

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT**

Resolution Number 24-027

Record Number PLN-2024-18901 (SMR-08-91XX)

Assessor's Parcel Numbers 312-161-007, 312-161-020, 313-231-001, 313-231-002

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the Blue Lake Bar SMARA Reclamation Plan renewal.

WHEREAS, agents for GLJ Construction submitted an application and evidence in support of approving renewal of a Reclamation Plan for a surface mining operation; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act and an Addendum to a previously adopted Mitigated Negative Declaration was prepared and is included in Attachment 3.A; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on July 18, 2024, and reviewed, considered, and discussed the application for a SMARA Reclamation Plan renewal and reviewed and considered all evidence and testimony presented at the hearing.

NOW, THEREFORE BE IT RESOLVED, that the Zoning Administrator makes all of the following findings:

1. **FINDING:** **Project Description:** A fifteen (15) year renewal of the Reclamation Plan (SMR-08-91XX) (CA Mine ID #91-12-0032) for the existing Blue Lake Bar in-stream operation on the Mad River. A vested rights determination was made in 1992 for the annual maximum extraction of 50,000 cubic yards. Activities include removal of flood-washed aggregate from the exposed bar surface, the construction of temporary haul roads, and in most years, construction of a summer low-flow channel crossing of the Main Stem Mad River.

EVIDENCE: a) Project File: PLN-2024-18907

2. **FINDING:** **CEQA.** The project complies with the requirements of the California Environmental Quality Act (CEQA). An Addendum to a previously adopted Mitigated Negative Declaration has been prepared pursuant to Section 15164 of the CEQA Guidelines (Addendum to an EIR or Negative Declaration).

EVIDENCE: a) Section 15164 of the CEQA Guidelines consists of projects where an EIR or negative declaration was previously prepared for the project and none of the conditions described in Section 15162 of the CEQA Guidelines warrant subsequent environmental review,

and an addendum to the EIR or negative declaration may be prepared.

- b) A Mitigated Negative Declaration was previously adopted for the project.
- c) The project is subject to review and approval by CHERT annually.

**Mining Permit 15-year Renewal (Title III, Div. 9,
Chapter 1, §3914(b)(6), Term, of the Humboldt County Code**

- 3. **FINDING:** The life expectancy of the operation justifies a 15-year renewal.
EVIDENCE: a) Annual post extraction analyses indicate that the extraction area is replenished annually and there will be aggregate material available through the 15-year term.
- 4. **FINDING:** There are no special circumstances related to the operation that would cause the term to be set for less than 15 years.
EVIDENCE: a) No affected agencies indicated that the term should be less than 15 years.
- 5. **FINDING:** The mine has been conducted in compliance with permit conditions.
EVIDENCE: a) The operation is inspected annually by County Planning staff for compliance with the Reclamation Plan and conditions of approval and mitigation measures. The most recent inspection report from 2023 shows no violations of the operation.

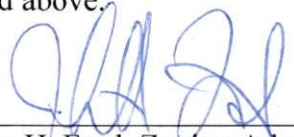
DECISION

NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

- 1. The 15-year renewal, PLN-2024-18901, of the SMARA Reclamation Plan, SMR-08-91XX, is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on **July 18, 2024**.

I, John Ford, Zoning Administrator of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Zoning Administrator at a meeting held on the date noted above.



John H. Ford, Zoning Administrator
Planning and Building Department

Attachment 2A

CONDITIONS OF APPROVAL

APPROVAL OF THE RECLAMATION PLAN RENEWAL IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. **Ther term of this reclamation plan shall be fifteen (15) years and shall expire July 29, 2037.** The applicant may request renewal of the reclamation plan by submitting appropriate forms and fees in effect at the time of renewal.
2. Financial Assurances to ensure reclamation is performed in accordance with the approved Reclamation Plan shall be entered into with the County of Humboldt and the State Geologist per PRC Section 2773.1.
3. The applicant shall submit a "wet signed" 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.
4. The applicant shall abide by all of the mitigation measures contained in the adopted Mitigated Negative Declaration.
5. The project shall comply with the requirements of the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Game, North Coast Air Quality Management District and other County, State and Federal agencies having jurisdiction, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.

