REVISED DRAFT INITIAL STUDY and ENVIRONMENTAL CHECKLIST

FOR

WILCOX PROCESSING FACILITY/
BAKER CREEK QUARRY

July 2019

Lead Agency:
County of Humboldt

County of Humboldt:
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TABLE OF CONTENTS

FIGURES

APPENDICES

I. Project Information

Project Title: Wilcox Processing Facility

Lead Agency
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Property Owners
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Whitethorn, CA 95589

Project Applicant
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Whitethorn, CA 95589

Project Location
The project site is comprised of the Wilcox Processing Facility (WPF) site (Assessor's Parcel Number [APN] 215-231-013), located approximately 1 mile south of the community of Whitethorn in the County of Humboldt~~, approximately 0.5 miles north of the Humboldt/Mendocino County line, approximately 7.2 miles west of Highway 101,~~ and directly east of the Mattole River. Currently there is one driveway off of Briceland Thorne Road which provides access to the site (see Figures 1 and 2). The Baker Creek Quarry (BCQ) (spanning four separate APNs: 215-192-005, 215-192-018, 215-232-001, and 215-232-02), where unprocessed rock for the WPF is derived from, is located approximately 0.6 miles east of the WPF site, off Baker Creek Road. Both the WPF and BCQ are located approximately 0.5 miles north of the Humboldt/Mendocino County line and approximately 7 miles west of Highway 101. Baker Creek is located west and north of the BCQ site (see Figure 2a).

Affected Parcel(s)
Assessor's Parcel Numbers (APNs) 215-192-005, 215-192-018, 215-231-013, 215-232-001, and 215-232-02

Humboldt County General Plan Land Use Designations
Residential Agriculture 5 to 20 acre minimum parcel size (RA5-20) and Timberland (T) (see Figure 3)
[The processing area is located within the portion of the parcel designated as RA5-20.]

Humboldt County Zoning Designations
Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) (see Figure 4)
[The processing area is location with the portion of the parcel zoned as TPZ.]

Anticipated Permits and Approvals

1) Conditional Use Permit Approval
2) Reclamation Plan Approval
3) Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW)
4) Encroachment Permit Approval

II. INTRODUCTION

A Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Wilcox Processing Facility Project (proposed project) was prepared by the County of Humboldt (County) in August 2018, pursuant to the California Environmental Quality Act (CEQA), to analyze the potential environmental impacts of the proposed project. The Draft IS/MND was submitted to the State Clearinghouse (SCH No. 201809204) and circulated for public review and comment for a period of 30 days, beginning on September 19, 2018, and ending on October 18, 2018. The County received a total of two (2) comment letters on the Draft IS/MND. Comments were received from Mr. Shawn Studebaker (October 3, 2018) and the California Department of Fish and Wildlife (CDFW, October 19, 2018). Comment letters received to date on the Draft IS/MND and associated responses are included in Appendix C.

The purpose of the Revised Draft IS/MND is to address and incorporate the changes warranted as a result of the comments received on the Draft IS/MND, in addition to the amendments to the State CEQA Guidelines, approved by the Office of Administrative Law (OAL) and filed by the Secretary of State on December 28, 2018. Instead of considering the Wilcox Processing Facility (WPF) as a separate project, the Revised Draft IS/MND considers the WPF and Baker Creek Quarry (BCQ) as one project for the purpose of the CUP. This Revised Draft IS/MND for proposed project presents, in strike-through (deleted text) and underline (new text) format, revisions made to the August 2018 Draft IS/MND as a result of comments received on the Draft IS/MND, in addition to the amendments to the State CEQA Guidelines, approved by the Office of Administrative Law (OAL) and filed by the Secretary of State on December 28, 2018.

III. PROJECT DESCRIPTION

Ray Wilcox (Applicant) is requesting approval of a Conditional Use Permit (CUP) and Reclamation Plan acceptance submitted concurrently, for the Wilcox Processing Facility (WPF) to allow for processing and storing of quarry rock~~,~~ at an existing quarry rock processing facility located approximately 1 mile south of the community of Whitethorn in unincorporated County of Humboldt, on Assessor's Parcel Number (APN) 215-231-013 (WPF site). The site is the location of a former mill site and previously operated as an accessory function to the mill site prior to 1972. From 1995 to 2017, the site operated as the WPF, but has since been idle.

Required Approvals

Segregation and stockpiling of mined materials is defined as "surface mining" under Section 2735 of the Surface Mining and Reclamation Act (SMARA). Since the lands where the processing facility is located are not designated or zoned for commercial or industrial uses, and the processing operation, including the on-site equipment, stockpiles, and operating areas are in excess of one acre, the processing facility is not exempt from SMARA under Section 3505(a)(1) of the Act.

In order to comply with the provisions of SMARA, "…no person shall conduct surface mining operations unless a permit is obtained from, a reclamation plan has been submitted to and approved by, and financial assurances for the reclamation have been approved by, the Lead Agency" (SMARA Section 2770). In order to engage in any processing activities at the WPF~~this~~ site and to comply with State and local regulations, an application for a Conditional Use Permit (CUP) must be filed with the County of Humboldt Planning Division, which shall include a Reclamation Plan, submitted concurrently. Although the WPF is considered appurtenant to the existing Baker Creek Quarry (BCQ), approval of a separate CUP for the WPF is sought by the Applicant, as no changes to the BCQ's current operations are proposed. The WPF's Reclamation Plan, dated May 2, 2018, prepared in accordance with the provisions of SMARA, describes the end use of the site as a gravel lot and provides in detail how the 1.8 acre processing site would be reclaimed following closure of the processing facility. This is being processed as an addendum to an existing Reclamation Plan for the Baker Creek Quarry approved in 2007, as the WPF would be an appurtenant facility to the quarry.

In addition, a Lake or Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) is required from CDFW when a project would:

- Divert or obstruct the natural flow of any river, stream, or lake;
- Change the bed, channel, or bank of any river, stream, or lake;
- Use material from any river, stream, or lake; or
- Deposit or dispose of material into any river, stream, or lake.

