



COUNTY OF HUMBOLDT
PLANNING AND BUILDING DEPARTMENT
CURRENT PLANNING DIVISION

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Hearing Date: March 2, 2017

To: Humboldt County Planning Commission

From: John Ford, Director Planning and Building Department

Subject: **Mercer Fraser Conditional Use Permit, Surface Mining Permit, Special Permit, and Reclamation Plan Approval**
Application 10345
Case Numbers SMP-16-002, CUP-16-013, RP-16-002, SP-16-024
Assessor Parcel Number (APN) 522-142-010
Willow Creek Area

The attached staff report has been prepared for your consideration of the Mercer Fraser Permit application at the public hearing on March 2, 2017.

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Please contact Michael Wheeler, Senior Planner, at (707) 268-3730, or by email at mwheeler@co.humboldt.ca.us, if you have any questions about the scheduled public hearing item.

AGENDA ITEM TRANSMITTAL

Hearing Date March 2, 2017	Subject: Surface Mining Permit, Conditional Use Permit, Reclamation Plan, and Special Permit	Contact Michael Wheeler
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Project Description: Renewal of a Conditional Use Permit, Special Permit, Reclamation Plan, and review of financial assurance cost estimates for an existing surface mining and processing operation and modification of the Conditional Use Permit to allow for the siting and operation of a concrete batch plant. A 15-year permit term renewal is requested. The project involves the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. 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, onsite storage of materials, production of asphalt, and weighing and hauling by truck. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office and scales. A new concrete batch plant is proposed. Under the current permit, hours of operation are restricted to daylight hours Monday through Saturday, generally 7:00 am to 6:00 pm.

Project Location: In Humboldt County, in the Willow Creek area, on the east side of State Highway 96, just east from the intersection of State Highway 96 and Brannan Mountain Road on properties known as 533 and 775 State Highway 96.

Present Plan Land Use Designations: Agricultural Rural (AR), Commercial Recreation (CR), Public Lands (P)

Present Zoning: Agriculture Exclusive (AE), Highway Service Commercial (CH), Flood Plain (FP)

Case Numbers: SMP 16-002, CUP 16-013, RP 16-002, SP 16-024 **Application Number:** 10345

Assessor Parcel Numbers: 522-142-010-000, 522-145-004-000, 522-145-006-000, 522-491-004-000, 522-491-015-000, 522-491-016-000, 522-491-017-000, 522-491-020-000, 522-491-021-000, 522-491-023-000

Applicant
Mercer Fraser Company
Mark Benzinger
77 West Second Street
Eureka, CA 95501

Owner

Agent
Harrison et al
c/o Mark Harrison
980 Ninth Street
Sacramento, CA 95814

Additional Owners:

S&S Cornerstone Developments LLC Co, c/o Kenny Smith, PO Box 904, Willow Creek, CA, 95573, , Mason Daryl, 2636 Jacoby Creek Rd, Bayside, CA, 95524, ,

Environmental Review: Yes.

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

Major Issues: Batch plant siting

MERCER FRASER COMPANY
CONDITIONAL USE PERMIT, SURFACE MINING PERMIT, SPECIAL PERMIT AND RECLAMATION PLAN
Case Nos. SMP-16-002, CUP-16-013, RP-16-002, SP-16-024
APN 522-142-010

Recommended Commission Action

1. Open the public hearing.
2. Request that staff present the project.
3. Take public testimony.
4. Take the following action:

Adopt the Subsequent Mitigated Negative Declaration and make all of the required findings, based on evidence in the staff report. Make a motion to :1) Approve the Mercer Fraser Willow Creek surface mining permit renewal project, subject to the recommended conditions; and 2) Approve the Mercer Fraser Willow Creek Conditional Use permit modification to add a concrete batch plant to the project site.

5. Close the public hearing.

Executive Summary: This project consists of two elements: First, the applicant is requesting a 15-year renewal and modification of Conditional Use/Surface Mining/Special Permits and Reclamation Plan and review of financial assurance cost estimates for an existing surface mining operation in Willow Creek. Second, the requested modification of the Conditional Use Permit would allow for the siting and operation of a concrete batch plant. An asphalt batch plant is already an integral component of the mining operation. The project involves the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. Aggregate materials are temporarily stockpiled and loaded on to 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, onsite storage of materials, production of asphalt, and weighing and hauling by truck. A concrete batch plant operation is to be added. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales. Under the current permit, hours of operation are restricted to daylight hours Monday through Saturday, generally 7:00 am to 6:00 pm.

The project site is located on In Humboldt County, in the Willow Creek area, on the east side of State Highway 96, just east from the intersection of State Highway 96 and Brannan Mountain Road on properties known as 533 and 775 State Highway 96. Access to the Project from Highway 96.

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 because, as mitigated and conditioned, it is anticipated to have less than significant impact on the environment; and potential impacts to resources have been addressed through mitigation and operations restrictions. Based upon the operational standards included in the operations 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

1. The Planning Commission could conclude that the findings to approve one or both elements of the project cannot be made and deny the project. The Commission could bifurcate the action and deny only the element that it is unable to approve. Staff does not support this alternative because staff believes that both elements of the project, as designed and conditioned, will substantially conform to requirements for this use.
2. The Planning Commission could conclude that the environmental document, its findings, recommendations, mitigation measures or monitoring program do not meet the requirements of the California Environmental Quality Act and local ordinances. The Commission could, during public hearing, revise these documents to address any failings, or the Commission could continue consideration of the project and direct staff to amend the document as deemed necessary. As stated herein, staff believes the document is in conformance and supports its certification.
3. The Planning Commission could approve the Surface Mining Permit renewal but conclude that the findings to approve the proposal to add a concrete batch plant to the project site cannot be made and deny the proposed modification. Separate resolutions are provided should the commission choose this option.

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 16-**

Case Numbers SMP-13-002, CUP-13-018, RP-13-004; Assessor Parcel Number 522-053-003

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves renewal of the Mercer Fraser Surface Mining Permit, Conditional Use Permit and modification, Special Permit, and Reclamation Plan

WHEREAS, Mercer Fraser submitted an application and evidence in support of approving a renewal and modification of a Conditional Use/Surface Mining Permit, Special Permit, Reclamation Plan and Financial Assurance Cost Estimate application for a surface mining operation with a 15-year permit term and total extraction volume of 40,000 cubic yards of sand and gravel from Trinity River gravel bars; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); 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, the Planning Commission on March 2, 2017 held a public hearing on this matter to receive other evidence and testimony.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The proposed surface mining operation and reclamation plan has potential significant effects on the environment, which, with the inclusion of specific mitigation measures, shall be rendered less than significant. Accordingly, a Subsequent Mitigated Negative Declaration is adopted pursuant to the CEQA Guidelines.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers SMP-16-002, CUP-16-013, RP-16-002, SP-16-024, based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed surface mining operation and reclamation plan as recommended in the Planning Division staff report for Case Numbers SMP-16-002, CUP-16-013, RP-16-002, SP-16-024.

Adopted after review and consideration of all the evidence on March 2, 2017.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

ABSENT: Commissioners:
DECISION:

Chair

I, Suzanne Lippre, Clerk to the Planning Commission 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 Commission at a meeting held on the date noted above.

Suzanne Lippre, Clerk

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 16-

Case Numbers SMP-13-002, CUP-13-018, RP-13-004; Assessor Parcel Number 522-053-003

Makes the required findings for certifying compliance with the California Environmental Quality Act and conditionally approves modification of the Mercer Fraser Surface Mining Permit, Conditional Use Permit, Special Permit, and Reclamation Plan to site a concrete batch plant

WHEREAS, Mercer Fraser submitted an application and evidence in support of approving a modification of a Conditional Use/Surface Mining Permit, Special Permit, Reclamation Plan and Financial Assurance Cost Estimate to allow for siting a concrete batch plant at the project site; 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 project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA); 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, the Planning Commission on March 2, 2017 held a public hearing on this matter to receive other evidence and testimony.

NOW, THEREFORE, be it resolved, determined, and ordered by the Planning Commission that:

1. The proposed surface mining operation and reclamation plan has potential significant effects on the environment, which, with the inclusion of specific mitigation measures, shall be rendered less than significant. Accordingly, a Subsequent Mitigated Negative Declaration is adopted pursuant to the CEQA Guidelines.
2. The Planning Commission makes the findings in Attachment 2 of the Planning Division staff report for Case Numbers SMP-16-002, CUP-16-013, RP-16-002, SP-16-024, based on the submitted evidence.
3. The Planning Commission conditionally approves the proposed addition of a concrete batch plant to the surface mining operation and reclamation plan as recommended in the Planning Division staff report for Case Numbers SMP-16-002, CUP-16-013, RP-16-002, SP-16-024.

Adopted after review and consideration of all the evidence on March 2, 2017.

The motion was made by Commissioner ____ and seconded by Commissioner ____.

AYES: Commissioners:

NOES: Commissioners:

ABSTAIN: Commissioners:

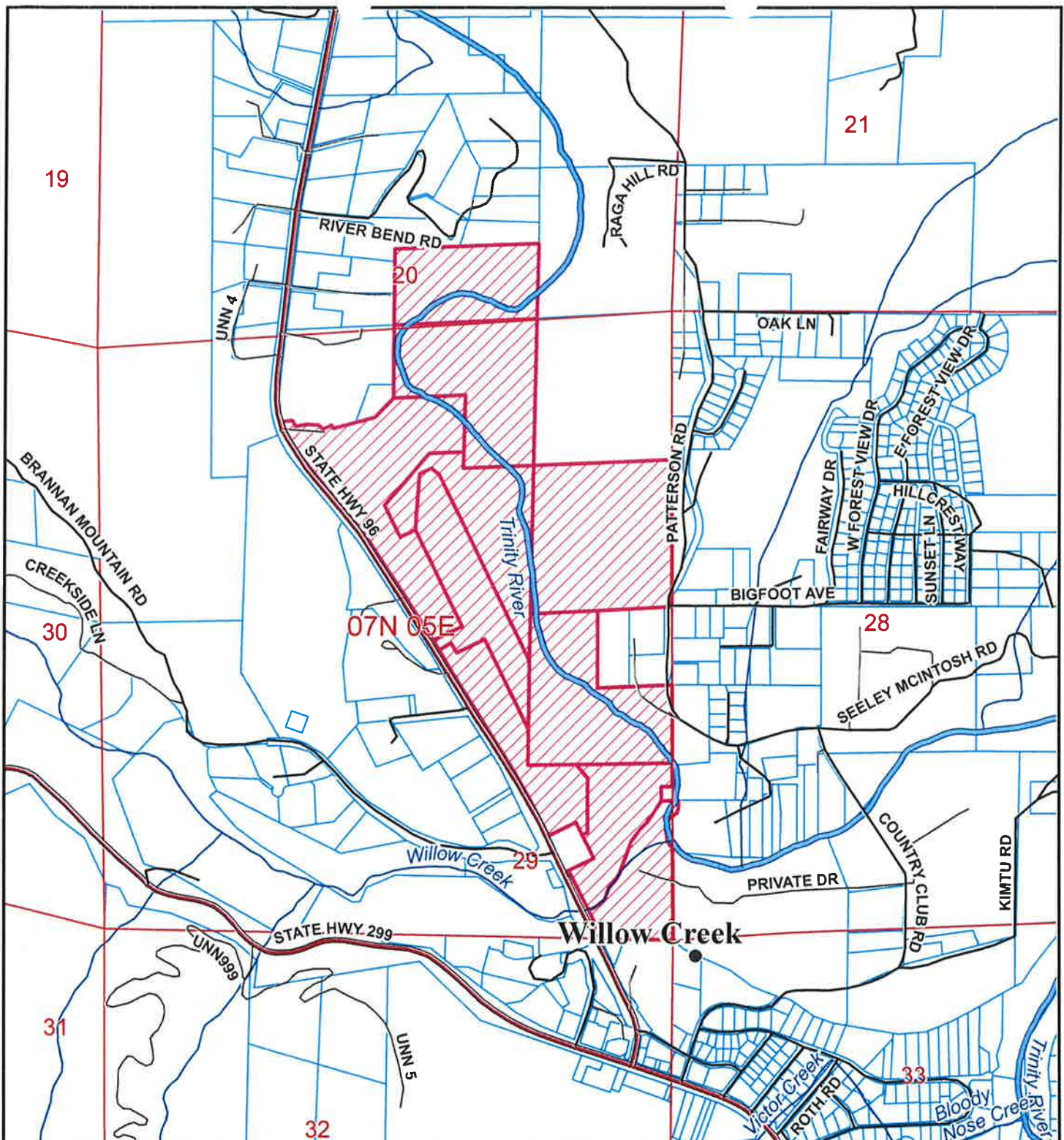
ABSENT: Commissioners:

DECISION:

Chair

I, Suzanne Lippre, Clerk to the Planning Commission 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 Commission at a meeting held on the date noted above.

Suzanne Lippre, Clerk



Project Area = 

LOCATION MAP

PROPOSED MERCER-FRASER CO SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, RECLAMATION PLAN & SPECIAL PERMIT WILLOW CREEK AREA

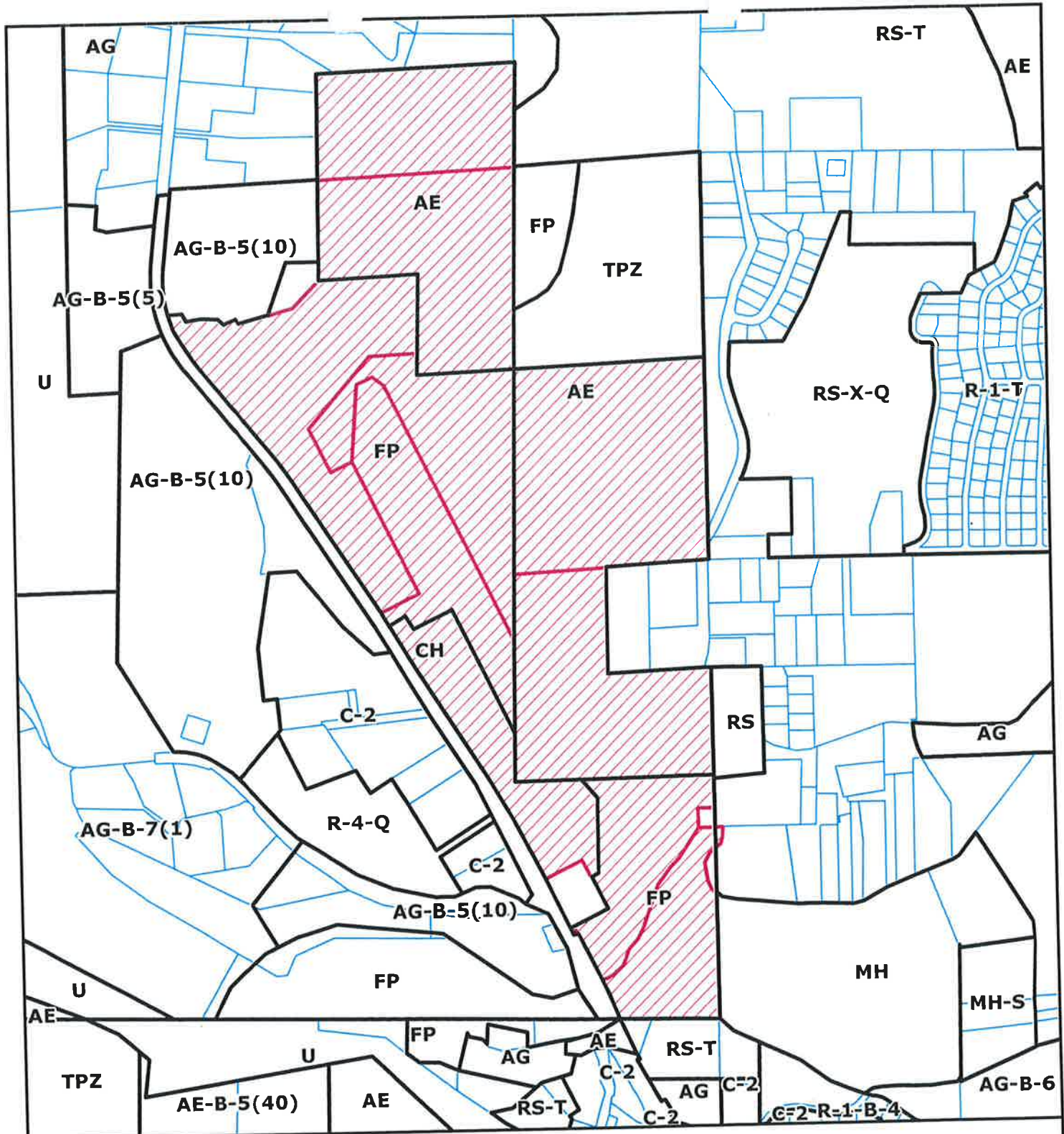
SMP-16-002/CUP-16-013/RP-002/SP-16-024

APN: 522-142-010 et seq

T07N R05E S20,29 HB&M (Willow Creek)

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.

0 0.25
Miles



Project Area = 

ZONING MAP

PROPOSED MERCER-FRASER CO SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, RECLAMATION PLAN & SPECIAL PERMIT WILLOW CREEK AREA

SMP-16-002/CUP-16-013/RP-002/SP-16-024

APN: 522-142-010 et seq

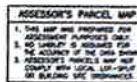
T07N R05E S20,29 HB&M (Willow Creek)

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.

0 500 1,000 Feet



NOTE - Assessor's Block Numbers Shown in Ellipses
Assessor's Parcel Numbers Shown in Small Circles



ASSESSOR PARCEL MAP
PROPOSED MERCER-FRASER CO
SURFACE MINING PERMIT, CONDITIONAL USE PERMIT,
RECLAMATION PLAN & SPECIAL PERMIT
WILLOW CREEK AREA
SMP-16-002/CUP-16-013/RP-002/SP-16-024
APN: 522-142-010 et seq
T07N R05E S20,29 HB&M (Willow Creek)

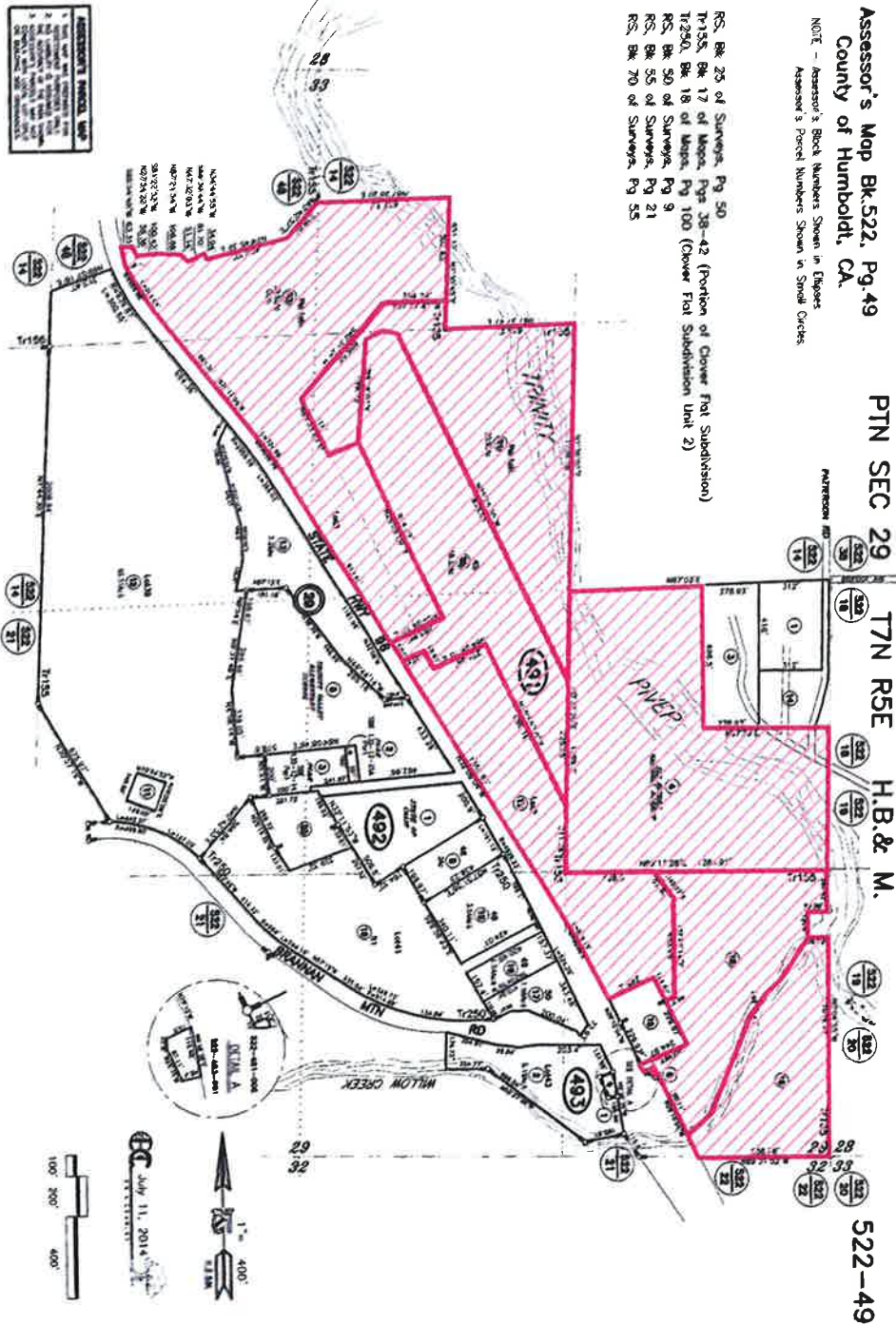
Page 11

Assessor's Map Bk.522, Pg.49
County of Humboldt, CA.

NOT - Assessor's Block Numbers Shown in Figures
Assessor's Parcel Numbers Shown in Small Circles

RS, Bk. 25 of Surveys, Pg. 50
T-155, Bk. 17 of Maps, Pgs. 38-42 (Portion of Clover Foot Subdivision)
T-250, Bk. 18 of Maps, Pg. 100 (Clover Foot Subdivision Unit 2)
RS, Bk. 50 of Surveys, Pg. 9
RS, Bk. 55 of Surveys, Pg. 21
RS, Bk. 70 of Surveys, Pg. 55

PTN SEC 29 T7N R5E H.B.& M. 522-49



PROJECT SITE =



ASSESSOR PARCEL MAP

**PROPOSED MERCER-FRASER CO
SURFACE MINING PERMIT, CONDITIONAL USE PERMIT,
RECLAMATION PLAN & SPECIAL PERMIT
WILLOW CREEK AREA
SMP-16-002/CUP-16-013/RP-002/SP-16-024
APN: 522-142-010 et seq
T07N R05E S20,29 HB&M (Willow Creek)**

MAP NOT TO SCALE



Project Area = 

AERIAL MAP

PROPOSED MERCER-FRASER CO SURFACE MINING PERMIT, CONDITIONAL USE PERMIT, RECLAMATION PLAN & SPECIAL PERMIT WILLOW CREEK AREA

SMP-16-002/CUP-16-013/RP-002/SP-16-024

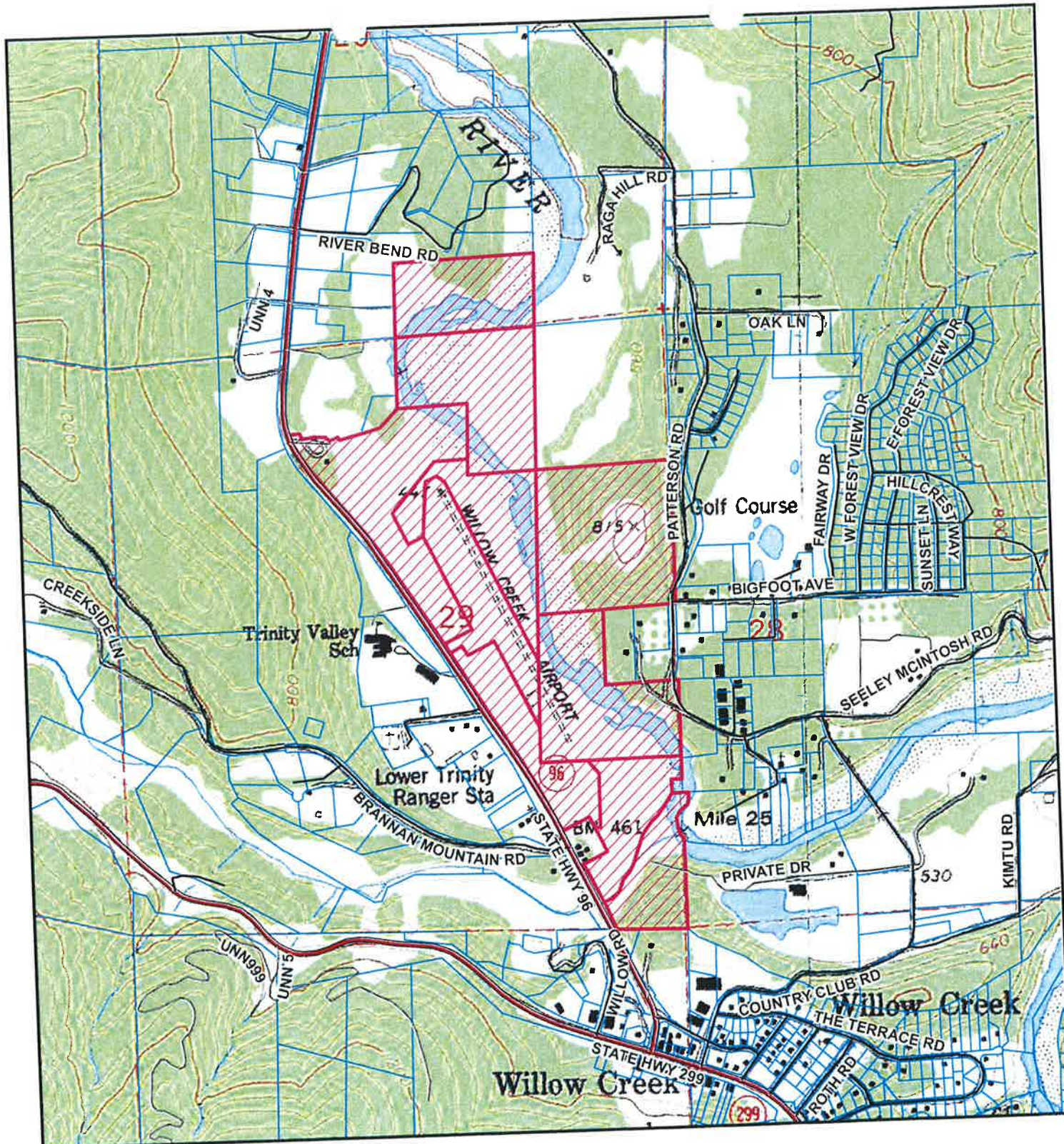
APN: 522-142-010 et seq

T07N R05E S20,29 HB&M (Willow Creek)

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.



0 500 1,000
Feet



Project Area = 

TOPO MAP

**PROPOSED MERCER-FRASER CO
SURFACE MINING PERMIT, CONDITIONAL USE PERMIT,
RECLAMATION PLAN & SPECIAL PERMIT
WILLOW CREEK AREA**

SMP-16-002/CUP-16-013/RP-002/SP-16-024

APN: 522-142-010 et seq

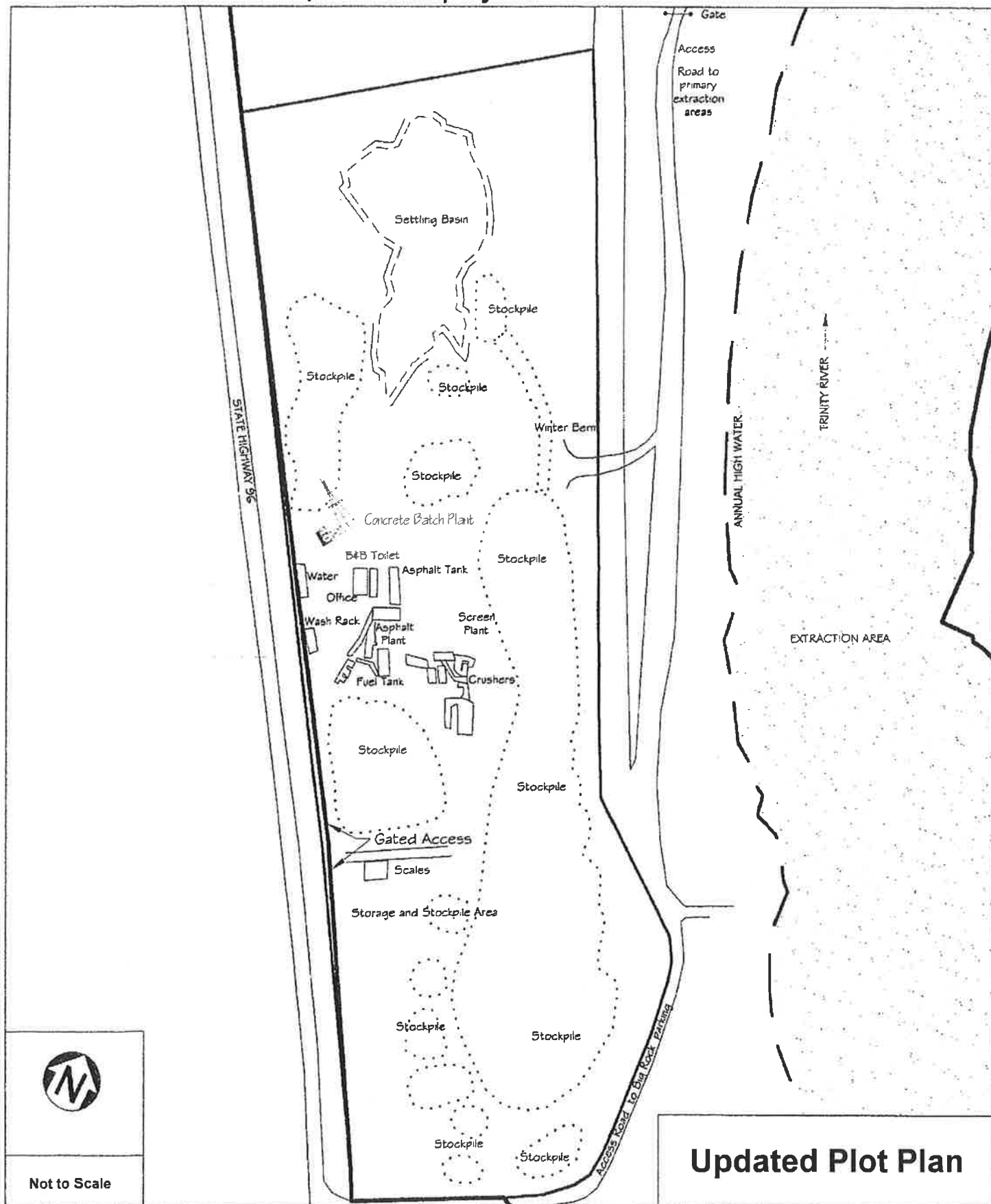
T07N R05E S20,29 HB&M (Willow Creek)

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.

0 0.25 Miles



Mercer, Fraser Company - Willow Creek Gravel Bar



ATTACHMENT 1

CONDITIONS OF APPROVAL

Approval of the Surface Mining Permit, Conditional Use Permit, Reclamation Plan and Special Permit 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. Pursuant to the California Code of Regulations Section 3697, the owner or operator of a newly-permitted operation shall submit an initial report and reporting fee to the Department of Conservation (DOC) after permit approval. The DOC has developed the New Mining Operation Report form, please contact DOC at (916) 323-9198 to obtain a form. The condition shall be satisfied by submitting to the County the completed yellow Lead Agency copy of the New Mining Operation Report form.
5. The General Plan User Fee of \$650 for Industrial Development must be paid to the Humboldt County Community Development Services Department.
6. An environmental filing fee of \$2,216.25 plus \$50 recording fee for the California Department of Fish and Game must be submitted to Humboldt County Planning Department per Section 753.5, *Collection of Filing Fees*, California Code of Regulations.
7. The project shall comply with the requirements of the California Regional Water Quality Control Board. If required by RWQCB, the applicant shall submit a copy of the Storm Water Pollution Prevention Plan, Notice of Intent and associated deliverables in order to obtain an Industrial General Stormwater Permit through the SWRCB. Copies of these documents shall be submitted to the Humboldt County Planning Division.
8. The project shall be consistent with the Streamside Management Area Ordinance and with the standards and policies set forth in the General Plan, *Sensitive and Critical Habitats*. Furthermore, no debris, soil, silt, or other such foreign substance shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. All stockpiles, berms and operational areas shall be set back at least 50 feet from intermittent streams and 100 feet from perennial stream.
9. The project shall be consistent with all mitigation measures as identified in the Mitigated Negative Declaration and Subsequent Mitigated Negative Declaration.

10. The applicant shall obtain an approved encroachment permit from CalTrans that identifies Mercer Fraser as the owner responsible for the driveway connection encroachment within the state's right of way.
11. The applicant shall abide by the applicable conditions of the Department of Public Works comment letter dated April 7, 2016.
12. The applicant shall record a *Notice of Reclamation Plan Approval* for the approved reclamation plan at the Humboldt County Recorder's Office in accordance and PRC Section 2772.7.
13. If approved, the Reclamation Plan shall be revised to incorporate mention of the concrete batch plant facility in Chapter II, Section B2.a (Process Site/Plan of Operation – page 11) and Chapter III, B (Reclamation Activity- page 21) and Figure 6 (Reclamation Plan – page 24).

B. Operation Restrictions

1. The mining operator shall adhere to the approved reclamation plan and mitigation monitoring program, as applied to the mining extraction site proper, and other support and ancillary uses and facilities (i.e., stockpiles, and the maintenance of access road drainage culverts). This shall include the operations included herein setting forth routine (i.e., non-emergency) days and hours of operations. The reclamation plan shall be reviewed annually by the operator and county staff to assure that any required reclamation is completed and is in compliance with the approved reclamation plan. Any substantial changes to the reclamation plan, including changes necessitated or required by changes in the environment, may require review by the Division of Mines and Geology, Reclamation Program, and approval by the County.
2. The applicants/operators shall abide at all times with the Humboldt County Surface Mining Regulations, and any revisions thereto, and the State Surface Mining and Reclamation Act, and any revisions thereto.
3. The terms of 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. All surface mining operations involving unpaved roads shall adhere to the provisions for control of dust emissions from roads.
8. The floor of the working and staging areas shall slope a minimum of 2% into the working face to contain runoff water on site.

9. No new access roads shall be constructed without prior approvals.
10. No riparian vegetation shall be removed without prior approvals.
11. Hours of Operations shall be Monday through Saturday during daylight hours, generally 6:00 am to 6:00 pm.
12. Wet weather operations shall be consistent with the Storm Water Pollution Prevention Plan. No equipment shall be allowed on winterized portions of the site during wet conditions to the satisfaction of the California Department of Fish and Game.
13. Operational noise levels and particulate settlement patterns shall be measured by the applicant on demand by the County Planning Director, as necessary, to verify that the project is operating at environmentally acceptable levels per Humboldt County Code.
14. The project shall comply with the requirements of the US Army Corps of Engineers, NOAA Fisheries, US Department of Fish and Wildlife, California Department of Fish and Wildlife, North Coast Air Quality Management District, and other County, State and Federal agencies having jurisdiction, and shall submit written documentation to the Planning and Building Department that the clearances from agencies have been obtained.
15. The project shall be consistent with the Project Description, Site Plan, Plan of Operations, Reclamation Plan and Mitigation Measures as approved by the Planning Commission. Modification to the project requires review and approval by the Planning Department

C. Informational Notes

1. Surface mining operations are regulated by various different state and federal agencies. Each of these agencies is responsible for regulating a specific aspect of the mining operation. For example, the Department of Fish and Game is responsible for assuring that fish and wildlife resources are not negatively impacted by a surface mining operation; the Army Corps of Engineers is responsible for regulating discharges into navigable waters of the United States; the Regional Water Control Board oversees waste discharge requirements; CalTrans assures that no State bridges or highways are negatively affected by mining operations, and; the State Lands Commission regulates activities on lands within the public trust. Other agencies which may have jurisdiction over a surface mining operation include but are not limited to, California Department of Conservation, Division of Mines & Geology; North Coast Unified Air Quality Management District; California Coastal Commission; National Marine Fisheries; United States Fish & Wildlife Service; and CalOSHA.

The operator is responsible for contacting all of the above regulating agencies to assure conformance by the surface mining operation with these agencies regulations.

2. The Financial Assurance shall be subject to annual review and adjustments to account for: a) changes in the costs of reclamation due to inflation; b) lands reclaimed in the previous year and not involving future reclamation; and c) additional lands requiring reclamation in the next year.
3. Building permits are required for all equipment structural pads/foundation buildings, and all structural concrete work (i.e. scales) that are not pre-existing.

4. A National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity is required unless the applicant demonstrates that there is no storm water runoff from the quarry site. If there are such discharges the applicant shall contact the Regional Water Quality Control Board for permitting requirements.
5. If the project involves the storage and handling of hazardous materials, the applicant shall submit and have approved by the Division of Environmental Health (DEH) a hazardous materials business plan and comply with the conditions of DEH.

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 Permit: Section 312-17, Title III, Division 1 of the Humboldt County Code (H.C.C.) specifies the findings that must be made to approve the Conditional Use Permit. Basically, the Hearing Officer may grant the 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;
- 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; and
- 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, or materially injurious to properties or improvements in the vicinity.

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. 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.

To approve this project, the Hearing Officer must determine that the applicant has submitted evidence in support of making **all** of the following required findings.

1. The proposed development must be consistent with the General Plan. The following table identifies the evidence which supports finding that the proposed mining is in conformance with all applicable policies and standards in Chapters 2-4 of the FWRK.

Relevant Plan Section(s)	Summary of Applicable Goal, Policy or Standard	Evidence Which Supports Making the General Plan Conformance Finding
Agricultural Rural Commercial recreation	Primary uses include agriculture and harvesting of timber. Compatible uses include single family residences, cottage industries, other agricultural activities and recreational uses.	Surface mining is not specifically identified as a primary and compatible use. However, in previous project reviews, the County has found surface mining to be a compatible temporary use. The site has been used as a quarry since 1998. The acreage to be utilized will eventually be reclaimed and reverted to land use consistent with the plan designation. Processing areas designated Commercial Recreation are intended to support highway commercial and visitor serving uses and reclamation to a condition supportive of adaptive commercial re-use is satisfactory.
§2530 Mineral and Energy Resources	Policies and standards recognize the importance of mining and energy production to local and regional economy, and set criteria and restrictions to ensure health, safety and general welfare of persons, property and public resources.	Many of these policies and standards have been incorporated into the implementing Surface Mining Ordinance as performance standards required of all mining activities.
§2553.5 Remote Rural Development	Development should be designed to minimize erosion and sedimentation.	Project includes measures to capture, filter and contain site runoff and minimize erosion (see Reclamation Plan).
§3210 Geologic Hazards	Development should be sited and designed to avoid and minimize the exposure of persons and property to hazards associated with seismic shaking, highly erosive, soils, and unstable topography.	The project site is in an area rated "moderate and "high instability". The mining operation is required to comply with guidelines and requirements established by the California Occupational Health and Safety Administration (OSHA) and the Office of Mine Reclamation (OMR).

<p>§3220 Flood Hazards</p>	<p>Development should be sited and designed to avoid and minimize the exposure of persons and property to hazards associated with river and coastal flooding, and inundation due to dam failure.</p>	<p>The site is not subject to water-related hazards.</p>
<p>§3230 Wildfire Hazards</p>	<p>Development should be sited and designed to avoid and minimize the exposure of persons and property to wildfire hazards or, conversely, to prevent risks of fire in timberlands and other resources areas from rural residential development.</p>	<p>The project site is in an area of "high wildfire" rating. Fire jurisdiction is by the California Department of Forestry and Fire Protection. 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).</p>

<p>§3240 Noise</p>	<p>Policies and standards identify compatible, conditional and incompatible noise levels for various land uses.</p>	<p>The site has been an existing surface mining and processing facility since at least 1984. Mining activities that will produce noise include extraction, processing, loading and transporting of rock material. The only modification to the existing operations would be the addition of a concrete batch plant and ancillary equipment, which would be the only potential for changes to the existing noise levels. According to the U.S. Department of Transportation Federal Highway Administration Construction Noise Handbook, a typical concrete batch plant generates a maximum noise level of 83 dB at 50 feet. Noise naturally attenuates with distance. For every doubling of distance from a noise source, noise levels decrease by 6 dB. At a distance of 550 feet (the nearest sensitive receptor is located 570 feet from the proposed concrete batch plant), the noise level increase from the addition of the concrete batch plant from ambient levels would be less than 14.6 dB noise level. The anticipated total maximum noise level at a distance of 550 feet would be 37.6, which is comparable to background noise in a large conference room or library.</p> <p>The project has and will continue to meet County noise standards. Operations will be conducted during daylight hours Monday through Saturday (6:00 AM – 6:00 PM). The duration and intensity of the operations will be dependant on demand, but can be expected to be active on an incidental basis year-round.</p>
<p>§3420 Sensitive and Critical Habitats</p>	<p>Policies and standards identify and set use limitations, and describe protective measures for environmentally sensitive habitat areas.</p>	<p>Consultation with trustee agencies (CDFW, CDF) identified no sensitive or critical habitats located on or near the project site.</p>

<p>§3530 Cultural Resource Protection</p>	<p>Protect cultural, archaeological and paleontological resources.</p>	<p>The project site is consistent with what has been utilized or permitted in the past. The process site and extraction areas have been utilized for 34 years and no significant finds of historic, archeological, and paleontological resources or human remains have occurred during this time period. Extraction areas are subject to high winter flows, replacing surface gravel materials on an annual basis. Prior to this use the site was used as a County airport. The project area contains no known historical, archeological, or paleontological resources, or human remains based on review of County Resource information from the Natural Resources Division of the County Public Works Department (during previous project approval). The process site and extraction areas have been utilized for 34 years and no significant finds of historical, archeological, or paleontological resources, or human remains have occurred during this time period.</p> <p>Although no further investigation was recommended, an informational note has been added to the Conditions of Approval stating that work must be halted if cultural resources are discovered during the construction process. An informational note has been included with the Conditions of Approval indicating the steps to be taken should cultural resources and/or human remains be discovered during ground disturbing activities.</p>
<p>§4200 Circulation</p>	<p>Policies and standards are established for planning, development, maintenance and use of roads, ports, rail, airport drainage and utility facilities.</p>	<p>Hauling of mined materials is limited to "legal loads" as defined in Vehicle and Streets and Highways Codes.</p>

2. The proposed development is consistent with the purposes of the existing zone in which the site is located; and 3. The proposed development conforms with all applicable standards and requirements of these regulations. The following table identifies the evidence which supports finding that the proposed development is in conformance with all applicable policies and standards in the Humboldt County Zoning Regulations.

