This Calendar Item No. C25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 4-6-94
meeting.

A 1

S 2

CALENDAR ITEM

C25

04/06/94
W 24531
J. Ludlow
PRC 7760

APPROVAL OF A GENERAL LEASE
RIGHT-OF-WAY USE

APPLICANT: Canevari Timber Company
P.O. Box 286
Fortuna, CA 95540

AREA, TYPE LAND AND LOCATION:
A 0.194-acre parcel of submerged land located in the bed of the Eel River near Fortuna, Humboldt County.

LAND USE: Placement of a seasonal flat-car bridge and approaches.

EXHIBITS:
A. Site Map
B. Project Approval, Conditions, and Notice of Determination

AB 884: 09/30/94

OTHER PERTINENT INFORMATION:

1. The Humboldt County Board of Supervisors has adopted a Statement of Overiding Considerations as part of its CEQA findings for the Canevari Timber Surface Mining Permit, Conditional Use Permit and Reclamation Plan, SCH 92013033. They have identified continuing significant environmental impacts which would occur in the environmental issue areas of noise and aesthetics for which mitigation proposed will not lessen the significant impact. The County's approval document concludes that the noise and aesthetic impacts are not detrimental to the public, health, safety and welfare because the site is located in an existing industrial area adjacent to US 101, and the proposed development is consistent with existing views and noise levels.

   One of the five components in the Supplemental EIR, SCH 92013033, identified as contributing to the remaining significant impact of aesthetics is the construction and operation of the summer bridge crossing the Eel River. The Eel River has been nominated into the Commission's Inventory of Unconveyed State School Lands and Tide and Submerged Lands Possessing Significant Environmental Values (Inventory). Commission staff have contacted

staff of the Department of Fish and Game, the agency which nominated the Eel River into the "Inventory". Department staff indicated that the seasonal placement and removal of the bridge crossing would not be objectionable as long as applicant: 1) complies with recommended timing of placement and removal of the bridge crossing; 2) obtains a yearly Streambed Alteration Agreement; and 3) complies with identified monitoring and reporting components of the mining project.

Commission staff therefore conclude that the yearly seasonal placement and removal of the bridge crossing remains consistent with the land use classification identified for the Eel River pursuant to P.R.C. 6370, et seq.

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING: FIND THAT AN ENVIRONMENTAL IMPACT REPORT CONTAINING MITIGATION MEASURES, (STATE CLEARINGHOUSE NO. 9201300033) WAS PREPARED FOR THIS PROJECT BY THE COUNTY OF HUMBOLDT AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

ADOPT THE FINDINGS MADE IN CONFORMANCE WITH SECTION 15096 (h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "B" ATTACHED HERETO ACCEPTING THEREFROM THE STATEMENT OF OVERIDING CONSIDERATIONS.

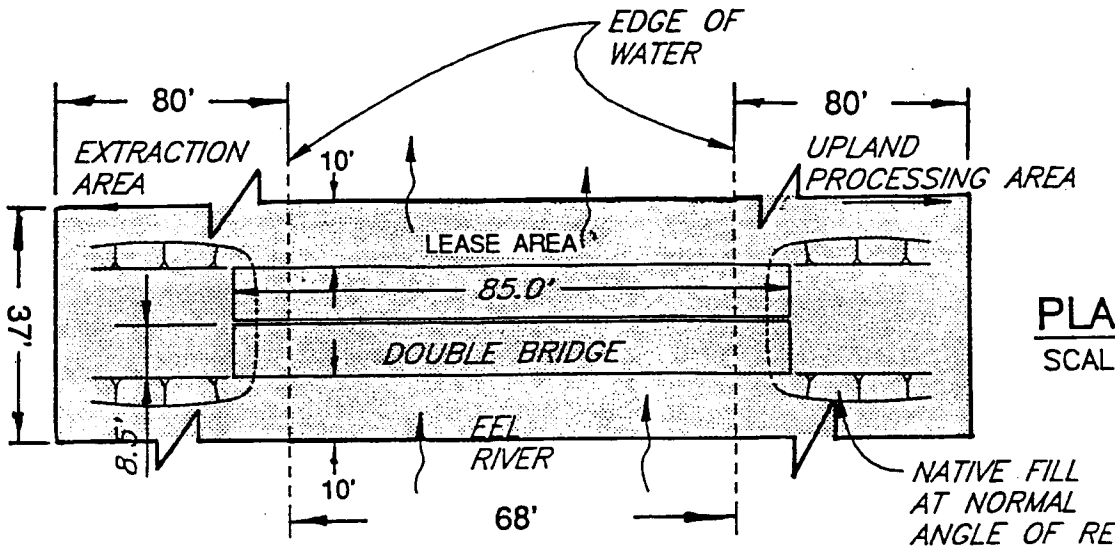
SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

AUTHORIZATION:

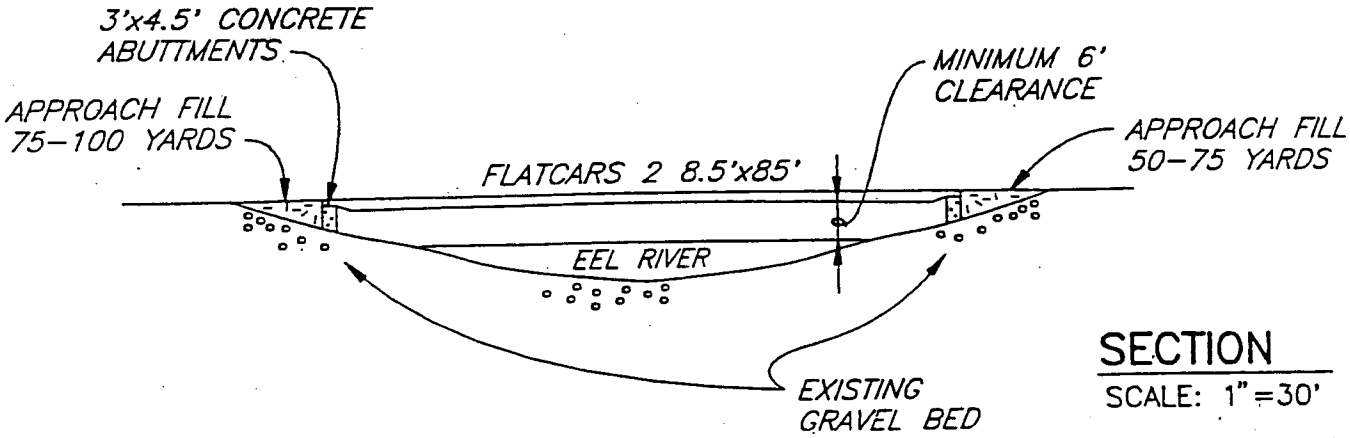
AUTHORIZE THE ISSUANCE OF A TEN-YEAR GENERAL LEASE - RIGHT- OF-WAY USE TO CANEVARI TIMBER COMPANY, BEGINNING MAY 1, 1994; IN CONSIDERATION OF $100 PER ANNUM WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR

COMBINED SINGLE LIMIT COVERAGE OF $1,000,000; FOR THE PLACEMENT OF A SEASONAL FLATCAR BRIDGE AND BRIDGE APPROACHES; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.



PLAN

SCALE: 1"=30'



SECTION

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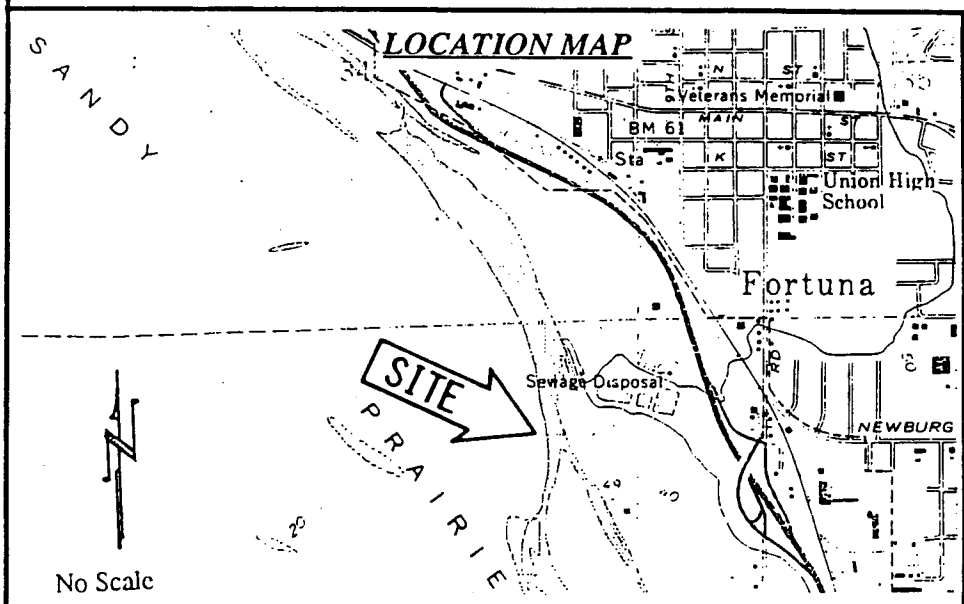
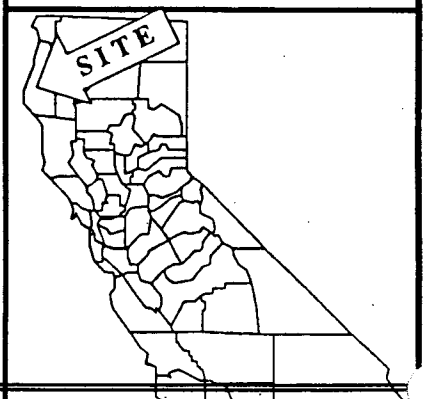


EXHIBIT "A"
W 24531
APN 200- 341- 05
EEL RIVER
HUMBOLDT COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

NOTICE OF DETERMINATION

EXHIBIT B

To: [X] Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

[X] County Clerk, County of Humboldt

From: Planning Division of the
Humboldt County
Planning & Building Dept.
3015 H Street
Eureka, CA 95501

Subject:

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

Project Title: Canevari Timber, Applicant
Conditional Use & Reclamation Plan
Case No. CUP-57-92/SMR-10-92
File No.: APN 200-341-02

LINDSEY McWILLIAMS
Humboldt County Clerk
FILED OCT 28 1993 FILED
By _____ DEPUTY

State Clearinghouse Number: SCH# 92-013033
Lead Agency Contact Person: Kirk Gothier, Supervising Planner
Area Code/Telephone/Extension: (707) 445-7541

Project Location: Humboldt County on the Sandy Prairie Bar area of the Eel River, approximately one mile upstream from Fernbridge in the Southwest Quarter of Section 34, Township 3 North, Range 1 West, on property known as 200 Dinsmore Drive, Fortuna, California.

Project Description: A Surface Mining Permit, Conditional Use Permit and Reclamation Plan for the mining, extraction and processing of up to 200,000 cubic yards of gravel annually on the Eel River. Skimming, trenching and pit excavation will occur in four designated mining areas on the 202 acre site. A maximum of 200,000 cubic yards will be stockpiled annually for onsite processing including: aggregate crushing, washing, sorting, screening and production of ready-mixed concrete and asphalt concrete.

This is to advise that the Humboldt County Board of Supervisors has approved the above described project on October 26, 1993 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Supplemental Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures were made a condition of the approval of the project.
4. A statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at the Planning Division at the address noted above.