Seven violations are detailed in a September 2016 Notice of Violation letter from CDFW, all of which will require approval of a LSAA. A discussion on the specific violations requiring a LSAA are included under the "Violations" subheading, below.

Existing Baker Creek Quarry

The Humboldt County Planning Commission approved 15-year Conditional Use/Surface Mining Permits and a 15-year Reclamation Plan (CUP-03-13/SMP-03-02/RP-03-02) for the BCQ on February 2, 2006. The approved permits allow for the commercial production of run-of-mine hardrock aggregate products from an existing quarry, which has been under operation and intermittently mined since the 1950's. The BCQ site was harvested for timber in the 1940s.

The existing BCQ is located on four separate parcels, including APNs 215-192-005, 215-192-018, 215-232-001, and 215-232-002, and is accessed via Baker Creek Road, off Briceland Thorne Road. An internal access road, off Baker Creek Road, provides access to the top of the quarry. The present quarry covers approximately 3 acres; the mineral reserve covers 11 acres. The volume of available material is estimated in excess of one million cubic yards. At an anticipated annual rate of extraction of 50,000 cubic yards, the BCQ would have a life expectancy of 20 years. Annual production varies with market conditions and the need for on-site road maintenance. Quarry operations involve excavation by ripping and pushing broken rock over the hillside to the stockpile area where run-of-mine rock is loaded into highway transports for off-site processing. Limited drilling and blasting are required. Material from the quarry was previously transported to the WPF for processing and would once again be transported to the WPF site under the proposed project.

Baker Creek, a perennial stream, is located adjacent to the quarry, along the quarry's western, northern, and northeastern boundaries, within approximately 50 feet of the operating area. The quarry site contains an existing bridge, approximately 40 feet long by 20 feet wide, along the quarry's private access road, which crosses Baker Creek. No excavation occurs below the adjacent stream elevation. A high berm between the stockpile area and Baker Creek ensures erosion and run-off is minimized. Additionally, the stockpile area is sloped so as to direct any run-off away from the stream where it is captured in a holding pond, also referred to as a sedimentation pond. Overflow from the pond passes through sediment filters before it is allowed to drain to the stream (see Sheet 3).

No changes to the quarry's operations are proposed under the project. The requirements and mitigation measures prescribed under the BCQ's original Conditional Use Permit (CUP-03-13), approved by the Humboldt County Planning Commission in February 2006, shall continue to apply and will continue to adequately ensure the minimization of potential impacts associated with continued quarry operations, including but not limited to, minimizing erosion, preventing discharges to State waters, and protecting vegetation and wildlife.

Former and Proposed Wilcox Processing Facility

The parcel comprising the site of the ~~existing~~former and proposed quarry rock processing facility (APN 215-231-013) totals approximately 41.8 acres in size; however, the ~~existing~~ processing facility comprises only a 1.8 acre portion of the site along the frontage adjacent to Briceland Thorne Road (see Figure 2). The Applicant is requesting to continue quarry rock processing. The processing area is the location of a former mill site and previously operated as an accessory function to the mill site prior to 1972 to create suitable road aggregate and slope protection in accordance to its timber hauling and processing. The mill burned down in 1972, though processing of quarry rock materials from the nearby Baker Creek Quarry continued. The processing site operated as the Wilcox Processing Facility from 1995 and through 2017. Materials were processed into five storage piles that included: road base less than 1 inch, 1 ½ inch material, 2 inch material, 4 to 8 inch material, and small rip rap. The processing operations have been idle since May 2017~~6~~, following receipt of a Cease and Desist Order from the County of Humboldt Planning and Building Department, dated May 12, 2017. ~~and~~Currently, the processing equipment (including a feeder, crusher, and screener) is being temporarily stored at an off-site location on Baker Creek Road, approximately 0.35 miles southeast of the site, pursuant to the requirements stated in the May 2017 County Cease and Desist Order. In addition, in accordance to the May 2017 Cease and Desist Order, all processed rock has been removed from the processing site. To date, only pre-processed rock and stockpile-retaining structures (K-rails) are currently located on-site.

The operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use which includes processing limited to daytime operational hours of 6am to 6pm Monday through Friday during peak periods (April through May and September through October), with fewer days per week of operation the rest of the year, weather permitting.~~,~~ In addition, a Feeder, Crusher, and a Screener would continue to be operated within the footprint of the former operation~~all operated within a 1.8 acre portion of the parcel~~. The conclusion of site use would initiate the implementation of reclamation activities~~.~~, where ~~T~~the end use of the ~~project~~processing site would be a gravel lot.

Processing quarry rock materials would be performed in an intermittent fashion whereby major material deliveries to the site are anticipated to occur between April-May and September-October (during the peak periods) while the rest of the year would see ~~minimal~~reduced processing operations. An average of four employees would work on-site and would generally consist of one equipment operator and up to three truck drivers. Truck drivers would traverse Baker Creek Road to and from the extraction site, Baker Creek Quarry, located approximately 0.7 miles east of the site.

Operations at the WPF consist of the following activities required to process quarry rock into a variety of aggregate products:

- Aggregate processing, including crushing and screening;
- Storage of processed aggregate materials;
- Loading and hauling of aggregate to off-site users; and
- Fueling and washing of equipment.

The parcel comprising the ~~project~~processing site totals approximately 41.8 acres with a current County of Humboldt land use designation of Residential Agriculture, 5 to 20 acre minimum parcel size (RA5-20) and Timber Production (T) and a combined zoning of Agriculture Exclusive (AE) and Timberland Production Zone (TPZ). The ~~existing WPF~~processing area takes up one 1.8 acre section entirely within the TPZ zone and RA5-20 land use area of the parcel. The total area to be reclaimed within the processing site is 1.8 acres.

