

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

Resolution Number 24-034

**Record Number PLN-2022-17873 (CUP-25-91X, SMR-06-91X, SMP-06-91X)
Assessor's Parcel Number 025-161-006, 312-151-015, 312-151-019**

Resolution by the Zoning Administrator of the County of Humboldt certifying compliance with the California Environmental Quality Act and conditionally approving the renewal of the Eureka Ready Mix SMARA permits.

WHEREAS, agents for Eureka Ready Mix submitted an application and evidence in support of approving renewal of Conditional Use/Surface Mining Permits and Reclamation Plan; and

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act and an Addendum to a previously adopted Subsequent Mitigated Negative Declaration was prepared and is included in Attachment 2.A; and

WHEREAS, the Humboldt County Zoning Administrator held a duly-noticed public hearing on September 19, 2024, and reviewed, considered, and discussed the application for SMARA Permits 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 15-year extension of the Reclamation Plan (SMR-06-91X, CUP-25-91X, SMP-06-91X) for the existing in-stream operations on the Emmerson Bar. A vested rights determination was made in 1992 for the annual maximum extraction of 50,000 cubic yards. The historic operation involves removal of flood-washed aggregate from the exposed bar surface, the construction of seasonal 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-2022-17873

- 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 Subsequent Mitigated Negative Declaration was previously adopted for the project.
 - c) The project is subject to extensive agency review and oversight

FINDINGS FOR CONDITIONAL USE PERMIT

- 3. FINDING:** The proposed development is in conformance with the County General Plan, Open Space Plan, and the Open Space Action Program.

- EVIDENCE:**
- a) The property is planned AE and CF, both of which allow for resource extraction uses.

- 4. FINDING:** The proposed development is consistent with the purposes of the existing Agriculture Exclusive (AE-B-5(160)) and Unclassified (U) zone in which the site is located.

- EVIDENCE:**
- a) Surface mining is an allowed use with a Use Permit.

- 5. FINDING:** The proposed development conforms with all applicable standards and requirements of these regulations.

- EVIDENCE:**
- a) SMARA shall be conditionally permitted in all land use and zoning designations (10.4.4 MR-S3, 2017 Humboldt County General Plan).
 - b) Final reclamation will return the land consistent with the surrounding agricultural and timber production uses.
 - c) The surface mining operation and use is properly located in

accordance with the General Plan and any relevant element thereof, to the community as a whole, and to other land uses in the vicinity.

6. FINDING:

The existing mining operation and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) The surface mining operation incorporates adequate measures to mitigate the probable or known significant environmental effects caused by the operation.

In addition to the above approval criteria, HCC §313-61.2.6 establishes mining permit standards above and beyond that minimally required under SMARA. These standards include:

All private encroachments leading to a surface mining operation shall be adequately surfaced to prevent aggregate or other materials from being drawn into the public way.

All haul roads and driveways shall be maintained as necessary to minimize the emission of dust and prevent the creation of a nuisance to adjacent properties.

Any water discharges from the mined lands shall meet all applicable water quality standards of the Regional Water Quality Control Board and other agencies with authority over such discharges.

Adequate measures shall be taken to assure the prevention of erosion from mined lands and adjacent properties during the life of the operation. The reclamation plan shall insure the prevention of erosion subsequent to surface mining operations.

Unless specifically authorized for the purposes of environmental enhancement by the California Department of Fish and Game (and the U.S. Army Corps of Engineers, if necessary), grades and landforms in mined lands shall be maintained in such a manner so as to avoid accumulations of water that will serve as breeding areas for mosquitoes or sites for fish entrapment.

Excavations, which could affect groundwater, shall not substantially reduce the quality or quantity of groundwater available in the area surrounding the mined lands.

Surface mining operations in areas where other agencies have regulatory jurisdiction shall be operated so as to comply with all applicable rules and regulations.

Based on information contained in the application and environmental documentation, the project has been designed and is conditioned to assure compliance with these standards.

Mining Permit 15-year Renewal (Title III, Div. 9, Chapter 1, §391-4(b)(6), Term, of the Humboldt County Code

7. FINDING: The life expectancy of the operation justifies a 15-year renewal

EVIDENCE: a) The site continues to be utilized for removal of flood-washed aggregate from the river bar.

8. 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.

9. 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.

