

CALENDAR ITEM

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MINUTE ITEM
This Calendar Item No. 80
was approved as Minute Item
No. 80 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

09/23/92

W 24872

Martinez

PRC 7661

MINERAL EXTRACTION LEASE

APPLICANT:

William O'Neill
Arcata Readimix
P. O. Box 1266
Eureka, California 95501

AREA, TYPE LAND AND LOCATION:

Eel River at the gravel bar commonly known as Singley Bar
located northwest of the City of Fortuna, Humboldt County.

LAND USE:

Annual extraction of a maximum 150,000 cubic yards of gravel
for commercial sale.

LEASE TERMS:

Lease period:

Five (5) year beginning September 23, 1992.

Consideration:

\$3 per acre, per annum.

Royalty:

Ten percent (10%) of the gross value, but not less than
\$0.25 per cubic yard.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

04/11/93

OTHER PERTINENT INFORMATION:

- 1. An EIR (SCH 92013033) was prepared and adopted for this project by the Humboldt County Planning Dept. The State Lands Commission's staff has reviewed such document.
- 2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

County of Humboldt, California Department of Fish and Game, United States Army Corps of Engineers, and California Coastal Commission.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Location Map
- B. CEQA Findings
- C. Humboldt County Resolution w/Conditions of Approval
- D. Notice of Determination

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT AN ENVIRONMENTAL IMPACT REPORT WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF HUMBOLDT (SCH NO. 92013033) AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
- 2. ADOPT THE CEQA FINDINGS OF THE COUNTY OF HUMBOLDT, IDENTIFIED AS EXHIBIT "B", SECTION 4, IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES.

CALENDAR ITEM NO. 80 (CONT'D)

3. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

4. AUTHORIZE ISSUANCE TO ARCATA READIMIX OF A FIVE-YEAR MINERAL EXTRACTION LEASE BEGINNING SEPTEMBER 23, 1992; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$486, FOR ROYALTY IN THE AMOUNT OF TEN PERCENT (10%) OF GROSS VALUE, BUT NOT LESS THAN \$0.25 PER CUBIC YARD FOR EXTRACTION OF A MAXIMUM 150,000 CUBIC YARDS OF SAND AND GRAVEL ANNUALLY CONSISTENT WITH OTHER PERMITS AND AUTHORIZATIONS, FROM THE LAND SHOWN ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(REVISED 9/22/92)

