

FINAL

SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

TO THE

**1992
PROGRAM ENVIRONMENTAL IMPACT REPORT
ON
GRAVEL REMOVAL FROM THE LOWER EEL RIVER**

PROPOSED GRAVEL EXTRACTION PROJECT

BY

**VAN DUZEN RIVER RANCH
JACK & MARY NOBLE
PO BOX 365
FORTUNA CA 95540**

SCH # 92013033.

**PREPARED FOR
HUMBOLDT COUNTY**

**By
Dr. Douglas Jager
JULY 03, 1997**

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This Final SEIR is similar to but replaces a June 26, 1997 draft. The differences are minor and were made for clarification only. The May 2, 1996 draft supplemental environmental impact report for this project (State Clearing House Number 92013033) and its Table of Contents is incorporated herein this Final SEIR except as modified by the following documentation. Section numbers in this document continue from the Draft SEIR.

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Table 1.0-1 Summary of the impacts and related mitigation measures.

See footnote at end of table for definition of symbols used in this table. More detailed descriptions of impact and mitigation's can be found in Sections 7, 9, 10, 11. Section 11 describes the significant effects. Section 12 describes mitigation and monitoring.

Impacts	Significance w/o Mitigation	Mitigation Measures	Significance with Mitigation
Morph-1 Bed degradation in PEIR project area	PS	Mit-1	LS
Land-1 Conversion of AE land	PS	Mit-3	LS
H2O-1 Infiltration & surface runoff	LS	None required	LS
H2O-2 Flood hazards	LS	None required	LS
H2O-3 Excavation & Water quality	PS	Mit-1, Mit-4	LS
H2O-4 Summer bridges & water quality	PS	Mit-5	LS
H2O-5 Impact on streamflow	LS	None required	LS
H2O-6 Impact on groundwater	PS	Mit-1	LS
Air-1 Impact of dust	PS	Mit-6	LS
Truck-1 Impact of truck traffic	PS	Mit-7	LS
Truck-2 Impact on County roads	PS	Mit-17	LS
Wild-1 Impact on habitat area	PS	Mit-8	LS
Wild-2 Cumulative impact on habitat area	PS	Mit-1	RS
Wild-3 Impact on habitat quality	PS	Mit-6, 8	RS
Wild-4 Cumulative impact on habitat quality	PS	Mit-6, 8	RS
Wild-5 Impact on ephemeral habitat	LS	None required	LS
Wild-6 Impact on habitat by bank erosion	PS	Mit-1, 8, 9, 10	LS
Bird-1 Impact on specific birds of concern	LS	None required	LS

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Table 1.0-1 Summary of the impacts and related mitigation measures – continued.

Amph-1 Impact on pond habitat	PS	Mit-11	LS
Amph-2 Impact on stream habitat	PS	Mit-13	LS
Amph-3 Impact of bridges	PS	Mit-12	LS
Wild-7 Cumulative impacts on wildlife	PS	Mit-6, 8, 9, 10	RS
Fish-1 Impact on water quality	PS	Mit-4, 5	LS
Fish-2 Fish entrapment impact	PS	Mit-13	LS
Fish-3 impact on pools and ponds	PS	Mit-11	LS
Fish-4 Impact on habitat diversity	PS	Mit-14	LS
Energy-1 Impact due to inefficient use of energy	LS	None required	LS
Mine-1 Impact due to inefficient use of mineral resources	LS	None required	LS
Equip-1 Hazards of using equipment	LS	None required	LS
Traffic-1 Truck traffic impact	PS	Mit-7	LS
Noise-1 Noise impact in river corridor	LS	None required	LS
Noise-2 Noise impact in river corridor	PS	None available	RS
Noise-3 Noise impact in river corridor	LS	None required	LS
Noise-4 Noise impact in river corridor	LS	None required	LS
Noise-5 Noise impact in river corridor	PS	None available	RS
Noise-6 Noise impact in river corridor	PS	None available	RS
Noise-7 Noise impact in river corridor	PS	None available	RS
Noise-8 Noise impact in river corridor	PS	None available	RS

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Table 1.0-1 Summary of the impacts and related mitigation measures – continued.

Noise-9 Noise impact in river corridor	LS	None required	LS
Noise-10 Noise impact in river corridor	LS	None required	LS
Noise-11 Noise impact in river corridor	PS	None available	RS
Noise-12 Neighborhood noise	LS	None required	LS
Noise-13 Neighborhood noise	LS	None required	LS
Noise-14 Neighborhood noise	PS	Mit-6, 7	LS
Noise-15 Neighborhood noise	LS	None required	LS
Serv-1 Impact on demand for public services	LS	None required	LS
Util-1 Impact on public utilities	LS	None required	LS
Cult-1 Cumulative impact of bed degradation	PS	Mit-1	RS
View-1 Impact on aesthetics	PS	Mit-15	RS
Rec-1 Visual impact of excavation areas	PS	Mit-16	RS

Symbols used in this table and throughout the analysis include: PS, potentially significant impact; LS, impact is less than significant; RS, impact remains potentially significant after mitigation.

11.0 SIGNIFICANT ENVIRONMENTAL EFFECTS

Following each impact summary statement there is a code in parenthesis. In the code (PS/LS), the LS means that the potentially significant impact can be mitigated to less than significant. The symbol (PS/RS) means that the impact is unavoidable and remains potentially significant after mitigation.

IMPACT: MORPH-1

The possibility of excessive gravel extraction and river bed degradation in the Eel River PEIR project area is a potentially significant cumulative impact. This impact is mitigable and will be mitigable to a level of insignificance once the Corp's Federal Permit process is established or when the County Eel River Gravel Management Plan is completed. Because these actions are not yet complete the potential for this impact remains significant. (PS/LS)

IMPACT: LAND-1

The land use effects of converting 9.8 acres of Agriculture Exclusive land to gravel stockpile sites are potentially significant. Because these impacts will be mitigated by reclamation they are temporary. (PS/LS)

IMPACT: H2O-3

Gravel bar skimming can also produce a wide shallow low-flow channel which would result in increased water temperature and reduced dissolved oxygen. Extraction equipment working continuously close to the edge of a stream can also cause substantial increases in turbidity. These are potentially significant impacts which are avoidable through mitigation. (PS/LS)

IMPACT: H2O-4

The impact of summer bridge installation and removal on water quality is potentially significant unless mitigated. (PS/LS)

IMPACT: H2O-6

Excessive bed degradation and groundwater declines are a potentially significant impact. This impact is avoidable with mitigation. (PS/LS)

IMPACT: AIR-1

An increase in fugitive dust is a potentially significant impact which is avoidable through mitigation. (PS/LS)

IMPACT: TRUCK-1

The expected increase in truck traffic leaving the ranch on River Bar Road and on South Fisher Road is a potentially significant impact which can be mitigated by careful driving and dispersing traffic. (PS/LS)

IMPACT: TRUCK-2

This potential impact is added wear and tear on River Bar Road and South Fisher Road due to increased truck traffic. This potential impact has been mitigated with a road maintenance reimbursement agreement between Humboldt County and the Applicants. A draft of this agreement is shown in FSEIR Appendix 3. (PS/LS)

IMPACT: WILD-1

Wildlife Habitat Area of Occurrence

Combined, the 9.75 acres of stockpile sites will remove about 3.7 acres of riparian vegetation in various stages of development. The maximum area of exposed gravel bar subject to skimming during any one year is 50 acres. The maximum area to be disturbed by haul roads is 10 acres. This reduction in riparian wildlife habitat area is potentially significant unless mitigated. (PS/LS)

IMPACT: WILD-2

Cumulative Impact on Riparian Vegetation Wildlife Habitat Area of Occurrence

When viewed in combination with all past, present and foreseeable disturbances to riparian vegetation and wildlife habitat in the Eel River PEIR project area the total reduction in riparian wildlife habitat area is a potentially significant cumulative impact which can not be mitigated to a level of insignificance. (PS/RS)

IMPACT: WILD-3

The VDR project impacts of noise, dust, and vibration on nearby riparian vegetation wildlife habitat quality are potentially significant impacts that can not be fully avoided. (PS/RS)

IMPACT: WILD-4

The cumulative effects of noise, dust, and vibration on the quality of riparian vegetation wildlife habitat from all sources in the Eel River PEIR project area are potentially significant and not mitigable to a level of insignificance. (PS/RS)

IMPACT: WILD-6

The impacts of gravel extraction on riparian vegetation and wildlife habitat by streambank erosion are potentially significant unless mitigated. (PS/LS)

IMPACT: WILD-7

The cumulative impacts of human activity in the PEIR project area on all wildlife populations are potentially significant and can not be mitigated to a level of insignificance. (PS/RS)

IMPACT: AMPH-1

Excavation activity could have an impact on amphibians of concern using pond habitat near excavation areas. This impact is potentially significant unless mitigated. (PS/LS)

IMPACT: AMPH-2

Excavation activity could have an impact on amphibians of concern using stream habitat near excavation areas. This impact is potentially significant unless mitigated. (PS/LS)

IMPACT: AMPH-3

The placement of summer bridges may create an impact on Yellow Legged Frog egg masses attached to rocks in shallow water near the edge of the stream. This impact is potentially significant unless mitigated. (PS/LS)

IMPACT: FISH-1

Changes in water quality can impact fish and the aquatic habitat. This impact is potentially significant unless mitigated. This potential for this impact is described in the water quality Section 9.3.3 - Impacts H2O-3 and H2O-4. (PS/LS)

IMPACT: FISH-2

Gravel bar skimming can produce a wide shallow low-flow channel which can impact migrating salmonids by restricting swimming ability or by entrapment in shallow depressions. These are potentially significant impacts on the aquatic habitat. They are avoidable through mitigation. (PS/LS)

IMPACT: FISH-3

Fish and other aquatic species use ponds and pools found in overflow channels. Gravel mining activity can alter the development, maintenance and volume of existing backwater depressions, overflow channel pools and other ponds. This impact is potentially significant unless mitigated. (PS/LS)

IMPACT: FISH-4

Impact on Aquatic Habitat Diversity

Gravel mining can cause excessive degradation and adversely simplify channel morphology, shoreline diversity, and aquatic habitat diversity. This is a potentially significant impact unless mitigated. (PS/LS)

IMPACT: TRAFFIC-1

Hazards due to increased truck traffic are potentially significant unless mitigated. (PS/LS)

IMPACT: NOISE-1

Users of the river corridor, while remaining within 50 feet of an active excavation area for 9 hours will be exposed to an average daily noise level of 60 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 85 dBA for a total of 4 hours. This level is significant and unavoidable. (PS/RS)

IMPACT: NOISE-2

Users of the river corridor, while remaining within 500 feet of an active excavation area for 9 hours will be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 65 dBA for a total of 4 hours. This level is significant and unavoidable. (PS/RS)

IMPACT: NOISE-5

Users of the river corridor, while remaining near Stockpile area 2 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 80 dBA for a total of 4 hours which is potentially significant. (PS/RS)

IMPACT: NOISE-6

Users of the river corridor, while remaining near Stockpile area 3 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 70 dBA for a total of 4 hours which is potentially significant. (PS/RS)

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IMPACT: NOISE-7

Users of the river corridor, while remaining near Stockpile area 4 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 70 dBA for a total of 4 hours which is potentially significant. (PS/RS)

IMPACT: NOISE-8

Users of the river corridor, while remaining near Stockpile area 5 for 9 hours may be exposed to an average daily noise level of 50 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 75 dBA for a total of 4 hours which is potentially significant. (PS/RS)

IMPACT: NOISE-11

Users of the river corridor, while remaining within 50 feet of the haul roads for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 75 dBA for a total of 4 hours which is potentially significant. (PS/RS)

IMPACT: CULT-1

The cumulative impact of excessive gravel extraction throughout the PEIR project area and further upstream can lead to excessive bed degradation and threaten the structural integrity of Fernbridge. This is a potentially significant cumulative impact that is mitigated to a level of insignificance by the Corp's Federal Permit process and the County Eel River Gravel Management Plan. (PS/LS)

IMPACT: VIEW-1

This project will add to the already unavoidable potentially significant aesthetic impacts that were described in Section 7.2 of the PEIR. (PS/RS)

IMPACT: REC-1

This SEIR agrees with the PEIR, some visual impacts to recreational users are potentially significant and unavoidable. (PS/RS)

12.0 MITIGATION and MONITORING MEASURES

The following mitigation and monitoring measures have been incorporated into the project.

