resources Control Board. "California Integrated Water Quality System Project (CIWQS), Facility At-A-Glance Report, Place ID 253448." Prepared April 7, 2025.
<https://ciwqs.waterboards.ca.gov/ciwqs/readOnly/CiwqsReportServlet?reportName=facilityAtAGlance&placeID=253448>.

Department of Conservation Office of Mine Reclamation Abandoned Mine Lands Unit. "California's Abandoned Mines: A Report on the Magnitude and Scope of the Issue in the State, Volume I." Published June, 2000.
https://www.conservation.ca.gov/dmr/abandoned_mine_lands/AML_Report/Documents/volume1textonly.pdf.

Falco, Tina, "Abandoned Mine Discovered At Calaveras Park," myMotherLode.com, November 4, 2010, <https://www.mymotherlode.com/news/local/78329/abandoned-mine-discovered-at-calaveras-park.html>.

McCarthy, Guy, "Calaveras County Sheriff's Office warns of dangers found in abandoned mines, caves," *Union Democrat*, February 16, 2022,
https://www.uniondemocrat.com/news/article_6d72a9ca-8ea2-11ec-98b7-8728f2073f79.html.

Morse, Kerry, "California Mining Reform Law signed by Governor Brown," The Sierra Fund, April 19, 2016, <https://sierrafund.org/ca-mining-reform-law-signed/>.

**Appendix A
Summary of Surface Mining Operations in Calaveras County**

Surface Mine Name	Mine ID No.	AB 3098 List	Surface Mine Status	Reclamation Plan Date of Approval	2024 Inspection Report	Financial Assurance	Approved Acreage	Disturbed Acreage	Produced Product(s)	Violations/ Corrective Measures/ Recommendations
Snyder Clay Pit	91-05-0001	Not listed	IMP (11/01/2018)	Vested; REC 89-05; 07/01/1952; IMP 1st 11/01/2018	04/26/2024	\$2,729.45; Approved (08/10/2017)	25	5	Clay	None
Royal Mountain King Mine	91-05-0002	Not listed	Post-Closure	REC 87-01 (01/26/1987)	05/07/2024	No FA 2023; \$3,302,00 (12/28/2004)	600	0	Gold	None; California EPA notes arsenic in pit water above prescribed limit
Herzig Sand and Gravel	91-05-0005	Listed	Active	REC 79-02 (07/05/1979)	05/07/2024	\$4,484.12 (06/10/2024)	0.5	0	Aggregate	None
Robie Ranch Aggregate Quarry	91-05-0006	Listed	Active	REC 1979-01; REC 2004-56 (04/13/1981, Phase II)	04/22/2024	\$80,000 (06/06/2015)	650	66	Aggregate	None
Valley Springs Clay Pit	91-05-0008	Listed	IMP	REC 78-06 (10/05/1978); IMP 2nd (05/30/2019)	04/23/2024	\$8,302.19 (06/22/2017)	60-85	5	Clay	None
The Flintkote Company	91-05-0009	Not listed	Uncertain	RESOLUTION 78-247; Conditionally approved (10.5/1978)	Not available	Uncertain	Uncertain	Uncertain	Shale; weathered schist	None
Calaveras Cement Quarry #7	91-05-0010	Not listed	IMP	Vested (1973); RP 78-06 (10/05/1978); IMP (08/21/1992)	05/01/2024	\$2,932 (06/10/2024)	190	2	Shale; weathered schist	None
Catact Limestone Quarry	91-05-0012	Not listed	IMP	REC 78-06 (10/05/1978); IMP 1st (04/27/2018)	05/01/2024	\$128,475 (06/06/2023)	120	66 (100); only 42 acres subject to SMARA?	Limestone; marble	None
Chili Gulch Quarry	91-05-0013	Listed		REC 85-04 (07/18/1985); MUP REC 85-04/PC Resolution #85-86	05/14/2024	\$35,072.18 (06/28/2023)	65 (15 vested)	7	Aggregate	None
Hogan Quarry – Ford Construction	91-05-0014	Listed	Active	Vested (pre-1965/confirmed 1990, 1993, 2004, 2006); REC 91-15 (09/20/1990)	05/10/2024	\$165,768 (06/11/2024)/\$200,000 (06/12/2024)	15	7	Aggregate	None
McCarty Pit	91-05-0016	Listed	Active	REC 87-07; amended PC Reso 94-137 (12/15/1994)	05/10/2024	\$38,634/\$40,000 (06/20/2024)	46	6	Sand and gravel	None
Carson Hill Rock Products	91-05-0018	Not listed	Active	REC 98-05 (06/04/1998)	04/30/2024	\$94,192 (11/03/2021); \$96,000 (04/18/2022)	Uncertain	60		None; benching and slope issues noted
Jenny Lind Aggregate	91-05-0020	Listed	IMP	REC 2002-54 (06/23/2003); IMP 2nd (09/14/2023)	04/18/2024	\$35,000 (06/18/2018)	107	15; 15 reclaimed	Aggregate	None
Jenny Lind Tailings Pile	91-05-0021	Listed	Newly Permitted		06/17/2024	\$67,766.15 (06/11/2012); \$53,209.26 (04/10/2019)	Uncertain (encompasses entire parcel except setbacks)	0		None