

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

Resolution Number 25-

Record Number PLN-2025-19268

Assessor's Parcel Numbers 524-052-002, 524-052-004

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

WHEREAS, Josh McKnight submitted an application and evidence in support of reapproving a recently expired 15-year term of the McKnight Bar Conditional Use/Mining Permit and Reclamation Plan (CUP-10-12X/SMP-09-03X/RP-09-03X); and

WHEREAS, the Humboldt County Planning Division has reviewed the submitted application, PLN-2025-19268, 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, a Mitigated Negative Declaration was adopted for the original permit in 1992, a Subsequent Mitigated Negative Declaration was adopted for the permit renewal in 2010, and no changes are proposed to the approved permits, therefore no additional environmental review is required; 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 reapproval of the surface mining operation; and

WHEREAS, on August 7, 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:** Reapproval of a 15-year term of a previously approved, existing instream gravel bar mining

operation on the Trinity River near Willow Creek. The operation includes the annual extraction of up to 10,000 cubic yards of river-run gravel. No changes to the extraction volume, location or Reclamation Plan are 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-2025-19268

2. FINDING: **CEQA:** The project complies with the requirements of the California Environmental Quality Act. The Humboldt County Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the original project in 1992, and the Subsequent Mitigated Negative Declaration adopted for the project renewal in 2010 pursuant to Section 15164 of the CEQA guidelines.

EVIDENCE: a) The project was previously subject to CEQA review, mitigation measures were incorporated and are now part of the project.
b) No expansion is proposed; no changes are proposed.
c) The project is subject to review and approval by CHERT and other regulatory agencies annually.

Conditional Use Permit
(Title III, Div. 1, Chapter 2, §312-17.1, Required Findings, of the Humboldt County Code)

3. FINDING: The proposed development is in conformance with the County General Plan.

EVIDENCE: a) Mining permits are conditionally permitted in all land use and zoning designations (2017 General Plan, Chapter 10, Mineral Resources, Section 10.4.4, Surface Mining Standards).

4. FINDING: The proposed development is consistent with the purposes of the existing zone in which the site is located.

EVIDENCE: a) Mining permits are conditionally permitted in all land use and zoning designations (Humboldt County Code (HCC), Section 391-1, Surface Mining Ordinance). Final reclamation will return the land consistent with surrounding rural residential and agricultural uses.

5. FINDING: The proposed development conforms with all applicable standards and requirements of these regulations.

EVIDENCE: a) 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 Section 391-1 *et seq.*) and require that:

- The proposed surface mining operation incorporates adequate measures to mitigate the probable or known significant environmental effects caused by the proposed operation.
- 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 plan conformance findings for Conditional Use Permits and as directed under CEQA.

In addition to the above approval criteria, HCC Section 313-61.2.6 establishes mining permit standards above and beyond that minimally required under SMARA. These standards include:

- 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.
- 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.

- 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.
- 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.
- Unless specifically authorized for the purposes of environmental enhancement by the California Department of Fish and Wildlife (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.
- Excavations, which could affect groundwater, shall not substantially reduce the quality or quantity of groundwater available in the area surrounding the mined lands.
- 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.

6. FINDING:

The proposed development and conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

EVIDENCE:

- a) See Findings and Evidence for Approving Reclamation Plans, below.

Conditional Use Permit for Surface Mining (*Title III, Div. 9, Chapter 1, §391-4(b)(3)(a) and (b), Procedure for Review and Action on Applications, of the Humboldt County Code*)

7. FINDING: The application package adequately describes the proposed surface mining operations and adequate measures are incorporated to mitigate significant environmental effects which may be caused by the proposed operation.

EVIDENCE: a) The application is for reapproval of a mining permit for continued instream mining operations. The 15-year term of the prior approval expired prior to submitting application for renewal. A Mitigated Negative Declaration was adopted in 1992 for the original permit approval and a Subsequent Mitigated Negative Declaration (SMND) was adopted in 2010 for a 15-year permit renewal. The SMND included mitigation measures that along with the original conditions of approval were incorporated into the project and are, in effect, part of the project that is being considered. These measures have been and will continue to be in force and monitored annually by County Planning staff. There are no changes in operations, law, or the environment that warrant further environmental review. The requested permit renewal can be found exempt from the California Environmental Quality Act (CEQA) as a Class 1 Categorical Exemption, Existing Facilities.

8. FINDING: The proposed use and location of the surface mining operation is properly located in accordance with the General Plan.

EVIDENCE: a) Mining permits are conditionally permitted in all land use and zoning designations (2017 General Plan, Chapter 10, Mineral Resources, Section 10.4.4, Surface Mining Standards).

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

- 9. FINDING:** The life expectancy of the operation justifies a 15-year term.
- EVIDENCE:** a) The extraction area is replenished annually and there will be aggregate material available through the 15-year term.
- 10. 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 staff are not aware of any special circumstances that should limit the term.
- 11. FINDING:** The mine has been conducted in compliance with permit conditions.
- EVIDENCE:** a) The operation has been 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 2023 shows no violations or issues.
- 12. 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.

Reclamation Plan (*Title III, Div. 9, Chapter 1, §391-5(b)(2), Approval, of the Humboldt County Code*)

Public Resources Code (PRC) Sections 2772, 2773 and 2774 specify the information and documents required for all reclamation plans.

