

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

Resolution Number 25-031

Record Number PLN-2023-18391

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

Making the required findings for certifying compliance with the California Environmental Quality Act and conditionally approving the Branstetter Gravel Bar Conditional Use/Mining Permit and Reclamation Plan 15-year Renewal

WHEREAS, Humboldt County Department of Public Works staff submitted an application and evidence in support of approving a 15 year renewal of the Branstetter Gravel Bar Conditional Use/Mining Permit and Reclamation Plan (CUP-29-92XX/SMR-06-92XX/RP-05-92XX); and

WHEREAS, the Humboldt County Planning Division has reviewed the submitted application, PLN-2023-18391, and evidence and has referred the application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the Humboldt County Planning Division, has reviewed the submitted application and evidence to involved reviewing agencies for site inspections, comments and recommendations; and

WHEREAS, the 15-year renewal project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301, a Class 1 Categorical Exemption, Existing Facilities; and

WHEREAS, the Humboldt County Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed 15-year renewal of the surface mining operation; and

WHEREAS, on April 3, 2025, a public hearing was held to receive public testimony on the proposed project.

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

- 1. FINDING:** **Project Description:** Renewal of a 15-year term of a previously approved, existing instream gravel bar mining operation on the

Bear River near Capetown. The operation includes 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 to five years. No changes 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 CHERT and other regulatory agencies.

EVIDENCE: a) Project File: PLN-2023-18391

2. FINDING: **CEQA:** The project is exempt from environmental review under CEQA Guidelines §15301, Existing Facilities.

EVIDENCE: a) No expansion horizontally or vertically is proposed; no changes are proposed.

b) The project was previously subject to CEQA review, mitigation measures were incorporated and are now part of the project.

c) The project is subject to review and approval by CHERT and other affected agencies annually.

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

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

EVIDENCE: a) County Public Works staff state 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) Referral notices were sent to interested agencies including CHERT, and no agencies indicated that the term should be less than 15 years. County Public Works staff are not aware of any special circumstances that should limit the term.

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 November 2024 shows no violations or issues.

6. **FINDING:** Existing Mitigation Measures and Conditions reduce environmental impacts to less than significant and all impacts are addressed.

EVIDENCE: a) Following review of relevant regulations and consultation with interested agencies, there are no changes in the law or circumstances that warrant additions or changes to conditions or mitigation measures.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Humboldt County Zoning Administrator does hereby:

- Adopt the findings set forth in this resolution; and
- Conditionally approves the 15-year renewal of the Branstetter Gravel Bar Conditional Use/Mining Permit and Reclamation Plan (CUP-29-92XX/SMR-06-92XX/RP-05-92XX) subject to the conditions of approval attached hereto as Attachment 1A and Attachment 1B.

Adopted after review and consideration of all the evidence on **April 3, 2025.**

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

ATTACHMENT 1.A
CONDITIONS OF APPROVAL
PLN-2023-18391, CA MINE ID #91-12-0050

APPROVAL OF THE SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, AND RECLAMATION PLAN RENEWAL IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS:

A. Conditions of Approval:

1. All conditions of approval attached to the original permit, CUP-10-12/SMP-09-03/RP-09-03, the 2012 renewal CUP-10-12/SMP-09-03/RP-09-03, and to subsequent renewals, remain in effect.
2. The terms of the Conditional Use/Surface Mining Permit and Reclamation Plan shall be fifteen (15) years and shall expire on August 21, 2038. The applicant may renew the use permit and/or reclamation plan by submitting prior to expiration appropriate forms and fees in effect at the time of renewal.

ATTACHMENT 1.B
CONDITIONS OF APPROVAL
CUP-28-92X/SMP-06-92X

APPROVAL OF THE SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, AND 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 10, 2008 by Robert W, Bronkall, Associate Engineer.

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) days of the effective date of the approval of this permit, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,043.00, Pursuant to Section 711.4 of the Fish and Game Code, the amount includes the Department of Fish and Game (DFG) fee plus the 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 \$1,993,00 fee payment requirement. In this instance, only a copy of the DFG form and the \$50,00 handling fee is required.
8. The project shall comply with the requirements of CHERT, 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, including CalOSHA and MSHA, and shall submit written documentation to Community Development Services that the clearances from agencies have been obtained.
9. 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.
10. The Reclamation Plan and Plan of Operations shall be revised to incorporate the recommendations set forth by the Department of Conservation per letter dated November 4, 2008 and as addressed in the DPW response letter dated January 15, 2009 and by the Department of Fish and Game per letter dated May 27, 2009 and as addressed by DPW per letter dated June 1, 2009.
11. The project shall be consistent with all mitigation measures as identified in the Negative Declaration and Subsequent Mitigated Negative Declaration.
12. The project shall be consistent with the requirements of the North Coast Unified Air Quality Management District, including the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying and Surface Mining Operations.

13. The Conditions of Approval for the 1993 approval shall remain in full force and effect except as specifically revised by the current approval.

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 operations included herein setting forth routine (i.e., non-emergency) days and hours of operations. 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 environment, may require review by the Division of Mines and 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.
3. The terms of the Conditional Use/Surface Mining Permit and Reclamation Plan shall be fifteen (15) years and shall expire August 25, 2023. The applicant may renew the use permit and/or reclamation plan by submitting prior to expiration appropriate forms and fees in effect at the time of renewal.
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. 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.

7. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads.
8. The operator shall incorporate Best Management Practices and shall maintain erosion control and sedimentation measures as described in the Reclamation Plan and amendments thereto and as required by regulating agencies.
9. No new access roads shall be constructed without prior approvals.
10. No riparian vegetation shall be removed without prior approvals.
11. Hours of Operations shall typically be Monday through Friday during daylight hours, generally 8:00 am to 4:30 pm; however, occasionally start-up may occur as early as 6:30 am for specific jobs. These hours do not apply to emergency road repair situations. Extraction activities will be conducted between June 15 and October 15 to avoid impacts to anadromous fish that may be in the river. Any substantial changes to the months of operations or hours of operation shall be preapproved by the Planning Department.
12. The terms of the Conditional Use/Surface Mining Permit and Reclamation Plan shall be fifteen (15) years and shall expire August 25, 2023. The applicant may renew the use permit and/or reclamation plan by submitting prior to expiration appropriate forms and fees in effect at the time of renewal.
13. Operational noise levels and particulate settlement patterns shall be consistent with County standards and requirements of regulating agencies, and shall be measured by the operator upon demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.
14. The applicants shall secure and abide by all permits and agreements necessary for gravel operations.