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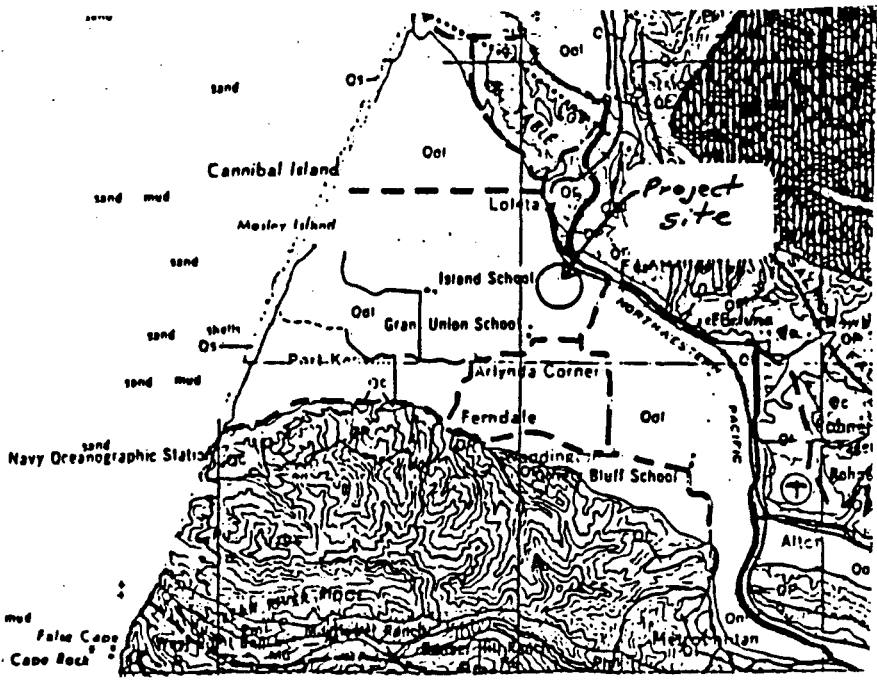
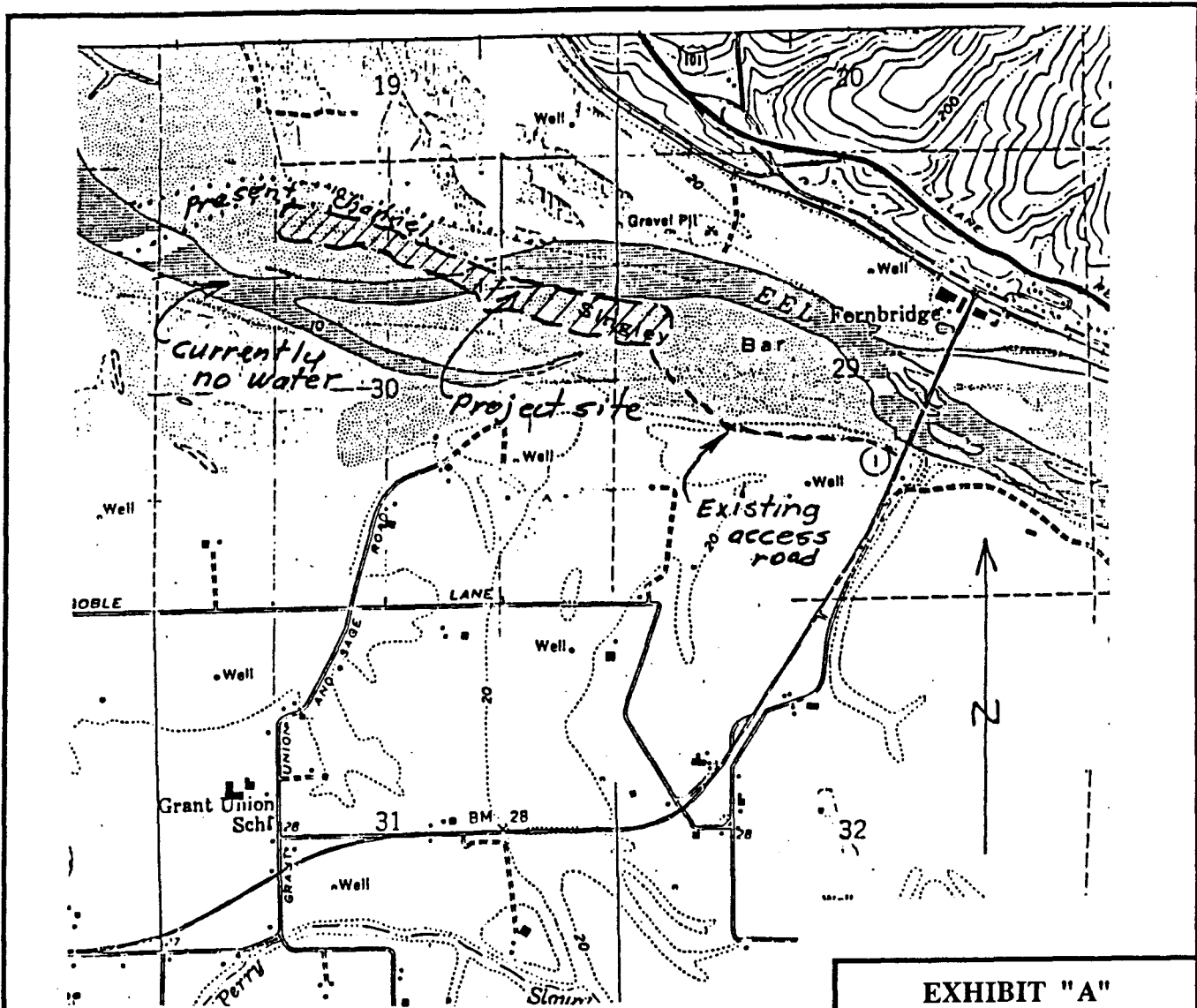


EXHIBIT "A"
 Gravel Extraction Application
 ARCATA READIMIX
 W 24872
 Eel River
 HUMBOLDT COUNTY



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ARCATA READIMIX APN 106-011-11 (Fernbridge Ar

ARCATA READIMIX

Post-It™ brand fax transmittal memo 7671 # of pages = 8

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|----------------------|--------------------------|
| To: Mary Griggs | From: Sidnie Olson |
| Co: State Lands Comm | Co: Humboldt Co Planning |
| Dept: | Phone # 707 445 7541 |
| Fax # 707 322 3568 | Fax # 707 445 7446 |

Required Findings:

Title III, Division 1, Section A315-14 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve the Use Permit. Basically, the Hearing officer may grant the Use Permit, if, on the basis of the application, investigation and submitted evidence, the following findings are made:

1. The proposed conditional use is in conformance with the County General Plan;
2. The proposed development is consistent with the purposes of the existing zone in which the site is located;
3. The proposed development conforms with all applicable standards and requirements of these regulations; and
4. The proposed development and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare.