Mit-1

Humboldt County has mitigated many of the adverse effects of gravel extraction by establishing an Interim Humboldt County Eel River Gravel Management Plan and a Humboldt County Extraction Review Team (CHERT). CHERT is a committee of scientists who administer and monitor the management plan. CHERT reviews channel cross sections, aerial photographs, and other environmental data in order to monitor and prescribe gravel extraction in Humboldt County so as to prevent or minimize individual and cumulative adverse effects that might otherwise occur as a result of gravel extraction.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. CHERT was appointed by and reports to the Humboldt County Board of Supervisors.

Mit-3

Project design provides that portions of these stockpile areas will continue to be used for livestock feeding and other agriculture purposes during the life of the project. After the project is complete SMARA required reclamation will restore these areas to appropriate agriculture uses creating an effect that is less than significant.

Monitoring

Reclamation activities will be monitored through an annual SMARA review process for three years after the project has been completed or until performance standards are met

Mit-4

Gravel bar skimming during the summer months will maintain confinement of the low-flow channel and protect water quality by utilizing no less than a minimum one-foot vertical freeboard between extraction surfaces and the existing streamflow water surface. Additional confinement of the low flow channel will be provided by minimizing the amount of gravel removed from the upstream one-third of point bars.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The County-conducted annual SMARA reviews monitor extraction prescriptions and post extraction field conditions.

Mit-5

River run gravel fill will be used to build bridge approaches. The equipment used to set bridges in place will be large enough to easily maneuver bridge spans in place. The amount of instream equipment time will be the absolute minimum to accomplish the task.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The County-conducted annual

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SMARA reviews monitor extraction prescriptions and post extraction field conditions. Summer bridge placement and removal requires a California Department of Fish and Game 1603 agreement which is designed to protect fish and wildlife values. The DFG monitors for conformance with 1603 agreements.

Mit-6

During periods of heavy use, graveled truck roads in the project area will be watered at a frequency that will reduce blowing dust to the extent practicable. Gravel trucks and excavation equipment will not travel at speeds in excess of 15 miles per hour while operating on graveled surfaces.

Monitoring

The operator will monitor truck speed and the conditions of the roads to minimize fugitive dust development.

Mit-7

Mitigation is provided by the following operating standards.

First, gravel trucks using River Bar Road will not exceed 20 miles per hour along Route 2 and 25 miles per hour along Route 1 and South Fisher Road. The slow speed will reduce noise, dust, wear and tear on the road, and the risk of accidents.

Second, when using River Bar Road to access Highway 36, gravel trucks will use Route 1 as much as possible as opposed to Route 2. Route 1 uses only 0.9 miles of River Bar Road while Route 2 uses 1.9 miles of River Bar Road.

Third, truck traffic will be dispersed to the extent practicable by stockpiling gravel on the ranch during the summer excavation season while hauling gravel from the ranch year-round.

The fourth mitigation is to use the railroad as much as market conditions allow.

Monitoring

Annual extraction and gravel sales are reported to the Lead Agency. Thus, loads of gravel produced can be calculated. The operator will inform truck drivers of the mitigations and monitor the drivers and trucks for compliance. The North Coast Railroad Authority will monitor rail use.

Mit-8

Mitigation for the loss of riparian vegetation will occur in the ranch pasture land found east of Yager Creek and north of the Van Duzen River. For the duration of this project (i.e., until final reclamation has been completed) this pasture, exclusive of any waterway, exposed gravel bars, roadways or stockpile areas will be managed as a riparian woodland-grazing unit. This woodland-grazing unit will be managed for the joint production of grass and riparian forest. The total area of this unit is about 60 acres. Fifteen acres of riparian woodland forest will be developed and maintained within this management unit. No component of the 15 acres will be less than 5 acres. The forest will be managed to produce and maintain a minimum of 10 to 15 mature riparian forest stems per acre. Two-thirds, or more of these stems will be native black cottonwood. About 5 acres of this type are present now. Thus, some of these stems are present today. Others will develop from existing or new

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sprouts and/or seedlings. The maintenance of these stands will be somewhat dependent on episodic hydrologic events. If portions of these stands are removed by flooding or bank erosion new stands will be established on the same site or on a like amount of nearby acreage. Thus, for the duration of this project the woodland-grazing unit will maintain 15-acres of developing or mature Black Cottonwood Forest as mitigation for project related impacts on wildlife and wildlife habitat.

Monitoring

The establishment and development of this 15-acre woodland riparian grazing land will be monitored during the annual County SMARA review.

Mit-9

To the extent practicable streambank erosion will be reduced by limiting extraction on bar surfaces that are dissipating energy away from eroding banks and focusing extraction on bar surfaces that are directing energy towards eroding streambanks.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The County-conducted annual SMARA reviews monitor extraction prescriptions and post extraction field conditions.

Mit-10

The ranch has installed hard-rock non-alluvial channel boundaries to control erosion at critical sites. These have been especially effective in creating and protecting riparian habitat and in improving aquatic habitat. They are mostly on the left bank immediately upstream and downstream of Yager Creek. To the extent practicable, the ranch will maintain and expand existing hard-rock non-alluvial channel boundaries to control erosion and protect riparian habitat at critical sites.

Monitoring

Maintenance of hard-rock non-alluvial boundaries will be monitored by the operator.

Mit-11

Amphibian pond habitat will be protected by providing a 150-foot buffer between ponds and excavation areas. If a 150-foot buffer cannot be maintained a biologic survey for species of concern will be conducted of the pond and buffer before encroaching on the 150-foot buffer. If species of concern are found in the pond, the buffer will be maintained unless the Department of Fish and Game approves an alternate plan through the 1603 process which is designed to protect fish and wildlife resources. Extraction prescriptions will be limited in depth so as not alter the development of ponds nor cause a reduction in pond surface water levels by modifying ground water drainage.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The California Department of Fish and Game monitors excavation plans during the 1603 agreement process.

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Mit-12

A survey for Yellow Legged Frog egg masses will be conducted at bridge sites before installing summer bridges. If Yellow Legged Frog egg masses would be disturbed by bridge installation the installation will be relocated or delayed as needed to make the impact less than significant.

Monitoring

Monitoring will be done by the operator. The California Department of Fish and Game monitors bridge installation and removal through the 1603 agreement process.

Mit-13

When gravel bar skimming occurs during the summer months thalweg confinement will be maintained by utilizing no less than a minimum one-foot vertical freeboard between extraction surfaces and the existing streamflow water surface. Areas of skimming will be sloped for drainage purposes so they will drain downstream or across stream toward the low flow channel. Additional confinement of the low flow channel will be provided by minimizing the amount of gravel removed from the upstream portion of point bars.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The California Department of Fish and Game monitors excavation plans during the 1603 agreement process.

Mit-14

CHERT will review each gravel extraction site and plan and will, to the extent practicable, consider the need for maintaining aquatic habitat and shoreline diversity. The California Department of Fish and Game reviews extraction prescriptions during the annual 1603 agreement process which is designed to protect fish and wildlife resources. During this review the operator and the Department also review fish and aquatic habitat enhancement strategies that can be incorporated into extraction designs.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The California Department of Fish and Game monitors excavation plans during the 1603 agreement process.

Mit-15

The PEIR proposed mitigating the aesthetic impacts by minimizing the number, length and height of the small stockpiles temporarily placed next to trenches to minimize visual impacts to the natural river scene between June 1st and October 1st. The PEIR also proposed that skimming marks and stockpile areas inside the river corridor be smoothed out during annual end-of-season reclamation.

Monitoring

Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The County-conducted annual SMARA reviews monitor extraction prescriptions and post extraction field conditions.

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Mit-16

The general smoothing off of the scars left from skimming and stockpiling will tend to minimize the visual evidence of gravel extraction. Extraction equipment will be removed from excavation areas when extraction is not in progress.

Monitoring Site-specific gravel bar pre-extraction prescriptions are approved by CHERT. CHERT monitors post extraction bar surfaces for compliance. The County-conducted annual SMARA reviews monitor extraction prescriptions and post extraction field conditions.

Mit-17

The potential wear and tear on the two County Roads will be further mitigated by an agreement between the applicants and the County Department of Public Works. This agreement provides that the applicants will reimburse the County for certain increased road maintenance costs on River Bar Road and South Fisher Road which may be required due to increased gravel-truck traffic removing gravel from the ranch over these two roads.

Monitoring

Monitoring will be done by the operator and the Department of Public Works.

13.0 SIGNIFICANT EFFECTS WHICH ARE UNAVOIDABLE

The following potentially significant impacts are unavoidable in that they remain potentially significant after mitigation.

