



COUNTY OF HUMBOLDT

Legislation Text

File #: 24-1119, Version: 1

To: Zoning Administrator

From: Planning and Building Department

Agenda Section: Consent

SUBJECT:

Blue Lake Gravel Bar renewal of SMARA Reclamation Plan and Review of Financial Assurance Cost Estimates
Assessor's Parcel Numbers (APN) 312-161-007, 312-161-020, 313-231-001, 313-231-002
Record No.: PLN-2024-18901 / SMR-08-91XX
Blue Lake area

A fifteen-year (15) extension of the Reclamation Plan (SMR-08-91XX) (CA Mine ID #91-12-0032) for the existing in-stream operations on the Blue Lake Bar. A vested rights determination was made in 1992 for the annual maximum extraction of 50,000 cubic yards. Blue Lake Bar is located just downstream (west) of the confluence of the Main Stem Mad River and the North Fork Mad River. Primary access to the site is off a private drive at the end of Taylor Way accessing Hatchery Road approximately 800 feet north of Hatchery Road Bridge. Portions of the operation are located within the City of Blue Lake. If approved, the Reclamation Plan will expire July 29, 2037.

RECOMMENDATION(S):

That the Zoning Administrator:

1. Adopt the resolution (Resolution 24-__). (Attachment 1) which does the following:
 - a. Finds that the Zoning Administrator has considered the Mitigated Negative Declaration previously adopted for the Blue Lake Bar SMARA Reclamation Plan and the Addendum that was prepared for the Blue Lake Bar Reclamation Plan Renewal (Attachment 3.A);
and
 - b. Finds that the proposed project complies with the General Plan and Zoning Ordinance;
and
 - c. Approves the Renewal of the Blue Lake Bar SMARA Reclamation Plan Renewal subject to the recommended conditions of approval (Attachment 2.A).

DISCUSSION:

Project Location:

The project is located in the Blue Lake area, on the south side of State Highway 299, approximately 0.5 miles west from the intersection of Hatchery Road and Taylor Way, on the properties known 791 Taylor Way and properties known to be in Section 30 Township 06 North Range 02 East HBM.

Present General Plan Land Use Designation:

Conservation Floodway (CF), Agricultural Exclusive (AE), 2017 Humboldt County General Plan; CITY OF BLUE LAKE

Present Zoning:

Unclassified (U), Agriculture Exclusive with a Special Building Site combining zone specifying a minimum 160 acres (AE-B-5(160)); CITY OF BLUE LAKE

Environmental Review:

An Addendum to a previously adopted MND has been prepared for consideration per §15164 of the CEQA Guidelines.

State Appeal:

Project is not appealable to the California Coastal Commission.

Major Concerns:

None

Executive Summary:

A second fifteen-year (15) renewal of an approved Reclamation Plan and review of Financial Cost Estimates for continued, intermittent instream mining operations on the Blue Lake Bar. The bar is located just downstream of the confluence of the Main Stem Mad River and the North Fork Mad River. Activities include removal of flood-washed aggregate from the exposed bar surface, the construction of temporary haul roads, and in most years, construction of a summer low-flow channel crossing of the Main Stem Mad River. The term of the Reclamation Plan is fifteen (15) years and will expire July 29, 2037. Mining operations, and issues related thereto, are not within the scope of this project.

The applicant proposes continued operations for intermittent extraction and processing. There are no changes to the vested mining operation. The site has been intermittently mined since at least the 1960s for major highway construction projects, riverbank flood repair and bridge abutment protection.

Annual extraction volumes, methods and locations are based on recommendations of the County of Humboldt Extraction Review Team (CHERT), the Department of Fish and Wildlife (CDFW), Army Corps of Engineers (ACOE), and other regulatory agencies.