As discussed above, ~~A~~a Reclamation Plan, dated May 2, 2018, has been prepared for the site in accordance with the provisions of SMARA, which describes the end use of the site as a gravel lot and provides in detail how the 1.8 acre processing site would be reclaimed following closure of the processing facility. This is being processed as an addendum to an existing Reclamation Plan for the Baker Creek Quarry approved in 2007, as the WPF would be an appurtenant facility to the quarry. At the end of use of the quarry rock processing site, all material stockpiles would be removed and taken off-site along with processing equipment, stockpile-retaining structures (K-rails), and all other equipment used during the operation of the rock processing process. A bond is required at the start of operation, set to pay for the site improvements that would bring the site back to its "natural" state, prior to its use as a quarry processing site. The bond is set to pay for 18 hours of grader work and 6 hours of roller to set the gravel semi-permanently. It is important to note that before use as an accessory unit to the mill site, this site was chosen because it was already bare (devoid of harvestable timber), which is shown in the provided historical photo imagery dating1948, 1968, and 1980 (see Figures 5-7).

During both site preparation and operation of the processing facility, one to two truckloads of water from the quarry site's sedimentation pond (approximately 3,000 gallons per truckload) (see Sheet 3) would be utilized daily at the site for dust suppression.

Under the Applicant's lease agreement for the Site, the WPF is able to accept material for processing from locations other than the Baker Creek Quarry and, as a result, the two sites have independent utility (i.e., can operate independent of the other operation and are not directly related).

~~**BACKGROUND**~~

~~Previously the WPF site was used as an accessory function to a timber mill located immediately north of the site to process quarry rock to create suitable for road aggregate and slope protection in accordance to timber hauling and processing. The mill burned down in 1972, though processing of quarry rock materials from the nearby Baker Creek Quarry resumed in 1995 and continued through 2016, utilizing the following equipment: feeder, crusher, and screening plant. Materials were processed into five storage piles that included: road base less than 1 inch, 1 ½ inch material, 2 inch material, 4 to 8 inch material, and small rip rap.~~

Violations

Several violations to Fish and Game Code (FGC) Sections 1602, 5901, 5650, and 5652 have been recorded by the Humboldt County Planning Department (HCPD) and the California Department of Fish and Wildlife since 2013. In addition, a Cease and Desist Order was issued by the County on May 12, 2017, requiring all equipment and stockpiling of processed material to be removed until such time as the operation is able to come into compliance with SMARA Section 2770.

On July 12, 2016, Shane Embry (Warden, ~~California Department of Fish and Wildlife [~~CDFW~~]~~) and Jane Arnold (Senior Environmental Scientist, CDFW), conducted a follow up site visit to the processing facility and quarry sites to further review the status of violations to the ~~Fish and Game Code (~~FGC~~)~~ previously noted on a site visit conducted with CDFW and ~~Humboldt County Planning Department (~~HCPD~~)~~ on April 9, 2013, in which violations to FGC Sections 1602, 5901, 5650, and 5652 (1600 violations) were still noted including:

1. Substantially diverting water from a spring tributary of Baker Creek, a tributary to the Mattole River;
2. A culvert was installed on a salmonid stream, impeding fish passage and obstructing surface flow;
3. An appurtenant road had dirt perched where it may enter waters of the State;
4. Asphalt and loose unconsolidated soil had been placed where it may enter waters of the State;

5. Refuse had been placed where it may enter waters of the State;
6. A dirt fill crossing was installed in an unnamed tributary of the Mattole River; and
7. Riparian vegetation had been encroached upon.

[Violations #1-3 apply to the quarry site and Violations #4-7 are applicable to the processing site.]

On September 30, 2016, a Notice of Violation letter from CDFW was sent to the Applicant describing the deficiencies identified during the July 12, 2016, site visit. In addition, the letter also requested submission of a completed LSAA application and associated fees The Applicant ceased all processing operations and removed processing equipment, including a feeder, crusher, and screening plant, from the site. Processing equipment would only be returned to the site upon the confirmation of all requirements listed in the 1600 violations pertinent to the processing site are being met, and approval of a Conditional Use Permit (CUP) by HCPD to continue processing operations.

On July 24, 2017, an additional site visit was conducted with Kasey Sirkin (Lead Biologist, U.S. Army Corps of Engineers [USACE]), Jane Arnold, Deirdre Clem (Senior Planner, LACO Associates), Max Hilken (Assistant Planner, LACO Associates), and Ray Wilcox (Applicant). This site visit served as a review of corrections made in effort to correct the previously noted 1600 violations and to develop a clear path forward to compliance. During the visit both Jane Arnold and Kasey Sirkin made comments regarding the location of stockpile material located too close to the intermittent stream on the northern parcel boundary and recommended moving said stockpile material further from the creek, outside the Streamside Management Area (SMA) and placing a retention barrier (K-rails) in place to prevent discharge of stockpiled materials into waters of the state. These comments were later re-affirmed and recorded via email communication between Michael Wheeler (Senior Planner, HCPD) and the previously mentioned site visit attendees, in which Michael Wheeler agreed to the movement of stockpile materials away from the edge of the stream channel, and placement of K-rails at a distance of 25 feet. Jane Arnold later clarified her response on August 8, 2017 to include removing any gravel from within the SMA (see Appendix ~~B~~A).

On February 27, 2018, Deirdre Clem and Max Hilken of LACO Associates met with Jane Arnold to assess the requirements needed in order to move forward and remedy the 1600 violations located on the site. At the close of the meeting, all parties agreed upon a solution requiring the placement of permanent retention barriers (K-rails) along the length of the unnamed ~~Class III~~ tributary to the Mattole River at a distance of 25 feet from the edge of bank to ensure the movement of pre-processed materials further away from the stream as previously agreed upon, to provide sediment movement and erosion control due to processing activities (stockpiling, hauling, loading and unloading materials), and to prevent both vehicle and pedestrian movement across the stream channel. [Please note, the requested location of the K-rails at a distance of 25 feet from the edge of bank was originally in compliance with the requirements specified under the County's Streamside Management Area Ordinance (SMAO), which was superseded by the requirements prescribed in the County's General Plan, adopted on October 23, 2017. Pursuant to the County General Plan, a minimum setback of 50 feet from top of bank or outer edge of riparian drip-line (whichever is greater) is required from intermittent streams.]