The full contents to satisfy required Findings A through P are

found in the Reclamation Plan for the McKnight Gravel Bar submitted for this project, unless otherwise noted.

The name and address of operator and agent.

Page 3 of Reclamation Plan (RP) -

Operator: Josh McKnight, POB 1567, Willow Creek, CA 95573

Agent: Mike Atkins, 2660 Clay St., McKinleyville, CA 95519

The names and addresses of the owners of all surface and mineral interests of such lands.

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APN 524-052-002: Thomas McKnight, POB 38, Salyer, CA 95563

APN 524-052-004: Alfred E & Mary J Ratjen, 1831 15th St., Eureka, CA 95501

The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

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Maximum annual extraction of 10,000 cubic yards of flood-washed aggregate (sand and gravel) during the 15-year permit term. Extraction is proposed to continue as long as material is available on the gravel bar and operations conform to that established within the Interim Adaptive Management Plan.

The proposed dates for the initiation and termination of such operation.

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This is a reapplication of an existing in-stream operation. The term of the permits and Reclamation Plan is 15 years to expire August 22, 2040. The Surface Mining Ordinance allows for up to a 15-year permit term subject to future extensions.

The maximum anticipated depth of the surface mining operation.

Page 11-12 of RP –

Extraction through various skimming techniques and designs is the primary mode of extraction. Skimming would generally be conducted with a loader or scraper starting generally at a minimum elevation of one foot above the low water channel and proceeding with a longitudinal slope equal to the river and/or a cross-bar slope of 0% to 2%. Reclamation for this option consists of ensuring the bar is left in a 'free-draining' configuration so as not to trap fish, and encourage future gravel recruitment.

The size and legal description of the lands that will be affected by such operation.

Page 6 of RP -

Size: Property utilized for extraction is approximately 1.8 acres located below Ordinary High Water. The area disturbed in any year as a result of extraction activities is dependent on the area permitted for gravel extraction. Based on current river conditions, approximately 20 acres are available, and the extraction area varies each year.

Legal Description: Section 9, T6N R5E, H.B. & M.

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,

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Project Vicinity, Project Location, Mining Plan (Aerial Photograph), Mining Plan (Process Site Close-Up), Typical Mining Plan, Monitoring Cross Sections, Ordinary High-Water Mark, Summer Bridge Crossing and Extraction Area Location.

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,

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The project site gravel bars are a depositional feature maintaining a bank-to-bank channel at flows exceeding 4,000+ cfs and have existed somewhat similarly since prior to 1960s. The surrounding upland area consists of bedrock formations with relatively shallow soils. Moderately steep forested hillslopes surround the project site on all sides of the river valley deposits. The meandering stream channel exhibits the characteristics of a mature stream aggraded with an accumulation of gravels deposited from annual flooding events.

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

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The project involves seasonal extraction of up to 10,000 cubic yards of aggregate on an annual basis, the installation of seasonal crossings over low-flow river channels and reclamation of extraction areas.

Extraction through various skimming techniques and designs is the primary mode of extraction, the primary method being bar skimming generally conducted with a loader or scraper. Other extraction techniques have been utilized to respond to annual conditions of channel morphology and consistent with the requirements of responsible agencies. Grading may occur along off-channel areas. Annual extraction methods, volumes and locations are based on recommendations by CHERT, CDFW, ACOE and other regulatory agencies. The duration and intensity of the operation will be dependent on demand, but can be expected to be active on a seasonal basis for the next fifteen (15) years.

Seasonal, intermittent peak activity is anticipated during construction season, but may occur any time of the extraction season (approximately June 15 to October 15). Hours of operation are restricted to daylight hours Monday through Friday, generally 7:30 am to 4:30 pm. Any substantial changes to the hours of operation shall be pre-approved by the Planning Department.

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.

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The extraction area in the active channel is left in a reclaimed condition annually. The extraction area would be utilized for floodway management, wildlife habitat and open space/recreation and private property access. Access roads to the river would remain for property access and management activities, but these would be bermed annually prior to the onset of winter.

A description of the manner in which contaminants will be controlled, and mining waste will be disposed.

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No waste is produced from this type of project. Due to the nature of the activity and the proposed methods of extraction, no waste will be either retained on-site or disposed of off-site. No discharge from industrial activities into State Waters occurs.

A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur.

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The extraction area in the active channel will be left in a reclaimed condition at the end of each extraction year, and will be consistent and homogenous with the upstream and

downstream topography. Site specific requirements are required seasonally by annual County approval, CDFW for seasonal completion through the Stream Alteration Agreement (1603) and by the U.S. Army Corps of Engineers (ACOE) as part of the LOP process or individual permits (Section 404).

An assessment of the effect of implementation of the reclamation plan on future mining in the area.

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Annual extraction at the McKnight ownership will not affect the opportunity to continue to mine at this location or adjacent lands.

A statement that the person submitting the reclamation plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

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

A cost estimate prepared by a qualified individual for financial assurances to ensure reclamation is performed in accordance with the reclamation plan.

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A Cost estimate was provided with the reapplication and will be updated yearly consistent with SMARA. 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 Department of Conservation per PRC Section 2773.1.

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

- Approve the McKnight Bar Conditional Use/Mining Permit and Reclamation Plan for a 15-year term.

Adopted after review and consideration of all the evidence on **August 7, 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, Director
Planning and Building Department