

CALAVERAS COUNTY

BOARD OF SUPERVISORS

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San Andreas, California 95249

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August 12, 2025

The Honorable Timothy S. Healy, Presiding Judge
Superior Court State of California
P.O. Box 850
San Andreas, CA 95249

**RE: Board of Supervisors response to "Calaveras County Planning Department: Are We Running out of Rock"
Grand Jury Report**

Dear Honorable Judge Healy:

In accordance with California Penal Code sections §933 & §933.05, the County of Calaveras Board of Supervisors submits this response to the above referenced Grand Jury report dated May 19, 2025, which was received in the Office of the County Administrator on May 20, 2025. The Board wishes to thank the members of the Grand Jury for their professionalism and dedication to public service, which made this report possible.

GRAND JURY FINDINGS FOR CALAVERAS COUNTY PLANNING DEPARTMENT

Grand Jury Finding 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.

County Response to Finding F1

The County agrees with this finding. Title 17 Zoning Code Chapter 17.13 Mineral Resource Overlay Zone and the General Plan Resource Production Element does not require the Planning Department to update the Board of Supervisors on surface mining issues.

Grand Jury Recommendation 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.

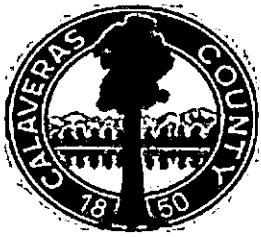
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County Response to Recommendation R1a

This recommendation will be partially implemented. The Planning Department will adopt a schedule for reporting the annual mine inspection results to the Board of Supervisors by December 31, 2025.

Grand Jury Recommendation R1b

Calaveras County Civil Grand Jury recommends the Board of Supervisors agendize 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..

County Response to Recommendation R1b

This recommendation will be partially implemented. The Planning Department will adopt a schedule for reporting the annual mine inspection results to the Board of Supervisors by December 31, 2025

Grand Jury Finding 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.

County Response to Finding F2

The County disagrees with this finding. The Division of Mine Reclamation has been receiving and reviewing the County's annual inspection reports, and the County is not required to report more information than the law requires.

Grand Jury Recommendation 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.

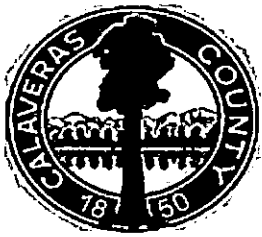
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County Response to Recommendation R2a

This recommendation has been implemented. The Division of Mine Reclamation has been receiving and reviewing the County's annual inspection reports (submitted on Form MRRC-1 as required by 14 C.C.R. §3504.5) which reveal any issues that the County has found to be inconsistent with the mine's Use Permit and Reclamation Plan, observations of violations during inspection visits, and issues concerning financial assurances. In addition, the Planning Department has been working directly with mine operators to correct any inconsistencies with the Use Permit and Reclamation Plan and/or issues with annual submittals to the Division of Mine Reclamation.

Grand Jury Recommendation 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.

County Response to Recommendation R2b

This recommendation will be partially implemented. The Planning Department will adopt a schedule for reporting the annual mine inspection results to the Board of Supervisors by December 31, 2025.

Grand Jury Finding 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.

County Response to Finding F3

The County disagrees with this finding. The Planning Department has a professional regulatory relationship with local mine operators and requires compliance across all surface mining operations within its jurisdiction. Out of the 15 active mine sites within the County, the Planning Department recently worked with the operator of one site to close out after reclamation was completed in 2024 and is working with 2 other sites to close in 2025. The Planning Department is unaware of any "hidden financial liabilities" that are not being addressed.

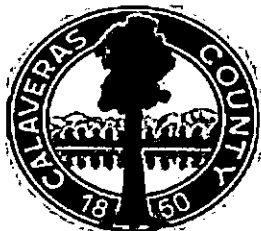
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Grand Jury Recommendation R3a

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.

County Response to Recommendation R3a

This recommendation will be partially implemented. The Planning Department will adopt a schedule for reporting the annual mine inspection results to the Board of Supervisors by December 31, 2025.

Grand Jury Recommendation 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.