~~In following the recommendations set by the July 24, 2017, site visit, and incorporating the additional requirements agreed upon at the February 27, 2018, meeting with CDFW, in which the now in place retention barrier, would be extended to match the length of the stream (on-site), and the movement of stockpile material further from edge of stream bank (50-feet), this operation conforms not only to the Humboldt County Streamside Management Ordinance (SMAO) as described in Section 6(a)(2), but seeks to come into conformance with requirements of the state through the purview of CDFW.~~

Additionally, as of April 2018, all processed stockpiled material has been removed from the site to comply with a Cease and Desist Order from Humboldt County sent on May 12, 2017, and delivered to ~~Ray Wilcox~~the Applicant requiring all equipment and stockpiling of processed material to be removed until such time as the operation is able to come into compliance with SMARA section 2770.

An additional site visit was conducted on January 24, 2019, with the Applicant, Megan Marruffo (Associate Planner, LACO), Gary Lester (Senior Environmental Scientist, LACO), and Jennifer Olson (Environmental Scientist, CDFW), in which the seven violations detailed in CDFW's September 2016 NOV letter were reviewed. Comments were received by CDFW on February 20, 2019, memorializing observations and recommendations pertaining to the January 2019 site visit. Per CDFW, several of the violations (discussed below) have been corrected:

- Violation #3 (Perched dirt on road adjacent to Baker Creek) – appears to have been remediated via installation of log and rock berms.
- Violation #4 (asphalt and soil where it may enter waters of the State): appears to have been remediated, although the buffer distance in general needed to be increased per County requirements.
- Violation #5 (refuse deposited where it may enter waters of the State): Has been primarily cleaned up, although some remnant isolated pieces of garbage/debris that should be removed from the buffer area.
- Violation #6 (dirt fill crossing at processing site): Has been removed.

As previously discussed, LSAA coverage will be required for all of the seven noted violations and will be prepared and submitted under the project (see Lake or Streambed Alteration Agreement subsection below).

Regarding Violation #2 (culvert on a salmonid stream that was impeding fish passage and obstructing surface flow), the Applicant has stated the culvert (North Fork Culvert B1000-X02) was replaced with approval from CDFW, under LSAA Notification 01-0387. The 2001 LSAA called for a 60-inch culvert with a gravel bottom. However, Jane Arnold with CDFW has issued a citation for the culvert, as the culvert does not meet the updated 72-inch specification used today for 100-year flows and the gravel bottom may be causing a fish passage barrier. Per the guidelines for fish passage required at flows of 1 cubic foot per second (cfs) or greater, the water would flow over the top of the gravel and would not impede passage. The Applicant requests that this violation be removed from the project as the culvert in question was lawfully constructed. Additional consultation with CDFW will be necessary related to Violation #1.

Additionally, CDFW notes that an appropriate buffer of 50 feet from the intermittent unnamed tributary to the Mattole that runs adjacent to the processing site (from top of bank or outer edge of riparian drip-line, whichever is greater) would be required, pursuant to County requirements established under the 2017 General Plan. As such, while the pre-processed stockpiles currently on-site appear to be appropriately located, the existing K-rails, currently setback 25 feet, would need to be relocated a minimum distance of 50 feet. To mitigated for the "past unpermitted development and riparian vegetation clearing" at the processing site, it is recommended that the previously-disturbed riparian vegetation be replaced and revegetated, both of which would address Violation #7 (riparian vegetation encroachment).

Lake or Streambed Alteration Agreement (LSAA)

As discussed above, a LSAA will be required for each of the seven violations included on CDFW's Notice of Violation (NOV) letter, dated September 30, 2016. In response to the September 2016 CDFW NOV letter, a

LSAA application was previously submitted to CDFW in November 2016 (Notification No. 1600-2016-0549-R1) by the Applicant's former consultant, Blair Forestry Consulting. As noted in a letter from CDFW, dated October 11, 2018, the LSAA application was received by CDFW on November 7, 2016, and was deemed incomplete in a letter dated December 5, 2016, and requested additional information. A meeting was held in January 2017 to explain the information needed to complete the application. On April 28, 2017, additional information was submitted to CDFW; however, on May 26, 2017, CDFW once again deemed the application incomplete. Since more than one year had passed since CDFW received any information on the project, CDFW sent a letter to the Applicant on October 11, 2018, to inform the Applicant of the closure of their LSAA application. It was noted in the letter that a new LSAA application and associated fees would need to be submitted to CDFW if the Applicant intends to complete their project.

In January 2019, LACO Associates contracted with the Applicant for preparation of a new LSAA application for the violations indicated by CDFW in their October 2018 correspondence. A completed LSAA will be submitted to CDFW as part of the project.

IV. PROJECT SETTING AND LOCATION

The project site, which comprises the existing Baker Creek Quarry and processing site, is located within a very rural area with minimal development. Existing land uses in the vicinity of the project site consists of a Rural Community Center, low density Residential Agriculture development, Open Space, and Timberlands. Developments within the vicinity includes: Whitethorn Elementary School, approximately 0.5 miles to the northwest, with the two nearest residences to the project site located approximately 0.6 miles northwest and 0.6 miles southeast of the site. The topography of the site and surrounding area consists of coastal hills dominated by gentle terrain near the bases at approximately 1,100 feet above mean sea level (amsl) along the Mattole River to the west and steep terrain on the side hills rising to low peaks of approximately 1,400 feet amsl.

