

PL - VAN DUZEN RIVER BAR CONDITIONAL USE PERMIT/MINING 15-YEAR RENEWAL

PLN-2021-17243

Assessor's Parcel Numbers 209-201-010 and 206-262-019

Recommended Zoning Administrator Action

1. Describe the application as part of the Consent Agenda.
2. Survey the audience for any person who would like to discuss the application.
3. If no one requests discussion, make the following motion to approve the application as a part of the consent agenda:

Find the requested mining CUP renewal exempt from the California Environmental Quality Act, and based on evidence in the staff report, adopt the Resolution approving the 15-year renewal of the PL-Van Duzen River Bar Conditional Use Permit/Mining subject to the recommended conditions.

Executive Summary: The PL-Van Duzen River Bar Renewal is a request of the Zoning Administrator for renewal for a 15-year term of a previously approved, existing in-stream gravel bar mining operation (SMR-03-86X/CUP-37-86X) on the north bank of the Van Duzen River. The gravel bar resource is approximately 3,000 feet (ft.) long x 400 ft. wide and is part of a series of alternating bars along a section of the Van Duzen River defined by the 1 to 2 year floodplain. Extraction does not involve any contact with surface water; all extractions take place on the dry, upper portions of the gravel bar. Extraction operations are typically conducted within a two- to three-week period and completed prior to the start of fall or early winter rains, normally by October 15th annually.

Under direction of the County of Humboldt Extraction Review Team (CHERT) and other agencies with whom CHERT may consult, the extraction site is winterized annually via interim reclamation measures according to the permit conditions and CHERT recommendations. This includes grading the extraction area to facilitate free drainage and prevent fish stranding. At the conclusion of all mining activities when the river bar will no longer be utilized by the County, the site will be fully reclaimed to the end use per the approved Final Reclamation Plan, which is native grass and woodland.

The mining operation was originally permitted in 1986 with subsequent extensions for the same volume and frequency of extraction – an annual removal of up to 3,000 cubic yards of gravel for County road maintenance. No change to the extraction volume is proposed with this renewal request, nor to any aspect of the approved CUP, nor to the approved reclamation plan. The volume, location and extraction method will be consistent with the recommendations of CHERT and responsible agencies. CHERT reviews the detailed extraction plan annually in the spring, prior to excavation, and in the fall, following the end of excavation. The last permit renewal was set to expire 10/4/2021; however, application for the requested renewal was made timely on 5/21/2021. The requested 15-year renewal will expire 15 years from 10/4/2021.

The Reclamation Plan: A new, amended, or renewed Reclamation Plan (RP) is not proposed and is not required per **Title III, Div. 9, Chapter 1, §391-4(b)(6), Term**, of the County's Mining Ordinance. The reclamation plan that was previously approved for the end use remains in effect and would be required to be implemented now if the Zoning Administrator does not approve the permit renewal request. County DPW staff provided with the permit renewal application package a "Final Reclamation Plan, Amended May 2021." However, upon consultation with DPW staff, the document describes recently identified detail on existing

conditions, such as with river hydrology, water quality, and biological resources, to facilitate annual CHERT review. As described on page 15 of the RP document, there are no changes to the mining operation, permit boundary, extraction volumes, nor to the adopted end use.

The quarry would be subject to the original conditions of approval, and those that were added during the last permit renewal (the 7/13/2010 staff report and conditions are attached to this staff report). These include numerous on-going, annual, and terminal mitigation and reclamation measures. These included: set operations hours for extraction, processing, and hauling, the maintenance of a stormwater detention and sedimentation basin, winterizing the site prior to the onset of the rainy season, and final reclamation of the site at the end of the permit term.

Agency Comments: Referrals were sent to CHERT and to several outside agencies, including Caltrans, CDFW, the Corps of Engineers, the Regional Water Quality Control Board and the Bear River Band. Only Caltrans responded, and requests two conditions of approval be attached to the permit renewal:

1. To safeguard the substructure of the State Route 36 Bernie Hemenway Memorial Bridge and prevent further degradation of the stream bed, a mandatory setback of 500 feet from the bridge for all gravel extraction work, both upstream and downstream, shall be imposed.
2. Regarding the two offset driveways onto State Route 36 serving the project:
 - a. The corner sight distance at both driveway intersections need to be improved to meet current State standards.
 - b. Temporary traffic control signs need to be deployed to warn approaching motorists during gravel hauling operations and removed during off-hours.
 - c. The driveway pavement condition will need to be maintained in a state of good repair.

Humboldt County DPW staff have been apprised of the Caltrans comment letter and find the request acceptable.

Environmental Review: A Mitigated Negative Declaration/Subsequent Mitigated Negative Declaration was adopted in October 2010 (within the 2010 staff report package for the prior renewal, beginning on Page 111, and attached to this staff report) that included four mitigation measures related to ensuring coordination with and adherence to requirements that may additionally be imposed annually by CHERT and the agencies that work with CHERT; incorporation of Best Management Practices, restrictions on the timing of excavation, habitat restoration, protection of riparian vegetation, bridge setbacks, adherence to North Coast Air Quality Management regulations and airborne toxic control measures, and dust suppression. These mitigation measures along with the original conditions of approval, were incorporated into the project and are, in effect, part of the project that is being considered for this 15-year renewal request. These measures have been and will continue to be in force and monitored annually by County Planning staff.

Additionally, the information package submitted by County DPW staff includes new, site-specific documentation of environmental resource conditions that will assist CHERT in the annual pre- and post-planning of extraction activities that further ensures habitat protection. There are no changes in operations, law, or the environment that warrant further environmental review. The requested permit renewal can be found exempt from the California Environmental Quality Act (CEQA) as a Class 1 categorical exemption, Existing Facilities.

Mining Permit Renewal Standards: The County mining ordinance provides that mining permits may be approved for a period up to 15 years. Under §391-4(b)(6) of the Code, the permit may be reissued by the Zoning Administrator on the following bases:

1. The life expectancy of the operation;

Response: DPW Operations staff state that the extraction area is replenished annually and there will be material available throughout the 15-year term.

2. Any special circumstances related to the operation that would make appropriate a more or less frequent review;

Response: There are no known special circumstances that would cause the term to be set for less than 15 years.

3. That the use has been conducted in compliance with permit conditions;

Response: The operation is inspected annually by County Planning staff for compliance with the Reclamation Plan and permit conditions. The last inspection report from December 2021 shows no violations or other issues (copy of inspection report attached).

4. Conditions may be added or modified if warranted by changes in the law or circumstances of the operation.

Response: Two conditions of approval are recommended based on the Caltrans comment (**COAs Nos. 2 and 3**). There are no other known changes in the law or circumstances that warrant additions or changes to conditions that staff is aware of.

Recommendation: Staff supports approval of the application for several reasons: a) the site has historically been used as a rock quarry; b) the project area is removed from urban developments and is not anticipated to have any impact in residential uses; and c) potential impacts to resources have been addressed through mitigation and operations restrictions, and (d) the requested renewal meets the standards for approval based on the County Mining Ordinance. Based upon the operations and performance standards included in the mining operations and reclamation plan, staff and the referral agencies have concluded that the operation can be conducted in a safe and appropriate manner provided these standards are made conditions of project approval.

Alternatives: The following alternatives to the staff recommendation may be considered: 1) The Zoning Administrator could elect to add or delete conditions of approval; 2) The Zoning Administrator could deny approval of the requested permit renewal if you are unable to make all of the required findings. Planning Division staff is confident that the required findings can be made based on the submitted evidence and subject to the recommended conditions of approval. Consequently, planning staff does not recommend further consideration of these alternatives.