

Attachment 3A

ADDENDUM TO MITIGATED NEGATIVE DECLARATION BLUE LAKE GRAVEL BAR ADOPTED JULY 29,1992 (SCH # 1992063086)

Project Description

The current project involves a renewal of the Reclamation Plan for existing in-stream mining operations at the Blue Lake Gravel Bar with an annual maximum extraction of 50,000 cubic yards. The term of the Reclamation Plan is 15 years and will expire July 29, 2037.

Project History

On June 16, 1992, the Humboldt County Board of Supervisors (BOS) approved a vested rights determination for the annual maximum extraction of 50,000 cubic yards from the Blue Lake Bar. On July 29, 1992, the BOS approved the Reclamation Plan for a term of fifteen years and adopted the Mitigated Negative Declaration (MND) (SMR-08-91). On January 6, 2011, the Planning Commission approved a fifteen-year renewal of the Reclamation Plan (SMR-08-91X) and an Addendum to the MND.

The applicant proposes continued operations for intermittent extraction and processing. There are no changes to the vested mining operation. The site has been intermittently mined since at least the 1960s for major highway construction projects, riverbank flood repair and bridge abutment protection.

The Blue Lake Bar is located approximately 0.5 miles west from the intersection of Hatchery Road and Taylor Way, in the Community of Blue Lake. The property is approximately 333 acres; rarely are more than 15 acres disturbed in anyone season. The gravel bar is an open active bar without topsoil or significant amounts of vegetation, and contains flood-washed aggregate.

Historic operation involves removal of aggregate from the exposed bar surface, construction of temporary haul roads, and in most years, construction of a summer low flow channel crossing of the Main Stem Mad River. Extraction occurs between July 1 and October 15 as frequently as annually. Extraction activities typically occur in areas adjacent to the wetted channel. Mining is subject to extensive local, state and federal regulation. In any given year, project extraction volumes, locations and methods will be submitted for approval by local, state and federal agencies, including the County of Humboldt Extraction Review Team, North Coast Regional Water Quality Control Board, the California

Department of Fish and Game, CalFIRE, Office of Mine Reclamation, the National Marine Fisheries Service and the Army Corps of Engineers.

Addendum

This Addendum addresses potential impacts from the renewal of the Blue Lake Bar Reclamation Plan. Reclamation involves both seasonal and final reclamation and includes post-extraction procedures, including rehabilitation of streambeds. Upon completion of extraction and site grooming, a final site review will be conducted. Reclamation grading will be performed. Disturbed areas will be restored. Post-extraction surveys will be conducted. On-site stockpiles will be removed. Large woody debris will be redistributed. A late season stereoscopic photographic series will be taken to capture the river channel at its lowest flow. Habitat mapping will be conducted and a biological survey report shall be submitted to responsible agencies. Reclamation also involves reclamation of the seasonal bridge crossing within the active channel. In years when a summer low-flow channel crossing is required, and upon completion of annual extraction activities, the bridge will be removed, transported off-site and stored at or above the 100-year floodplain. The nearside bridge abutment is removed and the constructed roadbed is graded. Various interior roads shall be decommissioned prior to the end of the project by scarifying consistent with the Department of Fish and Game or the Lake or Streambed Alteration Agreement (LSAA). Stockpile staging and storage areas will be reclaimed as described in the LSAA.

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 (SMARA) Sections 2772, 2773 and 2773. Staff has reviewed the Reclamation Plan and believes that it substantially meets the applicable requirements.

Purpose - Section 15164 of the California Environmental Quality Act (CEQA) provides that the lead agency shall prepare an addendum to a previously adopted Mitigated (Conditional) Negative Declaration (MND) if some changes or additions are necessary but none of the conditions described in Section 15162 calling for a subsequent MND have occurred. Section 15162 states that when a MND has been adopted for a project, no subsequent MND shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects

or a substantial increase in the severity of previously identified significant effects;
or

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was certified as complete, shows any of the following: A) the project will have one or more significant effects not discussed in the previous MND; B) significant effect previously examined will be substantially more severe than shown in the previous MND; C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or D) mitigation measures or alternatives which are considerably different from those analyzed in the previous MND would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Discussion - The current project represents a second renewal of the Reclamation Plan initially approved in 1992 for an existing in-stream mining operation that has been operational since at least the 1960s. With the 1992 approval of the Reclamation Plan, the Humboldt County Board of Supervisors adopted the MND. Both the Reclamation Plan and the MND were reviewed by numerous agencies including the Department of Conservation, California Department of Fish and Game, National Marine Fisheries, State Lands Commission, Army Corps of Engineers, CalTrans and other regulating agencies. Responses to their comments were incorporated into the Conditions of Approval and Reclamation Plan, and approval of the Reclamation Plan was conditioned to address their concerns.

Summary of Significant Project Effects and Mitigation Recommended

The current project results in no new significant adverse impacts and no new mitigation is recommended.

Other CEQA Considerations - There are no other CEQA considerations.

Explanation of Decision Not to Prepare a Subsequent Mitigated Negative Declaration

See **Purpose** statement above.

In every impact category analyzed in this review, the projected consequences of the current project proposal are either the same or less than significantly increased than the initial project for which the MND was adopted. Based upon this review, the following findings are supported:

Findings

1. For the current project there are no substantial changes proposed in the project which require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
2. For the current project, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.
3. For the current project there has been no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous MND was adopted as complete. Furthermore, it is concluded that: the current project will not have one or more significant effects not discussed in the previous MND. Also, significant effects previously examined will not be substantially more severe than shown in the previous MND. There are not any mitigation measures or alternatives previously not found not to be feasible that would in fact be feasible and would substantially reduce one or more significant effects of the project. Finally, there are no mitigation measures or alternatives identified in this analysis which are considerably different from those analyzed in the previous MND and which would substantially reduce one or more significant effects on the environment.

Conclusion

Based on these findings, it is concluded that an Addendum to the adopted Mitigated (Conditional) Negative Declaration (MND) is appropriate to address the requirements

under CEQA for the current project. All of the findings, mitigation requirements and mitigation and monitoring program of the MND are applicable to the current project.