SMARA(Section 2772(8)(B) and Section 3710) specifies minimum reclamation standards that apply to annual operations of in-stream mining. The County of Humboldt Extraction Review Team (CHERT) process is utilized to verify that annual operations are consistent with reclamation plan standards. Operations are subject to annual review and approval of mining plans, along with the preparation of pre- and post-extraction reports, to ensure continued compliance with SMARA reclamation plan standards.

6. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to

cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Planning Commission decision.

B. Operation Restrictions:

1. The mining operator shall adhere to the approved reclamation plan and mitigation monitoring program, as applied to the mining extraction site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts). This shall include the Limitations on Operations included herein setting forth routine (i.e., non-emergency) days and hours of operations. 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 approval by the County.
2. The applicants/operators shall abide at all times with the Humboldt County Surface Mining Regulations, and any revisions thereto, and the State Surface Mining and Reclamation Act, and any revisions thereto.
4. 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.
5. 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.
6. Hours of operation shall typically be Monday through Friday during daylight hours, generally 7:00 am to 5:00 pm. These hours do not apply to emergency road repair situations. Any substantial changes to the hours of operation shall be pre-approved by the Planning Department.

C. Informational Notes:

1. Surface mining operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating a specific aspect of the mining operation. For example, the Department of Fish and Wildlife 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 regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates 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; North Coast Unified 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 regulating agencies to assure conformance by the surface mining operation with these agencies' regulations.

2. The Financial Assurance shall be subject to annual review and adjustments to account for: a) changes in the costs of reclamation due to inflation; b) lands reclaimed in the previous year and not involving future reclamation; and c) additional lands requiring reclamation in the next year.
3. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
4. A National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity is required unless the applicant demonstrates that there is no storm water runoff from the quarry site. If there are such discharges the applicant shall contact the Regional Water Quality Control Board for permitting requirements.
5. If the project involves the storage and handling of hazardous materials, the applicant shall submit and have approved by the Division of Environmental Health (DEH) a hazardous materials business plan.
6. Hauling along public roads shall be limited to "legal roads" only. "Overweight loads" must have prior approval from the Department of Public Works or CalTrans.
7. 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.
8. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads. The existing access road shall be graded and rocked as necessary to prevent erosion and sediment runoff.
9. Operational noise levels and particulate settlement patterns shall be measured by the applicant on demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt

County Code.

10. The project shall comply with the requirements of the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Game, North Coast Air Quality Management District, and other County, State and Federal agencies having jurisdiction, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.
11. The project shall be consistent with the Vested Rights Determination, Reclamation Plan and Mitigation Measures as approved by the Planning Commission. Modification to the project requires review and approval by the Planning Department

ATTACHMENT 2B

Original Conditions of Approval (10/5/2010)

REVISED CONDITIONS OF APPROVAL (10/5/2010)
(Revisions for Condition No. 9 are shown in underlined italics.)

APPROVAL OF THE RECLAMATION PLAN IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. Financial Assurances to ensure reclamation is performed in accordance with the approved reclamation plan shall be entered into with the County of Humboldt and the State Geologist per PRC Section 2773.1.
2. The applicant shall submit a "wet signed" 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. The applicant shall comply with the requirements of the Department of Public Works as set forth in Memo dated October 3, 2007. The applicant shall submit a letter to the Planning Division from the Department of Public Works stating that this condition has been addressed to their satisfaction as required prior to initiation of commercial quarry operations.
4. The applicant shall reimburse the Planning Division for any processing costs that exceed the application deposit.
5. If applicable, pursuant to the California Code of Regulations Section 3697, the owner or operator of a newly-permitted operation shall submit an initial report and reporting fee to the Department of Conservation (DOC) after permit approval. The DOC has developed the New Mining Operation Report form; please contact DOC at (916) 323-9198 to obtain a form. The condition shall be satisfied by submitting to the County the completed yellow Lead Agency copy of the New Mining Operation Report form.
6. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.
7. **Within five (5) working days of the approval date of this permit**, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,061 effective January 1, 2010. Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus a \$50 document handling fee. Alternatively, the applicant may contact DFG by phone at (916) 651-0603 or through the DFG website at www.dfg.ca.gov for a determination stating the project will have no effect on fish and wildlife. If DFG concurs, a form will be provided exempting the project from the \$2,061 fee payment requirement. In this instance, only a copy of the DFG form and the \$50.00 handling fee is required.
8. **The term of this reclamation plan shall be fifteen (15) years and shall expire July 29, 2022.** The applicant may request renewal of the reclamation plan by submitting appropriate forms and fees in effect at the time of renewal.
9. The project shall comply with the requirements of the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Game,