In addition, Public Resources Code Section (PRC) 2770 and Humboldt County Code (HCC) Section 391-3 specify that, except as specified therein, no person shall conduct surface mining operations unless the County approves:

5. A reclamation plan, and ;
6. Financial assurances

Recommendation:

The required findings can be made based on the following analysis.

Staff Analyses:

Background

The proposed project site is located within the Coastal zone. As shown on the Post LCP Certification Permit and Jurisdiction maps on file with the Planning Department, the project site is located in an area of Permit Jurisdiction where the California Coastal Commission has sole Coastal Development Permit authority. Therefore this application does not include a County issued Coastal Development Permit. It is staffs understanding that the applicant has already been in contact with the Coastal Commission, as well as the Army Corps, Water Quality, etc regarding application and processing of necessary permits.

1. **General Plan**

The project site is designated Agriculture Exclusive under the Eel River Area Plan, which was adopted on September 21, 1982. Because the riverine environment can be considered a sensitive habitat area, the resource protection polices of Section 3.40 et al of the Eel River Area Plan should be considered.

The Eel River Area Plan Section 3.41 describes resource protection policies and standards for environmentally sensitive habitat areas such as the Eel River. Theses policies and standards include language that assure that environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas. Additionally, development in areas

ARCATA READIMIX APN 106-011-11 (Fernbridge Area) Case No. CUP-38-912/SMR-06-912

adjacent to environmentally sensitive habitat areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be compatible with the continuance of such habitat areas.

The proposed project does not propose any significant interruption in the Eel River basin habitat and is dependent on river run sand and gravel, a natural resource. The project has been specifically designed to minimize any impacts to the fish and wildlife habitat along the Eel River basin. Extraction of river run sand and gravel is dependant on the continued existence of the natural habitat of the Eel River basin.

Per Section 3.41, new development within stream channels of the Eel River shall be permitted when there is no less environmentally damaging feasible alternative and where the best feasible mitigation measures have been provided to minimize adverse environmental effects, see Standards below. Allowable uses within the stream channels as defined by the Eel River Area Plan Section 3.41 (F)(2) includes surface mining subject to the following conditions:

A. Removal shall be from unvegetated bars.

The project as proposed would remove gravel from a gravel bar through the use of skimming techniques. Limits of the activity would be between the low water mark and a band of sparse vegetation that has developed since the last significant winter flood. This vegetation appears to be temporary, and is located well below the ordinary high water mark. There is no proposal to remove any established riparian vegetation either through extraction or along haul routes.

B. Disturbance of banks shall be avoided or minimized.

The proposed extraction area is located between the banks of the Eel River channel approximately 1 mile downstream from the Fernbridge bridge. Location of the project is above the low flow and below the historic high flow water levels and no extraction is proposed along or above the banks of the river

C. Excavations shall not leave holes or pits which could adversely effect aquatic life.

As part of the reclamation plan, the operator will grade the river bar at the completion of operations each year to a minimum 1% slope toward the Eel River to prevent artificial ponding sites from developing.

River flows, at high water, will deposit sand and gravel on the site and naturally contour the surface as the material is deposited. Natural ponding occurs throughout the length of the Eel River Channel both as a result of river flows and annual precipitation. The finished project grades and high water flows combined will shape the surface in a manner conforming to its natural condition and will prevent or reduce to an insignificant level the occurrence of ponding.

D. Sediment settling ponds shall be used for fine silt trapment when a crusher is used at the gravel site.

No crushing at the extraction site is proposed.

E. In order to minimize adverse impacts to migrating anadromous fish, the Department of Fish and Game guideline for removal of gravel only from May to November of each year, except for emergency purposes, shall apply.

The reclamation plan states "Reasonable operating time frames are defined generally as periods after high water flows have subsided and before the next annual high flows arrive. Extraction between periods of high flows during the fall, winter and spring (emphasis added) months are appropriate when conditions permit in any given operating year." However, in order to make a finding of conformance with the general plan, an operating restriction limiting operations from May to November, except for emergency purposes, has been added to Exhibit A.