Existing Baker Creek Quarry

The existing BCQ is located on four separate parcels, including APNs 215-192-005, 215-192-018, 215-232-001, and 215-232-002, and is accessed via Baker Creek Road, off Briceland Thorne Road. An internal access road, off Baker Creek Road, provides access to the top of the quarry (approximately 1,370 feet above mean sea level [amsl]). The present quarry covers approximately 3 acres; the mineral reserve covers 11 acres. The volume of available material is estimated in excess of one million cubic yards. At an anticipated annual rate of extraction of 50,000 cubic yards, the BCQ would have a life expectancy of 20 years. Annual production varies with market conditions and the need for on-site road maintenance. Quarry operations involve excavation by ripping and pushing broken rock over the hillside to the stockpile area where run-of-mine rock is loaded into highway transports for off-site processing. Limited drilling and blasting are required. Baker Creek, a perennial stream, is located adjacent to the quarry, along the quarry's western, northern, and northeastern boundaries, within approximately 50 feet of the operating area. No excavation occurs below the adjacent stream elevation. A high berm between the stockpile area and Baker Creek ensures erosion and run-off is minimized. Additionally, the stockpile area is sloped so as to direct any run-off away from the stream where it is captured in a holding pond. Overflow from the pond passes through sediment filters before it is allowed to drain to the stream.

The quarry area consists of an access road, stockpile areas, and unworked rock. The undeveloped area is covered with sparse covering of tanoak and conifer regeneration with an understory of native brush species. The area surrounding the quarry is a conifer forest 15 to 55 years old. There are no structures within three-quarter mile of the quarry.

As noted above, no changes to the quarry's operations are proposed under the project and the requirements and mitigation measures prescribed under the BCQ's CUP (CUP-03-13) shall continue to apply.

Former and Proposed Wilcox Processing Facility

The ~~existing WPF~~processing sit4e is located approximately 1 mile south of the community of Whitethorn and approximately 0.5 miles north of the Humboldt/Mendocino County boundary line. The ~~project~~processing site is located in a rural area with minimal development and is accessed via Briceland Thorne Road.

The processing site is located on a 41.8 acre parcel (APN 215-231-013), comprising 1.8 acres of gently sloping area (0-5%) historically used as a mill and quarry rock processing facility. The processing equipment to be utilized under the proposed project is being temporarily stored at an off-site location on Baker Creek Road, approximately 0.35 miles southeast of the site. The processing site currently has 6 stock pile areas ranging from temporary pre-processed quarry material to small rip rap. The site has an intermittent seasonal creek along its northern boundary with an observed 50 foot setback of all pre- and post-processed quarry rock materials along with equipment, in accordance with the ~~Humboldt County SMAO~~SMA requirements provided in Standard BR-S5 (Streamside Management Areas Defined) of Section 10.3 (Biological Resources) of Chapter 10 (Conservation and Open Space) of the 2017 Humboldt County General Plan. Furthermore, the placement of K-rails have been put in place as a permanent retention line 25 feet from the intermittent creek bank to further protect against potential sediment movement and erosion, approved of by CDFW. However, in order to comply with the County's SMA policies included in the 2017 General Plan, the K-rails will be moved a minimum distance of 50 feet from the top of bank or outer edge of riparian drip-line, whichever is greater. Additionally, drainage on the processing site is designed to direct surface water flow, resulting from heavy rain, to flow southeast to northwest into a vegetative swale for natural filtering before reaching the ditches along Briceland Thorne Road.

The County WebGIS shows that a small area (approximately 0.16 acres) within the northwestern portion of the parcel comprising the processing site is located within a designated 100-year flood zone (Zone A) based off the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) number 1975F. However, this area is located west and outside of the processing area, is not used in conjunction with any activities outlined in this proposal, and is protected by the same measures utilized to prevent sediment and pedestrian movement into or across the ~~Class III~~intermittent stream located at the north end of the WPF. All processing equipment and stockpiles would be located over 200 feet outside of the mapped area.

~~The project site is located within a very rural area with minimal development. Existing land uses in the vicinity of the project site consists of a Rural Community Center, low density Residential Agriculture development, Open Space, and Timberlands. Developments within the vicinity includes: Whitethorn Elementary School, approximately 0.5 miles to the northwest, with the two nearest residences to the project site located approximately 0.6 miles northwest and 0.6 miles southeast of the site. The topography of the site and surrounding area consists of coastal hills dominated by gentle terrain near the bases at approximately 1,100 feet above mean sea level (amsl) along the Mattole River to the west and steep terrain on the side hills rising to low peaks of approximately 1,400 feet amsl.~~

V. ENVIRONMENTAL EFFECTS

An environmental checklist follows this section, and addresses all potential adverse effects resulting from the proposed project. No significant adverse effects are expected from any of the proposed activities.

VI. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

	Aesthetics		Agriculture and Forestry Resources	**X**	Air Quality
X	Biological Resources	**X**	Cultural Resources	**X**	Geology and Soils
X	Green House Gas Emissions		Hazards and Hazardous Materials	**X**	Hydrology and Water Quality
	Land Use and Planning		Mineral Resources		Noise
	Population and Housing		Public Services		Recreation
	Transportation/Traffic		Tribal Cultural Resources		Utilities and Service Systems
	Energy		Wildfire		Mandatory Findings of Significance

Determination: On the basis of this initial evaluation:

☐	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
☒	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
☐	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
☐	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
☐	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Joshua Dorris, Planner

Printed Name

Humboldt County Planning and Building Department

For

VII. EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from "Earlier Analyses," as described in (5) below, may be cross-referenced).

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

    a. Earlier Analysis Used. Identify and state where they are available for review.

    b. Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

    c. Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and

   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Environmental Checklist
An explanation for all checklist responses is included, and all answers take into account the whole action involved and the following types of impacts: off-site and on-site; cumulative and project-level; indirect and direct; and construction and operational. The explanation of each issue identifies (a) the threshold of significance, if any, used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

In the **Checklist,** the following definitions are used:

"**Potentially Significant Impact**" means there is substantial evidence that an effect may be significant.
"**Potentially Significant Unless Mitigation Incorporated**" means the incorporation of one or more mitigation measures can reduce the effect from potentially significant to a less than significant level.
"**Less Than Significant Impact"** means that the effect is less than significant and no mitigation is necessary to reduce the impact to a lesser level.
"**No Impact"** means that the effect does not apply to the proposed project, or clearly will not impact nor be impacted by the proposed project.