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 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, 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 and comply with the conditions of DEH.

SURFACE MINING RECLAMATION PLAN
Branstetter Gravel Bar/Bear River
CA Mine # 91-12-0050

Operator

Humboldt County Public Works Department
1106 Second Street Eureka, CA 95501
Ph. #707-445-7741

Owner/Surface Rights

William & Marilyn Branstetter
Star Route Ferndale, CA 95536
(Parcel #102-201-003)

Philip Branstetter
Capetown Ranch
Ferndale, CA 95536
(Parcels #102-211-008, -009)

General Mining Operation Information

Mined Mineral Commodity
Gravel

Estimated Production
3,000 cubic yards, as frequently as annually
Total 10,000 cubic yards every 3-5 years

Total Acres to be Disturbed
Up to 6.4 acres

Total Acres to be Reclaimed
Up to 6.4 acres

Estimated Date of Closure
December 31, 2038, unless this permit is renewed

Location

The Branstetter gravel bars on Bear River are 14.3 miles south of Ferndale on Mattole Road (Exhibit 1). They are located in Section 13, Township 1 North, Range 3 West, HB&M and can be seen on the 7.5' Capetown USGS quadrangle map (Exhibit 2). The gravel bars included in this site are approximately 1.8 miles upstream of the confluence of Bear River and the Pacific Ocean.

Site Description

The Branstetter gravel bars on Bear River extraction area consists of two gravel bars adjacent to the Mattole Road Bridge. The bar below the bridge is approximately 1,300 feet (ft) long x up to 130 ft wide, and is the primary extraction area (Exhibit 3, Photograph 1). A secondary extraction area above the bridge is a smaller bar, 440 ft long x up to 70 ft wide (Exhibit 3, Photograph 2). Crushing and stockpiling of gravel is done -0.5 miles upstream of the extraction area, along Prescott Drive, in a flat, previously disturbed area (Exhibit 3, Photograph 3). The extraction, crushing, and stockpile areas can be seen in Exhibit 4-Site Plan.

Description of Environmental Setting

Geology/Soils

The project area consists of river terrace deposits and river channel deposits of sand and gravel. The project vicinity consists of a shear zone to the north of the river, and undifferentiated Wildcat group formation to the south. Historic landsliding was frequent and extensive both north and south of the river. There is a large translational landslide adjacent to the river immediately across from the downstream gravel bar (Spittler 1984, Humboldt County Planning Division 2008). Oil was discovered in the area and there is an abandoned oil well on the south side of the river, across from the upstream gravel bar (Spittler 1984). In addition, venting gas deposits have been found throughout the Capetown area (Ferndale Enterprise 1987, 1988)

The Humboldt County Seismic Safety Map, Plate 1 (1979) identifies the area as Zone E: bedrock. Characteristics of earthquake shaking consist of higher accelerations but of relatively short periods (i.e. lower energy content) and shorter duration of shaking. There is an unnamed fault in the vicinity, approximated to run through Capetown and crossing the river immediately upstream of Mattole Road (Spittler 1984). The Russ Fault Zone is approximately 3.2 miles north of the project area. The Mattole Shear Zone is 4.9 miles south of the project (Humboldt County Planning Division 1979).

The project vicinity is seismically active with frequent small earthquakes. The April 25, 1992, magnitude 7.1, Cape Mendocino earthquake (followed by two major aftershocks on April 26) was centered 12 miles southeast of the Branstetter gravel bars. The Cape Mendocino earthquake produced road cracking and slumping in the vicinity of Capetown (Stein et. al. 1993).

There is no soil on the gravel bars which are made up of fine to coarse gravel and cobble. Soils in Capetown vicinity, adjacent to the project area are Russ silt loam and Loleta silt loam. The Russ series are moderately well drained soils that occur along waterways adjacent to alluvial valleys and drainages. They originate in the Wildcat formation and exhibit no profile development. Russ soils are primarily used for pasture and produce good to excellent yields. Loleta series soils are related to Russ soils. They are moderately well to imperfectly drained, developed from sedimentary alluvium from the Wildcat formation, and are more developed than Russ soils. Loleta soils are nearly all used for pasture crop production (McLaughlin 1965). Portions of the ranch land surrounding the bars are under Williamson Act protection as agricultural preserve (Humboldt County Planning Division 2008). However, work will be confined to the gravel bars, existing access roads, crushing, and stockpile sites.

Hydrology

There is no permanent river flow gauging station located on Bear River. Flow measurements taken in summer 2000 by DFG staff during a stream habitat and biological inventory of the river revealed a flow rate of 36.96 cfs approximately 1.1 miles above the Mattole Road bridge. Bear River was subject to severe flooding in 1955 and 1964. The flooding in 1955 was especially severe and significantly scoured and altered the river channel (Western Timber Services 2001).

While the Branstetter bars show a net decrease in gravel material over the past ten years, the introduction of sediment from natural activity (landsliding, streamside erosion) and road erosion in the upper watershed continues to occur. It is anticipated that this sediment will migrate downstream over the next several years. Compliance with CHERT recommendations will ensure that the quantity of gravel removed is not excessive.

Vegetation

The California Natural Diversity Database (CNDDDB) contains records for five rare or sensitive plant species in the area covered by the Capetown USGS 7.5' quadrangle. The project area does not contain habitat for any of these species, but the project vicinity contains habitat for two: Oregon coast paintbrush and Siskiyou checkerbloom.