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F. River crossings, or drainage crossing on the gravel bar, should use temporary culverts or removable bridges to minimize impacts to water quality.

No river crossings are proposed.

G. Sand and gravel projects emphasizing flood control, bank protection, or anadromous fishery enhancement shall be encouraged.

Channel aggradation here and elsewhere in the lower Eel River channel has been recognized as a flood hazard (US Army Corps of Engineers, 1980, p 1-25). Gravel extraction is one way of reducing this flood hazard by increasing the cross-sectional area of the stream channel. The entire river has been accumulating significant amounts of sand and gravel over the last several decades, as described in the reclamation plan and SEIR for the project. The proposed project was designed with flood control in mind, and therefore based on the general plan shall be encouraged.

As stated previously, the entire operation will occur between the banks of the Eel River Channel, with no operations on or above the banks. Therefore the operation will be protecting the stream banks from any significant adverse impacts.

The proposed project is dependant on the naturally replenishing gravel bars of the Eel River. The project has been designed to minimize impact to fish and wildlife habitat (see the attached reclamation plan and the Supplemental Environmental Impact Report to the Draft Program Environmental Impact Report on Gravel Removal from the Lower Eel River).

General Plan Framework Sections in addition to the above, which support surface mining on resource lands, include Sections 2531 (2), 2532, 2533 (4) & (12), and 2721.

It is also a Major Plan Policy to protect and conserve resource production lands and to offer incentives to enhance their productivity (Framework Plan, Section 1231). It is also a Plan Policy to plan future development such that it will not interfere with the utilization of identified mineral deposits (Framework Plan, Section 2533). Section 2531, Mineral and Energy Resources, Background states:

"Sand, gravel, and rock, being necessary to construction and development, are an essential component for the continued well being of the County. They are the basis for much of the construction materials for roads, concrete, stream bank protection, erosion control, septic systems and passive solar projects. Importation of these materials would raise costs and negatively impact the development and maintenance within the County. It is important to protect specific sites and haul routes against land use incompatibilities to ensure the continued utilization of this resource."

Based on the above, on Framework Plan Section 1441, and on the County adopted Surface Mining regulations staff finds the project in conformance with all applicable sections, including resource protection policies and standards of the Eel River Area Plan.

2. Zoning

The project site is currently zoned Natural Resources, with a Streams and Riparian Corridors Protection combining zone (NR/R). The intent of the Natural Resources zone is to allow natural resource and extractive use types that are compatible with the protection of sensitive coastal resources. Conditionally permitted uses within the Natural Resources zone as defined by H.C.C. Section A313-32 include the Surface Mining-3 use type. The Surface Mining-3 use type as defined by H.C.C. Section A313-11 (D) refers to surface extraction of non-metallic minerals such as sand and gravel, confined only to rivers and areas of wind-blown sands, and not including stationary onsite processing facilities of any type, subject to the Surface Mining Regulations.

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The proposed project involves the annual extraction of a maximum of 150,000 cubic yards of river run sand and gravel from the beds of the Eel River. The plan for the extraction of the aggregates is to remove gravel from the surface of the operation area by tractor, starting on the shoreward side of a 20-foot buffer strip between the extraction area and the live stream. Materials would be removed above a line sloping upward on at least a 1 percent grade across a band roughly 300 feet wide.

The specific production technique will be to use a tractor to pick up gravel off the operation site and load it into trucks. At this time, there is no proposal for any stockpiling of material prior to loading onto trucks for removal. The trucks will take the gravel to the off-site storage and processing site. At this time the proposed storage and processing site is the Arcata ReadMix facility in Arcata owned by the applicant/operator. This storage and processing facility is already permitted and has on file with the County an approved reclamation plan and financial assurances. No processing facilities are proposed at the subject location. Future storage and processing sites other than the existing proposed Arcata ReadMix site in Arcata may require inclusion in a reclamation plan to the satisfaction of the Planning Department.

The project was purposely designed to protect natural riparian and riverine resources. Based on the reclamation plan, the SEIR, and review of the site and surrounding areas, staff finds no evidence of short term, immediate or cumulative significant adverse environmental effects on natural resources as a result of the proposed project.

The purpose of the Streams and Riparian Corridors Protection combining zone as defined by H.C.C. Section A314-63 is to provide for the maintenance, enhancement, and where feasible, restoration of water resources by restricting development, and by minimizing adverse effects of runoff, interference with surface waterflow, and alteration of natural streams, and by protecting riparian habitats. Permitted development within coastal stream channels as defined by this Section include surface mining [A314-63(E)(7)].