County Response to Recommendation R3b

This recommendation has been implemented. Planning has been working closely with all mine operators to correct any inconsistencies with SMARA, Use Permits and/or Reclamation Plans as they arise. Should financial penalties and/or corrective actions need to be implemented for operators not working toward compliance the County will act.

Grand Jury Finding 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.

County Response to Finding F4

The County disagrees with this finding. All of the Mine Use Permits and Reclamation Plans (save one) were approved prior to 1990 and the site maps submitted were deemed adequate and approved with the Mine Use Permits. In addition, all sites are required to report the amount of disturbed acreage in their Annual Reports which are submitted to the Planning Department and the Division of Mine Reclamation.

Grand Jury Recommendation 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.

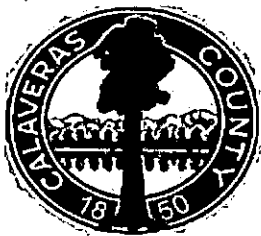
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County Response to Recommendation R4

This recommendation will be partially implemented by December 31, 2025. The Planning Department will work to issue more comprehensive inspection reports and include annual annotated photo documentation of site conditions. In addition, Planning will request that all operators submit updated scaled site maps as needed.

Grand Jury Finding 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.

County Response to Finding F5

The County agrees with this finding and will work to issue more comprehensive inspection reports and include annual annotated photo documentation of site conditions. In addition, Planning will request that all operators submit updated scaled site maps as needed.

Grand Jury Recommendation 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.

County Response to Recommendation R5a

This recommendation has been implemented. Although the Planning Department was not previously requiring the mine operators to have their Financial Assurance Cost Estimates to be prepared by a California licensed engineer or geologist, it has been working with the mine operators to require this for the last few years. All of the active mining sites have a California licensed professional prepare their Financial Assurance Cost Estimates.

Grand Jury Recommendation 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.

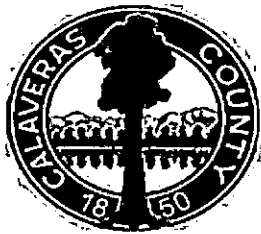
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County Response to Recommendation R5b

This recommendation will be partially implemented by December 31, 2025. The Planning Department will work to issue more comprehensive inspection reports and include annual annotated photo documentation of site conditions. In addition, Planning will request that all operators submit updated scaled site maps as needed.

Grand Jury Finding 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.

County Response to Finding F6

The County agrees with this finding. The Board of Supervisors approved a fee update in 2019 which reduced the annual mining inspection from \$615 to \$205.

Grand Jury Recommendation 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.

County Response to Recommendation R6

This recommendation requires further analysis. The Planning Department will investigate the adequacy of the current fee to determine if an update is necessary by December 31, 2025.

Grand Jury Finding 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.

County Response to Finding F7

The County disagrees with this finding. The County has several sites that have become idle and the mine operators have been working with Planning to reclaim and/or close those sites since the expiration of those Interim Management Plans.

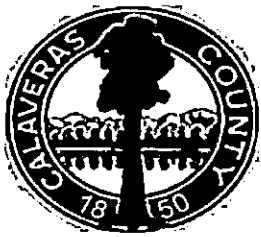
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Grand Jury Recommendation R7

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.

County Response to Recommendation R7

This recommendation will not be implemented as it is not reasonable. The County has several sites that have become idle and the mine operators have been working with Planning to reclaim and/or close those sites since the expiration of those Interim Management Plans.

Grand Jury Finding 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.

County Response to Finding F8

The County agrees with this finding. The Planning Department will work to implement per Board direction the following General Plan Resource Production Element Implementation Measures:

Mineral Resources

RP-4C Mineral Resource Information- Adopt a procedure for incorporating new Mineral Classification Reports from the State Geologist into the general plan map land use map to reflect newly classified valuable mineral resources.

RP-4D 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.

RP-4G Mineral Resource Zones- Petition the State Mining and Geology Board 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.

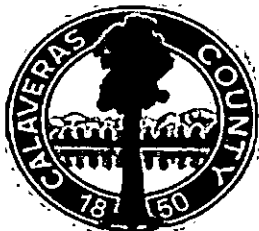
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Grand Jury Recommendation R8

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.