Signature (Public Agency)	Date	Title
[signature]	10/27/93	Supervising Planner

Date received for filing at OPR

Revised October 1989

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(plan37/wswin/docs/temp9.wsd)

NO TEXT THIS PAGE

No Calendar Number this page

CALENDAR PAGE
MINUTE PAGE 1064.1

PROOF OF PUBLICATION

(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA

County of Humboldt

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-mentioned matter. I am the principal clerk of the printer of THE TIMES-STANDARD, a newspaper of general circulation, printed and published daily in the City of Eureka, County of Humboldt, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Humboldt, State of California, under the date of June 15, 1967, Consolidated Case Number 27009 and 27010; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/15

all in the year 19 93

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Eureka, California,

this 21 day of October, 19 93

Judy A. Snow

Signature

Proof of Publication of

Notice of Public Hearing Oct. 26, 1993

NOTICE OF PUBLIC HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT

On Tuesday, October 26, 1993 at 1:45 p.m. or as soon thereafter as the matter can be heard, the Humboldt County Board of Supervisors will hold a public hearing in the Board of Supervisors' Chambers, Humboldt County Courthouse, Eureka, California, to consider the following project:

Approval of a surface mining permit, and conditional use permit and reclamation plan for the mining, extraction and processing of up to 200,000 cubic yards of gravel annually on the Eel River: (Case Nos. SMR 10-912; CUP 57-912) (File No. AP 200-341-02). Skimming, trenching and pit excavation will occur in four designated mining areas on the 202 acre site. A maximum of 200,000 cubic yards will be stockpiled annually for onsite processing including: aggregate crushing, washing, sorting, screening, and production of ready-mixed concrete and asphalt concrete. THE PROJECT SITE IS LOCATED ON THE SANDY PRAIRIE BAR AREA ON THE EEL RIVER, APPROXIMATELY ONE MILE UPSTREAM FROM FERNBRIDGDE IN THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 WEST, in Humboldt County at 200 Dinsmore Drive, Fortuna, California 95540.

The Board of Supervisors intends to adopt a Supplemental Environmental Impact Report (SEIR) and Statement of Overriding ConsiderationS for the project.

Further information regarding the proposed project and SEIR may be obtained from the Planning Division of the Humboldt County Planning and Building Department 3015 H Street, Eureka, California 95501. Telephone (707) 445-7541. Contact: Kirk Gothier, Assistant Planning Director.

Any person may appear and present testimony in regard to this matter at the hearing. If you challenge the nature of the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

DATED: October 13, 1993

10/15

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ATTACHMENT 2
CANEVARI TIMBER STAFF REPORT

Required Findings:

Title III, Division 1, Sections 317-36 and A315-14 of the Humboldt County Code (H.C.C.) specify the findings that must be made to approve the Use Permit. Basically, the Hearing officer may grant the Use Permit, if, on the basis of the application, investigation and submitted evidence, the following findings are made:

1. The proposed conditional use is in conformance with the County General Plan;

2. The proposed development is consistent with the purposes of the existing zone in which the site is located;

3. The proposed development conforms with all applicable standards and requirements of these regulations; and

4. The proposed development and the conditions under which it may be operated or maintained will not be detrimental to the public health, safety, or welfare.

In addition, Public Resources Code Section (PRC) 2770 and Humboldt County Code (HCC) Section 391-3 specify that, except as specified therein, no person shall conduct surface mining operations unless the County approves:

5. A reclamation plan, and ;

6. Financial assurances

Recommendation:

The required findings can be made based on the following analysis.

Staff Analyses:

The project site is approximately 202 acres in size, with 180 acres within the Coastal Zone and 22 acres outside the Coastal Zone. The 180 acres within the Coastal Zone is all located below the ordinary high water channel of the Eel River. The 22 acres outside the Coastal Zone is located on a river terrace above the ordinary high water channel.

Background

On March 16, 1993 the Humboldt County Board of Supervisors received a progress report on the Canevari Timber Company (CTC) Zoning Violation and directed CTC to "secure all necessary permits as soon as possible". The Board also determined that "this project is a priority because of the jobs issue".

Thanks to a heroic effort by Bob Canevari, Michael Morrison, Trinity Associates Inc., SHN Consulting Engineers, County Counsel and Planning Staff, all of the mandated Environmental, Surface Mining and Coastal Act documents have been prepared in support of making the required legal findings. Staff believes that the required findings can be made for the following reasons.

For the Portion Of The Project Site Outside of the Coastal Zone:

Approximately 22 acres of river terrace land is outside of the Coastal Zone. Within this 22 acre area approximately 8.7 acres will be mined and reclaimed as a pond and riparian habitat, and 13 acres will be used for a gravel processing facility. The Fortuna Area Community Plan Community Plan designates the entire 22 acres as Industrial-Resource Related (IR). To implement this plan designation, the 22 acres was zoned Agriculture Exclusive (AE).

1. **Conformance With General Plan**

The proposed gravel processing facility, surface mining and reclamation activities are in conformance with the Industrial-Resource Related land use designation because:

- Sections 2531-2533 of the County Framework Plan include language which supports surface mining and processing: "To assure the long-term availability of adequate supplies on mineral resources, to protect mineral resource areas from incompatible land uses and to minimize adverse environmental impacts", and the Industrial-Resource Related land use designation supports mineral extraction.

- The IR designation is intended for uses in rural areas that are compatible with, as well as dependent on, close proximity to resources, including but not limited to, timber, agriculture and minerals. The proposed project is dependent upon gravel extraction from the adjoining river terrace, bars and channels.

2. Consistence With The Zone Classification

The proposed gravel processing facility, surface mining and reclamation activities are consistent with the Agriculture Exclusive Zone Classification because:

- The site is in an industrial area and is of marginal use for agricultural purposes (See Pages 70 & 71 of the FSEIR and Appendix II pages 6-8).
- Reclamation will encourage the conservation of existing soils (See Pages 72, 73, 147 of the FSEIR; and 56, 57 & 67 of the DSEIR).
- The AE zone was intended to support the planned "Industrial, Resource Related" land use, and section 316-17 of the zoning regulations supports the proposed surface mining operation.

3. Conformance With All Applicable Standards

The proposed gravel processing facility, surface mining and reclamation activities conform with all ground coverage and minimum yard requirements in the AE zone. No parking standards are specified for the project. However, section 316-13.2 of the zoning regulations states that: "The parking space requirements for uses not set forth herein shall be fixed by the Planning Director and be based upon available studies and standards for the most comparable use". Based on the applicant's existing operation and plot plan, 2 parking spaces are required to support the existing operation within the County's jurisdiction. There is adequate area for all of these spaces on the project site. The majority of parking spaces which support the gravel processing facilities are located on the portion of the project site which is within the City of Fortuna.

4. The Project Will Not Be Detrimental To The Public Health, Safety & Welfare

The Supplemental Environmental Impact Report thoroughly evaluated all potential impacts of the project and concluded that all impacts had been mitigated to less than significance, except for noise and aesthetic impacts. Staff believes that the noise and aesthetic impacts are not detrimental to the public health, safety and welfare because the site is located in an existing industrial area adjacent to US 101, and the proposed development is consistent with existing views and noise levels.

For the Portion Of The Project Site Inside of the Coastal Zone:

Approximately 180 acres of land is located within the Coastal Zone and below the ordinary high water channel. Within this 180 acre area, three different mining techniques will be used to extract gravel from three different areas. Two of these areas are located within the active channel and will be mined only in years when there is an net recruitment of gravel on the entire Sandy Prairie land form. The third area above the active channel but below the ordinary high water level will be mined in those years when there is no net change or a net gain in gravel surface elevation. No mining will take place in those years when there is a net loss in material or surface elevation.

1. **Conformance With Local Coastal Plan**

The Eel River Area Local Coastal Plan designates the entire 180 acres inside the Coastal Zone as Agriculture Exclusive (AE). While the AE land use designation does not specifically list surface mining and processing facilities as a principal or conditional use, section 3.34 B (1) of the Plan indicates that: "The zoning of all agricultural lands shall not permit any use that would impair the economic viability of agricultural operations on such lands; and a conditional use permit shall be required of any proposed use not directly a part of agricultural production of food or fiber...".

Section 3.41 B (6) also specifically lists "mineral extraction" as a permitted use in rivers "where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects...". Because the riverine environment can be considered a sensitive habitat area, the project must also conform with the resource protection polices of section 3.40 et al of the Plan.

Staff believes that the project conforms with the Eel River Plan agricultural policies and standards because:

- Mineral extraction is allowed by the Plan.
- Page 34 of the DSEIR documents that the area within the Coastal Zone is river bar and is not economically viable for agricultural operations.
- Pages 7 & 8 of Appendix II of the DSEIR documents that there are no adjacent agricultural operations which will be adversely impacted by the project.
- The adopted NR/R Zone allows surface mining as a conditionally permitted use. This zone was found by the County Board of Supervisors and State Coastal Commission to be appropriate for implementing the AE land use designation in the Eel River Area Plan.

- There is no less environmentally damaging alternative because the only feasible alternative would be to extract sand and gravel from lands within the flood plain of the Eel River which are currently being used for agricultural production. Mining in these areas would be more damaging because fertile topsoil would be removed resulting in: conversion of prime lands, adverse impacts to wildlife, more intensive reclamation efforts, and more visible aesthetic impacts.

- Section 5.0 pages 141 - 167 of the FSEIR documents that the proposed extraction activities will be conducted in conformance with all of the requirements of section 3.40 et al of the Plan. Specifically, the proposed surface mining for areas B, C and D in the Coastal Zone will not: remove gravel from the area within the stream transition line, disturb river banks, leave holes or pits which could adversely effect aquatic life, affect riparian corridors, nor significantly alter any natural land forms. The surface mining operation will operate only from June 1 to October 1, or as determined by the Department of Fish & Game, and will remove all flat car bridges and haul roads at the end of each mining season.

- As described in the Sandy Prairie River Management Plan, section 5.2 of the FSEIR on pages 167 - 177; "excavation of aggregate from the active channel would be limited to those specific sites that have experienced replenishment" except in those situations when it is desirable to increase channel capacity on the Sandy Prairie land form.

2. Consistence With The Coastal Zone Classification

The project site is currently zoned Natural Resources, with a Streams and Riparian Corridors Protection combining zone (NR/R). The intent of the Natural Resources zone is to allow natural resource and extractive use types that are compatible with the protection of sensitive coastal resources. Conditionally permitted uses within the Natural Resources zone as defined by H.C.C. Section A313-32 include the Surface Mining-3 use type. The Surface Mining-3 use type as defined by H.C.C. Section A313-11 (D) refers to surface extraction of non-metallic minerals such as sand and gravel, confined only to rivers and areas of wind-blown sands, and not including stationary onsite processing facilities of any type, subject to the Surface Mining Regulations.

The proposed surface mining and reclamation activities are consistent with the Natural Resource/Riparian Corridors Zone Classifications because:

- Section A313-12 of the zoning regulations defines natural resource use types as including "onsite structures and activities which are compatible with the protection and enhancement of sensitive coastal resources".

- The NR/R zones allow surface mining as a conditionally permitted use if all the findings in sections A315-16 F (2) and A315-16 I (1, 4, 8, 9, 10, 13 and 14) can be made.

Staff believes that the required findings in section A315-16 F can be made because the SEIR documents that:

- There is no less environmentally feasible alternative: (Pages 84 - 88 of the DSEIR).
- Sediment removal will not adversely impact public beaches or areas planned for development: (Appendix I, page 57 of the DSEIR).
- Flood control is emphasized: (Pages 141 - 177 of the FSEIR).
- River alterations incorporate the best mitigation measures: (Pages 141 - 177 of the FSEIR).
- Environmentally sensitive habitats are protected: (Pages 141 - 177 of the FSEIR).

Staff believes that the required findings in section A315-16 I can also be made for the reasons above and because the SEIR documents that:

- Minimum stream flows will be protected: (Pages 141 - 177 of the FSEIR).
- Natural drainage patterns and water quality will be protected: (Pages 141 - 177 of the FSEIR).
- Alterations to natural land forms will be minimized: (Pages 141 - 177 of the FSEIR).