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) In non-urbanized areas, ~~S~~substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on aesthetic resources if it ~~will~~would have a substantial adverse effect on a scenic vista; substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway; substantially degrade the existing visual character or quality of public views of the site and its surroundings (if the project is in a non-urbanized area) or conflict with applicable zoning and other regulations governing scenic quality

(if the project is in an urbanized area); or create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

DISCUSSION

Humboldt County is a scenic and visually diverse county, and is predominantly rural in nature with respect to existing development. The project site is located in a rural area with minimal development. Currently, the feeder, crusher, and screening plant utilized for processing quarry rock materials at the WPF are located off-site, pending confirmation that all violations pertinent to the site have been resolved with CDFW and approval in the form of a CUP by HCPD. Currently, the processing site has five stockpiles for unprocessed rock, ranging from temporary pre-processed quarry material to small rip rap. The operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use which includes processing limited to daytime operational hours of 6am to 6pm Monday through Friday during peak periods (spring and summer), with fewer days per week of operation the rest of the year. The conclusion of site use would initiate the implementation of reclamation activities, where the end use of the processing site would be a gravel lot. No changes to the quarry's current operations or proposed reclamation activities are proposed.

I.a,c) The proposed project would not have a substantial adverse effect on a scenic vista. Additionally, the project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings, since the ~~project~~processing site was previously utilized as an existing quarry rock processing facility and has been disturbed under previously-approved timber operations. Furthermore, no trees are proposed for removal under the project and since surrounding vegetation would continue to grow and change, it would continue to help screen the processing facility from surrounding properties and Briceland Thorne Road. A less than significant impact would occur.

I.b,d) Under CEQA, visual resources that uniquely contribute to the public benefit are considered to be scenic resources. Although Humboldt County has no officially designated State Scenic Highways, Highway 101 is listed in Section 263.6 of the California Streets and Highway Code as eligible for designation ~~and~~, which is located approximately 7.5 miles east of the WPF at its nearest point, with several peaks and valleys between this distance (Humboldt County General Plan, 2017). Prior operations at the ~~existing~~former and proposed WPF were limited to daytime operational hours of 6am to 6pm Monday through Friday during peak periods (spring and summer), with fewer days per week of operation the rest of the year. Similar hours of operation would occur under the proposed project. Additionally, the project would not introduce a new source of substantial light or glare, as the equipment and footprint of the processing site would remain the same as recorded historic use. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less than Significant Impact** on Aesthetics.

II. AGRICULTURE AND FORESTRY RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☒	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☒	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use?	☐	☐	☐	☒

Thresholds of Significance: Agriculture and Forestry Resources would be significantly affected by the proposed project if the project were to convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (hereafter "farmland"), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses. Significant impacts to Agricultural and Forestry Resources would also occur if the project conflicted with existing zoning for agricultural use or a Williamson Act contract; conflicts with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g), timberland (as defined by PRC section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)); Result in the loss of forest land or conversion of forest land to non-forest use; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use.

DISCUSSION

Historically, the local economy was built on natural resources that supported timber productions, manufacturing, dairy farming, cattle ranching and fishing. Over the last 40 years, this historic base has shifted, in favor of more knowledge-based, specialty, and technology-driven products and services; no one industry dominates the local economy today (Humboldt County General Plan, 2017). Notwithstanding this economic diversification, Agriculture and Timberlands are still a critical part of the character and makeup of Humboldt County. According to the Humboldt County Department of Agriculture/Weights and Measures 2016 Crop Report, the gross value of agricultural commodities within the county increased approximately 7 percent over 2015's production values (Crop Report, 2016).

The 41.8 acre parcel (APN 215-231-013) comprising the processing site is currently designated as Residential Agriculture, 5 to 20 acre minimum parcel size (RA5-20) and Timber Production (T) under the Humboldt County General Plan, and is zoned as Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) under the Humboldt County Zoning Regulations. The approximately 1.8 acre WPF site is located solely within the portion of the 41.8 acre parcel that is designated as RA5-20 and zoned as TPZ. This location was chosen due to its barren open space that has been devoid of timber as far back as 1948 (see Figure 5).

II.a) The western portion of the ~~project~~processing site, containing the WPF, is mapped to have prime agricultural soils, as shown on the Humboldt County WebGIS viewer. Additionally, although the County of

Humboldt is not officially mapped under the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP), the Natural Resources Conservation Service (NRCS) proposes to designate the westernmost portion of the processing site as "Farmland of Statewide Importance" and farther to the ~~west~~east, including the processing facility, as "Prime Farmland if Irrigated" (WebGIS, 2017). ~~The processing site, as proposed, has been in operation since operated as the WPF from 1995 to 2016~~The processing area is the location of a former mill site and previously operated as an accessory function to the mill site prior to 1972 to process quarry rock. The WPF, as currently proposed, was in operation from 1995 to 2017. Although the processing equipment has been removed from the site and is currently being stored at an off-site location, ~~N~~no changes to the WPF's ~~existing~~historical operations, facilities, infrastructure, or footprint are proposed under the project. Therefore, the project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use that has not been previously disturbed or approved~~, since the site was historically used to process quarry rock material as an accessory function to the mill prior to 1972~~. As such, a less than significant impact would occur.

II.b) The project site is not under a Williamson Act contract as recorded in the Humboldt County Web GIS viewer. The project would therefore not conflict with a Williamson Act contract and no impact would occur.