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	Requirement Summary	Supporting Evidence
Agriculture Exclusive (AE), Highway Service Commercial (CH), Flood Plain (FP)	Surface mining is not identified as a Principal Permitted Use. All other uses not specified may be permitted upon the granting of a Conditional Use Permit. Siting of a batch plant is a use that is not enumerated and may be permitted with a use permit.	Though "surface mining" is not expressly listed, Section 391-1 HCC (Surface Mining Ordinance) recognizes the use as a conditionally permitted use in all zoning districts. Final reclamation will return the mined lands consistent with surrounding agricultural/timberland uses. Processing areas designated Highway Commercial are intended to support highway commercial and visitor serving uses and reclamation to a condition supportive of adaptive commercial re-use is satisfactory.
Minimum Parcel Size	6,000 square feet	The project does not involve land division.
Minimum Lot Width	50 feet	The project does not involve land division.
Minimum Yard Setbacks	Front 20 feet Rear 10 feet Side 5 feet	Project does not entail placement of permanent structures subject to these standards.
Minimum distance b/w major buildings		N/A
Maximum Lot Coverage	40%	N/A

Development Requirements and Standards: 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:

- 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 §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 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.
- 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.

4. Public Health, Safety and Welfare. The following table identifies the evidence which supports finding that the proposed location of the use 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, and will not adversely impact the environment.

Responses from Other Agencies

Humboldt County Building Inspection Division: Recommend approval.

Humboldt County Environmental Health Department: Recommended approval.

Humboldt County Department of Public Works, Land Use Division: Conditional approval.

California Department of Forestry and Fire Protection: No comments.

California Department of Fish and Game: No comments.

North Coast Unified Air Quality Management District: Recommend approval.

California Office of Mine Reclamation: No issues with renewal.

Hoop Valley Tribe: Commented on extraction methods, which are reviewed by CHERT.

Regional Water Quality Control Board: If commercial sale of rock and gravel products is part of the operation then the applicant needs to submit a SWPPP, NOI and associated deliverables in order to obtain an Industrial General Stormwater Permit through the SWRCB.

North West Information Center: No further study recommended.

Based on information in the application, and a review of relevant references in the Department, staff has determined that, provided the project conditions of approval and mitigation measures identified in the Conditional Negative Declaration are required as operating conditions, no adverse effects on fish and wildlife resources or the habitat upon which wildlife depends will result.

5. Impact on Residential Density Target. The following table identifies the evidence which supports finding that the proposed project will 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.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
312-17.1.5 Housing Element Densities	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), except where: 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.	The project does not impact housing element densities as the project does not involve residential structures or uses. The proposed will not add or subtract from the current housing inventory.

6. Environmental Impact. The following table identifies the evidence which supports finding that the proposed location of the use 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, and will not adversely impact the environment.

Code Section	Summary of Applicable Requirement	Evidence that Supports the Required Finding
CEQA § 15063	CEQA review required	<p>Please see the attached draft Subsequent Mitigated Negative Declaration.</p> <p>As required by the California Environmental Quality Act, the initial study conducted by the Department of Planning and Building, Planning Division (Attachment 4) evaluated the project for any adverse effects on the environment. Based on a site inspection, information in the application, and a review of relevant references in the Department, staff has determined that there is no evidence before the Department that the project will have any potential adverse effect, either individually or cumulatively, on the environment. The environmental document on file in the Department includes a detailed discussion of all relevant environmental issues.</p>

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 stream banks 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 Mining Operations* for the current permit:

Page No.

- ☒ 2 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
- ☒ 2 The names and addresses of the owners of all surface and mineral interests of such lands; and
- ☒ 2 The anticipated quantity and type of minerals for which the surface mining operation is to be conducted; and
- ☒ 9 The proposed dates for the initiation and termination of such operation;
- ☒ 22 The maximum anticipated depth of the surface mining operation; and

- ☒ 2 The size and legal description of the lands that will be affected by such operation,
- ☒ Revised Plot Plan 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,
- ☒ 22 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,
- ☒ 12 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
- ☒ 20 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
- ☒ 23 A description of the manner in which contaminants will be controlled, and mining waste will be disposed; and
- ☒ 27 A description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur; and
- ☒ 22 An assessment of the effect of implementation on the reclamation plan on future mining in the area; and
- ☒ 30 A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan; and
- ☒ 29 A cost estimate prepared by a qualified individual for financial assurances to ensure reclamation is performed in accordance with reclamation plan.

Financial assurances are summarized in a table, with costs for reclamation totaling \$1,630. Because this is an existing surface mining site, the operator has a currently approved cost estimate and mechanism on file at the Planning Division.

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 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 2009 extraction seasons has been submitted to the California Department of Conservation (DOC) for their review and approval. As part of the ongoing administration of the reclamation plan, staff shall ensure that the form of financial assurances is one authorized by DOC, 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 term, 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: Per the submitted cost estimates, based on standard time and material current 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 "Department of Conservation – Office of Mine Reclamation" pursuant to SMARA.

ATTACHMENT 3

APPLICANT'S EVIDENCE IN SUPPORT OF THE REQUIRED FINDINGS

Attachment 2 includes a listing of all written evidence that has been submitted by the applicant in support of making the required findings. The following materials are on file with the Planning Division unless otherwise noted:

- a) Application Form (in file)
- b) Plot Plan/Tentative Map Checklist (in file)
- c) Detailed Plot Plan (attached with maps)
- d) Plan of Operations (included in Reclamation Plan)
- e) Reclamation Plan (attached)
- f) Grant Deed (in file)



● PLANNING ● PERMITTING ● ENVIRONMENTAL CONSULTING ●
1062 G St. Suite I, Arcata, CA 95521 (707) 822-5785; FAX (707) 822-5786

Mercer, Fraser Company Willow Creek Gravel Bar

Willow Creek, CA

May 2003

**This application information is submitted as part of an Extension of an Existing
Humboldt County Conditional Use Permit and Surface Mining/Reclamation Plan
(#CUP-19-88/SP-25-88)**

**Mercer, Fraser Company
P.O. Box 1006, Eureka, CA 95503
(707) 443-6371, FAX – 443-0277, mfc@humboldt1.com**

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CHAPTER I - GENERAL INFORMATION

A. APPLICANT: MERCER, FRASER COMPANY

B. PROJECT DESCRIPTION: Extension of Conditional Use Permit and Mining Plan/Reclamation Plan for the Seasonal extraction in Humboldt County of up to 40,000 cubic yards of sand and gravel per year from river gravel bars and install as needed, two seasonal bridge crossings of the low water channel consisting of two flat cars. The extraction operations will be served by processing facilities located on Mercer, Fraser Company (522-491-17, 20, & 21) and Six Rivers National Forest (522-491-04) managed properties west of the riverbank.

C. LOCAL APPROVALS RECEIVED: Humboldt County Conditional Use Permit and Surface Mining/Reclamation Plan (#CUP-19-88/SP-25-88); Division of Mines and Geology Mine I.D. # 91-12-0007

D. GENERAL INFORMATION

1. Name of Mineral Property/Project Name - Willow Creek Gravel Bar

2. Applicant Mercer, Fraser Company
P.O. Box 1006, Eureka, CA 95502
(707) 443-6371, FAX – 443-0277, mfc@humboldt1.com

3. Property Owners Mercer, Fraser Company
P.O. Box 1006, Eureka, CA 95502
(707) 443-6371, FAX – 443-0277
APN: 522-491-015, 017, 020, 021

Six Rivers National Forest
Lower Trinity Ranger District
P.O. Box 68
Willow Creek, CA 95573
APN: 522-142-10, 522-145-04, 06, 522-491-04

APN: 522-491-22
Property Owner: Daryl Mason
2636 Jacoby Creek Rd
Bayside, CA 95524
Owner of Mineral Rights: Mercer, Fraser Company
Contact information: Same as above

4. Agent STREAMLINE Planning Consultants
1062 G St. Suite I, Arcata, CA 95521
(707) 822-5785, FAX – 822-5786, StreamPC@aol.com

5. Site Location and Vicinity Maps

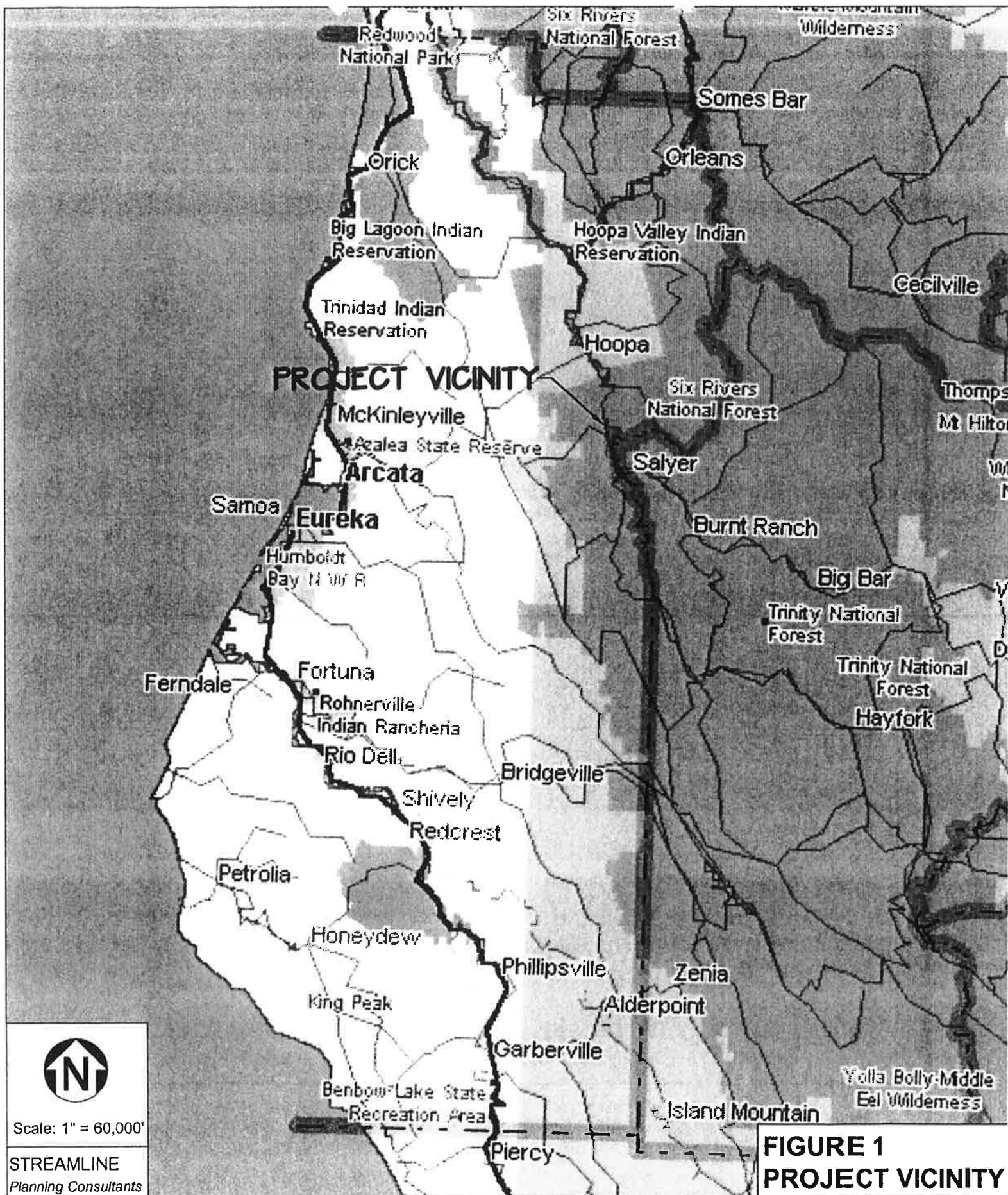
On the Trinity River, River Mile 24 – 25, downstream from the community of Willow Creek. On the east side of Highway 96, 1/2 mile north of Willow Creek, approximately across the street of the intersection of Branan Mountain Road with Highway 96. E 1/2 Sec 29 & SE ¼ Sec 20, T7N, R6E, H.B.M. Latitude 40° 57'4.8", Longitude 123° 38'1.0". See attached Project Vicinity Map (Figure 1), Project Location Map (Figure 2), Mining Plan/2002 Aerial Photograph (Figure 3).

6. Access Route

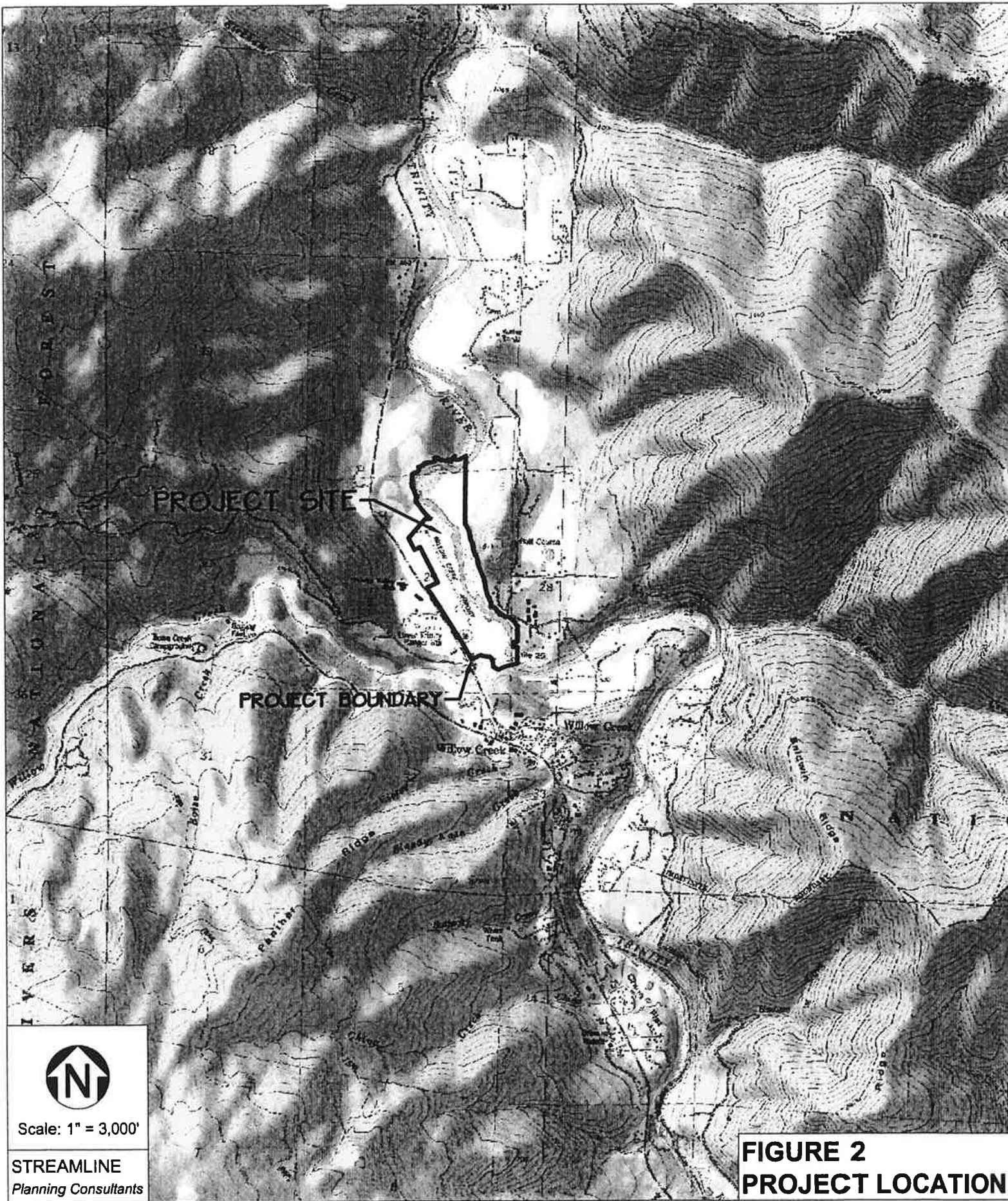
Access to the site is gained from Highway 96, 1/2 mile north of Willow Creek. A locked gate is located at the entrance to the process site directly off of Highway 96 (See Figure 3).

7. Lead Agency Information

- a. Lead Agency Humboldt County Planning and Building Dept.
Attn: Anita Punla, Planner
3015 H Street, Eureka, CA 95501
(707) 268-3727, FAX (707) 445-7446
- b. File No. _____
- c. Case No. _____
- d. Date Permit Approved _____
- e. Date Permit Expires _____
- f. Proposed Financial Assurances – See Section VI



**FIGURE 1
PROJECT VICINITY**

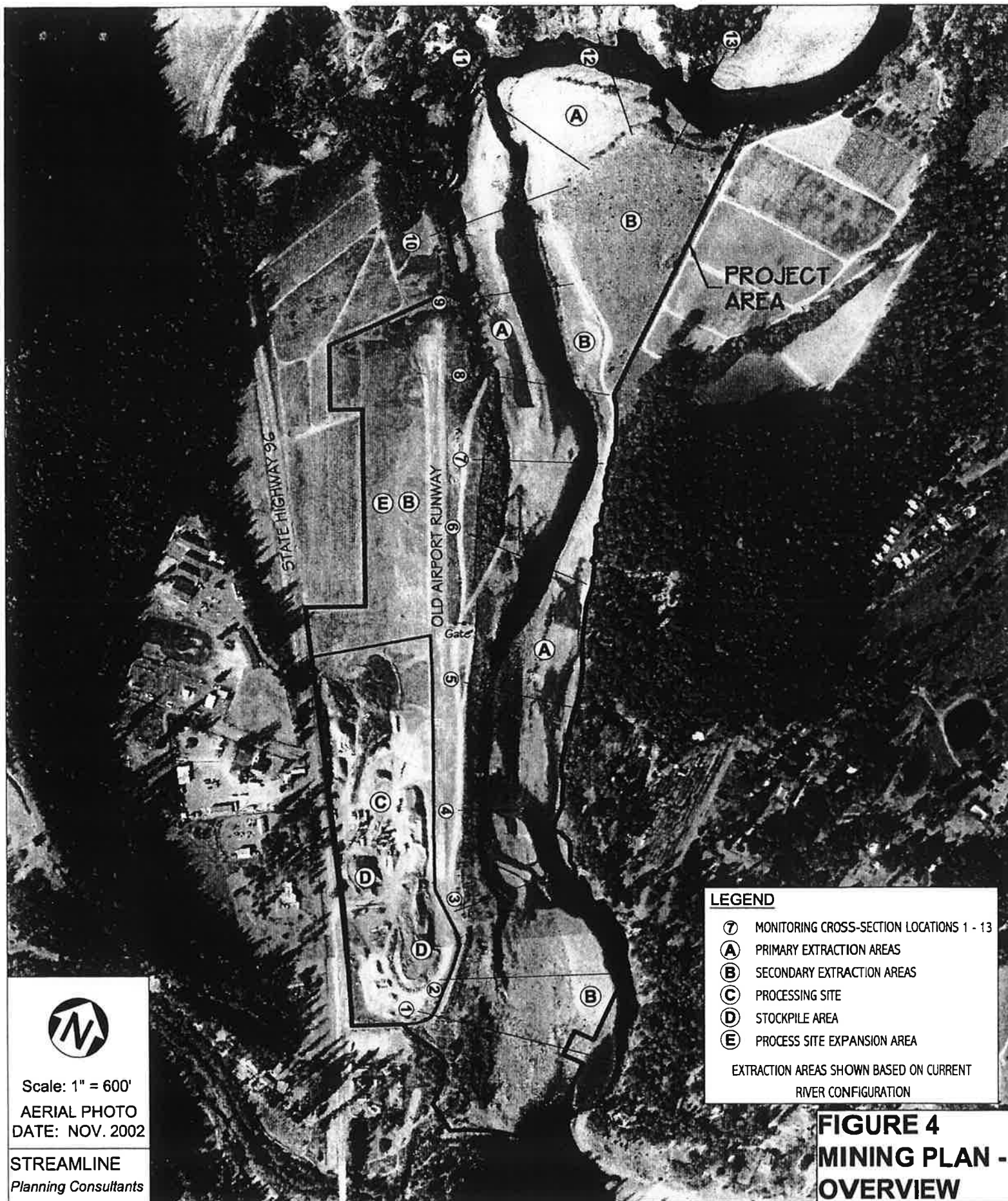


May 2003

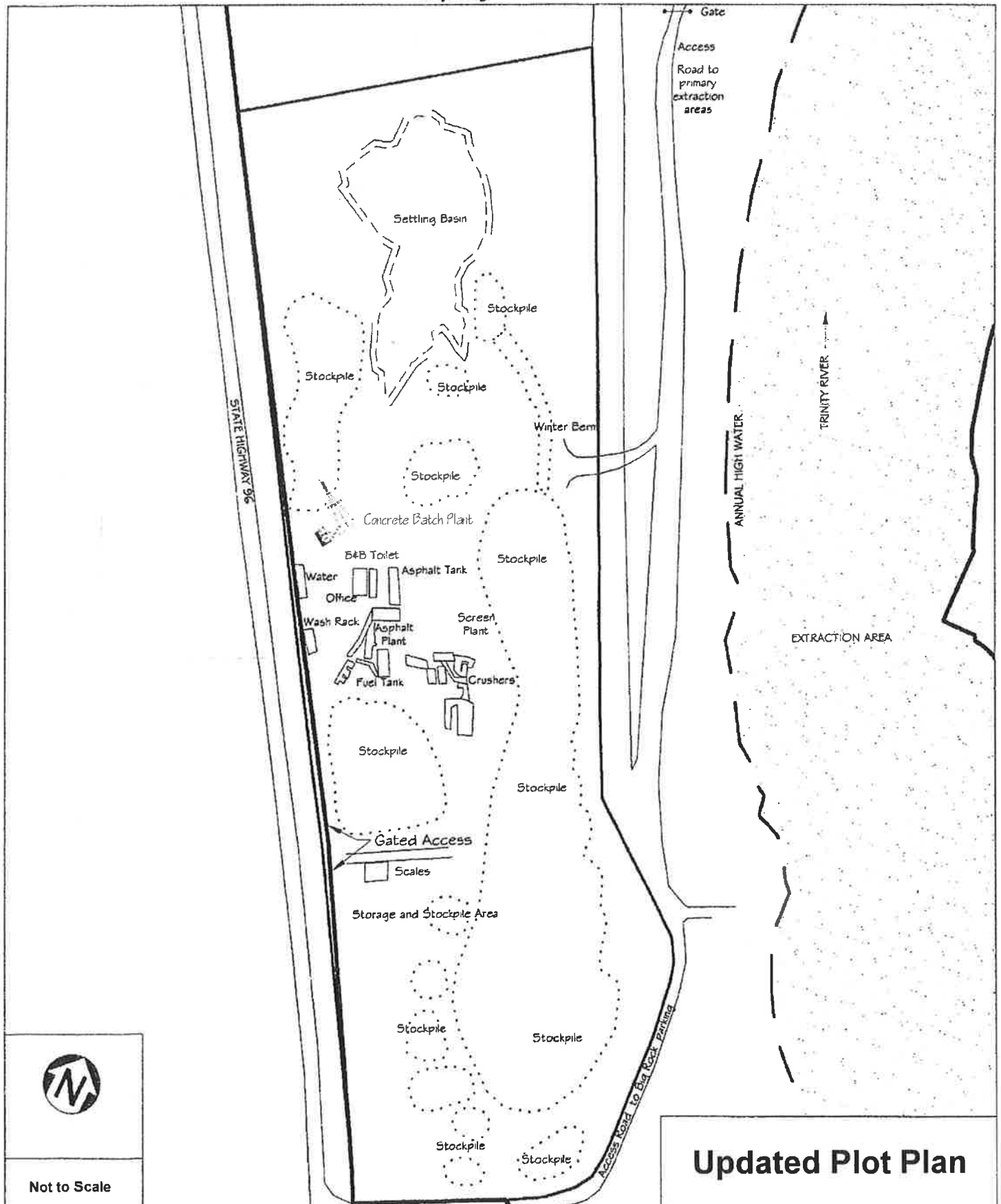
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Mercer, Fraser Company - Willow Creek Gravel Bar



CHAPTER II - MINING PLAN/ PLAN of OPERATIONS

A. PROJECT OVERVIEW

The application proposal is for the continued extraction of up to 40,000 cubic yards of aggregate (sand and gravel) from adjacent gravel bars on an annual basis. The ongoing operation will continue to extract material as long as material is available on the gravel bar, as described herein. The majority of extraction activity will occur during the summer season between June 1st and October 15th. Aggregate materials will be extracted and temporarily stockpiled, then loaded on to trucks. Material will then be transported to the adjacent processing site on parcels 522-491-04, 17, 20 & 21 (See Figures 3 & 4).

The processing operation will primarily involve material crushing and/or sorting; on-site storage of materials; loading activities; production of asphalt; weighing and hauling by truck, and activities such as equipment repairs. Materials from outside sources, including road and landslide debris and other clean fill materials, are brought to the site for backfill or further processing and sale as aggregate or backfill materials.

Mercer, Fraser has operated at this site since at least 1969. The project received County approval in 1988 for annual extraction up to 40,000 cubic yards. The operation has historically varied with market demands and river conditions. At present, monitoring information, collected since 1992, indicates that extraction at average historical levels is appropriate at this site and that such operations will not cause significant adverse environmental impacts, immediately or cumulatively. The application proposal is to renew a conditional use permit (CUP-19-88), special permit (SP-25-88) and surface mining/reclamation plan and related approvals. The requested volume is the same as past approvals and is based upon evaluation of additional information as well as the data collected under the ongoing monitoring programs. This project has been described to permit adaptive management of the project area, as described in the Management Program - Chapter II (B) (3) (f).

In any given year, extraction volumes, locations, and methods will be submitted by the applicant for approval by local, state and federal agencies. This interagency process is more specifically described later in this report (See Section 3 (f)).

Section 1. Acreage Permitted

The project area utilized for gravel extraction and processing at the Willow Creek site totals approximately 138 acres. The approximate 138-acre project area at the Willow Creek site is a portion of 9 parcels totaling approximately 228 acres. The portion of the project area on Mercer, Fraser property is approximately 71 acres, the portion on Six Rivers National Forest property is approximately 62.5 acres, and the portion on Daryl Mason's property is approximately 4.5 acres. Approximately 57 acres of the project area are located below Ordinary High Water (OHW).

Based on present river conditions approximately 26 of the 57 acres located below Ordinary High Water (OHW) have the potential to be utilized for gravel extraction. The extraction areas occur on the southeast, east, and northeast areas of the project site (522-145-04, 05, 06, 522-142-10, 522-491-04, 15, 21, & 22). The portion of the gravel bars available for extraction on Mercer, Fraser property is approximately 9 acres, the portion on Six Rivers National Forest Property is

approximately 15 acres, and the portion on Daryl Mason's property is approximately 2 acres (See Table 1).

The 39 acres of the project area to the west, outside of the active channel, has been developed as an aggregate processing facility. The remaining 90 acres of the 9 parcels (totaling 228 acres) containing the project area are utilized for recreation, flood plain management, wildlife habitat, agriculture, access roads, and open space (See Table 1).

The area where surface mining occurs can change after a substantial flood event and change in the river course. The area subject to this Reclamation Plan will be determined annually based on the review described herein.

TABLE 1
DESCRIPTION OF APPROXIMATE PROJECT AREA (ACRES), 2002

	Mercer, Fraser	USFS	Daryl Mason	Total
Parcel Size (approx.)	81	117	30	228
Processing Area	35.5	3.5	0	39
River	2.5	18	1.5	22
Exposed Gravel Bars	12	21	2	35
Potential Extraction Areas below OHW *	(9)	(15)	(2)	(26)
Terrace Area above OHW	19.5	14.5	0	34
Mixed Willow (PSSI)	1.5	5.5	1	8
SUBTOTAL	71	62.5	4.5	138
Outside Project Area	10	54.5	25.5	90

* Based on current River Conditions

Section 2. Acreage Disturbed

The process area is 39 acres, 21 acres is currently utilized. Acreage disturbed by extraction in any year will be dependent on the area permitted for gravel extraction. Based on current river conditions, approximately 26 acres are available for surface mining operations in any given year. Over the last 5 years an average of 6 acres has been disturbed.

Section 3. Acreage Reclaimed

Acreage to be left in a reclaimed manner will be dependent on the amount of acreage disturbed as described above. Reclamation is limited to disturbed areas as described in the Reclamation Plan (Chapter III). The area still remaining after surface mining ceases is the 39 acre process site. All extraction areas are mined in a manner representing reclamation at the end of the extraction season.

Section 4. Area of Importance

The Mercer, Fraser Willow Creek site has continually been used by public agencies, contractors and the general public since 1969 for purchase of base rock and hot mix asphalt. Contractors associated with CalTrans projects obtain road base and asphalt concrete from the Willow Creek site. In addition, this site supplies much of the maintenance related materials necessary to maintain Highway 96 & 299.

The market area for the Willow Creek site is defined as the area west to the City of Blue Lake, east to Weaverville (Trinity County), north from Willow Creek to past Weitchpec and Orleans. The next closest asphalt plants occur adjacent to the City of Blue Lake and Weaverville. Many local, state and federal projects have historically been dependent on affordable aggregate and asphalt from this location.

The Humboldt County General Plan - Frame Work Plan recognizes the importance of existing gravel extraction sites as follows:

"Sand, gravel and rock, being necessary to construction and development, are an essential component for the continued well-being of the County. They are the basis for much of the construction materials for roads, concrete, streambank protection, erosion control, septic systems and passive solar projects. Importation of these materials would raise costs and negatively impact the development and maintenance within the County. It is important to protect specific sites and haul routes against land use incompatibilities to assure the continued utilization of this resource."

B. MINING PLAN / PLAN OF OPERATION

Section 1. Maps of Operations - See Figures 3 and 4 for project site details.

Section 2. Process Site/ Plan of Operation

a. Process Site Description - The existing 39 acre processing facilities are located on Mercer, Fraser Company (522-491-17, 20, & 21) and Six Rivers National Forest (522-491-04) managed properties west of the riverbank. The portion of the processing site on Mercer, Fraser property is approximately 35.5 acres, and the portion on Six Rivers National Forest property is approximately 3.5 acres (See Figures 3 & 4).

The access to the processing site is provided directly from Highway 96. Site improvements have been in place since they were constructed by Mercer, Fraser Company in 1969. Site improvements occur on the southern portion of the processing site (522-491-04, 17, & 20) (See

Figure 5) and include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales.

The processing operation primarily involves material crushing and/or sorting; on-site storage of materials; loading activities; production of asphalt; weighing and hauling by truck, and activities such as equipment repairs. The duration and intensity of the operations will be dependent on demand, but can be expected to be active on an incidental basis year-round for more than twenty-five years.

The asphalt plant is located in the center of the processing site on parcel 522-491-17, directly east of Highway 96 and north of the entrance to the processing site. It normally has been in operation year round but is usually operated on an intermittent basis. Based on 40,000 cubic yards of material, at full operating capacity, approximately 60 days would be needed for processing. More realistically, this is spread out through the year with no activity occurring for several months at a time. Stockpiled materials are utilized in subsequent years. Materials from outside sources, including road and landslide debris and other clean fill materials, are brought to the site for backfill or further processing and sale as aggregate or backfill materials.

The portable crusher/vibrating screen is normally in operation towards the end of summer for a period of ten to twelve weeks. The crusher and screen are located directly adjacent to the asphalt plant (See Figure 5).

The raw materials stockpiles occur parallel to the Trinity River and Highway 96 generally above the 100-year floodplain (See Figure 3), and would probably be adjusted according to the extracted amounts. Gravel extracted is stockpiled in these areas until further processed.

Processed material stockpiles are usually located surrounding the crusher. Processed materials are transported and stockpiled from this point to either near the asphalt plant or adjacent to the raw material stockpiles north and east of the asphalt plant. The weigh scales are located near the vicinity of the access gate. All materials leaving the site are transported by trucks that first stop at the scales (See Figure 5).

The number of employees ranges between 5 and 10, depending on the season and consumer demand. Normal hours of operation are between 7:00 a.m. and 6:00 p.m. Monday through Saturday. If a particular job site is distant from the processing site, start up occurs at 6:30 a.m. to 7:00 a.m. but would also close down earlier. The plant has operated during night hours depending on the need for the project. This has usually been limited to emergency road repair due to high water or unstable road banks, or to avoid high flow summer traffic. Based on specific requirements or emergency repair, processing/hauling may need to occur at other times. This will occur after submittal of request to the County Planning Director and notification of adjacent neighbors.

The process site is generally flat with drainage currently flowing primarily towards the north towards the existing settling basin. Approximately 40,000 gallons/day is used when the asphalt plant and crusher are in operation. Water is obtained from the Willow Creek Community Services District or on-site well and directed to the settling basin after processing.

b. Production Schedule - Up to 100,000 cubic yards of aggregate materials are stored on the site at any time. Material will continue to be stored on-site for later use. The applicant will be the main operator/hauler for the majority of the operation. Seasonal, intermittent peak activity is

anticipated during the construction season, but may occur anytime of the year, depending on need (i.e. flood damage repair). On average approximately 40,000 cubic yards are processed per year. At full operating capacity, approximately 700 cubic yards can be processed per day. Based on 40,000 cubic yards of material, at full operating capacity, approximately 60 days would be needed for processing.

c. Operations Plan Details

1. Topsoil

No topsoil occurs within the process area or extraction areas. Any existing vegetation on top of the process area is in very shallow soils rooted in compacted gravels, consisting primarily of annuals. This has been the case since prior to 1969. No topsoil will subsequently be required to be removed or stockpiled.

2. Overburden

No overburden exists at the process or extraction areas.

3. Mine Waste

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

4. Extraction Method

See Chapter II (B) (3) for details on Extraction activities

5. Water Requirements

Water is currently utilized for washing/processing material at the site and for air pollution control for the asphalt plant. Water currently comes from the Willow Creek Community Services District. After utilizing this water, it is directed to a sediment settling basin where it percolates into the groundwater table. Watering for dust control currently occurs at the site with use of a water truck and will continue as necessary.

6. Water Impoundments and Diversions

Water for this site was pumped from the Trinity River in the past, but is currently obtained from the Willow Creek Community Services District. Water is required to be used for processing activities. Approximately 40,000 gallons/day is used when the asphalt plant and crusher are in operation. Most of this percolates into the settling basin.

7. Wastewater Treatment

By the nature of the described extraction and processing, no wastewater is produced. Any surface run-off currently filters through substrate as it flows north towards the settling basin. As a secondary precautionary measure berms and stockpiles surrounding the processing site

also retain surface flow to allow settling and prevents any Stormwater discharge. These berms are annually re-established or maintained as part of annual winterization activities.

8. Contaminants

No servicing of equipment (fueling or lubricating) will occur within the extraction area. Equipment is maintained at the processing site. Fueling takes place directly south of the asphalt plant. In the event of an accidental lubricant or fuel leak (i.e., hydraulic lines breaking, etc.), operators will be instructed to move equipment to the processing site. If gravel is contaminated with a spill, the material will be removed and properly disposed. Any materials brought onto the extraction site are removed to the processing site at the end of the extraction season.

9. Processing

See Section 2 (a) for processing details.

10. In-Stream Mining

See Extraction Description in Section 3.

Section 3. Extraction Description

a. Production Schedule - As part of this permit application request, the applicant proposes, on an annual basis, to continue the seasonal extraction of up to 40,000 cubic yards of aggregate, install two seasonal crossings over low flow river channels to facilitate gravel transport and reclaim extraction areas. This is proposed as a continuation of a 30+ year old operation. It is requested that a minimum 15-year term be approved based on analysis of submitted monitoring information.

b. Extraction Location - Extraction has generally occurred east and west of the low flow water channel in the area defined from 100 feet downstream of the confluence of Willow Creek with the Trinity River, extending approximately 4,200 feet downstream. Extraction has and will continue to primarily occur alongside of the low flow active channel.

The morphology at this site generally consists of bends in the river with bedrock control both on the outer bend and in the channel (see Figure 3). As a result: 1) bedrock constrictions cause velocity decreases at flood stages and bedload deposits greater in volume and size at this location than other less confined reaches; 2) channel configuration is controlled by existing site features to a greater extent than bar changes due to gravel extraction. When the opportunity is available extraction is designed to compliment these influencing features rather than working contrary to the natural forces that have formed the prevailing stream morphology.

The project site consists of a portion of the current Trinity River stream course (River mile 24 – 25), sparsely vegetated gravel bar and stream banks with associated riparian vegetation. Approximately 35 acres of the site is presently riverside gravel bar, which is seasonally inundated and replenished by average annual winter flows of the Trinity River. The extraction areas delineated on the attached map are generally below where permanently established riparian vegetation occurs. Designated extraction areas include the active gravel bar and overflow channels. With the current river condition, it is likely that only 26 acres of gravel bar on

both sides of the low flow channel would be utilized for either gravel bar skimming (graded towards the river) or other approved extraction alternatives (i.e. trenching) based on annual river conditions.

Topography at the end of each extraction season is described in the Reclamation Plan and is further specified annually by approvals from local, state, and federal agencies such as 1603 Agreements with the CA Department of Fish and Game (DFG), and Letters of Permission (LOP) or Individual Permits (Section 404) with the Army Corps of Engineers (ACOE). Annual monitoring and extraction information will be submitted to the appropriate agencies as part of the annual review requirements.

c. Extraction Depth - The specific mining proposals are as follows:

Skimming will generally be conducted with a loader or scraper starting generally at a minimum elevation one foot above the low water channel and proceeding with a longitudinal slope equal to the river and a cross bar slope of 0% to 2%. Reclamation consists of ensuring the bar is left in a configuration so as not to increase the danger of trapping salmonids.

Alternative extraction methods including subsurface extraction (typically up to twelve feet below water surface elevation) also occurs adjacent to but outside of the river channel and may, at times, be utilized to maintain channel capacity and/or maintain the adjacent bar morphology. This method is also utilized to create deep-water habitat and to reduce the surface area of extraction in order to minimize impacts to the environment. In addition resource agencies may desire wet pit options to improve fish holding and passage or other needs, as has historically occurred here and is done at other locations.

d. Extraction Standards - Since 1992 regulatory extraction standards have been modified on an almost annual basis, as techniques of monitoring and review are field-tested and refined to suit site-specific conditions on the local rivers. The extraction standards described below may, therefore, be modified during annual review processes if the operator and local, state, and federal agencies agree alternate standards will adequately protect river resource values.

The following standards have been incorporated into this Project's Proposed Mitigation Measures.

1. At the time of extraction, a vertical buffer (freeboard) of at least 1 foot will be maintained between the low flow water surface elevation and the extraction area.
2. The residual bar slope will:
 - a. Generally follow the slope of the water level in an upstream and downstream direction and maintain a vertical buffer of at least one foot; or
 - b. Generally follow the annual pre-extraction downriver bar slope; or
 - c. Slope towards the water with a grade of at least 0.5 percent.
3. Based on current river conditions skim floor elevations will generally remain above the following elevations:

<u>XS</u>	<u>Elevation (NAVD) (ft)</u>
2	413
5	408
6	406
8	405
9	404
10	402
11	400
12	399

4. Subsurface extraction will generally follow the slope of the water level in an upstream to downstream direction.

5. Changes to the above and other alternative extraction methods/locations may occur only after regulatory agency approval.

e. Seasonal Stream Crossing - The extraction areas are currently east and west of the low flow channel of the River (See Figure 3). To allow access for extraction and hauling equipment, the applicant proposes to install up to 2 seasonal crossings. These crossings would consist of two railroad flatcars placed on abutments with a minimum clearance of six (6) feet above the water surface of the primary flow channel. Approximately 500 cubic yards of gravel would be scraped from adjoining areas to form the abutments for each of the crossings. The crossings will be removed at the end of each extraction season and the abutment material will be regraded to blend in with surrounding topography.

f. Annual Extraction Plan Review - This adaptive management program, with its annual review, will regulate and monitor gravel extraction, gravel replenishment, and bed morphology to assure that a degree of dynamic equilibrium is maintained.

Extraction, as described herein and proposed in annual designs, has been designed based on 1992 - 2002 conditions and monitoring information. High flow events, such as occurred in January and March of 1995, December of 1996 and January 7, 1997, may alter specifics. Mining will follow the adaptive management strategies outlined below.

Extraction for a given season will occur after preparation of a specific operating plan for mining and reclamation developed on the basis of annual assessments and monitoring of the proposed project site. Annual assessments and site evaluation will be used to determine when, where and how aggregate can be excavated without causing long-term or cumulative riverbed degradation. The Army Corps of Engineers has developed a monitoring and adaptive management program that includes annual scientific reviews and recommendations by other agencies. Annual review by Humboldt County has, in part, been based on these recommendations. This program, subject to annual revision, will continue to be followed.

The annual extraction of 40,000 cubic yards of gravel from the Willow Creek Bar and adjacent bars is an upper limit. Monitoring and adaptive management strategies will determine the levels of annual replenishment and current bar configuration. Extraction plans will identify appropriate areas of mining as well as appropriate volumes.

The applicant will continue to develop cross-sectional data and/or other monitoring information based on field surveys in accordance with accepted monitoring standards such as those

developed in cooperation with the County of Humboldt, Region 1 of the Department of Fish and Game (DFG), and the Army Corps of Engineers (ACOE). As information is analyzed these monitoring standards are subject to revision by resource agencies.

g. Annual Bar Morphology Analysis - In 1992, ten monitoring cross-sections were established encompassing potential extraction areas and beyond at approximately 500-foot intervals. In 1996, three additional monitoring cross-sections were established, for a total of thirteen monitoring cross-sections for the Willow Creek site. These cross sections have shown sequential changes in bar and river configuration. When extraction is proposed to occur during the season the appropriate cross-sections will be re-measured and supplemented as necessary with additional cross-sections. After the extraction season, cross-sections will be used to monitor conformance to extraction prescriptions, volume extracted, and post-extraction bar configuration.

Data from monitoring cross-sections were collected from 1992 - 2002. These cross-sections have been, and will continue to be, analyzed and utilized in developing annual extraction plans.

h. Management Principles and Practices - Dates of operation, elevation and slope limitations may change annually as approved by the County, the Department of Fish and Game (DFG), and the Army Corps of Engineers (ACOE) through extensions or modifications of operating conditions.

1. Extraction will occur adjacent to but outside of the live stream, or in existing secondary or overflow channels for an alternative source of material, maintaining slopes towards the downriver portions of the bars.
2. Subsurface extraction adjacent to but outside of the live stream will continue as a method to enhance fishery values by creating a deeper and colder environment for holding (thermal refuge) and passage for smolts and adult salmonids. (This will only be proposed if recommended by a qualified fisheries biologist.)
3. Extraction of gravel will occur in a manner that represents a final reclamation configuration for the gravel bars for the year.
4. Post-mining topography of gravel bars will be consistent and homogenous with the upstream and downstream topography.
5. Potential Tools and Methodologies that will be periodically utilized to assist in Managing Aggregate Resources.
 - Annual reports of extraction/replenishment submitted to government agencies by operators and their consultants;
 - Annual record keeping and reporting of extraction volumes, finished site elevations and project area characteristics;
 - Periodic field inspections to identify fish and wildlife species presence/use at the sites;
 - Studies of fisheries resources and salmonid use of area;

- Aerial photography, on-site photography and videotaping of site conditions;
 - Standardization of cross-section locations and methodologies;
 - Continuing compilation and analysis of historical and current data, particularly as a result of monitoring at the project site and in conjunction with information developed by others, including resource agencies;
 - Enhancement programs for the development of fishery and wildlife habitat, etc., to be implemented by the operator working in concert with agency personnel, river consultants and other professionals.
6. Based on the statements listed in (7.) and (8.) below, the following guidelines will generally be followed in designing extraction proposals.
- 1) Skim boundaries are typically laid out as curvilinear benches along the outside of point bars, consistent with the site meander pattern, as this usually provides a good replenishment configuration without preventing riparian colonization (outside of extraction surfaces) or encouraging braiding;
 - 2) Skim widths are constrained to avoid braiding (divided flow) by being no wider than about half the unvegetated bar width;
 - 3) Skim floors are sloped to provide for drainage following inundation (either directly toward the low flow channel, in a downstream direction, or somewhere in between) to reduce salmonid stranding potential;
 - 4) A vertical offset of the skim floor above the low water surface is provided to retain sufficient low flow channel confinement;
 - 5) The upper one-third of a point bar is usually left undisturbed to preserve sufficient high flow confinement of flows entering the bend and to discourage braiding;
 - 6) In low recruitment years, bar skimming may be forgone in favor of wetland pits with deeper areas in the interior to increase volumes;
 - 7) Wetland pit boundaries are laid out to limit disturbance to existing riparian vegetation by conforming to existing openings in perennial riparian vegetation;
 - 8) Gentle, (10:1) side slopes are provided at the outer edges of wetland pits, with deeper areas in the interior to increase volumes;
 - 9) Wetland pits are avoided near the upstream ends of bars to prevent elevating the risk of meander cutoff;
 - 10) Total Pit area on a bar should not exceed about 10% of the bar's surface area to avoid elevating the risk of meander cutoff.
7. Standards and/or protocols for some of the physical and biological information listed above has been formalized and accepted by both Federal and State agencies. These will further define the monitoring/management that will occur at this site. Such standards, since they are subject to annual change, will become part of the project as required by other agencies such as the Army Corps (for example) rather than incorporating them into the Project Description herein described.

