



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT

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Phone: (707) 445-7541 • Fax: (707) 268-3792

Hearing Date: February 4, 2021
To: Humboldt County Zoning Administrator
From: John H. Ford, Director of Planning and Building
Subject: **Resource Utilization Company Conditional Use Permit,
Surface Mining Permit and Reclamation Plan Renewal**
Case Number PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X)
Assessor's Parcel Number 529-131-011
Orleans Area

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Please contact Joshua Dorris, Planner, at 268-3779, or by email at jdorris@co.humboldt.ca.us if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date February 4, 2021	Subject Conditional Use Permit/Surface Mining Permit/ Reclamation Plan and Financial Assurance Cost Estimate	Contact Joshua Dorris
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Project Description: Renewal of a 15-year permit term for a previously approved rock quarry surface mining operation which was previously approved in 2003 and allowed the quarry to extract, process and stockpile material for a period of 15 years. The project involves a Conditional Use Permit, Surface Mining Permit, Reclamation Plan, and review of financial assurance cost estimates for a surface mining operation involving an upland rock quarry with a proposed total extraction of 300,000 cubic yards (cy) of aggregate material over an expected life of 15 years. Up to 50,000 cy of sand and gravel would be extracted per year. The operation would involve extracting aggregate from the quarry, separating it and then stockpiling it onsite. Usable rock product consists of moderately to loosely consolidated sand and gravel with cobble materials of primarily 8" diameter or less. The quarry operations would involve excavation, processing, loading and hauling. No blasting or drilling would be conducted on site. Heavy equipment to be used on site includes excavators, loaders, and caterpillar tractors, dump trucks. Rock would be hauled by 12 to 14-yard dump trucks. The project includes a caretaker's residence served by on-site sewage disposal system.

Project Location: The project is located in Humboldt County, in the Orleans area, on the west side of Big Rock Road, approximately 1200 feet north from the intersection of State Highway 96 and Big Rock Road, on the property known as 100 and 222 Big Rock Road and 185 Eyesee Road, in the East Half of Section 36 Township 11 North Range 05 East, and in the West Half of Section 31 Township 11 North Range 06 East, HBM.

Present Plan Land Use Designations: IG (Industrial, General); and AE (Agricultural Exclusive)

Present Zoning: Heavy Industrial (MH); and Unclassified (U)

Case Number: PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X)

Assessor's Parcel Number: 529-131-011

Applicant Resource Utilization Company PO Box 349 Orleans, CA 95556	Owner Tom Horn PO Box 349 Orleans, CA 95556	Agent Trinity Valley Consulting Engineers Josh McKnight PO Box 1567 Willow Creek, CA 95573
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Environmental Review: Yes. A Draft Initial Study/Mitigated Negative Declaration was prepared and circulated for public review from January 9, 2019 to February 7, 2019 (SCH# 2003072098) and recirculated from October 29, 2020 to November 29, 2020.

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

Major Issues: None identified by referral agencies

RESOURCE UTILIZATION COMPANY
CONDITIONAL USE PERMIT, SURFACE MINING PERMIT, AND RECLAMATION PLAN
PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X)
Assessor's Parcel Number 529-131-011

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:

Adopt the Draft Mitigated Negative Declaration and make all of the required findings for approval of the Conditional Use Permit, Surface Mining Permit, and Reclamation Plan based on evidence in the staff report, and adopt the Resolution approving the Resource Utilization Company project subject to the recommended conditions.

Executive Summary: Renewal of a 15-year permit term for a previously approved rock quarry surface mining operation which has been permitted and operating since 2003 as CA Mine ID #91-12-0080. The project involves a Conditional Use Permit, Surface Mining Permit, and Reclamation Plan for a surface mining operation involving an upland rock quarry with a proposed total extraction of 300,000 cubic yards (cy) of aggregate material (sand and gravel) over an expected life of 15 years. An annual average of 20,000 cy of material would be extracted with a maximum 50,000 cy in any given year while maintaining the average annual rate of 20,000 cy average over a five-year period. The operation would involve extracting aggregate from the quarry, separating it and then stockpiling it onsite. The original permit was approved in 2003 and allowed the quarry to extract, process and stockpile material for a period of 15 years. The original Reclamation Plan encompassed thirteen (13) acres of the site. The Renewal includes an amended Reclamation Plan encompassing five (5) acres of the originally approved 13 acres. Usable rock product consists of moderately to loosely consolidated sand and gravel with cobble materials of primarily 8" diameter or less. The quarry operations would involve excavation, processing, loading and hauling. No blasting or drilling would be conducted on site. Heavy equipment to be used on site includes excavators, loaders, and caterpillar tractors, dump trucks. Rock would be hauled by 12 to 14-yard dump trucks. The project includes a caretaker's residence served by on-site sewage disposal system.

The method of rock removal involves scraping and excavating with loader, scraper, and excavator. Aggregate materials are temporarily stockpiled and loaded onto trucks or off-road haulers and then transported to the existing adjacent processing site or to off-site locations.

Processing operations involve material crushing and/or sorting; on-site storage of materials; production of concrete; and weighing and hauling by truck. Site conditions existing at the southern portion of the processing site include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales. The hours of operation would generally take place during daylight hours Monday through Friday, from 7:00 am to 6:00 pm, with occasional weekend activities contingent upon market demands or a shortened extraction season.

The quarry would be subject to 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.

The actual and potential environmental effects reviewed by County staff and referral agencies in relation to the project include: noise and hazards, traffic, dust, safety concerns, water quality degradation, impacts to sensitive habitat areas, and depreciation in open space aesthetics. 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. 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 Planning Commission could elect to add or delete conditions of approval; 2) The Planning Commission could deny approval of the requested permits 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.

**RESOLUTION OF THE ZONING ADMINISTRATOR
OF THE COUNTY OF HUMBOLDT
Resolution Number 21-**

MAKING THE REQUIRED FINDINGS FOR CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY APPROVING THE RESOURCE UTILIZATION COMPANY CONDITIONAL USE PERMIT AND SURFACE MINING PERMIT APPLICATIONS AND RECLAMATION PLAN

**CASE NUMBER PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X)
ASSESSOR'S PARCEL NUMBER 529-131-011**

WHEREAS, agents for the Resource Utilization Company submitted an application and evidence in support of approving a conditional use permit, surface mining permit and reclamation plan renewal for a surface mining operation involving the extraction of up to 300,000 cubic yards of material over an anticipated 15-year quarry life; and

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

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

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA) and a Mitigated Negative Declaration was prepared and circulated for 30-day comment period and is included in Attachment 4 along with comments and responses to comments; and

WHEREAS, Attachment 2 in the Planning Division staff report includes evidence in support of making all of the required findings for approving the proposed surface mining operation and reclamation plan; and

WHEREAS, on February 4, 2021 a public hearing was held to receive public testimony on the proposed project.