II.c) The WPF does conflict with current zoning for forest land (as defined in Public Resources Code Section 12220(g), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)), since the portion of the 41.8 acre parcel where the ~~existing~~ WPF is located is zoned as TPZ. Manufacturing and segregation and stockpiling of mined materials, defined as "surface mining" under Section 2735 of SMARA, are not principally permitted uses of areas zoned as TPZ. However, per correspondence received from the County of Humboldt, dated August 21, 2017 (see Appendix ~~B~~A), it was noted that by considering the processing site as a SMARA activity appurtenant to the Baker Creek Quarry, it could be permitted with a Conditional Use Permit (CUP). It is important to note that the proposed project does not conflict with the historical use of the land in this location, which was in operation since before 1972 as a quarry rock processing facility, appurtenant to a previously existing mill site located on the north end of the parcel, and later operated as the WPF from 1995 to 2016. Additionally, no changes to the processing site's current land use and zoning designations are proposed under the project, and the operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use. A less than significant impact would occur.

II.d) The WPF would not result in the loss of forest land or conversion of forest land to non-forest use. Even though the processing site is located within the portion of the 41.8 acre parcel designated as T and zoned as TPZ, the ~~existing~~ WPF site has been void of forestation for approximately 78 years as depicted in ~~f~~Figures 5-7. Under the proposed project, there are no proposed expansions or infrastructure improvements that would expand beyond the pre-existing historical disturbance of the processing site. No impact would occur.

II.e) ~~As t~~The WPF site has historically been utilized to process quarry rock materials and the current proposal does not request any changes to previously approved operational standards or propose any expansions or infrastructure improvements that would expand beyond the pre-existing historical disturbance of the processing site. There would not be changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forestland to non-forest use. As such, no impact would occur.

MITIGATION MEASURES:
No mitigation required.

FINDINGS:

The proposed project would have a **Less Than Significant Impact** on Agricultural and Forestry Resources.

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐
~~b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?~~	~~☐~~	~~☒~~	~~☐~~	~~☐~~
~~c~~b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard~~ (including releasing emissions, which exceed quantitative thresholds for ozone precursors)~~?	☐	☒	☐	☐
~~d~~c) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
~~e~~d) ~~Create objectionable~~Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on Air Quality if it conflicts with or obstructs implementation of applicable air quality plans; ~~violates any air quality standard or contribute substantially to an existing or projected air quality violation; r~~esults in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors); exposes sensitive receptors to substantial pollutant concentrations; or ~~creates objectionable~~results in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

DISCUSSION

The proposed project is located within the North Coast Air Basin (NCAB) and is subject to North Coast Unified Air Quality Management District (NCUAQMD) requirements. The NCUAQMD is responsible for monitoring and enforcing local, state, and federal air quality standards in the County of Humboldt. Air quality standards are set for emissions that may include, but are not limited to, visible emission, particulate matter, and fugitive dust. The entire NCAB is currently designated as "non-attainment," or in excess of allowable limits, for the State 24-hour PM_{10} standard for breathable particulate matter of 10 microns or less (PM_{10}), and as "attainment," or within allowable limits, with respect to the balance of the criteria pollutants (NCUAQMD, 2017)

Because the NCAB is in "non-attainment" for PM_{10}, the NCUAQMD adopted a PM_{10} Attainment Plan (Attainment Plan) in 1995, which identified cost effective control measures that can be implemented to reduce ambient PM_{10} levels to within California standards. The Attainment Plan should be used cautiously as it is not a document that is required for the District to come into attainment for the state standard. More information on California standards and the draft PM_{10} Attainment Plan can be found on NCUAQMD's website, http://www.ncuaqmd.org/index.php, or by contacting a local representative.

The project and its emission sources are subject to NCUAQMD rules and regulations contained in the most recent version of the *Rules and Regulations of the North Coast Unified AQMD*. Limited site preparation and construction is anticipated under the proposed project, as the site has historically been utilized for quarry rock processing since before 1972, and later, operating as the WPF from 1995 to 2016. The processing equipment that was previously utilized and would continue to be utilized under the project as proposed. During site preparation, the contractor would be expected to use heavy trucks and machinery to move the mobile processing equipment onto the site from where it is being temporarily stored at an off-site located on Baker Creek Road, approximately 0.35 miles southeast of the processing site; possible air pollutant emissions would occur. However, the project would comply with the required and appropriate policies regarding the control of fugitive dust during these activities, which have been established by NCUAQMD (see Mitigation Measure AIR-1). Once site preparation is complete, emissions from operation of the WPF would be comprised of direct and indirect emissions. Direct emissions from on-site activities, including exhaust and fugitive dust, would result from operation of the processing equipment. Indirect emissions would be produced by large trucks delivering quarry material to the processing site to be processed and other vehicles, including employees traveling to and from the project site. Pursuant to Mitigation Measure AIR-2 (as provided below), all construction equipment, processing equipment, and large delivery trucks would be required to be maintained in good working condition. Additionally, per Mitigation AIR-3, all trucks on the site would be required to limit the amount of idling time to less than five minutes at a time. Incorporation of Mitigation Measures AIR-1 through AIR-3 would ensure potential air quality impacts associated with the processing site are adequately mitigated. Furthermore, continued compliance with NCUAQMD emissions standards would be required during operation of the project.

Vehicles are known to be a major pollution contributor, producing significant amounts of nitrous oxides (NOx), carbon monoxide (CO), ozone (O_3), and particulate matter ($PM_{2.5}$ and PM_{10}), and must also be considered when evaluating potential air quality impacts of a proposed project. A total of 150 traffic trips would be estimated to occur daily as a result of the proposed project, including trucks entering and exiting the site, in addition to employees arriving to the site at the start of their work day and leaving work at the end of the work day. Under operation of the proposed project, approximately 60 daily loads of materials from the quarry would be transported to the site, and approximately 50 loads of processed material would be transported from the WPF on a daily basis. It is anticipated that an average of four employees would work on-site and would generally consist of one equipment operator and up to three truck drivers.

During both site preparation and operation of the processing facility, one to two truckloads of water from the quarry site's sedimentation pond (approximately 3,000 gallons per truckload) (see Sheet 3) would be utilized daily at the site for dust suppression.