8. The exact method of extraction will be determined based on annual river conditions. The County, California Department of Fish & Game (DFG), and the Army Corps of Engineers (ACOE) will be notified of specific operating procedures.

CHAPTER III RECLAMATION PLAN ACTIVITIES

This Chapter contains a description of reclamation activity. Specific performance standards have been included in Chapter IV RECLAMATION STANDARDS

A. PROPOSED USE OF SITE AFTERWARDS

The site has been operated as a processing site for aggregate materials since 1969, over thirty years ago. As can be supported by the numerous agency comments during the first permitting cycle in 1988, the Willow Creek site is strategically located in a market area that is important to federal, state, County, and local construction projects in the Willow Creek area. The site can be utilized for processing aggregate brought in from other sources or for remanufacturing asphalt if gravel is no longer available on-site. It is both for local and regional economic importance that this processing facility continues to operate since it would be very difficult to locate a new processing site in the area.

The geologic formation at the project site consists of a mixture of Quarternary non-marine terrace deposits and recent alluvium consisting of unconsolidated gravel sand and silt. Analysis of site stratigraphy shows interbedded layers of sand to sandy gravel. These moderately consolidated materials result in high percolation rates as well as a low summer groundwater table. The physical condition of the project site is currently gravel bar and upland areas used for processing; the ultimate conditions of the project site would be similar. No change in use is proposed for the site. The project location is in the floodway of the Trinity River and on upland areas to the west of the River. It is anticipated that this area would be utilized only for floodway management, related gravel extraction and processing, public facilities, wildlife habitat, and recreation.

Extraction areas are left in a reclaimed condition annually and need no further reclamation. Existing access roads have remained in the same location and are necessary for property management purposes. The process site is to continue as 'Industrial' lands. Other allowable uses, consistent with zoning could be appropriate. The project site parcels are zoned as Flood Plain (5 acre minimum parcel size), Agriculture-Exclusive (20 acre minimum parcel size), and Highway Commercial Services (5 acre minimum parcel size). Parcels 522-491-15, 20, and 21, owned by Mercer, Fraser Company, are zoned Flood Plain (5 acre minimum parcel size). Parcel 522-491-17, owned by Mercer, Fraser Company, is zoned Highway Commercial Services (5 acre minimum parcel size). Parcels 522-142-10, 522-145-04, 06, and 522-491-04, owned by the Forest Service, are zoned Agriculture Exclusive (20 acre minimum parcel size). Parcel 522-491-022, owned by Daryl Mason, is zoned Flood Plain (5 acre minimum parcel size). Gravel extraction, although not explicitly stated, is allowed in these zones with a use permit (Humboldt County Zoning Ordinance, Title III, Chapter 4).

Adjacent land is zoned Flood Plain (5 acre minimum parcel size), Highway Commercial Services (5 acre minimum parcel size), Community Commercial, Agriculture Exclusive (20 acre minimum parcel size), Timber Production Zone (160 acre minimum parcel size), and Residential Suburban (1 acre minimum parcel size/allowing mobile homes) and utilized generally for agriculture, public facilities, wildlife habitat, rural residential, open space, and highway commercial.

In the event that extraction is no longer conducted at this site the processing activity will

continue consistent with reclamation plan approval. Importation of aggregate materials will continue to occur from off-site sources. Space for expansion of the process site to the north on parcel 522-491-20 is available especially if the operator is no longer able to utilize the approximate 3.5 acre portion of Six Rivers National Forest land (522-491-04). This would be for extraction, stockpiling, and portable processing activity per Humboldt County Code Section 316-17.

B. RECLAMATION ACTIVITY

The process site is to continue as 'Industrial' lands. Reclamation activities of the existing processing site are limited to any necessary grading activities for erosion control purposes. As such revegetation of the project area is not appropriate. Grasses will be planted in select places as needed for drainage/erosion control. Naturally occurring species have colonized the gravelly areas in less active areas. At present, site drainage either percolates or enters the sediment-settling basin located at the north end of the processing site, which is proposed to be retained for this purpose. There are no places currently needing erosion control and it is not anticipated that any will be needed at the process site.

Extraction areas in the active channel are left in a reclaimed condition at the end of extraction each year and will be consistent and homogenous with the upstream and downstream topography. Prior to October 15th grading is completed for all gravel bars and on October 15th extraction ceases unless extended by the appropriate agencies. In conjunction with the end of the extraction season, the Operator shall be responsible for removing any and all machinery equipment, waste or other evidence of the operation from the river channel or gravel bar. Subsequent high flows replenish these areas.

The Applicant/Operator will be responsible for smoothing out the river bar so that no benches, trenches, wells or topographic features remain that degrade the environment (such as ponding, erosion, sedimentation or stream channel alteration). Site specific requirements are also required seasonally by annual County approval, CA Department of Fish and Game (DFG) for seasonal completion through the Stream Alteration Agreement (1603), and by the Army Corps of Engineers (ACOE) as part of the LOP process or Individual Permits (Section 404). These would also be implemented as may be revised annually.

If extraction activity were to cease, no further reclamation would be necessary. Access roads to the river would remain for property access and management activities. The river area would be utilized for open space purposes.

See overall Performance Standards - Chapter IV Reclamation Plan Standards.

C. TIME SCHEDULE OF RECLAMATION ACTIVITIES

Annual reclamation activity is ongoing and requires maintenance of the berms surrounding the process site as a secondary precautionary measure to prevent stormwater discharge to State waters (The primary method is drainage of the site towards the settling basin). Gravel bars are left in a reclaimed condition each year, as specified during the annual review and verified by annual agency site inspections, including the County, the CA Department of Fish and Game (DFG), and the Army Corps of Engineers (ACOE).

Final reclamation required at the process site is minimal and will entail final grading and maintenance of any existing drainage improvements. This activity currently occurs annually on the site by the applicant. Final Reclamation will have occurred if or when in-stream mining is no longer allowable at this site.

Distinct phased reclamation will not occur on the site.

D. POST-MINING TOPOGRAPHY

The extraction area will be mined in a manner for reclamation. Natural bedload transport processes will be a major factor that will allow future extraction yearly with the advent of annual high water flowing over the bar and reshaping the bar and replenishing gravel. The extent that this occurs will partially determine the extent of surface mining in subsequent years. Revegetation by natural means also occurs from this process.

1. Cross-sections have been completed since 1992 to establish the baseline condition. Cross-sections will continue to be performed by experienced professionals in a manner so that cross-sections can be reestablished should flooding substantially change the site. A permanent benchmark on-site has been established and tied to both NGVD & NAVD elevations.
2. Pre- and post-mining cross-section information will be submitted to Humboldt County, CA Department of Fish & Game (DFG), and the Army Corps of Engineers (ACOE), on an annual basis as long as information is required.
3. Stabilization of banks - the majority of the riverbanks adjacent to the extraction area consists of bedrock or aggregate deposits. Extraction generally will not occur adjacent to erosional riverbanks; slopes will not be destabilized. Site observations and analysis of aerial photos and cross sections have determined the acceptability of currently proposed extraction methods and locations.
4. Slope Design Calculations - N/A.

E. EFFECT OF RECLAMATION ON FUTURE MINING

The project site has been described as a distinct area. The annual extraction will not affect the opportunity to continue to mine at this location or on adjacent lands.

F. PUBLIC HEALTH AND SAFETY

Public health and safety concerns include both on-site and off-site impacts. This project will not have a significant increase of risk to people on-site due to the following: it is in an isolated location; access is controlled by locked gates and/or gravel berms; material to be excavated is structurally stable and; no attractive nuisance to encourage trespass exists.

The proposed project may, at times, result in increased truck traffic. Traffic generated by this project, as discussed within this report, is similar to the type of traffic that has historically existed since 1969. Increases in truck traffic will not significantly change the past level of traffic. Though operations require fuel for equipment, standards of operation minimize potential impacts from this project.

No 'abandoned' equipment, structures, refuse, etc. associated with extraction and processing activity will remain on the site or elsewhere on the parcel after extraction has been discontinued. The site area will be incorporated into current construction-related activities that exist on this site.

G. CONTROL OF CONTAMINANTS

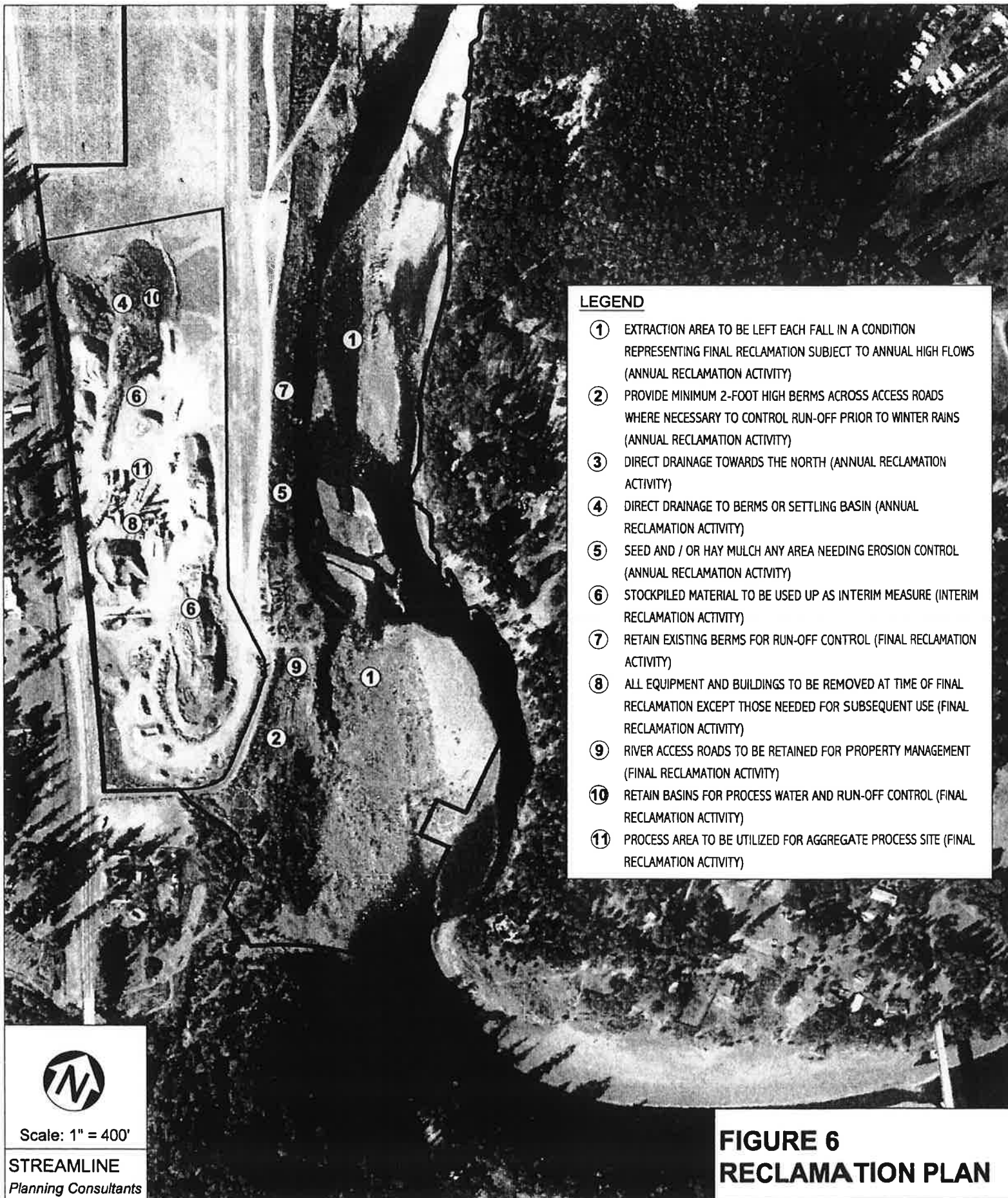
The potential for contaminants is limited to operation-related activities such as equipment leaks or spills. Such contaminants from equipment shall continue to be controlled through proper equipment maintenance and operation; major equipment maintenance work will be conducted off-site. Any materials contaminated from equipment leaks will be properly disposed, as required by state and federal laws.

Run-off from the processing site will continue to be directed away from the river and to the existing settling basin at the north end of the processing site. As a secondary precautionary measure, run-off will be contained by existing berms and stockpiles surrounding the site, retaining surface run-off until it percolates into the gravel underlying the process site.

H. REVEGETATION

The areas of extraction and processing are located away from established riparian areas. The flood-washed portion of the gravel bar contains primarily annual vegetation. Natural processes of removal by flood and replacement by deposition annually renews vegetation to these areas. Site reviews of these gravel bars indicate that this vegetation is being replaced.

No established vegetation is proposed to be removed and, as a result other than natural reoccurrence, no revegetation is proposed. Riparian vegetation that begins to become established in the floodway may be moved to a suitable location or mitigated and will be based on a specific year's extraction proposal and reviewed by agencies as part of annual review.



CHAPTER IV RECLAMATION PLAN STANDARDS

The following defines performance standards for **this project** described in Article 9. Reclamation Standards of the State Mining & Reclamation Act. Section numbers noted reference Article 9.

3700 Applicability

Reclamation of mined lands shall be implemented in conformance with the standards in this Attachment.

- (a) The standards shall apply to this surface mining operation to the extent that:
 - (1) they are consistent with required mitigation identified in conformance with the California Environmental Quality Act, provided that such mitigation is at least as stringent as the standards; and
 - (2) they are consistent with the planned or actual subsequent use or uses of the mining site.
- (b) Where an applicant demonstrates to the satisfaction of the lead agency that an exception to the standards specified in this article is necessary based upon the approved end use, the lead agency may approve a different standard for inclusion in the approved reclamation plan . . .
- (c) Approval of substantial amendments proposed to this reclamation plan requires that the standards set forth in this Attachment be applied by the lead agency in approving amended reclamation plans.
- (d) The standards in this Attachment shall not apply to the existing processing sites or haul roads where consistent with the proposed end use and as described in the approved Reclamation Plan.

3701 Definitions - Incorporated by Reference

3702 Financial Assurances

Lead agencies shall require financial assurances for reclamation in accordance with Public Resources Code section 2773.1 to ensure that reclamation is performed in accordance with the approved reclamation plan and with this Attachment. See CHAPTER VI to be used in annual assessment.

3703 Wildlife Protection

Objective: Adjacent wildlife habitat outside of the extraction area will be protected from adverse activities in accordance with CCR Section 3703 as described below. Reclamation activities in the extraction area will provide an end use that provides a compatible habitat for wildlife as do surrounding lands.

Wildlife and wildlife habitat shall be protected in accordance with the following standards:

- (a) Rare, threatened or endangered species as listed by the California Department of Fish and Game, U.S. Fish and Wildlife Service, and National Forest Service, or species of special concern as listed by the California Department of Fish and Game in the Special Animals List, Natural Diversity Data Base and their respective habitat shall be conserved as prescribed by the Federal Endangered Species Act of 1973 and the California Endangered Species Act. If avoidance cannot be achieved through the available alternatives, mitigation shall be proposed in

accordance with the provisions of the California Endangered Species Act and the Federal Endangered Species Act of 1973.

(b) At the conclusion of surface mining activities, wildlife habitat shall be allowed to reestablish on gravel extraction areas in a condition at least as good as that which existed prior to extraction. The proposed end use of the process site and access road limits its use as wildlife habitat, as described in the approved reclamation plan.

(c) Wetland habitat shall be avoided. Any wetland habitat impacted as a consequence of surface mining operations shall be mitigated at a minimum of one to one ratio for wetland habitat acreage and wetland habitat value. Except where specific vegetation differentiates from normally expected bar vegetation, exposed gravel bars within the bankfull discharge area should not be considered wetlands.

3704 Backfilling, Regrading, Slope Stability and Recontouring

Objective: Standards necessary for the future resource conservation use proposed per CCR Section 3704 will be accomplished as follows.

Backfilling, regrading, slope stabilization and recontouring shall conform with the following standards:

- (a) Backfilling for urban uses - N/A.
- (b) Where backfilling is required for resource conservation purposes (e.g., agriculture, fish and wildlife habitat and wildlife conservation), fill material shall be backfilled to the standards required for the resource conservation use involved.
- (c) Mining waste - N/A.
- (d) Final reclaimed fill slopes - N/A.
- (e) Fill slopes - N/A.
- (f) Cut slopes, left as part of annual surface mining operations, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform with the surrounding topography and/or approved end use.
- (g) Mining waste - N/A.

3705 Revegetation:

Objective: Revegetation will be allowed to occur to the extent that it is consistent with the proposed end use in accordance with CCR Section 3705 as described below.

The process area contains surface materials that are too shallow or rocky and in conjunction with the proposed end use, makes revegetation infeasible. Such areas will be left to naturally occurring native species (blackberry, coyote brush). This is proposed with the continual use of "Industrial" in mind.

Any required revegetation, such as for erosion control purposes, shall include seeding with an erosion control plant seed mixture. An acceptable mixture would be "State Mix" grass seed (barley, annual rye, zorro fescue) at 20 lbs. per acre and straw mulch for the lower perimeter of the disturbed area of the project site, road fill slopes and other substantial excavations requiring erosion control treatment.

The mixture/application rate may be revised at time that the Resource Conservation District or professional landscaper or forester is requested by the applicant to review actual site conditions (during the project operation).

(a) A vegetative cover suitable for the proposed end use and capable of self-regeneration without continued dependence on irrigation, soil amendments or fertilizer will be allowed to become established on disturbed land where Industrial activity is not occurring. Vegetative cover or density and species-richness will be, where appropriate, sufficient to stabilize the surface against effects of long-term erosion and shall be compatible to naturally occurring habitats in the surrounding area.

1) The surrounding land is managed for residential and timber harvesting activities. The vegetative density, cover and species richness of residential landscaping or timber production is not applicable to this site.

2) Test plots are not proposed to be conducted simultaneously with extraction due to (1) the limited requirement and extent of proposed reclamation measures; (2) the time tested success in previous reforestation/reseeding efforts in surrounding areas and similar circumstances; (3) recommendation of reseeding was obtained by a landscape professional familiar with the area and requirements of the project; and (4) natural revegetation has and will continue on disturbed areas the following year. For these reasons, it is requested that the County (lead agency) waive the requirement to conduct test plots.

3) The proposed erosion control mixture was selected because it is utilized locally in surrounding lands and is out-competed in a short time by native vegetation.

4) Planting shall be conducted during the most favorable period of the year for plant establishment (Nov. - May.).

5) Soil stabilization practices shall be used when necessary to control erosion and for successful plant establishment.

(b) Where surface mining activities result in compaction of the soil, ripping, disking or other means shall be used in areas to be revegetated when necessary to eliminate compaction and to establish a suitable root zone in preparation for planting. Such areas will be limited to those areas necessary for erosion control.

(c) Revegetation, as described herein, will not require protection measures, such as fencing of revegetated areas and/or placement of cages over individual plants. These are not necessary at this location.

(d) Success of revegetation shall be judged based upon its ability for controlling erosion from site runoff.

3706, 3710

Drainage, Stream Protection (including Surface and Groundwater) and Erosion Control

Objective: Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water, and be protected from siltation and pollutants in accordance with the Porter-Cologne Water Quality Control Act, Water Code section 13000, et seq., and the Federal Clean Water Act 301 et seq. (33 U.S.C. section 1251, 1311, 1344 et seq.), the Regional Water Quality Control Board or the State Water Resources Control Board and will be accomplished per CCR Section 3706 and 3710 as described below.

(a) Surface mining and reclamation activities shall be conducted to protect on-site and downstream beneficial uses of water in accordance with the Porter-Cologne Water Quality Control Act and the Federal Clean Water Act.

(b) Groundwater aquifers - N/A.

(c) Erosion and sedimentation shall be controlled during all phases of construction, operation, reclamation and closure of a surface mining operation to minimize siltation of water courses, as

required by the Regional Water Quality Control Board or the State Water Resources Control Board.

(d) Surface runoff and drainage from surface mining activities shall be controlled by berms, silt fences, sediment basins, revegetation, hay bales or other erosion control measures, to ensure that surrounding land and water resources are protected from erosion, gully, sedimentation, and contamination. Erosion control methods for industrial process sites shall be designed to handle runoff from not less than the 20 year/1 hour intensity storm event.

(e) Where natural drainages are covered, restricted, rerouted or otherwise impacted by surface mining activities, mitigating alternatives shall be proposed and specifically approved in the reclamation plan or as part of annual review to assure that runoff shall not cause increased erosion or sedimentation.

(f) When stream diversions are required, they shall be constructed in accordance with:

- 1) the stream and lake alteration agreement between the operator and the Department of Fish and Game; and
- 2) the requirements of the Federal Clean Water Act, Sections 301 and Section 404 and/or Section 10 of the Rivers and Harbors Act of 1899.

(g) When no longer needed to achieve the purpose for which they were authorized, all temporary stream channel diversions shall be removed and the affected land reclaimed.

3707, 3708 Agriculture Resource

Parcels 522-142-10, 522-145-04, 06, and 522-491-04, owned by the Forest Service, are zoned Agriculture Exclusive (20 acre minimum parcel size). These parcels consist of river, river bar, river terrace, sloping forested hillsides, and a 3.5 acre portion of the Mercer, Fraser processing site developed for industrial purposes (See Figure 3). Prime agricultural soils have not been identified on the Forest Service parcels within the project area. Soil-vegetation mapping units of the area rate the soils as medium to low potential for agriculture and low to high for timber production. Humboldt County (NRH Report) has identified some of the project area as potential agricultural soils based on the fact that there are alluvial soils on less than 15% slope and that the area is not urban. Since these parcels are not designated as prime agricultural lands, agricultural resources will not be impacted by the ongoing gravel extraction and processing operation at the Willow Creek site. Any nearby agricultural uses will not be adversely affected.

3709 Building, Structure, and Equipment Removal

Objective: All buildings, structures and equipment shall be dismantled and removed prior to final mine closure in accordance with CCR Section 3709 and when consistent with the proposed end use.

(a) Storage of all related equipment shall be in the defined processing area, as indicated on Figure 6 - Reclamation Plan. This will mostly likely consist of an excavator, scrapers, front-end loader, trucks, and include screens and other sorting or processing type equipment. All is generally portable. Any wastes on site shall be properly disposed of in accordance with state and local health and safety ordinances.

(b) Dismantling and removal of buildings, structures, and equipment not required for ongoing processing or future industrial purposes will occur prior to final mine closure.

3711 Topsoil Salvage, Maintenance, and Distribution - Not Applicable

3712 Tailing and Mine Waste Management - Not Applicable

3713 Closure of Surface Opening - Not Applicable

CHAPTER V MONITORING

Pursuant to CCR Section 2773 (a), the success of reclamation will be monitored for three years, or until performance standards are met, provided that, during the last two years, there has been no necessary human intervention, including irrigation, fertilization, or weeding. Remedial measures will be implemented as necessary to achieve the performance standards.

CHAPTER VI FINANCIAL ASSURANCE

An amount of **\$ 1,630** has and will continue to be secured as required by State law for the final grading required by this permit. This amount may be revised annually based on findings in the above described monitoring report. This amount includes mobilization of equipment and was derived from the following calculations:

1.	Grading – 1 day to repair ditches, correct drainage and transport fine material to stockpile areas at \$1,000/day	\$ 1,000
2.	Seeding (20 lbs/acre) - 2 acres at \$40/acre for erosion control purposes	\$ 80
3.	Straw mulch (26 bales/acre) - 1 acre at \$400/acre for erosion control purposes	\$ 400
4.	10% contingency amount	\$ 150
	Total	\$ 1,630

APPENDIX A-1

[EXAMPLE]

Department of Conservation
Financial Assurance Cost Estimate

FINANCIAL ASSURANCE COST ESTIMATE

FOR

Willow Creek

CA MINE ID #91- 12-0007

Prepared by:

Mark Benzinger
Project Manager / Estimator
Mercer-Fraser Company



Date: 2/16/2016

Note: This worksheet should be used in conjunction with the *Financial Assurance Guidelines* adopted by the State Mining and Geology Board, and good cost estimating practices.

Financial Assurance Guidelines

I. PRIMARY RECLAMATION ACTIVITIES

Page 1 of 7

Description of Task:

Grading - 1 Day to repair ditches, correct drainage and transport fin material to stockpile areas

Methods to be Used:

Excavator, Dozer, and Loader

Miscellaneous Information (no automatic calculations occur in this area):

Overburden (c.y.):	<input type="text"/>	Topsoil (c.y.):	<input type="text"/>	Acres:	<input type="text"/>	
Production Rate (c.y./hr):	1. <input type="text"/>		2. <input type="text"/>		3. <input type="text"/>	4. <input type="text"/>
Haul Distance (feet):	1. <input type="text"/>		2. <input type="text"/>		3. <input type="text"/>	4. <input type="text"/>
Factor for Haul Distance	1. <input type="text"/>		2. <input type="text"/>		3. <input type="text"/>	4. <input type="text"/>

A. Equipment - List equipment required to complete identified task. For large reclamation jobs separate mine areas for ease of accounting

Equipment	\$/Hour	# of Hours	Cost (\$)
D6H Dozer	\$98.70	3.0	\$296
325 Excavator	\$114.07	5.0	\$570
966 Loader	\$122.29	8.0	\$978
	\$0.00	0.0	\$0

Total Equipment Cost for this Task = \$1,845

B. Labor - List all labor categories to complete identified task

Labor Category	\$/Hour	of ManHours	Cost (\$)
Operator	\$80.94	8.0	\$648
Operator	\$80.94	8.0	\$648
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0

Total Labor Cost for this Task = \$1,295

C. Materials - List all materials required to complete identified task (include disposal costs).

Item	Quantity	\$/Unit	Cost (\$)
	0.00	\$0.00	\$0
	0.00	\$0.00	\$0
	0.00	\$0.00	\$0

Total Materials Cost for this Task = \$0

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Materials Cost = \$3,140

Financial Assurance Cost Estimate
Page 4

Financial Assurance Guidelines

II. REVEGETATION

Page 4 of 7

Description of Task:

Seeding (20lbs/acre) and Straw (26 bales per acre) - 2 acres for erosion control

Methods to be Used:

hand spreading

A. Equipment - List equipment required to complete identified task.

Equipment	\$/Hour	# of Hours	Cost (\$)
Pickup	\$27.33	4.0	\$109
	\$0.00	4.0	\$0
	\$0.00	0.0	\$0

Total Labor Cost for this Task = \$109

B. Labor - List all labor categories to complete identified task.

Labor Category	\$/Hour	# of ManHours	Cost (\$)
Laborer	\$57.37	8.0	\$459.0
Laborer	\$57.37	8.0	\$459.0
	\$0.00	0.0	\$0.0

Total Equipment Cost for this Task = \$918

C. Materials - List all material required to complete identified task.

Item / Plant Species	Unit of Measure	# of Units	\$/Unit	Cost (\$)
Seed	Lbs	40.0	\$4.00	\$160
Straw	Bales	42.0	\$10.99	\$462
		0.0	\$0.00	\$0
		0.0	\$0.00	\$0
		0.0	\$0.00	\$0
		0.0	\$0.00	\$0
		0.0	\$0.00	\$0

Total Materials Cost for this Task = \$622

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Materials Cost = \$1,649

Financial Assurance Cost Estimate
Page 5

III. PLANT STRUCTURES AND EQUIPMENT REMOVAL

Page 5 of 7

Description of Task:

Industrial Site, no equipment to be removed.

Methods to be Used:

A. Equipment - List equipment required to complete identified task.

Equipment	\$/Hour	# of Equip Hours	Cost (\$)
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0

Total Labor Cost for this Task

\$0

B. Labor - List all labor categories to complete identified task.

Labor Category	\$/Hour	# of ManHours	Cost (\$)
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0
	\$0.00	0.0	\$0

Total Equipment Cost for this Task

\$0

C. Demolition - List all structures and equipment to be dismantled or demolished.

Structure / Equipment	Type or Material	Volume (cubic feet)	Unit Cost Basis	Disposal Cost	Cost (\$)
		\$0.00	0.00	\$0.00	\$0
		\$0.00	0.00	\$0.00	\$0
		\$0.00	0.00	\$0.00	\$0
		\$0.00	0.00	\$0.00	\$0

Total Materials Cost for this Task

\$0

D. Direct Cost for this Task

Equipment Cost + Labor Cost + Demolition Cost =

\$0

Financial Assurance Cost Estimate

Page 6

Financial Assurance Guidelines

IV. MISCELLANEOUS COSTS

Page 6 of 7

Examples of this type of cost could include temporary storage of equipment and materials off site, special one-time permits (i.e. transportation permits for extra wide overweight loads, etc.), decommissioning a process mill (i.e. decontamination of equipment), or disposal of warehouse inventories.

Item / Task	Quantity	\$/Unit	Cost (\$)
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0
	0.0	\$0.00	\$0

Total Miscellaneous Costs

\$0.00

V. MONITORING

Monitoring Task	\$/Visit	# Visits/Year	# of Monitoring Years	Cost (\$)
Revegetation Maintenance. 8 hrs @ 59.93/hr	\$479.44	2.0	1.0	\$959
	\$0.00	0.0	0.0	\$0
	\$0.00	0.0	0.0	\$0
	\$0.00	0.0	0.0	\$0
	\$0.00	0.0	0.0	\$0

Total Monitoring Costs

\$959

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Financial Assurance Guidelines

VII. SUMMARY OF COSTS

Page 7 of 7

Total of all Primary Activities Costs		\$3,140
Total of all Revegetation Costs		\$1,649
Total of all Plant Structures & Equipment Removal Costs (corrected for salvage)		\$0
Total of all Miscellaneous Costs		\$0
Total of all Monitoring Costs		<u>\$959</u>
Total of Direct Costs		\$5,748
Supervision (<u>7%</u>) (based on graph no. 1)		\$402
Profit/Overhead (<u>14%</u>) (based on graph no. 2)		\$805
Contingencies (<u>10%</u>) (based on "C" in section VI.)		\$575
Mobilization (<u>5%</u>) (1% to 5%)		<u>287.38</u>
Total of Indirect Costs		\$2,069
Total of Direct and Indirect Costs		\$7,817
(calculated at % of Direct plus Indirect Costs)	<u>15%</u>) Lead Agency Administrative Cost* (Determined by the Lead Agency or OMR, SMARA 3802 (b))	<u>\$1,172</u>
Total Estimated Cost of Reclamation		<u>\$8,989</u>

***NOTE** The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary.

Financial Assurance Cost Estimate
Page 10

Mercer Fraser Company
Bidding Rates Area 1
Northern California Labor Rates 8 Hr. Day
7/1/2015

Description	Base Rate	Vacation	Tx/Ins %	Sub-Total	Fringes	Total
Foreman - Operator (Group 1)	40.97	3.91	36.87%	16.55	25.52	83.04
Operator (Group 2)	39.44	3.91	36.87%	15.98	25.52	80.94
Operator (Group 3)	37.96	3.91	36.87%	15.44	25.52	78.92
Mechanic/Welder- Shop Rate	36.58	3.91	36.87%	14.93	25.52	77.03
Mechanic/Welder- Field Work	40.97	3.91	36.87%	16.55	25.52	83.04
Teamster	28.87	2.15	36.87%	11.44	23.67	63.98
General Laborer (Group 2)	27.64	2.63	36.87%	11.16	18.57	57.37
Pipelayer (Group 1)	27.79	2.63	36.87%	11.22	18.57	57.58
Flagger & Cleanup (Group 3)	27.54	2.63	36.87%	11.12	18.57	57.23
Carpenter Gen. Foreman	42.21	4.26	36.87%	17.13	23.72	83.06
Carpenter Foreman	38.69	4.26	36.87%	15.84	23.72	78.25
Journeyman Carpenter	35.17	4.26	36.87%	14.54	23.72	73.43
Cement Mason			36.87%	-		-
Cement Mason- Foreman			36.87%	-		-
Cement Mason - General Foreman			36.87%	-		-
FICA Taxes	7.65%					
State Unemployment Taxes	6.20%					
Federal Unemploy Taxes	0.80%					
Workers Comp Ins	18.15%					
P/L & P/D Ins.	1.06%					
Excess Liab Ins	3.01%					
Total Burden Percentage	36.87%					

Updated 7/7/2015 Before Insurance Renewal

Laror Rates - No Ca.-7-1-15
No. Ca. Bidding Rates

Labor Surcharge and Equipment Rental Rates

(Cost of Equipment Ownership)



Effective April 1, 2014 through March 31, 2015



LOADERS, RUBBER TIRE**[LDRRT]****DELAY FACTOR = 0.11****OVERTIME FACTOR = 0.90**

Includes all attachments and accessories. Clam-action buckets, 4WD and backhoes are excluded unless otherwise noted.

ALLIS-CHALMERS**[A-C]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
710C	0747	\$39.18
714B	0750	\$38.29
714C w/ backhoe	0752	\$40.75
715B w/ backhoe	0765	\$40.17
715C w/ backhoe	0767	\$41.01

CASE**[CASE]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
W-11	1365	\$36.30
W-11B	1368	\$44.36
W-18	1444	\$61.98
W-18 9213140 serial	1450	\$65.39
W-18B	1460	\$70.50
W-20	1472	\$65.51
W-20B	1480	\$66.27
W-20C	1482	\$71.27
W-30	1565	\$97.82
480B	1636	\$31.49
480B w/ backhoe	1640	\$32.76
480C	1650	\$40.56
480C w/ backhoe	1660	\$42.08
480D	1662	\$45.32
480D w/ backhoe	1664	\$47.21
480E w/ backhoe	1666	\$38.62
480E LL	1667	\$37.43
480F w/ backhoe	1668	\$39.89
480F LL	1669	\$38.17
480LL	1677	\$45.36
570L XT 4WD	1690	\$43.69
580B w/ backhoe	1705	\$41.16
580C	1710	\$32.66
580C w/ backhoe	1715	\$34.51
580D	1717	\$33.97
580D w/ backhoe	1720	\$36.41
580 Super D	1725	\$37.08
580 Super D w/ backhoe	1727	\$39.56
580 Super E	1731	\$38.21
580 Super E w/ backhoe	1735	\$40.88
580K w/ backhoe	1739	\$41.16
580K 4WD w/ backhoe	1740	\$42.22
580 Super K w/ backhoe	1742	\$45.51
580L w/ backhoe	1743	\$45.76
580 Super L 4WD w/ backhoe	1744	\$53.07

590 Turbo w/ backhoe	1745	\$55.65
590 Super L 4WD w/ backhoe	1746	\$58.00
621	1750	\$75.10
721	1752	\$91.17
821	1754	\$111.44
680E w/ backhoe	1840	\$52.22
680G w/ backhoe	1850	\$50.93
680H w/ backhoe	1852	\$53.74
680K w/ backhoe	1854	\$58.82
680L w/ backhoe	1856	\$59.53
680L 4WD w/ backhoe	1857	\$60.31
780 w/ backhoe	1864	\$67.31
780B w/ backhoe	1866	\$71.85
780C w/ backhoe	1867	\$73.06
780D w/ backhoe	1868	\$73.80
780D 4WD w/ backhoe	1869	\$75.16

CATERPILLAR**[CAT]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
416 w/ backhoe	1860	\$41.07
416 Series II w/ backhoe	1860A	\$41.29
416B 4WD w/ extend-a-hoe	1861A	\$50.69
416C 4WD w/ backhoe	1861C	\$52.43
416D w/ backhoe	1861D	\$47.72
416D 4WD w/ backhoe	1861D4	\$48.79
420D w/ backhoe	1861M	\$53.56
420D 4WD w/ backhoe	1861M4	\$54.64
426 w/ backhoe	1862	\$46.42
426 Series II w/ backhoe	1862A	\$46.64
426C w/ backhoe	1862C	\$57.93
426C 4WD w/ backhoe	1862C4	\$59.31
428 w/ backhoe	1864	\$46.39
428 Series II w/ backhoe	1864A	\$46.62
430D	1865D	\$64.45
430E	1865E	\$67.99
436 w/ backhoe	1866	\$50.62
436 Series II w/ backhoe	1866A	\$50.80
446 w/ backhoe	1868	\$65.21
446B w/ backhoe	1868B	\$71.86
446D	1868D	\$74.04
450E	1869E	\$89.29
910	1870	\$43.72
910E	1870E	\$51.35
916	1885	\$58.18
920	1894	\$53.39
926	2065	\$68.60
926E	2067	\$73.95
928G	2070G	\$88.11
930 41K serial	2088	\$65.54
930G	2088G	\$104.11
936	2100	\$83.05

936E	2110	\$90.45	JOHN DEERE	[DEER]	
936F	2120	\$93.96	Model	Code	Rate
938F	2130	\$95.74	JD-210C	2485	\$35.01
938G	2130G	\$108.36	JD-210C w/ backhoe	2490	\$34.83
950 90A serial	2228	\$71.62	JD-210LE	2495	\$45.76
950 31K & 81J serial	2270	\$84.65	JD-310A w/ backhoe	2504	\$36.55
950B	2272	\$103.78	JD-310B w/ backhoe	2506	\$37.23
950E	2300	\$110.04	JD-310C w/ backhoe	2507	\$41.09
950F	2301	\$115.99	JD-310D w/ backhoe	2507D	\$46.04
950F Series II	2303	\$119.64	JD-310E w/ backhoe	2507E	\$47.08
950G	2310	\$128.37	JD-310SE w/ backhoe	2507F	\$52.75
950H	2310H	\$147.59	310G	2507G	\$48.32
962G	2320G	\$140.65	JD-315SE w/ backhoe	2507H	\$53.37
966C	2340	\$122.29	JD-410 w/ backhoe	2508	\$39.85
966D	2350	\$135.92	JD-410B w/ backhoe	2509	\$40.55
966E	2360	\$149.73	JD-410C w/ backhoe	2509F	\$47.77
966F	2361	\$152.96	JD-410D w/ backhoe	2509G	\$56.54
966G	2362	\$170.96	JD-410E w/ backhoe	2509H	\$59.42
966H	2362H	\$197.59	410G	2509J	\$60.73
970F	2370	\$179.07	JD-444	2510	\$53.18
972G	2372G	\$190.86	JD-444C	2515	\$55.16
980B	2376	\$158.69	JD-444D	2520	\$57.01
980C	2378	\$190.38	JD-444E	2521	\$61.70
980F	2381	\$195.99	JD-500C w/ backhoe	2592	\$51.71
980G	2382	\$215.81	JD-510 w/ backhoe	2620	\$48.32
980H	2382H	\$234.94	JD-510B w/ backhoe	2625	\$46.09
988 87A6868 serial	2398	\$194.54	JD-510C w/ backhoe	2630	\$54.52
988B 50W serial	2436	\$272.13	JD-510D w/ backhoe	2630D	\$64.15
992B 25K serial	2460	\$344.67	JD-544B	2660	\$65.89
992C	2470	\$517.96	JD-544C	2670	\$67.49
IT 12	2472	\$44.48	JD-544D	2672	\$66.41
IT 12B	2472B	\$51.75	JD-544E	2673	\$73.37
IT 14F	2473	\$59.84	JD-544G	2673B	\$80.40
IT 18	2474	\$56.95	JD-610B w/ backhoe	2690	\$52.70
IT 18B	2475	\$64.32	JD-610C w/ backhoe	2691	\$60.33
IT 28	2476	\$69.06	JD-624E	2700	\$87.67
IT 28B	2477	\$74.66	JD-624G	2700G	\$98.69
IT 28F	2477G	\$86.32	JD-624H	2700H	\$108.16
IT 28G	2478	\$89.49	JD-644B	2710	\$91.08
IT 38G	2480	\$103.14	JD-644C	2715	\$93.98
IT 62G	2482	\$141.92	JD-644D	2717	\$97.46
CLARK	[CLRK]		JD-644E	2719	\$104.88
Model	Code	Rate	JD-644G	2719B	\$118.37
35C	2484	\$54.73	JD-644H	2719H	\$126.68
45C	2486	\$63.95	644J	2719J	\$139.13
55C	2488	\$77.33	JD-710B w/ backhoe	2720	\$67.59
75C	2491	\$100.69	JD-710C w/ backhoe	2721	\$74.98
125B	2492	\$130.47	JD-710D w/ backhoe	2722	\$80.90
275B	2496	\$226.21	JD-710D 4WD w/ backhoe	2722D	\$82.83
275C	2497	\$244.62	710G	2722G	\$85.55

SCRAPERS, SELF PROPELLED**[SCRSP]****DELAY FACTOR = 0.12****OVERTIME FACTOR = 0.89**

Includes all attachments and accessories.

CATERPILLAR**[CAT]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
613	1395	\$72.91
613B	1400	\$81.03
613C	1402	\$100.98
615	1415	\$139.59
615C	1416	\$152.21
621B cushion hitch	1680	\$177.98
623B	1700	\$183.16
623E	1702	\$216.17
623F	1703	\$225.78
627B push pull	1770	\$236.26
627E non push-pull	1772	\$251.22
627E push-pull	1773	\$255.75
631C 67M5012 serial	2170	\$204.75
631D	2180	\$251.01
631E	2185	\$273.69
633C non cushion hitch	2305	\$201.00
633C cushion hitch	2315	\$200.80
633C 66M693 serial	2320	\$209.95
633D	2330	\$260.46
637 cushion, non-push-pull	2375	\$303.16
637 non-cushion, push-pull	2410	\$305.31
637D non push-pull	2460	\$367.04
637D push-pull	2470	\$370.81
639D	2475	\$380.09
637E	2476	\$398.72
637E push-pull	2477	\$403.88
641B non cushion hitch	2620	\$256.30
641B cushion hitch	2655	\$297.68
651B non cushion hitch	2935	\$303.05
651B cushion hitch	2970	\$305.39
651E	2975	\$371.85
657B non cushion, non p-p	3360	\$483.12
657B cushion, push-pull	3370	\$489.30
657E non push-pull	3375	\$563.87
657E push-pull	3380	\$581.93
660B	3470	\$282.63
666B	3600	\$453.18

JOHN DEERE**[DEER]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
JD 760A	3845	\$72.59
JD 762	3860	\$89.30
JD 762A	3865	\$93.31
JD 762B	3866	\$108.34

JD 860A	3920	\$106.36
JD 860B	3930	\$111.70
JD 862	3940	\$131.82
JD 862B	3942	\$159.47

INTERNATIONAL**[INTL]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
412B	5631	\$89.95
431B	5637	\$175.33
433B	5643	\$257.05

TEREX**[TERX]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
S 11EB	8245	\$72.37
S 23E 33TOT-H-93SH, elev	8250	\$169.35
S 24 49LOT-76SH serial	8260	\$217.82
S 24B 023-024 serial	8270	\$262.44
S 24C	8275	\$283.73

WABCO**[WAB]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
101F	8570	\$83.54
101G	8575	\$83.74
111A	8640	\$79.13
222G	8700	\$155.01
222H	8704	\$174.60

TRACTORS, CRAWLER**[TRACC]****DELAY FACTOR = 0.13****OVERTIME FACTOR = 0.88**

Includes all attachments and accessories such as dozer blade and power control blocks when needed, but does not include backhoe, winch or ripper units listed elsewhere in this schedule.