3. **Conformance With All Applicable Standards**

The proposed gravel processing facility, surface mining and reclamation activities conform with all ground coverage and minimum yard requirements in the NR zone. No buildings nor permanent parking areas are proposed within the Coastal Zone. As illustrated on pages 142, 143 & 159 of the FSEIR and Exhibit 2 in the DSEIR, surface mining and processing will not occur within riparian corridors as defined in section A314-63 F of the coastal zoning regulations.

4. **The Project Will Not Be Detrimental To The Public Health, Safety & Welfare**

The Supplemental Environmental Impact Report which was prepared for the project thoroughly evaluated all potential impacts of the project and concluded that all impacts had been mitigated to less than significance except for noise and aesthetic impacts. Staff believes that the noise and aesthetic impacts are not detrimental to the public health, safety and welfare because the site is located in an existing industrial area adjacent to US 101, and the proposed development is consistent with existing views and noise levels.

Channel aggradation here and elsewhere in the lower Eel River channel has been recognized as a flood hazard (US Army Corps of Engineers, 1980, pgs 1-25). Gravel extraction is one way of reducing this flood hazard by increasing the cross-sectional area of the stream channel. The proposed project was designed with flood control in mind, and therefore based on the general plan shall be encouraged.

5. Reclamation Plan Requirements

Public Resources Code (PRC) Section 2770, specifies that the County's review of the reclamation plan is limited to whether the plan meets the applicable requirements of PRC Sections 2772, 2773. and 2773.1

Public Resources Code Section (PRC) Section 2772 and 2773, and HCC Section 391-8, specify the information and documents that must be included in the reclamation plan. The reclamation plan shall be applicable to a specific piece of property or properties, shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities, and shall establish site-specific criteria for evaluating compliance with the approved reclamation plan, including topography, revegetation, and sediment and erosion control and shall include the following information and documents which are described in the reclamation plan.

The required documents and information listed below can be found on the corresponding page(s) of the reclamation plan.

	Reclamation Plan Elements:	Page(s):
1.	The name and address of the operator and the names and addresses of any persons designated by him as his agent for the service of process.	141
2.	The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.	144
3.	The proposed dates for the initiation and termination of such operation.	144 - 145
4.	The maximum anticipated depth of the surface mining operation.	147 - 157
5.	The size and legal description of the lands that will be affected by such operation.	141
6.	A map that includes the boundaries and topographic details of such lands, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conjunction with such operation.	142, 143, 159 - 166
7.	A description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted.	App. 2 & A in the DSEIR
8.	The names and addresses of the owners of all surface and mineral interests of such lands.	141
9.	A description of and plan for the type of surface mining to be employed.	146 - 147

10.	A time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.	146 - 157
11.	A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.	146 - 157
12.	A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including:	146 - 157
	a. a description of the manner in which contaminants will be controlled, and mining waste will be disposed; and	146 - 157
	b. a description of the manner in which rehabilitation of affected streambed channel and stream banks to a condition minimizing erosion and sedimentation will occur.	146 - 157
13.	An assessment of the effect of implementation of the reclamation plan on future mining in the area.	167 - 173
14.	A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.	141
15.	Any other information which the County may require by ordinance.	See Att. 1
16.	A cost estimate for completing reclamation per the reclamation plan and financial assurances per PRC Section 2773.1. (The financial assurance need not be posted until after the reclamation plan is approved.)	In Staff Report; # 6

The reclamation plan was circulated for review to all trustee and jurisdictional agencies including the Department of Conservation, Division of Mines and Geology, Mine Reclamation Program for a period of 45 days. Based on PRC Section 2774, all comments on the reclamation plan received from the Mine Reclamation Program were either incorporated into the revised reclamation plan or a written explanation was prepared describing why the comments were not incorporated and is included in the Final SEIR.

All the agency comments and the responses to the comments are attached to this staff report. Staff has reviewed the reclamation plan along with all of the comments and responses and believes the plan and responses reflect the independent judgment of the County and meets the applicable requirements of PRC Sections 2772, 2773. and 2773.1

6. <u>Financial Assurances</u>

Canevari Timber company has posted a financial assurance in the form of a certified letter of credit through Humboldt Bank. The amount of the bond is $25,000.00. This is an acceptable type of assurance pursuant to SMARA. According to the cost breakdown for the Canevari mining operation the posted amount should cover all costs for the subject operation upon final reclamation of the site. However, this amount cannot be finalized and approved until the reclamation plan for the operation is approved and becomes effective. According to SMARA the financial assurance is to be certified for an approved reclamation plan, should the proposed reclamation plan be changed or modified during the hearing process.

ATTACHMENT ~~2~~ 3

FINDINGS IN SUPPORT OF ADOPTING THE SEIR

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS: SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE SMARA CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT AND RECLAMATION PLAN FOR CANEVARI TIMBER COMPANY

SECTION 1. General Introduction. The proposed project is an application for a SMARA conditional use permit for the extraction of aggregate (up to 200,000 cubic yards annually) and the processing of aggregate, a coastal development permit and reclamation plan.

Section 2. Boundary of the Project. The project site encompasses approximately 202 acres located on the northern part of Sandy Prairie landform adjacent to and\or within the ordinary high water of the Eel River, approximately 10 miles upstream from the Pacific Ocean. The property is owned by Robert and Jennie Canevari. The site is in an unincorporated area of Humboldt County adjacent to the western limits of the City of Fortuna. County zoning designations for the site are Agricultural Exclusive, 20 acre minimum (AE-20) and Natural Resources with Riparian Corridor (NR\R). Approximately the western 90 percent of the site is within the Coastal Zone Boundary.

Section 3. The Record. For the purpose of the California Environmental Quality Act (CEQA) and the findings hereinafter set forth, the record of the Board of Supervisors relating to the Project includes:

1. Final Program EIR on Gravel Removal from the Lower Eel River, prepared by the Humboldt County Public Works Department, PEIR NO.SCH 92013033, July 1992

2. Draft Supplemental EIR for Canevari Timber Company project, dated April 1993, SEIR NO.SCH 92-013033.

3. Final SEIR for Canevari Timber Company project, dated October 1993, SEIR NO.SCH 92-013033.

4. All staff reports, memoranda, maps, letters, minutes and meetings and other planning documents prepared by the county staff and consultants relating to the project.

5. All testimony whether written or oral presented at the noticed public hearing on the Final SEIR on October 26, 1993.

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Section 4. Project History. A Program Environmental Impact Report (PEIR) on gravel removal from the lower Eel River was prepared by the Humboldt County Public Works Department and certified by the Board of Supervisors in July 1992. The purpose of the PEIR was to describe and analyze the potential environmental effects resulting from 13 gravel removal operations and related processing operations that are located close to one another in the lower Eel River watershed. The PEIR provides an overview of the cumulative effects of gravel removal from the bed of the Eel River near Fortuna, California, between the confluence of Van Duzen river and the mouth of the Eel River. (Evidence: PEIR NO. SCH 92-013033).

The Canevari project site was one of the 13 sites evaluated by the PEIR. The PEIR functioned as an Initial Study on the Canevari project and a determination was made that a Supplemental Environmental Report was necessary for the project pursuant to section 15163, 14 Cal. Code Reg. (Evidence: Initial study found in the Planning Department file on this project; SMR 10-912, CUP 57-912, CDP 115-912).

The decision to prepare the SEIR was based upon there being substantial changes with respect to the circumstances under which the project is undertaken, which changes require important revisions in the PEIR due to the involvement of new significant environmental impacts not covered in the PEIR, and only minor additions or changes to the PEIR would be necessary to make the PEIR adequately apply to the project in the changed situation. (Sections 15162 and 15163, Title 14 Cal. Code Reg.; Planning Department file on this project, SMR-10-912, CUP 57-912, CDP 115-912; Draft SEIR pages 8-9).

A notice of preparation of the SEIR was sent to all organizations and individuals requesting notice and was sent by certified mail, return receipt requested to:

1. State Clearinghouse
2. Each responsible agent and trustee agent
3. Federal approving agencies

And given by publication in a newspaper of general circulation (Times Standard).

The notice of preparation describes the project, its location, and its impacts sufficiently to permit meaningful response. The notice specified:

1. The period during which comments would be received.
2. Date, time and place of hearing on project.
3. A brief description of the proposed project and its location.
4. Address where a copy of the of the draft SEIR was available for review.

(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

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A notice of completion of the Draft SEIR was filed with the California Secretary of Resources and the county clerk on May 5, 1993, briefly describing the project and its location and indicating that the draft SEIR was available, where it was available, how long it was available for review, together with the deadline for review. (Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

Public notice of the availability of the Draft SEIR was provided by mailing notice to :

1. Organizations and individuals who previously requested such notice.
2. The applicant

Notice was also given by at least one of the following procedures:

1. Publication in a newspaper of general circulation in the affected area.

(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

Copies of the Draft SEIR were sent to the following for review for the indicated periods:

1. State Clearinghouse for state agencies for 45 day review period.
2. Local libraries
3. County offices
4. Citizen organizations listed below:
   A. Cal Trout
   B. Sierra Club
   C. Redwood Region Audubon Society

(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

The county staff reviewed the comments to the Draft SEIR.
(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912, which contains correspondence between the consultant and county and other agencies; correspondence received from agencies and written responses in the Final SEIR starting at page 15).

The county has prepared a Final SEIR consisting of:

1. The Draft SEIR.
2. The comments and recommendations received on the Draft SEIR. The comments are found on pages 15 - 58 of the Final SEIR.
3. A list of persons, organizations, and public agencies commenting on the Draft SEIR.
4. The responses of the county as lead agency to significant environmental points and to the review and consultation process as set forth on pages 59 - 140 of the Final SEIR.
5. The PEIR

(Evidence: SEIR No. SCH 92-013033).

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The SEIR addresses the significant impacts identified in the PEIR and additional significant impacts not identified in the PEIR. The SEIR also includes information necessary to make the PEIR adequate for the revised and changed situation resulting from the project. The changes in the project were:

1. Mitigation for noise impacts generated by extraction and processing on recreation use;
2. Mitigation for aesthetic impacts of equipment, extraction, and processing on recreation use;
3. Mitigation for any threats to public safety from potential impacts to four bridges from potential long-term lowering of the river bed;
4. Mitigation for conversion of agricultural land zoned AE-20;
5. Utilizing pit excavation mining methods with pro-active reclamation plans creating exposed cobble, backwater, deep water, wetland, and riparian habitats;
6. An annual reclamation and river management plan;
7. The concept of managing gravel extraction based on not exceeding net recruitment to the Sandy Prairie landform;

(Evidence: SEIR NO. SCH 92-013033, Page 9).

The SEIR focuses on the significant effects of the project on the environment and contains only the information necessary to make the PEIR adequate for the project. The scope of the discussion of the significant effects is in proportion to their severity and probability of occurrence. The potentially significant effects on which the SEIR focuses are:

1. Earth
2. Air quality
3. Water quality
4. Plant life
5. Animal life
6. Noise
7. Land use
8. Risk of upset
9. Contaminated soils
10. Traffic and circulation
11. Human Health
12. Aesthetics
13. Recreation

(Evidence: SEIR No. SCH 92-013033).

The SEIR focuses on the significant effects on the environment and not on speculative impacts. The SEIR identified several potentially significant impacts of the project if implemented as described. Impacts are of three categories:

1. Potential impacts which, although discussed, were never considered to be or found to be significant.

2. Potential significant impacts which are mitigated to less than significant by implementation of the measures called out.
3. Potential Impacts which, although mitigated, could not be mitigated to less than significant.
(Evidence: SEIR No. SCH 92-013033).