The proposed extraction operation will have minimal effect on runoff, will have no interference with surface water flow, and will not alter the natural stream. The proposed project does not involve the removal of any established riparian habitat either at the extraction site or along access routes.

Based on the above Staff finds the project consistent with the intent and purpose of the NR/R zone.

3. Standards

The Coastal zoning ordinance Section A315-16 requires supplemental findings be made for Extractive Use Types, in addition to the required findings of Section A315-14. Even though as stated in the Background section of this staff report, this application does not include a Coastal Development Permit, staff has addressed the findings of Section A315-16.

A. There is no less environmentally damaging feasible alternative;

An alternative to extraction of sand and gravel from the beds of the river is to extract material from the upland agriculture lands. This would involve removing and stockpiling the overburden (prime agricultural soils), then extracting the underlying aggregate by methods such as borrow pitting. Potential impacts include but are certainly not limited to: loss of prime agriculture lands; greater potential for adverse impacts to wildlife; greater reclamation requirements and costs; limited resource availability, and; greater perceived aesthetic impacts.

It is staffs understanding that this alternative to instream mining is occurring along the Russian River. It is also staff's understanding that one of the prime issues on the Russian River at this time is the loss of prime viticulture lands. The viticulturists claim that reclamation of mined lands, which includes replacing overburden, does not restore the mined lands to their "prime" state existing prior to surface mining, and therefore the value of the lands for growing and

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harvesting grapes for wine production is depleted or completely lost. Staff believes there is significantly more potential for adverse environmental impacts for this alternative than the proposed operation.

- B. Sand and gravel operations will not remove sediments essential to the maintenance of beach areas used for public recreation, or which protect uplands planned for commercial, residential or industrial use from erosion;**

Based on the SEIR and the reclamation plan, the proposed project will not significantly affect sediments essential to the maintenance of beach areas used for public recreation, nor would the operation have any effect on any upland area planned for commercial, residential or industrial uses.

- C. The sand and gravel project will emphasize flood control or bank protection, if applicable;**

The project was designed with flood control in mind. No stream banks will be adversely effected.

- D. Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible; and**

No substantial alterations are proposed.

- E. Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values.**

Environmentally sensitive habitat areas will be protected. See the Resource Protection Policies as described in the General Plan section above.

4. Public Health & Safety/Environmental

The proposed project is subject to the requirements of CEQA. The applicant caused, at the direction of staff, the preparation of a Supplemental Environmental Impact Report (SEIR) to the Draft Program Environmental Impact Report on Gravel Removal from the Lower Eel River (PEIR) for the Conditional Use Permit. The PEIR, prepared by the County Public Works Department was certified on 5/28/92 1992.

The SEIR was submitted to the State Clearinghouse for circulation, the public comment period ended on May 23, 1992. Comments on the SEIR were received from the Department of Conservation - Office of the Director. These comments and the responses to them are included with this staff report as Attachment No. 4.

Staff has reviewed the SEIR and believes, and recommends the Commission adopt a finding that the SEIR reflects the independent judgement of the County. The SEIR is included herein as Attachment No. 2. The Draft PEIR is included herein as Attachment No. 3.

Based on CEQA Guideline Section 15091, staff believes, and recommends the Commission adopt a finding that changes or alterations have been required in, or incorporated into the project which avoid or substantially lessen the significant environmental effect(s) as may be identified in the Final PEIR and SEIR

Based on CEQA Guideline Section 15092, staff believes, and recommends the Commission adopt a finding that the project as approved will not have a significant effect on the environment.

Based on CEQA Guideline Section 15093, staff believes, and recommends the Commission adopt a statement of overriding considerations (If is deemed necessary and appropriate).

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5. Reclamation Plan Requirements

Public Resources Code (PRC) Section 2770, specifies that the County's review of the reclamation plan is limited to whether the plan meets the applicable requirements of PRC Sections 2772, 2773, and 2773.1

Public Resources Code Section (PRC) Section 2772 and 2773, and HCC Section 391-8, specify the information and documents that must be included in the reclamation plan. The reclamation plan shall be applicable to a specific piece of property or properties, shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and shall establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control and shall include the following information and documents which are described in the reclamation plan and Staff Analysis section of this staff report.