CASE**[CASE]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
350	1820	\$33.39
350B	1825	\$35.36
450	1868	\$28.67
450B	1869	\$32.44
450C	1869E	\$36.70
475	1870	\$47.55
550	2000	\$38.44
650	2100	\$45.43
850	2128	\$38.82
850B	2130	\$41.88
850C	2135	\$45.71
850D	2140	\$48.29
1150B	2250	\$58.08
1150C	2255	\$63.38
1150D	2257	\$65.37
1150E	2258	\$67.67

CATERPILLAR			[CAT]					
<u>Model</u>	<u>Code</u>	<u>Rate</u>						
D-3	2340	\$33.68	D-8R	4870	\$204.08			
D-3B	2345	\$37.12	D-9H	5160	\$231.85			
D-3 LGP	2350	\$34.29	D-9L	5165	\$276.29			
D-3B LGP	2355	\$38.31	D-9N	5170	\$235.40			
D-3B SA	2370	\$41.52	D-9R	5175	\$274.63			
D-3C	2380	\$39.31	D-10	5220	\$423.42			
D4C Series III	2450	\$50.15	D-10N	5225	\$339.87			
D-4D	2655	\$40.63	D-10R	5227	\$379.01			
D-4E direct drive	2660	\$42.56	D-11N	5230	\$527.87			
D-4E power shift	2665	\$43.79	JOHN DEERE	[DEER]				
D-4H	2670	\$55.26	<u>Model</u>	<u>Code</u>	<u>Rate</u>			
D-4H LGP	2675	\$54.92	JD 350C	5360	\$37.04			
D-4H Series II	2680	\$56.42	JD 350D	5365	\$41.58			
D-4E SA	2772	\$51.71	JD 400G	5405	\$34.76			
D-4E LGP power shift	2780	\$43.98	JD 450C	5474	\$37.14			
D-4E LGP direct drive	2782	\$43.98	JD 450D	5476	\$38.55			
D-4G XL	2790XL	\$50.87	JD 450E	5478	\$39.22			
D-5	3194	\$58.30	JD 450G	5479	\$42.24			
D-5B power shift	3206	\$61.42	JD 550	5480	\$41.87			
D-5B SA	3325	\$67.16	JD 550A	5481	\$45.37			
D-5B LGP	3345	\$63.97	JD 550B	5483	\$44.17			
D-5C	3346	\$54.52	JD 550G	5484	\$49.18			
D-5H	3347	\$73.14	JD 650G	5484A	\$55.07			
D-5H Series II	3348	\$76.93	JD 650H LGP	5484H	\$58.81			
D-5H LGP	3350	\$76.03	JD 750	5485	\$65.38			
D-6C direct drive	3645	\$75.75	JD 750B	5486	\$71.68			
D-6C power shift	3688	\$76.36	JD 750 LGP	5487	\$68.19			
D-6C LGP	3710	\$78.76	JD 750B LGP	5488	\$86.85			
D-6D	3720	\$86.57	JD 850	5490	\$85.55			
D-6D SA	3725	\$97.55	JD 850B	5491	\$98.48			
D-6D LGP	3730	\$87.01	JD 850 LGP	5492	\$90.09			
D-6H	3732	\$98.70	JD 850B LGP	5495	\$105.35			
D-6H Series II	3733	\$103.08	DRESSER	[DRES]				
D-6H LGP	3735	\$103.04	<u>Model</u>	<u>Code</u>	<u>Rate</u>			
D-6M LGP	3745	\$95.21	TD 7E	9100	\$38.12			
D-6N XL	3755	\$98.05	TD 7G	9102	\$42.25			
D-6R DS	3800	\$108.54	TD 8E	9105	\$46.43			
D-6R XL	3815	\$114.06	TD 8G	9107	\$49.74			
D-7G	4180	\$129.92	TD 12	9110	\$66.71			
D-7G LGP	4200	\$125.94	TD 12 LGP	9115	\$76.16			
D-7G SA	4210	\$139.72	TD 15C	9120	\$93.32			
D-7H	4215	\$134.58	TD 15E	9122	\$113.74			
D-7H Series II	4216	\$143.56	TD 15C LGP	9125	\$90.58			
D-7H LGP	4220	\$140.75	TD 20E	9130	\$126.17			
D-8K	4858	\$173.80	TD 20G	9135	\$151.79			
D-8L	4862	\$207.74	TD 20G LGP	9137	\$159.10			
D-8L SA	4863	\$226.36	TD 25E	9139	\$180.21			
D-8N	4864	\$185.80	TD 25G	9140	\$220.76			

OKADAModel

UB-5

UB-8

[OKAD]CodeRate**0900**

\$8.61

0950

\$17.12

RAMMERModel

S-84

S-86

[RAMR]CodeRate**1000**

\$33.99

1050

\$36.90

STANLEYModel

MB250

MB2900

MB4900

MB550

MB800

[STAN]CodeRate**1100**

\$7.04

1120

\$25.94

1140

\$45.94

1160

\$11.09

1180

\$16.32

TELEDYNEModel

950X

TB1025

TB1425X

TB2225X

TB425

TB825X

[TELD]CodeRate**1190**

\$37.80

1195

\$41.73

1200

\$37.86

1220

\$70.68

1240

\$15.75

1260

\$26.91

TRAMACModel

BRH1100

BRH125

BRH250

BRH400

BRH620

BRH750

BRV950

[TRMC]CodeRate**1300**

\$41.07

1310

\$12.88

1320

\$13.97

1330

\$13.33

1340

\$27.44

1350

\$23.55

1360

\$24.74

TUNKERModel

40.01

40.05

60.05

[TUNK]CodeRate**1400**

\$182.22

1450

\$182.22

1460

\$163.58

VULCANModel

1

010

100C

2300

80C

[VULC]CodeRate**1500**

\$28.08

1520

\$41.00

1540

\$43.71

1560

\$160.18

1580

\$33.78

**HYDRAULIC CRANES & EXCAVATORS,
CRAWLER MOUNTED****[HCECL]****DELAY FACTOR = 0.16****OVERTIME FACTOR = 0.85**Includes all attachments and accessories required for lifting or digging.
Pavement breaker or compactor attachments are not included.**BANTAM**Model

C 266

C 366

C 744

[BANT]CodeRate**0680**

\$92.40

0690

\$106.73

1075

\$69.09

CASEModel

9030B

9040

9060B

40E E-Boom

40E Y-Boom

50E

125B

170C

220B

880B Y-Boom

980B

1080

1080B

1280

1280B

[CASE]CodeRate**0100B**

\$89.29

0110

\$105.31

0120B

\$207.14

1600

\$84.86

1601

\$85.24

1602

\$107.49

1602H

\$85.87

1602N

\$120.53

1602R

\$153.22

1609

\$60.69

1615

\$93.90

1615E

\$82.84

1615J

\$84.41

1616

\$112.67

1616E

\$106.65

CATERPILLARModel

304 CR

305C CR

312

312C

312CL

314CL CR

315L

320

320BL

320C

320CL

320L

321C LCR

322L

325

325BL

325L

328D LCR

330BL

[CAT]CodeRate**0200**

\$34.07

0250

\$44.78

0300

\$54.49

0300C

\$59.63

0300CL

\$60.53

0302CLR

\$66.69

0305

\$65.80

0310

\$86.48

0312

\$90.69

0312C

\$89.93

0312CL

\$98.47

0315

\$87.88

0320R

\$118.42

0325

\$107.52

0330

\$114.07

0335

\$123.81

0340

\$118.60

0343DR

\$147.24

0345

\$156.41

VERMEER**[VERM]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
CC-135	8350	\$93.06
M 220	8380	\$18.17
M 455 / M455A	8480	\$41.70
M 475	8570	\$43.92
M 475A	8571	\$50.12
M 485	8580	\$47.58
M 495	8585	\$78.11
T 300B, T 300A	8718	\$27.99
T 400C, T 400B, T 400A	8781	\$59.66
T 600D, C, B, A	8842	\$85.84
T 650	8843	\$143.76
T 800B, T 800A, T800	8870	\$137.21
T 800C	8871	\$149.89
T 850	8875	\$266.91
V 430	8950	\$31.84
V 430A	8951	\$35.70
V 434 / M 434	9000	\$30.72
V 440	9015	\$33.76
V 450	9017	\$39.50
V 454	9020	\$34.55
V 1550	9025	\$16.91

**TRUCK, TRUCK TRAILERS, EXCL.
DUMP TRUCKS & EQPT TRAIL**
[TRUCK]**DELAY FACTOR = 0.13****OVERTIME FACTOR = 0.88**

Includes all attachments and accessories related to hauling, with and without trailers as needed. Includes water trucks, freight trucks and passenger vehicles, including 4wd option. Listed by Mfr's Gross Vehicle Weight in Kilograms(pounds). For tractor-trailer units, the gross vehicle weight of the cargo carrying unit or units will control. In the case of water trucks, the tank capacity expressed in kilograms (pounds) of water plus 20%, will determine the gross vehicle weight. For attachment allowance, see attachment class.

TRUCKS**[T&TT]**

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
CARS, LIGHT TRUCKS			
3175 (7000)	5443 (12000) No small pickups	00-06	\$21.78
5443 (12000)	9072 (20000)	06-12	\$27.33
9072 (20000)	12701(28000)	12-20	\$33.46
12701 (28000)	16330 (36000)	20-28	\$36.04
16330 (36000)	21773 (48000)	28-36	\$45.17
21773 (48000)	27216 (60000)	36-48	\$52.11
27216(60000) & Over		48-60	\$64.33
		60	\$81.67

TRUCKS, OFF-HIGHWAY**[TRUOF]****DELAY FACTOR = 0.18****OVERTIME FACTOR = 0.83**

Includes all attachments and accessories. Includes end dump, belly dump and earthmover types. Listed in accordance with Mfr's rated capacity in tonnes (tons). In the case of earthmover types, rated by Mfr's volumetric capacity, a factor of 1.4 tonnes per cubic meter (1-1/2 tons per cubic yard) of struck capacity shall be used.

TRUCK OFF-HIGHWAY**[TRU]**

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
9.1 (10)	13.6 (15)	10-15	\$49.96
16.3 (18)	20.0 (22)	18-22	\$88.55
20.0 (22)	24.5 (27)	22-27	\$111.01
24.5 (27)	29.0 (32)	27-32	\$126.59
29.0 (32)	36.3 (40)	32-40	\$172.97
36.3 (40)	49.9 (55)	40-55	\$259.18
49.9 (55)	60.8 (67)	55-67	\$290.56

TRUCKS, DUMP, ON-HIGHWAY**[TRUON]****DELAY FACTOR = 0.15****OVERTIME FACTOR = 0.86**

Includes all end dump, side dump and belly dump types; including all attachments and accessories.

TRUCK ON-HIGHWAY**[TRUN]**

<u>Model</u>	<u>Code</u>	<u>Rate</u>
2 axles	2AXL	\$56.33
3 axles	3AXL	\$72.07
4 axles	4AXL	\$80.06
5 axles	5AXL	\$90.57

WELDING EQUIPMENT**[WELD]****DELAY FACTOR = 0.18****OVERTIME FACTOR = 0.84****ARC WELDING MACHINES****[AWM]**

Diesel, gas or electric powered. Includes helmets, holders, cable and all attachments and accessories. Rate capacity in amps.

<u>OVER</u>	<u>TO</u>	<u>Code</u>	<u>Rate</u>
0	250	0-250	\$6.24
250	500	250-500	\$12.11
over	500	500	\$12.32

GAS WELDING OUTFIT**[GWO]**

Includes regulator, 7.6 meters (25 feet) of hose, torch, goggles, lighter and attachments and accessories. Gas and rod shall be paid separately.

<u>Model</u>	<u>Code</u>	<u>Rate</u>
ALL	ALL	\$0.25

PAGE NO 1

INV # 059976/2
DATE : 2/12/16
CLERK: ERN
TERM # 561

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TIME : 2:50
*****
*      INVOICE      *
*****

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QUANTITY	UM	ITEM	DESCRIPTION	SUG. PRICE	PRICE/PER	EXTENSION
2	EA	1111	WHEAT STRAW		10.99 /EA	21.98
002		21.98@ 7.500%				21.98
HD1		21.98@ 0.500%				0.00
		=				21.98
		=				1.76
		1.65				23.74
		.11				
		1858				
		** AMOUNT CHARGED TO ACCOUNT **				
		23.74				
		TAXABLE				
		NON-TAXABLE				
		SUB-TOTAL				
		TAX AMOUNT				
		TOTAL INVOICE				

Received By

STATEMENT OF RESPONSIBILITY

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 *et seq.* and 3700 *et seq.*, respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act of 1975, as amended (Section 2710 *et seq.* of the Public Resources Code), and with any modifications requested by the administering agency as conditions of approval.

Signed this 3rd day of, AUGUST 20 15

MINE OPERATOR OR OPERATOR'S AGENT

(Printed Name) JUSTIN ZABEL

(Mailing Address) PO Box 1006

EUREKA CA 95502

(Signature) [Signature]

MINE NAME WILLOW CREEK

CA MINE ID # 91-12-0007

The original must be given to the lead agency and one copy to be forwarded by the lead agency to:

Department of Conservation
Office of Mine Reclamation
801 K Street, MS 09-06
Sacramento Ca 95814-3529

STATEMENT OF RESPONSIBILITY (SOR)

Reference SMARA 2772.C.10

In consideration of approval by the lead agency of this application for a Surface Mining Permit and/or Reclamation Plan, the undersigned, jointly and severally, hereby covenant with the lead agency and the Department of Conservation as follows:

MINE NAME: Willow Creek

CALIFORNIA MINE ID #: 91-12-0007

LEAD AGENCY: Humboldt County

CONDITIONAL USE PERMIT #: 19-88X

I hereby acknowledge that all of the provisions of said permit and reclamation plan, and any and all conditions appended thereto shall be faithfully performed and completed by the undersigned within the time therein provided, or within any additional time as may be allowed pursuant to the Surface Mining Ordinance Code of the lead agency and with the applicable requirements of Articles 1 and 9 (commencing with section 3500 et seq., respectively) of chapter 8, division 2, title 14, of the California Code of Regulations, the Surface Mining and Reclamation Act of 1975 (SMARA), as amended (section 2710 et seq. of the Public Resources Code) which are incorporated herein by reference.

That the obligations of the undersigned to perform and complete the provisions of said permit and/or plan, including any and all conditions appended thereto, shall be subject to the provisions of said Ordinance Code and SMARA and the State Mining and Geology Board's implementing regulations and guidelines.

That the place of performance by the undersigned of the covenants herein, shall be the area managed by the lead agency in the State of California.

That, pursuant to Public Resources Code section 2774.1 (a) notice procedures, any notice required to be given, or otherwise given to the undersigned may be by personal service or by certified mail.

Owner of Operation Business Structure: (check one)	<input checked="" type="checkbox"/> Corporation	<input type="checkbox"/> Limited Partnership
	<input type="checkbox"/> Limited Liability Corporation	<input type="checkbox"/> Individual
	<input type="checkbox"/> General Partnership	

Check one:



I have posted an adequate financial assurance mechanism pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate.

Date Posted: 2/3/14

Mechanism Type (check one)

☐ Surety Bond

☒ Certificate of Deposit

☐ Letter of Credit

☐ Other: _____

Or



I will post an adequate financial assurance mechanism, pursuant to Public Resources Code section 2773.1 that is equal to or greater than the lead agency approved financial assurance cost estimate.

Mechanism Type (check one)

☐ Surety Bond

☐ Certificate of Deposit

☐ Letter of Credit

☐ Other: _____

Dated this 16 day of February, 20 16

Mark Benavidez
Printed Name of Owner of Operation

Mark Benavidez
Signature of Owner of Operation
(to be acknowledged by a Notary Public)

FOR DEPARTMENT USE ONLY

(completed by staff after approval of project)

SMARA Database Entry Date

Analyst Initials

STATEMENT OF RESPONSIBILITY (SOR)

INSTRUCTIONS FOR AN EXISTING MINING OPERATION

Surface mining operations are subject to the requirements of the Surface Mining and Reclamation Act (Public Resources Code 2710 et seq., California Code of Regulations, title 14, section 3500 et seq.) and applicable administrative regulations as well as lead agency (LA) ordinance requirements. When a new mine site operator is going to assume legal and operational responsibility for an existing mining operation in California, it is required to file a Statement of Responsibility (SOR). (Reference PRC section 2772(c)(10)). This statement formally notifies the LA and the State Department of Conservation (Department) that a new individual and/or company is assuming all permitted responsibility for operating the mining site in compliance with the LA-approved Surface Mining Permit and Reclamation Plan, local ordinances, the Surface Mining and Reclamation Act of 1975 (SMARA), associated regulations, and guidelines. If the mining operation will be assumed by someone other than the legal surface owner of the property, written authorization from the property owner(s) of record is also required.

The attached forms include places to provide the LA and the Department with the pertinent contact information for the new mine site operator and other information related to the mine site. The SOR form should be signed and acknowledged by a Certified Public Notary and returned, together with the other requested information, to the LA. Once a determination is made by LA staff that the forms have been properly filled out and executed, the LA will notify the Department of the change, and copy the new mine site operator.

Before filing a SOR to assume legal and operational responsibility for a mining operation, the new mine site operator should secure a copy of the approved surface mining permit and reclamation plan from the current or previous property owner and become thoroughly familiar with the requirements that the LA has imposed with respect to the affected mine site.

Additionally, the new mine site operator should request the property owner provide a copy of the latest Surface Mining Inspection Report (MRRC-1) prepared by the LA's Mining Inspector and a copy of the latest State Mining Operation Annual Report (MRRC-2) filed with the Department and the LA.

Once the new mine site operator has received written confirmation that this filing has been satisfactorily completed, a new financial assurance mechanism must be submitted to the lead agency and reviewed by the Department before existing financial assurance instruments of the previous mine operator can be released by the LA and the Department. (Reference: CCR section 3805.5)

In order to ensure that the required forms have been properly executed, please include the following appropriate documentation with your submittal:

- 1) If the mining operation has been acquired through a change in ownership of the surface property, the signatures of all the legal owners of record for that property must be included on the SOR.
- 2) If the new or current property owners will be allowing mining operations to be assumed by a third party, a separate letter of authorization to assume this mining operation, signed by each new owner of record, shall be submitted.
- 3) If the person filing the SOR is acting on behalf of a corporation, a resolution from the corporation's board of directors should be submitted which provides authority for this filing and which indicates who has the ability to execute the statement on behalf of the corporation. A minimum of two (2) signatures are required.
- 4) If the person filing the SOR is acting on behalf of a Limited Liability Company, a copy of the company's Articles of Organization must be submitted which clearly indicate who has authority to execute the statement on behalf of the company.
- 5) If the person filing the SOR is acting on behalf of a General Partnership, verification is required to ensure that the signatory is a current partner.
- 6) If the person filing the SOR is acting on behalf of a Limited Partnership, a copy of the partnership agreement must be submitted which indicates who is designated as a general partner within the partnership. Only a general partner may sign the SOR on behalf of the partnership.

NOTIFICATION OF ASSUMPTION OF LEGAL AND OPERATIONAL AUTHORITY
FOR AN EXISTING OR NEW SURFACE MINE

MINE NAME: Willow Creek

CALIFORNIA MINE ID #: 91- 12-0007

EFFECTIVE ASSUMPTION DATE: N/A

NEW OWNER OF OPERATION

1. NAME: Willow Creek Plant

MAILING ADDRESS: PO Box 1006

CITY/STATE/ZIP: Eureka CA 95501

BUSINESS PHONE: 707-443-6371

FAX: 707-443-0277

CELL PHONE: _____ EMAIL: mbenzinger@mercerfraser.com

SURFACE OWNER

2. NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP: _____

BUSINESS PHONE: _____

FAX: _____

CELL PHONE: _____ EMAIL: _____



Same as
#1

ON-SITE CONTACT

3. NAME: _____

EMAIL: _____

BUSINESS PHONE: _____

CELL PHONE: _____



Same as
#1

DESIGNATED AGENT

4. NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP: _____

BUSINESS PHONE: _____

FAX: _____

CELL PHONE: _____ EMAIL: _____



Same as
#1

PERSON AUTHORIZED BY OPERATION OWNER TO SIGN MINING OPERATION ANNUAL REPORTS (MRRC-2)

5. NAME: _____

MAILING ADDRESS: _____

CITY/STATE/ZIP: _____

BUSINESS PHONE: _____

FAX: _____

CELL PHONE: _____ EMAIL: _____



Same as
#1

I, the undersigned new owner of the above mining operation, do hereby submit to Humboldt County
and the Department of Conservation, the above information as true and accurate. **(Lead Agency)**

SIGNATURE OF OWNER OF OPERATION

2/19/16

DATE

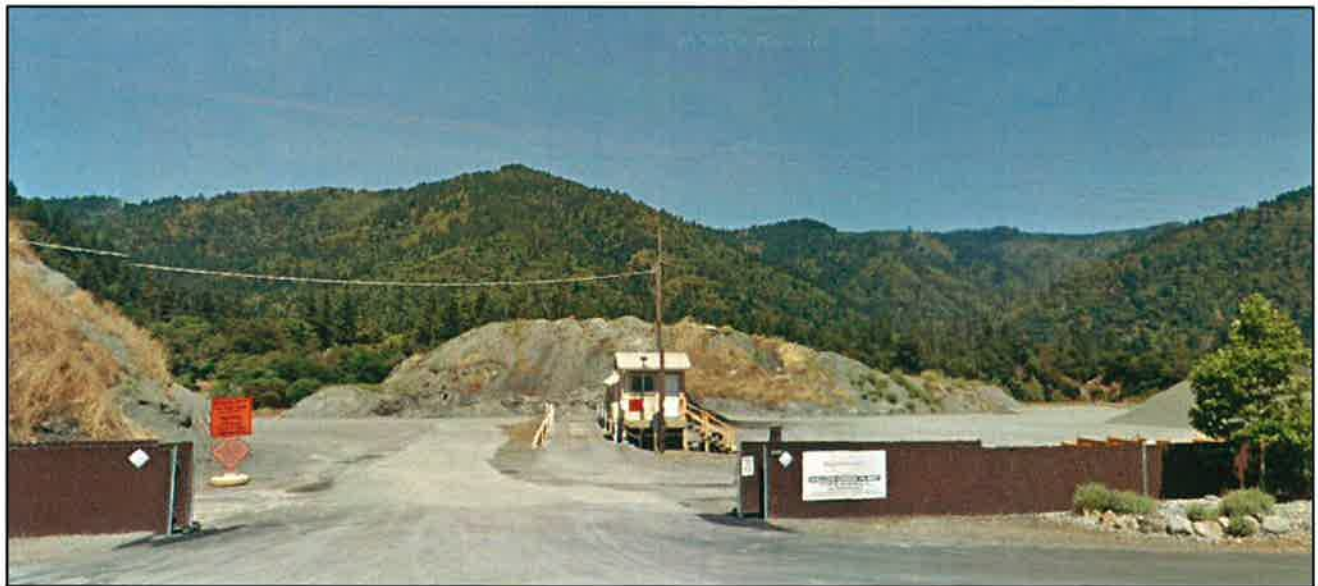
ATTACHMENT 4
SUBSEQUENT MITIGATED NEGATIVE DECLARATION

HUMBOLT COUNTY
PLANNING AND BUILDING DEPARTMENT



**Mercer Fraser Willow Creek Mining Operation:
Renewal of a Conditional Use Permit and Mining
Plan/Reclamation Plan and Amendment Project**

**RECIRCULATED SUBSEQUENT NEGATIVE DECLARATION
SCH#: 2016082006**



January 2017

1. **Project title:** Mercer Fraser Co. Willow Creek Mining Operation; APN 522-142-10 et al. (Willow Creek area); SMP-16-002/CUP-16-013/RP-16-002/SP-16-025

2. **Lead agency name and address:** Humboldt County Planning and Building Department, 3015 H Street, Eureka, CA 95501-4484; Phone: (707) 445-7541; Fax (707) 445-7446

3. **Contact person and phone number:** Michael Wheeler, Senior Planner (707) 445-7541

4. **Project location:** The project site is located in Humboldt County, on the east side of Highway 96 approximately 1/2 mile north of Willow Creek.

5. **Project sponsor's name and address:**

APPLICANT

Mercer Fraser Co.
P O Box 1006
Eureka, CA 95502
443-6371 v.
443-0277 fax

OWNER(S)

Six Rivers National
Forest, P O Box 68
Willow Creek 95573
(530) 629-2118

Daryl Mason

2636 Jacoby Creek Rd
Bayside, CA 95524
822-7291

AGENT

Mark D. Harrison
980 9th Street
Sacramento, CA 95814
916-706-2575
916-382-4380

6. **General plan designation:** Public Lands / Commercial Recreation / Agricultural Rural / Flood Plain (P, AR, CR, FP)

7. **Zoning:** Flood Plain / Agricultural Exclusive / Highway Commercial Services (AE, FP, CH)

8. **Description of project:** (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or on-site features necessary for its implementation. Attach additional sheets if necessary.)

A 15-year permit term renewal for a previously approved gravel mining and processing operation which has been permitted and operating since 1969. The project includes a Conditional Use Permit extension, Special Permit extension, Reclamation Plan review, and review of financial assurance cost estimates for a surface mining and processing operation involving the annual extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars at the extraction site over a 15-year period. The method of surface rock removal involves skimming with loader, scraper and excavator. Aggregate materials are temporarily stockpiled and loaded on to 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 asphalt; and weighing and hauling by truck. Site improvements 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 existing mining operation is currently permitted by a Conditional Use Permit and Special Permit (CUP/SP) (CUP-19-88X/SP-25-99X) for seasonal extraction of up to 40,000 cubic yards of material per year, with operations being served by an on-site processing facility. This operation has been permitted and operating since 1969. The current CUP/SP and Reclamation Plan were previously renewed in 2003 for 15-year terms, and will expire in 2018. The renewal of the CUP/SP and Reclamation Plan is allowed per the County Surface Mining Ordinance for an additional 15 years beginning in 2018. The proposed amendment to the current CUP/SP is to allow for a concrete batch plant at the existing processing facility. As part of the renewal of the CUP/SP and Reclamation Plan, all existing mining operations and reclamation would continue as currently approved and permitted. As such, the analysis within this document focuses on the environmental effects of the proposed addition of a concrete batch plant, but continues the mitigations measures identified in the previous Mitigated Negative Declaration for continued operations under the Surface Mining Permit. The proposed project would: 1) renew the existing CUP/SP and Reclamation Plan for a 15-year term beginning 6-3-2018, and 2) amend the current CUP/SP to allow for a concrete batch plant at the existing processing facility. All existing operations and mining would continue as currently approved and permitted, with the exception of the proposed concrete batch plant. Under the previous permit, hours of operations were restricted to daylight hours Monday through Saturday, generally 7:00 am to 6:00 pm.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:

Primarily Rural Residential and Agriculture; Six Rivers National Forest lands make up part of the project site and surrounding area and has designations of Recreation and Public Facility; some adjacent lands are Industrial or Commercial. Existing uses across Highway 96 from the proposed concrete batch plant include the Trinity Valley Elementary School, a CalTrans Maintenance Yard, Six Rivers National Forest offices, and some medical offices.

10. Other public agencies whose approval is required (permits, financing, or participation agreement.)

Regional Water Quality Control Board (401 Certification or Waiver), North Coast Air Quality Management District (possible permit required), California Department of Conservation, Division of Mines and Geology (Reclamation Plan and Financial Assurance Approval), California Department of Fish and Game (streambed alteration agreement)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input checked="" type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

- ☐ I find that although the proposed project COULD have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

January 11, 2017

Date

Michael Wheeler, Senior Planner

Printed name

HCP&BD

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less Than Significant with Mitigation Measures Incorporated," describe the mitigation measures which they address site-specific conditions for the project.

- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plan, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
 - a.) Reclamation Plan for Quarry
 - b.) Plan of Operations for Quarry
 - c.) Project maps and figures
 - d.) Non-Industrial Timber Management Plan
 - e.) Conditional Mitigated Negative Declaration for CUP-11-91, the previous surface mining conditional use permit issued for the project site, and adopted 7-30-91.
- 8) This is only a suggested form, and lead agencies are free to use different formats, however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue identify:
 - a) The significant criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significant.

BACKGROUND AND INTRODUCTION

This Initial Study/Subsequent Negative Declaration (IS/SND) identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines.

This IS/SND relies on, and incorporates by reference herein, the Mitigated Negative Declaration certified by the County on June 26, 2003 ("2003 MND"). The 2003 MND was prepared for the previous 15-year renewal of the CUP/SP and Reclamation Plan Extension.

The environmental setting and impact discussion for each section of this IS/SND are based on existing information for the project site, the 2003 MND, and information in the Humboldt County General Plan and associated Environmental Impact Report (EIR).

PROJECT DESCRIPTION

The proposed project site existing conditions and surrounding land uses are described below, as well as the components of the project.

Existing Site Conditions and Surrounding Uses

The existing project site is located in Humboldt County, one-half mile north of Willow Creek, on the east side of State Highway 96, north of State Highway 299 (see Figure 1, Regional Location Map, and Figure 2, Project Vicinity Map). The site is located on the western banks of the Trinity River near the intersection of

State Highway 96 and Brennan Mountain Road. As could be seen in Figure 2, an airstrip is located on the project site for emergency purposes. Vehicular access to the site is provided via an entrance along State Highway 96 and a private gravel access road with a minimum width of 16 feet and turnouts. The private road is also utilized for access to the airstrip by the California Department of Forestry and Fire Protection (CAL FIRE) and the U.S. Forest Service (USFS), as well as for emergency medical transport services.

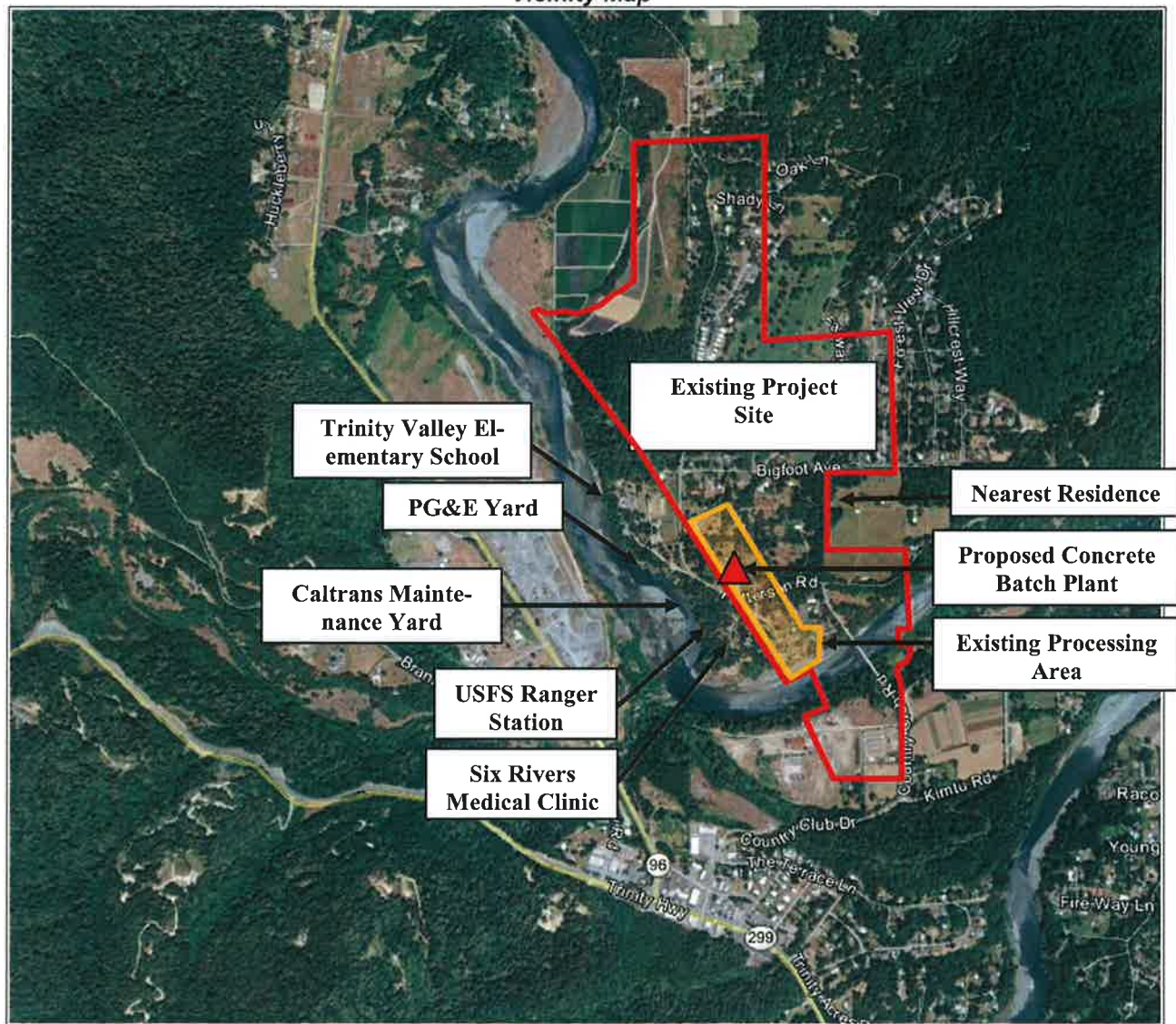
The existing General Plan land use designations for the site are Commercial Recreation (CR), Public Lands (P), and Willow Creek Community Plan (WCCP). The current County zoning designations are Flood Plain (FP), Agriculture- Exclusive (AE), and Highway Service Commercial (HC). As shown in Figure 2, existing land uses opposite State Highway 96 from the project site include Trinity Valley Elementary School, a Caltrans maintenance yard, a Pacific Gas and Electric (PG&E) yard, a USFS ranger station, and Six Rivers Medical Clinic. An existing single-family residence is located approximately 1,200 feet from the project site, across the Trinity River. Six Rivers National Forest has a public boat ramp adjacent to the project area. The proposed General Plan Update land use designation for the project site is industrial IG (Industrial General) and IR (Industrial Resource Related).

Figure 1
Regional Location Map



Source: Google Earth, 2015.

Figure 2
Vicinity Map



Source: Google Earth, 2015.

The existing project site consists of an active and fully permitted sand and gravel mine site and processing facility on a total of approximately 228 acres on either side of the Trinity River (Assessor's Parcel Numbers 522-142-10; 522-145-04 and -06; 522-491-04, -15, -16, -17, -20, -21, and -22). Mining and processing operations have been ongoing at the project site since originally approved in 1969. The existing CUP/SP (CUP-19-88X/SP-25-99X) permits the continuation of the historical uses at the site, and currently allows for an annual extraction and production of up to 40,000 cubic yards of material per year, which occurs during the peak construction season (e.g., summer months) on an as-needed basis. The current permit and Reclamation Plan were issued in 2003 for a 15-year term and will expire in 2018. These existing operations constitute the baseline for the renewal of the CUP/SP and Reclamation Plan. These operations will continue as currently permitted upon renewal of the existing entitlement. Accordingly, the renewal of the CUP/SP and Reclamation Plan will not have any potential impacts on the environment.

Existing surface mining activities at the project site include surface rock removal consisting of skimming the site with a loader, scraper, and excavator. Processing activities take place on an upland terrace portion of the project site, outside and west of the active channel of the Trinity River. Current processing operations include material crushing and sorting, on-site storage of materials, production of asphalt, and

weighing and hauling by truck. Aggregate materials mined at the site are temporarily stockpiled on-site, loaded onto trucks or off-road haulers, and transported to the on-site processing facility (e.g., for crushing and use in the hot mix asphalt plant) or to off-site locations for further processing (e.g., to existing concrete batch plants in the County). Power loaders, excavators, bulldozers, rock crushers, screens, trucks and trailers, scrapers, truck scale, pumps, settling basin, gate office, and a hot mix asphalt plant are all currently authorized to operate on the project site. Current hours of operation are 8:00 am to 5:00 pm Monday through Friday for Processing Activities, 7:00 am to 5:00 pm Monday through Saturday for Extraction Activities, and 7:00 am to 5:00 pm for the Asphalt Batch Plant. In addition, the Asphalt Batch Plant runs 10 Saturday per year with the same hours of operation (7:00 am to 5:00 pm).

During the active periods of extraction and processing, which coincide with the construction season, typical operations at the project site currently generate approximately 100 off-site truck trips per day. However, depending on market demand, the project has generated a maximum of 200 truck trips per day. Conversely, minimal truck trips are typically generated during off-season months.

Project Components

The proposed project includes: (1) renewal of the current CUP/SP and Reclamation Plan for 15 years, beginning when the current terms expire in 2018; and (2) amendment of the CUP/SP to allow for a concrete batch plant at the existing processing facility. The proposed project would not modify the current production levels, materials to be mined, mining method, and the overall geographic area covered by the existing use permit and Reclamation Plan. The overall production and processing activities on the project site would be consistent with existing conditions, with the exception of introducing a concrete batch plant and ancillary equipment. The concrete batch plant would be placed within the currently permitted boundaries of the existing facility alongside other existing processing equipment. While the renewal of the existing CUP/SP and Reclamation Plan is allowed upon the applicant submitting the appropriate forms and fees, amendment of the existing CUP/SP would require approval by Humboldt County.

The existing Reclamation Plan for the project site identifies ongoing reclamation on a yearly basis at the extraction site. Specifically, the Reclamation Plan states that extraction areas in the active channel are left in a reclaimed condition at the end of extraction each year and will be consistent and homogeneous with the upstream and downstream topography. The Reclamation Plan further states, regarding the processing facility that the process site is to continue as Industrial lands, and that reclamation of the processing site is not appropriate. While the site is not currently planned and zoned for industrial use, the land use designation is proposed to be changed to industrial under the General Plan Update, given the long term use of the site for industrial purposes. Therefore, if extraction activity were to cease, additional reclamation would not be necessary as the access roads would remain for property access and management activities and the river area would be utilized for open space purposes. Because the Reclamation Plan provides for ongoing reclamation until such time that mining activities cease and does not pertain to the processing facility location, the proposed project would not require any changes to the existing Reclamation Plan, other than a 15 year extension beginning in 2018.

Permit and Reclamation Plan Term Renewal

The proposed project includes renewal of the current CUP/SP and Reclamation Plan for 15-year terms, beginning in 2018. Renewal of the CUP/SP and Reclamation Plan is allowed by right per the existing Conditions of Approval, specifically Operation Restriction number 3 as follows:

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.

The existing circumstances at the site have not been modified since approval of the current CUP/SP and Reclamation Plan, and all existing operations and mining activities would continue as currently approved and permitted, with the exception of the addition of a concrete batch plant to be located at the existing processing facility. As such, this IS/SND has been prepared as a subsequent negative declaration in ac-

cordance with CEQA Guidelines Section 15162, and an amendment to the CUP/SP to allow for the proposed concrete batch plant would be required, as discussed below.

Use Permit Amendment

The existing CUP/SP would be amended to reflect the proposed concrete batch plant to be located at the existing processing facility. The proposed concrete batch plant would be located north of the project entrance and the existing asphalt plant. Associated improvements with the concrete batch plant include a fly ash silo, concrete silo, aggregate conveyor, concrete apron, and washout basin (see

Figure 3 for a typical concrete batch plant layout and Figure 4 for a typical concrete batch plant process). The washout basin would be designed in accordance with the North Coast Regional Water Quality Control Board's *General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region*. The proposed concrete batch plant would be powered by electricity obtained through the existing power supply at the processing facility. The concrete batch plant is anticipated to produce up to approximately 10,000 cubic yards of concrete per year and is capable of production at a rate of 110 cubic yards per hour. Access to the concrete batch plant would be through the existing project site entrance.

As a Subsequent Negative Declaration, this IS/SND focuses primarily on the potential environmental effects of the proposed concrete batch plant, but identifies and continues the mitigations measures in the previous Mitigated Negative Declaration for continued operations under the Surface Mining Permit.