North Coast Air Quality Management District and other County, State and Federal agencies having jurisdiction, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.

SMARA(Section 2772(8)(B) and Section 3710) specifies minimum reclamation standards that apply to annual operations of in-stream mining. The County of Humboldt Extraction Review Team (CHERT) process is utilized to verify that annual operations are consistent with reclamation plan standards. Operations are subject to annual review and approval of mining plans, along with the preparation of pre- and post-extraction reports, to ensure continued compliance with SMARA reclamation plan standards.

10. The applicant shall record a *Notice of Reclamation Plan Approval* for the approved reclamation plan at the Humboldt County Recorder's Office in accordance and PRC Section 2772.7.
11. The project shall be consistent with the Streamside Management Area Ordinance and with the standards and policies set forth in the General Plan, *Sensitive and Critical Habitats*. Furthermore, no debris, soil, silt, or other such foreign substance shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area.
12. The applicant shall comply with the requirements of the Department of Fish & Game as set forth in emails dated July 30, 2009 and September 28, 2009, including the LSAA and amendments thereto, and per response dated August 15, 2009 from Granite Construction Company.

B. Informational Notes:

1. The mining operator shall adhere to the approved reclamation plan and mitigation monitoring program, as applied to the mining extraction site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts). 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 Office of Mine Reclamation and approval by the County.
2. The applicants/operators shall abide at all times with the Humboldt County Surface Mining Regulations, and any revisions thereto, and the State Surface Mining and Reclamation Act, and any revisions thereto.
3. The operator shall be responsible for submitting to the Office of Mine Reclamation, on forms provided by the Office of Mine Reclamation, an annual report per PRC Section 2207.
4. No new access roads shall be constructed without prior approvals.
5. No riparian vegetation shall be removed without prior approvals.
6. Surface mining operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating 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 regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates 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, Office of Mine Reclamation; North Coast Unified Air Quality Management District; California Coastal Commission; National Marine Fisheries Service; United States Fish & Wildlife Service; and CalOSHA.

The operator is responsible for contacting all of the above regulating agencies to assure conformance by the surface mining operation with these agencies regulations.

7. The Financial Assurance shall be subject to annual review and adjustments to account for:
a) changes in the costs of reclamation due to inflation; b) lands reclaimed in the previous year and not involving future reclamation; and c) additional lands requiring reclamation in the next year.
8. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.
9. A National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity is required unless the applicant demonstrates that there is no storm water runoff from the quarry site. If there are such discharges the applicant shall contact the Regional Water Quality Control Board for permitting requirements.
10. If the project involves the storage and handling of hazardous materials, the applicant shall submit and have approved by the Division of Environmental Health (DEH) a hazardous materials business plan.
11. Hauling along public roads shall be limited to "legal roads" only. "Overweight loads" must have prior approval from the Department of Public Works or CalTrans.
12. 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.
13. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads. The existing access road shall be graded and rocked as necessary to prevent erosion and sediment runoff.
14. Hours of Operations shall typically be Monday through Friday during daylight hours, generally 7:00 am to 5:00 pm. These hours do not apply to emergency road repair situations. Any substantial changes to the hours of operation shall be pre-approved by the Planning Department.
15. Operational noise levels and particulate settlement patterns shall be measured by the applicant on demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.

16. The project shall comply with the requirements of the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Game, North Coast Air Quality Management District, and other County, State and Federal agencies having jurisdiction, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.
17. The project shall be consistent with the Vested Rights Determination, Reclamation Plan and Mitigation Measures as approved by the Planning Commission. Modification to the project requires review and approval by the Planning Department.