NOW, THEREFORE, be it resolved, determined, and ordered by the Zoning Administrator that:

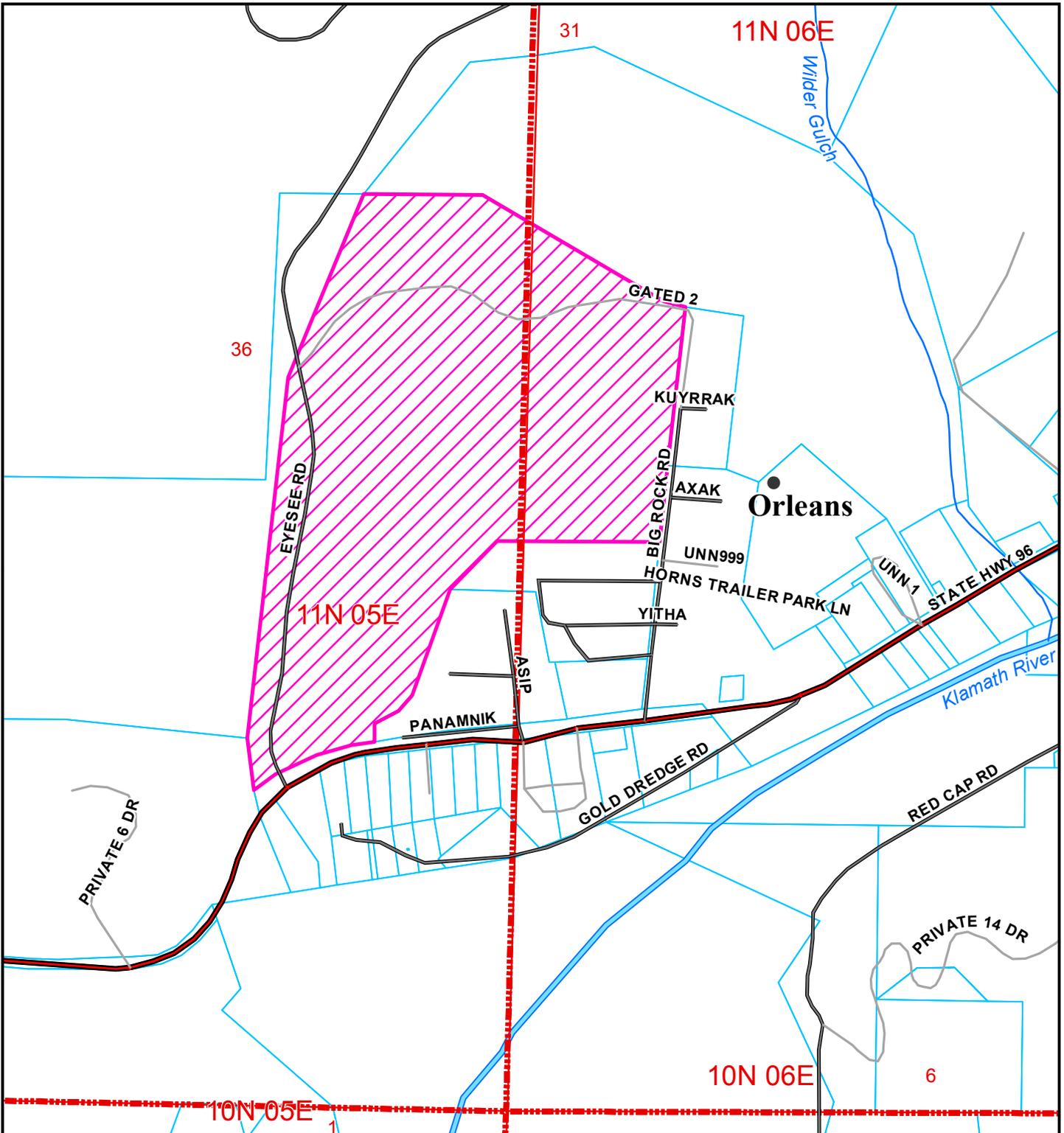
1. The proposed project has potential significant effects on the environment, which, with the inclusion of specific mitigation measures, would be rendered less than significant. Accordingly, a Mitigated Negative Declaration was prepared pursuant to the CEQA Guidelines; and
2. The Zoning Administrator adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and
3. The findings in Attachment 2 of the Planning Division staff report support approval of Case Number PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X), based on the submitted evidence; and
4. The Conditional Use and Surface Mining Permits and Reclamation Plan applied for is

approved as recommended and conditioned in Attachment 1 for Case Number: PLN-2018-15020 (CUP-02-31X/SMP-02-03X/RP-02-03X)

Adopted after review and consideration of all the evidence on February 4, 2021.

I, John 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



LOCATION MAP

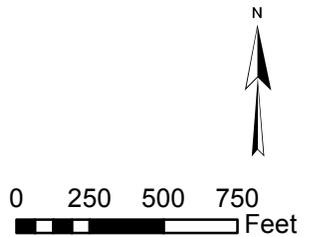
**PROPOSED HORN
CONDITIONAL USE PERMIT,
SURFACE MINING PERMIT &
RECLAMATION PLAN**

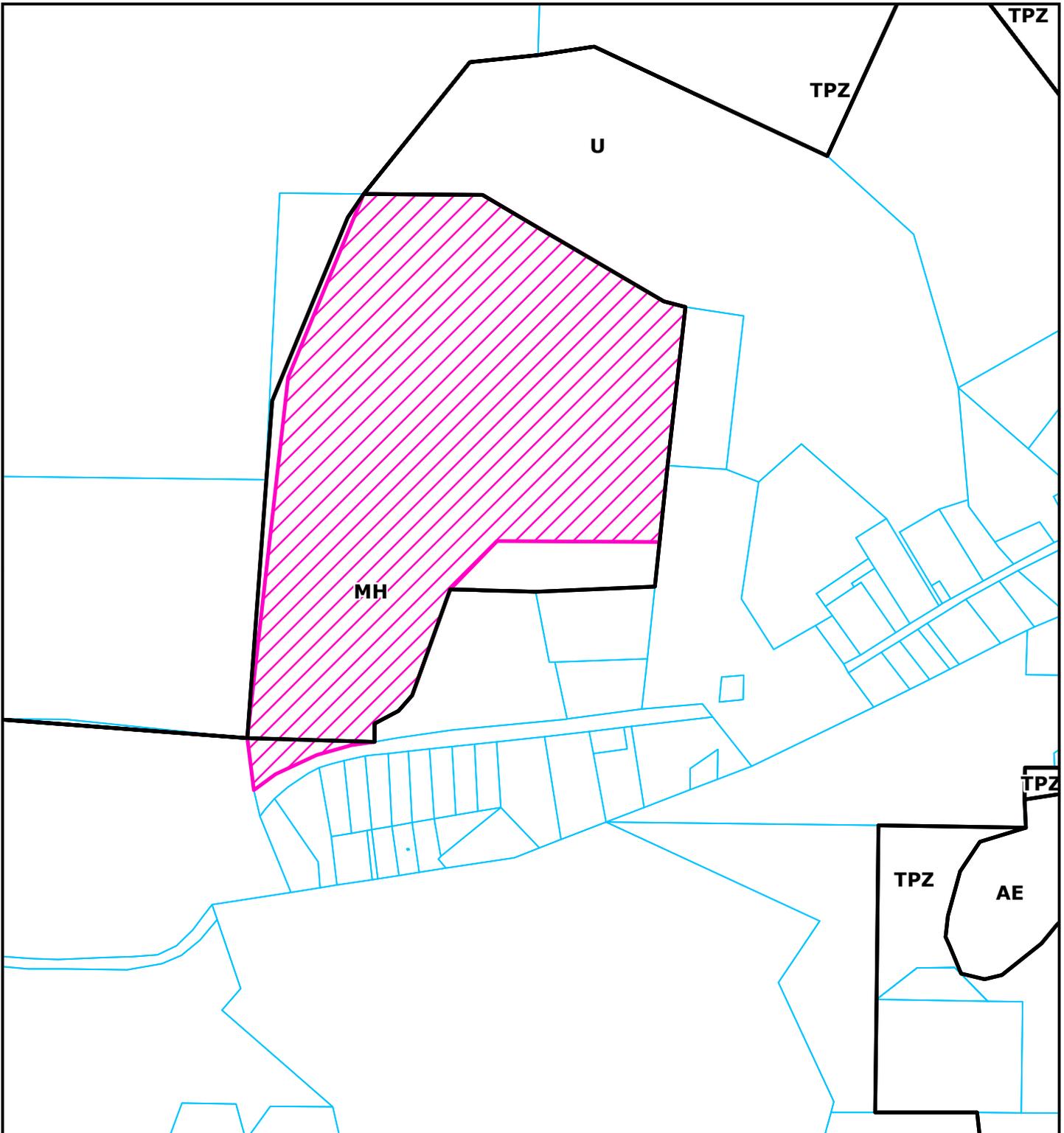
**ORLEANS AREA
PLN-2018-15020-CUP
APN: 529-131-011**