Oregon Coast Paintbrush

Oregon coast paintbrush (*Castilleja affinis ssp. litoralis*) is found in coastal scrub, coastal bluff scrub, and coastal dune areas. It is ranked by CNPS as List 2.2 (plants fairly threatened in California, but more common elsewhere). Oregon coast paintbrush has been found on the south slope of Bear Ridge near Capetown. The project vicinity contains habitat for the paintbrush and it may be found there.

Siskiyou Checkerbloom

Siskiyou checkerbloom (*Sidalcea malviflora ssp. patula*) is found in coastal prairie and broad leafed upland forest in open areas. It is ranked by CNPS as List 1 B.2 (plants fairly threatened in California and elsewhere). Siskiyou checkerbloom has been found on the south side of Bear Ridge, on slopes draining to Bonanza Gulch and Johnson Gulch. The project vicinity contains habitat for the checkerbloom and it may be found there.

In 1996, a vegetation survey of the Branstetter bars was performed as a requirement of the Corps of Engineers Letter of Permission Procedure (LOP1996-1). The gravel bars and forested area adjacent to the bars were surveyed. None of the plants listed above were observed in the project area (Botanica Associates 1996).

Wildlife

The following species of wildlife are listed by the US Fish & Wildlife Service (USFWS) as threatened or are candidates for listing for the Capetown 7.5' USGS quadrangle as of August 2008.

Table 1 – USFWS Species List for Capetown Quadrangle

SCIENTIFIC NAME	COMMON NAME	STATUS	CRITICAL HABITAT
Fish			
<i>Eucyclogobius newberryi</i>	tidewater goby	Endangered (1994)	Yes (2000)
<i>Oncorhynchus kisutch</i>	S. OR/N. CA coho salmon	Threatened (1997)	Yes (1999)
<i>Oncorhynchus mykiss</i>	Northern California steelhead	Threatened (2000)	Yes (2005)
<i>Oncorhynchus tshawytscha</i>	CA coastal chinook salmon	Threatened (1999)	Yes (2005)
Birds			
<i>Brachyramphus marmoratus</i>	marbled murrelet	Threatened (1992)	Yes (1996) Revision Proposed (2006)
<i>Coccyzus americanus</i>	western yellow-billed cuckoo	Candidate	No
<i>Pelecanus occidentalis</i>	brown pelican	Endangered (1970)	No
<i>Phoebastria albatrus</i>	short-tailed albatross	Endangered (1970)	No
<i>Strix occidentalis caurina</i>	northern spotted owl	Threatened (1990)	Yes (1992)
<i>Synthliboramphus hypoleucus</i>	Xantus's murrelet	Candidate	No
Mammals			
<i>Balaenoptera borealis</i>	sei whale	Endangered (1970)	No
<i>Balaenoptera musculus</i>	blue whale	Endangered (1970)	No
<i>Balaenoptera physalus</i>	fin whale	Endangered (1970)	No
<i>Megaptera novaengliae</i>	humpback whale	Endangered (1970)	No
<i>Physeter macrocephalus</i>	sperm whale	Endangered (1970)	No

The federally listed mammals are all found in marine environments and will not be found in the project area or vicinity. Brown pelicans, Xantus's murrelets, and short-tailed albatrosses are also found in marine environments and will not be found in the project area or vicinity. Tidewater gobies are found in estuarine environments with brackish water. There is no habitat for tidewater gobies in the project area or vicinity.

Western Yellow-Billed Cuckoo

Western yellow-billed cuckoos breed in dense willow and cottonwood stands on river floodplains (USFWS 2007). The project area does not contain habitat for western yellow-billed cuckoos. There is habitat for cuckoos in the project vicinity.

Northern Spotted Owl

Northern spotted owls prefer old-growth or mixed-age stands of mature and old-growth trees. Superior habitat attributes include a multilayered, multispecies canopy dominated by large (30-inch diameter at breast height) conifer overstory with an understory of shade-tolerant conifers or hardwoods; moderate to high (60-80%) canopy closure; substantial decadence in the form of large live conifers with deformities (cavities, broken tops, mistletoe infection); numerous large snags; a large accumulation of logs and woody debris on the forest floor; and a canopy open enough to allow owls to fly within and beneath (Thomas 1990).

Owls nest in large live trees with broken tops or cavities. In northern California, owls roost in areas with moderate to high canopy closure (60-80%), multi-layered with multiple tree species. Foraging activities can take place in a wider array of forest types, including more open forests. While owls forage in dense forests, they also forage along the edges of dense forests and in more open forests for different prey (USFWS 2007). Nesting season is from February 1 through July 31 (USFWS 1998).

The project area does not contain habitat for northern spotted owl. However, the project vicinity contains habitat for owls. The CNDDDB Biogeographic Information System (BIOS) contains one record within 1.5 miles of the project area. This observation (HUM 763) was made in 1995 about 1.3 miles southeast of the project site, and involved the sighting of one adult male bird. BIOS does not contain any more recent observations of northern spotted owls in the project vicinity. There is no deSignated critical habitat for northern spotted owl in the project vicinity.

Marbled Murrelet

Marbled murrelets are long-lived seabirds that spend most of their lives in the marine environment, but fly inland to nest. Courtship, foraging, loafing, molting, and preening occur in near-shore marine waters. Nesting generally occurs in old-growth forests, characterized by large trees (typically Douglas fir and coastal redwood), multiple canopy layers, and moderate to high canopy closure (USFWS 2007). Nesting habitat is located close enough to the marine environment for the birds to fly to and from the nest site. Nesting season is March 24 through September 15 (USFWS 1998).