Figure 3
Typical Concrete Batch Plant (Layout)

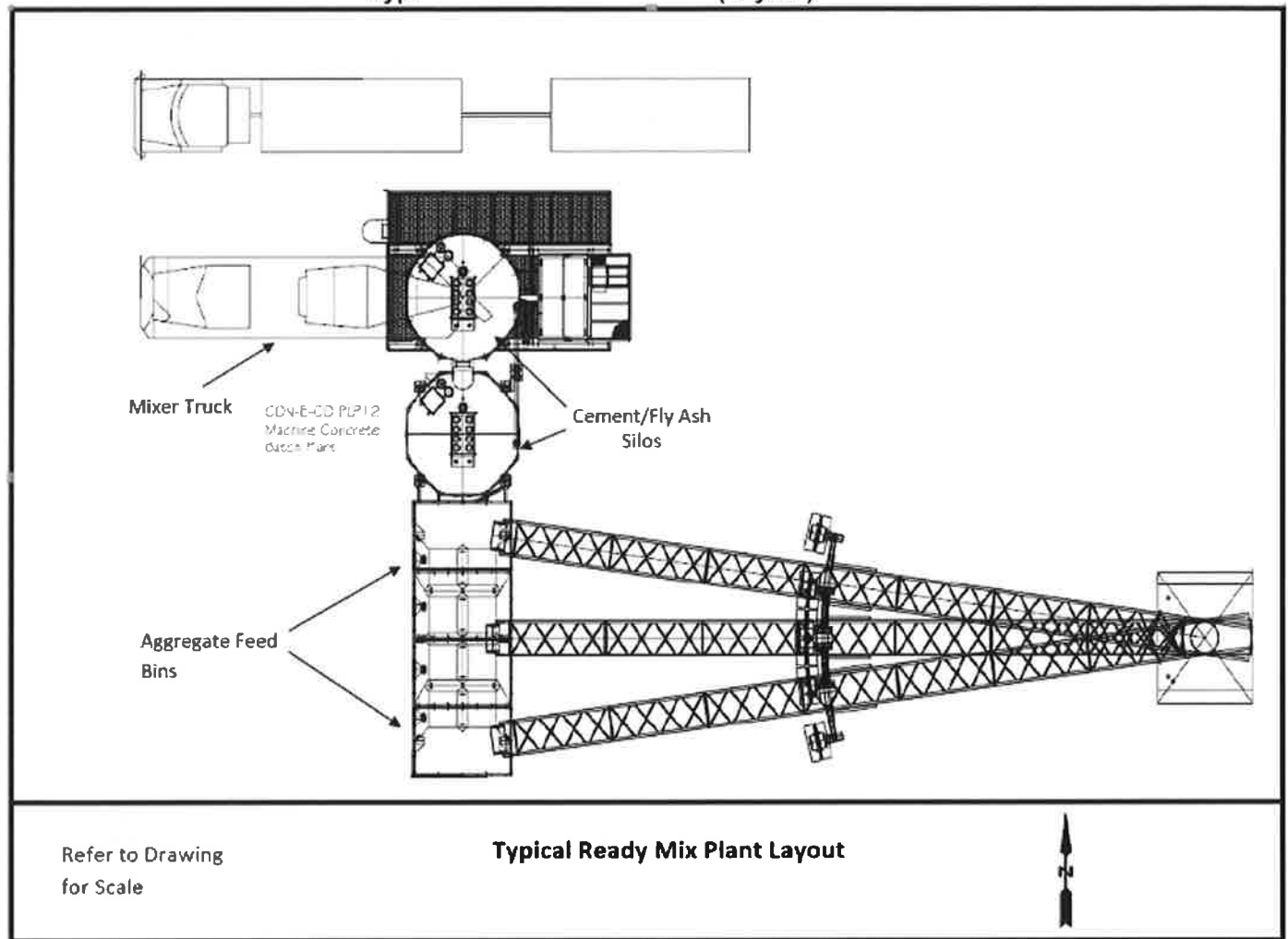
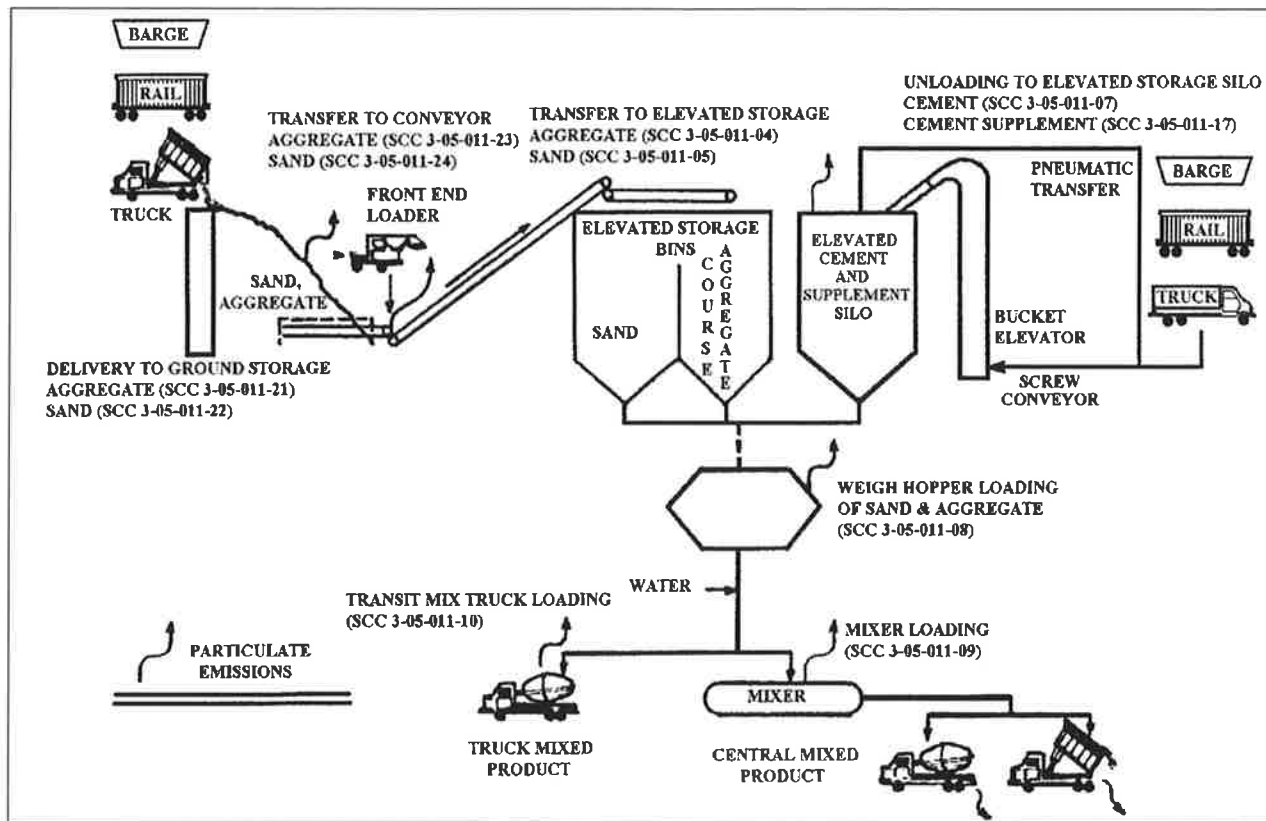


Figure 4
Typical Concrete Batch Plant (Process)



ENVIRONMENTAL CHECKLIST

The following Checklist contains the environmental checklist form presented in Appendix G of the CEQA Guidelines. The checklist form is used to describe the impacts of the proposed project. A discussion follows each environmental issue identified in the checklist. Included in each discussion are project-specific mitigation measures recommended, as appropriate, as part of the proposed project.

For this checklist, the following designations are used:

Potentially Significant Impact: An impact that could be significant, and for which no mitigation has been identified. If any potentially significant impacts are identified, an EIR must be prepared.

Less Than Significant with Mitigation Incorporated: An impact that requires mitigation to reduce the impact to a less-than-significant level.

Less-Than-Significant Impact: Any impact that would not be considered significant under CEQA relative to existing standards.

No Impact: The project would not have any impact.

CHECKLIST

	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
1. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3. AIR QUALITY. Where available, the significant criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. BIOLOGICAL RESOURCES. Would the project:

a) Has a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5. CULTURAL RESOURCES. Would the project:

	Poten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

6. GEOLOGY AND SOILS. Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

7. Greenhouse Gas Emissions. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
--	---	--	-------------------

8. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

9. HYDROLOGY AND WATER QUALITY. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional | | | | |

	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
sources of polluted runoff?				
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
plan has not been adopted, within two miles of a public airport or public use air- port, would the project expose people residing or working in the project area to excessive noise levels?				
f) For a project within the vicinity of a private airstrip, would the project ex- pose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in an area, either directly (for ex- ample, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associ- ated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. RECREATION.				
a) Would the project increase the use of existing neighborhood and re- gional parks or other recreational facilities such that substantial physical deterio- ration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical ef- fect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. TRANSPORTATION/TRAFFIC. Would the project:				
a) Cause an increase in traffic which is substantial in relation to the exist-	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
ing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

17. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

18. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Poten- ten- tially Signifi- cant	Less Than Significant with Miti- gation Incorp.	Less Than Signifi- cant Impact	No Im- pact
periods of California history or prehistory?				
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PROJECT DESCRIPTION/SETTING OF THE PREVIOUSLY APPROVED CUP/SP (2003):

The application proposal is for an extension of an existing conditional use permit and surface mining and reclamation plan approval for the continued annual, seasonal extraction of up to 40,000 cubic yards of aggregate (sand and gravel) from Trinity River gravel bars at the Willow Creek site. The requested volume is the same as past approvals and is based upon evaluation of additional information as well as the data collected under the ongoing monitoring programs. This project has been described to permit adaptive management of the project area, as described in the Management Program - Chapter II (B) (3) of the Mining/Reclamation Plan. The proposed project would: 1) renew the existing CUP/SP and Reclamation Plan for a 15-year term beginning 6-3-2018, and 2) amend the current CUP/SP to allow for a concrete batch plant at the existing processing facility. All existing operations and mining would continue as currently approved and permitted, with the exception of the proposed concrete batch plant. The project, as described herein, does not change the baseline environmental conditions from the existing operation as it currently is being operated. Project proposed mitigation has been included to provide the reader with information on how potential impacts are currently addressed.

The applicant proposes, on an annual basis, to continue the seasonal extraction of up to 40,000 cubic yards of aggregate, install two seasonal crossings over low flow river channels to facilitate gravel transport and reclaim extraction areas. Extraction activity will occur during the summer season generally between June 1st and October 15th. Subsequent processing activities will take place on an upland terrace adjacent to the river on Mercer, Fraser Co. and Six Rivers National Forest owned/managed lands. Normal hours of operation are between 7:00 a.m. and 6:00 p.m. Monday through Friday. Seasonal intermittent peak activity is anticipated during the construction season, but may occur anytime of the year and any day of the week (weekends), depending on the need (i.e. flood damage repair). This is proposed as a continuation of a 45+ year old operation. It is requested that a minimum 15-year term be approved based on analysis of submitted monitoring information.

Moderately steep forested hill slopes surround the project site on all sides of the river valley deposits. Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, a church as well as nearby retail commercial activities along Hwy 299 in Willow Creek, a 1/2 mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. The Hoopa Indian Reservation is to the north and the town of Hoopa 13 miles away. Above the valley and terraces, the surrounding land use is predominantly timberland.

The site is located a ½ mile north of the town of Willow Creek and consists of a stretch of the Trinity River with a bend at the upstream and downstream extents. Gravel deposits occur on the eastern portion of the project site and an upland terrace plain above the FEMA Flood plain is used for stockpiling and processing occurs on the western portion of the project site. The upland areas consist of river valley deposits associated with the meandering river channel. The morphology at this site generally consists of a straight run between two bends in the river with bedrock control on both sides of the channel and in the channel (see Figure 3). As a result: 1) bedrock constrictions cause velocity decreases at flood stages and bedload deposits greater in volume and size at this location than other less confined reaches; 2) channel configuration is controlled by existing site features to a greater extent than bar changes due to gravel extraction. Extraction is designed to compliment these influencing features rather than working contrary to the natural forces that have formed the prevailing stream morphology.

The project area utilized for gravel extraction and processing operations at the Willow Creek site totals approximately 138 acres. The approximate 138-acre project area at the Willow Creek site is a portion of 9 parcels totaling approximately 228 acres (See Figures 3 & 4). The portion of the project area on Mercer, Fraser property is approximately 71 acres, the portion on Six Rivers National Forest property is approximately 62.5 acres, and the portion on Daryl Mason's property is approximately 4.5 acres (See Table 1 – Mining/Reclamation Plan). Approximately 57 acres of the project area are located below Ordinary High Water (OHW).

Based on present conditions approximately 26 of the 57 acres below Ordinary High Water (OHW) have the potential to be utilized for gravel extraction. The extraction areas occur on the southeast, east, and northeast areas of the project site (522-145-04, 05, 06, 522-142-10, 522-491-04, 15, 21, & 22). Extraction generally occurs in the area east and west of the low flow water channel extending from the furthest upstream point to approximately 6,300 feet downstream (See Figures 3 & 4). The portion of the gravel bars available for extraction on Mercer, Fraser

property is approximately 9 acres, the portion on Six Rivers National Forest property is approximately 15 acres, and the portion on Daryl Mason's property is approximately 2 acres (See Table 1 – Mining/Reclamation Plan).

39 acres of the project area to the west, outside the active channel, has been developed as an aggregate processing facility (APN: 522-491-04, 17, 20, & 21). Site improvements occur on the southern portion of the processing site (522-491-04, 17, & 20), and include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales. The processing operation will primarily involve material crushing and/or sorting; on-site storage of materials; loading activities; production of asphalt; weighing and hauling by truck, and activities such as equipment repairs. The portion of the processing site on Mercer, Fraser property is approximately 35.5 acres, and the portion on Six Rivers National Forest property is approximately 3.5 acres (See Figures 3 & 4).

Skimming will generally be conducted with a loader, scraper, and excavator starting generally at a minimum elevation one foot above the low water channel and proceeding with a longitudinal slope equal to the river and a cross bar slope of 0% to 2%. Reclamation consists of ensuring the bar is left in a configuration so as not to increase the danger of trapping salmonids. Aggregate materials will be temporarily stockpiled and loaded on to trucks or off-road haulers. Material will then be transported to the existing adjacent process site or to off-site locations.

Alternative extraction methods including subsurface extraction (typically twelve to fifteen feet below water surface elevation) also occurs adjacent to but outside of the river channel and may, at times, be utilized to maintain channel capacity and/or maintain the adjacent bar morphology. This method is also utilized to create deep-water habitat and to reduce the surface area of extraction in order to minimize impacts to the environment. In addition resource agencies may desire alcove/pit options to improve fish holding and passage or other needs, as has historically occurred here and is done at other locations.

The Mercer, Fraser Willow Creek site has continually been used by public agencies, contractors and the general public since 1969 for purchase of base rock and hot mix asphalt. Contractors associated with CalTrans obtain road base and asphalt from the Willow Creek site. In addition, this site supplies much of the maintenance related materials necessary to maintain Highway 96 & 299. It is anticipated that as additional funding becomes available for road maintenance, an increased need in hot mix asphalt concrete for road overlays will occur. Contracts that have been awarded by the Humboldt County Public Works Department have been dependent on this site for materials.

The market area for the Willow Creek site is generally defined as the area west to the City of Blue Lake, east to Weaverville (Trinity County), north from Willow Creek to past Weitchpec and Orleans. The next closest asphalt plants occur approximately 33 miles away adjacent to the City of Blue Lake.

The mining and reclamation plan has been revised to reflect a fifteen-year approval for the surface mining activity and for the related processing activity (See Mining/Reclamation Plan). This time-frame is appropriate because monitoring at the site has occurred since County approval and the information is collected in a manner that allows a review and response to annual bar and stream conditions.

In any given year, extraction volumes, locations, and methods will be submitted by the applicant for approval by local, state and federal agencies. This interagency process is more specifically described in the Mining/Reclamation Plan and later in this report.

DISCUSSION OF CHECKLIST RESPONSES:

1. AESTHETICS.

Findings:

- a) The project will not have a substantial adverse effect on a scenic vista: Less than significant impact.
- b) The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway: Less than significant impact.
- c) The project will not substantially degrade the existing visual character or quality of the site and its surroundings: Less than significant impact.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area: No Impact.

Setting:

The project area is located along the Trinity River a ½ mile north of the town of Willow Creek and consists of a stretch of the Trinity River with bends at the upstream and downstream extents. Associated gravel deposits occur below ordinary high water (OHW) on the eastern portion of the project site and an upland plain used for stockpiling and processing occurs on the western portion of the project site adjacent to Highway 96.

Moderately steep forested hill slopes surround the project site on all sides of the river valley. Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, religious services as well as nearby retail commercial activities along Hwy 299 in Willow Creek, a 1/2 mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. Above the valley and terraces, the surrounding land use is predominantly public timberland.

This section of the Trinity River has been designated as Recreational under the 1968 Wild and Scenic Rivers Act since 1981. The Act recognizes that development, such as what is currently at the site and which pre-existed the designation, would remain. Recreational river segments are those segments of Wild and Scenic Rivers that are readily accessible, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. The Big Rock Recreation Area on Six Rivers National Forest Service property is within the project area. The recreation area includes a boat launch, picnic tables, and areas for swimming and fishing along the river.

Analysis:

- a) *The project will not have a substantial adverse effect on a scenic vista.*

There are views of the project site from Hwy 96, the River, and surrounding uplands. Stockpiles and vegetation have been strategically placed and/or maintained surrounding the processing site to minimize views of processing activity for recreationists using the Big Rock Recreation Area. The concrete batch plant will be in an area the is mostly shielded by stockpiles and vegetation. The stockpiles and vegetation are proposed to generally remain in their present location. Present views of the process area along Highway 96 are similar to what has been occurring since 1969. Extraction activities occur between June 1st and October 15th each year within the area below ordinary high water (OHW). At the end of each season, the gravel bars are reclaimed to a smooth condition. No complaints have been received regarding aesthetic conflicts during the 49 years the project has been in operation.

- b) *The project will not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.*

Highway 96 is not a state scenic highway. The processing areas are visible along Highway 96, designated as a "Scenic Byway" by the U.S.F.S. However these remain the same as has occurred since 1969. Stockpiles and vegetation that has been placed and/or maintained surrounding the processing site serves to minimize extended

views of processing activity for drivers on Hwy 96. Extraction activities occur between June 1st and October 15th each year within the area below ordinary high water (OHW), which is not readily visible from Hwy 96. No scenic resources such as trees or rock outcroppings within the project area will be removed or impacted by the project. No historic structures occur within the project area.

c) *The project will not substantially degrade the existing visual character or quality of the site and its surroundings.*

Views by river recreationalists of the processing site are, for the most part, screened by the stockpiles and vegetation along the outer edge of the processing site. Due to the curvature of the river and trees growing on the banks upstream from the processing sites, views are limited to viewers until opposite the processing site. The equipment is the same type that has been present since 1969 and has remained screened from the river by the prevalence of the existing aggregate stockpiles and vegetation surrounding the site. Since the appearance from the river is of the stockpiles and willows, it would make no difference in views if the equipment were there or not.

The extraction areas are readily visible by river recreationists utilizing the Big Rock Recreation Area. Project operations generally occur between June 1st and October 15th each year, and operations typically do not take place on the weekends when recreationists are most likely to be using the Big Rock Recreation Area. These views are limited in extent and distance and those utilizing this area during the past 34 years would be accustomed to the project site.

In 1996, the Army Corps of Engineers (ACOE) determined, "*Continued gravel mining operations on the Willow Creek Bar... are not expected to adversely alter the characteristics, or degrade the values, which caused the river to be designated as such (Wild, Scenic, and Recreational) in 1981*" (ACOE, 96).

The proposed project site has been in operation as a sand and gravel mining and processing facility since 1969, and is located along State Highway 96 and the Trinity River. Approval of the proposed project would not modify the current production levels, materials to be mined, mining method, and the overall geographic area covered by the existing use permit and Reclamation Plan. The overall production and processing activities on the project site would be consistent with existing conditions, with the exception of introducing a concrete batch plant and ancillary equipment. The concrete batch plant would be placed within the currently permitted boundaries of the facility alongside other existing processing equipment. As such, the proposed additional processing equipment would be consistent with the visual character and quality of what already occurs on the project site. Existing stockpiles and vegetation on the site have been strategically placed to shield sights of the processing areas from nearby views. In addition, the border of the site along State Highway 96 includes fencing and landscaping to help block views from travelers along the highway, as well as from any nearby uses opposite the highway. As such, the existing views of the proposed project site or in the vicinity of the project site would not be modified with implementation of the proposed project. The proposed concrete batch plant would be built next to the existing asphalt plant at the existing processing area. A typical batch plant is shown on both Figure 4 and Figure 5. Given the proposed concrete batch plant's location next to the existing asphalt plant, the project will not substantially degrade the existing visual character or quality of the site. (See, Figure 5.) Furthermore, because views would not be modified, the project would not affect any views from a scenic vista, would not damage any scenic resources, and would not affect any State scenic highways. Therefore, **no impact** associated with scenic vistas, scenic resources within a State scenic highway, or degradation of the existing visual character or quality of the site and surrounding area would occur.



d) *The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.*

Project operations do not take place at night and require little equipment and no construction. Only the equipment could cause any glare, but this would be minimal. The project will not result in new sources or light or glare which would affect day or nighttime views in the area.

The concrete batch plant would be built next to the existing asphalt plant at the existing processing area. In addition, operations would not take place at night and the nearest residence to the site is located approximately 1,200 feet from the processing area, on the opposite side of the Trinity River. Therefore, the proposed project would have **no impact** related to the creation of a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Cumulative Impact: The Mercer, Fraser Co. Willow Creek site is a land use that may be considered by some to cause impacts to the aesthetic value of the section of the Trinity River Valley surrounding the project site. However, aesthetic impacts are really a matter of opinion or values and not something that can be quantified. Land use in the surrounding area is a mixture of private and public land. This section of the Trinity River has been designated as Recreational under the 1968 Wild and Scenic Rivers Act since 1981. In 1996, the Army Corps of Engineers (ACOE) determined, "*Continued gravel mining operations on the Willow Creek Bar... are not expected to adversely alter the characteristics, or degrade the values, which caused the river to be designated as such (Wild, Scenic, and Recreational) in 1981*" (ACOE, 96). The Willow Creek site was not determined in the past to cause a cumulatively considerable impact to the aesthetic value of the surrounding area, and as proposed, consistent with past operations, would not result in a cumulatively considerable impact.

Existing Project Mitigation:

1) Stockpiles and vegetation have been placed and/or maintained around the processing site to screen views of the processing area for the public using the Big Rock Recreation Area.

Mitigation: None required.

2. AGRICULTURE AND FOREST RESOURCES.

Findings:

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use: No impact.
- b) The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract: Less than significant impact.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.
- d) The project will not result in the loss of forest land or conversion of forest land to non-forest use.
- e) The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use: No impact.

Setting:

Humboldt County has not been mapped by the Farmland Mapping and Monitoring Program (www.consrv.gov). There are no prime agricultural soils within the project area or vicinity. The project area has been mapped in Soils of Western Humboldt County (1965). No prime agricultural soils were identified. Soil-vegetation mapping units of the area rate the soils as medium to low potential for agriculture and low to high for timber production. Humboldt County (NR&H Report) has identified some of the project area as potential agricultural soils based on the fact that there are alluvial soils on less than 15% slope and that the area is not urban. A more recent mapping of prime agricultural soils from the County 2014 web GIS shows a portion of the project site having prime soils, however, this area is already heavily developed as a processing area and is the area where the concrete batch plant would be located. The Six Rivers National Forest lands included within the project area (117 of total 218 acres) are zoned Agriculture Exclusive (AE).

The geologic formation at the project site is the Franciscan Formation consisting of a mixture of Quaternary non-marine terrace deposits and recent alluvium consisting of unconsolidated gravel, sand and silt (SWHC, 1965). Analysis of site stratigraphy shows interbedded layers of sand to sandy gravel. These moderately consolidated materials result in high percolation rates as well as a low summer groundwater table. Surrounding agricultural lands, outside of the project site, are similarly situated with a gravelly (river run) substrate; though uncompacted, when irrigated it produces a minimal cover with little or no topsoil horizon development.

Analysis:

a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Humboldt County has not been mapped by the Farmland Mapping and Monitoring Program (www.consrv.gov). A more recent mapping of prime agricultural soils from the County 2014 web GIS shows a portion of the project site having prime soils, however, this area is already heavily developed as a processing area and is the area where the concrete batch plant would be located.

b) The project will not conflict with existing zoning for agricultural use, or a Williamson Act contract.

Parcels 522-142-10, 522-145-04, 06, and 522-491-04, managed by the Forest Service, are zoned Agriculture Exclusive (20 acre minimum parcel size). These parcels consist of river, riverside gravel bar, river terrace, sloping forested hillsides, and a 5.8 acre portion of the Mercer, Fraser processing site developed for industrial purposes,

and do not contain identified prime agricultural soils (See Figure 3). No Williamson Act contracts have been established for Forest Service lands within the project area that are zoned Agriculture Exclusive (AE). Since these parcels have not been identified as containing prime agricultural soils and are not utilized for agricultural purposes, no agricultural resources will be impacted on National Forest lands by the ongoing gravel extraction and processing operation at the Willow Creek site. Nearby agricultural uses are not included in the project area and will not be adversely affected by project activity.

e) The project will not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

The project proposes to use the site as it has been for 34 years; no farmland will be converted. Use of existing road access and storage areas will be maximized.

No topsoil salvage and redistribution will occur, as no topsoil horizons exist in the project area. Any existing vegetation on top of the process area is in very shallow soils rooted in compacted gravels, consisting primarily of annuals. This has been the case since 1969. No topsoil will subsequently be required to be removed or stockpiled.

The surrounding area, consisting of residential uses, highway commercial, public facilities, timber production and agriculture, will not be affected by this project. There will be no permanent alteration to the existing site as a result of this project, and no farmland conversion will result.

c, d) The project will not conflict with or cause loss of forest land or timberland.

The project site is not identified as forest land or timberland and is not zoned Timber Production. Therefore the proposed project would not result in the conversion of forest land and would not conflict with forest land, timberland, or Timberland Production zoning. No impact.

Cumulative Impact: This project will not impact any Agricultural Resources, as the site will be utilized as it has in the past. The site was not originally located on prime agricultural land and will not be expanded to impact or convert any prime agricultural land. This project will not cause a cumulatively considerable impact to agricultural resources.

Existing Project Mitigation:

1) The project is confined to the project area indicated in Figure 3 of the Mining and Reclamation Plans. Agricultural Resources are not affected.

Mitigation: None required.



3. AIR QUALITY.

Findings:

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan: Less than significant impact.
- b) The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation: Less than significant.
- c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors): Less than significant impact.
- d) The project will not expose sensitive receptors to substantial pollutant concentrations: Less than significant impact with mitigation.
- e) The project will not create objectionable odors affecting a substantial number of people: No impact.

Setting:

The project site is located in Humboldt County, which lies within the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 60 inches with the majority falling between October and April. Predominate wind direction is typically from the northwest during summer months and from the southwest during storm events occurring during winter months.

The climate of the Trinity River basin corresponds to the warm temperate classification of Koppen, as given in Strahler. Summers are generally warm with infrequent precipitation, and winters are cool and humid. About 80 percent of the annual precipitation, most of which is rainfall, occurred between November and March. Snowfall occurs during winter months at elevations above 2,000 feet and commonly accumulates to significant depths at elevations above 4,000 feet. Annual precipitation varies from less than 40 inches at lower elevations to more than 80 inches at higher elevations. Precipitation for the entire basin averages about 55 inches per year.

The only standard currently listed as non-attainment in the North Coast Air Basin is the state standard for particulate PM-10. The NCAB, along with most of the rest of California, does not meet the ambient levels the state sets for PM-10, the federal PM-10 standard is three times the level set by California. While the percentage of days in the year the state standard has been exceeded has been decreasing over the past few years, the standard is still exceeded on several days every year, usually in the winter months when wood stoves are predominantly used for providing heat to residences.

Analysis:

- a) *The project will not conflict with or obstruct implementation of the applicable air quality plan.*

Discussion for finding b) applies to both finding a) & b).

- b) *The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.*

Two types of air pollutants could result from this project. One is emissions from licensed extraction equipment and trucks used for transporting the gravel off-site. The other is dust from extraction, processing, and transport activities.

The project will result in similar truck traffic levels as has occurred in the past, consisting of approximately 100 trucks per day during the construction season. This could increase to a maximum of 200 trucks per day during heavy activity such as emergency road repairs. Much of the year the site is not operating and therefore produces no traffic. Vehicles will be maintained to meet emission standards. Due to the small scale of the project, emis-

sions from vehicles will be insignificant, especially when compared to the amount of traffic that already occurs on Hwy 96 and 299.

Extraction, processing and hauling activities can produce high fugitive dust levels during certain times of operation. The major sources of dust at the site would be from extraction on the gravel bar, operation of the aggregate plant, and truck traffic on the dirt access roads. Most of the dust that could cause a possible nuisance would be most attributable to operation of the aggregate plant and truck traffic on the dirt access roads, with dust being carried upstream by the prevailing winds that generally travel up the river valley during the day. Dust associated with truck traffic would be trapped by the surrounding vegetation and would be less noticeable. Dust would only be created during the time the extraction, processing, and hauling occur, and would be substantially decreased by periodic watering of the extraction areas, processing site, and access roads.

USEPA (1995) has determined that at an average wind speed of 10 m.p.h. most dust (30 to 100 μm in size) generally settles out of the atmosphere within 300 feet of the source, with larger particles traveling less distance and smaller particles traveling a longer distance. Most of the extraction areas, the process site, and hauling roads are more than 300 feet from the nearest residences and recreational areas.

The extraction activity will not conflict with or obstruct implementation of the State Air Quality Implementation Plan (SIP) for California. In 1996 the Army Corps of Engineers (ACOE) determined the following in regards to a section 404 permit for the Willow Creek site: *"Project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relatively minor size of the proposed project and limited to an evaluation of the air quality impacts only within Corps of Engineers jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimus threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California".*

Activity in the project area would continue to require meeting NCUAQMD Air Quality standards, including Regulation 1, which prohibits nuisance dust generation and is enforceable by the District. The North Coast Unified Air Quality Management District currently enforces dust emissions utilizing the CA Health and Safety Code (Section 41701) which limits visible emissions that exceed 40% density to a maximum of 3 minutes for any one hour period. The Willow Creek operation has a Permit to Operate (Permit # NCU 081-12) from the North Coast Unified Air Quality Management District for the hot mix asphalt and aggregate plants.

The proposed project is located in Humboldt County, which is within the North Coast Air Basin (NCAB) and the jurisdictional boundaries of the North Coast Unified Air Quality Management District (NCUAQMD). The NCUAQMD area of the NCAB is listed as attainment or unclassified for all the federal and State ambient air quality standards (AAQS) except for the State 24-hour particulate (PM_{10}) standard. The NCUAQMD has prepared a draft Particulate Matter (PM_{10}) Attainment Plan, adopted May 11, 1995, which is planned to be updated. It should be noted that the Attainment Plan is not a regulatory document required to bring the area into attainment of the State AAQS, but is used for informational purposes. The Attainment Plan presents available information about the nature and causes of exceedances of the PM_{10} standard and identifies cost-effective control measures that could be implemented to bring ambient PM_{10} levels down to levels that would meet the State AAQS for PM_{10} .

The NCUAQMD has not formally adopted significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emission rates for stationary sources, as defined in the NCUAQMD Rule 110, New Source Review (NSR) and Prevention of Significant Deterioration (PSD), Section 5.1, BACT (see [Error! Reference source not found.](#) below).

The proposed project would not modify the current production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing CUP/SP and Reclamation Plan. Equipment and fuel systems currently in place to serve the existing mining operation on the project site would continue to be used. It should be noted that all necessary permits to operate have been obtained from the NCUAQMD for the existing on-site equipment. The only modifications to existing operations would be the addition of a concrete batch plant and associated ancillary equipment within the processing area. Thus, the only increase in air pollutants from what is currently being emitted at the project site from existing mining operations would be associated with the concrete batch plant operations, which would require a new permit to operate from the NCUAQMD. The prima-

ry pollutant emissions of concern related to operation of the proposed concrete batch plant would be PM due to the nonattainment status of the area for PM₁₀ and the potential for dust creation from the conveyor, and cement and fly ash storage. The concrete batch plant would run on electricity from existing on-site supplies and would not involve any processes that would result in emissions of any of the other pollutants listed in [Error! Reference source not found.](#)

TABLE 1				
NCUAQMD Significance Thresholds			Proposed Concrete Batch Plant Emissions	
Pollutant	Daily (lbs/day)	Annual (tons/yr)	Daily (lbs/day)	Annual (tons/yr)
Carbon Monoxide (CO)	500.0	100.0	0	0
Fluorides	15.0	3.0	0	0
Hydrogen Sulfide	50.0	10.0	0	0
Lead	3.2	0.6	0	0
Nitrogen Oxides (NO _x)	50.0	40.0	0	0
Particulate Matter (PM ₁₀)	80.0	15.0	49.94	0.22
Fine Particulate Matter (PM _{2.5})	50.0	10.0	0	0
Reactive Organic Compounds (ROG)	50.0	40.0	0	0
Reduced Sulfur Compounds	50.0	10.0	0	0
Sulfur Oxides	80.0	40.0	0	0
Sulfuric Acid Mist	35.0	7.0	0	0
Total Reduced Sulfur Compounds	50.0	10.0	0	0
Source: NCUAQMD, 2010.			Sources: EPA Emission Factors & AP 42, Compilation of Air Pollutant Emission Factors	

An application for the permit to operate for the concrete batch plant and ancillary equipment has been submitted to the NCUAQMD for review and approval. According to the application, the concrete batch plant is anticipated to produce approximately 10,000 cubic yards of concrete per year at a rate of 110 cubic yards per hour. Using the aforementioned assumptions in conjunction with information from the U.S. Environmental Protection Agency (USEPA) Emission Factors and AP 42, Compilation of Air Pollutant Emission Factors, for concrete batching, the application includes an estimate of the total PM₁₀ expected from the concrete batch plant of 4.54 pounds per hour (i.e., approximately 49.94 pounds per day) and 0.22 tons per year. In comparison to the significance thresholds shown in [Error! Reference source not found.](#), the concrete batch plant is not anticipated to exceed the BACT emission rates for stationary sources. It should be noted that the proposed concrete batch plant and associated equipment would include dust control systems to minimize or avoid dust production associated with the proposed process. In addition, the proposed project is required to comply with all applicable NCUAQMD rules and regulations.

As discussed above, the existing operations on the project site are currently regulated through the currently approved CUP/SP and NCUAQMD permits and are part of the baseline for the proposed project. The only increase in air pollutant emissions would occur in relation to the proposed concrete batch plant, which, as described above, would result in associated emissions below the NCUAQMD significance thresholds. Accordingly, the proposed project would not obstruct implementation of any of the potential control measures for PM₁₀ described in the draft Particulate Matter (PM₁₀) Attainment Plan, would not violate any air quality standard, and would not contribute substantially to the area's nonattainment status of State PM₁₀. Although the proposed concrete batch plant operations would increase the total PM₁₀ emissions associated with the entire proposed project operations, the concrete batch plant's incremental contribution would not be a cumulatively considerable increase. Overall, the proposed project would not conflict with or obstruct implementation of the applicable air quality plan, violate any air quality

standard, contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant, and impacts would be ***less than significant***.

c) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

During certain times of the year, mostly in the winter, the NCAB is non-attainment for the state standard for particulate matter (PM-10), mainly in the area surrounding Humboldt Bay. Currently, the NCAB is non-attainment only for a few days per year. The draft attainment plan for PM-10 in the NCAB was completed in 1995. No final attainment plan currently exists for the NCAB. The attainment goals for lowering PM-10 in the NCAB were designed for Crescent City, Weaverville, and Eureka. Willow Creek is located inbetween Eureka and Weaverville (closer to Eureka), and PM-10 generated by this site would be detected best by the monitoring station located in Eureka. Based on the estimates generated for the 1995 draft attainment plan, Eureka needs a 49% reduction. This project as proposed consistent with past operations will not be generating any additional PM-10. Existing project mitigation measures included at the end of this section shall help to reach the attainment goals for PM-10 established in the 1995 draft attainment plan (NCUAQMD website).

An application for the permit to operate the concrete batch plant and ancillary equipment has been submitted to the NCUAQMD for review and approval. According to the application, the concrete batch plant is anticipated to produce approximately 10,000 cubic yards of concrete per year at a rate of 110 cubic yards per hour. Using information from the USEPA Emission Factors and AP 42 – Compilation of Air Pollutant Emissions Factors for concrete batching, the application includes an estimate of total PM-10 expected from the concrete batch plant of 4.54 pounds per hour (i.e. approximately 49.94 pounds per day) and 0.22 tons per year. In comparison to significance thresholds, the concrete batch plant is not anticipated to exceed BACT emissions rates for stationary sources. It should be noted that the proposed concrete batch plant and associated equipment would include dust control systems to minimize or avoid dust production associated with the proposed process. In addition, the proposed project is required to comply with all applicable NCUAQMD rules and regulations.

d) The project will not expose sensitive receptors to substantial pollutant concentrations.

The sensitive receptors in the vicinity of the project site include rural residences, recreationists, and public facilities located adjacent to the project site. There are eight residences within 500 feet of the extraction areas; the Big Rock Recreational Area is located at the upstream end of the project site, and the Trinity Valley Elementary School is across Hwy 96 from the project site. Five rural residences exist within 1,000 feet of the processing site. Dust generated from gravel extraction, operation of the aggregate plant, loading and vehicle movement, in combination with overall operations, has the potential to be considered objectionable by residents and recreationists in the general area.

As discussed above, the proposed project would not modify the current production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing CUP/SP and Reclamation Plan. Equipment and fuel systems currently in place to serve the existing mining operation on the project site would continue to be used. It should be noted that all necessary permits to operate have been obtained from the NCUAQMD for the existing on-site equipment. The only modifications to existing operations would be the addition of a concrete batch plant and associated ancillary equipment within the processing area. Thus, the only increase in air pollutants from what is currently being emitted at the project site from existing mining operations (the baseline) would be associated with the concrete batch plant operations. Typically, the major pollutant concentrations of concern are localized CO emissions and TAC emissions, which are addressed in further detail below.

Some land uses are considered more sensitive to air pollution than others, due to the types of population groups or activities involved. Heightened sensitivity may be caused by health problems, proximity to the emissions source, and/or duration of exposure to air pollutants. Children, pregnant women, the elderly, and those with existing health problems are especially vulnerable to the effects of air pollution. Sensitive receptors are facilities where sensitive receptor population groups (i.e., children, the elderly, the ill, etc.) are likely to be located. Accordingly, land uses

that are typically considered to be sensitive receptors include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics.

The proposed project would not introduce new sensitive receptors to the area. Accordingly, the proposed project would not be considered a sensitive receptor. The nearest sensitive receptor to the site would be the Trinity Valley Elementary School located approximately 570 feet from the proposed concrete batch plant. Trinity Valley Elementary School is separated from the existing project site by State Highway 96 and landscaping on either side of the highway. The nearest existing residence to the project site is located opposite the Trinity River and over 1,200 feet from the proposed concrete batch plant.

This project is an extension of an existing permitted activity. Due to the limited extraction activity that will occur, the rapid dissipation of the dust and the low density of residences and recreationists, impacts are not significant. This project is required to meet air quality district standards on a continual basis. The following mitigation measure will ensure that fugitive dust emissions are minimized.

Localized CO Emissions

Localized concentrations of CO are related to the levels of traffic and congestion along streets and at intersections. Implementation of the proposed project would increase traffic volumes on streets near the project site associated with transport of materials to and from the proposed concrete batch plant; therefore, the project would be expected to increase local CO concentrations. Concentrations of CO approaching the AAQS are only expected where background levels are high, and traffic volumes and congestion levels are high. The project site is not located in an urbanized area with heavy traffic congestion. Thus, intersections in the area are not currently expected to be operating unacceptably.

The proposed concrete batch plant could result in a maximum increase of approximately 12 truck trips per day during peak hour conditions from existing levels of traffic, which would not deteriorate intersection LOS or substantially contribute to an intersection that already operates at an unacceptable LOS. Consequently, the proposed project would not be expected to result in the generation of substantial concentrations of localized CO emissions.

TAC Emissions

The California Air Resources Board (CARB) *Air Quality and Land Use Handbook: A Community Health Perspective* (Handbook) provides recommendations for siting new sensitive land uses near sources typically associated with significant levels of TAC emissions, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified DPM from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure.

As stated above, the proposed project is not considered a sensitive receptor and, thus, would not expose any new sensitive receptors to existing sources of TACs. Existing operations on the project site would not be modified, with the exception of the addition of a concrete batch plant and associated ancillary equipment. All necessary permits to operate have been obtained from the NCUAQMD for the existing on-site equipment. Similarly, a permit to operate the proposed concrete batch plant would be obtained from the NCUAQMD, and operation of the plant would be required to comply with all permit requirements. The concrete batch plant would utilize electricity and does not involve operations that would result in emissions of TACs. It should be noted that existing operations on the project site currently involve the use of heavy equipment, which could be related to emissions of TACs attributable to diesel engines; however, the proposed concrete batch plant would not involve an increase in the amount or usage of such equipment on the site from existing conditions. Therefore, the proposed project would not result in an increase in TAC emissions associated with the on-site operations.

CARB recommends safe distances between sensitive receptors and potential sources of TACs, such as more than 500 feet from a freeway or high-traffic road, 1,000 feet from distribution centers, rail yards, and chrome platers, and 300 feet from dry cleaners and gasoline dispensing facilities. The CARB's Handbook includes distribution centers or similar facilities with associated diesel truck trips of more than 100 trucks per day as a source of sub-

stantial TAC emissions, particularly associated with DPM emissions from idling trucks during loading and unloading activities. The proposed concrete batch plant operations could result in an increase in truck trips from current levels associated with the existing site of a maximum of 12 peak hour truck trips during the peak construction season. However, consistent with existing on-site operations, during the off-season months, minimal truck trips would be generated. It should be noted that State law restricts truck idling in excess of five minutes. Overall, the new truck trips would be consistent with the existing variability in truck trips generated by the current project operations.

In addition, the prevailing wind in the County is from the northwest, which would transport any potential pollutant emissions from the site away from the nearest sensitive receptors. During the winter, winds come in from the south, southeast, and southwest. However, as mentioned above, during the off-season winter months, minimal on-site operations occur and minimal truck trips would be generated. Furthermore, according to CARB, concentrations of DPM are typically reduced by 70 percent at a distance of approximately 500 feet. The nearest sensitive receptor (Trinity Valley School) is located approximately 570 feet from the proposed concrete batch plant and is separated by State Highway 96 and vegetation on either side of the highway. Thus, the likelihood that any one sensitive receptor would be exposed to high concentrations of DPM associated with on-site operations for any long periods of time would be low. Therefore, operation of the proposed project is not expected to result in exposure of sensitive receptors to substantial pollutant concentrations.

Conclusion

As discussed above, the proposed project would not cause or be exposed to substantial pollutant concentrations, including localized CO or TAC emissions, including DPM. Therefore, exposure of sensitive receptors to substantial pollutant concentrations would not occur and a ***less than significant*** impact would occur.

Mitigation:

M-1. The on-site haul road shall be watered to reduce dust emissions and potential wind erosion of the soils; Apply water to disturbed land surfaces at a frequency high enough to maintain soil cohesion and to reduce blowing dust to the extent practicable. The operator shall maintain a log identifying the day and time and the amount of water applied to maintain dust control. The log shall be kept on the project site and shall be presented for review by county or other agency personnel upon request.

e) The project will not create objectionable odors affecting a substantial number of people.

The Asphalt Batch Plant operated at the Willow Creek site is capable of generating odors that could be considered objectionable but would not affect a substantial number of people. Due to the limited amount of time the batch plant is in operation and the limited number of people that would be affected, the impact from odors generated by the plant is considered insignificant. The Willow Creek operation has a Permit to Operate (Permit # NCU 081-12) from the North Coast Unified Air Quality Management District for the hot mix asphalt and aggregate plants.

Odors are generally regarded as an annoyance rather than a health hazard. Due to the subjective nature of odor impacts, the number of variables that can influence the potential for an odor impact, and the variety of odor sources, quantitative methodologies to determine the presence of a significant odor impact do not exist. According to the CARB's Handbook, some of the most common sources of odor complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, autobody shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The proposed project does not involve any of the aforementioned uses and is not located in the vicinity of any such uses.

The only modification to the existing operations would be the introduction of a concrete batch plant and associated ancillary equipment. All other operations currently occurring on the site would continue as is. Therefore, the only increase in the potential to create objectionable odors from what currently occurs would be any odors associated with the concrete batch plant and equipment. The concrete batch plant would run on electricity provided by the existing on-site supplies. Operation of the concrete batch plant would not result in any activities or materials that have the potential to cause objectionable odors. In addition, odors dissipate with distance and the nearest sensitive receptor (Trinity Valley School) is located approximately 570 feet from the proposed concrete batch plant. Fur-

thermore, the nearest receptor to the site is separated from the proposed concrete batch plant site by stockpiles, fencing and vegetation, and State Highway 96.

It should be noted that the NCUAQMD regulates objectionable odors on a complaint basis. If complaints are received, the NCUAQMD investigates the complaint and determines a solution for the source of the complaint, which could include operational modifications. Thus, although not anticipated, if odor complaints are made the operator and/or the NCUAQMD would ensure that such odors are addressed and any potential odor effects reduced to less than significant. Therefore, overall, the proposed project would not create objectionable odors, nor would the project site be affected by any existing sources of substantial objectionable odors, and a ***less-than-significant*** impact related to objectionable odors would result.