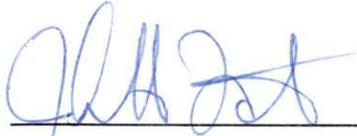
DECISION

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

1. The 15-year renewal, **PLN-2022-17873 (CUP-25-91X, SMR-06-91X, SMP-06-91X)** for **Eureka Ready Mix**, is approved as recommended and conditioned in Attachment 1.

Adopted after review and consideration of all the evidence on **September 19, 2024**.

I, John H. 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

CONDITIONS OF APPROVAL
Emmerson Bar

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 28, 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.
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 and 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

**Project Plan and Reclamation Plan
Gravel Extraction
Emmerson Gravel Bar – Mad River
August 2008**



General Information

Emmerson Bar (Sec 29 & 30, T6N, R2E and APN 25-161-006, 312-151-15, and - 019) is approximately 230 acres in size and is located 0.3 miles north of the Mad River Bridge on Hatchery Road, near the City of Blue Lake, Humboldt County, California. The historic operation involves the removal of flood washed aggregate from the exposed bar surface and construction of a summer low flow channel crossing of the mainstem, Mad River. The following is a detailed project description of the gravel extraction activities occurring within the primary permit jurisdiction of the U.S. Army Corps of Engineers (Corps), being that property located below the Ordinary High Water (OHW) Mark of the Mad River.

Bar Description

A comparison of aerial photographs taken in the Fall of 2007 and Spring of 2008 indicates that the main channel has once again shifted laterally in a westerly direction and is now tightly compressed against the left bank in the area described longitudinally as mid-bar to a point downstream, close to the confluence of the North Fork and the mainstem. The main channel described longitudinally as mid-bar to the most upstream end of the bar is stable, with no evidence of lateral migration this past winter. A substantial amount of gravel was deposited at the mouth of the North Fork during the winter, resulting in a significant difference in thalweg elevations of the two channels.

Proposed Extraction Methodology

Granite is proposing two extractions at the Emmerson Bar site for the 2008 season. Site-1 is a long shallow skim west of the high, dry floodplain that is vegetated with annual grasses, scattered willows, and coyote brush. Site-1 is approximately 2.2 acres in size. Site-2 is an alcove skim located on the gravel deposit at the mouth of the North Fork and is approximately 1.4 acres in size. The sites are delineated on Granite Construction's Extraction Plan, DWG GE0801-1201-11.

The Site-1 extraction is proposed as a shallow skim that is approximately 890 feet long, averages 110 feet in width, and 4 to 6 feet deep (to the capillary fringe). This site is located in an abandoned and aggraded secondary channel. Granite expects to extract a maximum of 11,899 cubic yards of aggregate from this site. The side slopes will be graded to 2:1 and the head-cut will be sloped to 10:1.

The Site-2 extraction is an alcove excavation that is approximately 400 feet long and averages 10.5 feet deep. The extraction floor will be approximately 5 feet lower than the mainstem

thalweg. The extraction will be offset several feet from the base of the levee to maintain the integrity of the levee foundation. The extraction area will encompass the entire dry delta of the North Fork Mad River. Granite expects to harvest a maximum of 17,720 cubic yards of aggregate from this site. All slopes will be left at the natural angle of repose. A small portion of the extraction area at the downstream-most end of the site will be left intact until such time as suspended sediment has settled. At that time, the remaining material will be carefully removed, thus minimizing turbidity into the mainstem Mad River and creating a connection between the alcove and river.

The Site-1 extraction will be carried out by skimming with a rubber-tired, front-end loader or a dozer to an elevation equal to the capillary fringe. All extracted aggregate will either be loaded directly into trucks to be hauled off-site, or placed in temporary stockpiles in order to coordinate loading and truck availability. Upon completion of extraction operations, the extracted bar surface will be groomed as necessary to ensure there are no pits or depressions that may trap fish, and sloped to provide a free-draining surface. The Site-2 extraction will be carried out by skimming with a rubber-tired, front-end loader or dozer to an elevation equal to the capillary fringe. The remainder of the material will be removed with an excavator. All gravel excavated below the capillary fringe will be stockpiled and allowed to drain. This will eliminate the chance for discharge of sediment into the Mad River during transport across the low-water crossings.

No vehicles and/or equipment will be permitted to enter the wetted channel during operations or site preparation except for the sole purpose of bridge/culvert installation and removal.