Marbled murrelets are known to inhabit the ocean near the mouth of Bear River (1.8 miles downstream of the project area). The project area does not contain habitat for marbled murrelets. However, there is marbled murrelet habitat in the project vicinity. The CNDDDB BIOS contains two murrelet observances. Observance #1475 was made in 1989 about 0.14 miles south of the Bear River bridge. The second observance in the project vicinity, #1476, was also made in 1989 and was about 1.2 miles south-southwest of the bridge. Both observations appear to have been made along Mattole Road and were auditory detections only (no visual confirmations). A 1994 Bear River Marbled Murrelet Study (Pacific Northwestern Biological 1994) reviewed the results of 327 marbled murrelet survey visits from 1988-1994. No detections other than the two contained in BIOS were made. In response to this study, DFG commented that while there is marginal to moderate marbled murrelet nesting habitat in the area, extreme weather conditions typical to the area make it inhospitable for murrelets (Moore 1995). There is no designated critical habitat for marbled murrelet in the project vicinity.

Coho, Chinook, and Steel head Habitat in Bear River

Steelhead and chinook salmon are known to inhabit Bear River. Coho salmon has not been found in the river.

The project reach contains habitat for all three species. Habitat mapping by DFG in 2000 (performed during July-October) categorized the river in the project reach as a C4 habitat type (Rosgen system). C4 channels are low gradient, meandering, point-bar, riffle/pool alluvial channels with broad, well-defined floodplains and gravel dominated channels (Western Timber Services 2001). The 9.3 miles of C4 channel of lower Bear River contained riffles/flatwater with a mean width of 41 ft. Total pool mean depth was

1.9 ft, and the base flow was estimated at 37.0 cfs at river mile 3.0 (DFG 2000). Fish trapping during the spring of 2002 verified the presence of both outmigrating juvenile steel head and chinook salmon (Ricker 2002).

Review of occurrences of rare and sensitive wildlife species recorded in CNDDDB (August 2008) for the Capetown 7.5' USGS quadrangle revealed a total of two species of mammals and amphibians. The project area and/or vicinity contains habitat for both.

Sonoma Tree Vole

Sonoma tree voles (*Arborimus porno*) are found in the north coast fog belt in Douglas fir, redwood and montane hardwood-conifer forests. Sonoma tree voles have been found on Bear River Ridge approximately 3 miles northeast of Capetown. The project area does not contain habitat for voles, however habitat can be found in the project vicinity.

Western Tailed Frog

Western tailed frog (*Ascaphus truei*) is found in perennial montane streams surrounded by montane hardwood-conifer, redwood, Douglas fir and ponderosa pine habitats. Frogs have been found in Oil Creek, north of Bear River. The project area and vicinity contain habitat for western tailed frogs.

Cultural Resources

The Bear River watershed was home to the Bear River tribe. Lower Bear River contained several villages, primarily on the north side of the river. The village of Chilscheck was located at what is now Capetown. The villages in the Capetown area were plowed up and destroyed by white settlers by the time of Nomland's "Bear River Ethnography" (Nomland 1938). Chil-scheck would have been located adjacent to the gravel bar west (downstream) of the bridge.

The community of Capetown was established in the 1860s. At one time the town had a post office, school, blacksmith shop, store, hotel, stable, and dancehall. Of these, the school is the only building still standing. The school was built in 1878 (Ferndale Enterprise 1974). It originally had 17 students and as many as 30 students (1896). It was closed in 1960. The structure retains some of its original architectural elements. It is currently used for storage.

Description of Proposed Action

HCPW proposes to extract up to 3,000 cy of gravel, as frequently as annually, for a period of 15 years. The volumes extracted will total 10,000 cy every three to five years.

Gravel extraction on the Branstetter bars requires permit coverage from a number of environmental regulatory agencies. All proposed actions will conform to and comply with the requirements and conditions of all issued permits.

Gravel Extraction

Skimming is the preferred extraction method for this site. Other extraction methods that may be used for the site include narrow skim, trenching, horseshoe skim, alcove, and wetland pit methods. The volume, location and extraction method will be determined using the recommendations made by the County of Humboldt Extraction Review Team (CHERT) and the capabilities of the equipment used.

In the spring, CHERT will visit the site with HCPW staff to evaluate the availability of gravel, best location for an extraction, volume to be extracted, and type of extraction to perform. Following the CHERT site visit, a pre-extraction report will be prepared for CHERT and other participating regulatory agencies. Pre-extraction cross-sections will be surveyed and superimposed on an aerial photograph of the site. A discussion of the proposed extraction methodology will be included in the report, along with a work plan for the proposed action.

Upon approval of the pre-extraction report, and prior to extraction, survey cut stakes will be set throughout the extraction area to guide equipment and set boundaries for the operation.

Gravel will be extracted using heavy equipment such as a bulldozer or excavator, frontend loader, and dump trucks. The downstream bar will be accessed via the designated haul road, which is an existing access road to the bar from Prescott Drive, about 50 ft upstream of the Mattole Road bridge. The upstream bar will be accessed from an existing access road to the bar from Mattole Road, also about 50 ft upstream of the bridge. Working within the pre-set cut stakes, the bulldozer or excavator will remove gravel from the area and create temporary piles on the bar. The front-end loader will load the piled gravel into dump trucks for transport to the existing established stockpile location for processing.

Gravel extraction activities will be conducted between June 15 and October 15 to avoid impacts to anadromous fish that may be in the river. The work period for each extraction will be about 3-4 weeks.

Dust control measures will consist of watering the access road, haul road, and extraction area(s) as needed with a water truck using an offsite water source or drafting from a temporary hole dug in the bar at least 30 ft away from the low-flow channel.

Following completion of the extraction, the extraction area will be reclaimed according to permit requirements and CHERT recommendations. This includes grading the entire extraction area to drain freely and filling in depressions. Temporary stockpiles will be removed from the bar. Haul roads on the bar will be scarified to reduce compaction. Post-extraction cross-sections will also be surveyed.

Gravel Processing

A portable crusher assembly, consisting of jaw and cone crushers, conveyors, and a generator trailer (Exhibit 6), will be temporarily located either on the gravel bar or near the permanent stockpile area. Gravel from the bar will be transported to the crusher via

dump truck and/or front-end loader. Crushed rock will be stockpiled at the permanent stockpile area, or transported to another storage facility or construction site. Once crushing activities are completed, the crusher assembly will be dismantled and removed from the area.