IMPACT: WILD-2

Cumulative Impact on Riparian Vegetation Wildlife Habitat Area of Occurrence

When viewed in combination with all past, present and foreseeable disturbances to riparian vegetation and wildlife habitat in the Eel River PEIR project area the total reduction in riparian wildlife habitat area is a potentially significant cumulative impact which can not be mitigated to a level of insignificance. (PS/RS)

IMPACT: WILD-3

The VDR project impacts of noise, dust, and vibration on nearby riparian vegetation wildlife habitat quality are potentially significant impacts that can not be fully avoided. (PS/RS)

IMPACT: WILD-4

The cumulative effects of noise, dust, and vibration on the quality of riparian vegetation wildlife habitat from all sources in the Eel River PEIR project area are potentially significant and not mitigable to a level of insignificance. (PS/RS)

IMPACT: WILD-7

The cumulative impacts of human activity in the Eel River PEIR project area on all wildlife populations are potentially significant and not mitigable to a level of insignificance. (PS/RS)

IMPACT: NOISE-1

Users of the river corridor, while remaining within 50 feet of an active excavation area for 9 hours will be exposed to an average daily noise level of 60 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 85 dBA for a total of 4 hours. This level is significant and unavoidable. (PS/RS)

IMPACT: NOISE-2

Users of the river corridor, while remaining within 500 feet of an active excavation area for 9 hours will be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 65 dBA for a total of 4 hours. This level is significant and unavoidable. (PS/RS)

IMPACT: NOISE-5

Users of the river corridor, while remaining near Stockpile area 2 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 80 dBA for a total of 4 hours, which is potentially significant. (PS/RS)

IMPACT: NOISE-6

Users of the river corridor, while remaining near Stockpile area 3 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 70 dBA for a total of 4 hours, which is potentially significant. (PS/RS)

IMPACT: NOISE-7

Users of the river corridor, while remaining near Stockpile area 4 for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 70 dBA for a total of 4 hours, which is potentially significant. (PS/RS)

IMPACT: NOISE-8

Users of the river corridor, while remaining near Stockpile area 5 for 9 hours may be exposed to an average daily noise level of 50 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 75 dBA for a total of 4 hours, which is potentially significant. (PS/RS)

IMPACT: NOISE-11

Users of the river corridor, while remaining within 50 feet of the haul roads for 9 hours may be exposed to an average daily noise level of 45 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 75 dBA for a total of 4 hours, which is potentially significant. (PS/RS)

IMPACT: VIEW-1

This project will add to the already unavoidable potentially significant aesthetic impacts that were described in Section 7.2 of the PEIR. (PS/RS)

IMPACT: REC-1

This SEIR agrees with the PEIR, some visual impacts to recreational users are potentially significant and unavoidable. (PS/RS)

16.0 CUMULATIVE IMPACTS

The Eel River PEIR summarizes the cumulative impacts of gravel extraction and processing in the lower Eel River and Van Duzen Rivers on pages 167 and 168. Several potential cumulative impacts to river morphology are discussed. They are:

PEIR- Identified Cumulative Impacts

1. Potential lowering of the river bed leading to scour of the piers of Fernbridge, Cock Robin Island Bridge, and the railroad and Highway 101 bridges over the Van Duzen River. Mitigation Number one has reduced this impact to a level of insignificance.
2. Potential changes to the river bed morphology that could change the spacing of the riffles and possibly the depth of flow over the riffles. Mitigation Number one has reduced this impact to a level of insignificance.
3. Potential reduction in the amount of material available to build adjacent beaches
4. Potentially creating a more defined channel through the braided sections. This impact is considered to be beneficial to water quality and fish passage.
5. A potential enlargement of the estuary.

The identification and discussion of the Eel River PEIR-related project-area cumulative impacts has been expanded in this SEIR. The identified cumulative impacts are listed below. Analyses are found in the specified sections of this SEIR.

Cumulative Impacts in the PEIR Project Area.

IMPACT: WILD-2

Cumulative Impact on Riparian Vegetation Wildlife Habitat Area of Occurrence

When viewed in combination with all past, present and foreseeable disturbances to riparian vegetation and wildlife habitat in the Eel River PEIR project area the total reduction in riparian wildlife habitat area is a potentially significant cumulative impact which can not be mitigated to a level of insignificance. (PS/RS)

IMPACT: WILD-4

The cumulative effects of noise, dust, and vibration on the quality of riparian vegetation wildlife habitat from all sources in the Eel River PEIR project area are potentially significant and not mitigable to a level of insignificance. (PS/RS)

IMPACT: WILD-7

The cumulative impacts of human activity in the Eel River PEIR project area on all wildlife populations are potentially significant and not mitigable to a level of insignificance. (PS/RS)

17.0 EFFECTS NOT FOUND TO BE SIGNIFICANT

The following effects were found to be less than significant. The analysis of each can be found in the referenced sections.

IMPACT: H2O-1

The potential project impacts on surface absorption rates and surface runoff are less than significant. (LS/LS)

IMPACT: H2O-2

The project impacts on flooding hazards are less than significant. (LS/LS)

IMPACT: H2O-5

The project impact is the direction of streamflow is less than significant. (LS/LS)

IMPACT: BIRD-1

The project impacts on individual bird species of concern are less than significant. (LS/LS)

IMPACT: ENERGY-1

There will be no inefficient use of energy. Therefore, energy use will be less than significant. (LS/LS)

IMPACT: MINE-1

Due to the high cost of aggregate production and transportation the inefficient use of this resource is not expected. Therefore this impact is less than significant. (LS/LS)

IMPACT: EQUIP-1

Project operators minimize potential hazards by requiring proper equipment operation and maintenance and by requiring that equipment maintenance take place in designated areas where the risk of environmental hazards are reduced. Therefore hazards associated with operating and maintaining heavy equipment are less than significant. (LS/LS)

IMPACT: NOISE-3

Users of the river corridor, while remaining within 1,000 feet of an active excavation area for 9 hours will be exposed to an average daily noise level of 40 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 55 dBA for a total of 4 hours, which is also less than significant. (LS/LS)

IMPACT: NOISE-4

Users of the river corridor, while remaining near Stockpile area 1 for 9 hours may be exposed to an average daily noise level of 40 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 60 dBA for a total of 4 hours which is also less than significant. (LS/LS)

IMPACT: NOISE-9

Users of the river corridor, while remaining near the River Bar Road area for 9 hours may be exposed to an average daily noise level less than 40 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 40 dBA for a total of 4 hours which is also less than significant. (LS/LS)

IMPACT: NOISE-10

Users of the river corridor, while remaining near the Odd Fellows Road area for 9 hours may be exposed to an average daily noise level of 20 dBA which is less than significant. During this period they would be exposed to intermittent discrete noise of 60 dBA for a total of 2 hours, which is also less than significant. (LS/LS)

IMPACT: NOISE-12

The average 9-hour workday daily neighborhood noise impacts from excavation areas are less than 45 dBA, which is less than significant. (LS/LS)

IMPACT: NOISE-13

All stockpiles are 1,000 feet or more from neighborhood residences. The average 9-hour workday neighborhood noise impacts are less than 40 dBA, which is less than significant. (LS/LS)

IMPACT: NOISE-14

Truck noise is potentially significant. With the standards of driving described in Mitigation 7 for River Bar Road, South Fisher Road, and Odd Fellows Road, at 30 feet from the road, the one-minute average noise is 60 to 61 dBA. This impact is less than significant. (LS/LS)

IMPACT: NOISE-15

An increase in rail traffic will produce noise from the railroad. Noise from railroad traffic is expected in the railway corridor and is considered less than significant. (LS/LS)

IMPACT: SERV-1

The demand for public services is less than significant (LS/LS)

IMPACT: UTIL-1

The impact on public utilities will be less than significant. (LS/LS)

Various possible effects were considered in this SEIR but were found to have no impact. These possible effects are listed below and referenced to the appropriate analysis sections in the SEIR.

- Geologic Hazards (Section 9.1.1)
- Exhaust Fumes (Section 9.4.1)
- Rail Transportation (Section 9.5.2)
- Impacts on Mammals of Special Concern (Section 9.9)
- Public Access, Navigation and Fishing (Section 9.19.3)
- Economic and Social Effects (Section 9.20)

22.0 DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The May 2, 1996 draft supplemental environmental impact report for this project (State Clearing House Number 92013033) is incorporated herein this Final SEIR except as modified by the following documentation. Section numbers in this document continue from the Draft SEIR. Changes in the Draft SEIR are reflected in above material or noted in the Following Responses to Comments (Section 24.0) and summarized in Section 25.0. Changes in the Reclamation Plan are summarized in Section 26.

22.1 REVIEW OF DRAFT SEIR

On May 17, 1996 the State Clearinghouse submitted the DRAFT SEIR (SCH# 92013033) for review. On July 3, 1996 the Governor's Office of Planning and Research certified compliance with State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

23.0 COMMENTS TO THE DRAFT SEIR

Pursuant to CEQA Guidelines Section 15132, the following is a list of persons, organizations and public agencies that commented on the DRAFT SEIR, (SCH# 92013033). Copies of the comments are in FSEIR Appendix 1.

List of Persons, Organizations and Public Agencies Commenting on the Draft Seir.

Person, Organization or Public Agency	Letter Abbreviation
State of California Department of Transportation Linda G. Evans June 18, 1996	DOT
State of California Department of Conservation Office of Mine Reclamation James S. Pompy June 20, 1996	OMR
State of California State Lands Commission Mary Griggs July 1, 1996	SLC
State of California Department of Fish and Game Richard L. Elliott July 1, 1996	DFG
Humboldt County Department of Public Works Harless McKinley July 17, 1996	PW

24.0 RESPONSES TO COMMENTS

DEPARTMENT OF TRANSPORTATION

DOT-1

The average annual bedload amount of 110,600 cubic yards in the PEIR refers to the Bridgeville gaging station that monitors approximately the upper half of the Van Duzen basin. The estimated average annual bedload transport rate for the entire Van Duzen cited on page 8 in the VDR reclamation plan and on page 22 in the DSEIR is 485,000 cubic yards. This figure is based on the USDA (1970). Kelsey (1977) attributed much of the difference between the upper basin and total basin bedload estimates to the highly erodible Yager Creek basin that enters the Van Duzen River near the center of this project reach. The above references are included in both the reclamation plan and the DSEIR. The current proposal is to extract up to 200,000 cubic yards per year, less than half the cited average annual bedload transport rate.

Actually, any attempt to use only average annual bedload to manage aggregate extraction would be pure folly. Bedload transport is episodic and average annual transport rates should not be expected outside the realm of statistics. Aggregate extraction and management should be adaptive to riverine resources condition and trend monitoring as well as to replenishment.

Bed degradation is a natural process and may occur in the absence of gravel extraction. Humboldt County has recently adopted an extraction monitoring and management plan for the Lower Eel River and Van Duzen River and they have appointed a committee of five scientists (the CHERT committee) to administer the monitoring and management plan. The CHERT committee will be able to review channel cross sections from various operators and agencies and to monitor and limit gravel extraction to prevent or minimize cumulative adverse degradation effects that might otherwise occur as result of gravel extraction.

DOT-2

The County of Humboldt has established an Extraction Review Team (CHERT) to monitor riverine resource conditions and trends and to help develop aggregate extraction prescriptions accordingly. This team will review input from all agencies, operators and other concerned parties and is expected to work in conjunction with Countywide Corp's permits. Caltrans should advise and consult with the CHERT team wherever and whenever there is concern that gravel extraction is adversely affecting bridge safety in Humboldt County. Special care should be used in establishing "red line limits", particularly where it may be necessary to differentiate between general bed degradation and isolated scour around bridge piers.

DOT-3

The Humboldt County Board of Supervisors has appointed the CHERT team. The Supervisors have also adopted an interim management plan for the lower Eel and Van Duzen PEIR project area.