The required documents and information listed below can be found on the corresponding page(s) of the reclamation plan.

| Reclamation Plan Elements: | | Page(s): |
|----------------------------|--|-----------------|
| 1. | The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process. | 1.1 |
| 2. | The anticipated quantity and type of minerals for which the surface mining operation is to be conducted. | 1.1, 1.17 |
| 3. | The proposed dates for the initiation and termination of such operation. | 1.1, 15 years |
| 4. | The maximum anticipated depth of the surface mining operation. | 1.12-1.15, 1.19 |
| 5. | The size and legal description of the lands that will be affected by such operation. | 1.2, 1.19 |
| 6. | A map that includes the boundaries and topographic details of such lands, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conjunction with such operation. | Exhibits I-IV |
| 7. | A description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted. | 1.2-1.3 |
| 8. | The names and addresses of the owners of all surface and mineral interests of such lands. | 1.1-1.2 |
| 9. | A description of and plan for the type of surface mining to be employed. | 1.18-1.19 |
| 10. | A time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation. | 1.21 |
| 11. | A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses. | 1.21 |
| 12. | A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including: | 1.22-1.24 |
| | a. a description of the manner in which contaminants will be controlled, and mining waste will be disposed; and | 1.19 |
| | b. a description of the manner in which rehabilitation of affected streambed channel and streambanks to a condition minimizing erosion and sedimentation will occur. | 1.20-1.24 |

ARCATA READIMIX APN 106-011-11 (Fernbridge Area) Case No. CUP-38-912/SMR-06-912

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| 13. | An assessment of the effect of implementation of the reclamation plan on future mining in the area. | 1.23 |
| 14. | A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan. | Exhibit A, Cond. No. A-2 |
| 15. | Any other information which the County may require by ordinance. | N/A |
| 16. | A cost estimate for completing reclamation per the reclamation plan and financial assurances per PRC Section 2773.1. (The financial assurance need not be posted until after the reclamation plan is approved.) | 1.26 |

The reclamation plan was circulated for review to all trustee and jurisdictional agencies including the Department of Conservation, Division of Mines and Geology, Mine Reclamation Program for a period of 45 days. Based on PRC Section 2774, all comments on the reclamation plan received from the Mine Reclamation Program were either incorporated into the revised reclamation plan or a written explanation why the comments were not incorporated is attached, see page 2.80.

All the agency comments and the responses to the comments are attached to this staff report, beginning on page 2.33. Staff has reviewed the reclamation plan along with all of the comments and responses and believes the plan and responses reflect the independent judgement of the County and meets the applicable requirements of PRC Sections 2772, 2773, and 2773.1.

The Reclamation Plan was revised to incorporate all relevant comments from other commenting agencies pertaining to the Reclamation Plan, except as noted in the responses beginning on page 2.33 of this staff report. For example, the CA Department of Fish & Game suggested requiring specific operating conditions such as minimum 3-5% slopes. Staff is not recommending that the Reclamation Plan be revised to include specific operating standards for the following reasons:

- a) The reclamation plan includes specific mitigation measures that prevent or mitigate adverse impacts related to ponding, fish catchment basins, etc. (see pages 1.5 and 1.18 et al, of the reclamation plan); and
- b) It is not required of Public Resource Code Section 2772 and 2773 and HCC Section A314-36; and
- c) The annual Extraction Plan should be developed based on specific site conditions; and
- d) The operation will be reviewed annually, the amount of material allowed to be extracted in any given year will depend on river conditions for that year; and
- e) If the surface mining operation proposes to deviate substantially from the reclamation plan, the plan must be revised or amended and approved by the County prior to any surface mining activities. In addition, upon annual inspection, the reclamation plan will be reviewed and a determination of whether there is any requirement to revise or amend the plan will be made.

6. Financial Assurances

Financial assurances serve as the guarantee that any particular mine site will be reclaimed per the approved reclamation plan, even if the work must be done by the County or the State. Currently, SMARA allows three types of financial assurances: bonds; trust funds, or; irrevocable letters of credit. Liability of the operator shall include only those actions which they are obligated to take under the permit and/or reclamation plan, and by SMARA, including completion of the reclamation plan so that this site will be capable of supporting the post-mining land use approved in the plan.