Cumulative Impact: During certain times of the year the NCAB is non-attainment for the state standard for particulate matter (PM-10), mainly in the area surrounding Humboldt Bay. While the percentage of days in the year the state standard has been exceeded has been decreasing over the past few years, the standard is still exceeded on several days every year, usually in the winter months when wood stoves are predominantly used for providing heat to residences. Particulate matter generated by this project was not determined in the past to be a cumulatively considerable addition to the limited PM-10 non-attainment status of the NCAB, and as proposed consistent with past operations would therefore not currently be determined to be a cumulatively considerable addition.

Existing Project Mitigation:

- 1) Periodic watering of the extraction site, processing site, and access roads will continue to be utilized (as necessary) to reduce fugitive dust emissions.
- 2) Adherence to standards of Air Quality Permit (NCU 081-12).

Mitigation: None required.

4. BIOLOGICAL RESOURCES.

Findings:

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact.**
- b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service: **Less than significant impact.**
- c) The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means: **No impact.**
- d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites: **Less than significant impact.**
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance: **No impact.**
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan: **No impact.**

Setting:

VEGETATION

A major part of the Trinity River basin is covered by forests. Forested areas are predominantly mixed conifer types, such as fir and pine, which have been extensively developed for marketable timber. The remainder of the basin is covered by woodland (oaks and other hardwoods) and brushland.

The gravel bars are, for the most part, unvegetated due to high flows and annual bar scour. There are deciduous riparian trees (alders, willows) along the edge of the channel anchored into fissures in bedrock substrate both within and outside the bankfull channel. Willow scrub is located in isolated patches on gravel bars (Berg, pg. 122).

During hydrologic years of normal rainfall, at the Willow Creek site, the bars are scoured by winter and spring waters, resulting in low-water vegetation characterized by annual herbaceous species. Perennial herbaceous species and some woody species have also been able to colonize and persist on the bar, resulting in riparian stands with some wildlife habitat value. These woody species include young sandbar willow and red alder, while the herbaceous vegetation includes sweet white clover, Dalmatian toadflax, rough cocklebur, scarlet monkey flower, brooklime, small-headed bulrush, pearly everlasting, and grasses.

Other vegetation types found within the project area include Douglas Fir, Madrone, tanbark oak, coyote brush, poison oak, himalaya berry, and various grasses and forbs.

According to Six Rivers National Forest (SRNF) personnel State listed A weed spotted knapweed and State listed B weed dyer's woad have been documented along the middle Klamath reach near the confluence of the Trinity and Klamath Rivers at Weitchpec 20 miles away. Spotted knapweed was known to the middle Klamath reach until inventory of river bars was conducted this last field season. The project site has not been inventoried to date but could be considered potential habitat for these weed species. Yellow starthistle (State listed C weed) has been mapped along Highway 96 adjacent to the gravel operation site. High river bars are also potential habitat for these species (Frey, 2003).

There are no Sensitive Plant Species, Special Interest Species, or Survey and Manage Plant Species on the portion of SRNF lands within the project area. The SRNF determined that suitable habitat does not exist for SPS, SIS, or S&M species on Forest Service lands within the project area.

WILDLIFE

A variety of species of mammals, birds, fish, amphibians and reptiles inhabit the riparian and neighboring areas of the Trinity River Basin.

Wildlife species in the watershed area represent a high degree of diversity, reflecting the influences of elevation, climate, topography, and vegetation. Characteristic species of forested areas of the Pacific Northwest are relatively abundant. These include black bear, black-tailed deer, northern flickers and other woodpeckers, alligator lizards, and newts. Numerous species with special status inhabit the Trinity River watershed as well. The California Department of Fish & Game database for the northern spotted owl provides information on numerous known territories for the species in the watershed (density of one territory per 4,800 surface acres). All three North American accipiters (Cooper's hawk, sharp-shinned hawk, northern goshawk) occur in the watershed. Pacific fishers have been sighted, as have ring-tailed cats and northern flying squirrels. Black salamanders and tailed frogs are found in the forested areas. Riparian-associated wildlife species also exhibit a high degree of diversity and density. Bird species richness is high compared to other riparian locations in the west. Species sighted in the watershed during surveys include numerous special status species such as the willow flycatcher, yellow-breasted chat, yellow warbler, and black-capped chickadee. Rare raptors are present as well, including bald eagle, peregrine, and merlin. A variety of shorebirds and waterfowl inhabit the basin and include herons, egrets, sandpipers, wood ducks, and three species of merganser. The composition of riparian bird community is likely to have changed as a result of the dam-related increases in acreages of riparian vegetation (NR&H, Vol II; pg. 61).

Riparian mammals occurring along the mainstem Trinity River include numerous rodent species, whose distributions are linked to the distribution of riparian vegetation. Larger, semi-aquatic species occur as well, including beavers and river otters. The native herpetofauna includes two candidates for a federal listing: western

pond turtles and yellow-legged frogs. Introduced bullfrogs have begun to invade the area, with potentially deleterious effects on native amphibians, fishes, and waterfowl (NR&H, Vol II; pg. 61 & 62).

Portions of the project area can be considered to be environmentally sensitive habitat. The sensitive habitat consists of several different kinds and can be classified as follows:

- 1) The riverine habitat of the river channels and the occasional ponds that form under summer low water conditions provide habitat for invertebrates, fish, amphibians such as frogs and salamanders, invertebrate-eating birds and various mammals including river otters and beavers and other mammals that come to the river to forage (such as bear, deer and raccoon).
- 2) The exposed cobble in the gravel bars adjacent to the low-flow channels provides roosting habitats for one avian species, killdeer, but otherwise represents one of the sparsest habitats in terms of wildlife diversity and numbers. Of the three habitats listed here this is the general area where extraction activities actually occur.
- 3) The riparian scrub habitat (Palustrine Scrub-Shrub Wetland; broad-leaved deciduous) occurs on "islands" next to the low flow channels and is the most extensive plant community within the active channel. Portions of this habitat are inundated every winter during high river flows. The Mixed Willow Series dominates the vegetation growing within the riparian scrub habitat. The understory is minimal and is comprised of weedy annual grasses and forbs. Only a sparse covering (40%) of shrubs is found in this community. This primarily includes narrow-leaved willow, shiny willow, red willow with incidental occurrence of red alder and black cottonwood. The riparian scrub habitat supports a variety of wildlife species, including black bear, deer and a number of small mammals such as raccoon, striped skunk, gray fox, rodents and rabbits, and many bird species that use the areas for foraging, nesting and cover.

Two additional types of general habitat can be found near the property beyond that described above. These include the conifer woodlands surrounding the Trinity River valley and the agricultural-orchard-rural residential areas on surrounding lands within the Willow Creek area. Mammals typical to these areas include black-tailed deer, raccoon, opossum, fisher, mink, skunk, porcupine, brush rabbit, pocket gophers, wood rats, and deer mice. Representative reptiles and amphibians include yellow-legged frogs, Pacific giant salamanders, rough-skinned newts and garter snakes and alligator lizards, none of which are special status species. Although present in the Trinity River Basin, the Bald eagle is primarily limited to the reservoir areas upstream of the project site.

The Trinity basin as a whole is among the three largest California anadromous river systems north of San Francisco, second to the Klamath and similar to the Eel River in volume and drainage area. Chinook salmon, Coho salmon and steelhead trout and their designated critical habitats are currently listed as 'Threatened' under the Federal Endangered Species Act and in the past have been among the most important species with regard to commercial and sport fisheries.

SONCC coho salmon, Upper Klamath-Trinity chinook salmon, and KMP steelhead utilize mainstem habitat at the Willow Creek site. In addition, green sturgeon, coast range and prickly sculpin, speckled dace, three spine stickleback, and Pacific lamprey utilize aquatic habitat in the Trinity River (Berg, pg. 123).

Reductions in anadromous fish populations have occurred in the river. Some of the major factors commonly cited as possible causes of salmonid reductions include the construction of Trinity and Lewiston Dams (and subsequent reduced stream flows), the 1964 flood, over harvest of salmon, and intensive logging practices. Trinity and Lewiston Dams are migration barriers which block salmon and steelhead from 109 miles of suitable reproductive habitat. The loss of this habitat has contributed to the reduction of fish numbers. Fish habitat in the basin is limited by reduced flows and the physical condition of the Trinity River and its tributaries. Historical spawning beds composed of clean gravel and cobble have become embedded with fine sediment deposits. The habitat losses resulting from the sedimentation of the river channel have reduced the reproductive carrying capacity of this portion of the Trinity River. The Trinity River hatchery was constructed in order to mitigate the loss of salmonids that were historically produced above the dam sites. Each year, the hatchery artificially spawns

returning adult chinook, coho salmon, and steelhead. Numbers of returning adults have varied widely with each species since the hatchery began operation (NR&H, Vol II; pg. 64) .

There are 5 wildlife species listed as sensitive by the Forest Service that could potentially exist in the project area. These include the Klamath/Trinity chinook salmon, Klamath/Trinity Steelhead Trout, Foothill Yellow-Legged Frog, Northern Red-Legged Frog, and the Southern Torrent Salamander.

The Klamath and Trinity Rivers upstream of the Trinity River confluence are the watershed areas containing chinook salmon. Both rivers contain upstream chinook hatcheries and it is difficult to differentiate between hatchery fish and naturally produced fish. Both spring and fall races are present, so adult chinook enter these rivers almost year round. The spring chinook are referred to as the "stream-maturing" type. They enter fresh water in a sexually immature condition and require several months to mature and spawn. These "springers" spend their summer holding in pools waiting to spawn in September. The fall chinook spawn mainly between October and December. The majority of juveniles from both races outmigrate by June of the following year, but some are present year round. Chinook are present adjacent to the project site during the period when work would occur (Frey, 2003).

Both summer and winter races of steelhead are found in the Klamath basin. Summer steelhead are also referred to as a "stream-maturing" type. They enter fresh water in a sexually immature condition and require several months to mature and spawn. They enter the Trinity River in late March through June with spawning occurring December through February. Winter steelhead enter the Trinity River from September through April with spawning occurring January through May. Typically, steelhead spend two years in freshwater before smolting. Steelhead are present adjacent to the project site year round, so they are there during the period when work would occur (Frey, 2003).

Foothill Yellow-Legged Frogs are fairly common on the rocky perennial river tributaries within the Forest, but they are not common along most rivers. They prefer higher gradient, shallower streams with more canopy cover and less vegetative streamside cover than do the Northern Red-Legged Frog. The FYLF population is considered stable within the Forest. The FYLF occur in limited numbers within the project area and in greater numbers in adjacent areas (Frey, 2003).

The Northern Red-Legged Frogs require ponds, pools in slow streams, marshes, or reservoirs with submerged vegetation for egg attachment, a depth of greater than one meter to accommodate singing males, and a minimum stream width of greater than 2 meters. This frog is found in coniferous/mixed hardwood forest types with greater than 50% canopy closure and downed logs present both in and out of the water. It does not tolerate temperature extremes well. Embryos die if water temperatures exceed 70 degree F or drop below 39 degrees F. This species is not common within most of the Forest and suitable habitat is limited. This species has declined in abundance in portions of its range. Threats to this species include: fragmentation, alteration, or loss of habitat resulting in increased water temperatures, decreased pool depth, or decreased riparian vegetation; and introduction of exotic fishes and/or bullfrogs. NRLFs have never been documented within or adjacent to the analysis area (Frey, 2003).

Southern Torrent Salamanders live primarily in seeps and headwater streams where the water remains cold year round. They are typically found in disjunct populations on north-facing slopes and relatively high elevations. STSs have never been documented within or adjacent to the analysis area (Frey, 2003).

The previously mentioned Chinook salmon, Coho salmon and steelhead trout that use the Trinity River are also listed by the California Department of Fish & Game (DFG) as "species of special concern". Special status species are those legally protected by state or federal endangered species laws, those under consideration for such protection or those of concern to state or federal resource agencies. These are likely to be listed as 'Threatened' in the near future.

The project area is mainly important for anadromous fisheries as a migration route to and from the upstream spawning grounds; however some spawning has been noted in this reach of the Trinity River. Halligan (1997) has observed spawning activity in the Willow Creek project area during migration dive surveys (Berg, pg. 124). Up-

stream migration of adult salmonids occurs generally in mid November through February and from December through March for steelhead. Several of the adjacent tributary creeks, including Willow Creek, are periodically blocked off at their mouths by the aggraded condition of the Trinity River.

Downstream migration of juvenile salmon and steelhead occurs early spring so as to avoid low flows and high temperatures. Most downstream migration occurs in evening hours. Downstream migration of juvenile salmonids is concentrated prior to or at the beginning of normal extraction periods on the Trinity River.

Major problems within the watershed include sedimentation and elevated temperatures lethal to salmonids, TMDLs have been established for these factors. The mainstem Trinity River was listed as water quality limited due to sediment by the State of California. A Total Maximum Daily Load (TMDL) analysis was scheduled for completion in 2001 by the EPA under Section 303(d) of the Clean Water Act (Berg, pg. 120).

Extraction strategies at this site continue to consider incorporating, where possible, the cooler water seeps and access to bedrock scour pools and overhanging vegetation into the designs that allows healthy cover for rearing salmonids.

Analysis:

a) The project will not have a substantial adverse affect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, of by the California Department of Fish & Game or U.S Fish & Wildlife Service.

Biological studies have been performed and continue to produce an interactive and comprehensive baseline analysis of the habitat and wildlife in the area. This monitoring information (anadromous fish, riparian vegetation, etc) is annually reviewed and requires agency approval based on this information. This information is utilized to avoid project designs that would have an adverse impact on habitat and wildlife.

The past and proposed gravel mining operations involve no in-water work, except for the placement of gravel approach ramps for the low flow, summer bridge crossings. The gravel bar has been left smooth at the end of the extraction season in a manner that avoids any catchment ponds capable of trapping fish. Therefore no adverse impacts to Klamath Mountains Province ESU steelhead or coho salmon are anticipated.

b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish & Game or U.S. Fish & Wildlife Service.

Vegetation mapping, including rare plant surveys was completed in 1994, 1997, and updated in 2000. Established riparian vegetation is left intact and not impacted by extraction activities.

Standards of the resource agencies protect existing riparian vegetation. Where riparian vegetation was limited in extent in pre-project photos, alternative extraction designs used over the last several years have allowed riparian vegetation to be established adjacent to the stream channel and remain unaffected by extraction activities. Large woody debris encountered during gravel extraction is left on gravel bars after extraction.

Because the project area and its surroundings have been disturbed by residential, commercial, public use, and industrial uses, the area is home to some undesirable exotic, invasive plant species such as Yellow Starthistle and annual grasses. The reclamation plan calls for the monitoring of revegetation efforts to help reduce the number of invasive species competing at the site. Compliance with the revegetation portion of the reclamation plan will mitigate the potential for the invasion of undesirable exotic plant species at the site upon closure of the operation.

c) The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

No wetlands other than the stream channel features exist within the project area. No equipment is operated in flowing waters during extraction activities. No in-water work occurs, except for the placement of gravel approach

ramps for the low flow, summer bridge crossings. Temporary stream crossings of the river are generally limited to temporary flat car bridges unless otherwise approved by resource agencies. Placement of these and any other water edge operations are performed so as to be completed before evening hours when fish migration is most likely to occur.

d) The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

Pre-1969 conditions and use of the process site by wildlife species is unknown, though would be expected to be similar to surrounding pasture/rural residential uses that existed at the time. The proposed project, which consists of renewing required permits and approvals, will not alter the area since the project has been used for the past 34 years in a similar manner.

Human presence and extraction activities may have the effect of disturbing some wildlife during times of operation. There is the potential for impacts on some wildlife species resulting from the project activity and noise levels produced by the equipment that will be used. The project vicinity is already developed for residential, agricultural, highway, commercial, industrial, and recreational uses. Therefore, it is assumed wildlife living in the area have already adapted to existing disturbances and would not be further disturbed by this project. More sensitive species would tend to move away from activity areas or make use of the area during evening, night, early morning and times of the year the project is not in operation. Since the project site is small, wildlife moving from one place to another would be expected to go around the activity area when it is in operation. The project will not substantially interfere with wildlife nurseries as activity occurs outside prime breeding seasons.

Blockage or construction activity in the stream channel could hamper migration efforts, affecting both necessary stream flow and water quality (turbidity). No equipment is operated in flowing waters during extraction activities. It would be important that stream channel topography would allow for water depths sufficient for upstream migration in case of low-flow conditions in early winter months. The gravel bar has been left smooth at the end of the extraction season in a manner that avoids any catchment ponds capable of trapping fish.

Since river and bar conditions vary greatly from year to year, standard extraction techniques approved one year may not be the best for following years. The applicant has considered alternatives compatible with specific river conditions during annual County reviews.

e) This project does not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

The importance of existing gravel extraction operations is recognized by the Humboldt County General Plan – Frame Work Plan (see 9, Land Use and Planning).

In addition to the general biological resources policies in the County General Plan, the County maintains Streamside Management Areas (SMAs) to protect sensitive fish and wildlife habitats and to minimize erosion, runoff, and other conditions detrimental to water quality. The width of the SMA on this section of river is 100' on either side of the river (§ 3432 (5) (A) of the General Plan). Development within the SMAs is very restricted and is subject to implementation of numerous mitigation measures designed to protect the habitat quality of the SMA. Mineral extraction consistent with other County regulations is allowed within SMAs. This project is consistent with those other County regulations and the SMA development standards (§3432 of the General Plan).

f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The property included in the project area is not within or subject to any habitat conservation plan.

a-f. The project site has been in operation as a sand and gravel mining operation and processing facility since 1969, and, as such, has been highly disturbed by mining operations under the current CUP/SP. Various heavy equipment are currently operated on the project site, including an aggregate crusher and an asphalt

plant, and mining and hauling of materials currently occurs. The use of heavy equipment and mining activities on the project site would essentially discourage most wildlife species from residing on the project site. Furthermore, the portions of the project site not fully disturbed by mining activities are made up of primarily ruderal vegetation and existing sand and gravel dredger tailings. Trees would not be removed with implementation of the proposed project, as the proposed concrete batch plant would be placed within the existing on-site processing area, adjacent to existing heavy equipment. Thus, due to the highly disturbed nature of the area and lack of essential habitat, the likelihood for any special-status species to currently exist on-site is very low. Similarly, due to the highly disturbed nature of the project site, resident or migratory wildlife corridors, or wildlife nursery sites are not expected to exist on the project site, and the project would not interfere with the movement of resident or migratory wildlife species.

The potential exists for species to be located in, or in the immediate vicinity of, the nearby riparian habitat of the Trinity River. However, existing operations associated with or near the Trinity River stream channel are permitted and regulated per the existing CUP/SP. The proposed project does not involve modifications to any existing operations associated with the Trinity River channel. Accordingly, an increase in the potential impacts related to the Trinity River special-status species, riparian habitat, or fill or hydrological interruption would not occur as a result of the proposed project.

The proposed project site is not within any adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or State habitat conservation plan area. It should be noted that the California Aquatic Habitat Conservation Plan, the objective of which is to enhance habitat for six cold-water adapted fish and amphibians through forest and environmental enhancement measures, is currently in the early stages of development, but has not yet been prepared or adopted.

Overall, the proposed project would not increase the potential for impacts related to affect any special-status species, riparian habitat or other sensitive natural community, federally protected wetlands, resident or migratory species, or wildlife corridors or nursery sites from existing conditions. The project would not conflict with any local policies or ordinances protecting biological resources or the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan. Therefore, **no impact** related to biological resources would occur as a result of implementation of the proposed project.

Cumulative Impact: Chinook salmon, Coho salmon and steelhead trout and their designated critical habitats are currently listed as 'Threatened' under the Federal Endangered Species Act. Some of the major factors commonly cited as possible causes of salmonid reductions include the construction of Trinity and Lewiston Dams (and subsequent reduced stream flows), the 1964 flood, over harvest of salmon, and intensive logging practices of the past. Existing project mitigation measures required by the regulatory agencies ensure that gravel extraction operations have an insignificant impact on 'threatened' salmonid species in the Trinity River. Therefore, the project as proposed with existing mitigation measures will not cause a cumulatively considerable impact to 'threatened' salmonid species in the Trinity River.

Existing Project Mitigation:

- 1) As required as part of the County's annual review process (as well as other state/federal agencies) and based on submittal of annual monitoring information, annual adaptive management strategies are incorporated to address the concerns of the Endangered Species Act.
- 2) Pre and post-extraction monitoring and reporting requirements include annual biological monitoring, evaluation and comparisons of bi-annual aerial photographs, and evaluation of recent and historical cross-section data. The physical monitoring and aerial photo analyses track changes in cross-sectional channel characteristics. Biological monitoring includes instream habitat mapping, temperature monitoring, snorkel surveys, and vegetation monitoring. The fisheries monitoring data has provided information on habitat types through extraction reaches, run-timing, location of redds, and salmonid habitat use in extraction reaches.
- 3) The gravel bars are left smooth at the end of the extraction season in a manner that avoids any catchment ponds capable of trapping fish.

4) Any riparian vegetation or wetland that is to be disturbed must be clearly identified by mapping. Impacts to riparian vegetation that is part of a contiguous 1/8 acre complex, or is at least 2 inches diameter breast height (DBH) that is disturbed by gravel extraction related activities must be mitigated. Impacts to other woody vegetation must be described and submitted to the Corps with the gravel extraction plans. These impacts may require mitigation at the discretion of the Corps.

5) Mercer, Fraser Co. shall make every reasonable effort to conduct the activities authorized herein in a manner that will minimize any adverse impact of the work on water quality, fish and wildlife, and the natural environment, including adverse impacts to migratory waterfowl breeding areas, spawning areas, and riparian areas. No authorization will be granted under this procedure for any activity that is likely to jeopardize the continue existence of a threatened or endangered species or a species proposed for such designation, as identified under the Endangered Species Act, or that is likely to destroy or adversely modify the critical habitat of such species. Mercer, Fraser Co. shall notify the Army Corps of Engineers, Six Rivers National Forest, and other agencies with jurisdiction if any listed species, proposed species, or critical habitat might be affected by or is in the vicinity of the project. Extraction activities shall not begin until notification is received that the requirement of the Endangered Species Act have been satisfied and the activity is authorized.

Mitigation M-2: No additional required. Applicant shall continue to abide by the County's annual review process (as well as other state/federal agencies) and based on submittal of annual monitoring information, annual adaptive management strategies are incorporated to address the concerns of the Endangered Species Act.

5. CULTURAL RESOURCES.

Findings:

- a) The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5: No impact.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5: No impact.
- c) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature: No impact.
- d) The project will not disturb any human remains, including those interred outside of formal cemeteries: No impact.

Setting:

Willow Creek, 13 miles south of the Hoopa Valley Reservation, is known as a historically and culturally significant location for Native Americans and European settlers.

The project site is consistent with what has been utilized or permitted in the past. The process site and extraction areas have been utilized for 34 years and no significant finds of historic, archeological, and paleontological resources or human remains have occurred during this time period. Extraction areas are subject to high winter flows, replacing surface gravel materials on an annual basis. Prior to this use the site was used as a County airport.

Analysis:

- a) *The project will not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.*

Discussion for finding c) applies to findings a), b), & c).

- b) *The project will not cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5.*

Discussion for finding c) applies to findings a), b), & c).

c) The project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project area contains no known historical, archeological, or paleontological resources based on review of County Resource information from the Natural Resources Division of the County Public Works Department (during previous project approval). The process site and extraction areas have been utilized for 49 years and no significant finds of historical, archeological, or paleontological resources have occurred during this time period. Annual extraction occurs on portions of gravel bars that are inundated and disturbed every winter by high flows.

d) The project will not disturb any human remains, including those interred outside of formal cemeteries.

The project area contains no known human remains. The process site and extraction areas have been utilized for 49 years and no finds of human remains have occurred during this time period. Annual extraction occurs on portions of gravel bars that are inundated and disturbed every winter by high flows.

The proposed project site has been highly disturbed by existing mining operations that have been undergoing since 1969, and are currently permitted and regulated per the existing CUP/SP. Due to the historical and ongoing disturbance of the site, sites of known cultural or archaeological resources do not occur on the project site and surface artifacts are unlikely to occur. Similarly, due to the historical and ongoing mining activities associated with or near the Trinity River, the possibility of uncovering any unidentified archaeological resources, paleontological resources, or human remains within the channel area during future such activities is very low. The proposed project would not modify any of the existing mining or processing operations associated with the site, with the exception of the addition of a concrete batch plant. The concrete batch plant would be located within the existing processing area adjacent to existing heavy equipment. Accordingly, new areas of ground disturbance or excavation would not occur with implementation of the proposed project. Therefore, an increase in the potential to encounter any historical, archaeological, or paleontological resources or human remains from current conditions would not occur as a result of the proposed project. Unique geologic features do not occur on the project site. Therefore, **no impact** would occur related to cultural resources as a result of implementation of the proposed project.

Cumulative Impact: The project area contains no known historical, archeological, or paleontological resources, or human remains based on review of County Resource information from the Natural Resources Division of the County Public Works Department (during previous project approval). The process site and extraction areas have been utilized for 34 years and no significant finds of historical, archeological, or paleontological resources, or human remains have occurred during this time period. Cumulative impacts to cultural resources are not cumulatively considerable since no cultural resources are known to exist or have been found on the site.

Existing Project Mitigation:

1) In the event that any prehistoric, historic, or paleontological resources are discovered during project operations, all work within fifty feet of the resource shall be halted and the operator shall consult a qualified archaeologist or paleontologist to assess the significance of the find. If any find were determined to be significant by the qualified archaeologist and/or paleontologist, then representatives from Mercer, Fraser Co. and the qualified archaeologist and/or paleontologist would meet to determine the appropriate course of action. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist and/or paleontologist according to current professional standards.

2) Should human remains be encountered, the County Coroner shall be contacted immediately. Should the Coroner or archaeologist determine that the remains are likely those of a Native American, the California Native American Heritage Commission shall also be contacted. The Heritage Commission will then consult with the most likely Native American descendants from the area to determine appropriate treatment of the remains.

Mitigation: None required.

6. GEOLOGY AND SOILS.

Findings:

- a) i) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42: No impact.
- a) ii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking: Less than significant impact.
- a) iii) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction: No impact.
- a) iv) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides: No impact.
- b) The project will not result in substantial soil erosion or the loss of topsoil: Less than significant impact with mitigation.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse: Less than significant impact.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property: No impact.
- e) The project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water: No impact.

Setting:

The Trinity River basin, with a drainage area of 2,969 square miles is dominated by steep, rugged mountains rising above swift-flowing streams and narrow valleys. The Trinity River basin lies within Humboldt and Trinity counties in the Klamath Mountains in California. Elevations in the basin range from 300 feet above mean sea level at the confluence with the Klamath River to 8,888 feet at the headwaters. The project site is located at approximately 400 feet mean above sea level.

The Trinity River basin is underlain by a complex assemblage of rocks that include pre-Cenozoic metamorphic rocks of unknown age; Paleozoic and Mesozoic sedimentary and volcanic rocks that in places are strongly metamorphosed; intrusive, ultramafic, and granite rocks of Mesozoic age; and unconsolidated deposits of Cenozoic age.

The morphology at this site generally consists of bends in the river with bedrock control both on the outer bend and in the channel (see Figure 3). As a result: 1) bedrock constrictions cause velocity decreases at flood stages and bedload deposits greater in volume and size at this location than other less confined reaches; 2) channel configuration is controlled by existing site features to a greater extent than bar changes due to gravel extraction. When the opportunity is available extraction is designed to compliment these influencing features rather than working contrary to the natural forces that have formed the prevailing stream morphology.

The geologic formation at the project site is the Franciscan Formation consisting of a mixture of Quaternary non-marine terrace deposits and recent alluvium consisting of unconsolidated gravel, sand and silt (SWHC, 1965). Analysis of site stratigraphy shows interbedded layers of sand to sandy gravel. These moderately consolidated materials result in high percolation rates as well as a low summer groundwater table.

Bedrock of the Galice formation is exposed along the base of the modern flood plain terrace deposit (airport surface). The Galice bedrock is steeply dipping and locally is interbedded meta sandstone and phillite (meta shale). The bedrock is fractured and faulted with the phillite being the most fractured. The phillite tends to be less resistant to erosion than the more competent sandstone. The bedrock is the basal boundary for channel scour and lateral migration (entrenched bedrock channel). The bedrock is exposed intermittently along both left and right banks.

The bedrock along the left bank is the base for an alluvial terrace surface. The bedrock surface is overlain by basal lag gravel and overbank flood sand and silt deposits. The surface of the terrace (airport surface) is periodically overtopped by high flow events. This terrace extends north approximately 500 feet and is in depositional contact with a bedrock bluff. The bedrock bluff forms a riser that separates the lower airport terrace and the higher (approx. 50 feet) Clover Flat terrace (SPC, 1999).

The project area has been mapped in Soils of Western Humboldt County (1965). No prime agricultural soils were identified. Soil-vegetation mapping units of the area rate the soils as medium to low potential for agriculture and low to high for timber production. Humboldt County (NR&H Report) has identified some of the project area as potential agricultural soils based on the fact that there are alluvial soils on less than 15% slope and that the area is not urban. No topsoil occurs within the process area or extraction areas. Any existing vegetation on top of the process area is very shallow rooted in compacted gravels, consisting primarily of annuals. This has been the case since prior to 1969.

The project site gravel bars are a depositional feature maintaining a bank-to-bank channel at flows exceeding +40,000 cfs (measured at the U.S.G.S. Hoopa Gauging Station) and have existed somewhat similarly since prior to the 1960's, as documented in the earliest available historic aerial photos. The surrounding upland area consists of historic river valley deposits associated with the meandering river channel. The majority of underlying materials on the terrace consists of varying degrees of river deposited silts and gravels. 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.

The wetted channel width at high flow varies from 250 feet in the more confined reaches to over 500 feet at the primary extraction area. The low flow channel is approximately 60 to 300 feet wide during the dry season. Of the total 57 acres below OHW, approximately 26 acres at most may be used for gravel extraction based on current configuration. The exact location varies each year depending on annual river conditions. Reclamation strategy for the active gravel bar is to leave streamside extraction areas free of adverse depressions, fills and equipment. The proposed extractions are consistent with this strategy.

Division of Mines and Geology Special Publication 42 does not show any Alquist-Priolo earthquake zones within or nearby the project area. Resource mapping indicates that the closest seismic feature is an inactive fault running in a north/south direction and located approximately 1.25 miles west of the project site. Humboldt County in general is at risk for strong ground shaking. In the North Coast Ranges, landslides and soil slips are common due to the combination of sheared rocks, shallow soil profile development, steep slopes, and heavy seasonal precipitation (NR&H Report; pg. 10-9).

Analysis:

a) i) The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. Refer to Divisions of Mines and Geology Special Publication 42.

Discussion for finding a) ii) applies to both findings a) i) & a) ii).

a) ii) The project will expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

Division of Mines and Geology Special Publication 42 does not show any Alquist-Priolo earthquake zones within or nearby the project area. Resource mapping indicates that the closest seismic feature is an inactive fault running in a north/south direction and located approximately 1.25 miles west of the project site. The project will not result in risks associated with a fault rupture. The project does not involve any occupied structures and only minimal equipment and workers; the project will not expose people or structures to potential substantial effects associated with strong seismic ground shaking.

a) iii) *The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.*

Because of the large size and compaction of the cobble, the site is not subject to liquefaction or any other type of ground failure.

a) iv) *The project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.*

The majority of the extraction areas are located on the flat gravel bar, which is not at risk of landslides. The process site is located on top of a terrace, a minimum of 50 feet from the nearest slope edge.

b) *The project will not result in substantial soil erosion or the loss of topsoil.*

No topsoil occurs within the process area or extraction areas. Any existing vegetation on top of the process area is shallow rooted in compacted gravels, consisting primarily of annuals. This has been the case since prior to 1969. No topsoil will subsequently be required to be removed or stockpiled.

Primary extraction areas will be limited to alluvial gravel bars. Removal of gravel at the site will not be permanent as the bar is inundated and the gravel replenished during high flows in winters with normal rainfall.

Stormwater and erosion control measures are already in place at the proposed project site in accordance with the federal Clean Water Act and other applicable local, State, and federal requirements. Existing operations comply with the National Pollutant Discharge Elimination System (NPDES) General Permit associated with industrial activities. In addition, Best Management Practices (BMPs) are implemented in accordance with a Storm Water Pollution Prevention Plan (SWPPP). The aforementioned measures would continue to be employed at the project site under the proposed project, and would be modified as necessary to maintain compliance with all laws and regulations. Therefore, **no impact** related to soil erosion and the loss of topsoil would occur.

c) *The project will not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.*

Gravel extraction in a general sense could potentially contribute to off-site landslides by altering hydrologic processes that in turn alter erosional processes. The proposed project is for the renewal of the current CUP/SP and Reclamation Plan, which is allowed by right under the current Conditions of Approval, and an amendment to the current CUP/SP to allow for a concrete batch plant at the existing processing facility. Approval of the proposed project would not modify the existing productions levels, materials to be mined, mining method, and the overall geographic area covered by the existing use permit and Reclamation Plan. The overall production and processing activities on the project site would be consistent with existing conditions, with the exception of introducing a concrete batch plant and ancillary equipment. The concrete batch plant would be placed within the currently permitted boundaries of the existing facility alongside other existing processing equipment. As such, the proposed additional processing equipment would be consistent with what already occurs on the project site.

According to the California Department of Conservation, Humboldt County is not listed as a city affected by an Alquist-Priolo earthquake fault zone. Active faults are not located in the vicinity of the project site. The nearest active fault to the project site is located approximately 20 miles west of the project site, near the coast. As such, groundshaking at the project site as a result of rupture at the nearest fault would not be expected to be substantial. In addition, the proposed project would not introduce any new buildings or structures that could be damaged by the associated effects of an earthquake. Thus, the proposed project would not result in exposure of people or structures to potential substantial adverse effects from seismic activity beyond what is currently existing or anticipated on the project site.

Implementation of the proposed project would not cause any currently stable geologic units or soils to become unstable. Expansive soils do not occur on the project site and would not pose a substantial risk to any people or structures on the project site. In addition, although the extended area surrounding the project site on either side of

the Trinity River consists of hillsides, because the proposed project site itself is generally flat, landslides would not be expected to occur on-site. The proposed project would not include a septic system. The existing on-site portable toilets would continue to be used and maintained by a pumping service licensed in Humboldt County.

Because strong seismic ground shaking and seismic-related ground failure, including liquefaction, landslide, lateral spreading, or subsidence would not be expected to occur on the site, and because the project would not involve a septic system, people or structures would not be exposed to potential effects associated with earthquakes, unstable soils, or soils incapable of supporting a septic system would not occur. Therefore, **no impact** associated with such would occur.

d) The project will not be located on expansive soils, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

Expansive soils do not exist in the project area. The expansion of soils will not create a substantial risk to life or property in the project area.

e) The project will not have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

Although the soils in the project area may not support a septic system, none is proposed. Portable chemical toilets are provided for employees and are maintained by a pumping service licensed in Humboldt County.

Cumulative Impact: As described previously the project will not individually have geologic or soil related impacts. The project is a time extension of an existing operation. The Willow Creek site was not determined in the past to cause a cumulatively considerable impact to the geology & soils of the surrounding area, and as proposed consistent with past operations would not therefore be determined to be a cumulatively considerable impact.

Existing Project Mitigation: None.

Mitigation: None proposed.

7. Greenhouse Gas Emissions.

Findings:

- a. The project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- b. The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses.

Discussion

- a,b. Emissions of greenhouse gases (GHGs) contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Therefore, the cumulative global emissions of GHGs contributing to global climate change can be attributed to every nation, region, and city, and virtually every individual on Earth. A project's GHG emissions are at a micro-scale relative to global emissions, but could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact.

All past, present, and reasonably foreseeable future projects contribute to increases of GHG emissions that are associated with global climate change. Estimated GHG emissions attributable to future development would be primarily associated with increases of CO₂ and other GHG pollutants, such as methane (CH₄) and nitrous oxide (N₂O), from mobile sources and utility usage.

The proposed project would not modify the current production levels, hours of operation, materials to be mined, mining method, or the overall geographic area covered by the existing CUP/SP and Reclamation Plan. Equipment and fuel systems currently in place to serve the existing mining operation on the project site would continue to be used. The only modification to existing on-site operations would be the addition of a concrete batch plant and ancillary equipment. Thus, the only increase in GHG emissions from what is currently being emitted at the project site from existing mining operations would be associated with the concrete batch plant operations, which would require a new permit to operate from the NCUAQMD. Because the proposed concrete batch plant would run on electricity that is currently supplied to the existing site, direct emissions of GHGs would not occur as a result of the concrete batch plant operations.

The proposed concrete batch plant operations could involve a maximum daily increase of approximately 12 truck trips over existing levels during peak production periods, which would result in emissions of GHGs. The trips would consist of concrete mixing trucks coming to the project site to be filled and hauling the concrete directly to construction sites. It should be noted that aggregate materials mined and stockpiled at the site are currently hauled to off-site concrete batch plants in the County or stockpiled on-site for use in the on-site hot mix asphalt plant. By providing a concrete batch plant on-site, the proposed project would eliminate the need for hauling off the aggregate materials to an off-site location for further processing. Thus, an overall reduction in regional vehicle miles traveled (VMT) due to the elimination of haul trips to an off-site concrete batch plant, and then hauling of the processed concrete from that off-site location to a construction site, would likely occur. In addition, due to the size and class of the haul trucks currently utilized to haul the aggregate off-site, such trucks would involve higher emissions than the smaller concrete mixing trucks that would be utilized with implementation of the proposed project.

Although the proposed concrete batch plant would result in a slight increase in the number of daily truck trips associated with the site, a reduction in regional VMT would also be expected to occur as a result. Consequently, the proposed project would not result in a substantial increase in GHG emissions associated with the site and could contribute to an overall regional benefit with regards to GHG emissions and global climate change. Thus, the proposed project would not conflict with any plan, policy, or regulation adopted for the purpose of reducing GHG emissions, would not create an increase in GHG emissions that would impact the environment, and **no impact** related to GHG emissions and global climate change would occur.

8. HAZARDS AND HAZARDOUS MATERIALS.

Findings:

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials: Less than significant impact.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment: Less than significant impact.
- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school: Less than significant with mitigation.
- d) The project will not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment: No impact.
- e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area: Less than significant impact.
- f) The project will not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area: Less than significant impact.
- g) The project will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan: Less than significant impact.

- h) The project will not expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands: Less than significant impact.

Setting:

The site is not included on any list of hazardous materials sites.

Diesel fuel, various oils and other potentially hazardous materials are stored onsite for use in mechanized equipment and operation of the asphalt cement hot plant. The use and storage of these materials are regulated primarily through the Humboldt County Division of Environmental Health. This process ensures that hazardous materials are properly regulated; handled, monitored and potential impacts are mitigated. Mercer, Fraser Company has a Hazardous Materials Business Plan (Site ID # CAL 000254464) approved and on-file with the County. This includes an Emergency Response Plan, Employee Training Plan and Spill Prevention Control and Countermeasure Plan (SPCC).

The Trinity Valley Elementary School is located across Highway 96 from the upland processing site. The Trinity Valley Elementary School property is located approximately 200 feet from the western boundary of the processing area and 800 feet from processing equipment.

An old County airport strip (closed) is located on parcel 522-491-020 which is part of the 38.5 acre processing site. Currently, some of the stockpiles and a portion of the settling basin are currently located on the parcel with the airport strip. The airport strip is owned by both Mercer, Fraser Company and Six Rivers National Forest and is currently only used for emergency purposes. The airport strip is used by the Forest Service and the California Department of Forestry and Fire Protection (CDF) for fire fighting activities and by emergency medical transport for patients needing medical attention in Eureka or Redding.

The project site contains mainly riparian vegetation and grasses and is subject to minimal risk from wildland fires. Surrounding the project site are timberlands which are subject to substantial risk from wildland fires.

Analysis:

- a) *The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

Discussion for finding b) applies to both finding a) & b).

- b) *The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*

Portland cement is a light gray powder that poses little immediate hazard, and a single short-term exposure to the dry powder is not likely to cause serious harm. However, exposure of sufficient duration to wet portland cement can cause serious, potentially irreversible tissue (skin or eye) destruction in the form of chemical (caustic) burns. The same type of tissue destruction can occur if wet or moist areas of the body are exposed for sufficient duration to dry portland cement. This project does not involve the handling of acutely hazardous materials, substances or waste or the emissions or disposal of hazardous substances. Though operations require on-site fuel for equipment, standards of operation minimize potential impacts of spills from this project. With the Hazardous Materials Business Plan (Site ID # CAL 000254464), Emergency Response Plan, Employee Training Plan and Spill Prevention Control and Countermeasure Plan (SPCC) in place, the hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment shall be insignificant.

Public health and safety concerns include both on-site and off-site impacts. This project will not have a significant increase of risk to people on-site due to the following: it is in an isolated location; access is controlled by locked gates; material to be excavated is structurally stable and no attractive nuisance to encourage trespass exists. Extraction and processing at this site will likely continue indefinitely. No 'abandoned' equipment, structures, refuse, etc. associated with extraction and processing activity will remain on the reclamation site or elsewhere on the par-

cel after extraction has been discontinued. If the current use is discontinued, the site will be incorporated into other current uses and/or utilized for future purposes consistent with current zoning. Equipment will be removed unless a specifically approved use can make use of this equipment.

An application for the permit to operate for the concrete batch plant and ancillary equipment has been submitted to the NCUAQMD for review and approval. According to the application, the concrete batch plant is anticipated to produce approximately 10,000 cubic yards of concrete per year at a rate of 110 cubic yards per hour. Using the aforementioned assumptions in conjunction with information from the U.S. Environmental Protection Agency (USEPA) Emission Factors and AP 42, Compilation of Air Pollutant Emission Factors, for concrete batching, the application includes an estimate of the total PM₁₀ expected from the concrete batch plant of 4.54 pounds per hour (i.e., approximately 49.94 pounds per day) and 0.22 tons per year. In comparison to the significance thresholds shown in **Error! Reference source not found.**, the concrete batch plant is not anticipated to exceed the BACT emission rates for stationary sources. It should be noted that the proposed concrete batch plant and associated equipment would include dust control systems to minimize or avoid dust production associated with the proposed process. In addition, the proposed project is required to comply with all applicable NCUAQMD rules and regulations.

The proposed project would not modify the existing production levels, hours of operation, materials to be mined, mining method, or the overall geographic area covered by the existing CUP/SP and Reclamation Plan. Equipment and fuel systems currently in place to serve the existing mining operation on the project site would continue to be used. The only modification to existing operations would be the addition of a concrete batch plant, which would be located within the existing processing area adjacent to existing on-site heavy equipment. The concrete batch plant process does not involve the transport, use, disposal, or handling of any chemicals or materials that would be considered hazardous. Because the proposed concrete batch plant would not increase the routine transport, use, or disposal of hazardous materials from existing conditions, the proposed project would not result in any increase in the associated potential to create a significant hazard to the public or the environment. Public health and safety precautions are currently in place at the project site in accordance with local, State and federal standards, and would continue to be with implementation of the proposed project. In addition, Mine Safety and Health Administration (MSHA) and California Occupational Health and Safety (Cal-OSHA) rules, regulations and standards are presently employed to protect both the public and on-site employees, and would continue to be employed under the proposed project. Therefore, although the proposed project site is within one-quarter mile of an existing school, because the concrete batch plant would not involve any increase in hazardous materials handling at the project site and would comply with all applicable regulations regarding hazardous materials, **no impact** related to creating a significant hazard to the public or the environment associated with hazardous materials would occur.

c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

The Trinity Valley Elementary School is located approximately 200 feet from the western boundary of the processing area. This project does not involve the handling of acutely hazardous materials, substances or waste or the emissions or disposal of hazardous substances. With the Hazardous Materials Business Plan (Site ID # CAL 000254464), Emergency Response Plan, Employee Training Plan and Spill Prevention Control and Countermeasure Plan (SPCC) in place, the hazard to Trinity Valley Elementary School through the handling or transport of hazardous materials will be insignificant.