DOT-4

This comment pertains to the adequacy of the Odd Fellows Road intersection with State Highway 36. The Odd Fellow Road access to Route 36 is currently used year-round by the Tom Bess dairy and aggregate business. Use of this road by the VDR aggregate extraction project will be during low-flow periods only. The Odd Fellow Road Highway 36 access is a 26-foot wide paved road with a stop sign. Eastbound traffic has a 0.3 mile unobstructed view of the intersection. Westbound traffic has a 0.2 mile unobstructed view of the intersection. On June 2, 1997 Dr. Douglas Jager met at the site with Vernon Callahan, Caltrans Assistant Permit Engineer. Mr. Callahan said that the intersection is adequate and that it meets the approach standards in Chapter 400, Index 405.7 of the Caltrans Highway Design Manual. A June 10, 1997 certifying letter from Caltrans is included in FSEIR Appendix 2.

DOT-5

The comment references a statement credited to the Eel River PEIR. The Eel River PEIR alleges inadequate sight distances at the intersections of Fisher Road and River bar Road with Highway 36. A March 25, 1997 letter from Cheryl Willis at Caltrans certifying that adequate sight distances exist at both of these intersections is included in FSEIR Appendix 2.

OFFICE OF MINE RECLAMATION

OMR-1

The Interim Gravel Management Plan for the Van Duzen Ranch project has been superseded by action of the Humboldt County board of Supervisors and is no longer an issue. The Humboldt County Board of Supervisors has appointed a County of Humboldt Extraction Review Team (CHERT). On July 2, 1996 they adopted an Interim Monitoring Program and Adaptive Management Practices for Gravel Removal from the Lower Eel and Van Duzen Rivers. This project is under the jurisdiction of that program. The issues discussed in your item one will be addressed by the CHERT.

OMR-2

The standard skimming prescription calls for maintaining at least a one-foot vertical freeboard between the river water surface and the excavation surface at the time of excavation and it is not unusual for the vertical offset to be greater than one-foot. The water surface elevation can not be specified as this will vary from year-to-year. Also, please see response number DOT-2

The applicants have added the following "not-to-exceed" extraction limitation as Section 3.31 of the Reclamation Plan.

3.31 Extraction Limit

Several factors will influence the annual aggregate extraction prescriptions for this project. Chief among these is the need to maintain year-round stream channel

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beneficial uses. The operators believe that the project reach channel is highly aggraded and are particularly interested in protecting ranch resources by increasing channel capacity to reduce the flooding and bank erosion impacts of frequently occurring floods along the lower Van Duzen. Preliminary channel and flood frequency analyses indicate that ranch objectives could be met if the lower Van Duzen channel had a bank full cross section of approximately 8,000 square feet. Depending upon flow synchronization with Yager Creek, backwater effects from the Eel, variability in channel width and energy gradient, an 8,000 square foot design capacity channel would carry a two-to five-year flow event.

This analysis included a Manning's estimate of bankfull average water velocity of 5 to 6 fps at benchmark cross section number 9; where S was estimated at 0.002, R = 3.6 feet, and N = 0.25 to 0.30. At these velocities, a bankfull cross sectional area of 8,000 square feet would conduct discharges of 40,000 to 48,000 cfs. This analysis is based on preliminary data and future monitoring may suggest the need for adjustments in the analysis and conclusions. In 1995 cross section nine was approximately 1,370 feet wide with an area of approximately 5,510 square feet and a mean depth of 4 feet. If the mean depth of this section were increased by 1.8 feet (to 5.8 feet) the stream bankfull cross-sectional area would be approximately 8,000 square feet.

Annual extraction levels are often based, in large part, on gravel recruitment so as to minimize channel degradation. However, this project is unique in that the channel is highly aggraded and volume to be extracted is partly driven by the operator's desire to increase the capacity of the channel to convey flood waters and enhance fish passage while not significantly impacting habitat diversity and the important beneficial uses of the river and its channel.

This plan establishes a maximum cross section channel capacity limit of approximately 8,000 square feet for the project. Limited excavation beyond a bankfull 8,000 square foot capacity may be provided at certain sites in order to encourage sediment transport, channel degradation and sediment deposition which over time would achieve the desired flood-conveyance channel throughout the project reach. Limited extraction beyond the approximately 8,000 square foot cross section channel may be approved by the CHERT or other regulatory agencies when needed to protect or enhance riverine beneficial uses. Continued channel aggradation and the need to protect instream beneficial uses may not allow the entire channel reach cross sectional area to be expanded to 8,000 square feet. However, it does provide a maximum level of extraction which may meet the applicants flood protection objectives and thus, may not need to be exceeded.

OMR-3

We agree. Replenishment and bed elevations should be monitored and the information should be used by the CHERT to develop their annual adaptive management strategies.

OMR-4

The applicants contend that as long as the combined effects of upland erosion and sediment transport in the Van Duzen basin continue the onslaught of gravel and channel aggradation in

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the project reach that there can be no logical reason for a project termination date. However, since SMARA requires a specific termination date than the applicants agree that 15-years (2012) is appropriate with renewal based on compliance with the approved reclamation plan.

OMR-5

The recommendation for site-specific performance standards is contradictory to SMARA Article 9, Reclamation Standards, 3700 (b) which implies that the lead agency will require verifiable, site-specific standards for reclamation when approving exceptions to the standards of Article 9. The standards of Article 9 will apply without exception to this project.

SMARA (3705) grants the applicants a choice between establishing vegetation baseline data prior to disturbance or the use of reference areas in lieu of baseline data. Where revegetation of disturbed sites is consistent with end uses (See Section 4.6-3 of the reclamation plan.) adjacent or nearby reference areas will be used to establish acceptable revegetation standards at the time of reclamation.

The reclamation plan is clarified by adding the following to the notes on revegetation standards on page 24 of the Reclamation Plan.

When necessary the following methods may be used on revegetated sites and adjacent reference areas. Grasses and forbs will be sampled for cover using a line-transect or quadrant method. Shrubs will be sampled for stem frequency and crown cover using a fixed plot method. Trees will be sampled for stem frequency and basal area using a fixed plot method. Photos of revegetated and nearby reference areas will also be provided.

Where reclamation calls for the establishment of pasture the following standards will apply. Pasturelands will be revegetated with a mixture of perennial rye, orchard grass and subclover at a combined rate of 30 lbs. of seed per acre. This mixture is expected to produce 3.5 tons of forage per acre per year without irrigation.

Refer to page 24 of the reclamation plan for more details on these subjects. The following change should be incorporated into the reclamation plan regarding references to Stockpile Area 5 on pages 23 and 24.

It is possible that the pasture land presently adjacent to Area 5 may revert to brush or woodland vegetation prior to reclamation. Therefore, references to planting pasture grass should be broadened to include the possibility of planting grass, brush or tree species to be consistent with adjacent vegetation at the time of reclamation.

OMR-6

After consultation with CHERT Department of Fish and Game 1603 agreements may be issued for specific extraction plans on an annual basis and thus approval of this reclamation plan can not be conditioned upon attaching a 1603 agreement.

The Corps of Engineers 404 permit process includes an annual review by CHERT and an annual letter of permission (LOP) process. Thus, approval of the reclamation plan can not be conditioned upon attaching an LOP agreement

Water Quality Control was notified of this project proposal in 1994. At that time they requested more details and a CEQA document before issuing a permit or an exemption. When the FSEIR and the mining and reclamation plan are approved they will be forwarded to WQC along with a request for a permit or exemption.

OMR-7

The revegetation financial assurances include an estimated integrated average cost per acre for acquiring required seed and seedlings, site preparation and planting. Costs for remediation should the revegetation program not be successful were not included because the risk of failure at these sites and with these species is extremely low.

STATE LANDS

SLC-1

The informational comments from the State Lands Commission have been forwarded to the applicants. Channel monitoring requirements were adopted by the Humboldt County Board of Supervisors on July 2, 1996 and are in conformance with your comments on surveying and datums.

DEPARTMENT OF FISH & GAME

DFG-1

Your reference to the discussion of "small" and "temporary" stockpiles in Section 3.7 of the reclamation plan represents a misunderstanding. These terms were used to describe typical small temporary piles of aggregate that may be developed in extraction areas to facilitate extraction and loading. The second paragraph in Section 3.7 begins a discussion regarding "off-river" stockpiles.

Your point about locating stockpiles in nearby upland areas is well taken. The channel throughout the project-area is highly aggraded and subject to sudden changes in location (avulsion) during high-flow events. Thus, the planform limits of bankfull can be expected to change suddenly. This project has purposely considerable built-in flexibility to help the applicants attempt to adjust the project to changing river conditions.

You indicate that Stockpiles 2, 3, and 5 are within the bankfull channel. The determinations of bankfull channel limits are not always clear. In some alluvial systems bankfull conditions correlate well with the 1.5 to 2-year flood flow and the river stage associated with these flood

levels will vary with changes in channel width and channel aggradation and degradation. We respond regarding each of these stockpile sites separately.

If Stockpile site 2 is within the bankfull channel limit it would be prudent to use it only during low-flow periods. The present vegetation at the Stockpile 2 site indicates that it may well be above bankfull. As channel conditions change this site could be located in mid channel. One of the main reasons for using stockpile area 2 and its related transport route is to minimize truck use on River Bar Road. You are correct that use of this stockpile area would require the applicants to "double handle" extracted and stockpiled material; a prudent operator will avoid this when possible. (We can say the same for any near-river stockpile area not adjacent to a processing plant.) However, one of the benefits of having a near-river stockpile area is to reduce truck or scraper turn-around time during the extraction season and thus the time spent extracting on-river. This is an important consideration as regulatory requirements are constantly narrowing the seasonal gravel extraction window of opportunity.

By our interpretation, stockpile site 3 is presently beyond the bankfull limit. The primary use of this stockpile area will occur when river conditions allow extraction from bars located along the south side of the river in the absence of summer bridges. Otherwise, extracted material would be carried across the river to other available stockpile areas or to market.

Also, by our interpretation, stockpile area 5 is presently located beyond the bankfull limit. However, river conditions are changing in this reach and the channel is approaching this site. This stockpile area will be used as needed when or if extraction occurs from upriver sites.

From the above, these stockpile areas are necessary to the project and cannot, at this time, be reasonably avoided.

DFG-2

Your comment seems inconsistent and unclear. If the applicants left the "island" alone there would be no need for the fencing that you propose. Regardless, our discussion on the use of this land is limited by litigation between the DFG and the applicants. Furthermore, grazing uses of this pasture seem beyond the scope of this project and the applicants maintain they have the right to graze cattle therein. The aggraded nature of the channel produces substantial potential for bank erosion in this reach. More than 100 feet of lateral bank erosion occurred at Cross Section 1 during the winter of 1994 and it seems unreasonable to expect the applicants to maintain the fencing that would be needed to meet your 100-foot exclusion recommendations.

DFG-3

This discussion on the use of this land is limited by litigation between the DFG and the applicants. SMARA dictates revegetation performance standards in CCR 3705 and this project will comply with those standards. By developing and/or maintaining the proposed 15-acre riparian woodland the applicants have proposed a mitigation ratio of approximately 4:1 ($15/3.7 = \text{approximately } 4$) which exceeds your recommendation of 3:1. Furthermore, Stockpile area 3 which makes up about 1.6 acres of the 3.7 acres you have described in your comments is mostly coyote brush which is perhaps one of the most abundant early seral vegetation types in this region. The planned disturbance will be mitigated by

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developing and/or maintaining a cottonwood riparian woodland which is much less common in today's riparian landscape.