ARCATA READIMIX APN 106-011-11 (Ferbridge Area) Case No. CUP-38-912/SMR-06-912

The applicant has already submitted financial assurances in an amount to cover the cost of reclaiming the site per the reclamation plan. These were forwarded by staff on March 17, 1992, to the Department of Conservation, Division of Mines and Geology, Office of Mine Reporting and Mine Reclamation. Staff received a response from the Office of Mine Reporting and Reclamation on May 21, 1992 stating that all of the financial assurances for all operations which submitted such assurances have been returned to the County as inadequate. The County is currently in negotiation with Mines and Geology on this issue. Staff believes the applicant has shown a good faith effort to comply with the law.

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| CALENDAR PAGE | 885 |
| MINUTE PAGE | 3545 |

EXHIBIT "C"

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of July 28, 1992

SUBJECT: PUBLIC HEARING REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT AND A RECLAMATION PLAN FOR ARCATA READMIX; FILE NO. 106-011-01; CASE NO. SMR-06-912/CUP-38-912

- ACTION:**
1. MOTION BY Supervisor Sparks, second by supervisor Pritchard, to hold a public hearing in the manner prescribed by law, and then close the public hearing.
 2. MOTION BY Supervisor Pritchard, second by Supervisor Fulkerson, to:
 - a. adopt the necessary findings and recommendations as prepared by staff;
 - b. adopt and certify the supplemental Environmental Impact Report;
 - c. overturn the Planning Commission's denial and approve the Conditional Use Permit and reclamation plan as conditioned in the submitted Exhibit A with the following added condition:

"The reclamation plan, during its annual review, shall be made consistent with the gravel management plan developed for the environmental impact report.";
 - d. directed Planning to prepare and file a Notice of Determination; and
 - e. Directed the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

AYES: Supervisors Dixon, Pritchard, Fulkerson, Neely, and Sparks
NAYS: None
ABSENT: None
ABSTAIN: None

STATE OF CALIFORNIA)
 County of Humboldt) ss

I, CHRIS ARNOLD, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

pc: CAO
 Tom Conlon
 Sidnie Olson
 Applicant
 Agent
 William O. Davis
 Lewis Klein

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

CHRIS ARNOLD

Clerk of the Board of Supervisors of the County of Humboldt, State of California

By Lora Frediani
 LORA FREDIANI, Assistant Clerk of the Board - August 5, 1992

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ARCATA READIMIX APN 106-011-11 (Fernbridge Area) Case No. CUP-38-912/SMR-06-912**Exhibit A****APPROVAL OF THE CONDITIONAL USE PERMIT, SURFACE MINING PERMIT AND RECLAMATION PLAN IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:****A. Conditions of Approval:**

1. The applicant shall provide authorization from all owners of all surface and mineral interests of such lands where surface mining operations are proposed.
2. The applicant shall submit a statement naming the person or persons who accept responsibility for reclaiming the mined lands in accordance with the approved reclamation plan and PRC Section 2772.
3. A filing fee of \$850.00 dollars must be paid to the County Clerk at 825 Fifth Street, Room 235 in Eureka. A copy of the receipt must be submitted to the Planning Division to satisfy this condition. This fee is required by state law to cover the cost of the Department of Fish and Game's environmental review of the project.
4. The applicant shall apply for an encroachment permit to the satisfaction of the Department of Public Works.
5. The applicant shall provide proof of rights to use the Substation access road over other owners' lands to the satisfaction of the Planning Department and the Public Works Department.
6. The operator shall be responsible for paying any outstanding Conditional Use Permit, Surface Mining Permit and Reclamation Plan permit processing costs to the satisfaction of the Planning Department.

B. Operation Restrictions:

1. The mining operator shall adhere to the approved reclamation plan. The reclamation plan shall be reviewed annually by the operator and county staff to assure that any required reclamation is completed and is in compliance with the approved reclamation plan. Any substantial changes to the reclamation plan, including changes necessitated or required by changes in the riverine environment may require review by the Division of Mines & Geology, Reclamation Program, and will require approval by the County.
2. The applicants/operators shall abide at all times to the Humboldt County Surface Mining Regulations, and any revisions thereto, and the State Surface Mining and Reclamation Act, and any revisions thereto.
3. The terms of this conditional use permit and reclamation plan shall be the maximum allowed under current regulations, therefore, fifteen years from the effective date. The applicant may renew the use permit and/or reclamation plan by submitting appropriate forms and fees in effect at the time of renewal.
4. Per the General Plan, extraction operations shall be restricted to the months of May through November, except for emergency purposes.
5. Hours of operation shall be Monday through Saturday during daylight hours, generally 7:00am to 6:00pm; or as authorized by the Planning Director.
6. The operator shall be responsible for submitting to the State Geologist, on forms provided by the State Geologist, an annual report per PRC Section 2207.

