

**ADDENDUM TO MITIGATED (CONDITIONAL) NEGATIVE DECLARATION
EMMERSON GRAVEL BAR ADOPTED JULY 28, 1992 (SCH # 1992063085)**

Project Description

The current project involves renewal of the Reclamation Plan for an existing in-stream mining operation at the Emmerson 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 28, 2022.

Project History

On June 16, 1992, the Humboldt County Board of Supervisors (BOS) made a determination of vested rights for an annual maximum extraction of 50,000 cubic yards from the Emmerson Bar. On July 28, 1992, the BOS approved the reclamation plan and adopted the Mitigated (Conditional) Negative Declaration. The applicant proposes continued operations for intermittent extraction. There are no changes to the vested mining operation. The site has been intermittently mined since before the 1960s for major highway construction projects, riverbank flood repair and bridge abutment protection.

The property is located in the lower reaches of the Mad River watershed system, immediately upstream (east) of the Mad River Bridge on Hatchery Road, near the City of Blue Lake. The property is approximately 230 acres in size; rarely are more than fifteen acres disturbed in one season. The gravel bar is an open active bar without topsoil or significant amounts of vegetation, and contains flood-washed aggregate.

Historic operation involves the removal of aggregate from the exposed bar surface, the 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 regulations. 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 Emmerson 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.

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 the Reclamation Plan 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.

The current project represents a renewal of the Reclamation Plan 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 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 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 Mitigated (Conditional) ND are applicable to the current project.