T11N R05E S36 HB&M (Orleans)

Project Area = 

This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





ZONING MAP

**PROPOSED HORN
CONDITIONAL USE PERMIT,
SURFACE MINING PERMIT &
RECLAMATION PLAN**

**ORLEANS AREA
PLN-2018-15020-CUP**

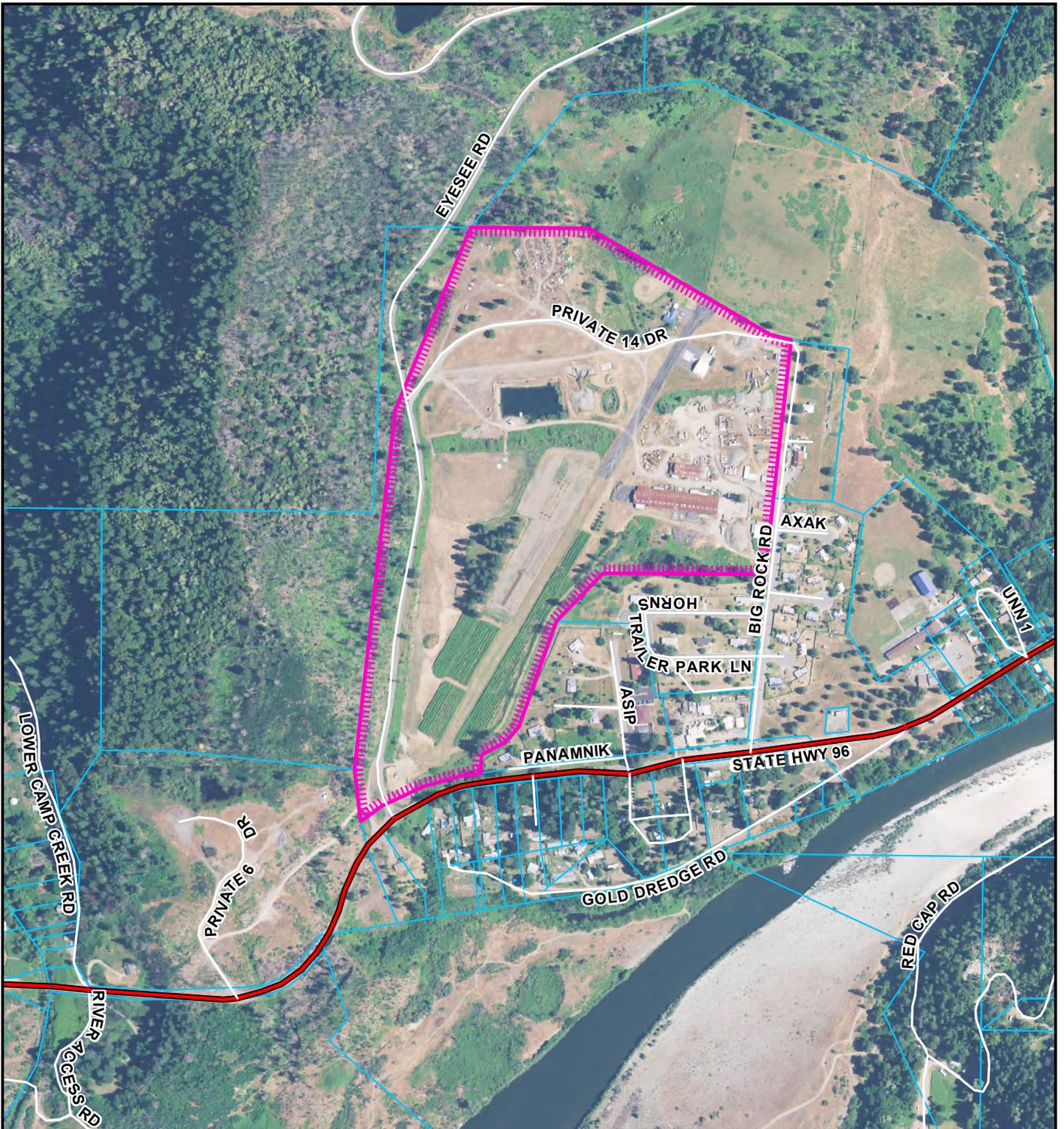
APN: 529-131-011

T11N R05E S36 HB&M (Orleans)

Project Area = 

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AERIAL MAP

**PROPOSED HORN
CONDITIONAL USE PERMIT,
SURFACE MINING PERMIT &
RECLAMATION PLAN
ORLEANS AREA**

**PLN-2018-15020-CUP
APN: 529-131-011**

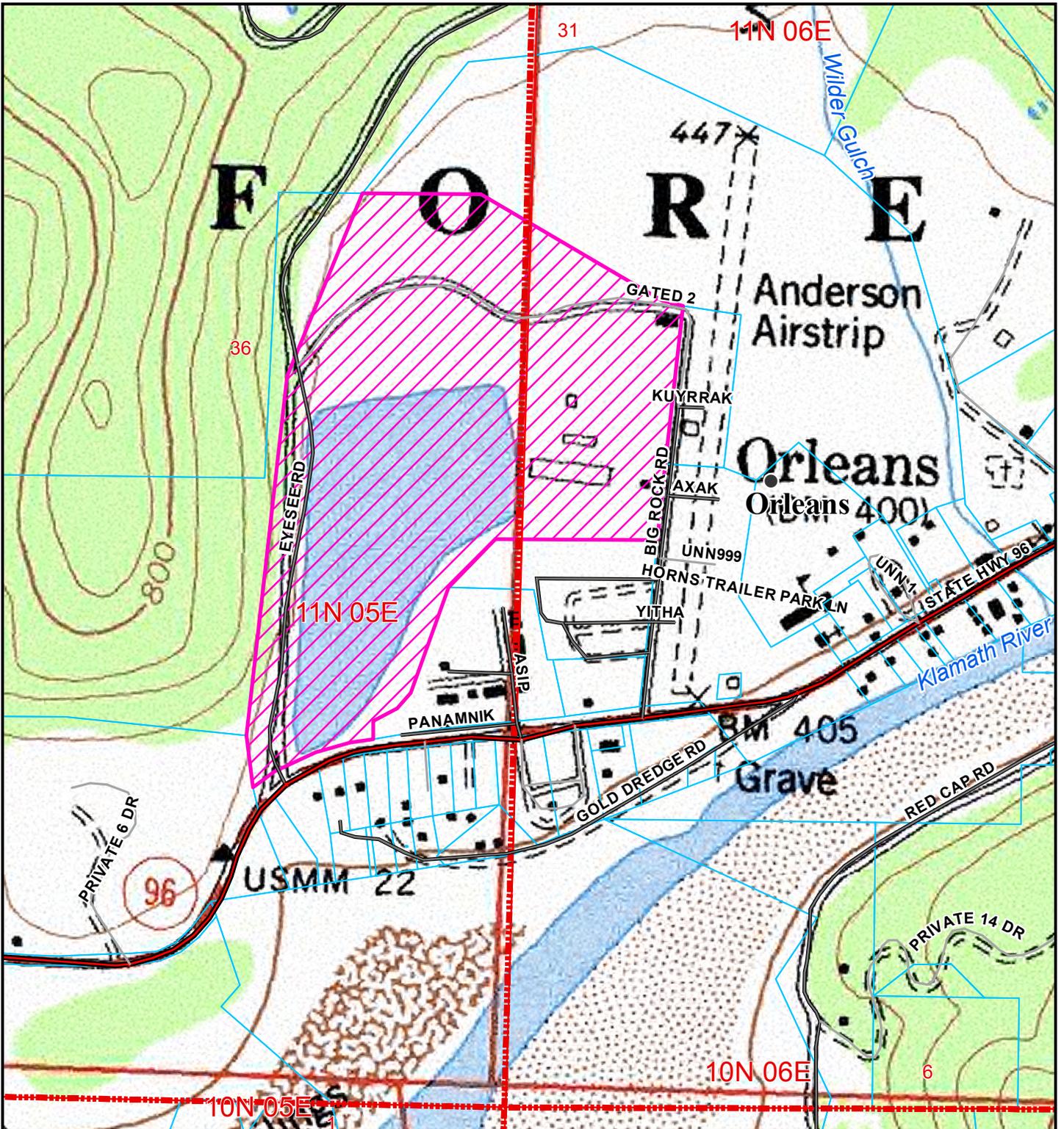
T11N R05E S36 HB&M (Orleans)