Traffic Control

Traffic control will consist of placing warning signs along Mattole Road in both directions on either side of the bridge. It will not be necessary to detour or otherwise restrict traffic. Minor traffic delays may occur as vehicles slow down when they encounter trucks entering or exiting Mattole Road from Prescott Drive or the upstream bar access road. Traffic on Prescott Drive may be temporarily disrupted by trucks transporting gravel to the permanent stockpile site. Delays will be temporary, ending when extraction and reclamation activities are completed and trucks/equipment leave the area.

Interim Activities

After each extraction is completed, the bar will be reclaimed and all equipment removed. Monitoring cross-sections will continue to be surveyed regularly. See Exhibit 7, Interim Management Plan, for additional details.

Monitoring and Reporting Activities

Monitoring will consist of surveying the pre-established monitoring cross sections as required by the permitting agencies, with results submitted to interested agencies. Following permit expiration or final closure of the site, no subsequent monitoring will be performed.

Financial Assurances

Processed separately. On file with Planning and Building Department.

Reclamation Activities

Post-Extraction Reclamation Activities

Reclamation on the gravel bar is ongoing and is completed at the end of each extraction event. Once each extraction and associated crushing activities are complete, the following reclamation activities will commence:

- Any incidental holes or depressions created during extraction activities will be graded smooth to facilitate free drainage and prevent fish stranding.
- Temporary stockpiles will be removed from the bars.
- Haul roads on the bars will be scarified to reduce compaction.
- The crusher will be disassembled and removed from the site.
- Post-extraction cross sections will be surveyed and a post-extraction report filed with CHERT and regulatory agencies.

Final reclamation activities will commence when mining on the Branstetter Bars by HCPW under this Reclamation Plan has ceased. Final reclamation will consist of the following activities (additional to post-extraction reclamation):

1. *Haul Roads* -Haul roads on the gravel bar used exclusively for mining will be decommissioned by scarifying to eliminate compaction, unless the property owner directs otherwise. Haul roads that serve as pre-existing ranch roads

will be improved or graded for continued post-mining use as ranch roads, unless the property owner directs otherwise.

2. *Crushing Area* -The area on Prescott Drive used for gravel crushing will be decompacted, resoiled with imported topsoil, seeded with native pasture grasses, and mulched with weed-free straw, unless the property owner directs otherwise.
3. *Stockpile Area* -The stockpile area on Prescott Drive, while receiving crushed gravel from the Branstetter bars, is a long-established permanent stockpile area, independent from the mining operation. No final reclamation is proposed for this facility.

Post Reclamation Land Use

The land use designation of the project area portion of all three parcels is Agriculture. Parcels #201-201-003 (north of the river) and 201-211-009 are zoned Agriculture Exclusive. Parcel #201-211-008 is zoned Timber Production Zone (Humboldt County Planning Division 2008). The extraction area is gravel bar below ordinary high water, and naturally contains no vegetation appropriate for grazing or timber production. The stockpile area is a roadside pullout. The crushing area, while in a previously excavated area, may be used for grazing when final reclamation is complete. There will be no mining-associated activity on the portions of the parcels used for grazing or timber production.

Time Schedule

Reclamation is completed immediately after each extraction and associated post extraction surveying, and before winter rains begin. Final reclamation will be completed immediately after the final extraction and associated surveying. Reclamation after each extraction (and final reclamation) takes approximately 1-2 days to complete.

Topography

The gravel bars in the area of the extraction will be graded smooth, removing any depressions within and outside the extraction area.

Resoiling

The extraction area does not contain topsoil. Resoiling of the site is not a part of the reclamation activities.

Revegetation

There is no vegetation in the extraction area. Revegetation is not a part of the reclamation activities.

Impact of Reclamation on Future Mining in Area

Reclamation of the gravel bars will not affect the possibility of future mining at this site. Continued erosion upstream of the Branstetter bars will continue to contribute gravel material to the site.

Impact of Reclamation on Public Health and Safety

The final topography of the site once reclamation is completed will not pose a hazard to the public. All equipment including the crusher assembly will be removed from the site. Any contaminated material will have been removed, therefore there will be no risk of exposure to hazardous materials. The site is privately owned. Public access will be allowed or restricted at the property owners' discretion.

Reclamation Performance Standards

Wildlife Habitat: Objective -Maintenance and improvement of habitat for anadromous fish. Extractions will be designed, with the assistance of CHERT and National Marine Fisheries Service, to minimize impacts to fish and fish habitat. Gravel bar grading after extraction will eliminate depressions that could result in fish stranding.

Backfilling, Regrading, Slope Stability, and Recontouring: Objective Reduce possibility of fish stranding. The extraction area will be regraded to remove depressions.

Revegetation: Objective -Re-establish vegetation consistent with seasonally inundated gravel bar. There is little to no vegetation on the gravel bars. The bars will be allowed to revegetate naturally. Revegetation of the crushing area will be done at the property owner's direction.

Drainage, Diversion Structures, Waterways, and Erosion Control: Objective -Re-establish natural waterway of Bear River, protect river from fine sediment input due to extraction activities. Extraction activities will be completed before the site is inundated by winter high flows. Reclamation after each extraction will remove depressions caused by extraction activities.

Prime Agricultural Land: Objective -No loss of prime agricultural land. The gravel bars do not constitute prime agricultural land.

Other Agricultural Land: Objective -No loss of other agricultural land. The gravel bars do not constitute other agricultural land.

Building, Structure, and Equipment Removal: Objective -Remove all structures and equipment associated with the mining and reclamation operation. All equipment used in the mining and reclamation of the gravel bars, including the crusher assembly will be removed from the site when reclamation is completed. **Stream Protection:** Objective -Return stream to natural condition. After extractions, the bars will be graded smooth, removing depressions.

Topsoil Salvage, Maintenance and Redistribution: Objective -Resoil extraction area to support revegetation and post-reclamation land use. There is no topsoil on the gravel bars. No topsoil placement will be done on the bars. The crushing area will be resoiled at the property owner's direction.