DFG-4

Because the PEIR generally mentioned the possibility of suitable spotted owl habitat in nearby upland areas the applicants checked with Mr. Gary Howard who has done previous spotted owl surveys on their ranch and surrounding ownerships. He verbally indicated that there was no suitable spotted owl habitat in the vicinity surrounding these gravel bars. The 1990 survey was referenced to substantiate this opinion. The applicants hold that there is no suitable spotted owl habitat within one-quarter mile of the proposed extraction areas and that no surveys are warranted.

HUMBOLDT COUNTY PUBLIC WORKS

PW-1

This comment is regarding Highway 36 intersections at River Bar Road, South Fisher Road and Odd Fellows park Road. Please refer to DOT 4 and DOT-5 responses.

PW-2

This proposal is to mine up to 200,000 cubic yards per year. See Section 3.3 of the Reclamation Plan. The applicants are aware of the episodic nature of gravel transport and recruitment and realize that there may be many years of operation when the extraction volume will not approach 200,000 cubic yards. Actual volume to be extracted each year from all commercial operations in Humboldt County will be determined by CHERT during each annual review process. An unknown portion of each annual extraction volume will leave the ranch over River Bar Road and South Fisher Road and the increase wear and tear on the road is a potential adverse impact that was not identified in the Draft SEIR. This impact has been mitigated with an agreement between the applicants and the County. The agreement provides that the applicants will reimburse the County for increased road maintenance costs on River Bar Road and on South Fisher Road which may be required due increased gravel-truck traffic removing gravel from the ranch over these two roads. A draft of the proposed agreement is in FSEIR Appendix 3.

25.0 SUMMARY OF CHANGES TO DSEIR

Revisions and additions incorporated into the Final SEIR are summarized here and are reflected in the findings.

25.1 Project Interim Management Plan Superseded by County Plan and CHERT

The Interim Gravel Management Plan in Section 10.0 of the DSEIR is stricken. It has been superseded by a Humboldt County Interim Management Plan for the Lower Eel and Van Duzen PEIR project area and by the formation of a County-wide extraction review team (CHERT).

The adoption of the County Interim Management Plan and the formation of CHERT necessitated various changes in the Final SEIR:

- The need for Mitigation Number Two has been eliminated.
- Impact Morph-1 is now less than significant (PS/LS)
- Impact Morph-2 is now avoided
- Impact Cult-1 is now less than significant (PS/LS).
- Several monitoring responsibilities have been transferred to CHERT.

25.2 Section 12.0 a Summary of Mitigation Measures

Mitigation and monitoring measures have been reworded and presented in a new Section 12.0.

25.3 Highway 36 Intersections Determined to be Adequate

Discussions with Caltrans have established that the intersections to State Highway 36 at River Bar Road, South Fisher Road and Odd Fellows Road are suitable for the truck traffic that this project might produce.

25.4 Additional Potential Adverse Impact and Mitigation Identified

The Humboldt County Department of Public Works has identified an additional potential adverse impact (TRUCK-2). This potential impact is added wear and tear on River Bar Road and South Fisher Road due to increased truck traffic. This potential impact has been mitigated with a reimbursement agreement between Humboldt County and the Applicants. This resulted in an additional mitigation measure (Mit-17). This mitigation measure will be monitored by the operator and the Department of Public Works.

26.0 SUMMARY OF CHANGES TO RECLAMATION PLAN

26.1 Not to Exceed Extraction Limit Added to Reclamation Plan

Section 3.31, a not-to-exceed extraction limitation has been added to the Reclamation Plan. See OMR-2 response.

26.2 Reclamation Plan Termination Date Specified

Section 3.2 of the Reclamation Plan is modified with the addition of a specific termination date after 15 years with renewal subject to compliance. See OMR-4 response.

26.3 Revegetation Standards Clarified

The revegetation standards on page 24 of the Reclamation Plan have been clarified by an addition. See OMR-5 response.

FSEIR APPENDIX 1 - COMMENTS ON THE DRAFT SEIR

List of Persons, Organizations and Public Agencies Commenting on the Draft Seir.

Person, Organization or Public Agency	Letter Abbreviation
State of California Department of Transportation Linda G. Evans June 18, 1996	DOT
State of California Department of Conservation Office of Mine Reclamation James S. Pompy June 20, 1996	OMR
State of California State Lands Commission Mary Griggs July 1, 1996	SLC
State of California Department of Fish and Game Richard L. Elliott July 1, 1996	DFG
Humboldt County Department of Public Works Harless McKinley July 17, 1996	PW



PETE WILSON
GOVERNOR

State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814



LEE GRISSOM
DIRECTOR

July 3, 1996

RECEIVED

JUL 08 1996

HUMBOLDT COUNTY
PLANNING COMMISSION

JONATHAN SCHNAL
COUNTY OF HUMBOLDT
3015 H STREET
EUREKA, CA 95501

Subject: GRAVEL REMOVAL FROM LOWER EEL RIVER IN HUMBOLDT COUNTY
SCH #: 92013033

Dear JONATHAN SCHNAL:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

EUREKA, CA 95502-3700

TDD PHONE 707/445-6463

(707) 445-6412



June 18, 1996

1-Hum-36-1.66
APN 204-072-06; 204-101-26;
204-063-11; -13; -14;
204-111-11
Noble Draft Supplemental
Environmental Impact Report
CUP-19-94; RP-03-94; SMP-3-94
SCH #92013033

Mr. Jim Baskin
County of Humboldt
Planning Department
3015 H Street
Eureka, CA 95501-4484

RECEIVED

JUN 21 1996

HUMBOLDT COUNTY
PLANNING COMMISSION

Dear Mr. Baskin:

We have reviewed the Draft Supplemental Environmental Impact Report (DSEIR) to the July 1992 Program EIR on Gravel Removal from the lower Eel and Van Duzen Rivers, for a sand and gravel operation on the Van Duzen River, between Hydesville and Carlotta, roughly parallel to Route 36. The proposed project includes the annual extraction of up to 200,000 cubic yards of sand and gravel from the Van Duzen river Ranch Project site, and we have the following comments:

1. This request increases the original volume of 40,000 cubic yards to be mined annually at this site as noted in the 1992 Program EIR. The PEIR estimated the replenishment from the Van Duzen River to be approximately 110,600 cubic yards annually (February 1992 PEIR, page 25). This SEIR, along with the DSEIR submitted by Leland Rock, proposes to extract up to 400,000 cubic yards annually. We recommend that the basis for the discrepancy between the 1992 PEIR replenishment rate and the proposed extraction volume be quantified and the increased annual volume substantiated before approving this mining operation.

We continue to be concerned that cumulative annual gravel extraction in excess of annual replenishment on this reach of the Eel River could cause degradation of the river bed downstream at the Fernbridge and Cock Robin bridges.

DOT-1

Mr. Jim Baskin
June 18, 1996
Page 2


- DOT-2
2. The piers for the Van Duzen River bridges on Route 101 are built on pile foundations. Seismic specialists have determined that the structural integrity of the bridges would be compromised during a seismic event if the footings were exposed. We recommend a red line elevation be established for all mining operations on the Van Duzen River to ensure that no scour occurs below the top of the footings of the Van Duzen River/Route 101 bridges.
- DOT-3
3. The applicant has proposed no mitigation to degradation/scour at the bridges. Responsibility for determining mitigation is deferred to State and local agencies at the end of each extraction season. We recommend the applicant identify mitigation actions they will take during the interim period, during which the County of Humboldt Extraction Review Team (CHERT) is being established and its' responsibilities and authority defined.
- DOT-4
4. We recommend the Odd Fellow Road access to Route 36 be upgraded to Caltrans current commercial road approach standards (in accordance with Chapter 400, Index 405.7 of the Caltrans Highway Design Manual.)
- DOT-5
5. Section 9.5.1 on page 31 of the DSEIR states the following: "According to the Eel River PEIR, the intersections of Fisher Road and River Bar Road with Highway 36 lack proper sight distances." Proposed mitigation-7 on pages 72-73 of the DSEIR relates to dust and travel speeds on the access roads themselves, but does not identify mitigation to the sight distance problem identified on page 31. We recommend the applicant identify appropriate mitigation to the inadequate sight distances identified on page 31 of the DSEIR.

Any work within the State highway right of way as a result of this project will require an Encroachment Permit from Caltrans (per 1991 Statutes relating to the California Department of Transportation, Chapter 3, Articles 1 and 2). The Encroachment Permit application submittal must include a copy of the lead agency's conditions of project approval. Provisions for adequate sight distance and turning geometrics are the responsibility of the applicant. Early consultation on engineering plans and drainage plans that affect State highway right of way is recommended. Requests for Encroachment Permit application forms can be sent to Caltrans District 1 Permits Office, P. O. Box 3700, Eureka, CA 95502-3700, or requested by phone at (707) 445-6390.

Mr. Jim Baskin
June 18, 1996
Page 3

We would appreciate receiving a copy of the Final SEIR, including any conditions of approval or mitigation monitoring responsibilities. Should you have any questions please call Martin Urkofsky at (707) 441-5812.

Very truly yours,


LINDA G. EVANS, Chief
Transportation Planning and
Public Transportation Office

cc:Mr. Michael Chiriatti
State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

STATE OF CALIFORNIA - THE RESOURCES AGENCY

PETE WILSON, Governor

DEPARTMENT OF CONSERVATION
Office of Mine ReclamationReclamation Unit
801 K Street, MS 09-06
Sacramento, CA 95814-3629
(916) 323-8567 PHONE
(916) 322-4862 FAX

June 20, 1996

RECEIVED

JUN 20 1996

HUMBOLDT COUNTY
PLANNING COMMISSIONMr. Jim Baskin
Humboldt County Planning and Building Department
3015 H Street
Eureka, California 95501

Dear Mr. Baskin:

**DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE VAN
DUZEN RIVER RANCH (NOBLE) PROPOSED GRAVEL EXTRACTION PROJECT
CA MINE ID #91-12-0049**

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) and reclamation plan for the proposed Van Duzen River Ranch Gravel Extraction Project. The proposed project is located between river miles 3.2 and 6.0 on the Van Duzen River at its confluence with Yager Creek. The proposed project amends extraction entitlements designated in the Eel River Program Environmental Impact Report (PEIR) from 40,000 cubic yards of aggregate annually to a maximum amount of 200,000 cubic yards annually. The total extraction area encompasses approximately 100 acres of gravel bar and existing stockpile locations; a maximum of 50 acres could be disturbed in any one year. The following comments, prepared James Pompy and Mary Ann Showers, are offered to assist in your review of this project.

The Surface Mining and Reclamation Act of 1975 (SMARA) and the State Mining and Geology Board regulations for surface mining and reclamation practice require that specific items be addressed or included in reclamation plans. In order to ensure that the project is in compliance with SMARA, the Office of Mine Reclamation recommends the SEIR and reclamation plan address the following items.