Project Area = 

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Feet

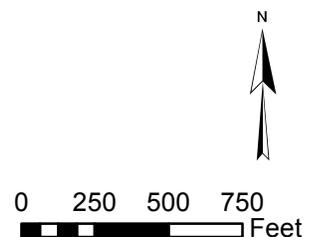


TOPO MAP

**PROPOSED HORN
 CONDITIONAL USE PERMIT,
 SURFACE MINING PERMIT &
 RECLAMATION PLAN
 ORLEANS AREA
 PLN-2018-15020-CUP
 APN: 529-131-011
 T11N R05E S36 HB&M (Orleans)**

Project Area = 

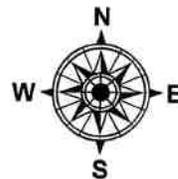
This map is intended for display purposes and should not be used for precise measurement or navigation. Data has not been completely checked for accuracy.





PROJECT AREA

SCALE: 1" = 450'



DATE OF ISSUE: SEPTEMBER 2018	APN: 529-131-011
SCALE: NONE	DESIGNED BY: TVCE
PROJECT NO: 1263	CHECKED BY: C. FIGUEROA
CLIENT: RESOURCE UTILIZATION COMPANY	DRAWING NO: FIGURE 3

Attachment 1

RECOMMENDED CONDITIONS OF APPROVAL

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 reimburse the Planning Division for any processing costs that exceed the application deposit.
4. The General Plan User Fee of \$650 for Industrial Development shall be paid to the Humboldt County Planning and Building Division.
5. Prior to hearing, the applicant shall submit a check to the Planning Division payable to the Humboldt County Recorder in the amount of \$2,406.75 [Note: In order to comply with the time limits for filing the Notice of Determination per CEQA, this payment will be requested from the applicant prior to hearing and will be held by the Planning Division pending a decision on the permit.] Pursuant to Section 711.4 of the Fish and Wildlife Code, the amount includes the Department of Fish and Wildlife (DFW) fee plus a \$50 document handling fee. This fee is effective January 1, 2020 until at such time the fee will be adjusted pursuant to Section 713 of the Fish and Wildlife Code. Alternatively, the applicant may contact DFW by phone at (916) 651-0603 or through the DFW website at www.dfg.ca.gov for a determination stating the project will have *no effect* on fish and wildlife. If DFW concurs, a form will be provided exempting the project from the \$2,406.75 fee payment requirement. In this instance, only a copy of the DFW form and the \$50.00 handling fee is required.
6. The applicant shall abide by all of the mitigation measures contained in the adopted Mitigated Negative Declaration.
7. The applicant shall record a *Notice of Reclamation Plan Approval* for the approved reclamation plan at the Humboldt County Recorder's Office in accordance with PRC Section 2772.7.
8. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out after the Zoning Administrator Commission decision.
9. Prior to blasting, the applicant shall coordinate with the Karuk Tribe. Mitigation

Measure M-3.

10. Prior to blasting, a survey shall be completed at the property line to determine the auditory effects of blasting to special-status animal species, including Northern Spotted Owls. The survey and any avoidance measures shall be in accordance with the guidance provided in the Memorandum from United States Department of the Interior, Fish and Wildlife Service, Arcata Fish and Wildlife Office, dated July 31, 2006. Mitigation Measures M-4a and M-4b.

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 Limitations on 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 riverine environment, may require review by the Division of Mines & 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 this conditional use permit and reclamation plan shall be the fifteen (15) years from the effective date. The applicant may renew the use permit and/or reclamation plan by submitting 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. Blasting, shall only be conducted between the hours of 8:00 am and 5:00 pm Monday through Friday. Extraction, drilling, *and processing* operations shall only be conducted between the hours of 6:00 am and 6 pm Monday through Saturday. Quarry operations shall not be conducted on federal holidays. *The hours and days of operation for loading and hauling of processed material shall not be restricted.*
8. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads, Mitigation Measure M-2.
9. The floor of the working and staging areas shall maintain a slope of 2% into the

working face to contain water runoff on site.

10. The applicant shall monitor the sedimentation basins to ensure they are functioning properly, and shall take corrective action as appropriate in accordance with the Mitigation/Monitoring Plan Item 2.
11. Hours of operation shall be Monday through Friday during daylight hours, generally 7:00 am to 6:00 pm.
12. Mining operations are a source of potential fire hazard from vehicles and heavy equipment operations. Accordingly, the project is conditioned to follow established guidelines and requirements for such industrial activities (e.g., use of spark arresters on vehicles, on-site availability of fire suppression water supply and fire-fighting tools).

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 Wildlife 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.

6. The applicant is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. The Department will provide a bill to the applicant after the decision. Any and all outstanding Planning fees to cover the processing of the application to decision by the Hearing Officer shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka.

ATTACHMENT 2

STAFF ANALYSIS OF THE EVIDENCE SUPPORTING THE REQUIRED FINDINGS

REQUIRED FINDINGS

To approve the project, the Planning Commission must determine that the applicants have submitted evidence in support of making all of the following required findings:

1. **CONDITIONAL USE PERMITS**

Title III, Division 1, Section 312-17.1 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve the Use Permit. Basically, the Hearing Officer may grant the Use Permit, if, on the basis of the application, investigation and submitted evidence, the following findings are made:

- A. The proposed development is in conformance with the County General Plan, Open Space Plan and the Open Space Action Program;
- B. The proposed development is consistent with the purposes of the existing zone in which the site is located;
- C. The proposed development conforms with all applicable standards and requirements of these regulations;
- D. The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare; and

2. **SURFACE MINING RECLAMATION PLANS**

The Surface Mining and Reclamation Act (SMARA), as codified in the California Public Resources Code (PRC) commencing at Section 2700, and as locally implemented in HCC Sections 391 *et seq.* and 313-61.2 *et seq.* establish the administrative basis for the regulation of surface mining and reclamation activities. In addition to findings associated with the review of the mineral extraction activities undertaken in the use permit process, specific criteria for reclamation plans overseeing the rehabilitation and closure of the mining site apply. Generally, reclamation plans must be: a) applicable to a specific piece of property or properties; b) based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities; and c) establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control. In addition:

- A. The reclamation plan shall meet the form and content requirements of state law and local ordinance.

3. **FINANCIAL ASSURANCES**

In addition to the specific techniques and methods to be used to reclaim the mining site,

either annually or at the end of the permitted extraction period, mining concerns must demonstrate the financial ability to carry out the reclamation plan. PRC §2770, §2773.1, related administrative guidelines of the Department of Conservation's State Mining and Geology Board (California Code of Regulations §§ 3800 - 3806.2), and local implementing ordinances direct the lead agency to require that the financial assurance:

- A. Comply with the established form, term, and monetary adequacy requirements, as periodically reviewed, to assure the reclamation will be completed should default by the responsible party occur.

4. ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA) as codified in Public Resources Code (PRC) §21000 *et seq.* and California Code of Regulations (CCR) §15000 *et seq.*, one of the following findings must be made prior to the approval of any development subject to CEQA:

- A. The project is categorically or statutorily exempted; or
- B. There is no substantial evidence that the project will have a significant effect on the environment and a Negative Declaration has been prepared; or
- C. The project has had an Environmental Impact Report (EIR) prepared and all significant environmental effects have been eliminated or substantially lessened, or the required findings in CCR §15091 (statement of overriding considerations) have been made.

5. HOUSING ELEMENT RESIDENTIAL DENSITY

The proposed development does not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law (the mid-point of the density range specified in the plan designation), unless the following written findings are made supported by substantial evidence: 1) the reduction is consistent with the adopted general plan including the housing element; and 2) the remaining sites identified in the housing element are adequate to accommodate the County share of the regional housing need; and 3) the property contains insurmountable physical or environmental limitations and clustering of residential units on the developable portions of the site has been maximized.

STAFF ANALYSIS

1. CONDITIONAL USE PERMITS

A. General Plan Conformance

The following table identifies the evidence, which supports finding that the proposed surface mining operation is in conformance with all applicable policies and standards in the 2017 Humboldt County General Plan.

Plan Section	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
<p>Land Use Chapter 4</p> <p>Land Use Designations 4.8</p>	<p>Industrial, General (IG): Provides for general industrial and manufacturing uses... [that] may be accommodated in rural areas where full urban services are not required for the intended use.</p> <p>Agricultural Exclusive (AE): Used in upland areas to retain agricultural character.</p>	<p>Compatible uses for IG include Surface Mining and Heavy Industrial. The proposed action would permit existing surface mining and quarry rock processing use.</p> <p>SMARA shall be conditionally permitted in all land use and zoning designations. The proposed action would permit existing surface mining and quarry rock processing use.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Mineral Resources 10.4</p>	<p>Numerous policies and standards recognizing the importance of mining and energy production to local & regional economy, and setting criteria and restrictions to ensure health, safety, and general welfare of persons, property and public resources.</p>	<p>Many of these policies and standards have been incorporated into the implementing Surface Mining Ordinance, as performance standards required of all mining activities.</p>

Related Policies

MR-G1. Satisfy Long-Term Supply and Demand of Mineral Resources and construction materials;

MR-P2. Encourage the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, timber management and agriculture, science, and aesthetic enjoyment;

MR-P3. Right to Mine;

MR-P4. Identify Mineral Deposits and maintain an inventory of the county's mineral deposits and permitted and/or vested mining sites;

MR-P7. Mined lands subject to SMARA shall be reclaimed consistent with the proposed and/or potential uses identified in an approved Reclamation Plan;

MR-P11. Permit conditions for mineral extraction operations, subject to SMARA, shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to minimize significant environmental impacts and conflicts with adjacent land uses to the extent feasible; and

MR-S1. Surface mining operations shall conform to standards contained in Surface Mining and Reclamation Act Ordinance, Title III, Division 9, County Ordinance #1373 as amended.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Noise Chapter 13	Manage noise levels to minimize the exposure of community residents to excessive noise.	The project is historic in nature and is located in a rural area. The intensity and duration of operations are expected to be low and fall within a range consistent with the historical mining operations. Elevated noise levels are anticipated for the equipment operators and the intensity and duration of operations are expected to be at a low level.

<p>Safety Element Chapter 14</p> <p>Geologic & Seismic</p> <p>Flooding</p> <p>Fire Hazards</p>	<p>Reduce the risk of death, injuries, property damage, and economic and social dislocation resulting from earthquake, fire flood, and other hazards.</p>	<p>The mining operation is required to comply with guidelines and requirements established by the California Occupational Health and Safety Administration.</p> <p>The subject site is outside any mapped flood hazard areas and is not within a mapped dam or levee inundation area and is outside the areas subject to tsunami run-up.</p> <p>The parcel is in an area of Very High Fire Hazard rating and within the State Responsibility Area. All applicable referral agencies were referred and did not identify any issues relating to hazards.</p>
<p>Air Quality Chapter 15</p>	<p>Describe the county's existing air quality, sources of air pollution, and strategies for improving air quality. Includes Policies to reduce greenhouse gas emissions and mitigate climate change.</p>	<p>An individual project's greenhouse gas emissions will generally not result in direct impacts under CEQA, as the climate change issue is global in nature. The project would not result in cumulatively considerable impacts associated with GHG emissions since the project entails the same historic operations approved in previous permits and is essentially the same and thus not increasing the baseline emissions and not resulting in a net increase in emissions.</p>
<p>Housing Chapter 8</p>	<p>Identify existing and projected housing needs and establish goals, policies, standards and measures for the preservation, improvement, and development of housing.</p>	<p>The project does not involve residential development, nor is the project site part of the Housing Element Residential Land Inventory. The project would not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law.</p>
<p>Conservation and Open Space Chapter 10</p> <p>Cultural Resources Section 10.6</p>	<p>Goals and policies contained in this Chapter relate to the protection and enhancement of significant cultural resources, providing heritage, historic, scientific, educational, social and economic values to benefit present and future generations.</p>	<p>The project was referred to the Northwest Information Center (NWIC) and the Karuk Tribe.</p> <p>The Karuk Tribe submitted a response regarding impacts to cultural resources.</p> <p>A Cultural Resources survey was previously conducted on November 24, 2000.</p>

		Inclusion of protocols for Inadvertent Discoveries has also been made a condition of approval.
Water Resources Chapter 11 Stormwater	Goals and policies contained in this Chapter relate to river and stream water quality, stormwater runoff, water needs of fish and wildlife, conservation, and state and federal regulations.	The reclamation plan details annual erosion control, ground surface stabilization and erosion control treatments for areas actively operated during the year that will be implemented throughout the life of the permit. A small diversion ditch (no defined channel) carries intermittent winter surface overflows to the south, outside of the project area into a culvert and the existing sediment settling basin. No streams will be affected by the quarry operation. The project is also required to maintain USACE Section 404 permit, LSAA with CDFW, and RWQCB Clean Water Act Section 401 Certification. These will protect water quality from quarry operations.

B. Zoning Consistency

The following table identifies the evidence, which supports findings that the proposed surface mining operation is consistent with all applicable requirements and standards of the County Zoning Regulations.

Zoning Section	Required Summary	Supporting Evidence
HCC §314-3.3 Heavy Industrial - Conditionally Permitted Uses	Enumerated examples of uses determined compatible/conditionally permissible.	Though "surface mining" is not expressly listed, HCC 391-1 (Surface Mining Ordinance) recognizes use as conditionally permissible in all zoning districts.
HCC §314-3.3 Heavy Industrial Minimum Lot Area	1 acre	The project does not entail land division. Parcel is 13 acres.
HCC §314-3.3 Heavy Industrial Minimum Lot Width	None specified.	N/A
HCC §314-3.3 Heavy Industrial Maximum Ground Coverage	None specified.	N/A
HCC §314-3.3 Heavy Industrial Minimum Front Yard	50 ft.	All existing improvements meet setback requirements.
HCC §314-3.3 Heavy Industrial Minimum Rear	50 ft.	All existing improvements meet setback requirements.

Yard		
HCC §314-3.3 Heavy Industrial Minimum Side Yard	10% avg. width but not less than 25 ft.	All existing improvements meet setback requirements.

C. Development Requirements and Standards

- o Notwithstanding the requirement for a Conditional Use Permit for the removal of natural material for commercial purposes for inland areas, and compliance with the development standards of the base and combining zones, general regulations applicable to all zones, several zones and special areas as listed apply to the project. These regulations are contained in the County’s Mining Ordinance (HCC §391-1 *et seq.*) and require that:
- o The proposed surface mining operation incorporates adequate measures to mitigate the probable or known significant environmental effects caused by the proposed operation.
- o The proposed surface mining operation and use is properly located in accordance with the General Plan and any relevant element thereof, to the community as a whole, and to other land uses in the vicinity.