The degree of specificity in the SEIR corresponds to the specificity involved in the underlying activity and that necessary to make the PEIR adequate for the project in that the SEIR covers the impacts of extraction of aggregate up to 200,000 cubic yards annually, the processing of aggregate, the reclamation plan and the coastal development permit.
(Evidence. SEIR No. SCH 92-013033, PEIR No. SCH 92-013033).

Notice of the meeting at which the Board of Supervisors was to certify the SEIR was given by mail to:

1. The applicant
2. Organizations and individuals who previously requested such notice.

Notice was also give by the following procedures:

1. Publication in a newspaper of general circulation in the county; ie Times-Standard.
2. Mailing to contiguous property owners within 300 feet of the project site as shown on the last equalized assessment roll.

(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

A noticed public hearing was held before the Board of Supervisors to certify the SEIR.
(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912).

Section 5. Findings Concerning Significant Adverse Impacts.

The SEIR identified several potentially significant impacts of the project if implemented as described. Impacts are of three categories:

1. Potential impacts which, although discussed, were never considered to be or found to be significant.
2. Potential significant impacts which are mitigated to less than significant by implementation of the measures called out.
3. Potential impacts which, although mitigated. could not be mitigated to less than significant.

Potential significant adverse impacts to the environment attributed to the implementation of the project are identified in the SEIR ~~and set forth in Exhibit 1~~ attached hereto and incorporated herein by reference.

The Board of Supervisors finds that the impacts to the earth, air quality, water quality, plant life, animal life, land use, risk of upset, contaminated soils, traffic and circulation, human health and recreation which are identified in the SEIR and Exhibit 1 represent significant or potentially significant adverse environmental effects that would arise from the implementation of the project in the absence of adoption of appropriate and feasible mitigation measures.

The Board of Supervisors further finds that the adoption of appropriate and feasible mitigation measures, as set forth in Section 6, eliminate or mitigate such impacts to levels that are less than significant.
(Evidence: SEIR No. SCH 92-013033, Exhibit 1 and Staff Report dated October 15, 1993).

Section 6. Findings Concerning Proposed Mitigation Measures.

The SEIR describes proposed mitigation measures relating to
earth, air quality, water quality, plant life, animal life, land use, risk of upset, contaminated soils, traffic and circulation, human health and recreation. The proposed mitigation for these impacts are set forth in the SEIR and Exhibit 1. The Board of Supervisors finds that the mitigation measures set forth in the SEIR and Exhibit 1 have been imposed as conditions of the project and are appropriate and feasible measures which will substantially lessen, if not eliminate, the adverse environmental impacts relating to the project.
(Evidence: SEIR No. SCH. 92-013033, Exhibit 1, Staff Report dated October 15, 1993).

Section 7. Evidence to Support Proposed Mitigation Measures.

The Board of Supervisors finds that the specific facts which support the finding that the mitigation measures set forth in the SEIR, Exhibit 1 and Section 6 above are appropriate and feasible measures which will substantially lessen, if not eliminate, the adverse environmental impacts relating to the project are set forth in Exhibit 1. The evidence was read and considered by the Board of Supervisors.
(Evidence: SEIR No. SCH 92-013033, Exhibit 1, Staff Report dated October 15, 1993).

Section 8 . Statement of Overriding Consideration

Section A. General Introduction

The Board of Supervisors has balanced the benefits of the project against the adverse impacts identified in the PEIR and SEIR. Notwithstanding the disclosure of impacts identified in the SEIR as significant and potentially significant, which have not been eliminated or mitigated to a level of insignificance, the Board of Supervisors, acting pursuant to section 15093 of the State CEQA Guidelines, hereby determines that the benefits of the project outweigh the unmitigated adverse environmental impacts.

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The PEIR and SEIR identifies each of the potential adverse impacts which cannot be mitigated to less than significant if the project is implemented. These impacts are:

1. Noise. The noise generated by extraction equipment and processing plants along the project site. (SEIR Impact 1.2.2 (1); PEIR page 159)

2. Aesthetics. The installation of summer bridges, construction of haul roads, skimming marks, trenches, and temporary gravel piles next to the trenches have an impact on the aesthetics of the river during the June 1 through October 1 period of extraction activity. (SEIR Impact 1.2.2(2); PEIR page 159)

The Board of Supervisors carefully considered each of the unavoidable and irreversible impacts in deciding to approve the project and to thereby allow extraction of aggregate from the Eel River and processing of the aggregate. Although the Board of Supervisors believes that many of the unavoidable and irreversible environmental effects identified in the PEIR and SEIR will be substantially lessened by the mitigation measures identified in Exhibit 1 and incorporated into the conditional use permit and reclamation plan, it recognizes that implementation of the project introduces certain unavoidable and irreversible environmental effects.

Section B. Specific Statements of Consideration.

The Board of Supervisors specifically finds that to the extent the adverse or potentially adverse impacts set forth above have not been mitigated to acceptable levels there are specific economic, social, environmental, land use and other considerations which support approval of the project. Furthermore, the Board of Supervisors finds that any of the following overriding considerations is sufficient to approve the project for any one or more of the impacts outlined above, and that each of the overriding conditions is adopted with respect to each of the impacts individually. The considerations which support approval of the project are as follows:

1. Economic Considerations

Substantial evidence is included in the record of these proceedings demonstrating the economic benefits which the county and its residents would derive from implementation of the project. The implementation of the project will provide jobs directly and indirectly. The project itself will provide work for employees at the processing plant. In addition the project will provide a resource necessary for construction work both in and outside of the county.

2. Social Considerations

The project will provide gravel, sand and crushed rock to construction projects and individuals both in and outside of the county. The project will provide a natural resource which is vital to the citizens of the county.

3. Environmental and Land Use Considerations

The project is located in an area surrounded by industrial uses and Highway 101. Although the project will have an unavoidable impact on noise and aesthetics, the impact on noise and aesthetics will occur for the most part during the summer season. The period of operation is June 1 to September 30 each year. This is not the peak time of use for recreational boaters, kayakers, etc, nor is this part of the river a high use area. Highest use by anglers is during the fall\winter migrations of steelhead and salmon. There may be a short period of overlap between fishing use of the river and gravel mining.

The Board of Supervisors has considered the environmental impacts identified in the PEIR and SEIR as unavoidable and irreversible, and it has concluded that with all environmental trade-offs of the project taken into account, the net positive environmental and land use impacts which would result from implementation of the project outweigh the irreversible and unavoidable impacts resulting from implementation of the project.

The Board of Supervisors finds that the economic, social and environmental benefits which will be derived for the implementation of the project, when weighed against the unavoidable and irreversible environmental impacts override said impacts as identified above.
(Evidence: SEIR No. SCH 92-013033; Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912; Staff Report dated October 15, 1993).

Section 9. Certification of SEIR

The county independently reviewed and analyzed all reports and declarations which became part of the record of this decision.
(Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912, Staff Report dated October 15, 1993).

The draft SEIR and Final SEIR which the county circulated reflected its independent judgment and were critically analyzed by it staff. (Evidence: Planning Department file on this project, SMR 10-912, CUP 57-912, CDP 115-912; Staff Report dated October 15, 1993).

The members of the Board of Supervisors who voted for the decision of which these findings are a part, through the exercise of their independent judgment, found substantial evidence in the light of the whole record for the adoption of the SEIR.

The certification of the SEIR for this project reflects the exercise of the independent judgment of the Board of Supervisors.

The Board of Supervisors upon approval of the project and the SEIR directed that the notice of determination to certify the SEIR be filed with the county clerk and posted on the same date.

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EXHIBIT 1

POTENTIAL SIGNIFICANT ADVERSE IMPACTS

INTRODUCTION

The Draft Supplemental Environmental Impact Report (DSEIR) identified several potentially significant impacts of the project if implemented as described. Impacts are of three categories:

1. Potential impacts which, although discussed, were never considered to be or found to be significant;

2. Potential significant impacts which are mitigated to less than significant by implementation of the measures called out;

3. Potential impacts which, although mitigated, could not be mitigated to less than significant.

1.0 EARTH

1.1 Displacements of the soil:

Soil will be displaced temporarily, during mining. The proposed project is to mine 8.3 acres of the right bank terrace referred to as Area A. The approximate 9 feet soil/overburden will be stripped from the area. Mining will remove approximately 5 feet of aggregate. The area will then be reclaimed with the earlier removed overburden, bring the surface elevation back to its orginal ground level. There is no soil in the other mining areas.

Mitigation:

All of the soil/overburden will be used in reclamation of Area A to return the area back to orginal ground elevation. These area will be planted with native riparian vegetation to create wildlife habitat.

1.2 Change in topography which may modify the channel of a river or stream:

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The act of surface mining will alter the topography in all mining areas. Area A will be temporarily altered until it is reclaimed as riparian habitat. Areas B, C, and D will be altered by reducing the ground surface elevation in mining areas. Because Areas B, C, and D are within the ordinary high water channel, winter high flows will further modify the topography. The impact to topography from the proposed mining is not considered significant with implementation of the proposed reclamation plans.

Mitigation:

Area A will be reclaimed as riparian habitat, Area B as wetland habitat and, Areas C and D will be reclaimed as aquatic habitat and exposed bar morphology.

1.3 Changes in topography from grading to surface drainage:

Project impacts related to site grading and drainage include potential 100-year flood hazard and management of surface water runoff. Portions of the processing site are within the FEMA defined 100-year flood plain, as shown on Figure 11, DSEIR Appendix II. As shown on Figure 12, DSEIR Appendix II, the concrete plant and portions of the washer conveyor belts would be subject to inundation from flood waters at elevation 42. Flooding would be about 1 foot deep at the concrete plant and less than 1 foot at the conveyor belts. The main process water well on the lower terrace would be subject to about 5 feet of flooding. The remainder of the processing area has been filled to elevations above the FEMA 100-year flood elevation. No other existing facilities would experience flooding from the Eel River.

The total runoff from the processing site is about 17 cfs during a 10-year storm and 24 cfs during a 100-year storm. The quantity of processing site local runoff will not significantly change from the existing or previous use. The processing site surface has been relatively impermeable compacted gravel for some time, and the potential additional pavement will result in an insignificant increase in runoff, when considering significant storm events.

If site grading and drainage facilities are altered to remove processing runoff at the concrete plant from reaching the proposed settling basin, the flow to the freeway ditch from the site will increase from 3 cfs to 7 cfs during a 10-year storm, and from 4 cfs to 10 cfs during a 100-year storm. While this is a large percentage increase, it is not a significant impact on the capacity of this relatively d

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If site grading and drainage facilities are altered to reduce processing runoff near the asphalt plant and contaminated soils containment structure from reaching the proposed riparian area, the flow to the south ditch will increase from 5 cfs to 10 cfs during a 10-year storm and from 7 cfs to 14 cfs during a 100-year storm. Similar to the freeway ditch, this ditch should not be significantly impacted because of its depth.

Mitigation:

The mitigation for the FEMA defined flooding is protecting all facilities from the predicted flood water levels. This can be accomplished by creating a maximum 3 foot high dike above elevation 42 and running it toward the highway, to the elevation 42 level. Construction of the dike will mitigate project impacts.

All new facilities subject to flooding damage will be built above the 100-year flood water levels. The existing ready-mix concrete plant cannot be readily moved to another site above the 100-year flood plain; instead it will be "flood proofed" to prevent predicted flood waters from causing any significant damage or release of hazardous materials.

The flow capacity of the freeway or south drainage ditch will be determined before completing site grading, which involves diversions of site runoff flowing onto the lower terrace to flow into the freeway or south drainage ditches. If the flow capacity is inadequate, the diversion ditches will be improved. If necessary, mitigation will include enlargements and linings to increase capacity and mitigate impacts below significance.