An application for the permit to operate for the concrete batch plant and ancillary equipment has been submitted to the NCUAQMD for review and approval. According to the application, the concrete batch plant is anticipated to produce approximately 10,000 cubic yards of concrete per year at a rate of 110 cubic yards per hour. Using the aforementioned assumptions in conjunction with information from the U.S. Environmental Protection Agency (USEPA) Emission Factors and AP 42, Compilation of Air Pollutant Emission Factors, for concrete batching, the application includes an estimate of the total PM₁₀ expected from the concrete batch plant of 4.54 pounds per hour (i.e., approximately 49.94 pounds per day) and 0.22 tons per year. In comparison to the significance thresholds shown in **Error! Reference source not found.**, the concrete batch plant is not anticipated to exceed the BACT emission rates for stationary sources. It should be noted that the proposed concrete batch plant and associated equipment would include dust control systems to minimize or avoid dust production associated with the proposed pro-

cess. In addition, the proposed project is required to comply with all applicable NCUAQMD rules and regulations.
Less than significant with mitigation.

Mitigation M-3 Hazardous Materials: The proposed concrete batch plant shall utilize Best Available Control Technology for emissions from stationary sources and shall include dust control systems to minimize or avoid dust production associated with the proposed process.

d) The project will not be located on a site which is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.

The site is not included on any list of hazardous materials sites, and will not increase the risk of exposure to hazardous materials.

e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the project area.

Substantial safety risks would not occur to people residing or working in the project area due to use of the airstrip, as it was used by the County in the past. The airstrip is currently closed for public use. It is currently used for emergency purposes by CDF, Forest Service, and emergency medical transport without any safety problems. Other private use is very limited.

f) The project will not, for a project within the vicinity of a private airstrip, result in a safety hazard for people residing or working in the project area.

The project is not within two miles of a public airport and is not within an airport land use plan. Although a private airstrip exists within the project site, the airstrip is only utilized for emergency purposes and is an existing condition. People would not reside on the project site and the nearest residence is located 1,200 feet from the project site, opposite Trinity River. Therefore, the proposed project would not result in a safety hazard for people residing or working in the project area, and **no impact** would occur.

g) The project will not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Because of its small size and scope and isolated location, this project will not interfere with any emergency response or evacuation plan. The project has operated for over 30 years without any problems.

The proposed project may, at times, result in increased truck traffic. Traffic generated by this project, as discussed within this report, is similar to the type of traffic that has historically existed since 1969. Reapproval of the project will not change the existing level of traffic. There have been no traffic related safety problems in the past 34 years.

The proposed concrete batch plant would not modify the access roadways or the existing street system. Therefore, interference with any adopted emergency response plan or emergency evacuation plan would not occur, and **no impact** would occur.

h) The project will not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to an urbanized area or where residences are intermixed with wildlands.

Extraction activity will occur on the gravel bar, away from vegetation, and will not increase the risk of wildland fires. The access roads shall be maintained in a state such that they are free of vegetation during times of activity, and equipment is kept in a 'fire-safe' condition.

The project site is highly disturbed and is adjacent to Trinity Creek and State Highway 96. Portions of the project site not fully disturbed by existing mining activities are made up of primarily ruderal vegetation and existing sand and gravel dredger tailings. The only modifications to the existing on-site operations would be the addition of a concrete batch plant. The concrete batch plant would be placed within the highly disturbed existing processing area of the site, adjacent to existing heavy equipment. Therefore, the concrete batch plant would not increase the potential for people or structures to be exposed to risks involving wildland fires from existing conditions, and **no impact** would occur.

Cumulative Impact: This project does not involve the handling of acutely hazardous materials, substances or waste or the emissions or disposal of hazardous substances and is not included on any list of hazardous materials sites. The Hazardous Materials Business Plan (Site ID # CAL 000254464), Emergency Response Plan, Employee Training Plan and Spill Prevention Control and Countermeasure Plan (SPCC) are in place. The hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials in the environment will not be significant. Because of its small size and scope and isolated location, this project will not interfere with any emergency response or evacuation plan. Extraction activity will occur on the gravel bar, away from vegetation, and will not increase the risk of wildland fires. The access roads shall be maintained in a state such that they are free of vegetation during times of activity, and equipment is kept in a 'fire-safe' condition. The Willow Creek site was not determined in the past to cause a cumulatively considerable addition to hazards & hazardous materials occurring in the surrounding area, and as proposed consistent with past operations would therefore not currently be determined to be a cumulatively considerable addition.

Existing Project Mitigation:

1) Mercer, Fraser Company has a Hazardous Materials Business Plan (Site ID # CAL 000254464) approved and on-file with the County. This includes an Emergency Response Plan, Employee Training Plan and Spill Prevention Control and Countermeasure Plan (SPCC).

2) All heavy equipment/machinery will be fitted with state approved ABC spark arrestors prior to operating on site.

Mitigation: None proposed.

8. HYDROLOGY AND WATER QUALITY.

Findings:

- a) The project will not violate any water quality standards or waste discharge requirements: Less than significant impact with mitigation.
- b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted): Less than significant impact.
- c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site: Less than significant impact.
- d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site: Less than significant impact.
- e) The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff: Less than significant impact.
- f) The project will not otherwise substantially degrade water quality: Less than significant impact.
- g) The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map: No impact.
- h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows: Less than significant impact.

- i) The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam: Less than significant impact.
- j) The project will not result in inundation by seiche, tsunami, or mudflow: No impact.

Setting:

The Trinity River basin covers approximately 2,969 square miles in the Klamath Mountains of northern California. It is the largest tributary of the Klamath River. The lower extent of the basin is at Weitchpec, where the Trinity enters the Klamath River, and the basin extends approximately 250 miles upstream to the headwaters above the Lewiston/Trinity Dam. Approximately one fourth of the watershed area is above Lewiston Dam. The Bureau of Reclamation exports Trinity River waters to the Sacramento River, and since 1964, up to 80% of the annual flow has been diverted. A 1992 Department of the Interior Secretarial Order required a minimum of 340,000 acre feet annually to remain in the Trinity River.

The mainstem Trinity River was listed as water quality limited due to sediment by the State of California. A Total Maximum Daily Load (TMDL) analysis was scheduled for completion in 2001 by the EPA under Section 303(d) of the Clean Water Act.

The Willow Creek project area is situated at River Mile 24 – 25. The wetted channel width at high flow varies from 250 feet in the more confined reaches to over 500 feet at the primary extraction area (Berg, pg. 120).

CHANNEL CONDITIONS

A sediment station was established at Hoopa in September 1955, and operated on a periodic basis until May, 1956. The station was re-established in October 1956, and operated on a daily basis until September 1970. The station collected suspended sediment and water discharge data for the period of operation. The Department of Water Resources (DWR) estimated the annual sediment discharge of the Trinity at Hoopa to be 2,520,000 tons of suspended sediment and another 600,000 tons of bedload for the period of record. Lehre (1993) recommended a conversion factor of 1.4 tons per cubic yard. Therefore, the estimated annual volume of bedload at Hoopa, based on DWR's (1974) bedload tonnage estimation is 428,571. However, Lehre estimated a range of mean annual recruitment for planning purposes of 250,000 – 400,000 cy, with 400,000 cy being a ceiling (Berg, pg. 121).

The Federal Emergency Management Agency (FEMA 1982) conducted a flood insurance study for Humboldt County in 1982. Part of this study included a longitudinal profile and cross-sections taken at the Willow Creek site. The FEMA information was compared to Mercer, Fraser monitoring cross-sections taken from 1993 – 1998, as well as a longitudinal profile conducted in 1996, and results showed that the bed of the Trinity River at the points surveyed in 1980 had aggraded an average of 10 feet in the 18 year period of time (Berg, pg. 121).

CHANNEL MORPHOLOGY

Major hydrologic features occurring on-site include the Trinity River stream channel and overflow channel and Willow Creek which enters the Trinity at the upstream end of the project area. The entire gravel bar is inundated at bankfull discharge levels and portions of the property are within the 100-year flood plain. Potential concerns could include upstream/downstream scour, changes in river energy causing erosion of river banks, riparian habitat changes, and sediment input in the river.

In general, when either aggradation or degradation of bed deposits, in relation to the annual replenishment rate, occurs within a flood plain there is a potential for significant erosion and sedimentation during flood conditions. A change in a river's configuration may also alter the direction and location of the river's erosive force causing a change in the meander pattern of the river. This change may possibly aggravate stream bank erosion both upstream and downstream of the extraction site. Changes in riverbed morphology are generally attributable to large flood events, rather than gravel extraction. Because of the magnitude of the other forces affecting sediment flow, at the past and projected rate of extraction, the gravel mining operations at the Willow Creek site are not expected to alter these erosion and sedimentation processes.

The largest sources of sediment transport by streams in the Trinity River basin probably originates from erosion of stream banks. Landslides and slumps are important local sources of sediment in places where rock units are highly fractured, slopes are steep, or barren soils are exposed. The Trinity River exhibits characteristics of a hydrologically-limited stream rather than a sediment-limited stream, meaning the continued supply of sediment in a reach is

a factor of the size and duration of winter flows rather than a question of whether there are sufficient sources of sediment. The variation in sediment discharge from year to year is commonly quite large and is generally dependent on the size of individual storms rather than annual water discharge. A few large storms result in more sediment being transported than normally result from many smaller storms.

DRAINAGE AND FLOODING

The process/stockpile area is located on the west bank of the Trinity River. The extraction area is located entirely within the primary flood plain of the river; the majority of the gravel bars can be expected to be inundated every year. Accumulation of sediments has occurred during past flooding events of substantial size. Adjacent creeks, such as Willow Creek, exhibit choked sediments at their mouths. Prior to 1964, gravel bar development in the area resembled at least in aerial extent, the current active channel configuration.

The process site is generally flat with drainage currently flowing primarily towards the north towards the existing settling basin. In this manner surface waters from the process site are prevented from directly entering waters of the State. As a secondary precautionary measure stockpiles and berms surrounding the processing site also retain surface flow to allow settling and prevent any stormwater discharge. These stockpiles and berms are maintained as part of annual winterization activities. The existing site grading, stockpiles surrounding the process site, and annual berms, directs drainage primarily to the settling basin or through ground percolation. No direct discharge from industrial activities into State waters occurs. Surface runoff is controlled pursuant to the Regional Water Quality Control Board 401 Certification.

Discharge for the December 1964, a 100-year flood, was at approximately 231,000 cfs and covered portions of the processing site with less-than-one-foot inundation. The February 1986 flood was approximately a 10-year flood event with a discharge of approximately 116,000 cfs. Flood levels in 1986 were well below the processing area. An overlay of FEMA flood maps (Humb. Co Panel 060060 0685 B, July 19, 1982) was made with both current and historic (1963) aerial photos and the USGS 7.5 minute topographic maps (Fig 3 shows current aerial photo overlay). The Zone A boundary is shown to cross Highway 96 just south of the processing site (elev. 442'). Based on only FEMA mapping (which did not consider the 30 foot tall stockpiles located between the River and the processing site) only portions of the processing site would have been subject to shallow flooding (1-2 feet) during a 100-year event under natural conditions. The site grading and placement of stockpiles and berms that has occurred since 1969 would remove the site from the FEMA-designated floodway.

The process site has not been flooded since it was developed in 1969 and has been outside of subsequent flood events (1974, 1986, 1993, 1995, and 1997) since the 1964 Flood. The processing site exists between XS 2 and 8, with XS 2 at the southern end and XS 8 at the northern end. At the southern portion of the processing site, at the end point of XS 2 (top of bank), the elevation is 446.33, 4 feet above the FEMA flood elevation of 442 feet. At the middle portion of the processing site, on the airstrip just north of XS 5, the elevation is 443 feet, 9 feet above the FEMA flood elevation of 434 feet. At the northern portion of the processing site, on the airstrip adjacent to XS 8, the elevation is 447 feet, 14 feet above the FEMA flood elevation of 433 feet. Between XS 2 and 4, stockpiles approximately 30 feet in height have been placed inbetween the River and the processing site which would block flood flows.

Analysis:

a) The project will not violate any water quality standards or waste discharge requirements.

All wastewater from processing activities is directed to the settling basin at the northern end of the processing site and percolates in to the groundwater table. As a secondary precautionary measure stockpiles and berms surrounding the processing site also retains surface flow to allow settling and prevent any stormwater discharge. These stockpiles and berms are maintained as part of annual winterization activities. No direct discharge from industrial activities into State waters occurs. The Willow Creek operation currently has a water quality, section 401, certification from the North Coast Regional Water Quality Control Board (WDID No. 1B02102WNHU).

No waste is produced from this type of project. All materials are stockpiled or processed on-site for future needs. Due to the nature of the activity and the proposed methods of extraction and processing, no waste will either be retained on-site or disposed off-site.

Mitigation M-4: Prior to any mining activity the applicant shall submit to the Regional Water Quality Control Board a "Stormwater Pollution Prevention Plan" to address the potential for runoff water from the site impacting adjacent streams. Any grading element of the plan shall conform with the provisions of the Uniform Building Code (UBC) and the recommendations and mitigation measures of the Geologic Report or Reclamation Plan geological section. The erosion control element of the plan shall incorporate Best Management Practices (BMP's) for Erosion and Sediment Control (ESC) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity.

b) The project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

Water is currently utilized for washing/processing material at the site and for air pollution control for the asphalt plant. Water comes from the Willow Creek Community Services District (WCCSD). Approximately 40,000 gallons/day has been used when the asphalt and aggregate plants are in operation. Most of this is returned to the groundwater table through percolation in the settling basin. The existing settling basin currently exists at the northern end of the processing site. The use of water from the WCCSD will have no impact on local groundwater supplies.

c) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.

The proposed project results in the removal and use of aggregates from the Trinity River. Because of the currently aggraded condition, the continual aggrading process and the tremendous amount of bedload coming down the Trinity River during winter flows, extraction of 40,000 cubic yards per year of material is not expected to be a significant loss from the system, even considering other operations on the river. Natural bedload transport processes will be a major factor that will allow future extraction yearly with the advent of annual high water flowing over the bar and reshaping the bar and replenishing gravel. The extent that this occurs will partially determine the extent of surface mining in subsequent years.

In general, when either aggradation or degradation of bed deposits, in relation to the annual replenishment rate, occurs within a flood plain there is a potential for significant erosion and sedimentation during flood conditions. A change in a river's configuration may also alter the direction and location of the river's erosive force causing a change in the meander pattern of the river. This change may possibly aggravate stream bank erosion both upstream and downstream of the extraction site. Changes in riverbed morphology are generally attributable to large flood events, rather than gravel extraction. Because of the magnitude of the other forces affecting sediment flow, at the past and projected rate of extraction, the gravel mining operations at the Willow Creek site are not expected to alter these erosion and sedimentation processes.

Removal of river gravel and the resultant stream channelization could potentially result in bed and bank erosion by concentrating flows in the Trinity River, thereby increasing the erosive forces of the river. Increased scouring of the stream channel could lead to increased sediment yield supplied to the river. Instream gravel extraction has the potential to significantly alter the cross sectional geometry of the river. The channel cross sectional geometry is an important variable in sediment transport. Therefore, the final configuration of a mined gravel bar plays a key role in determining the impact of the operation on the river's geomorphology. Extraction standards are detailed in the Mining Plan and are subject to annual review by the County, DFG and ACOE. These standards have been designed to, as needed, maintain channel capacity and adjacent bar morphology, reduce bank erosion, create deep-water habitat and reduce impacts to the environment. Monitoring information in the form of cross sections and aerial photos of the site prior to and after extraction are submitted annually to these agencies.

Annual cross-section analysis and aerial photos along with agency review will ensure that the project does not result in any changes to the hydrology of the river or drainage patterns on the site. At the termination of each gravel extraction season, post mining topography will be consistent and homogenous with the upstream and downstream

topography. Post project drainage from the gravel bars will continue to drain towards the River. The applicant/operator will be responsible for smoothing out the river bar so that no benches, trenches, wells or topographic features remain that degrade the environment (such as ponding, erosion, sedimentation or stream channel alteration). Site specific requirements are also required by the CA Department of Fish and Game for seasonal completion through the Stream Alteration (1603) Agreement. These would also be implemented as may be revised annually by DFG. Annual review and site inspections by regulating and interested agencies will continue to ensure impacts will not be significant.

The majority of the riverbanks adjacent to the extraction area consists of bedrock or aggregate deposits. Extraction will not occur in the active stream channel and generally will not occur adjacent to erosional riverbanks; slopes will not be destabilized. Site observations and analysis of aerial photos and cross sections have determined the acceptability of currently proposed extraction methods and locations. The area is subject to substantial alterations during large flood events, however review of the aerial photos and cross-sections indicate that the general geomorphology of the riverbed has not been altered as a result of the ongoing gravel extraction project. Disturbance from gravel extraction activities are considered minor in comparison to disturbances during flood events.

Removal of aggregates during low flow periods usually causes bedload sediment carried by high flow periods to drop out, thus naturally replenishing the excavated areas with an accumulation of bedload sediments. The amount of gravel being removed each year has proved to be replenished even during past drought years. Downstream of the project site, accumulated bedload sediments continue to occur in relative abundance. Ample gravel supply is also currently stored on upstream bars. In light of the fact that this operation has occurred for the past 34 years, with yearly extraction amounts of upwards to 40,000 cubic yards, having little impact on downstream accumulated gravels, amounts of up to 40,000 cubic yards of gravel per year for the next 15 years would not impact the sediment resource.

The Army Corps of Engineers determined in 1996, *"At the past and projected rates of extraction, the gravel mining on the Willow Creek Bar...are not expected to alter these erosion and sedimentation processes in the watershed."*

d) The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.

As noted above no significant changes in hydrology or drainage patterns will result from this project. As a result no changes in the current flood regime would result. Since gravel extraction operations actually result in only minor increases in channel capacity, downstream flooding would only be similarly reduced.

e) The project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

The proposed project will not result in an increase in runoff because it does not involve the creation of any impermeable surfaces. This application is proposed consistent with past operations. The site is not a part of an existing or planned stormwater drainage system.

All wastewater from processing activities is directed to the settling basin at the northern end of the processing site and/or percolates in to the groundwater table. As a secondary precautionary measure stockpiles and berms surrounding the processing site also retains surface flow to allow settling and prevent any stormwater discharge. These stockpiles and berms are maintained as part of annual winterization activities. No direct discharge from industrial activities into State waters occurs. The Willow Creek operation received a water quality, section 401, certification from the North Coast Regional Water Quality Control Board (WDID No. 1B02102WNHU).

No servicing of equipment (fueling or lubricating) occurs within the extraction area. In the event of an accidental lubricant or fuel leak (i.e., hydraulic lines breaking, etc.), operators have been instructed to move equipment to safer high ground (roadway or upper bench). If gravel is contaminated with a spill, the material will be removed and properly disposed. Any materials brought onto the extraction site shall be removed to the processing site at the end of the extraction season.

The project will not result in any polluted runoff. Adherence to Mining and Reclamation Plan Standards that conform to the Porter-Cologne Water Quality Control Act, Water Code section 13000, et seq., and the Federal Clean Water Act 301 et seq. (33 U.S.C. section 1251, 1311, 1344 et seq.) the Regional Water Quality Control Board or the State Water Resources Control Board and requirements of the permitting agencies will ensure that water quality is not degraded.

f) The project will not otherwise substantially degrade water quality.

The existing on-site operational and processing area is generally flat with drainage currently flowing primarily towards the existing settling basin to the north. The existing site grading, stockpiles surrounding the processing area, and annual berms direct stormwater to the settling basin described to allow the stormwater to percolate into the ground. Accordingly, surface waters from the processing area are prevented from directly entering Trinity River. Surface runoff is controlled pursuant to the existing NPDES General Permit for the industrial activities at the site. The only modifications to the existing operations would be the addition of a concrete batch plant and ancillary equipment, which would be placed within the existing processing area adjacent to other existing heavy equipment. An ancillary feature of the concrete batch plant is a washout basin, which would allow for an opportunity for additional on-site stormwater collection. Existing stormwater and erosion control measures are already in place at the proposed project site in accordance with the federal Clean Water Act and other applicable local, State, and federal requirements. Existing operations comply with the NPDES General Permit associated with industrial activities. BMPs are implemented in accordance with a SWPPP. The aforementioned measures would continue to be employed at the project site under the proposed project, and would be modified as necessary to maintain compliance with all laws and regulations. Overall, the concrete batch plant would not violate any water quality standards or waste discharge requirements or otherwise degrade water quality, and impacts would be **less than significant**.

g) The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map.

The proposed project does not involve the development of any new buildings on-site and would not modify the current production levels, hours of operation, mining method, or number of employees covered by the existing CUP/SP and Reclamation Plan. The only modification to operations would be the addition of a concrete batch plant. The concrete batch plant would be located within the existing on-site processing area adjacent to other existing heavy equipment. According to the Federal Emergency Management Agency's Flood Insurance Rate Map Panel Number 0600600685B, the processing area of the site has portions within both Flood Hazard Area Zone B and Flood Hazard Area Zone C. Zone B is defined as a moderate flood hazard area, between the limits of the 100-year flood and the 500-year flood zones. Zone C is defined as a minimal flood hazard area, outside the 500-year flood zone. Because the proposed concrete batch plant would be located within the existing processing area, the plant would not be within a 100-year floodplain. The proposed concrete batch plant would not result in any increases to the amount or frequency of any current flooding conditions. Therefore, the proposed project would not expose people or structures to an increased risk of loss, injury, or death involving flooding, and **no impact** associated with flooding would occur.

h) The project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows.

The only structures used as part of the project are located at the upland processing site. Stockpiles have been in place between XS 2 and 4 between the processing site and the Trinity River since 1969 that would act to prevent inundation of the processing site during a 100-year flood event.

i) The project will not expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.

The Trinity and Lewiston dams exist upstream from the project area and hold Trinity River water in Trinity Lake and Lewiston Lake. If these dams were to fail and send substantial amounts of water downstream employees and structures associated with the project would potentially be subject to injury or death and risk or loss. This project will not increase the risk of dam failure, but will expose people and structures to injury or death and risk or loss, as would any development along the Trinity River below Trinity Lake and Lewiston Lake. The exposure of people and

structures to injury or death and risk or loss due to dam failure is considered insignificant, as it would be for any development along the Trinity River. No increase of risk would occur above that of the existing operation.

j) *The project will not result in inundation by seiche, tsunami, or mudflow.*

The project is not located within the vicinity of any land locked bodies of water, such as a lake, that would be subject to inundation by a seiche. The project is far enough inland from the Pacific Ocean that it would not be subject to inundation by a tsunami. No mudflow source material is located near the project site.

Tsunamis are defined as sea waves created by undersea fault movement. A tsunami poses little danger away from shorelines. When tsunamis reach the shoreline, high swells of water break and wash inland with great force. The project site is located approximately 25 miles inland and is separated by Six Rivers National Forest land, including mountains. Thus, the project site would not be expected to be substantially affected by flooding risks from tsunamis. A seiche is a long-wavelength, large-scale wave action set up in a closed body of water such as a lake or reservoir, with destructive capacity that is not as great as that of a tsunami. The project site is not located near a closed body of water large enough for a seiche to occur. Therefore, the proposed concrete batch plant is not anticipated to be impacted by seiches. Because the project site is generally flat and existing stormwater and erosion control measures are implemented on the project site, mudflows would not be expected to occur on the site. Therefore, because the proposed concrete batch plant would not be threatened by a seiche, tsunami, or mudflow, **no impact** from such phenomena would occur.

Cumulative Impact: All wash water from processing activities is directed to the settling basin at the northern end of the processing site and percolates in to the groundwater table. As a secondary precautionary measure stockpiles and berms surrounding the processing site also retains surface flow to allow settling and prevent any stormwater discharge. The project will not result in any polluted runoff. No direct discharge from industrial activities into State waters occurs. Water comes from the Willow Creek Community Services District (WCCSD). Approximately 40,000 gallons/day has been used when the asphalt and aggregate plants are in operation. The proposed project will not result in an increase in runoff because it does not involve the creation of any impermeable surfaces. The site is not a part of an existing or planned stormwater drainage system. Housing is not proposed as part of this project. The only structures used as part of the project are located at the upland processing site. Stockpiles have been in place between XS 2 and 4 between the processing site and the Trinity River since 1969 that would act to prevent inundation of the processing site during a 100-year flood event. The exposure of people and structures to injury or death and risk or loss due to dam failure is considered insignificant, as it would be for any development along the Trinity River. No increase of risk would occur above that of the existing operation. The Willow Creek operation received a water quality, section 401, certification from the North Coast Regional Water Quality Control Board (WDID No. 1B02102WNHU). The Army Corps of Engineers determined in 1996, "*At the past and projected rates of extraction, the gravel mining on the Willow Creek Bar...are not expected to alter these erosion and sedimentation processes in the watershed.*" The Willow Creek site was not determined in the past to cause a cumulatively considerable impact to the hydrology & water quality of the surrounding area, and as proposed consistent with past operations would therefore not currently be determined to be a cumulatively considerable impact.

Existing Project Mitigation:

1) Stockpiles have been located between the processing site and the Trinity River and serve to prevent inundation of the processing area during high flood events.

2) The Willow Creek operation received a water quality, section 401, certification from the North Coast Regional Water Quality Control Board (WDID No. 1B02102WNHU).

Mitigation: None proposed.

9. LAND USE AND PLANNING.

Findings:

a) The project will not physically divide an established community: **No impact.**

- b) The project will not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect: Less than significant impact.
- c) The project will not conflict with any applicable habitat conservation plan or natural community conservation plan: No impact.

Setting:

The site is located a ½ mile north of the town of Willow Creek and consists of a stretch of the Trinity River with a bend at the upstream and downstream extents. Associated gravel deposits occur on the eastern portion of the project site. An upland terrace used for stockpiling and processing occurs on the western portion of the project site. The upland areas consist of river valley deposits associated with historic river channel locations.

Moderately steep forested hill slopes surround the project site on all sides of the river valley deposits. Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, a church as well as nearby retail commercial activities along Hwy 299 in Willow Creek, a 1/2 mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. The Hoopa Indian Reservation is to the north and the town of Hoopa 13 miles away. Above the valley and terraces, the surrounding land use is predominantly timberland.

The project site parcels are zoned as Flood Plain (5 acre minimum parcel size), Agriculture-Exclusive (20 acre minimum parcel size), and Highway Commercial Services (5 acre minimum parcel size). Parcels 522-491-15, 20, and 21, owned by Mercer, Fraser Company, are zoned Flood Plain (5 acre minimum parcel size). Parcel 522-491-17, owned by Mercer, Fraser Company, is zoned Highway Commercial Services (5 acre minimum parcel size). Parcels 522-142-10, 522-145-04, 06, and 522-491-04 (117 acres), owned by the Forest Service, are zoned Agriculture Exclusive (20 acre minimum parcel size). Parcel 522-491-022 (30 acres), owned by Daryl Mason, is zoned Flood Plain (5 acre minimum parcel size).

Adjacent land is zoned Flood Plain (5 acre minimum parcel size), Highway Commercial Services (5 acre minimum parcel size), Community Commercial, Agriculture Exclusive (20 acre minimum parcel size), Timber Production Zone (160 acre minimum parcel size), and Residential Suburban (1 acre minimum parcel size/allowing mobile homes) and utilized generally for agriculture, public facilities, wildlife habitat, rural residential, open space, and highway commercial.

The processing area is directly east of Highway 96. Eight rural residences exist within 500 feet of the extraction areas. Five rural residences exist within 1,000 feet of the processing site.

Analysis:

- a) *The project will not physically divide an established community.*

The site is located within the Willow Creek community and has been operated as an extraction and processing site for aggregate materials since 1969; over thirty years ago. No new development or infrastructure is proposed.

As can be supported by numerous agency comments during the first permitting cycle in 1988, the Willow Creek site is strategically located in a market area that is important to federal, state, County, and local construction projects in the Willow Creek area. The site can be utilized for processing aggregate brought in from other sources or for remanufacturing asphalt if gravel is no longer available on-site. It is both for local and regional economic importance that this processing facility continues to operate since it would be very difficult to locate a new processing site in the area.

The project will not divide a community, and it is consistent with the Humboldt County General Plan, Framework Plan.

b) *The project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.*

The Humboldt County General Plan - Frame Work Plan recognizes the importance of existing gravel extraction sites as follows: *"Sand, gravel and rock, being necessary to construction and development, are an essential component for the continued well-being of the County. They are the basis for much of the construction materials for roads, concrete, streambank protection, erosion control, septic systems and passive solar projects. Importation of these materials would raise costs and negatively impact the development and maintenance within the County. It is important to protect specific sites and haul routes against land use incompatibilities to assure the continued utilization of this resource."*

This project is consistent with the following goals and policies of the Humboldt County General Plan, Framework Plan, applicable to mineral resources:

§2532 GOALS

1. To assure the long-term availability of adequate supplies of mineral resources, to protect mineral resource areas from incompatible land uses and to minimize adverse environmental impacts.

§2533 POLICIES

1. Maintain and update maps of the County's identified mineral deposits.
2. Plan future development such that it will not interfere with the utilization of identified mineral deposits.
3. Ensure adverse environmental effects are prevented or mitigated to the fullest extent feasible and that mined lands are reclaimed to a usable condition which is readily adaptable for alternative land uses under the General Plan.
4. Encourage the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, range and forage, science, and aesthetic enjoyment.
5. Ensure elimination of residual hazards to the public health and safety.
6. Prevent the disruption of community character in siting and planning mineral resource extraction operations.
7. Require mineral haul routes to avoid incompatible areas such as landslides, highly erodible soils, residential areas, and schools, if feasible.
8. Permit conditions for mineral extraction operations should address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks and other means to reduce conflicts with adjacent development.
9. Extraction of instream sand gravel is not to exceed the average annual replenishment level (annual bed-load), except when the bedload left from a previous flood is greater than the average annual replenishment or if the projects emphasize fishery enhancement, flood control or bank protection.
10. Bank protection shall be permitted to: (1) Maintain necessary public or private roads, (2) Protect principal structures in danger from erosion, (3) Protect lands designated Agriculture-Exclusive from erosion.
11. Evaluate significant water diversion projects which would reduce the replenishment rate of gravel in streams as to the impact they would have on local mineral supply in Humboldt County.

Section 314-60.1 of the Humboldt County General Plan states: *"Surface removal of minerals and natural materials, including building and construction materials to be used for commercial purposes, shall be allowed in any zone with a Use Permit."*

c) *The project will not conflict with any applicable habitat conservation plan or natural community conservation plan.*

117 acres of the nine parcels (228 acres total) which contain the project area are managed by the Six River National Forest. The other 111 acres of the nine parcels (228 acre total) are owned privately by Mercer, Fraser Company (81 acres) and Daryl Mason (30 acres). The property included in the project area is not included in any habitat conservation plan or natural community conservation plan.

Cumulative Impact: The project will not physically divide an established community since it has been part of the Willow Creek community for 34 years. The project will not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project since the Humboldt County General Plan contains poli-

cies supporting existing gravel mining sites such as the Willow Creek site. The project will not conflict with any applicable habitat conservation plan or natural community conservation plan. The Willow Creek site was not determined in the past to cause a cumulatively considerable impact to the land use & planning in the surrounding area, and as proposed consistent with past operations would therefore not currently be determined to be a cumulatively considerable impact.

Existing Project Mitigation: None.

Mitigation: None proposed.

10. MINERAL RESOURCES

Findings:

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state: Less than significant impact.
- b) The project will not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan: Less than significant impact.

Setting:

The mineral resource being mined by this ongoing operation is sand & gravel from the riverside gravel bars of the Trinity River. This mineral resource is annually supplied from upstream by bedload transport.

The largest sources of sediment transport by streams in the Trinity River basin probably originates from erosion of stream banks. Landslides and slumps are important local sources of sediment in places where rock units are highly fractured, slopes are steep, or barren soils are exposed. The Trinity River exhibits characteristics of a hydrologically-limited stream rather than a sediment-limited stream, meaning the continued supply of sediment in a reach is a factor of the size and duration of winter flows rather than a question of whether there are sufficient sources of sediment. The variation in sediment discharge from year to year is commonly quite large and is generally dependent on the size of individual storms rather than annual water discharge. A few large storms result in more sediment being transported than normally result from many smaller storms.

Analysis:

- a) *The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.*

Discussion for finding b) applies to both finding a) & b).

- b) *The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.*

Rather than result in the loss of availability a locally important mineral resource, this project will allow the continued, sustainable utilization of an important mineral resource. The mineral resources available on the site are not unique to the area and are subject to annual replenishment.

The project area has been used for annual gravel extraction activities since 1969, and it is anticipated that this area would be utilized only for floodway management processing and related gravel extraction in the future. Ongoing operations will not have an effect on future mining opportunities in this area. The Willow Creek Site has continually been used by public agencies, contractors and the general public since 1969 for purchase of base rock and hot mix asphalt concrete. Contractors associated with CalTrans road project contracts obtain road base and asphalt concrete from the Willow Creek site for the maintenance of Highway 96 & 299. Contracts that have been awarded by the Humboldt County Public Works Department have been dependent on this site for materials. The nearest alternative site is in the Blue Lake area 33 miles to the west.

The Humboldt County General Plan recognizes the importance of these river gravel mining operations. See discussion above in section 9 – Land Use and Planning.

Cumulative Impact: The mean annual recruitment for the Trinity River has been estimated in the Hoopa Valley Gravel Resource Evaluation to lie in the range of 250,000 cy/yr. – 400,000 cy/yr. There are three sites along the main stem Trinity River that are permitted by the County to extract a total of 70,000 c.y. The Willow Creek site (40,000 cy/yr.), the McKnight Bar (10,000 cy/yr.), and the Rowland Bar (20,000 cy/yr.). There are 2 sites along the main stem Trinity River that are permitted by the Hoopa Reservation to extract a total of 38,000 c.y. All five sites are permitted to extract a total of 108,000 cy/yr. If each site extracted the maximum permitted amount, then approximately 142,000 cy/yr. – 292,000 cy/yr. (56.8% to 73%) would still be left in the system, depending on whether it was a wet or dry winter. Mean annual recruitment substantially exceeds the maximum permitted amount and aggradation of the riverbed has occurred over time. Therefore, the amount of material extracted at the Willow Creek site is not a cumulatively considerable impact.

Existing Project Mitigation:

- 1) Limiting the annual extraction amount to less than the mean annual recruitment rate.

Mitigation: None proposed.

11. NOISE.

Findings:

- a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies: Less than significant impact.
- b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels: Less than significant impact.
- c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project: Less than significant impact.
- d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project: Less than significant impact with mitigation.
- e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels: Less than significant impact.
- f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels: Less than significant impact.

Setting:

Noise generated by the extension of this project would be similar to noise levels from past extraction/processing at this site (since 1969). No new noise sources are proposed. The project is located between Highway 96 and the Trinity River. Sources of noise in the project area and surrounding areas is generated by traffic on Highway 96 & 299, the Trinity River, heavy equipment use during extraction and processing activities at the Willow Creek site, the airport strip, and equipment use during agricultural operations on adjacent lands. This operation is the primary noise source as measured adjacent to the processing site and extraction areas at times of operation. Noise sources that result from this project will include front-end loader, bulldozer, excavator, conveyors, screen, crusher, asphalt plant, and dump trucks.

Ambient noise levels in the project area and surrounding areas are relatively elevated due to the close proximity of Highway 96, 299, and the Trinity River.

An old County airport strip (closed) is located on parcel 522-491-020 which is part of the 38.5 acre processing site. The airport strip is owned by both Mercer, Fraser Company and Six Rivers National Forest and is primarily used for emergency services. The airport strip is used by the Forest Service and the California Department of Forestry and Fire Protection (CDF) for fire fighting activities, and for emergency transport of patients to medical facilities in

Eureka or Redding. Noise levels may be periodically increased by use of the airport strip within the project area.

Sensitive receptors in the project area and surrounding areas include rural residences, agency offices, highway commercial businesses, and the Trinity Valley Elementary School.

Eight rural residences exist within 500 feet of the extraction areas. Noise levels of 60 dBA would be reached at approximately 400 feet distance. The closest residence is approximately 250 feet away and may get to levels of up to 68 dBA. Five rural residences exist within 1,000 feet of the asphalt plant and crusher located at the processing site and would be subject to noise levels of 63 dBA. Adjacent land uses are affected by increased noise levels only during the limited time when extraction/processing operations are occurring.

Analysis:

a) The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The project consists of the continuation of a 34 year old operation and noise levels generated by the project would not increase as a result of the extension. The operation of heavy equipment and processing machinery has increased noise levels in the area since 1969. County file information indicates that the most recent noise measurements of Highway 96 show that in 1974, noise levels from the Highway reach 70 dBA at 47' from the centerline of the highway, and 65 dBA at 91 feet from the centerline of the highway. Extrapolating from this data, it appears that the 60 dBA noise contour from Highway 96 would extend approximately 200' from the centerline of the highway. Noise generation has and will occur only during the active periods of extraction (June 1st – October 15th) and processing (as needed basis). Project-related sounds will be limited to daytime operations, generally Monday through Friday from 7:00 a.m. to 6:00 p.m. It is anticipated that extended periods of time will continue to occur when no sounds will be generated.

Although the project parcels are zoned for agriculture, highway commercial, and flood plain which have higher allowable noise levels, rural residences and other uses have been built nearby in spite of the ongoing activity. In general, noise levels decrease by 6 dBA for each doubling of the distance from the source. Ranges of noise levels have been estimated for extraction, processing, and hauling activities at the nearest residences, located within a 1000 feet of the project area (see Table 1). The nearest home to extraction activity is approximately 250 feet and can be expected to experience noise levels between 57 - 68 dBA for the majority of time extraction activity is occurring. The nearest five residential uses to processing activity are approximately 800' – 1000' and can be expected to experience noise levels between 63 – 66 dBA when processing activity is occurring. Noise from Highway 96 would be louder, at 65 – 70 dBA for one of the residences. The noise levels in the following table represent the approximate noise levels the nearest residences would encounter during peak operations.

Table 1: Distance/dBA for Nearest Residences to Project Site

	50'	200'	300'	500'	1,000'
Extraction	72 - 82	60 - 70	57 - 67	52 - 62	<56
Processing	85 - 89	73 - 77	70 - 74	65 - 69	59 - 63
Hauling	86	74	71	66	60

Note: These noise level reductions are relevant to distance from the site only and do not take the noise reduction factor such as change in topography, vegetative cover, and stockpile buffers which would cause the noise levels to be reduced.

Table 2: Sound Levels of Various Aggregate Processing Plants and Associated Activities

Sound Source	Receptor	Receptor	Measured Level (dBA)	Calculated Levels			
	(ft)	(m)		100m	200m	300m	400m
Extraction	50	15	80	63.5	57.5	54	51.5
Loader Idling	50	15	72	55.5	49.5	46	43.5
Loader Operating	50	15	76	59.5	53.5	50	47.5
Bulldozer Operating	50	15	82	65.5	59.5	56	53.5
Dump Truck	50	15	86	69.5	63.5	60	57.5
Truck Traffic	50	15	76	59.5	53.5	50	47.5
Ready Mix Plant	50	15	80	63.5	57.5	54	51.5
Screen Plant	50	15	85	68.5	62.5	59	56.5
Asphalt Plant	50	15	89	72.5	66.5	63	60.5
Asphalt Plant (Attenuated)	50	15	85	68.5	62.5	59	56.5

Noise level ranges are used for extraction and processing equipment noise because levels vary depending on the equipment being used. A front-end loader idling can be as low as 72 dBA at 50 feet away, and a bulldozer operating can be up to 82 dBA at 50 feet away (See Table 2). Extraction equipment noise will decrease to less than 70 dBA at 200 feet away and to below 62 dBA at 500 feet away. Processing equipment noise will decrease to less than 77 dBA at 200 feet away and to below 69 dBA at 500 feet away (See Table 1).

Recreational users of Big Rock Recreation area are approximately 400' – 1000' away from the nearest crusher but tall stockpiles exist that effectively reduce noise levels. Those who are next to the river will primarily hear the river as it cascades down an adjacent riffle.

The noise standards in the Humboldt County General Plan: Framework Plan are based on EPA recommendations. Section 3240 of the General Plan states: *"The Environmental Protection Agency identifies 45 Ldn indoors and 55 Ldn outdoors as the maximum level below which no effects on public health and welfare occur. Ldn is the Day-Night Noise Level. Ldn is the average sound level in decibels, excluding frequencies beyond the range of the human ear, during a 24-hour period with a 10dB weighting applied to nighttime sound levels. A standard construction wood frame house reduces noise transmission by 15dB (20dB with double pane windows). Since interior noise levels for residences are not to exceed 45dB, the maximum acceptable exterior noise level for residences is 60dB (65dB with double pane windows) without any additional insulation being required. Of course, this would vary depending on the land use designation, adjacent uses, distance to noise source, and intervening topography, vegetation, and other buffers."* Since Ldn is a daily average, allowable noise levels can increase in relation to shorter periods of time.

Figure 3-2 of the Humboldt County General Plan shows that noise levels up to 60 dBA are normally acceptable for single-family residential uses. Figure 3-2 also shows that noise levels below 75 dBA in areas utilized for agriculture (except livestock), mining, and fishing are clearly acceptable and that noise levels between 75 and 95 dBA are normally acceptable (Humboldt County General Plan, Chapter 3, Page 9, Figure 3-2). For comparative purposes, noise levels while using a clothes dryer range from about 50 to 70 dBA, a vacuum cleaner from 60 to 85 dBA, a lawnmower from 80 to 105 dBA and motor craft can be as loud as 120 dBA.

Community noise is commonly described in terms of the ambient noise level, which is the all-encompassing noise level associated with a given environment. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise. An important way of predicting a human reaction to a new noise environment is the way the new noise environment compares to the existing environment (i.e., the ambient noise level). In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise would be judged by those hearing the noise. Certain land uses are more sensitive to noise levels than others due to the amount of noise exposure (in terms of both exposure time and shielding from noise sources) and the type of activities typically involved. Residences, schools, li-

barities, churches, hospitals, nursing homes, auditoriums, parks, and outdoor recreation areas are generally more sensitive to noise than are commercial and industrial land uses. Accordingly, such land uses are referred to as sensitive receptors.

The nearest sensitive receptor to the site would be the Trinity Valley Elementary School located approximately 570 feet from the proposed concrete batch plant. Trinity Valley Elementary School is separated from the existing project site by State Highway 96, landscaping on either side of the highway, a fence line along the project site, and stockpiles on the project site between the fence line and the processing area. The dominant noise source currently affecting the school site is traffic associated with State Highway 96. The nearest existing residence to the project site is located opposite the Trinity River and over 1,200 feet from the proposed concrete batch plant. The dominant noise source currently affecting the nearest residence is water flow along the Trinity River. The existing operations at the project site also contribute to the ambient noise levels at the school site and nearest residence, but, due to the proximity of the project site in comparison to the currently dominant noise sources to either receptor, the contribution is not substantial.