These findings are largely incorporated within existing plan conformance findings for Conditional Use Permits and as directed under CEQA.

In addition to the above approval criteria, HCC §313-61.2 establishes mining permit standards above and beyond that minimally required under SMARA. These standards include:

- o All private encroachments leading to a surface mining operation shall be adequately surfaced to prevent aggregate or other materials from being drawn into the public way.
- o All haul roads and driveways shall be maintained as necessary to minimize the emission of dust and prevent the creation of a nuisance to adjacent properties.
- o Any water discharges from the mined lands shall meet all applicable water quality standards of the Regional Water Quality Control Board and other agencies with authority over such discharges.
- o Adequate measures shall be taken to assure the prevention of erosion from mined lands and adjacent properties during the life of the operation. The reclamation plan shall insure the prevention of erosion subsequent to surface mining operations.
- o Unless specifically authorized for the purposes of environmental enhancement by the California Department of Fish and Game (and the U.S. Army Corps of Engineers, if necessary), grades and land forms in mined lands shall be maintained in such a manner so as to avoid accumulations of water that will serve as breeding areas for mosquitoes or sites for fish entrapment.
- o Excavations, which could affect groundwater, shall not substantially reduce the quality or quantity of groundwater available in the area surrounding the mined lands.

- o Surface mining operations in areas where other agencies have regulatory jurisdiction shall be operated so as to comply with all applicable rules and regulations.

Based on information contained in the application and environmental documentation, the project has been designed or is being conditioned to assure compliance with these standards.

D. Public Health, Safety, and Welfare

Based on information submitted by the applicant, contained in the environmental documents, and referrals from all jurisdictional agencies and interested parties at present, staff believes that the project as conditioned will not cause significant environmental effects nor be detrimental to the public health, safety or welfare.

The initial study conducted by the Planning and Building Department evaluated the project for any adverse effects on fish and wildlife resources. Based on information in the application, and a review of relevant references in the Department, staff has determined that, provided the mitigation measures identified in the Negative Declaration are required as operating conditions, no adverse effects on fish and wildlife resources or the habitat upon which wildlife depends will result.

2. SURFACE MINING RECLAMATION PLANS

Public Resources Code (PRC) Sections 2772, 2773 and 2774 specifies the information and documents required for all reclamation plans. The required information and documents are as follows:

- A. The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process; and
- B. The names and addresses of the owners of all surface and mineral interests of such lands; and
- C. The anticipated quantity and type of minerals for which the surface mining operation is to be conducted; and
- D. The proposed dates for the initiation and termination of such operation; and
- E. The maximum anticipated depth of the surface mining operation; and
- F. The size and legal description of the lands that will be affected by such operation,
- G. A map that includes the boundaries and topographic detail of such lands, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation,
- H. A description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted,
- I. A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation; and
- J. A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses; and
- K. A description of the manner in which contaminants will be controlled, and mining waste will be disposed; and
- L. A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur; and
- M. An assessment of the effect of implementation on the reclamation plan on future mining in the area; and
- N. A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and
- O. A cost estimate prepared by a qualified individual for financial assurances to ensure reclamation is performed in accordance with the reclamation plan.
- P. The comments made by reviewing agencies and lead agency responses thereto.

The full contents to satisfy required findings A. through P. are found in the Reclamation Plan for the original permit (RP-02-03). The amendments to support the renewal are summarized and cited in the following schedule:

- A. Name and Address of Operator and Agent
Reclamation Plan, p. 5 and A.I.T.:

APPLICANT

Resource Utilization Company
PO Box 349
Orleans, CA 95556

OWNER

Tom Horn
PO Box 349
Orleans, CA 95556

AGENT

Trinity Valley Consulting
Engineers
Josh McKnight
PO Box 1567
Willow Creek, CA 95573

- B. Owners of Surface and Mineral Interests of Extraction Area

Reclamation Plan, p. 6:

See A.

- C. Quantity and Type of Minerals

Quantity of Extraction: Reclamation Plan p. 8:

Up to 300,000 cubic yards per year of sand and gravel during new permit term of 15 years.

Type of Minerals: Reclamation Plan p. 18:
Moderately consolidated non-marine sand and gravel.

- D. Dates for the Initiation and Termination

Reclamation Plan:

As requested by the applicant, a 15-year term renewal starting with project approval. The Surface Mining Ordinance allows for up to a 15-year permit term, subject to future extensions.

- E. Depth of Operation

Reclamation Plan p. 23:

Twenty feet.

- F. Size and Legal Description

Size: Reclamation Plan p. 23:

Approximately 76 acres for the industrial yard and extraction site. Approximately 5 acres have the potential to be used for gravel extraction

Legal Description: Reclamation Plan p. 6:
The proposed project site is located at APN 529-131-11, and is in Sec 36, T11N, R6E, Humboldt Meridian.

G. Map

Reclamation Plan Map – Figures pp. 34-37:
Project Vicinity Map, Project Location Topographic Map, Project Location with 2016 Aerial Imagery Map, Operations Plan with 2015 Aerial Imagery.

H. Geology

Reclamation Plan pp. 9-10:
Quaternary non-marine terrace deposits consisting of unconsolidated gravel, sand and silt.

I. Type of Surface Mining and Time Schedule

Reclamation Plan p. 20:
Scraping and subsurface extraction.

J. Proposed Use or Potential Uses of the Land After Reclamation

Reclamation Plan p. 24:
Future and present uses other than surface mining include continued use for heavy industrial activities.

K. Mining Waste

Reclamation Plan p. 29:
There will be no mine "waste", all materials excavated will be removed or utilized for reclamation. Any contaminants incidental will be very minimal and controlled pursuant to State laws.

L. Rehabilitation of Streambeds

The areas of extraction are located away from established riparian areas.

M. Future Mining

Not applicable.

N. A Statement of Responsibility

Reclamation Plan page 32:

The proposed Statement of Responsibility follows County accepted form and content for such acknowledgments.

O. Cost Estimate

Reclamation Plan p. 26.

P. Responses to Comments on the Amendment to the Reclamation Plan

NA.

3. FINANCIAL ASSURANCES

PRC §2770, §2773.1 and related administrative guidelines of the Department of Conservation's State Mining and Geology Board (California Code of Regulations §§ 3800 - 3806.2) direct the lead agency to require that the financial assurance:

- A. Take the form of either surety bonds, irrevocable letter of credit, trust funds, certificates of deposit, or other mechanisms specified by the State Mining and Geology Board.
- B. Remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed.
- C. For any one year are annually adjusted to account for new lands disturbed by surface mining operations, reclamation pursuant thereto, areas previously reclaimed, and inflation.
- D. Are determined to be adequate for the purposes of performing the reclamation in accordance with the approved reclamation plan.
- E. Made payable to the lead agency and the Department of Conservation.

A. Form of Assurances

The proposed form of financial assurances for the 2020-2021 extraction seasons has not been indicated at this time. As part of the ongoing administration of the reclamation plan, staff shall ensure that the form of financial assurances is one authorized by the State Mining and Geology Board, and consistent with County practices and procedures.

B. Duration of Assurances

As part of the ongoing administration of the reclamation plan, the period of the assurances shall be set to correspond to the overall 15-year period for extraction, taking into account annual reclamation costs.

C. Annual Adjustments

As part of the ongoing administration of the reclamation plan, the amount of individual year financial assurances shall be reviewed and adjusted to correspond to changes in quantity prescriptions, past reclamation activities, and inflationary costs associated with reclamation labor, equipment and materials.

