



COUNTY OF HUMBOLDT

For the meeting of: 4/3/2025

File #: 25-445

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Branstetter Gravel Bar (Bear River) SMARA permit renewal

Assessor's Parcel Numbers 102-201-003, 102-211-008, -009

Record No.: PLN-2023-18391, CA Mine ID #91-12-0050

Capetown area

Renewal of Conditional Use/Surface Mining Permits and Reclamation Plan for an existing instream mining operation on the Bear River near Capetown on Mattole Road. The operation proposes the annual extraction and processing of up to 3,000 cubic yards (cy) of river-run gravel for County road maintenance, and a total extraction amount not to exceed 10,000 cy every three (3) to five (5) years. The mining operation was originally permitted in 1993 and renewed in 2009 for the same volume and frequency of extraction described above. No change to the extraction volume, location or Reclamation Plan is proposed. The annual volume, locations and extraction methods will be consistent with the recommendations of the County of Humboldt Extraction Review Team (CHERT) and other regulatory agencies. The permit term is fifteen (15) years and would expire on August 25, 2038.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Attachment1), which does the following:
 - a. Finds the Zoning Administrator has considered the Subsequent Mitigated Negative Declaration (SMND) previously adopted for the Branstetter Gravel Bar renewal pursuant to Section 15164 of the CEQA guidelines and that no further environmental review is required; and
 - b. Makes all of the required findings for approving the Conditional Use/Surface Mining Permits and Reclamation Plan PLN-2023-18391, based on the substantial evidence submitted; and

- c. Approves the Conditional Use/Surface Mining Permit and Reclamation Plan renewal as recommended by Staff, and subject to the conditions of approval (Attachment 1A).

DISCUSSION:

Project Location: The project is located in the Capetown area, on both sides of Mattole Road, approximately 1.52 miles north from the intersection of Cape Ridge Road and Mattole Road, on the properties known as 13988 Mattole Road, 2307 Prescott Drive and the property known to be in Section 13, Township 1 North, Range 3 West, Humboldt Base & Meridian.

Present General Plan Land Use Designation: Agricultural Grazing (AG), Density: Range is 20 to 160 acres per unit

Present Zoning: Agricultural Exclusive with a Special Building Site Combining Zone, specifying a 160-acre minimum (AE-B-5(160)); Timberland Production (TPZ)

Environmental Review: A Mitigated Negative Declaration was adopted in 1993 for the original permit approval and a Subsequent Mitigated Negative Declaration (SMND) was adopted in 2009 for a 15-year permit renewal. The SMND included mitigation measures related to 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; 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. 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.

State Appeal: Project is NOT appealable to the California Coastal Commission.

Major Concerns: None.

Monitoring Required:
Annual Compliance Monitoring.

Executive Summary: The project is renewal of the Branstetter Gravel Bar SMARA permits including Conditional Use/Surface Mining Permits and Reclamation Plan (CUP-29-92XX/SMR-06-92XX/RP-05-92XX) for an existing instream mining operation. The permit term is 15 years and will expire on August 25, 2038.

The operation proposes annual extraction and processing of up to 3,000 cubic yards (cy) of river-run gravel for County road maintenance, and proposes a total extraction amount not to exceed 10,000 cy every three (3) to five (5) years.

The mining operation was originally permitted in 1993 and renewed in 2009 for the same volume and frequency of extraction described above. No change to the extraction volume, location or Reclamation Plan is proposed. The annual volume, locations and extraction methods will be consistent with the recommendations of the County of Humboldt Extraction Review Team (CHERT) and other regulatory agencies.

In August 1993, the County approved the original permits for a fifteen-year term for the annual extraction and processing of up to 3,000 cubic yards (cy) of river-run gravel with a total amount not to exceed 10,000 cy every three (3) to five (5) years. In 2009, the County approved a renewal of the permits for a fifteen (15) year term for the same volume and frequency of extraction of the original permit. No change to the extraction volume, location or Reclamation Plan is proposed with this renewal request. The annual volume, locations and extraction methods will be consistent with the recommendations of the County of Humboldt Extraction Review Team (CHERT) and other regulatory agencies

Traditional skimming is the preferred extraction method for the site, but other extraction methods may be used, i.e. narrow skim, trenching, horseshoe skim, alcove and wetland pit methods. Gravel will be temporarily stockpiled on the bar, then loaded for transport to offsite stockpile locations for processing. Gravel extraction will be conducted between June 15 and October 15 to avoid impacts to anadromous fish that may be present in the river. The work period for each extraction will be about three to four weeks.

Project facilities include front end loader, bulldozer or excavator and/or dump trucks.

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 "Surface Mining Reclamation Plan, Amended 2023." There are no changes to the mining operation, permit boundary, extraction volumes, nor to the adopted end use.

The gravel bar would be subject to the original conditions of approval, and those that were added during the last permit renewal in 2009 and the conditions for the current renewal.

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 November 2024 shows no violations or other issues.

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

Response: Affected agencies have reviewed the proposal and no new conditions of approval are proposed. There are no other known changes in the law or circumstances that warrant additions or changes to conditions that staff is aware of.

OTHER AGENCY INVOLVEMENT:

The project was referred to responsible agencies and all responding agencies have either responded with no comment or recommended approval or conditional approval.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect to add or delete conditions of approval. The Zoning Administrator could deny approval if unable to make all the required findings. Staff has concluded the required findings in support of the proposal can be made. Consequently, staff does not recommend further consideration of these alternatives.

ATTACHMENTS:

1. Draft Resolution
 - A. Recommended Conditions of Approval
 - B. CUP-28-92X/SMP-06-92X Conditions of Approval
 - C. Reclamation Plan
 - D. Site Plan

APPLICANT, OWNER, AGENT AND PLANNER INFORMATION:

Applicant/Agent:

Humboldt County Department of Public Works
Danith Davis
1106 Second Street
Eureka, CA 95501

Owners:

William and Marilyn Branstetter
Capetown 1
Ferndale, CA 95536

Phillip Branstetter
Capetown Ranch
Ferndale, CA 95536

Please contact Joshua Dorris, Senior Planner, jdorris@co.humboldt.ca.us or 707-445-7245 if you have questions about this item.