ARCATA READIMIX APN 106-011-11 (Fernbridge Area) Case No. CUP-38-912/SMR-06-912

7. Hauling along public roads shall be limited to "legal loads" only. "Overweight loads" must have prior approval from the Department of Public Works and/or CalTrans.
8. Any and all portable toilet facilities shall be adequately maintained by a licensed septic tank pumper to the satisfaction of the County Department of Environmental Health.
9. For a minimum period of 5 years or as determined by the County, the applicant will take elevations at the Fernbridge footing, before starting operations each year and at the conclusion of operations each year, to the satisfaction of the Planning Department. After 5 years, this condition will be reevaluated, administratively, by the Planning Department to determine if such elevations should continue to be the responsibility of the operator.
10. The applicant shall be responsible for taking a minimum of 3 cross sections prior to starting operations each year and at the end of operations each year. Such cross sections shall be located at the (1) upstream and (2) downstream end and (3) approximately in the middle of the extraction area, and shall extend all the way across the low-flow thalweg, to the bank-full elevation of the north and south banks to surveyed benchmarks, to the satisfaction of the County.

C. Informational Notes:

1. Various different state and federal agencies have authority over all or part of surface mining operations. Each of these agencies may be responsible for a specific aspect of the mining operation. For example, the Department of Fish and Game is responsible for assuring that fish and wildlife resources are not negatively impacted by a surface mining operation; the Army Corps of Engineers is responsible for discharges into navigable waters of the United States; the Regional Water Control Board controls waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by the mining operation, and; the State Lands Commission may have authority over activities on lands within the public trust. Other agencies which may have jurisdiction over a surface mining operation include but are not limited to, California Department of Conservation, Division of Mines & Geology; Northcoast Air Quality Management District; California Coastal Commission; National Marine Fisheries; United States Fish & Wildlife Service, and ; CalOsha.

The operator is responsible for contacting all of the above agencies to assure conformance by the surface mining operation with the agency's policies and standards.

2. Future storage and processing sites other than the existing proposed Arcata Readimix site in Arcata may require inclusion in a reclamation plan to the satisfaction of the Planning Department. Note: The processing facility at the Arcata Readimix site in Arcata is already permitted and is already included in an approved reclamation plan and has financial assurances on file with the County.
3. The proposed access road to this project is off the end of Substation Road. Any alternate access onto other public roads must have prior approval from the Humboldt County Department of Public Works.

END

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|--|------------------|------------|-----------------------|
| Post-It™ brand fax transmittal memo 7871 | | # of pages | 4 |
| To | Linda Martinez | From | Tom Conlon |
| Co. | State Lands Comm | Co. | Humboldt Co. Planning |
| Dept. | | Phone # | 707-445-7541 |
| Fax # | 707-322-3268 | Fax # | 707-445-7946 |

NOTICE OF DETERMINATION

To: Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Humboldt County
Planning & Building Dept.
3015 H Street
Eureka, CA 95501

County Clerk, County of Humboldt

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Arcata Redi-Mix, Applicant
Surface Mining Permit/Conditional Use Permit;
Case Nos. SMR-06-912/CUP-38-912
File No.: APN 106-011-11

State Clearinghouse Number: 19633N15

Lead Agency Contact Person: Sidnie L. Olson, Senior Planner

Area Code/Telephone/Extension: (707) 445-7541


Project Location: Humboldt County in the Fernbridge area on the Eel River, approximately one mile downstream from the Fernbridge in Township 3 North, Range 1 West, portions of Sections 29 and 30, Humboldt Meridian.

Project Description: A Conditional Use Permit, Surface Mining Permit and Reclamation Plan for the annual extraction of a maximum of 150,000 cubic yards of river run sand and gravel from the bed and bars of the Eel River, over an approximately 43 acre site.

This is to advise that the Humboldt County Board of Supervisors has approved the above described project on July 28, 1992, and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures were made a condition of the approval of the project.
4. A statement of Overriding Considerations was not adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: the Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501 (707) 445-7541.


Signature (Public Agency) Date

Senior Planner
Title

Date received for filing at OPR

Revised October 1989

(plan37/wswin/docs/temp2.wsd)

EXHIBIT

| | |
|---------------|--------|
| CALENDAR PAGE | 385.13 |
| MINUTE PAGE | 3549 |