D. Adequacy of Assurances

Based upon the submitted cost estimates (as prepared by the applicant's agent on the basis from standard time and material construction costs), adequate projection of required reclamation expenses has been performed.

E. Designated Payee

As part of the ongoing administration of the reclamation plan, the Planning Division shall ensure that the financial assurances are designated as payable to the "County of Humboldt" and "State Mining and Geology Board", pursuant to SMARA.

5. ENVIRONMENTAL REVIEW

- The project is Statutorily or Categorically Exempt pursuant to CCR §_____; or
- See attached "Negative Declaration", or
- See attached "Mitigated Negative Declaration", or
- See attached "Environmental Impact Report.

Attachment 3 - Separate
Draft Mitigated Negative Declaration
Mitigation, Monitoring and Reporting Program

Attachment 4 - Separate

Applicant's Evidence in Support of Findings

Surface Mining Reclamation Plan

Reclamation Cost Estimate (Page 22 of Reclamation Plan)

Operations Plan (Pages 5-13 of the Surface Mining Reclamation Plan)

Supplemental Noise Study (page 14 of the Surface Mining Reclamation Plan)

Attachment 5
Referral Agency Comments

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:

We have reviewed the above application and recommend the following (please check one):

The Department has no comment at this time.

Suggested conditions attached.

Applicant needs to submit additional information. List of Items attached.

Recommend denial.

Other comments.

Date:

Name:

Forester Comments:

Date:

Name:

Battalion Chief Comments:

Summary:



DEPARTMENT OF PUBLIC WORKS
C O U N T Y O F H U M B O L D T

MAILING ADDRESS: 1106 SECOND STREET, EUREKA, CA 95501-0579
 AREA CODE 707

ARCATA-EUREKA AIRPORT TERMINAL
 MCKINLEYVILLE
 FAX 839-3596

PUBLIC WORKS BUILDING
 SECOND & L ST., EUREKA
 FAX 445-7409

CLARK COMPLEX
 HARRIS & H ST., EUREKA
 FAX 445-7388

AVIATION 839-5401

ADMINISTRATION	445-7491	NATURAL RESOURCES	445-7741
BUSINESS	445-7652	NATURAL RESOURCES PLANNING	267-9540
ENGINEERING	445-7377	PARKS	445-7651
FACILITY MAINTENANCE	445-7493	ROADS & EQUIPMENT MAINTENANCE	445-7421

LAND USE 445-7205

LAND USE DIVISION INTEROFFICE MEMORANDUM

TO: Joshua Dorris, Planner, Planning & Building Department
 FROM: Kenneth Freed, Assistant Engineer *KF*
 DATE: 01/08/2019
 RE: THOMAS HORN, APN 529-131-011, APS# PLN-2018-15020

The Department is requesting that all new surface mining permits, and extensions of existing surface mining permits comply with the following:

All on-site and off-site access roads (both County-maintained and non-County maintained) shall be suitable for truck traffic. In general, roads must meet Category 4 road standards in being at least 18 feet in width when 2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the mining operation and when no other parcels of land use the road for access. Access roads and driveways not meeting the above standards must be improved to those standards, unless otherwise approved by the Department.

In lieu of constructing road improvements, the Department may approve a neighborhood traffic management plan. The Department's criteria for approving a neighborhood traffic management plan is based upon site specific conditions; sound engineering judgment; the ADT and DHV of the roads; the need to accommodate other road users (pedestrians, bicycles, equestrians, etc); the time period in which haul-off of material will be done; and the frequency and quantity of trucks.

Entrances from "private" roads or driveways onto paved County maintained roads must be paved for the first 50 feet (roads) and the first 25 feet (driveways). The roads and driveways at the intersection of the County maintained road must meet the standards set forth in the County Visibility Ordinance.

Prior to constructing any improvements on any road within the County Maintained Road System, an encroachment permit must be issued from this Department.

Also, please refer to the attached letter from Director Will Kempton of the California Department of Transportation dated 09/30/2008. The letter indicates that is critical to increase California's permitted aggregate resource reserves. The letter also states that upon request, staff from the local District Office will be made available to attend public meetings and speak on the importance of increasing California's aggregate supply.

Attachment:

- 09/30/2008 letter from Will Kempton, Director, California Department of Transportation

// END //

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DEPARTMENT OF TRANSPORTATION
OFFICE OF THE DIRECTOR
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-5266
FAX (916) 654-6608
TTY 711



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CORRECTED COPY

September 30, 2008

Dear Transportation Partners:

In February 2006, I sent a letter to you stressing the need for permitting new aggregate resources within California. As you are aware, these materials are one of the critical resources required to meet current and expected infrastructure improvement needs for transportation improvements, flood protection, and public and private facilities in the State of California. Toward this effort, I want to again highlight the tremendous need to increase the supply of aggregate resource materials in the State.

Over the past three years, the California Department of Transportation (Caltrans) delivered 754 major projects with a construction value of more than \$8.3 billion. I want to continue this success rate with reasonably expected cost effectiveness. This is why it is critical to increase California's permitted aggregate resource reserves.

In the last two years, Caltrans has taken a number of steps to promote aggregate resource needs throughout the State. Caltrans and the Business, Transportation and Housing Agency have provided decision makers with information on the need to increase California's aggregate resource supply and will continue to do so in the future.

To date, Caltrans personnel have made presentations to several local decision-makers in the State, including Nevada, Butte, and Fresno counties, the San Joaquin Valley, and communities in the Bay Area. Caltrans has also coordinated with the construction industry, public decision-makers, and government officials in discussing potential opportunities to increase California's aggregate resource supply. Caltrans' work and partnerships in the GoCalifornia Construction Industry Capacity Expansion (ICE) Action Plan has also played a significant role. This work included several workshops and meetings with stakeholders, including the ICE Workshop and Materials Summit held in April. The summit provided a means to communicate with those that are involved with the permit process in order to identify the key issues that arise when attempting to permit a mining facility. Caltrans will continue that collaborative effort. Other collaborative efforts have included developing cooperative partnerships with the California Department of Conservation and the U.S. Department of the Interior, Bureau of Land Management, on mining, reclamation, and permitting issues.

"Caltrans improves mobility across California"

Caltrans also is providing grant funds for the Regional Blueprint Planning Program to promote regional collaboration and integrated planning strategies. This program has enabled regions to plan to accommodate all their future growth while identifying and preserving:

- Mining and material resources.
- Farm and agriculture lands.
- Natural resources.
- Greenbelts and buffer zones.

While all of these efforts have helped to gain approval of new aggregate resources at selected locations in California, we are still well below the amount of reserve required to address expected infrastructure needs over the next 50 years. As we deliver infrastructure improvements with the voter-approved Proposition 1B Bond funds, I want to urge you to continue examining methods to increase the aggregate resources within each of your cities, counties, and regions. Enclosed for your use is an economic assessment of aggregate supply prepared by our Division of Transportation Planning's Office of Transportation Economics.

This provides information on potential economic, social, air quality, and environmental impacts when transporting aggregate materials for infrastructure projects farther than 35 miles each way. *(The original letter incorrectly stated "350 miles each way" instead of "35 miles each way.")* I believe this is a good source of information for you and your local decision-makers to utilize.

Lastly, I want to encourage you to contact representatives from your local Caltrans district office. They are available, upon request, to appear at public meetings and hearings in your areas to speak on the importance of increasing California's aggregate supply. We encourage the development of new sources for aggregate reserves within California, but we also recognize that the permitting of new mining locations must be done in accordance with environmental sensitivity and in accordance with federal, State, and local laws.

Please share this information with your planning commissions, city councils, and county board of supervisors.

Thank you in advance for your assistance in helping to improve mobility across California.