Site grading alterations include regrading the gravel surface to provide improved local runoff, and installing berms or lined ditches to divert surface runoff to the existing off site ditches. The use of drainage inlets and storm drains is discouraged because of the high probability of clogging from loose gravel. Open channels would be easier to maintain. Paving high traffic areas to reduce dust also allows the possibility of improved local drainage.

2.0 AIR

2.1 Substantial air emissions or deterioration of ambient air quality:

Air quality-related impacts of the processing facility include fugitive dust, volatile organic compounds (VOCs), and aggregate burner emissions.

a. River Run Material Excavation

Transport of river run material is a source of fugitive dust.

b. Asphalt Concrete Plant

Asphalt oil bulk storage and transfer is a source of VOCs. This source represents an insignificant air quality impact based upon the chemical and physical characteristics of the asphalt oil.

Diesel fuel bulk storage and loading is a source of VOCs. This source represents an insignificant air quality impact based on the chemical and physical characteristics and monthly throughput of diesel fuel.

Bulk aggregate loading of the asphalt plant feed system is a source of fugitive dust.

Aggregate burner emissions are a source of nitrogen, oxygen, carbon dioxide, and PM-10. Nitrogen, oxygen, and carbon dioxide emissions are an insignificant air quality impact. PM-10 emissions are controlled by a baghouse filter system on the asphalt plant. This source represents an insignificant air quality impact based on the particle matter emissions measured after the baghouse filter system (Ramcon Environmental Corporation, 1990).

The baghouse filter system cleaning is a source of fugitive dust. Fugitive dust is generated when the impulse shaker is activated. The impulse shaker removes dust that has accumulated on the baghouse filters.

c. Aggregate Plant

Bulk material loading of the crusher is a source of fugitive dust. Aggregate crushing is a source of fugitive dust. A spray bar water fogging system is located over the crusher headworks. Dust generated is sprayed with a fine water mist before it is exhausted from the headworks. Wetting of the dust particulate increases the weight of the material and promotes settling to the ground surface. Dust that accumulates on the ground surface and dries may become disturbed by equipment traffic.

Stockpiling of unwashed aggregate is a source of fugitive dust. Water sprayers located on the conveyor belt dump spray the material with water as it is stockpiled. This source represents a potential air quality impact during periods of dry weather and wind.

Conveyance of sand and aggregate to the washer is a source of fugitive dust. Water is sprayed on the material before it is conveyed to the washer.

d. Ready-Mix Plant

Bulk sand and aggregate loading of the ready-mix plant poses no air quality impact. Sand and aggregate used in the ready-mix plant has been washed and contains minimal dust forming particulate.

Portland cement loading is a source of fugitive dust. Bulk cement is delivered from the transport trailer using a positive pressure pump. Air displaced in the ready-mix plant cement storage silo is vented through a baghouse filter system. After the silo is loaded, a mechanical shaker is activated that knocks particulate from the baghouse filters back into the cement storage silo. This source represents an insignificant air quality impact.

Batching of portland cement is a source of fugitive dust. Bulk cement is dropped into the batcher from the cement storage silo. A baghouse filter is installed on the batch tank vent which captures cement particles during batching. The baghouse is cleaned by a mechanical shaker, which knocks particulate from the filters back into the batcher tank. This source represents an insignificant air quality impact.

Concrete add-mix storage is a source of VOCs. This source represents an insignificant air quality impact based on the chemical and physical characteristics and throughput of the add-mixes.

e. River Run Storage

Stockpiling and storage of river run material may be a source of fugitive dust. Fugitive dust is likely to be generated when winds course over the material stockpile surface. The height of the material stockpile will contribute to the dust becoming airborne.

f. Material Transportation

Handling of river run material, sand, aggregate, asphalt, and ready-mix is a source of fugitive dust, sulfur oxides, VOCs, carbon monoxide, and PM-10. Sulfur oxides, VOCs, and PM-10 air quality impacts are insignificant. This is based on the assumed emissions from 2 (two) wheel loaders operating at one time.

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Mitigation:

a. River Run Excavation

Dust watering will be used to mitigate the generation of fugitive dust during river run material excavation. Watering will be conducted on a regular basis during excavation operations, especially during periods of dry weather and winds. Sprinkler nozzles installed on the watering truck should be capable of distributing an even stream of water across the access roads and active excavation areas.

Mitigation of fugitive dust generation on site will reduce the on site air quality impacts resulting in the improvement of ambient air quality along the river channel.

b. Asphalt Concrete Plant

Assuming an average dust particle size greater than 10 micrometers (um), the fugitive dust from aggregate loading will have a low tendency to become airborne. Particulate will settle to the ground in the vicinity of the asphalt plant feed system. Dust watering will mitigate dust from being disturbed after it is deposited on the ground surface. Mitigation of the fugitive dust will reduce the on site air quality impacts to a minimum.

Small amounts of fugitive dust generated during baghouse cleaning operations will be mitigated after being deposited on the ground surface. Assuming that the material has an average particle size greater than 10 um, the material will have a low tendency to become airborne and settle in close proximity to the baghouse. Dust watering practices will prevent the deposited material from becoming airborne when disturbed by traffic. Mitigation of fugitive dust generated during baghouse cleaning operations will reduce on site air quality impacts to a minimum.

c. Aggregate Plant

Dust particulate generated during plant loading should settle to the ground in the vicinity of the loading area. Assuming an average dust particle size greater than 10 um, the material will have a low tendency to become airborne. Dust control

watering practices will be used to mitigate dust from being disturbed once it is deposited on the ground.

An additional hood will be placed around the crusher headworks exhaust, which will cause dust particles to fall to the ground adjacent to the crusher. Installation of a hood will allow settled material to be collected from one location and mitigate dust from becoming disturbed by equipment traffic.

Additional mitigation of fugitive dust from unwashed aggregate stockpiles will be done during periods of dry weather and wind. Stockpiles will be sprayed with water as necessary to control the generation of fugitive dust. Dust control watering practices will mitigate fugitive dust from becoming disturbed after deposited on the ground surface due to aggregate plant bulk loading and unwashed material stockpiling. Construction of a hood around the crusher headworks exhaust will mitigate fugitive dust formation. These mitigations will reduce the on site fugitive dust air quality impacts to a minimum.

d. Ready-Mix Plant

Loading of bulk cement at the ready-mix plant is a source of fugitive dust that will require mitigation. Assuming that the average cement dust particle size is greater than 10 um, dust particulate will have a low tendency to become airborne and will settle to the ground in close proximity to the ready-mix plant. Dust control watering practices will mitigate the dust from becoming disturbed once it is deposited on the ground surface.

e. River Run Material Storage

Sprinkling of the river run material storage stockpile is necessary to mitigate fugitive dust formation, if necessary. Sprinklers capable of distributing an even stream of water across the stockpile surface will need to be installed. Spraying will be needed on a regular basis especially during periods of dry weather and wind. Mitigation of fugitive dust formation by sprinkling will reduce the on site air quality impacts to a minimum.

f. Material Transportation

Areas used by trucks accessing the project site will be paved with asphalt concrete to mitigate the generation of fugitive dust. Dust control watering practices will mitigate dust from becoming disturbed after it is deposited on the ground and paved surfaces. Sprinklers capable of distributing an even stream of water across the ground and paved surfaces within the handling areas will be needed.

Mitigation of fugitive dust formation through paving with asphalt concrete and application of dust control watering practices will reduce on site air quality impacts to a minimum.

2.2 Creation of objectionable odors:

Exhaust fumes from heavy equipment operations are objectionable to some people but such fumes will be rapidly dispersed by the frequent breezes. Odors may be produced if anaerobic sediment is present in the mining areas, but as with exhaust fumes, such odors will be dispersed. Odors generated by the project are not a significant impact because of the low number of equipment and trucks operating at any given time and because any odors will be dispersed.

Mitigation:

All equipment will be fitted with Standard mufflers.

3.0 WATER QUALITY

3.1 Change to the direction of water movements:

At ordinary high water discharge, the number of channels and the direction of flow will not change. The trench in Area C will become part of the river. The trench in Area D will become backwater pool habitat. Although the mining and reclamation will not create a new channel, the existing main and side channel will be modified. In Area C, the low water channel of the Eel River would be expanded by the creation of a trench adjacent to it under option 2. In Area D, the mining will create or expand on a backwater channel which will be connected to the main channel, at its downstream end.

Mitigation:

The implementation of the proposed reclamation plan will mitigate impacts from mining Area C & D and create aquatic habitat and morphology designed function as backwater pool habitat.

3.2 Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff:

The mining and reclamtion of Area A will replace the soil/overburden present before mining. Absorption rates are expected to remain the same. Wetlands created in Area B will alter absorption rates, drainage patterns, and the amount of surface runoff. Creating a wetland in the mining pits in Area B will decrease the amount of surface runoff from this area. Potential surface runoff will be captured by the pit. The effect will not be significant. The absorption rate of the area will not be affected because the ground is not being covered by an impermeable layer; the mining pit will absorb the water that the gravel would have absorbed.

Mitigation:

Mitigation will be the creation of aquatic, riparian, and wetland habitats in the mining Area B, and a settling pond in Area A. The gravel below 10 feet (msl, USGS datum) in the settling pond will be retained to facilitate percolation. Slopes will be contoured to facilitate stability and create conditions conducive to the establishment of riparian and wetland vegetation.

3.3 Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity:

Eel River discharges greater than approximately 400,000 cfs at the project site will inundate Area A and sediment from the settling pond could be discharged into the Eel River.

Water quality impacts of the proposed project are related to drips and small volume spillage of diesel and asphalt paving mixtures, admixtures and cement, and refueling; discharge of wash plant water, accident scenarios leading to large volumes of spilled materials, potential health hazards related to hazardous substances.

Water quality criteria used for determining impact include Total Suspended Solids (TSS), turbidity, temperature, pH, general minerals, oil and grease, and Total Petroleum Hydrocarbons as Gasoline (TPHG, EPA Method 5030) and as Diesel (TPHD, EPA Method 3510).

The project's potential impacts on water quality are as follows:

- Impacts from point sources
- Impacts from non-point sources
- Impacts due to normal operating conditions
- Impacts by accidents

Receiving water bodies include the Eel River, drainage ditches, the settling basin, and the reclaimed riparian habitat, proposed in the Surface Mining and Reclamation Plan (See DSEIR Appendix I, FSEIR section 5.1) and groundwater. Point sources considered are the asphalt plant, crusher plant, wash plant, ready mix plant, above ground diesel tanks, and the settling basin.

After the lower terrace is mined and reclaimed, assuming no changes to the processing site grading, the surface runoff is calculated as follows. The existing drainage boundaries are indicated in Appendix 2, Figure 10, DSEIR.

	10-year	100-year
To South Ditch	5 cfs	7 cfs
To Riparian Area	5 cfs	7 cfs
To Settling Basin	4 cfs	6 cfs
To Freeway Ditch	3 cfs	4 cfs
Total Runoff	17 cfs	24 cfs

a. Asphalt Plant–Normal Operations

Drips and small volume spillage of diesel and asphalt paving mixtures, could potentially contaminate gravel and soil in the vicinity of the asphalt plant. Soil contamination represents a risk to the industrial water supply (groundwater). Storm runoff could potentially be contaminated by the affected surfaces, which could contaminate the proposed riparian habitat. Decreases in water quality resulting from drips and small volume spillage may be significant.

b. Wash Plant–Normal Operations

Fine sediment is entrained in wash plant water. Water quality decreases by increased turbidity and Total Suspended Solids. Discharge of wash plant water is a potential water quality impact.

c. Concrete Ready Mix Plant–Normal Operations

Under normal operating conditions, small amounts of admixtures and cement could be spilled or dripped onto the ground surface. The admixtures are not considered hazardous materials by the California Department of Transportation. However, Materials Safety Data Sheets (MSDS) indicate that constituent chemicals within the admixtures could cause a water quality decrease. Cement dust could potentially affect the pH of a receiving water. Concrete mixing trucks are also washed down in this area; residual concrete would be present on ground surfaces. Storm water could entrain residual concrete, or spilled cement or admixtures, into receiving waters.

d. Above Ground Diesel Tanks–Normal Operations

Spills and drips from normal refueling of the tanks themselves, and the trucks and equipment, could contaminate surface soils. Storm water could entrain the contaminants into receiving waters. Over time, groundwater could be impacted by storm water infiltrating and percolating through the soil.

e. Settling Basin and Reclaimed Riparian Habitat–Normal Operations

Under normal operating conditions, total suspended solids and turbidity are the primary water quality parameters which could increase, causing a surface water quality decrease. However, the settling basin has no discharge to the Eel River or other surface water drainages; therefore, there will be no impact on surface water. The basin is likely to be an area of groundwater recharge. Having mitigated storm water and residual/spill contact, minimizing runoff into the pond will minimize contaminant loading into the pond. Groundwater quality impacts will not be significant.

