

## SUPPLEMENTAL INFORMATION #1

For Zoning Administrator Agenda of: May 2, 2019

<input checked="" type="checkbox"/>	Consent Agenda Item	} #11
<input type="checkbox"/>	Continued Hearing Item	}
<input type="checkbox"/>	Public Hearing Item	}
<input type="checkbox"/>	Department Report	}
<input type="checkbox"/>	Old Business	}

Re: **NOBLE** Special Permit  
Application Number 14368  
Case Numbers SP-18-125; PLN-2018-14368  
Assessor's Parcel Number 204-062-001 et al.  
1919 River Bar Road, Hydesville Area

Attached for the Zoning Administrator's record and review is (are) the following supplementary information item(s):

1. Revised Attachment 1, Recommended Conditions of Approval
2. Email from Danny Hagens, Pacific Watershed Associates, dated April 26, 2019 clarifying Plan of Operations details for the Habitat Restoration Project

## ATTACHMENT 1

### Recommended Conditions of Approval

**APPROVAL OF THE SPECIAL PERMIT IS CONDITIONED ON THE FOLLOWING TERMS AND REQUIREMENTS  
On-Going Requirements/Development Restrictions Which Must Continue to be Satisfied for the Life  
of the Project:**

1. Operations shall be consistent with the Project Description, including the measures in Item #6 below, the Restoration Plan prepared as part of the Consent Decree and these conditions of approval. Changes shall require modification of this permit except where consistent with Humboldt County Code Section 312-11.1, Minor Deviations to Approved Plot Plan.
2. The applicant shall obtain a grading permit from the Building Inspection Division and shall implement all appropriate erosion and sediment control measures.
3. 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. The applicant shall comply with the conditionals of approval from the Department of Public Works dated August 5, 2015 for the Conditional Use Permit with respect to hauling roads.
4. The Applicant shall:
  - a) maintain erosion control as specified in §3432(9) of the Framework Plan;
  - b) implement "Best Management Practices" for erosion and sediment control during all phases of the project;
  - c) use dust control techniques when operating to minimize dust problems on adjacent roadway(s) and riparian areas.
  - d) reseed disturbed areas prior to winter rain (if applicable).
  - e) take all precautions necessary to avoid the encroachment of dirt or debris on adjacent properties and into off-site waterways.
5. All debris needs to be disposed of in an approved location, particularly concrete and metal debris. Debris generated by deconstruction that is not suitable for reuse without further processing is construction and demolition (C & D) debris and must be transported to a permitted Solid Waste Transfer/Processing Facility or an authorized C&D) Recycling Center.
6. The following best practices will be implemented as a part of the restoration activity:
  - a) Refueling of equipment and storing, adding or draining lubricants, coolants or hydraulic fluids shall not take place within riparian areas or within stream beds, banks or channels. All such fluids and containers shall be disposed of properly.
  - b) Emergency spill response and cleanup kits will be available on site and readily available for the cleanup of any accidental spill.
  - c) All work will be done in a manner that minimizes disturbance to wildlife and habitat.
  - d) Minimize construction equipment exhaust by using low-emission or electric construction equipment where feasible.
  - e) Employ fugitive dust control strategies to prevent visible emissions from ground disturbing activities and vehicular operations from exceeding NCUAQMD regulations and to prevent public nuisance.
  - f) Conduct on-site environmental training to aid workers in recognizing and avoiding sensitive, protected or special status plant and wildlife species that may occur in the project area and have some potential to be impacted by project activities.
  - g) Adequate and effective erosion and siltation control measures will be used to

- prevent sediment and turbid or silt laden water from entering streams; areas of disturbed soil will be revegetated with appropriate species. Geotextiles, fiber rolls, and other erosion control treatments shall not contain plastic mesh netting.
- h) All internal combustion engines, stationary and mobile, will be equipped with spark arresters and on-site construction personnel will be trained and equipped to extinguish small fires.
7. Hours and days of operations shall be limited as follows: se and hours of operation to: 7:00 a.m. to 7:00 p.m., Pacific Standard Time (6:00 a.m. - 6:00 p.m. during Daylight Savings Time), Monday through Saturday. No night-time work or hauling will occur. Per the CDFW LSAA permit, restoration activities will occur between June 15 and October 15 of each year work is authorizedrequired.
88. Restoration activities shall be consistent with the signed CDFW Lake and Streambed Alteration Agreement (LSAA) which provides, "If project activities will occur before August 31 of any year, a qualified ornithologist shall determine whether potential willow flycatcher or ground nesting birds, such as kildeer and sandpipers, habitats exist that may be impacted by the project activities. If habitats are present, protocol-level surveys shall be performed by the ornithologist and appropriate restrictions on the work shall be defined."
9. This project is required to pay for permit processing on a time and material basis as set forth in the schedule of fees and charges as adopted by ordinance of the Humboldt County Board of Supervisors. Any and all outstanding Planning fees to cover the processing of the subdivision shall be paid to the Humboldt County Planning Division, 3015 "H" Street, Eureka. The Department will provide a bill to the applicant upon file close out.