Sincerely,



WILL KEMPTON
Director

Enclosure

"Caltrans improves mobility across California"

Construction Aggregate Supply Limitations Some Estimates of Economic Impact

- Since transportation is a major element in the cost of delivered aggregate, and the cost depends on the distance of the delivery, permitting new aggregate sites that are closer to construction projects would lead to shorter haul distance and minimize transportation/shipping costs. According to the industry, shipping costs for aggregates can outweigh production costs if the material is trucked more than 20 miles.¹
- A recent University of California, Berkeley, study² confirms that the most likely, and dominant effect of opening new sites for the production of construction aggregates would be *a reduction in truck miles of travel for hauling aggregates* (i.e., the new quarry will be located closer to the users to minimize transportation costs), *thus a reduction in emissions from trucks*.
- According to the California Geological Survey (CGS), California has an estimated 74 billion tons of aggregate resources underlying mineral lands classified by the State Geologist. However, only about 5.3 billion tons of aggregate (7.2 percent) have actually been permitted by cities and counties for mining activities. Permitting of mining sites can often take between five and ten years and longer for approval. At the current rate of production of 177 million tons per year, the permitted reserves will be exhausted in about 30 years.
- According to the CGS, the State produced 178.6 million tons of construction sand and gravel in 2006, valued at \$1.5 billion. The production of crushed stone in 2006 was estimated at 58.73 million tons, valued at \$481.7 million. According to the same source, California imported from Canada and Mexico about 3.2 million tons of sand and gravel during 2006, a fairly small portion of the total use.
- The total aggregate production (or demand) in 2006, therefore, exceeded 237.3 million tons (178.6 + 58.73). This production level would generate about 9.5 million truckloads (at 25 tons per truck), or a total of 19.0 million truck trips a year (including empty trucks returning to the aggregate sites) related to the transportation of construction aggregate in the state.
- Truck transportation accounts for about 99 percent of shipping aggregates for 40 miles or less.³ However, according to Teichert Construction and West Coast Aggregates, Inc., the average hauling distance for aggregates in California may be as high as 50 miles one-way. At an average 50-mile distance, the total aggregate-truck vehicles miles traveled would be 950 million miles per year (19.0 million trucks x 50 miles). This would account for 4 percent of total truck trips, or 6 percent of all truck miles of travel on the State highways.
- Let us assume that permitting additional mining facilities would reduce the average hauling distance from 50 to 35 miles statewide. Using an average hauling distance of 35 miles, the total annual aggregate-truck miles of travel would be 665 million miles (19.0 million trucks x 35 miles). The 15-mile shorter hauling distance would reduce aggregate-truck miles of travel by 285 million miles per year (950 - 665), and annual diesel fuel consumption by 44 million gallons (using California Air Resources Board (CARB) diesel fuel consumption rate of 0.153 gallons per vehicle mile at 55-60 mph speed).
- Based on the CARB emission factors estimates, and assuming an average 55-60 miles per hour speed, a reduction of 285 million miles of truck travel (or 44 million gallons of diesel fuel consumption) would reduce truck emissions (CO, NOx, PM10, SOx, VOC) by about 843.5 tons a year.

¹ Therese Dunphy, "Evening the Playing Field," *Aggregates Manager*, August 2006.

² Peter Berck, "A Note on the Environmental Costs of Aggregates," *Working Paper No. 994*, Dept. of Agricultural and Resource Economics and Policy, University of California, Berkeley, January 2005.

³ Tina Grady Barbaccia, "Off-highway Transportation," *Aggregates Manager*, July 2006.

- The total transportation cost of aggregates (at \$0.10 per ton per mile) shipped 35 miles average distance throughout California would be \$1.67 billion (19.0 million trucks x 25 tons x 35 miles x \$0.1), and over \$2.38 billion if shipped an average distance of 50 miles. The statewide transportation cost savings of reduced hauling distance would amount to **\$710 million a year** (or a 30 percent cost savings).
- The California Department of Transportation (Caltrans) estimates that on average, about \$2.55 billion is spent on state and local capital outlay projects each year, and on average, aggregates account for **8-10 percent** of total project costs, or about **\$250 million annually**. A 30 percent increase/decrease in shipping cost of aggregates would increase/decrease the total annual project costs by **\$75 million per year**.
- The reduction in aggregate-related truck miles of travel would also reduce traffic congestion and traffic accidents on roads, but these impacts would be difficult to estimate. An additional benefit from truck trip reduction would be reduced pavement deterioration. Caltrans expects to spend about \$700 million annually on pavement rehabilitation projects. Assuming trucks account for 60 percent of the pavement damage on the state highways, and aggregate-trucks on average account for 5 percent of all truck travel on the State highways, the trucks shipping aggregates would account for about **\$20 million** of cost savings in pavement rehabilitation each year.
- Project delays due to lack of aggregate supply in the area would also result in project cost escalation and reduced user benefits (reduced travel time and increased accidents) that would have otherwise been generated. A delay of 10 percent of the projects (or \$255 million in capital outlay expenditures) for one year would increase the cost of the State and local capital outlay program by **\$13 million a year** (at 5 percent average cost escalation factor).
- Generalizing, and pro rating, the user benefits estimated for the 2006 Interregional Transportation Improvement Program (ITIP) projects, a delay of 10 percent of the capital outlay program for one year would also cost California about **\$97 million** in increased roadway congestion and traffic accidents.

In conclusion, permitting and expansion of additional construction aggregate supply sources in California suggests potentially significant benefits and cost savings that would provide a high payoff and worthwhile effort for the State to undertake. Again, those benefits include:

- A reduction in emissions from trucks with a reduction in truck miles of travel for hauling aggregates.
- A shorter hauling distance which would reduce aggregate-truck miles of travel and the cost of the materials.
- A reduction of pavement deterioration from fewer truck miles traveled, which would allow rehabilitation resources to be available for other critical maintenance improvements.
- A reduction in project delays due to lack of aggregate supply in the area, which leads to increased project costs.
- A reduction in aggregate-related truck miles of travel would also reduce traffic congestion and traffic accidents on roads.

Office of Transportation Economics
 Division of Transportation Planning
 California Department of Transportation
 March 2008

Dorris, Joshua

From: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Sent: Thursday, February 14, 2019 3:26 PM
To: Dorris, Joshua
Subject: RE: CDFW comments Apps #PLN-2018-15020

Hi Joshua,

What are the mitigation measures for cannabis sites that you are referring to?

Since it is an ongoing operation I would recommend an analysis of whether the project conforms to USFWS noise guidelines. Since it appears no surveys have been completed in the past 20 years, it would be best to analyze potential disturbance at the property line, since there's no way to know where an activity center might be now.

<https://www.fws.gov/arcata/es/birds/mm/documents/MAMU-NSO%20Harassment%20Guidance%20NW%20CA%202006Jul31.pdf>

Let me know if you need more info.

From: Dorris, Joshua <JDorris@co.humboldt.ca.us>
Sent: Thursday, February 14, 2019 10:30 AM
To: Olson, Jennifer@Wildlife <Jennifer.Olson@wildlife.ca.gov>
Subject: CDFW comments Apps #PLN-2018-15020

Greetings Jen,

I am following up on a request for referral that was transmitted 1/7/19 for the above project – Tom Horn Surface Mining Permit renewal.

In summary, the agent prepared an IS/MND which did not consider impacts to an NSO activity center located ~1/2 mile from the mining site. NSO observations are also noted within this range surrounding the site. Material is extracted by scraping with a dozer, using no explosives or blasting.

Would CDFW recommend the same mitigation measures as a cannabis cultivation site? When you have an opportunity would you please provide a comment/recommendation.

The project transmittal, map sets, and screen capture of the NSO activity are attached for your reference.

Thanks,
Joshua

Joshua Z. Dorris, Planner
Current Planning
Humboldt County Planning & Building Department
3015 H St., Eureka, CA 95501
(707) 445-7245
jdorris@co.humboldt.ca.us