- OMR-1 ↓
1. The project is located within the Lower Eel River and would be subject to provisions of the Interim Monitoring Program and Adaptive Management Practices for the Lower Eel and Van Duzen Rivers when it is finalized and

Mr. Jim Baskin
June 20, 1996
Page 2

Implemented. No management plan is currently in place, and the mechanism by which annual extraction levels would be determined has not been established. Until such a plan is finalized, the applicant has proposed an Interim Gravel Management Plan (IGMP) for the Van Duzen Ranch project. The IGMP does not assess cumulative impacts from gravel extraction along this reach of the river, nor does it define specific adaptive management techniques that would be employed if adverse impacts to the stream channel and supported riparian habitat are anticipated or occur.

We recommend that the SEIR quantify baseline conditions, describe management "trigger points," and provide specific remedial actions to be implemented if management "trigger points" are reached or exceeded. Such trigger points could include, for example, a specified amount of lateral bank erosion, a minimum desired depth of water in flowing channels, or a specified percentage of riparian vegetation canopy die-back. Much of this information can be provided through evaluation of annual aerial photographs used for monitoring. It will be important, however, to assess annual conditions in relation to baseline conditions so that monitoring will be meaningful.

2. The SEIR and reclamation plan propose to maintain at least one foot of vertical freeboard between extraction surfaces and the existing stream flow water surface, but does not specify what this water surface elevation would be. We recommend that a baseline water surface elevation be established for this site. The elevation should take into consideration subsurface flows and be revised to reflect a fluctuating water surface elevation as the extraction season progresses. Although the nearest bridges are not within one mile of the project site, we also recommend that a "not-to-exceed" extraction level be set for this site in order to properly mitigate the possible undermining of structures (e.g. bridge foundations).
3. Currently available cross section information should be used to demonstrate whether or not "replenishment" of sand and gravel to the site has been adequate to support the proposed gravel extraction levels, as well as restore desired bed elevations and maintain the Van Duzen River Ranch "land form." An effective adaptive management strategy for this project cannot be developed without an assessment of the cumulative annual extraction of sand and gravel on the Eel River.
4. SMARA specifically requires that a termination date be stated in the reclamation plan. As written, the proposed project would be indefinite. The lack of a termination date precludes initiation of reclamation measures such as

OMR-1

OMR-2

OMR-3

OMR-4

Mr. Jim Baskin
June 20, 1996
Page 3

OMR-4



revegetation that is proposed to occur following cessation of mining. We recommend that the reclamation plan specify a termination date, such as fifteen years, with renewal based on compliance with the approved reclamation plan.

OMR-5



5. To ensure compliance with the reclamation plan, we recommend that site-specific performance standards be proposed in the reclamation plan. For example, although reference is made to adjacent riparian vegetation (baseline conditions), the specific measure of cover, density, and species richness should be incorporated into the reclamation plan. A specific description of monitoring methods designed to measure the success or failure of the revegetation effort should also be included. Similarly, proposed reclamation to pasture should include the forage species, seeding rates, and forage yield (performance standards). Cattle should not be allowed into reclamation areas until performance standards have been met.

OMR-6



6. The SEIR and reclamation plan refer to the requirements for a Department of Fish and Game Streambed Alteration Agreement, a U.S. Army Corps of Engineers 404 permit, and concurrence of the Regional Water Quality Control Board. If the requirements of these agencies will be used to satisfy the requirements of SMARA, we recommend that the documents be referenced in and appended to the reclamation plan for ease in compliance monitoring. Because the requirements of these regulatory agencies could alter the manner in which mining and reclamation occur, we also recommend that the reclamation plan not be finalized until concurrence from these agencies is received.

OMR-7



7. In addition to providing technical assistance and review of reclamation plans, the Office of Mine Reclamation is authorized to review cost estimates prior to lead agency approval of the financial assurance for reclamation per SMARA Section 2773.1. We recommend that the estimate of costs of reclamation be revised to reflect costs associated with maintenance and remediation of the channel design, revegetation costs, such as seed collection or purchase, plant propagation, plant maintenance, and the estimated costs associated with remediation should the revegetation program not be successful.

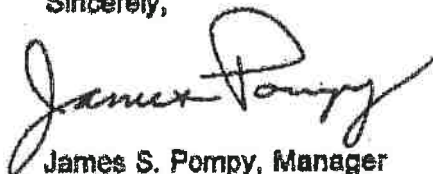
The financial assurance mechanism must include both the lead agency and the Department of Conservation as obligees. To be acceptable, the financial assurance should read: "Humboldt County or the Department of Conservation." Please advise the operator that a copy of the approved financial assurance mechanism should be forwarded to this office once it has been established with your agency.

Mr. Jim Baskin
June 20, 1996
Page 4

Please send a copy of the approved reclamation plan, response to our comments, and permit issued by you as lead agency under SMARA to the Office of Mine Reclamation at 801 K Street, M.S. 09-06, Sacramento, CA 95814-3529. The approved documents will be placed in the OMR files pursuant to SMARA.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

A handwritten signature in black ink, appearing to read "James S. Pompy". The signature is fluid and cursive, with a large, stylized "P" at the end.

James S. Pompy, Manager
Reclamation Unit

**CALIFORNIA STATE
LANDS COMMISSION**1001 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202**ROBERT C. HIGHT, Executive Officer**

(916) 574-1800 FAX (916) 574-1810

California Relay Service From TDD Phone 1-800-735-2922

from Voice Phone 1-800-735-2929

July 1, 1996

File Ref: SD 92-09-10.1

PNCESF 94-20591-78

W 25143

SCH 92013033

Mr. James T. Burroughs
State Projects Coordinator
The Resources Agency
1416 Ninth St, Room 220
Sacramento, CA 95814

Attn: Nadell Gayou

Mr. Jim Baskin
Humboldt County Planning Department
3015 H Street
Eureka CA 95501

RECEIVED

JUL 03 1996

**HUMBOLDT COUNTY
PLANNING COMMISSION**

Dear Mr. Burroughs and Mr. Baskin:

Subject: Noble Aggregate Extraction Permit, SCH 92013033

Staff of the State Lands Commission (SLC) has reviewed the Draft Supplemental Environmental Impact Report for the proposed Gravel Extraction Project by Van Duzen River Ranch, SCH 92013033.

The proposed project area includes, but may not be limited to, the Van Duzen River, which is State owned land under the jurisdiction of the State Lands Commission. California holds a fee ownership in the bed of the Van Duzen River at the project area between the two ordinary low water marks. The entire river between the ordinary high water marks, is subject to a Public Trust easement. This easement and fee owned land is under the jurisdiction of the State Lands Commission (Public Resources Code Section 6301 and Section 6216).

When the river is in a navigable condition, crossings and bridge structures placed within the project area are subject to the leasing/permitting authority of the SLC. Additionally, any structure placed across a river or recreationally navigable stream should be designed and installed so as to provide sufficient overhead clearance to allow unobstructed and safe passage for small craft such as canoes, kayaks, rubber rafts, tubes, drift boats and other water-related public uses. Any structure which does not allow for safe clearance may constitute an unreasonable interference with the right of the public to navigate these waters.

SLC-1

Mr. James T. Burroughs
Mr. Jim Baskin
July 1, 1996
Page Two

Channel monitoring activities involve matters subject to the provisions of the Land Surveyors Act and possibly the Professional Engineers Act. Consequently, these functions must be performed by or under the direction of a State of California Professional Land Surveyor or a pre 1982 Professional Engineer, Civil.

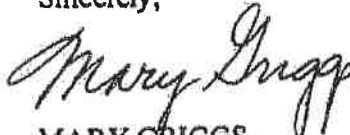
There are two vertical datums, the earlier National Geodetic Vertical Datum of 1929 (NGVD 1929) and the current North American Vertical Datum 1988 (NAVD 88) which are not the same. Where NAVD 88 is available it should be used exclusively. In those areas where the bench marks are not tied to NAVD 88, every effort should be made to provide a physical tie to NAVD 88 and apply a conversion of the local datum to NAVD 88. Vertical control surveys for establishing elevations on the project control or cross-section end points should be accomplished to at least Third-Order or higher standards.

Horizontal control surveys for establishing State Plane Coordinates on the project control or cross-section end points should be done to at least Third-Order, Class I standards and tied to a second order, or better, horizontal control station referenced to the National Spatial Reference System (NSRS) or the California High Precision Geodetic Network (HPGN), both of which are based upon the same North American Datum of 1983 (NAD 83). HPGN stations have been placed by CALTRANS throughout California along major transportation corridors at an interval of approximately 40 miles. CALTRANS has densified the network with supplemental HPGN stations at an interval of approximately 8 to 10 miles in most areas of the state. NSRS and HPGN data are available from the National Geodetic Information Center or from a local CALTRANS District Office. The Governor's Geographic Information Systems (GIS) Task Force has recommended that the California HPGN be used as the foundation for the production of all future GIS data.

This action does not constitute, nor shall it be construed as, a waiver of any right, title, or interest by the State of California in any lands under its jurisdiction.

Linda Fiack should be contacted at (916) 574-1818 regarding the SLC's jurisdiction and permitting process.

Sincerely,



MARY GRIGGS
Environmental Services
Division of Environmental
Planning and Management

cc: Dwight E. Sanders
Linda Fiack
Bryant Sturgess
OPR

1-275

DEPARTMENT OF FISH AND GAME

601 LOCUST STREET
REDDING, CA 96001
(916) 225-2300

RECEIVED



July 1, 1996

JUL 03 1996

HUMBOLDT COUNTY
PLANNING COMMISSION

Mr. Jim Baskin
Humboldt County Planning Department
3015 H Street
Eureka, California 95501

Dear Mr. Baskin:

Draft Supplemental Environmental Impact Report (DSEIR)
SCH 92013033, Proposed Gravel Extraction Project
Van Duzen River Ranch, Mr. Jack and Ms. Mary L. Noble

Department of Fish and Game staff have reviewed the Van Duzen River Ranch DSEIR and found it generally satisfactory. We do have the following comments and recommendations for your consideration.

We remain concerned with the issue of cumulative impacts to riparian habitat (see Impacts WILD-1 and WILD-2, pages 37-38). The DSEIR recognizes that "...the total reduction in riparian wildlife habitat area is a potentially significant cumulative impact which can not be mitigated to a level of insignificance" (page 38).

The gravel extraction project proposes to remove approximately 3.7 acres of riparian vegetation at the proposed stockpile sites, which would be mitigated by allowing about 15 acres of riparian habitat to develop within a 60-acre "cleared pasture land". We would point out, however, that the entire 60 acres had been mature riparian forest until it was cleared by the applicant in 1993. This was a substantial unmitigated impact to this valuable habitat type.

Stockpile sites 2, 3 and 5 are located within the bankful channel of the Van Duzen River and their use would result in the identified loss of about 3.7 acres of riparian habitat in various stages of development. The applicant has indicated that the stockpile sites are "small" and the use is "temporary" (Section 3.7 of the Reclamation Plan).