Background Information of Mining Operations:

On June 16, 1992, the Humboldt County Board of Supervisors (BOS) approved a Vested Rights determination for the annual maximum extraction of 50,000 cubic yards of material from the Blue Lake Bar. On July 29, 1992, the BOS approved the Reclamation Plan for a term of fifteen (15) years and adopted the Mitigated Negative Declaration (MND) (SMR-08-91). On January 6, 2011, the Planning Commission (PC) approved a fifteen-year renewal of the Reclamation Plan (SMR-08-91X) and an Addendum to the MND.

Historic operation involves removal of aggregate from the exposed bar surface, and construction of temporary haul roads. Extraction occurs between July 1 and October 15 as frequently as annually. Extraction activities typically occur in areas adjacent to the wetted channel. Mining is subject to extensive local, state and federal regulation. In any given year, project extraction volumes, locations and methods are submitted for approval by local, state and federal agencies, including the County of Humboldt Extraction Review Team (CHERT), North Coast Regional Water Quality Control Board (NCRWQCB), California Department of Fish and Wildlife (CDFW), CalFire, CA Office of Mine Reclamation, the National Marine Fisheries Service (NMFS) and the US Army Corps of Engineers (USACE).

Surrounding land uses include industrial, agricultural and rural residential. The river channel is defined by 15-25-foot vertical banks that cut through agricultural lands with some rural residential development. Upper terraces are covered with a mixture of vegetation. Rarely are more than 15 acres disturbed in any one season. The gravel bar is an open active bar without topsoil or significant amounts of vegetation. Ancillary activities are located upland from the bar and include access and haul roads, aggregate stockpile staging and storage areas, equipment storage, maintenance and fueling, office space and parking. Portions of the operation are within the City of Blue Lake.

Reclamation Plan:

The project involves renewal of the Blue Lake Bar Reclamation Plan, and as such Planning staff must look only to the reclamation plan and not to the mining operation. Moreover, Planning staff can only impose “reclamation” measures, but cannot impose “operational” measures. Planning staff can impose annual reclamation measures that do not interfere with the vested rights.

Additional permits associated with this operation:

NCRWQCB Certification (General Order #R1-2005-0011, WDID #1B02120WNHU), USACE 404 Individual Permit (Permit #27426N), and CDFW 1600 (Agreement #1600-2004-0391).

Annual surveying, monitoring, approval process and oversight:

As per the ACOE 404 Individual Permit, NCRWQCB 401 Certification, CDFW 1600 Agreement, and NOAA Fisheries Biological Opinion, there are several conditional requirements governing mining activities at this site. Extraction commences only upon approval from the agencies.

Access:

Primary access to the site is off a private drive at the end of Taylor Way accessing Hatchery Road approximately 800 feet north of Hatchery Road Bridge. Portions of the operation are located within the City of Blue Lake.

Environmental Review:

An Addendum to a previously adopted MND has been prepared for consideration per §15164 of the CEQA Guidelines

ALTERNATIVES TO STAFF RECOMMENDATIONS:

1. The Zoning Administrator could elect not to approve the project, or to require the applicant to submit further evidence, or modify the project. If modification may cause potentially significant impacts, additional CEQA analysis and findings may be required. These alternatives could be implemented if the Zoning Administrator is unable to make all of the required findings.
2. The Zoning Administrator could also decide the project may have environmental impacts that would require further environmental review pursuant to CEQA. Staff did not identify any potential impacts. As the lead agency, the Department has determined that the project requires no additional environmental review. However, the Zoning Administrator may reach a different conclusion. In that case, the Zoning Administrator should continue the item to a future date at least two months later to give staff the time to complete further environmental review.

ATTACHMENTS:

1. Draft Resolution Blue Lake Bar SMARA Reclamation Plan renewal
2. A. Recommended Conditions of Approval
B. Original Conditions of Approval
3. A. Addendum to MND
B. Reclamation Plan/CEQA MND
4. Applicant's Evidence in Support of the Required Findings
A. Reclamation Plan revised December 1, 2023
B. Financial Assurance Cost Estimate

Applicant:

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