Volume Estimate

Granite proposes to extract a maximum of 29,619 yd³ from the Emmerson Bar during the '08 season.

- ✓ Site-1 = 11,899 yd³
- ✓ Site-2 = 17,720 yd³

Temporary Stockpile Locations

All temporary stockpiles, if any, will be located away from the wetted channel, be placed within the designated extraction boundaries, and removed by October 1, 2008.

Haul Road

Accessing the Emmerson Bar by exiting the County Road approximately 1000 feet south of the Hatchery Road Bridge. The existing haul road accesses the left bank from an elevated terrace adjacent to the channel. Due to erosion during winter (2006) high-flows an 8 ft. high, vertical bank exists between the elevated terrace and the dry gravel bar. The Company proposes constructing a temporary ramp to the bar and proposed temporary bridge site. The

ramp will require approximately 300 (yd³) of river run material. The material will be imported from a local stockpile, removed, and returned to the stockpile upon completion of the project (see "Temporary Crossings". After crossing the Mad River, the proposed temporary haul road will pass through an elevated terrace to the Site-1 extraction site, down its length to the alcove (Site-2) extraction site, loop around, and back to the river crossings. During operating hours, the haul road and extraction areas will be sufficiently wetted to suppress dust. The proposed haul road is delineated on Granite Construction's Extraction Plan, DWG GE0801-1201-11.

Temporary Crossings

Bridge Crossing - Granite proposes installing a temporary bridge across the mainstem Mad River to access the Emmerson Bar extraction sites. The bridge crossing will be installed at the same location as in 2007 and as shown in the drawing previously referenced. The bridge crossing location was selected following consultation with Dennis Halligan of NRM. The wetted channel is approximately 90 feet wide and has a maximum depth of approximately 0.8 feet, as of 08/22/08. The bridge is 55 feet long x 13 feet wide. The right bank end of the bridge will be support by six concrete blocks (2' x 2' x 6' lg.), and the left bank end will be supported by a single K-rail. The left bank abutment will be formed with river-run aggregate imported via dump truck from the nearby Emmerson stockpile. The right bank (offside) abutment will be formed with river-run from the adjacent bar to a level equal to the bridge deck. The entire offside abutment will be encased in K-rails to minimize fine sediment transport into the stream during bridge construction and removal. This abutment will extend roughly 35 feet into the wetted channel and will require approximately 150 yd³ of material to complete. The single K-rail at the left bank location will be embedded in the bar to reduce the elevation of the bridge and to reduce the amount of material required to construct the abutment. Minimum clearance of 2 feet will be maintained from the bottom of the bridge to the water surface at time of construction.

Culvert Crossing - Granite proposes installing a temporary culvert crossing in the secondary channel located approximately 200 feet east of the bridge crossing. The 20 ft. long, 18 in. diameter culvert will be embedded at the thalweg and covered with river-run aggregate gathered from the adjacent bar.

The locations of the temporary crossings are defined in the Extraction Plan, DWG GE0801-1201-11 and the bridge/abutment plan and section details are illustrated in the drawing DWG GE0801-1201-14, "Temporary Bridge Crossing – Emmerson Bar". One front-end loader and one excavator will be used to construct abutments and to install the bridge/culvert. Two front-end loaders will be used to remove the bridge/culvert and abutments. Forging of the stream for construction and removal of the bridge/culvert will be kept to an absolute minimum.

35% Exceedence Elevation

In accordance with NOAA Fisheries recommendations made in the 03/23/04 document titled "Implementation of the Flow Based Minimum Skim Floor Elevation for the Mad River," the 35% exceedence flow elevation on the Emmerson Bar was determined by marking the gravel bar

during flows between 700 and 1,100 cubic feet per second (cfs). This event occurred on April 4, 2008, at approximately 9:00 a.m.; Granite personnel marked the water surface elevation on the bar at 50' intervals through the entire reach. The adjusted stream flow at the time of marking was determined to be 1030 cfs based on data obtained on the USGS website for the Mad River Arcata gage. For 2008, the 35% exceedence flow elevations will not be adhered to as bases for skim floor elevations at either extraction site. As mentioned above, Site-1 extraction elevations will be equal to the capillary fringe. The Site-2 extraction floor will be approximately 5 feet lower than the mainstem thalweg at the confluence, with an upstream slope of approximately 6 inches per 100 feet.