We prefer that mitigation be used for offsetting impacts in those instances where the impact cannot be avoided. In consideration of the preceding, we recommend all stockpiles be located outside the bankful channel on nearby uplands. Such areas would still function as wintering feeding areas for livestock and could minimize double handling of stockpiled material.

Further, in the interest of initiating recovery of valuable riparian forests, we recommend the applicant consider leaving the "island" alone to revegetate naturally and that livestock be excluded at least 100 feet from the top of the bank to allow the regeneration of riparian resources.

Should the applicant still wish to pursue mitigation for the loss of riparian resources, we recommend that a site-specific mitigation plan be prepared which includes greater densities of planted riparian which would mimic natural sites. Such a plan should also incorporate specific performance standards to be met during late summer for each of five years of monitoring. We recommend a mitigation ratio of 3:1 unless the applicant can document success with similar mitigation plans within the bankful channel of the lower Van Duzen or Eel rivers. We would be pleased to review and comment on any such plan.

DFG-1
DFG-2
DFG-3

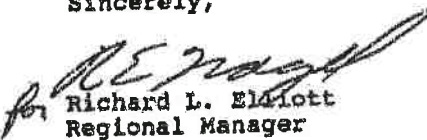
Mr. Jim Baskin
Page Two
July 1, 1996

With respect to spotted owls, the DSEIR correctly states that spotted owls do not use gravel bars (page 14). However, if the extraction site is within one-quarter mile of spotted owl habitat, surveys are warranted. The 1990 spotted owl survey (THP 1-90-403 HUM) conducted in the upland habitat south of the Van Duzen River is out-of-date. A biologist should survey the adjacent upland habitat to determine if suitable owl habitat is within one-quarter mile of any extraction site. If so, specific spotted owl surveys can commence this year and into next year prior to extraction activities.

DFG-4

Thank you for your consideration of these comments. If you have any questions, please contact either Ms. Karen Kovacs, wildlife biologist, at (707) 441-5789, or Mr. David Hoopaugh, environmental specialist, at (916) 225-2373.

Sincerely,


for Richard L. Elliott
Regional Manager

**HUMBOLDT COUNTY
DEPARTMENT OF PUBLIC WORKS
LAND USE DIVISION**

DATE: 7-17-96

TO: Planning And Building Department, Attention James Baskin

FROM: Harless McKinley, Associate Engineer

RE: Noble Surface Mining Permit, APN 204-041-19

This Department has read the PEIR for Gravel Removal from the Lower Eel River and the supplemental Environmental Report for the Van Duzen River Ranch SMARA permit for Jack Noble. The supplemental indicates that 200,000 yards of gravel a year is to be mined. The PEIR only indicated 40,000 yards per year was to be mined from this site.

The supplemental indicates that 4 access points will serve the project. One of the access locations is South Fisher Road, one is Odd Fellows Park Road, and two are off River Bar Road. River Bar Road and South Fisher Road are County roads. The following are our comments:

- PW-1
1. The PEIR indicates a deficiency with the intersections of South Fisher Road and River Bar Road, County roads, with State Highway 36. These intersections are under the control of CALTRANS. The supplemental EIR mentions these intersections as a problem but does not indicate any mitigation.

It is recommended that a written response from CALTRANS be requested as to what needs to occur to have these intersections mitigated or found not to be a problem.

2. One of the access points is through the Bess property and is known as Odd Fellows Park Road. The PEIR indicates that the entrance of this road with State Highway 36 is adequate for sight distance.

- PW-2
3. None of the reports provided any information as to the effect the truck traffic will have on the structural integrity of the County roads. These roads are primarily agricultural roads. They have had seasonal use by trucks harvesting timber; however, these historical uses were not a yearly operation that occurred 12 months a year.

This proposal is to mine 200,000 yards per year for a period of 15 years. According to Mr. Baskin, this equates to over 3,000,000+ cubic yards of gravel to be mined over the life of this permit.

Our recommendations are as follows:

1. All truck traffic shall use the Odd Fellows Park Road access. If this is determined unfeasible by the Planning Commission, the following must occur.

a. No access for any type of vehicle from the gravel operation onto South Fisher Road shall be permitted.

b. If access is proposed to use River Bar Road, the applicant must conform to the following requirements:

(1) Applicant must apply for and obtain an encroachment permit for access onto the County road. The purpose of the permit will be to have an access entrance that will be suitably constructed to protect the County road and to provide proper visibility and turning movements.

(2) The entrance of the access road from the gravel mining operation onto River Bar Road must be located at the nearest point possible to State Highway 36 as approved by this Department. This will minimize the impact to the County road and minimize the effect on the number of residents who live along the road.

(3) The applicant must enter into an agreement approved by County Counsel to reimburse the County yearly for the cost of maintenance of that portion of the County road that is used by the gravel extraction operation. A maintenance bond will be required. The amount of the bond will be determined by the County.

(4) Applicant shall provide a letter from CALTRANS indicating the entrance of River Bar Road is suitable for the proposed truck traffic for the mining operation.

To really understand the effect that trucks have on our roads, I have attached a memo that was sent to the Board of Supervisors in 1986 by this department.

pwk/roads/Noble.SMA

PW-2

Memo.

COUNTY OF HUMBOLDT DEPARTMENT OF PUBLIC WORKS

DATE: January 16, 1986

TO: Individual Members of the Board of Supervisors

FROM: Guy Kulstad, Director



SUBJECT: Trucks Versus Automobiles

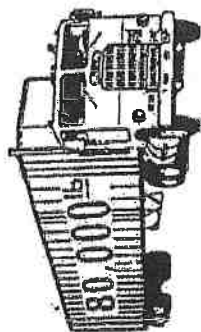
There have been numerous discussions before the Board over the years on the relative effects of trucks compared to passenger cars on the road surface.

Attached is a diagram developed by the American Association of State Highway and Transportation Officials. It illustrates that one fully loaded truck is equivalent to 9600 passenger cars passing over a particular piece of roadway as far as its impact on the roadway surface and subgrade.

I thought this might be useful to you when any of your constituents complain about how much more trucks have to pay than automobiles for licenses and for fuel taxes.

attachment

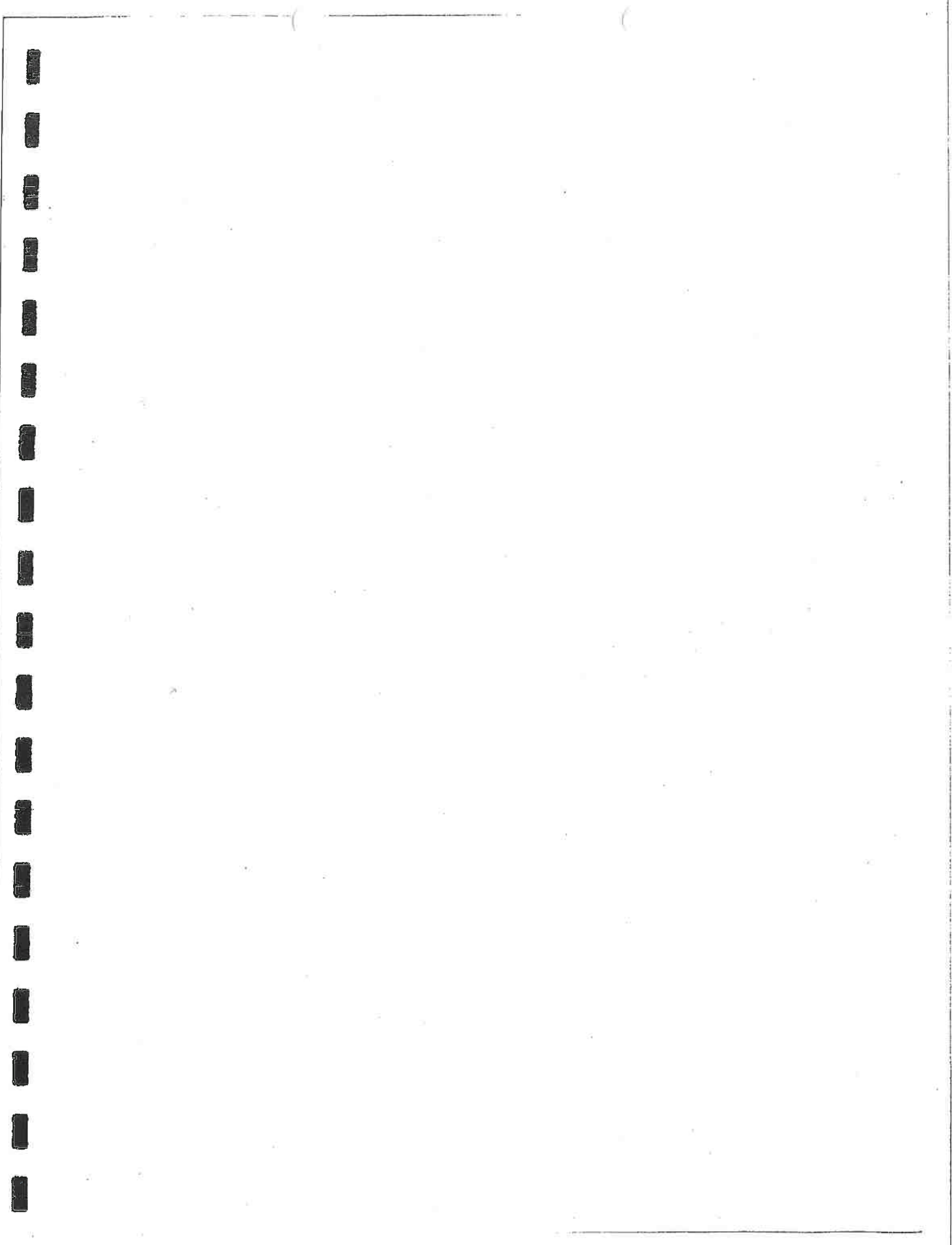
cc: County Administrative Officer



1

EQUALS

96000 CARS



FSEIR APPENDIX 2 - ADDITIONAL CORRESPONDENCE

March 25, 1997 Letter from Caltrans certifying that intersections of River Bar Road and South Fisher Road are adequate.

June 10, 1997 Letter from Caltrans certifying that intersection of Odd Fellow Road with Highway 36 is adequate.

March 13, 1995 Letter from North Coast Railroad expressing support for project.

January 23, 1996 Letter from Hydesville Elementary School District school bus driver testifying that gravel truck drivers leaving ranch operate in a professional, courteous and safe manner.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

PETE WILSON, Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

EUREKA, CA 95502-3700

TDD PHONE 707/443-6463

(707) 443-6413



March 25, 1997

1-Hum-36-1,66
APN 204-041-19
Van Duzen Ranch Surface Mining Operation
Draft Supplemental EIR
CUP-19-94; RP-03-94; SMP-3-94
SCH #92013033

RECEIVED

APR 04 1997

HUMBOLDT COUNTY
PLANNING COMMISSION

Mr. Jim Baskin, Senior Planner
Planning Department
County Of Humboldt
3015 H Street
Eureka, CA 95501-4484

Dear Mr. Baskin:

In response to your letter dated March 11, 1997 responding to our letter dated June 18, 1996 which recommended conditions on the above-referenced project for a sand and gravel operation on the Van Duzen River between Hydesville and Carlotta, roughly parallel to Route 36. The proposed project includes the annual extraction of up to 200,000 cubic yards of sand and gravel from the Van Duzen River Ranch project site.