#### **Informational Notes:**

1. Applicant is responsible for receiving all necessary permits and/or approvals from other state and local agencies including, but not limited to: CDFW, UAQMD, RWQCB, etc. Note: Even though work will involve removing materials located on dry river bed and banks, as a precautionary measure, in addition to the LSAA, an Incidental Take Permit (ITP) is being issued by the CDFW to monitor and protect foothill yellow-legged frog (FYLF) and other amphibians. Additionally, both a USACE 404 and a NCRWQCB 401 permits will be issued for the restoration activities, and the applicant will comply with all the listed avoidance and minimization measures in the various permits.
2. This permit shall expire and become null and void at the expiration of one (1) year after all appeal periods have lapsed (see "Effective Date"); except where construction under a valid building permit or use in reliance on the permit has commenced prior to such anniversary date. The period within which construction or use must be commenced may be extended as provided by Section 312-11.3 of the Humboldt County Code.
3. If buried archaeological or historical resources are encountered during construction activities, the contractor on-site shall call all work in the immediate area to halt temporarily, and a qualified archaeologist is to be contacted to evaluate the materials. Prehistoric materials may include obsidian or chert flakes, tools, locally darkened midden soils, groundstone artifacts, dietary bone, and human burials. If human burial is found during construction, state law requires that the County Coroner be contacted immediately. If the remains are found to be those of a Native American, the California Native American Heritage Commission will then be contacted by the Coroner to determine appropriate treatment of the remains. The applicant is ultimately responsible for ensuring compliance with this condition.



## Werner, Steve

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**From:** Danny Hagans <dannyh@pacificwatershed.com>  
**Sent:** Friday, April 26, 2019 11:02 AM  
**To:** Werner, Steve  
**Subject:** Fwd: Noble Operations Plan

Here you go again, I'm at a conference in Santa Rosa, I just left you a message.. Please call if we need to discuss more..  
Thanks Steve  
707 834-2747

----- Forwarded message -----

**From:** Danny Hagans <dannyh@pacificwatershed.com>  
**Date:** Fri, Apr 19, 2019 at 3:50 PM  
**Subject:** Re: Noble Operations Plan  
**To:** Werner, Steve <SWerner@co.humboldt.ca.us>

Please see my responses in BOLD below:

Michael has language in the draft Special Permit staff report mentioning a Plan of Operations for this project but I cannot locate it in the project file. The references are made to days and hours of operation to limit noise impacts. The wording reads: "The plan of operations limits use and hours of operation to: to 7:00 a.m. to 7:00 p.m., Pacific Standard Time (6:00 a.m. - 6:00 p.m. during Daylight Savings Time), Monday through Saturday. No night-time hauling is authorized." **This wording is fine but just add: . The plan of operations limits use and hours of operation to 7:00 a.m. to 7:00 p.m., Pacific Standard Time (6:00 a.m. - 6:00 p.m. during Daylight Savings Time), Monday through Saturday, and no night-time work or hauling will occur. Per the CDFW LSAA permit, restoration activities will occur between June 15 and October 15 of each year work is required.**

Also, in the USACE paperwork it mentions that the work will occur in late summer months well outside of breeding season for raptors and resident and migratory birds. If not stated in the Plan of Operations please confirm the months or time of year so that we can rely on this in our environmental determination. Of particular importance is the bank swallow (*Riparia riparia*) which is identified as being in the vicinity. **Please add this wording: Per the signed CDFW LSAA, "If project activities will occur before August 31 of any year, a qualified ornithologist shall determine whether potential willow flycatcher or ground nesting birds, such as killedeer and sandpipers, habitats exist that may be impacted by the project activities. If habitats are present, protocol-level surveys shall be performed by the ornithologist and appropriate restrictions on the work shall be defined. In addition to the LSAA agreement, an Incidental Take Permit (ITP) is being issued by the CDFW to monitor and protect FYLF and other amphibians. Both a USACE 404 and a NCRWQCB 401 permits will be issued for the restoration activities, and Mr. Noble will comply with all the listed avoidance and minimization measures in the various permits.**

Thanks Steve for all your assistance, and have a great weekend.

Please ask if there are any other loose ends for the Special Permit.

Danny