Temperature of the washer plant effluent may be different from ambient surface water temperatures. Settling basin water could overflow into the adjacent proposed

riparian habitat, especially if water levels in the settling basin are higher than in the proposed riparian habitat. Under normal operating conditions, the settling basin impacts on water temperature are not expected to be significant.

f. Storm Water from the Processing Facility

With existing grading and drainage patterns, and with existing hazardous materials storage and handling practices, drips of diesel and oil, fine sediment, and small volume spills of cement and concrete admixtures, could be carried to the settling basin and proposed riparian habitat. Contaminant concentrations in the settling basin could increase, due to evaporation of pond water. Contaminants in the settling basin could infiltrate and percolate into groundwater or into the adjacent proposed wetland riparian habitat.

g. Ready Mix Plant–Accident Related

Accident scenarios leading to large volumes of spilled materials include: trucks or equipment running into materials storage areas or the plant itself, trucks or equipment overturning, and failure of storage vessels (silos, tanks, piping, drums). Accidental spills at the ready mix plant would likely involve cement, concrete admixtures, concrete, and diesel or motor oil from trucks or equipment. Soil, surface water (drainages leading to the Eel River), and groundwater quality would be significantly impacted if no mitigating or corrective actions were implemented.

h. Asphalt Plant–Accident Related

Accident scenarios leading to large volumes of spilled materials include: trucks or equipment running into materials storage areas or tanks, trucks or equipment overturning, and failure of storage vessels (tanks and piping). Accidental spills at the asphalt plant would likely involve diesel, motor oil, or paving asphalt. Soil, surface water, and groundwater quality would be significantly impacted if no mitigating or corrective actions were implemented.

i. Remaining Processing Facility Area–Accident Related

Accidental, large volume spills occurring in other areas of the processing facility (that is, areas not in the vicinity of the ready mix or asphalt plants) could affect soil, surface water, and groundwater quality. Large volume spills could reach the

proposed riparian habitat. Hazardous materials most likely to impact soil, surface water, and groundwater are diesel and motor oil from the above ground diesel tanks, and from trucks and equipment on site. A large spill may cause a significant water quality impact.

Mitigation:

The settling pond will be dredged annually prior to October 15. Sediment from the pond will be utilized off site.

Storm water runoff and water quality impacts will be reduced by site grading.

Management of surface water runoff and reduction of potential flood hazard will be accomplished through on site grading that will control and direct storm water runoff to discharge points. Grading improvements will also address potential water quality impacts by controlling runoff from the concrete plant, asphalt plant, and contaminated soils containment structure, in addition to preventing discharge of dissolved petroleum products and admixtures from reaching the river, proposed settling basin, and reclaimed riparian habitat.

a. Asphalt Plant–Normal Operations

Areas in the immediate vicinity of the plant, and any areas where diesel, asphalt mix, or final asphalt product are handled or transferred, will be paved (see DSEIR Appendix II, Figure 14). Those areas left unpaved, but are still subject to drip and small volume spillage, will be periodically scraped as needed. Also, drip pans have been installed under all pump nozzles, diesel tanks, and drag conveyor belts to contain drips and spills. Storm water runoff, which could potentially be impacted through contact with contaminated surfaces, will be mitigated by implementation of a Storm Water Pollution Prevention Plan and adoption of best management practices.

b. Wash Plant–Normal Operations

Wash plant discharge is mitigated by the settling basin. Turbidity and suspended solids are "captured" in the settling basin; wash plant water evaporates or percolates.

c. Concrete Ready Mix Plant–Normal Operations

Water quality impacts from spilled or residual concrete, cement, or concrete admixtures will be mitigated by 1) controlling runoff from the area where the materials are transferred from the in-coming cement truck to silo, from storage vessels to plant, and from plant to mixing truck; 2) implementing a Storm Water Pollution Prevention Plan (SWPPP); and 3) periodic scraping of surfaces potentially contaminated with spilled or residual materials.

Runoff control will be accomplished by implementing drainage improvements. Drainage will be improved by routing surface runoff in the vicinity of the ready mix plant to a new drainage ditch, leading to an existing drainage along Highway 101, which ultimately drains to the Eel River.

A Storm Water Pollution Prevention Plan (SWPPP) will be implemented at the project site to address the ready mix plant. The SWPPP will describe best management practices that minimize contact between storm water and contaminants (for example, providing sheds for storage areas, or roofs over materials handling areas). The plan will also describe improvements in drainage

patterns, to route runoff away from materials storage and handling areas, and to minimize the number of concentrated runoff points from the site. Sampling (frequency and types of analyses) of representative runoff points will be described in the SWPPP. Reporting procedures are also described in SWPPP; the RWQCB is the responsible agency. Depending on the sample results, the RWQCB determines if corrective action is necessary. Appropriate remediation measures for the level and type of contaminant will be identified at that time.

Periodic scraping of surfaces in the vicinity of the ready mix plant will also mitigate water quality degradation caused by spills and drips during normal operations. Fresh base, suitable for use in asphalt concrete, will be applied on scraped areas. Soil and gravel scraped from surfaces will be reprocessed into concrete.

d. Above Ground Diesel Tanks–Normal Operations

Drips and spillage during filling of the above ground tanks from in-coming product trucks, and from filling of equipment and trucks, may cause significant water quality impacts on runoff and groundwater. Water quality impacts on surface and groundwater will be mitigated by 1) implementing an SWPPP, and 2) periodic scraping of surfaces potentially contaminated with spilled or residual materials.

An SWPPP, which will include the area where the diesel tanks are located, will be implemented. The plan will include descriptions of best management practices, which will minimize contact between storm water and contaminants (for example, placing roofs over potentially hazardous materials handling areas). Sampling and monitoring of runoff, concentrated so as to minimize the number of runoff points, will be performed and reported to the RWQCB.

Drips and spillage will be mitigated by periodically scraping surface soil and gravel. The scraped material will be reprocessed into asphalt concrete. Fresh base, suitable for use in asphalt, will be applied on scraped areas.

e. Settling Basin and Reclaimed Riparian Habitat–Normal Operations

Water quality impacts from the settling basin are not expected to be significant.

f. Storm Water from the Processing Facility–Normal Operations

An SWPPP will be implemented at the processing facility to mitigate surface and groundwater quality impacts. Conversely, all water quality mitigations in this EIR will be incorporated into an SWPPP.

The plan will describe best management practices, which minimize contact between storm water and contaminants (for example, providing sheds for storage areas, or roofs over materials handling areas). Best management practices will also describe improvements in drainage patterns, to route runoff away from materials storage and handling areas, and to minimize the number of concentrated runoff points from the site. In the vicinity of the asphalt plant, runoff will be routed away from the proposed wetland, to an existing drainage along the site's southern property line. In the vicinity of the ready mix plant, runoff will be routed away from the settling basin, to an existing drainage near Highway 101. Bi-annual sampling of analyses of representative runoff points will be described in the SWPPP, in addition to the types of analyses. Storm water outlets routing runoff in the vicinity of the ready mix plant will, at a minimum, be monitored for pH and total suspended solids. Outlets in the vicinity of the asphalt plant will, at a minimum, be monitored for TPHD and TPH as motor oil. Annual reporting requirements will also be described in the SWPPP. The RWQCB is the agency responsible for approving the SWPPP, and for responding to the monitoring reports. Depending on the sample results, the RWQCB determines if corrective action, if any, is necessary.

g. Ready Mix Plant–Accident Related

The spill contingency implementation of the existing spill response procedures contained in the emergency response plan will mitigate water quality impacts caused by an accidental release of cement, concrete, concrete admixtures, diesel, or motor oil. The spill contingency plan also details steps to be taken in the event of a spill. Steps described will include: identification of the material spilled, notification procedures (that is, who to notify and their telephone numbers), storage locations of protective gear and training programs for using the protective gear, how to stop or reduce spill volume at the source, how to contain spills, and locations of absorbent materials (booms, pads). Likely spill scenarios, and appropriate emergency response actions, are be outlined in the existing and approved spill contingency plan.

Contamination of soil surfaces would likely result from a large volume spill, even if emergency response procedures are followed promptly. Contaminated soil will be contained (for example, by capping or by slurry walls) or removed (for example, by excavation) to minimize long term risk of surface or groundwater contamination. Corrective actions will be reported to and regulated by the RWQCB and the Humboldt County Environmental Health Department. Any contaminated soil remaining in place would be properly permitted by responsible regulatory agencies (the RWQCB, Humboldt County Environmental Health, and the Humboldt County Planning Department). Any excavated contaminated soil would be transported by licensed haulers to fully licensed and permitted treatment, storage, or disposal facilities or remediated on site if permitted for such an operation.

Contamination of water in the drainage ditch proposed as a storm water mitigation and the Eel River could result if the accidental spill was large enough. The spill contingency plan will outline containment procedures to be followed (for example, creating berms to route spilled materials away from the drainage, or plugging the drainage ditch with soil and aggregates prior to the spill reaching the Eel River).

h. Asphalt Plant–Accident Related

Implementation of the existing spill response procedures contained in the spill contingency plan and an emergency response plan will mitigate water quality impacts caused by an accidental releases of diesel, motor oil, or paving asphalt. Th

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spill contingency plan will detail steps to be taken in the event of a spill. Steps described will include: identification of the material spilled, notification procedures (that is, who to notify and their telephone numbers), storage locations of protective gear and training programs for using the protective gear, how to stop or reduce spill volume at the source, how to contain spills, and locations of absorbent materials (booms, pads). Likely spill scenarios, and appropriate emergency response actions, are outlined in the existing and approved spill contingency plan.

Contamination of soil surfaces would likely result from a large volume spill, even if emergency response procedures are followed promptly. Contaminated soil will be contained (for example, by capping or by slurry walls) or removed (for example, by excavation) to minimize long term risk of surface or groundwater contamination. Corrective actions will be reported to and regulated by the RWQCB and the Humboldt County Environmental Health Department. Any contaminated soil remaining in place would be properly permitted by responsible regulatory agencies (the RWQCB, Humboldt County Environmental Health, and the Humboldt County Planning Department). Any excavated contaminated soil would be transported by licensed haulers to fully licensed and permitted treatment, storage, or disposal facilities or remediated on site if permitted for such an operation.

Contamination of a drainage ditch proposed as a storm water runoff mitigation and the Eel River could result if the accidental spill was large enough. The existing spill contingency plan outlines containment procedures to be followed (for example, creating berms to route spilled materials away from the drainage, or plugging the drainage ditch with soil and aggregates prior to the spill reaching the Eel River).

i. Remaining Processing Facility Area–Accident Related

The above ground diesel tanks are secondarily contained, mitigating failure of the primary storage tank inside. Implementation of existing spill response procedures contained in the spill contingency and emergency response plan will mitigate water quality impacts caused by accidental releases of diesel or motor oil caused by truck or equipment accidents, or by accidents in refueling and handling. Storm water runoff mitigations will have little effect on preventing accidental spills from reaching the proposed wetland. For accidental spills in areas not included in the ready mix and asphalt plant drainages, berms will be immediately constructed to minimize contact between the spilled material and the proposed wetland.