County Response to Recommendation R8

This recommendation will not be implemented as there is no law requiring it. The Planning Department will work to implement per Board direction the following General Plan Resource Production Element Implementation Measures:

Mineral Resources

RP-4C Mineral Resource Information- Adopt a procedure for incorporating new Mineral Classification Reports from the State Geologist into the general plan map land use map to reflect newly classified valuable mineral resources.

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RP-4G Mineral Resource Zones- Petition the State Mining and Geology Board 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.

Grand Jury Finding F9

The Planning Department has mineral resource management objectives as part of the County's General Plan which 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.

County Response to Finding F9

The County disagrees with this finding. The Planning Department will work to implement per Board direction the following General Plan Resource Production Element Implementation Measures:

Mineral Resources

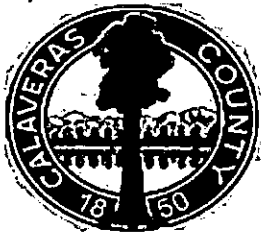
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RP-4C Mineral Resource Information- Adopt a procedure for incorporating new Mineral Classification Reports from the State Geologist into the general plan map land use map to reflect newly classified valuable mineral resources.

RP-4D 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.

RP-4G Mineral Resource Zones- Petition the State Mining and Geology Board 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.

Grand Jury Recommendation 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.

County Response to Recommendation R9a

This recommendation has been partially implemented. The Planning Department tracks General Plan Implementation on an annual basis which includes a report directly to the Board of Supervisors. The Planning Department is not required to commit to implementation of the above General Plan measures by a deadline.

Grand Jury Recommendation 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.

County Response to Recommendation R9b

This recommendation requires further analysis. Per General Plan RP-4D, the County will consider establishing a Mineral Advisory Committee during the next annual General Plan Report to the Board of Supervisors.

Prior to establishing the Mineral Advisory Committee the Board of Supervisors will need to establish roles and responsibilities as well as composition for a Mining Advisory Committee. The Board will also need to consider bylaws for the committee and the process for appointment of committee members.

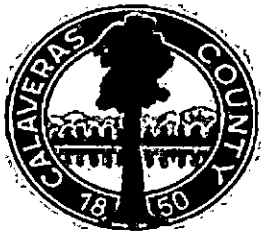
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Grand Jury Recommendation R9c

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.

County Response to Recommendation R9c

This recommendation will not be implemented as it is both unwarranted and unreasonable. There is no statutory requirement for a County Geologist nor is there an implementation measure in the General Plan Resource Production Element requiring that the County designate a County Geologist, there is no mechanism for such an action. Furthermore, having a County Geologist is not required in any way and would require significant financial resources.

Grand Jury Finding 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.

County Response to Finding F10

The County agrees with this finding. While preparing this map is not a requirement and would involve considerable resources to complete, the County will consider this effort as funding is available.

Grand Jury Recommendation 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.

County Response to Recommendation R10

This recommendation has been implemented. The Planning Department has Mineral Survey maps for hundreds of historic claims that have plat maps from the U.S. Surveyor General's Office. These maps have always been made available during private landowner inquiries.

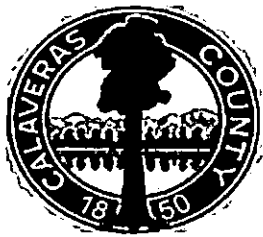
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abandoned mines, many of which are on private land and could become liabilities for property owners if they are not adequately secured or disclosed in property transfers.

County Response to Finding F11

The County agrees with this finding. The Department of Conservation Abandoned Mine Lands Unit is responsible for protecting the public and remediating hazards associated with legacy (pre-SMARA) mines. Private landowners can report abandoned mines to the DOC Abandoned Mine Lands Unit.

Grand Jury Recommendation 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.

County Response to Recommendation R11

This recommendation will not be implemented because it is not warranted. The Department of Conservation Abandoned Mine Lands Unit is responsible for protecting the public and remediating hazards associated with legacy (pre-SMARA) mines. Private landowners can report abandoned mines to the DOC Abandoned Mine Lands Unit.

Sincerely,

Martin Huberty
Chair

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