You expressed concerns about our recommendations listed as number five, which recommend mitigating inadequate sight distance, as referenced on page 31 of the DSEIR. For purposes of discussion, recommendations four and five appear below:

- "4. We recommend the Odd Fellow Road access to Route 36 be upgraded to Caltrans current commercial road approach standards (in accordance with Chapter 400, Index 405.7 of the Caltrans Highway Design Manual.)
5. Section 9.5.1 on page 31 of the DSEIR states the following: "According to the Bel River PEIR, the intersections of Fisher Road and River Bar Road with Highway 36 lack proper sight distances." Proposed mitigation-7 on pages 72-73 of the DSEIR relates to dust and travel speeds on the access roads themselves, but does not identify mitigation to the sight distance problem identified on page 31. We recommend the applicant identify appropriate mitigation to the inadequate sight distances identified on page 31 of the DSEIR."

You also provided a copy of a letter from Donald L. Comstock, District 1 Traffic Engineer, dated January 21, 1987, which concluded: "...that there is sufficient sight distance to allow a motorist going 50 MPH eastbound on Route 36 to stop if required to by a motorist leaving Fisher Road into the eastbound motorist's path."

Please remember that the reference to inadequate sight distance at the intersections of Highway 36 with River Bar Road and Fisher Road originated in the DSEIR, not in our letter of June 18, 1996, and our comments, then, reflected an apparent need to mitigate an impact identified in the DSEIR. We acknowledge that recent improvements to the intersections of Highway 36 with River Bar Road and South Fisher Road provide adequate sight distance at those intersections, but not at Odd Fellows Road. The recommendations in our letter of June 18, 1996 are included to accommodate the needs of the proposed gravel operation without compromising the safety of

JUL 07, 1997 01:22PM FROM

TO 96773918

P.02

Mr. Jim Baskin
March 25, 1997
Page 2

other highway users. The commercial road approach upgrade is in accordance with the type of use that is being proposed. Through the encroachment permit process we will consider and require improvements as needed to maintain or achieve adequate sight distance and structural section engineering requirements.

I hope this clarifies our recommendations. Should you have any questions please call Linda Evans at (707) 445-6412.

Very truly yours,



CHERYL S. WILLIS
District Division Chief
Planning

DEPARTMENT OF TRANSPORTATION

DISTRICT 1, P.O. BOX 3700

EUREKA, CA 95502-3700

TDD PHONE 707/445-6463

(707) 445-6413



RECEIVED

June 10, 1997

JUN 12 1997

HUMBOLDT COUNTY
PLANNING COMMISSION

1-Hum-36-1.66

APN 204-041-19

Van Duzen Ranch Surface Mining Operation

Draft Supplemental EIR

CUP-19-94; RP-03-94; SMP-3-94

SCH #92013033

Mr. Jim Baskin
Senior Planner
Planning Department
County of Humboldt
3015 H Street
Eureka, CA 95501-4484

Dear Mr. Baskin:

This letter is being written to update the information contained in our letter dated March 25, 1997, concerning the above-referenced project, for a sand and gravel operation on the Van Duzen River, between Hydenville and Carlotta, roughly parallel to Route 36. The proposed project includes the annual extraction of up to 100,000 cubic yards of sand and gravel from the Van Duzen River Ranch project site.

Vernon Callahan, District 1 Encroachment Permit Engineer, recently met with Doug Jager, agent for the project, at the intersection of Odd Fellow Road with Route 36. The site visit and review of recent improvements on Route 36 revealed that the Odd Fellow Road intersection meets current Caltrans commercial road approach standards. Therefore, our previous recommendations to upgrade the road approach for that intersection are no longer applicable.

Should you have any questions, please call Linda Evans at (707) 445-6412.

Very truly yours,

CHERYL S. WILLIS
District Division Chief
Planning

NORTH COAST RAILROAD

March 13, 1995

Humboldt County Board of Supervisors
825 Fifth Street
Eureka CA 95501

Dear Members of the Board:

In regards to the application of Jack and Mary Noble to excavate gravel from the Van Duzen river, we submit the following comments:

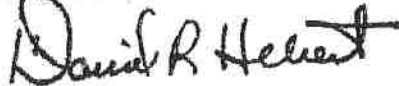
The application and reclamation plan designates the railroad as the primary carrier, markets are in Sonoma and Mendocino counties.

If the application is processed and approved in a timely manner, we project the following volume and income projections.

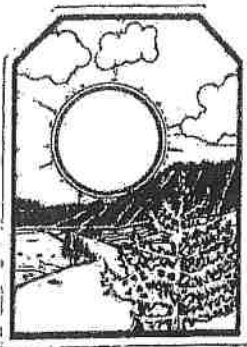
- a. the proposed project will generate 3000-3300 car loads annually. An increase of 75% over current traffic.
- b. the railroad will experience additional revenue in excess of \$924,000 annually.
- c. our work force will be increased by approximately 25% (10 jobs), in addition to the 10-12 jobs created on-site (Noble).

In view of the storm related costs incurred during this winter (1994-1995), and our constant search for new revenue, it goes without saying that we strongly support this application. Any effort you may be able to contribute to facilitate rapid approval of this application will be greatly appreciated.

Sincerely,



David R. Hebert
General Manager



Hydesville Elementary School District

P.O. Box 551 • Hydesville, California 95547-0551

January 23, 1996

Jack Noble
Noble Tree Farms
P.O. Box 365
Fortuna, Ca 95540

Dear Jack,

As school bus driver for Hydesville Elementary School, I would like to take this opportunity to thank you for the help and cooperation extended to me by truck drivers from Canevari Logging hauling gravel on Riverbar Road. While school is in session my route takes me on three separate occasions onto Riverbar Road. Occasionally on my bus route, I run into places on Riverbar Road, where it is only passable by one vehicle. I can honestly say that the truck drivers have always shown me courtesy and pull off the road, making it possible for me to continue my route and stay on schedule. I truly appreciate the courteous and professional manner in which I am treated and realize that it is directly responsible in part because of the instruction and direction that you have passed on to them.

Thank you for helping to keep the children of Hydesville Elementary School safe and the school bus on schedule.

Sincerely,

Joan Delamarian

FSEIR APPENDIX 3 - DRAFT MITIGATION 17 AGREEMENT

The following agreement between the applicant and the County is in draft form. Section 3 is still under discussion. The final form of this agreement may be different.

AGREEMENT

This agreement is made this _____ day of _____, 199____,
between _____, hereinafter called COMPANY and the COUNTY
OF HUMBOLDT, a political subdivision of the State of California, hereinafter called COUNTY.

WITNESSETH:

WHEREAS, COMPANY has applied for and obtained approval of a Conditional Use Permit for the purpose of commercial extraction of gravel from the Van Duzen River as per CUP-19-94 and SMP-03-94; and

WHEREAS, COMPANY proposes to use River Bar Road and Fischer Road, roads that are COUNTY maintained by the Department of Public Works, hereinafter called DEPARTMENT, for the vehicular transportation of extracted gravel for commercial sale; and

WHEREAS, said COUNTY roads have not been constructed with a structural section to support heavy commercial truck traffic; and

WHEREAS, COMPANY has agreed, as a condition of approval of CUP-19-94, to be responsible for any and all maintenance costs, over and beyond normal historical maintenance costs as determined by DEPARTMENT, for damages to said portion of River Bar Road and Fischer Road, described herein, caused by the issuance of this Agreement.

NOW, THEREFORE, it is mutually agreed as follows:

1. COUNTY agrees to allow COMPANY to use that portion of Fischer Road lying south of State Highway 36 for the hauling of legal weight commercial truck loads of gravel to project sites lying east of its intersection with State Highway 36. COUNTY agrees to allow COMPANY to use River Bar Road between State Highway 36 and the Van Duzen River Ranch (Post Mile 2.00±) for the hauling of legal weight commercial truck loads of gravel to project sites lying east or west of the intersection of River Bar Road and State Highway 36.

2. COMPANY agrees to pay COUNTY in kind by allowing COUNTY to extract, store and process river gravel from COMPANY'S property in a gross weight amount equal to two percent (2%) of the total of gross weight of gravel hauling by COMPANY over the roadways described in Item No. 1 above. The percentage herein referenced shall be determined annually on June 1 of each year and shall be verified by COMPANY providing to COUNTY copies of tax statements submitted to the County of Humboldt Assessor's Office and the Office of Mine Reclamation which reflect gross weight of gravel sold at the end of each tax year supported by all shipping invoices indicating the manner in which said gravel was shipped. The manner in which COUNTY may exercise its right to extract, store and

process the gravel to which it is entitled under this agreement shall be agreed upon and set forth in a separate working agreement entered into by the parties the execution of which, however, shall not be a prerequisite to the issuance of COMPANY'S conditional use permit.

3. COMPANY shall provide, to the satisfaction of the DEPARTMENT, a Performance Bond in the amount of \$5,000, for the purpose of emergency road maintenance, prior to commencing hauling operations. The use of a cash deposit, pledged savings account, time certificate, or letter of credit shall be acceptable in lieu of a bond.

4. The Director of Public Works is designated as authorized representative of COUNTY and is located at 1106 Second Street, Eureka, CA 95501.

5. Any notice that is provided for herein shall be mailed to COMPANY at P. O. Box 365, Fortuna, California 95540, and to DEPARTMENT at 1106 Second St., Eureka, CA 95501.

6. The term of this Agreement shall commence upon execution hereof by COUNTY and COMPANY and continue, subject to the terms of this Section 6, so long as CUP-19-94 and SMP-03-94 remain in effect. This Agreement shall be automatically renewed for one (1) year terms thereafter, unless revoked by COUNTY or terminated by COMPANY by giving written notice to COUNTY.

7. COMPANY certifies by its signature below that COMPANY is not a Nuclear Weapons Contractor, in that COMPANY is not knowingly or intentionally engaged in the research, development, production, or testing of nuclear warheads, nuclear weapons systems, or nuclear weapons components as defined by the Nuclear Free Humboldt County Ordinance. COMPANY agrees to notify COUNTY immediately if it becomes a nuclear weapons contractor, as defined above. COUNTY may immediately terminate this agreement if it determines that the foregoing certification is false or if COMPANY becomes a nuclear weapons contractor.

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IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto upon the date first above written.

COUNTY OF HUMBOLDT

By _____
Chairman of the Board of Supervisors
of the County of Humboldt, State of
California

(SEAL)

COMPANY:

ATTEST:

BY _____

Lora Frediani
Clerk of the Board of Supervisors
of the County of Humboldt, State
of California

TITLE _____

BY _____

APPROVED AS TO FORM:

BY _____
County Counsel

INSURANCE CERTIFICATES
REVIEWED AND APPROVED:

BY _____
Risk Manager