Tailings and Mine Waste Management: Objective -Mine waste and tailings will be disposed of or reclaimed. Waste will consist of fine material in the "reject" pile from crushing activities. Rejected material will be transported to a disposal facility to be determined.

Closure of Surface Openings: Objective -Protect wildlife and the public from open wells, shafts, etc. There will be no drill holes, water or monitoring wells, shafts, tunnels, or other surface openings to underground workings to be abandoned or closed.

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Statement of Responsibility

I, Tom Mattson, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et seq., and with any modifications requested by the administering agency as conditions of approval.

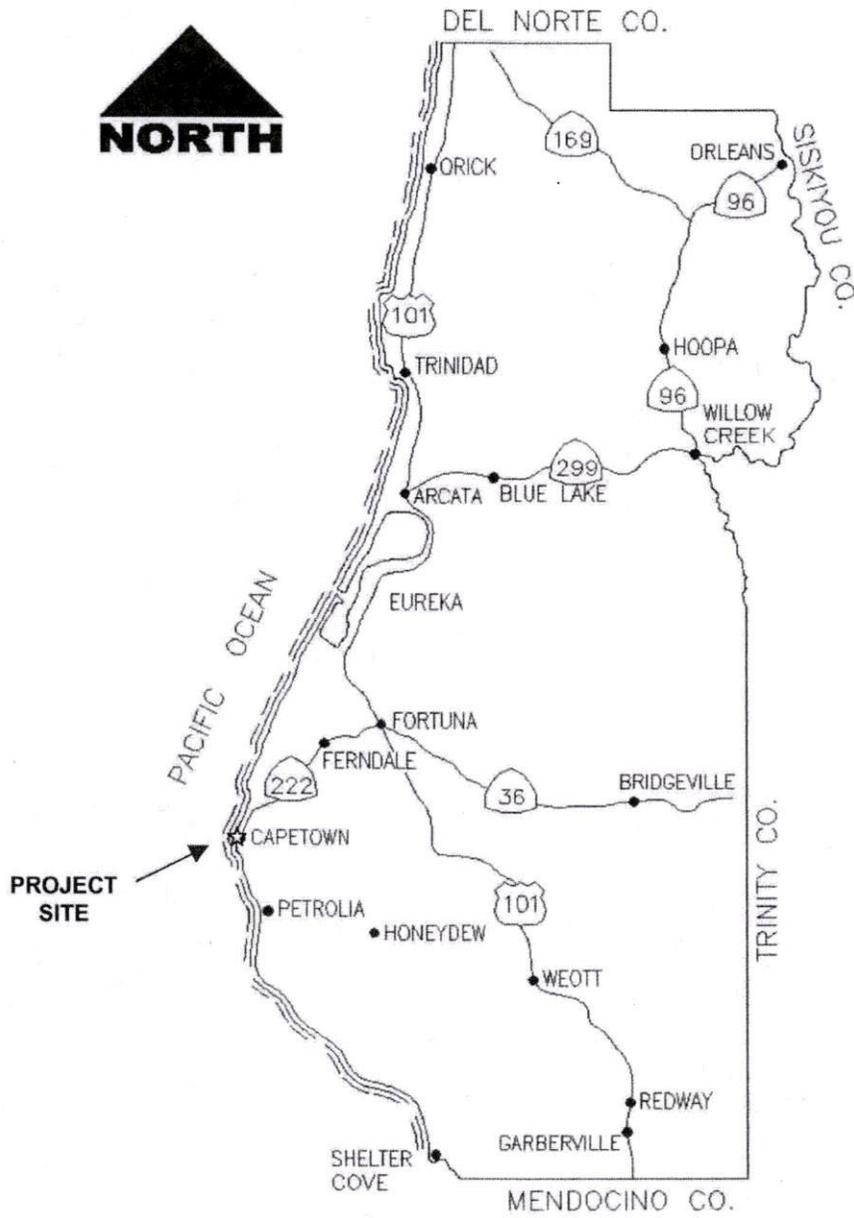
Tom Matson, Director, Humboldt County Public Work