3.4 Alteration of the direction or rate of flow of ground waters? Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations:

The input of processing plant wash water into the settling pond in Area A will elevate the water level and could create a perched water table around the settling pond. The input of water will recharge and increase the rate of flow of ground water around the settling pond. The pits created in Area B will intercept ground water. A small amount of water will be lost to evaporation from the pond surface. These impacts are not significant.

Mitigation:

The gravel layer below 10 feet will be left intact and the side slopes of the settling pond will be created as cut slopes to facilitate percolation.

4.0 PLANT LIFE

4.1 Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species:

Some surface areas will be converted from terrestrial to aquatic habitat, precluding the replenishment of terrestrial species in those areas. This is not considered significant.

Mitigation:

Area B's pond perimeters will be sloped to facilitate establishment of wetland and riparian plants. Active planting of riparian species is included in the reclamation.

4.2 Reduction in acreage of any agricultural crop:

Fallow land in Area A will be reclaimed to riparian habitat, a settling pond and storage site for processiong. The agricultural land in Area A has not been used for crop production for several years. Reclaiming a portion of it to riparian habitat for wildlife use will have beneficial impacts on wildlife and is not considered significant.

Mitigation:

The reclamation to riparian habitat is the proposed mitigation.

5.0 ANIMAL LIFE

5.1 Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects):

The creation of wetlands and riparian habitat may increase the diversity of animal species in Areas A and B by providing habitat suitable for the red-legged frog, the foothill yellow legged frog, and western pond turtles, species which do not currently inhabit these areas. This will be a positive, not an adverse, impact and is considered not significant.

Mitigation:

The impact is caused by the reclamation and is considered beneficial.

5.2 Deterioration to existing fish or wildlife habitat:

The North Coast cottonwood riparian forest will not be directly disturbed by the gravel extraction operation. Gravel extraction will affect primarily exposed cobble habitat. Such species as killdeer, which prefer to nest on open ground, usually on gravel, could be affected. The species associated with the riparian scrub and agricultural habitats may be disturbed during the gravel extraction process. However the riparian scrub habitat being disturbed is relatively small and reclamation will re-establish this habitat. The agricultural habitat is normally disturbed on a regular basis and that area being disturbed will be reclaimed to wetland, open water, and riparian habitat. Potential impact on other species, especially those sensitive to human disturbance, could also result from the high noise levels produced by extraction and processing activities.

Mitigation:

Reclamation has been designed to provide wildlife habitat as mitigation for potential impacts of gravel extraction. Mitigation measures that will offset the potential impacts in Area A will include establishing a North Coast cottonwood forest community between the processing plant and the Eel river in Area A. Mitigation measures that will increase wildlife diversity in Area B will include conversion of a portion of the riparian scrub to wetland. Creation of wetland habitat will benefit such species of concern as the red-legged frog and the yellow-legged frog, which have been found in the lower Eel River.

6.0 NOISE

6.1 Increases in existing noise levels:

Noise levels in the mining areas on the left bank of the river (Areas B,C, &D) will increase above existing noise levels. Loaders, excavators , and off road haul trucks used to extract and transport aggregate from the mining areas to the processing plant will generate noise greater than natural levels. A noise study was conducted by the engineering firm Selvage, Heber, and Nelson (SHN). The results of the study are discussed in DSEIR, Appendix 2. The PEIR has found that noise levels generated will be a significant impact.

Noise impact of the project during normal daytime operation is above the standard of Ldn 60, but is considered insignificant in that it does not exceed the ambient noise level of the Highway 101 corridor, Ldn 68. The City of Fortuna does not have an ordinance establishing ambient noise as the standard. However, there is little point in requiring a project to meet Ldn 60 when the noise level is already Ldn 68 exclusive of the project. The Director of Community Development has stated that using the ambient standard was acceptable to the City of Fortuna.

Daytime noise impact on recreational use of the river would be above the Ldn 60 standard. While proposed mitigation may reduce the noise level, noise from extraction equipment and processing will be above natural or ambient noise levels on the river bar and cannot be avoided.

- The PEIR stated that fishers using the low flow channel in this area would hear sound levels in the 66 dBA range, which is too high for high quality passive recreation. The noise level estimated for the proposed project extraction and processing activity is between Ldn 65-71 at the proposed reclaimed wetland.

Measured noise levels are noticeably quieter than data reported in the PEIR, which uses a basic noise level of 90 dBA at 50 feet for all equipment noise predictions (an assumed noise level not actually measured on site). This level is about 15 decibels louder than the level measure on site during the noise study. (Mullins 1993). The explanation for the difference in noise levels is that Canevari is using different and quieter equipment than was used or assumed in the PEIR prediction. (DSEIR Appendix 2, Appendix B "Noise Analysis for Gravel Processing," Mullins Acoustics 1992)

Noise from the proposed project will be generated by the gravel extraction, reclamation, and processing; asphalt and concrete production; and truck traffic. Noise from each of these activities has been measured and estimated as part of the project noise study. In general, the asphalt plant (with the burner on), the aggregate crusher, and shaker/washer generate the most noise. (SeeDSEIR Appendix 2, Section III. I. and Appendix B for more detailed information).

<u>Mitigation:</u>

Heavy equipment will be equipped with mufflers which are in good condition. Excavation equipment will not be operated outside of the normal hours of operation, 7 am to 6 pm.

The perception of noise is often highly subjective, bothering some people and not others. The PEIR states "...some visitors may be intrigued by the activity and may not mind the noise."

The PEIR called for utilization of standard mufflers on all of the extraction equipment and operating the processing plants during normal working hours (Monday through Friday from 8:00am. to 5:00pm.) to mitigate noise impact on recreation use. (Hum. Co. 1992)

Nighttime operation noise levels of Ldn 68 will result in significant impacts to adjoining residents due to lower ambient noise levels of nighttime traffic on the freeway. Under ordinary conditions, the facility will not operate after 6 pm. If contract provisions require nighttime operations, an acoustical shroud or housing would be installed on the burner before the asphalt plant is operated. This will reduce the nighttime noise to less than the standard of Ldn 60, resulting in a less than significant impact. The operator will notify City of Fortuna Police and Community Development Departments and will provide public notice through the newspaper 10 days in advance of pending nighttime operations.

6.2 Exposure of people to severe noise levels:

The general public may be exposed to noise if they are travelling on the river. Equipment operators will be exposed to noise. The City of Fortuna and Humboldt County outdoor noise standard is 60 Ldn. Recreational users of the river may be exposed to severe noise if they come within 300 feet of the equipment. Equipment operators will be exposed to severe noise levels.

Mitigation:

Equipment operators will be provided with hearing protection. Signs warning of high noise levels will be posted in locations visible from the river at the upstream and downstream ends of the property.

Noise from the proposed project will be generated by the gravel extraction, reclamation, and processing; asphalt and concrete production; and truck traffic. Noise from each of these activities has been measured and estimated as part of the noise study. In general, the asphalt plant (with the burner on), and the aggregate crusher and shaker/washer generate the most noise.

The PEIR identified noise levels related to gravel processing as a major impact from the Canevari site affecting much of downtown Fortuna within a 3,000 foot radius of the plant and recreational use of the river in the vicinity of the processing plant.

The City and County outdoor noise standard is Ldn 60. The noise level estimated for the proposed project processing activity is Ldn 68 at the nearby residences, and Ldn 65-71 at the proposed reclaimed wetland. The proposed project noise level will be 8 db higher than the standard at the residences. However, the project is expected to generate about the same level of noise at the residences as the existing freeway during the daytime (Ldn 68). The City of Fortuna does not have an ordinance establishing ambient noise as the standard. However, there is little point in requiring a project to meet Ldn 60 when the noise level is already at Ldn 68, exclusive of the project. The Director of Community Development has stated that using the ambient standard was acceptable to the City of Fortuna. It is therefore concluded that no significant noise impact will be made by the project during normal daytime operations.

The plant usually operates during daytime hours, 7 am to 6 pm. The processing equipment does not normally run during nighttime hours, but has run at night if required for a particular contract. Nighttime operation of the asphalt plant and the gravel crusher can be heard at the nearby residences and at residences approximately 2,000 feet away on the hills east of Fortuna, if freeway traffic is low. Because of the lower ambient noise level, the project has a significant noise impact if operated during the nighttime.

Daytime noise impact of the gravel processing facility on recreational use of the river would be above the ambient or natural noise levels on the river bar and cannot be avoided. Daytime noise impact of gravel processing is addressed in Appendix 1.

The mitigation measures for the nighttime noise impact are the following:

a. The gravel crusher/shaker will not be operated during nighttime hours.

b. If an asphalt contract was awarded to Canevari which required nighttime operations, an acoustical shroud or housing would be installed on the burner before the asphalt plant was operated at night.

c. If an asphalt contract was awarded to Canevari which required nighttime operations, the operator would notify City of Fortuna Police and Community Development Departments and provide public notice through the newspaper 10-days in advance of pending night time operations. County Planning Departments would be notified and the number of nights required or necessary to meet the contract specified and night time operation limited to that amount of time.

7.0 LAND USE

7.1 Land Use Conversion:

The land use effects of the proposed project on approximately 23 acres of land presently zoned Agricultural Exclusive (AE) by Humboldt County are not significant. The existing gravel processing facility occupies approximately 10.8 acres of the AE zoned land, which has been highly altered and compacted. It is surrounded and isolated by highway and industrial uses. The remaining approximately 12.2 acres of AE zoned land, which occupies the river terrace (Mining Area A), is intended for gravel extraction and reclamation of this area as riparian habitat (See FSEIR Section 5.1: Surface Mining and Reclamation Plan). This area has not been used for agricultural purposes for approximately 12 years.

Mitigation:

Area A is zoned AE 20, (agriculture exclusive, 20 acre minimum). The project will reclaim part of Area A to a settling pond and wildlife habitat. Area A is currently a fallow field. It has not been used for agriculture for 12 years. Conversion of a portion of Area A to a settling pond and riparian habitat will temporarily preclude

its use for agriculture. The potential for agricultural use in the future is still present, as clearing riparian habitat for agriculture may be premitted under current AE-20 zoning.

8.0 RISK OF UPSET

8.1 A risk of an explosion or the release of hazardous substances (including, but not limited to: oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions:

There is a risk of accident with the use of heavy equipment and motor oil, fuel, and/ or hydraulic oil could be released. An accident involving heavy equipment could result in an explosion if fuel is ignited. This is not considered a significant impact.

Mitigation:

An accident prevention and response plan has been prepared. All equipment operators will be trained in accident prevention and response. Hazardous substance containment equipment will be kept at the plant and used to contain contaminants in the event of an accident.

8.2 Contaminated Soils:

Storage of contaminated soil constitutes an impact.

Mitigation:

Mitigation for contaminated soil storage will be:

1) Securing an appropriate zoning designation for the site; or

2) Removal of contaminated soil from the site.

9.0 TRANSPORTATION AND CIRCULATION:

Traffic-related impacts of transporting raw aggregate and processed materials off site include:

9.1 Substantial impact upon existing transportation systems:

• accelerated degradation and more frequent maintenance of Dinsmore Drive;

9.2 Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians:

- potential hazard at the intersection with South 12th Street;

- potential hazards for vehicles turning from 12th Street onto South 12th Street; and,

- potential hazard of trucks making hard right-turns from 12th Street onto Dinsmore Drive.