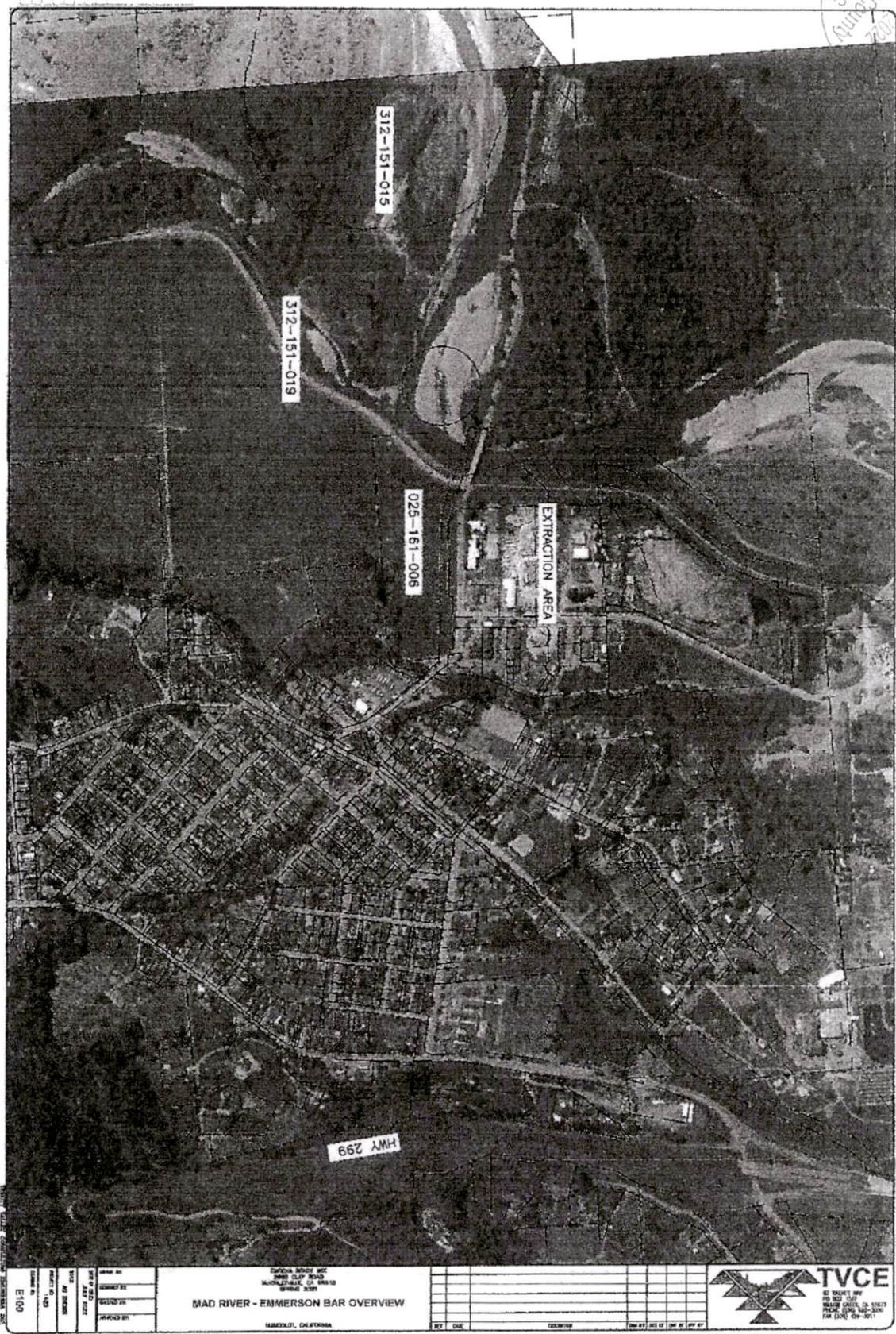
Mitigations and/or Restrictions

Woody vegetation that is part of a contiguous 1/8-acre complex, or is at least 2 inches diameter breast height (DBH) that is present within the extraction area will be flagged and left undisturbed. Additionally, large woody debris present within the extraction area will be set aside and subsequently replaced on the skim surface at the completion of extraction activities.

APPROVED
 SEP 19 2024
 Humboldt County
 PLANNING

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Humboldt County
 PLANNING
 RECEIVED
 7/2024



Note: Main stem Mad River flow running river right. Access to bar from Hatchery Road.