Humboldt County's General Plan considers 45 decibels (dB) as the maximum allowable level of indoor noise. According to Table 13-D, Land Use/Noise Compatibility Standards, of the County's General Plan, the normally acceptable exterior noise level or Community Noise Equivalent Level (CNEL) for a single-family residence is up to 60 dB Ldn, where Ldn is a day-night 24-hour average noise level. For a school, the normally acceptable exterior CNEL is up to 65 dB Ldn.

The renewal of the CUP/SP and Reclamation Plan will not result in any modifications to the current productions levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing use permit. The operator would continue to use the existing equipment and fuel systems currently in place that serve the existing mining operations. Existing processing activities are limited to the permitted hours of operation (8:00 am to 5:00 pm Monday through Friday). Existing extraction activities are limited to the permitted hours of operation (7:00 am to 5:00 pm Monday through Saturday). Existing asphalt batch plant activities are limited to the permitted hours of operation (7:00 am to 5:00 pm Monday through Friday as well as 10 Saturdays during the year). In addition, existing extraction and processing activities operate on an as-needed basis during active periods (e.g., summer months). As such, the current activities on the project site result in the generation of noise only during such times. According to the Initial Study and Checklist prepared in 2003 for the current CUP/SP, the ambient noise levels in the project area are relatively elevated due to the close proximity to State Highway 96 and the Trinity River. In addition, the Initial Study and Checklist states that the noise generated by project operations are similar to noise levels from mining and processing at the site that has been ongoing since 1969. For informational purposes, the maximum noise level currently resulting from the existing on-site operations would be associated with operation of the existing asphalt plant, which results in an 89 dB noise level at a distance of 50 feet. Because the noise environment is dominated by State Highway 96 and the Trinity River noise, and noise generated by project operations is similar to the noise levels that have been ongoing since 1969, the Initial Study and Checklist concluded that the noise generated by existing operations at the project site would have a less-than-significant contribution to the overall ambient noise levels.

The only modification to the existing operations would be the addition of a concrete batch plant and ancillary equipment, which would be the only potential for changes to the existing noise levels. According to the U.S. Department of Transportation Federal Highway Administration Construction Noise Handbook, a typical concrete batch plant generates a maximum noise level of 83 dB at 50 feet.¹ Noise naturally attenuates with distance. For every doubling of distance from a noise source, noise levels decrease by 6 dB. At a distance of 550 feet (the nearest sensitive receptor is located 570 feet from the proposed concrete batch plant), the noise level increase from the addition of the concrete batch plant from ambient levels would be less than 14.6 dB noise level, which is comparable to whispering or rustling leaves. It should be noted that the 14.6 dB is an instantaneous noise level and does not represent a CNEL value. Even if the 14.6 dB increase in noise levels was directly added to the current maximum noise level associated with the existing on-site operations (i.e., 23 dB at 550 feet), the anticipated total maximum noise level at a distance of 550 feet would be 37.6, which is comparable to background noise in a

¹ U.S. Department of Transportation Federal Highway Administration. Construction Noise Handbook [Table 9.1, RCNM Default Noise Emission Reference Levels and Usage Factors]. July 5, 2011. Available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm. Accessed February 26, 2015.

large conference room or library. As all existing permit requirements would continue to be applicable for the proposed project, the concrete batch plant would be limited to the same hours of operation, period of extraction and processing, and as-needed basis as currently occurs on the project site. Thus, the increase in noise associated with operation of the concrete batch plant, similar to existing on-site operations, would be periodic, would predominantly take place during normal daytime working hours, would not contribute nighttime noise, and would blend in with the existing noise environment.

Trinity Valley Elementary School would continue to experience elevated noise levels associated with the proximity to State Highway 96. Because the noise environment at the school is currently dominated by State Highway 96 traffic, and the school is located over 550 feet from the proposed concrete batch plant, a noticeable change in the ambient noise level due to the proposed concrete batch plant would not occur. It should be noted that the existing fence line, vegetation, and stockpiles between the school and the project site would help to attenuate any noise generated on the project site. Similarly, due to the dominance of noise associated with the Trinity River, as well as the proximity to the proposed concrete batch plant, the nearest residence would not be expected to experience any noticeable increase in ambient noise levels due to the proposed project.

Overall, exposure of persons or generation of noise levels in excess of standards, nor a substantial temporary, periodic, or permanent increase in ambient noise levels in the project vicinity above existing levels would occur as a result of the proposed project. Therefore, impacts related to noise would be considered ***less than significant***.

b) The project will not expose persons to or generate excessive groundborne vibration or groundborne noise levels.

Increases in groundborne noise and vibrations from the project will be insignificant at the distance of the nearest residence, especially when compared to vibrations occurring as a result of traffic levels on Hwy 96 and considering the limited amount of time extraction activities will actually occur.

Mining operations on the proposed project site under the existing CUP/SP have been ongoing since originally approved in 1969. Renewal of the existing CUP/SP and Reclamation Plan would not modify the current production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing use permit. The only modifications to the existing operations would be the addition of a concrete batch plant.

The concrete batch plant would be limited to the same active periods of operation as currently occurs for existing on-site processing, which coincides with the permitted hours of operation and primarily during the summer months. All existing permit requirements would continue to be applicable for the proposed project. Periodic temporary increases in vibration levels may occur related to the on-site operations; however, the levels would be consistent with historical and existing conditions. In addition, the nearest sensitive receptor is separated from the project site by State Highway 96, and any vibration felt at the receptor site would predominantly be from the highway traffic. Therefore, the proposed concrete batch plant would not expose persons to or generate any groundborne vibration that would be considered excessive, and associated impacts would be considered ***less than significant***.

c) The project will not result in a substantial permanent increase in ambient noise levels in the project vicinity above the levels existing without the project.

Due to the limited times of extraction activities, the project will not result in a permanent increase in ambient noise levels.

d) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

Temporary or periodic increases in ambient noise levels in the immediate vicinity of the project area will occur. However, they are consistent with past noise levels.

Mitigation M-5. Operations shall be conducted in conformance with the following provisions to mitigate noise impacts: a) aggregate processing shall be intermittent and shall be conducted in accordance with the hours and days of operations specified in the Plan of Operations; also aggregate processing shall be shielded by stock piling of aggregates or other means to reduce noise levels at the nearest residence to 60 dBL_{dn}.

e) The project will not, for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose people residing or working in the project area to excessive noise levels.

Use of the airstrip for emergency purposes by CDF, Forest Service, and emergency medical transport will cause periodic increases in noise levels. Use of the airstrip occurs rarely for emergency purposes and would occur whether this project existed or not.

f) The project will not, for a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels.

Discussion for finding e) applies to both finding e) & f).

Cumulative Impact: Noise in the project area and surrounding areas is generated by traffic on Highway 96 & 299, the Trinity River, heavy equipment use during extraction and processing activities at the Willow Creek site, the airport strip, and equipment use during agricultural operations on adjacent lands. Ambient noise levels in the project area and surrounding areas are relatively elevated due to the close proximity of Highway 96, 299, and the Trinity River. Noise generated by the extension of this project would be similar to noise levels from past extraction/processing at this site. No new noise sources are proposed. The noise generated by the project has been in existence since 1969. This renewal does not result in a cumulatively considerable addition to the existing noise levels in the surrounding area.

Existing Project Mitigation:

1) Gravel berms/stockpiles have been placed between the processing site and the Trinity River to mitigate for noise generated by equipment at the processing site.

Mitigation: None proposed.

12. POPULATION AND HOUSING.

Findings:

- a) The project will not induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure): No impact.
- b) The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere: No impact.
- c) The project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere: No impact.

Setting:

Land use in the surrounding area is a mixture of private and public land. Private lands include rural residential development, agriculture, highway commercial, industrial, recreational, a church as well as nearby retail commercial activities along Hwy 299 in Willow Creek, one-half mile to the south. Public uses include Six Rivers National Forest (SRNF) offices and lands, a California Highway Patrol office, Trinity Valley Elementary School, and the Willow Creek Community Services District. The Hoopa Indian Reservation is to the north and the town of Hoopa 13 miles away. Above the valley and terraces, the surrounding land use is predominantly timberland.

Analysis:

a) *The project will not induce substantial population growth in an area, either directly (e.g. by proposing new homes and businesses) or indirectly (e.g. through extension of roads or other infrastructure).*

The proposed project will not produce any significant growth inducing impacts. Aggregate extraction is normally driven by growth, not vice versa. Growth inducing impacts are generally caused by projects that have a direct or indirect affect on economic growth, population growth, or when the project taxes community service facilities which require upgrades beyond the existing remaining capacity. No services or utilities are being required to be extended to the site. The project employs only a few year-round people for a limited amount of time; economic benefits would not be such that people might be attracted to the area as a result.

b) *The project will not displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere.*

The project will not displace any existing housing or people. There is no housing or people located within the project area.

c) *The project will displace substantial number of people, necessitating the construction of replacement housing elsewhere.*

Discussion for finding b) applies to both finding b) & c).

The proposed project is for the renewal of the current CUP/SP and Reclamation Plan, which is allowed by right under the current Conditions of Approval, and an amendment to the current CUP/SP to allow for a concrete batch plant at the existing processing facility. As such, the proposed project would not include the direct creation of new housing or jobs nor displace any existing housing or people. The number of employees working at the site would generally remain constant. Because the proposed project would not result in population growth in the area, does not involve the creation of, or necessity for, new housing, and would not displace existing housing or people, **no impact** related to population and housing would occur.

Cumulative Impact: The proposed project will not produce any significant growth inducing impacts and will not displace substantial number of existing housing or people. Therefore, the project will not cause a cumulatively considerable impact or addition to the population and housing in the area surrounding the project site.

Existing Project Mitigation: None.

Mitigation: None proposed.

13. PUBLIC SERVICES.

Findings:

- a) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection: **No impact.**
- b) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection: **No impact.**
- c) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools: **No impact.**
- d) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construc-

tion of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks: No impact.

- e) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities: No impact.

Setting:

The project site is located within the jurisdiction of the Willow Creek Volunteer Fire Department and the California Department of Forestry and Fire Protection (CDF). The subject property was not identified in the Natural Resources and Hazard Report as a wildland area that may contain substantial fire risks and hazards.

Police protection is provided by the Humboldt County Sheriff's Department.

Public school facilities are provided by Trinity Valley Elementary School (K-8), and Hoopa High School. Private school facilities are provided by Willow Creek Christian School (K-12).

Nearby recreational facilities/parks in Willow Creek include the Elementary School playground and NFS Big Rock Recreation Area.

The Willow Creek site currently receives water services from the Willow Creek Community Services District. Water is required to be used for processing activities. Approximately 40,000 gpd is used when the asphalt plant and crusher are in operation. Portable chemical toilets are provided on the site. These are maintained by a pumping service licensed by the Humboldt County Environmental Health Dept.

Analysis:

a) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for fire protection.

The project consists of the continuation of a 34 year-old project. Additional use of fire protection services will not be required for the project as proposed and consistent with past operations.

b) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for police protection.

The project consists of the continuation of a 34 year-old project. Police services will not be required for the project as proposed and consistent with past operations.

c) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services schools.

The project consists of the continuation of a 34 year-old project. Additional use of public school facilities will not be required for the project as proposed and consistent with past operations.

d) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of

which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for parks.

The project consists of the continuation of a 34 year-old project. Additional use of public park facilities will not be required for the project as proposed and consistent with past operations.

e) The project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services for other public facilities.

Additional use of water services from WCCSD will not be required for the project as proposed and consistent with past operations.

Cumulative Impact: The proposed project is for the renewal of the current CUP/SP and Reclamation Plan, which is allowed by right under the current Conditions of Approval, and an amendment to the current CUP/SP to allow for a concrete batch plant at the existing processing facility. All existing operations and mining would continue as currently approved and permitted. Existing production levels, hours of operation, materials to be mined, mining method, and the overall geographic area covered by the existing use permit would not be modified. The number of on-site employees would be expected to generally remain the same. As such, the demand for fire and police protection services at the project site would remain the same upon implementation of the proposed concrete batch plant. Therefore, existing services would be adequate to serve the proposed project, and **no impact** related to fire and police protection services would occur.

The proposed concrete batch plant does not involve the creation of new housing and would not result in population growth in the area. Existing electricity infrastructure and electricity supply at the site is enough to meet the demand for the proposed concrete batch plant. Therefore, any increase in demand for schools, parks, or other local public facilities would not occur as a result of the proposed project, and **no impact** would occur.

Existing Project Mitigation:

- 1) All heavy equipment/machinery will be fitted with state approved ABC spark arrestors prior to operating on site.

Mitigation: None proposed.

14. RECREATION.

Findings:

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated: Less than significant impact.
- b) The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment: No impact.

Setting:

The section of the Trinity River encompassed in the project area is designated as Recreational (ACOE, 96). The area of the Trinity River accessible by the Big Rock Recreation Area is a popular waterway for a variety of recreational pursuits. Rafting and swimming occurs in the warm summer months and salmon and steelhead fishing occurs during the high-flow winter months. The project is located on private and public property and public access to the river exists at the upstream portion of the project site adjacent to the processing site.

Analysis:

a) *The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*

The project consists of the continuation of a 34 year-old project. The project will not increase the use of surrounding recreational facilities such as the Big Rock Recreation Area located within the project area and directly adjacent to the processing site. Since no extraction activity occurs within the active channel and temporary, in-stream railroad flatcar bridges have been designed to accommodate summertime water traffic, no adverse impacts to recreationists rafting or otherwise using the river, are anticipated. Aesthetic impacts to recreational users is discussed in Section 1 - Aesthetics.

In 1996, the Army Corps of Engineers (ACOE) determined, "Continued gravel mining operations on the Willow Creek Bar and McKnight Bar are not expected to adversely alter the characteristics, or degrade the values, which caused the river to be designated as such (Wild, Scenic, and Recreational) in 1981".

b) *The project will not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

The project does not include recreational facilities and will not require the construction or expansion of any recreational facilities in the Willow Creek area.

Cumulative Impact: The project consists of the continuation of a 34 year-old project. The project will not increase the use of, or require the construction or expansion of recreational facilities within the Willow Creek area. As discussed above, the project has been designed to minimize impacts to users of the Big Rock Recreation area. Therefore, the project will not cause a cumulatively considerable addition to the use or construction of recreational facilities in the Willow Creek area.

Existing Project Mitigation:

1) All bridge crossings will have a minimum of six feet clearance above the water level to allow for the safe passage of river travelers.

2) Processing and extraction activities will typically take place Monday - Friday (7:00 - 6:00) p.m. since the Big Rock Recreation Area receives the heaviest use on the weekends. However, operations may occur on the weekends depending on the need (i.e. flood damage repair, shortened extraction season, CalTrans contract).

Mitigation: None proposed.

15. TRANSPORTATION/TRAFFIC.

Findings:

- a) The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections): Less than significant impact.
- b) The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways: Less than significant impact.
- c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks: Less than significant impact.
- d) The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment): Less than significant impact.
- e) The project will not result in inadequate emergency access: No impact.
- f) The project will not conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks): No impact.

Setting:

Access to the processing site is directly off of Highway 96. Highway 96 is an approximately 40 foot wide striped, semi shouldered Highway in good condition (Minor Arterial). The last average annual daily traffic volume (AADT) of 2950 back/1900 ahead vehicles on Highway 96 (mile 0.1 – north of Hwy 299) was taken in 2001 by CalTrans. Hwy 96 provides access to the Hoopa Valley Reservation and High School, Trinity Valley Elementary School, Six Rivers National Forest Lands, Trinity River recreation areas, the Mercer-Fraser Willow Creek project site, rural residences, agricultural operations, and state and federal agency offices. No access to/from County roads occurs before accessing Highway 96.

Access from the processing site to the extraction areas are provided by private access drives on Mercer, Fraser property. These roads are utilized by Mercer, Fraser Company during project operations and by CDF, Forest Service, or emergency medical transport when using the airstrip for emergency purposes. The access road to the extraction areas is a minimum 16 foot wide gravel road in fair condition with turnouts available.

During the construction season, off-site traffic generated by the project consists of approximately 100 truck loads per day during normal operating levels. At times, depending on job specific contract requirements, this amount has increased to a maximum of 200 truck loads per day. During off-season months, only minimal truck traffic may occur for several months at a time. Traffic generated by this project during summer months makes up a small portion of the traffic utilizing Highway 96. At other times of the year this level is greatly reduced. The design capacity of the roadways is well above current use.

Analysis:

a) The project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections).

The project consists of the continuation of a 34 year-old project. Since the project represents an existing use, no additional traffic is proposed as a result of this project. Due to ongoing intermittent operation of this project, there will be no impacts to the existing traffic load or capacity of the street system.

b) The project will not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

Since the project represents an existing use, no additional traffic is proposed as a result of this project. Due to ongoing intermittent operation of this project, there will be no impacts to the level of service established for Highway 96 or 299. No County roads are directly accessed.

The proposed project is for the renewal of the current CUP/SP and Reclamation Plan, which is allowed by right under the current Conditions of Approval, and an amendment to the current CUP/SP to allow for a concrete batch plant at the existing processing facility. All existing operations and mining would continue as currently approved and permitted and an increase in mining production would not occur. Modifications to the existing roadway network would not occur as a result of the proposed project. Aggregate materials currently mined at the site are temporarily stockpiled on-site, loaded onto trucks or off-road haulers, and transported to the on-site processing facility (e.g., for crushing and use in the hot mix asphalt plant) or to off-site locations for further processing (e.g., to existing concrete batch plants in the County). Without the proposed concrete batch plant, concrete will be processed at an off-site concrete batch plant and would then be hauled and transported from the off-site plant to a construction site for use. During the active periods of extraction and processing, which coincide with the construction season, typical operations at the project site currently generate approximately 100 off-site truck trips per day. However, depending on market demand, the project has generated a maximum of 200 truck trips per day. Conversely, minimal truck trips are generated during off-season months. As such, the number of daily truck trips associated with the site currently varies throughout the year.

Based on the maximum production and processing capacity of the proposed concrete batch plant, a maximum increase of approximately 1,000 truck trips per year could result from implementation of the proposed concrete batch plant, or an average of approximately three truck trips per day throughout the year. However, similar to exist-

ing on-site processing, the proposed concrete batch plant would operate on an as-needed basis as well. Thus, the actual number of daily truck trips associated with the proposed concrete batch plant would likely vary greatly throughout the year, with minimal truck trips generated during the off-season months. Even if the total annual 1,000 truck trips were assumed to occur only during the peak construction season (summer months), the average daily increase in truck trips from existing levels during the summer months would be approximately six truck trips per day. It should be noted that based on the maximum production and processing capacity of the proposed concrete batch plant, a maximum increase of 12 peak hour truck trips over existing levels could result from implementation of the proposed concrete batch plant during the peak construction season. Overall, the increase in truck trips associated with the proposed concrete batch plant would be consistent with the existing variability in the number of truck trips associated with the site and would not cause any substantial deterioration of area roadway or intersection operations.

In addition, by providing a concrete batch plant on-site, the proposed project would eliminate the need for hauling off aggregate materials to off-site locations for further processing. Consequently, an overall reduction in existing regional VMT due to the elimination of haul trips to an off-site concrete batch plant, and then hauling of the processed concrete from that off-site location to a construction site, would likely occur.

Therefore, although the proposed concrete batch plant could result in a slight overall increase in the number of daily truck trips associated with the site, an overall reduction in existing regional VMT would be expected to occur as a result of the proposed project. Because the proposed concrete batch plant would not cause an increase in traffic that would be considered substantial, would reduce regional VMT, and would not exceed any level of service standards, impacts related to transportation and circulation would be ***less than significant***.

c) The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

Use of the airstrip for emergency purposes by CDF, Forest Service, and emergency medical transport may result in a small amount of air traffic. It is not anticipated that substantial safety risks would occur due to use of the airstrip, as it was used by the County in the past and is currently used for emergency purposes by CDF, Forest Service, and emergency medical transport without any safety problems. Use of the airstrip is not a part of this project and would occur whether this project existed or not.

d) The project will not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

No roads or accessways will be altered; they will be the same as has existed for over 30 years. No new hazards or incompatible uses will be created as a result of the proposed project.

e) The project will not result in inadequate emergency access.

The existing access to the project area from Highway 96 has been used since the project was in operation and no safety problems have occurred in the past. The project will not affect any other emergency access routes.

f) The project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

Because the number of employees or population in the area would not increase with implementation of the proposed concrete batch plant, an increase in new transit riders would not result. In addition, the project would not conflict with any adopted policies supporting alternative transportation. No foreseeable impacts to any policies, plans or programs supporting alternative transportation can be reasonably perceived as a result of the project.

Cumulative Impact: The project consists of the continuation of a 34 year-old project. Since the project represents an existing use, no additional traffic is proposed as a result of this project. Due to the ongoing intermittent operation of this project, there will be no impacts to the existing traffic load or capacity of the street system. No roads or accessways will be altered; they will be the same as has existed for over 30 years. No new hazards or incompati-

ble uses will be created as a result of the proposed project. The existing access to the project area from Highway 96 has been used since the project was in operation and no safety problems have occurred in the past. The project will not affect any other emergency access routes. Therefore, the project will not cause a cumulatively considerable addition or impact to traffic and transportation in the surrounding area.

Existing Project Mitigation: None.

Mitigation: None proposed.

16. UTILITIES AND SERVICE SYSTEMS.

Findings:

- a) The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board: No impact.
- b) The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: No impact.
- c) The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects: No impact.
- d) The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed): No impact.
- e) The project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments: No impact.
- f) The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs: No impact.
- g) The project will not violate any federal, state, and local statutes and regulations related to solid waste: No impact.

Setting:

Portable chemical toilets are provided on the site. These are maintained by a pumping service licensed by the Humboldt County Environmental Health Dept.

The Willow Creek site receives water services from the Willow Creek Community Services District (WCCSD) for processing and watering to minimize dust, which drains to a settling basin at the northern end of the processing site and percolates into the groundwater table. Water is currently utilized for washing/processing material at the site and for air pollution control for the asphalt plant. Approximately 40,000 gallons/day has been used when the asphalt and aggregate plants are in operation.

The Willow Creek site is not served by a wastewater treatment provider or landfill. Water, after it is used for washing, is directed to the settling basin. No solid waste is produced by the project. Stormwater and runoff is addressed in section 8 – Hydrology and Water Quality.

Analysis:

a) The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

All water from processing activities is directed to the settling basin at the northern end of the processing site and percolates into the groundwater table. As a secondary precautionary measure stockpiles and berms surrounding the processing site also retains surface flow to allow settling and prevent any stormwater discharge. These stockpiles and berms are maintained as part of annual winterization activities. No direct discharge from industrial activities into State waters occurs. The Willow Creek operation currently has a water quality, section 401, certification from the North Coast Regional Water Quality Control Board (WDID No. 1B02102WNHU).

b) The project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

The project consists of the continuation of a 34 year-old project. No new water treatment or wastewater facilities or the expansion of such facilities are proposed or needed for the project.

c) The project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

No new storm water facilities or the expansion of existing facilities are needed for the project.

d) The project will not have insufficient water supplies available to serve the project from existing entitlements and resources (i.e., new or expanded entitlements are needed).

Water is obtained by the Willow Creek Community Services District which has adequate water supplies to service the site. As a secondary source on-site sources have been utilized in the past.

e) The project will not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

There is no wastewater treatment provider associated with the Willow Creek site.

f) The project will not be served by a landfill with insufficient permitted capacity to accommodate the project's solid waste disposal needs.

Discussion for finding g) applies to both finding f) & g).

g) The project will not violate any federal, state, and local statutes and regulations related to solid waste.

The Willow Creek site is served by transfer facilities operated by Humboldt County. Solid waste, produced from this type of project, is minimal and disposed of in authorized sites and within state requirements. All extracted materials will be stockpiled or processed on-site for future needs. Due to the nature of the activity and the proposed methods of extraction and processing, no waste will either be retained on-site or disposed off-site.

The Humboldt County Waste Management Authority (HWMA) is a Joint Powers Authority that was created to provide economical coordination of solid waste management and disposal services. The County's only solid waste disposal site, Cummings Road Landfill, is currently in the process of closing down and does not accept waste any longer. The County conducted an extensive municipal landfill siting study in the mid 1990's to locate a replacement site for the Cummings Road landfill, which was reaching initial design capacity. According to the County's General Plan EIR, the County determined that exporting waste to a proven site is the most cost-effective solution.

The HWMA manages the transport of the solid waste for disposal at either the Anderson Landfill in Shasta County or the Dry Creek Landfill in Medford, Oregon. The Anderson Landfill has a daily permitted disposal of about 1,018 tons per day, and a remaining capacity of about eight million tons. The Anderson Landfill is not expected to close until 2036. The Dry Creek Landfill has a remaining capacity of about 50 million tons. The Dry Creek Landfill could provide an anticipated disposal capacity for the current service area for another 75 to 100 years.

According to the County's General Plan EIR, buildout of the General Plan would be served by a landfill with sufficient permitted capacity to accommodate solid waste disposal needs during and beyond the planning period. It should be noted that any waste concrete returned to the plant would be recycled. Therefore, implementation of the proposed concrete batch plant would not result in any significant changes to solid waste generation or disposal from existing conditions, and **no impact** related to solid waste services would result.

Cumulative Impact: The project consists of the continuation of a 34 year-old project. Water is obtained by the Willow Creek Community Services District, which has adequate water supplies to service the site. All water from processing activities is directed to the settling basin at the northern end of the processing site and percolates into the groundwater table. No new water treatment or wastewater facilities or the expansion of such facilities are proposed or needed for the project. No new storm water facilities or the expansion of existing facilities are needed for the project. There is no wastewater treatment provider associated with the Willow Creek site. All extracted materials will be stockpiled or processed on-site for future needs. Therefore the project will not cause a cumulatively considerable addition of impact to the use or construction of utilities and service systems in the Willow Creek area.

Existing Project Mitigation: None.

Mitigation: None proposed.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

Discussion:

The project information provided under 'Discussion' for each of the topics above has been reviewed for all actions associated with it; during both construction and operation. Based on the project description and its location, the proposed project will not result in any significant impact and does not require mitigation measures not already incorporated into the project description.

Findings:

- a) The project will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The project proposes the continuation of a project that has been in existence since 1969. The ground disturbing activities occur on the gravel bars, subject to alluvial processes during high flows. The project is subject to regulatory oversight and standards by numerous agencies. Monitoring and adaptive management are part of the project. The proposed operation will not negatively impact sensitive communities or species or historical or prehistoric resources adjacent to the site. See further discussion under sections 4. Biological Resources and 5. Cultural resources.
- b) The project will not have impacts that are individually limited, but cumulatively considerable. ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects). Most of the items reviewed in this initial study do not apply and no impact would result.

This project is one of five permitted to extract gravel from the Trinity River. Other projects on the Trinity River are related only in the sense that all of the gravel bars derive their material from the same upstream sediment sources. The Trinity River is a "hydraulically-limited" rather than "sediment-limited" river. This means that replenishment is more a factor of the size and duration of winter flows than the production of sediment in the watershed. This was based on the calculated high amounts of sediment that currently exists in active landsliding occurring in the watershed. These landslides not only occur upstream of the project site but downstream and along other tributaries as well.

It has been suggested in the past that over-extraction by the five projects on the Trinity River, combined with multiple low winter flow years, can contribute cumulatively to erosion of the bed and banks of the river, which in turn can erode adjacent riparian and other habitat areas, interfere with fishery resources, undermine bridge supports, and cause other impacts. However, these same impacts can and have occurred when excessive deposition from high winter flow/duration events occur. Effects of aggradation have been summarized in Section 8 – Hydrology and Water Quality.

Besides the cumulative impacts resulting from river morphology changes, other cumulative impacts resulting from the gravel mining operations can include habitat degradation from the installation of new gravel processing operations and access roads within environmentally sensitive habitat adjacent to the exposed gravel bars, exclusion of recreational use of the river banks, and noise. These are impacts that are not now occurring based on current management activity and regulatory requirements. Furthermore these potential impacts also suggest the importance of retaining existing operations and minimizing the need for new sites to be developed elsewhere.

Until 1991, there had been very little coordinated review of the combined effects of the various gravel mining operations on Rivers in Humboldt County. Permits granted in the past by the various approving agencies were site specific and granted with little knowledge of the cumulative impacts of gravel mining throughout the Trinity River. Gravel mining operations on the Trinity River now require the approval of a number of different local, state and federal agencies.

The result of on going monitoring, information indicates there is little concern regarding the cumulative impacts of the gravel mining operations on the Trinity River. Collected information has shown that little change in the river bed has occurred from gravel extraction. Annual monitoring as well as analysis of additional sources of historic bed elevations has further substantiated this.

In the fall of 1993, due to an amendment of the Army Corps of Engineers Clean Water Act Regulatory Program, the Army Corps of Engineers (Corps) became more involved in regulating gravel extraction operations. Whereas previously the Corps' regulatory review of many instream gravel extraction operations focused mainly on the installation of channel crossings and stockpiling of material on the river bar, in 1993 the Corps began actively regulating incidental fill related to gravel mining activities themselves. In an effort to streamline the processing of Corps permits for numerous in-stream gravel operations within Humboldt County, the Corps adopted a Letter of Permission (LOP) procedure for authorizing such projects (LOP 96-1). The LOP was adopted after a series of interagency and public meetings. An applicant for a project covered by the LOP must submit yearly gravel plans and monitoring information to the Corps for approval under the procedure. The Corps incorporated the CHERT (County of Humboldt Extraction Review Team) review process into it's LOP procedure. In addition the LOP process requires consultation under Section 7 of the Endangered Species Act. Mitigation measures are incorporated to address the concerns of the Endangered Species Act (ESA). As more information is gathered, these requirements are revised as necessary.

The operator has worked with agencies to develop a strategy for controlling the cumulative impacts of the gravel operations on river bed degradation and bank erosion. At the heart of the strategy is an annual administrative approval of extraction plans that specifies the particular method and location of extraction. This annual monitoring program has been utilized to make annual decisions on where and how much gravel can be removed from the Trinity River without adversely affecting the river. Consulting firms, using funds provided by the gravel operators, are conducting the monitoring program. This has been the primary source of monitoring information since resource agencies are not funded to conduct the monitoring themselves. The monitoring program involves periodic biological surveys, creating cross-sections and thalweg profiles, plus taking aerial photos and ground photos each year for each gravel removal operation. This information is compiled and compared to data from previous years to determine gravel recruitment, changes in channel morphology and impacts on wildlife and fisheries. The essence of this program is currently occurring through the Army Corps of Engineer's LOP process and past County approach. Much of this information is being collected by consultants for the gravel operators as part of the annual monitoring requirements of permitting and reviewing agencies before the commencement of mining each season.

The proposed concrete batch plant would not modify the existing production levels, hours of operation, number of employees, materials to be mined, mining method, and the overall geographic area covered by the existing use permit. As such, the concrete batch plant would not cause an increase in cumulative impacts in the area. Therefore, **no impact** would result from development of the proposed project.

- c) The project site has been in operation as a sand and gravel mining operation and processing facility since 1969. The proposed project is for the renewal of the current CUP/SP and Reclamation Plan, which is allowed by right under the current Conditions of Approval, and an amendment to the current CUP/SP to allow for a concrete batch plant at the existing processing facility. All existing operations and mining would continue as currently approved and permitted. The existing production levels, equipment, mining method, and number of employees would not change as a result of the proposed project. Thus, the project would not be expected to result in any new environmental effects, such as an increase in air pollutant or GHG emissions, risks related to geological hazards, exposure to hazards or hazardous materials, risks related to flooding, or exposure to excessive noise levels, that would cause adverse effects on human beings. Because adverse effects on human beings, either directly or indirectly, would not occur as a result of implementation of the proposed project, **no impact** would result.

18. DISCUSSION OF MITIGATION MEASURES, MONITORING, AND REPORTING PROGRAM

The Department found that the project could result in potentially significant adverse impacts unless mitigation measures are required. A list of Mitigation that addresses and mitigates potentially significant adverse impacts to a level of non-significance follows. Additional details regarding mitigation for reclamation of the site can be found in the Reclamation Plan.

Mitigation:

M-1: Air Quality. The on-site haul road shall be watered to reduce dust emissions and potential wind erosion of the soils; Apply water to disturbed land surfaces at a frequency high enough to maintain soil cohesion and to reduce blowing dust to the extent practicable. The operator shall maintain a log identifying the day and time and the amount of water applied to maintain dust control. The log shall be kept on the project site and shall be presented for review by county or other agency personnel upon request.

M-2: Biological Resources. Applicant shall continue to abide by the County's annual review process (as well as other state/federal agencies) and based on submittal of annual monitoring information, annual adaptive management strategies are incorporated to address the concerns of the Endangered Species Act.

M-3 Hazardous Materials: The proposed concrete batch plant shall utilize Best Available Control Technology for emissions from stationary sources and shall include dust control systems to minimize or avoid dust production associated with the proposed process.

M-4: Water Quality. Prior to any mining activity the applicant shall submit to the Regional Water Quality Control Board a "Stormwater Pollution Prevention Plan" to address the potential for runoff water from the site impacting adjacent streams. Any grading element of the plan shall conform with the provisions of the Uniform Building Code (UBC) and the recommendations and mitigation measures of the Geologic Report or Reclamation Plan geological section. The erosion control element of the plan shall incorporate Best Management Practices (BMP's) for Erosion and Sediment Control (ESC) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity.

M-5: Noise. Operations shall be conducted in conformance with the following provisions to mitigate noise impacts: aggregate processing shall be intermittent and shall be conducted in accordance with the hours and days of operations specified in the Plan of Operations; also aggregate processing shall be shielded by stock piling of aggregates or other means to reduce noise levels at the nearest residence to 60 dB_{Ldn}.

19. EARLIER ANALYSES.

- a) Earlier Analyses Used. The following documents in Section 19, available at the Community Development Department, have adequately analyzed one or more effects of the project. Earlier analysis has been used

where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063 (c)(3)(D)).

- b) Impacts Adequately Addressed. Some of the effects from the above checklist were within the scope of and adequately analyzed in the document(s) listed in Section 19, pursuant to applicable legal standards.
- c) Mitigation Measures. It was not necessary to include mitigation measures, which were incorporated or refined from the document(s) described above (18. a) to reduce effects that are "Less than Significant with Mitigation Incorporated,"

20. SOURCE/REFERENCE LIST:

The following documents were used in the preparation of this Initial Study. The documents are available for review at the Humboldt County Planning Department during regular business hours.

Berg A., D. Halligan, K. Hess. 2002. Biological Assessment for Southern Oregon/Northern California Coasts Coho Salmon, California Coastal Chinook Salmon, and Northern California Steelhead that may be affected by LOP 02-1. Gravel Extraction Operations in Humboldt County, CA.

CA Resources Agency, 2002. Farmland Mapping and Monitoring Program. www.consrv.ca.gov.

Dyett & Bhatia, 2002. Humboldt County 2025 General Plan Update. Natural Resource and Hazards Report.

Frey, G. 2003. List of wildlife and vegetation species of concern to the Six Rivers National Forest. USFS.

Humboldt County, 1984. General Plan (Volume 1 – Framework Plan).

Humboldt County, 1990. Zoning Ordinance.

LACO Associates. 1996. Geologic Investigation of the Willow Creek Site. Prepared for Mercer, Fraser Company. Unpublished. Eureka, CA.

Lehre, A. K. 1993. Gravel Resource Evaluation and Preliminary Market/Economic Feasibility Analysis for a Sand and Gravel Plant on the Hoopa Valley Indian Reservation. Prepared for the Hoopa Valley Tribal Council, Hoopa, CA. November.

Natural Resource Management Corporation (NRM). 2000. Riparian Vegetation Assessment in Year 2000 for Gravel Operators. Eureka, CA.

Northcoast Unified Air Quality Management District (NCUAQMD) website. 2003.
<http://www.northcoast.com/~ncuaqmd>.

STREAMLINE Planning Consultants (SPC). 1999. Analysis of hydrologic and geologic processes occurring at the Willow Creek Site. Unpublished. Eureka, CA.

Rising Sun Enterprises. 1988. Humboldt County Reclamation Plan for Mercer, Fraser Company. Willow Creek, CA.

United States Army Corps of Engineers (ACOE). 1996. Public Notice Number 21155N78, 21107N78. Mercer, Fraser Company, Willow Creek and McKnight Bar. Humboldt County, California. ACOE, San Francisco District, California. February.

United States Army Corps of Engineers (ACOE) Website, 2002. San Francisco District.
<http://www.spn.usace.army.mil>.

United States Environmental Protection Agency. 1995. Compilation of Air Pollutant Emission Factors. AP-42, 5th Ed. Vol. 1. January.

United States Geologic Service (USGS). 1974. Sediment Discharge in the Trinity River Basin California. Water Resources Investigations 49 – 73. Prepared by J.M. Knott in cooperation with the California Department of Water Resources.

The following documents are referenced information sources utilized by this analysis:

1. California Air Resources Board. *Air Quality and Land Use Handbook: A Community Health Perspective*. April 2005.
2. California Department of Conservation. Regulatory Maps. 2007. Available at: <http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>. Accessed February 26, 2015.
3. Humboldt County. *Humboldt County General Plan Update Draft Environmental Impact Report SCH#2007012089*. April 2, 2012.
4. Humboldt County. *Humboldt County General Plan Update Planning Commission Approved Draft*. March 19, 2012.
5. Humboldt Local Agency Formation Commission. *Willow Creek Community Services District Municipal Service Review*. May 2008.
6. Mercer-Fraser Company. *North Coast Unified Air Quality Management District Application Form 1300*. February 28, 2014.
7. North Coast Regional Water Quality Control Board. *General Waste Discharge Requirements and Water Quality Certification for Discharges Related to Sand and Gravel Mining, Excavation, and Processing Activities, Including Asphalt and Concrete Operations, on Non-Federal Lands in the North Coast Region*. June 21, 2005.
8. North Coast Unified Air Quality Management District. *Air Quality Planning & CEQA*. Available at: <http://www.ncuaqmd.org/index.php?page=aqplanning.ceqa>. Accessed February 26, 2015.
9. STREAMLINE Planning Consultants. *Willow Creek Mining Operation Use Permit and Mining and Reclamation Plan Renewal Initial Study and Checklist*. June 2003.
10. U.S. Department of Transportation Federal Highway Administration. *Construction Noise Handbook*. July 5, 2011. Available at: http://www.fhwa.dot.gov/environment/noise/construction_noise/handbook/handbook09.cfm. Accessed February 26, 2015.
11. Willow Creek Community Services District. *Willow Creek Community Services District 2013 Water Quality Consumer Confidence Report, Public Water System Number 12-10015*. May 2014.
12. Mercer Fraser Co. Willow Creek Mining Operation, Mitigated Negative Declaration, approved June 23, 2003.

**HUMBOLDT COUNTY
PLANNING & BUILDING DEPARTMENT**

MITIGATION MONITORING REPORT FOR THE

Mercer Fraser Co. APN 522-142-10 et al. (Willow Creek area)
SMP-16-002, CUP-16-013, RP-16-002, SP-16-024

PROJECT:

Project Description: Renewal of a Conditional Use Permit, Special Permit, Reclamation Plan, and review of financial assurance cost estimates for an existing surface mining and processing operation, and modification of the Conditional Use Permit to allow for the siting and operation of a concrete batch plant. A 15-year permit term renewal is requested. The project involves the extraction of 40,000 cubic yards of sand and gravel from Trinity River gravel bars. Aggregate materials are temporarily stockpiled and loaded on to 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 asphalt, and weighing and hauling by truck. Site improvements existing at the southern portion of the processing area include a hot mix asphalt plant, rock crusher, screen, settling basin, gate, office, and scales. A new concrete batch plant is proposed. Under the current permit, hours of operation are restricted to daylight hours Monday through Saturday, generally 7:00 am to 6:00 pm.

PROJECT LOCATION: The project site is located in Humboldt County, in the Willow Creek area, on the east side of State Highway 96, just east from the intersection of State Highway 96 with Brannan Mountain Road, on the properties known as 533 and 775 State Highway 96.

ASSESSOR'S PARCEL NUMBER: 522-142-010-000, 522-145-004-000, 522-145-006-000, 522-491-004-000, 522-491-015-000, 522-491-016-000, 522-491-017-000, 522-491-020-000, 522-491-021-000, 522-491-023-000

Mitigation measures were incorporated into conditions of project approval for the above referenced project. The following is a list of these measures and a verification form that the conditions have been met. For conditions that require on-going monitoring, attach the Monitoring Form for Continuing Requirements for subsequent verifications.

ON-GOING MITIGATION MEASURES

M-1: Air Quality. The on-site haul road shall be watered to reduce dust emissions and potential wind erosion of the soils; Apply water to disturbed land surfaces at a frequency high enough to maintain soil cohesion and to reduce blowing dust to the extent practicable. The operator shall maintain a log identifying the day and time and the amount of water applied to maintain dust control. The log shall be kept on the project site and shall be presented for review by county or other agency personnel upon request.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		NCUAQMD		

M-2: Biological Resources. Applicant shall continue to abide by the County's annual review process (as well as other state/federal agencies) and based on submittal of annual monitoring information, annual adaptive management strategies are incorporated to address the concerns of the Endangered Species Act.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		CHERT		

M-3 Hazardous Materials: The proposed concrete batch plant shall utilize Best Available Control Technology for emissions from stationary sources and shall include dust control systems to minimize or avoid dust production associated with the proposed process.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
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Project Operations	Continuous		NCUAQMD		
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M-4: Water Quality. Prior to any mining activity the applicant shall submit to the Regional Water Quality Control Board a "Stormwater Pollution Prevention Plan" to address the potential for runoff water from the site impacting adjacent streams. Any grading element of the plan shall conform with the provisions of the Uniform Building Code (UBC) and the recommendations and mitigation measures of the Geologic Report or Reclamation Plan geological section. The erosion control element of the plan shall incorporate Best Management Practices (BMP's) for Erosion and Sediment Control (ESC) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	First Winter and as necessary		RWQCB		

M-5: Noise. Operations shall be conducted in conformance with the following provisions to mitigate noise impacts: aggregate processing shall be intermittent and shall be conducted in accordance with the hours and days of operations specified in the Plan of Operations; also aggregate processing shall be shielded by stock piling of aggregates or other means to reduce noise levels at the nearest residence to 60 dBLdn.

Implementation Time Frame	Monitoring Frequency	Date Verified	To Be Verified By	Compliance Yes No	Comments / Action Taken
Project Operations	Continuous		HCP&BD		

**

HCP&BD = Humboldt County Planning and Building Department
CDF&W = California Department of Fish and Wildlife
NCUAQMD = North Coast Unified Air Quality Management District
RWQCB = Regional Water Quality Control Board
CHERT = County of Humboldt Extraction Review Team

ATTACHMENT 5

REFERRAL AGENCY COMMENTS AND RECOMMENDATIONS

The project was referred to the following referral agencies for review and comment. Those agencies that provided written comments are checked off.

Referral Agency	Response	Recommendation	Attached	On File
County Building Inspection Division	✓	Approval		✓
County Public Works, Land Use Division		Conditional Approval		
County Division of Environmental Health	✓	Approval		✓
CA Dept. of Fish and Wildlife				
North Coast Unified Air Quality Management District	✓	Approval		✓
Regional Water Quality Control Board				
Hoopa Valley Tribe	✓	Commented on extraction methods, which are reviewed annually by CHERT.		✓