The total peak traffic on Dinsmore Drive, including other facilities, is estimated to be 55 vph each way (30 vph from Canevari and 25 vph from other facilities). It is important to note that this figure is the maximum anticipated traffic if all operations are generating their peak traffic at the same time, and is considered to be a rare situation.

Based on discussions and observations, it is assumed that nearly all of the existing Dinsmore Drive traffic leaving the site uses either Highway 101 or 12th Street, rather than South 12th Street. If several vehicles are waiting at the stop sign at northbound South 12th Street, vehicles from Dinsmore Drive will have to wait for the intersection to clear before turning onto South 12th Street. This could create a significant wait for the vehicles turning from Dinsmore Drive, but will not impact traffic on South 12th Street or 12th Street at the intersection.

A potential hazard exists when vehicles turning from 12th Street onto South 12th Street may not be seen by vehicles turning from Dinsmore Drive.

Trucks making the hard right-turn from 12th Street onto Dinsmore Drive may have trouble staying in the proper lane while making the sharp turn.

Another impact of the additional aggregate truck traffic is the increase in spilled gravel on the side of roadways posing a potential hazard to automobile windshields.

The irregular configuration of the Highway 101 and 12th Street interchange does not allow for a quantitative level of service calculation. From available information and site observations, it does not appear that the interchange will be significantly impacted by the proposed operation. In addition, the potential peak traffic from the Canevari site (30 vph) is not expected to significantly impact any of the highway

access ramps, Highway 101, 12th Street, or South 12th Street. The following table summarizes the peak traffic, with and without the proposed project, on the Highway 101 access ramps.

PEAK TRAFFIC ESTIMATES FOR

HWY 101 & 12TH ST. INTERCHANGE

(VEHICLES PER HOUR)

Hwy 101 Southbound On-Ramp	173	183
Hwy 101 Northbound On-Ramp	145	165
Hwy 101 Southbound Off-Ramp	199	219
Hwy 101 Northbound Off-Ramp	191	191

Mitigation:

These effects can be mitigated by road widening and strengthening, and installation of additional traffic safety signs.

The average annual traffic generated by the project is estimated to be 12,200 trucks each way. This volume of traffic is expected to have a significant adverse impact on the structural condition of Dinsmore Drive. Dinsmore Drive was constructed approximately 30 years ago, and is currently in need of repair. The relatively small increase in traffic on Highway 101 resulting from the project is considered to have an insignificant impact on the structural condition of the Highway. It should be noted that previous operations at the site generated up to 200 log truck trips per day.

The hazard from vehicles turning from 12th Street onto South 12th Street will be mitigated by routing trucks accessing the facility via South 12th Street. Additional mitigation will occur by installing a sign before the intersection on 12th Street warning of crossing traffic from Dinsmore Drive.

The impact of trucks making hard right-turns from 12th Street onto Dinsmore Drive will be mitigated to less than significant by requiring all Canevari gravel trucks to use South 12th Street to access the site via the interchange at Kenmar

Road. There have been discussions between Canevari and the City of Fortuna about widening the full length of Dinsmore Drive 2 feet. Canevari has agreed to provide gravel and asphalt for the widening.

The California Motor Vehicle Code requires aggregate loads to be covered if the load extends above the sides of the truck bed, or if the load is within 6 inches of the top at the sides. This regulation is intended to reduce the amount of spilled gravel on the roadway and reduce the potential impact of spillage to less than significant.

The accelerated degradation of the roads used by project traffic can be mitigated by more frequent maintenance (overlays or patching) or reconstruction. This impact will also be partially mitigated by regular weighing of trucks to keep them at or below the legal weight limit. Of particular concern are the City and County maintained sections of Dinsmore Drive, and the intersection with South 12th Street.

A mitigation for wait time for vehicles turning onto South 12th Street from Dinsmore Drive is to require all trucks to access the site via South 12th Street and the Kenmar Road interchange. This action would eliminate the waiting period for vehicles at the stop sign at Northbound South 12 Street.

This analysis has focused on the local traffic impacts from the proposed operation, and other known proposed developments only.

10.0 HUMAN HEALTH

10.1 Creation of any health hazard or potential health hazard or exposure of people to potential health hazards:

Mining and reclamation will not create or expose people to a health hazard or potential health hazard through normal operations. However an accident could result in a potential health hazard. Accidents could release hazardous substances and expose people to potential health hazards. This likelihood is remote because of the limited exposure of the public to mining operations. The only exposure would occur to recreational users of the river during hours of operation. Most recreational use of the river occurs on weekends when the mining operation is closed. This is not considered a significant impact.

Hazardous Materials Impacts on Worker Safety

Under normal operating conditions, the hazardous materials used at the site may be a significant impact on human health. Workers on site are the most likely to come into contact with the materials. Under normal operations, human health effects are limited to workers on site, and exclude the public and surrounding residential areas. Hazardous materials encountered include cement, concrete, and concrete admixtures, diesel fuel, motor oil, and paving asphalt.

Mitigation:

An accident prevention and response plan has been prepared. All equipment operators will be trained in accident prevention and response. Hazardous substance containment equipment will be kept at the plant and used to contain contaminants in the event of an accident.

A Hazard Communication Program was instituted by Canevari in November 1992, and is the mitigation measure for minimizing the impacts of hazardous materials on workers' health and safety. The program includes employee review procedures for Materials Safety Data Sheets (MSDS), employee training for safely handling hazardous materials, monthly safety meetings conducted by supervisors, a notifications list in case of emergency, and a spill response checklist.

11.0 AESTHETICS

11.1 The obstruction of any scenic vista or view open to the public:

Visual elements of the processing facility vary in their visibility depending upon the point-of-view. From some viewpoints, the elements are in the foreground and visibility (visual impact) is significant; from other viewpoints, the elements are in the middle ground and visibility (visual impact) is moderately significant. Depending on the viewpoint, the background is of the river delta or surrounding wooded hillsides. Background views of the facility are insignificant.

From the residential and commercial developments east of the highway, the view consists of Highway 101 and an accompanying billboard and highway sign in the immediate foreground; the gravel processing facility and elements of the adjacent sewage treatment plant occupy the middle ground; and the river/riparian and rural agricultural landscape makeup the "obstructed" background. The facility is moderately visible from these locations.

From the hillside properties northeast of the project site on the east side of Highway 101, residential views will be of the Lower Eel River delta. In this panoramic view, any human-built element, depending on its design, will likely be visible, especially if it contrasts with a natural or rural agricultural landscape. However, the processing facility occupies the river terrace adjacent to Highway 101 and the sewage treatment plant and the resulting visual contrast will be low. The facility is moderately visible from these locations.

From Highway 101 southbound and areas of the river channel adjacent to the processing site, the elements will occupy the foreground and be highly visible though views from the river will be reduced somewhat by the middle ground of wooded hillsides.

Mitigation:

To mitigate this high visibility, the SEIR proposes to plant 6 to 8 foot high Sitka spruce and redwood trees at 5 feet on center along the west side of the highway, along with existing deciduous trees, will screen the view of the site from properties east of the Highway 101 (and Highway 101 itself) within 5 years. These trees will screen much of the site from view and reduce the visual impact. Overall, the facility will still be visible. Panoramic views from surrounding hillsides will be softened or enhance by additional evergreen trees if not thoroughly screened.

The processing facility site will become less visible from the river because of the proposed riparian vegetation (black cottonwoods) that will be installed between the river and the aggregate and asphalt concrete plants as part of surface mining reclamation. Additional vegetation will likely reduce the possibility of nighttime glare from the on site security and operations lighting from adversely affecting highway traffic or residential areas.

Similarly, the proposed reclaimed riparian (Mining Area A) will include stands of black cottonwood, which will screen much of the processing facility from the river during the summer months when trees are in leaf. Additionally, the planting of Sitka spruce, redwood, and cottonwood trees will soften the visibility of extraction and processing facilities from residential views on the surrounding hillsides.

The presence of extraction equipment, summer bridges, haul roads, skimming marks, and trenches have an impact on the aesthetics of the

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through October 1 period of extraction activity. The impacts of these activities are unavoidable.

To minimize visual impacts to the natural river scene between June 1 and October 1, the PEIR called for minimizing the number, length, and height of the stockpiles temporarily placed next to trenches. Inclusion of the general smoothing off of scars left from skimming and stockpiling in the Reclamation Plan, was called for to minimize visual impacts of the operation after October 1 of each year.

While the PEIR identified cumulative effects on the riparian corridor along the east bank of the river, including the project site, it was not determined to be (listed as) a significant impact (Hum. Co. 1992). In fact, the proposed project will likely enhance the riparian corridor by reclaiming mining areas with riparian vegetation, resulting in a positive significant impact.

11.2 The creation of an aesthetically offensive site open to public view:

A gravel extraction operation may be aesthetically offensive to some people. The gravel mining operation is open to the public view, especially recreational users of the river. The period of operation is June 1 to September 30 each year. This is not the peak time of use for recreational boaters, kayakers, etc. nor is this part of the river a high use area. Highest use by anglers is during the fall/ winter migrations of steelhead and salmon. There may be a short period of overlap between fishing use of the river and gravel mining.

Mitigation:

According to the PEIR the aesthetic impact is subjective and difficult to mitigate to those offended. Removal of heavy equipment from the mining areas within the river channel on a daily basis will limit the visual impact of the equipment. Keeping the mining area clean and free of broken down equipment, parts, etc. will minimize the aesthetic impacts.

12.0 RECREATION

12.1 Impact upon the quality or quantity of existing recreational opportunities:

The quantity of recreational opportunities will not be affected but the quality of recreational opportunities may be affected for those who find gravel mining to be aesthetically offensive. The period of operation is not the peak time of use for canoeists, recreational boaters , or fishermen and impacts to the quality of recreational opportunities, if any, will be minimal.

Mitigation:

Removal of heavy equipment from the mining areas within the river channel on a daily basis will limit the visual impact of the equipment. Keeping the mining area clean and free of broken down equipment, parts, etc. will minimize the aesthetic impacts.

ATTACHMENT 1

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified Copy of Portion of Proceedings, Meeting of July 28, 1992

SUBJECT: PUBLIC HEARING REGARDING THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF A CONDITIONAL USE PERMIT AND A RECLAMATION PLAN FOR ARCATA READIMIX; FILE NO. 106-011-0 CASE NO. SMR-06-912/CUP-38-912

ACTION:

1. MOTION BY Supervisor Sparks, second by Supervisor Pritchard, to hold a public hearing in the manner prescribed by law, and then close the public hearing.

2. MOTION BY Supervisor Pritchard, second by Supervisor Fulkerson, to:

   a. adopt the necessary findings and recommendations as prepared by staff;

   b. adopt and certify the supplemental Environmental Impact Report;

   c. overturn the Planning Commission's denial and approve the Conditional Use Permit and reclamation plan as conditioned in the submitted Exhibit A with the following added condition:

      "The reclamation plan, during its annual review, shall be made consistent with the gravel management plan developed for the environmental impact report.";

   d. directed Planning to prepare and file a Notice of Determination; and

   e. Directed the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

AYES: Supervisors Dixon, Pritchard, Fulkerson, Neely, and Sparks
NAYS: None
ABSENT: None
ABSTAIN: None

STATE OF CALIFORNIA)
County of Humboldt) ss

I, CHRIS ARNOLD, Clerk of the Board of Supervisors, County of Humboldt, State of California, do hereby certify the foregoing to be a full, true, and correct copy of the original made in the above-entitled matter by said Board of Supervisors at a meeting held in Eureka, California as the same now appears of record in my Office.

pc: CAO
Tom Conlon
~~Sidnie Olson~~
Applicant
Agent
William O. Davis
Lewis Klein

RECEIVED
AUG 0 ? 1992

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Board of Supervisors.

CHRIS ARNOLD

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

By _____
LORA FREDIANI, Assistant Clerk of the Board

August 5, 1992

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