EXHIBIT 1

LOCATION MAP

EXHIBIT 1 – LOCATION MAP

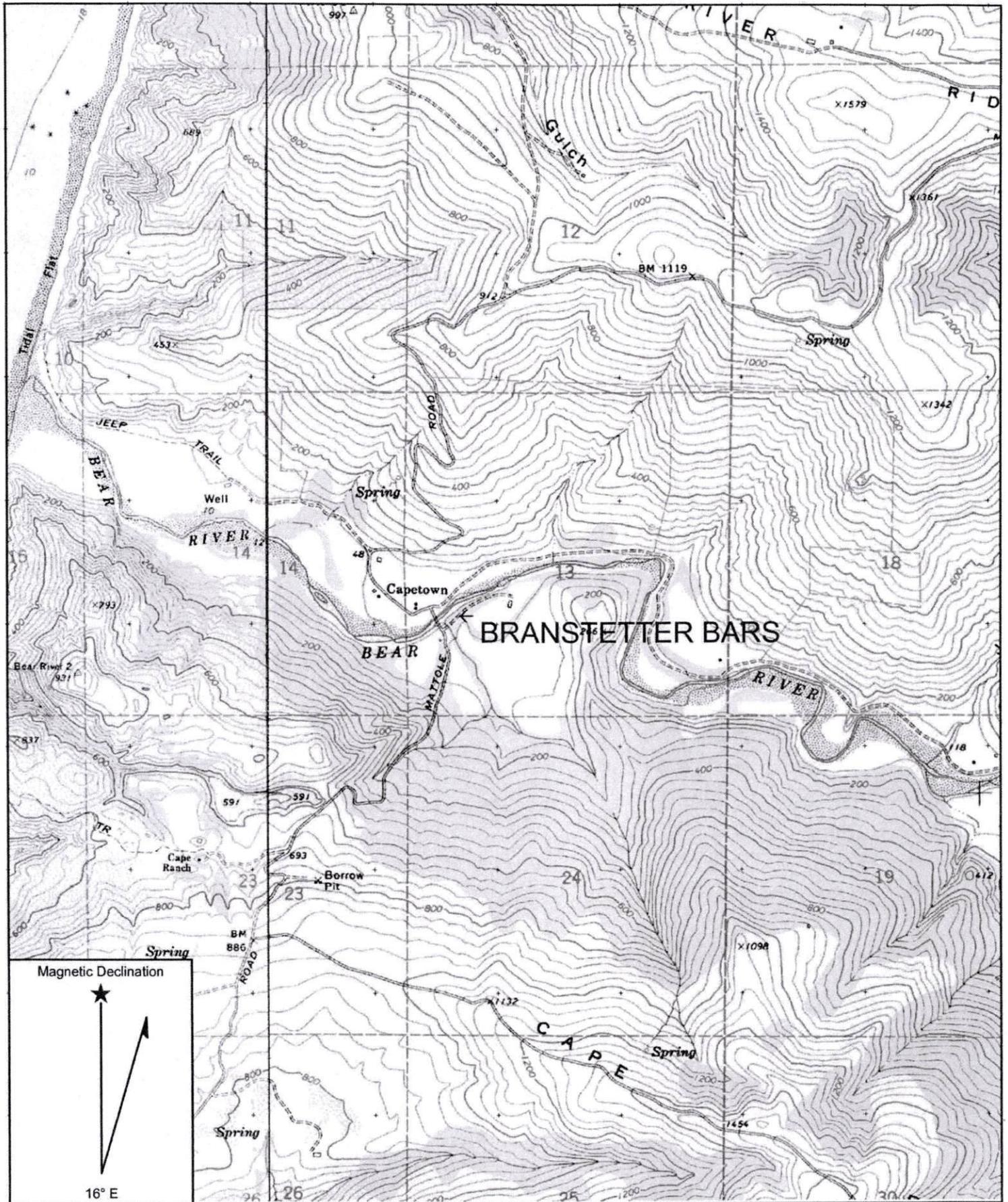
BRANSTETTER BARS/BEAR RIVER (Humboldt County Public Works Department)



(not to scale)

EXHIBIT 2

VICINITY MAP



Name: CAPETOWN
 Date: 1/13/2009
 Scale: 1 inch equals 2000 feet

Location: 040° 27.9903' N 124° 21.7374' W NAD 83
 Caption: Branstetter Bars/Bear River
 (Humboldt County Public Works)

EXHIBIT 3

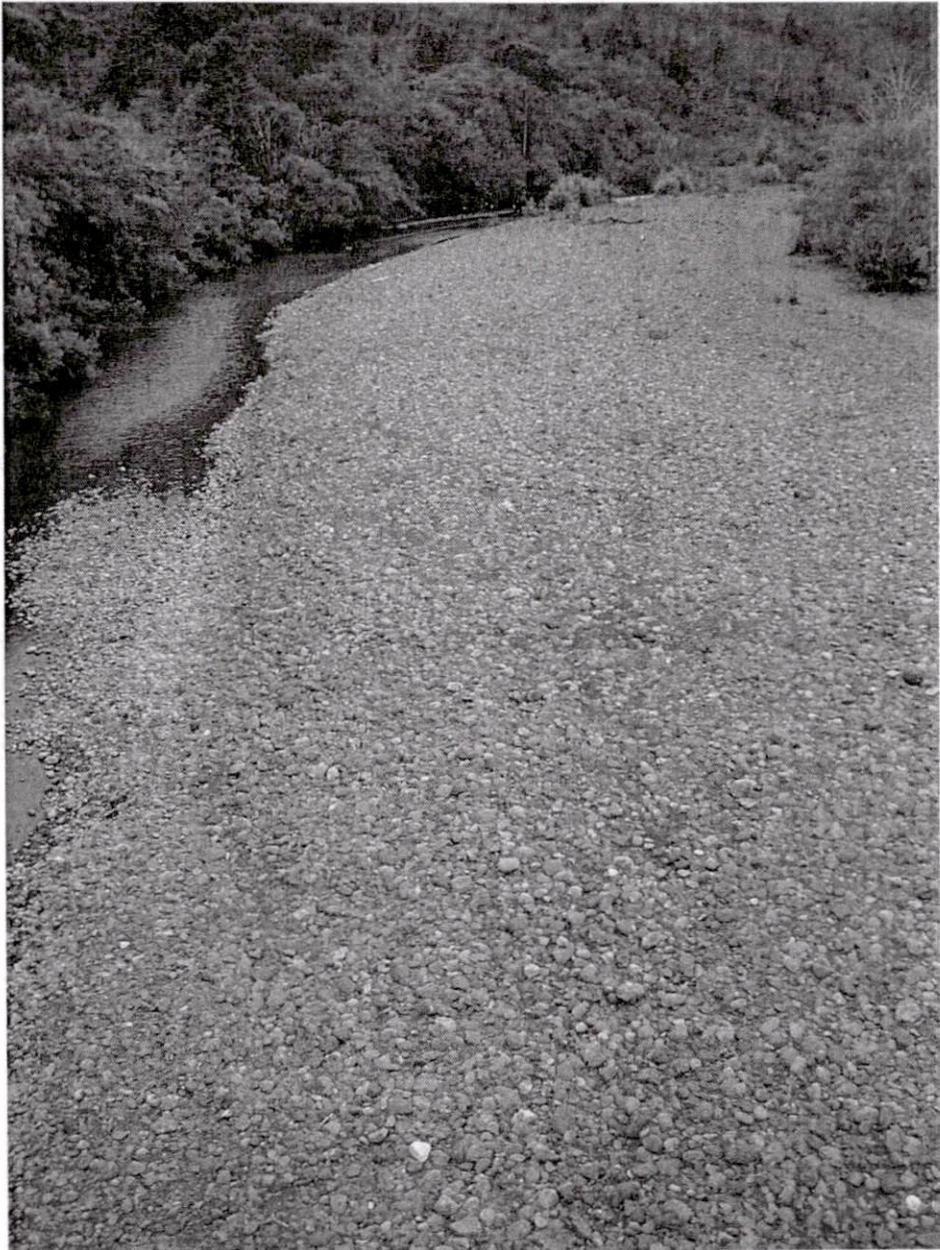
PHOTOGRAPHS

#1 – Downstream Bar

#2 – Upstream Bar

#3 – Crushing/Stockpile Area

BRANSTETTER BARS/BEAR RIVER
Humboldt County Department of Public Works



Photograph #1 – Downstream Gravel Bar

BRANSTETTER BARS/BEAR RIVER
Humboldt County Department of Public Works



Photograph #2 – Upstream Gravel Bar (Behind Truck)

BRANSTETTER BARS/BEAR RIVER
Humboldt County Department of Public Works



Photograph #3 – Crushing and Stockpile Location

EXHIBIT 4

SITE PLAN

LEGEND

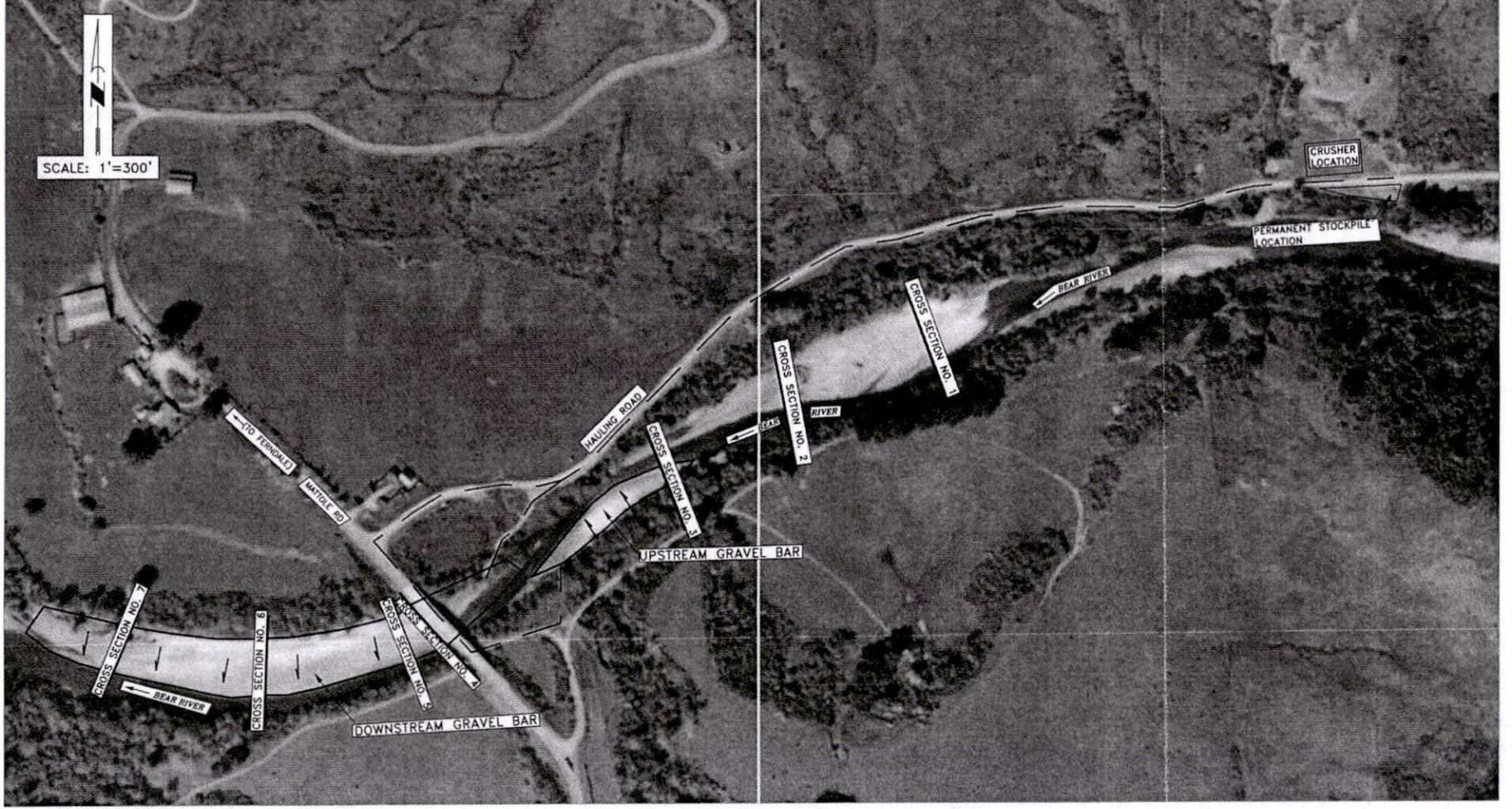
-  DRAINAGE DIRECTION
-  HAULING ROAD

BAR SIZE: 6.45 ACRES
PHOTO DATE: 3-31-00

NATURAL RESOURCES DIVISION HANK SEEMANN	
DRAWN BY: BJW	PROJECT NO: B07
REVIEWED BY: AC	PLOT DATE: 12/15/08
APPROVED BY: HS	
DRAWING FILE NAME: L:\PROJECTS\Bear_of\DWG\BRANSTETTER_08.DWG	

COUNTY OF HUMBOLDT DEPARTMENT OF PUBLIC WORKS
BRANSTETTER / BEAR RIVER GRAVEL BAR
SITE PLAN

SHEET **1**
OF **1**



LEGEND

-  DRAINAGE DIRECTION
-  HAULING ROAD

BAR SIZE: 6.45 ACRES
 PHOTO DATE: 3-31-00

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DRAWN BY: B/W	PROJECT NO.: B07
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COUNTY OF HUMBOLDT DEPARTMENT OF PUBLIC WORKS
BRANSTETTER / BEAR RIVER GRAVEL BAR
SITE PLAN

SHEET **1**
 OF **1**