III.a-~~c~~b) As noted above, the County is in "non-attainment" for PM_{10}. Therefore, any use or activity that generates unnecessary airborne particulate matter may be of concern to NCUAQMD and has the potential to create significant project-specific and cumulative effects to air quality. Since no changes to the ~~existing~~ WPF's size, hours of operation, or location are requested under the CUP and Reclamation Plan requested for the ~~existing~~ processing site, there are no expected conflicts or obstructions in the implementation of NCUAQMD's PM_{10} Attainment Plan.

NCUAQMD has advised that generally an activity that individually complies with the state and local standards for air quality emissions would not result in a cumulatively considerable net increase in the countywide PM_{10} air quality violation. The most common source of PM_{10} is wood smoke from home heating or brush fires, and dust generated by vehicles traveling over unpaved roads. The Attainment Plan provides mitigation measures for construction and grading activities and unpaved roads, and the proposed project

would be subject to current and future regulations adopted by NCUAQMD under this Plan and contained in the most recent version of the *Rules and Regulations of the North Coast Unified AQMD*.

Under the proposed project, temporary emissions may be associated with site preparation, including the use of heavy trucks and machinery to move the processing equipment onto the site from where it is being temporarily stored at an off-site location on Baker Creek Road, approximately 0.35 miles southeast of the site. Emissions from operation of the project would be comprised of direct and indirect emissions. Direct emissions from on-site activities, including exhaust and fugitive dust, would result from operation of the processing equipment. Indirect emissions would be produced by large trucks delivering quarry material to the site to be processed and other vehicles, including employees traveling to and from the project site as well as water trucks. NCUAQMD has established policies regarding the control of fugitive dust during these activities, which are prescribed in Rule 104, Subsection D (Fugitive Dust Emissions) of the NCUAQMD's *Rules and Regulations*, and per Mitigation Measure AIR-1, below, the proposed project would be required to comply with these policies. The proposed project would be required to implement reasonable Best Management Practices (BMPs) to prevent particulate matter from becoming airborne, and as provided in Mitigation Measure AIR-1, specific measures include covering open bodied trucks used for transporting materials likely to release airborne dust, using water or chemicals for dust control during construction, road grading, and land clearing activities, applying water or suitable chemicals on dirt roads, covering materials stockpiles and other surfaces which can give rise to airborne dust, and promptly removing tracked material from paved streets. Additionally, per Mitigation Measure AIR-2, at all times, all construction equipment, processing equipment, and large delivery trucks shall be maintained in good condition to minimize excessive exhaust emissions, and per Mitigation Measure AIR-3, no trucks on the site shall idle for more than five minutes at a time. Under the proposed project, one to two truckloads per day of water would be utilized at the site for dust suppression.

With the incorporation of Mitigation Measures AIR-1 through AIR-3, which requires compliance with NCUAQMD standards and regulations, maintenance of all equipment and delivery trucks, and limiting the amount of time trucks may idle on the site, the proposed project would not result in significant adverse air quality impacts or result in a cumulatively considerable net increase in the PM_{10} non-attainment levels in Humboldt County, and a less than significant impact would occur.

III.~~d e~~c-d) Sensitive receptors, as defined by NCUAQMD (2014), include, but are not limited to, preschools and daycare centers, K-12 schools, nursing homes, hospitals, Class I Areas (any area having air quality values requiring special protection and which has been designated Class I by a federal, State or local authority), and other locations where there are concentrations of sensitive populations. The site is located in a very rural area with minimal development. The two nearest residences to the project site include one residence located approximately 0.6 miles northwest and one residence located approximately 0.6 miles southeast of the site, respectively. Additionally, the Whitethorn Elementary School is located approximately 0.5 miles northwest of the site. Due to the project's rural location, the proposed project would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. Operation of the project would require the transport, use, storage, and disposal of small quantities of hazardous materials common to equipment maintenance and operation, such as gasoline, diesel fuel, hydraulic fluids, oils, and lubricants. However, no hazardous materials to be utilized at the site would be stored on-site; instead, all hazardous materials to be utilized under operation of the project would be stored off-site at a workshop owned by the Applicant, located approximately 5 miles north of the project site off Briceland Thorne Road. No impact would occur.

MITIGATION MEASURES:

AIR-1: At all times, the project shall be constructed and operated in compliance with Rule 104, Subsection D (Fugitive Dust Emissions) of the NCUAQMD's *Rules and Regulations* to reduce the amount of fugitive dust generated by construction and operation of the project. The project contractor and operator shall be required to do the following:

- Cover open-bodied trucks when used for transporting materials likely to give rise to airborne dust.
- Apply water or suitable chemicals on exposed earth surfaces, materials stockpiles, and other surfaces which can give rise to airborne dust.
- Promptly remove earth or other track-out material from paved streets onto which earth or other material has been transported by trucking or earth moving equipment. Remove tracked dirt from the paved roads adjacent to the construction zone and provide a tire wash station at the Site's entrances to reduce the amount of tracked dirt leaving the Site.

AIR-2: At all times, construction equipment, processing equipment, and delivery trucks shall be maintained in good condition to minimize excessive exhaust emissions.

AIR-3: Pursuant to State law, truck idling on the project site shall be limited to less than five minutes.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Air Quality.

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands ~~as defined by Section 404 of the Clean Water Act~~ (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	~~☒~~☐	~~☐~~☒	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒

f)	Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant impact to Biological Resources if it were to have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; have a substantial adverse effect on state or federally protected wetlands ~~as defined by Section 404 of the Clean Water Act~~ (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means; interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites; conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

DISCUSSION

Humboldt County is largely rural and forested with a wide range of climates, topography, soils, and/ watershed conditions, all of which produce very diverse plant and animal communities. Chapter 3 (Hazards and Resources) of the Humboldt County General Plan includes policies related to the protection of biological resources.

The ~~S~~site is located within the Bridge Creek Watershed, a major tributary region to the Upper Mattole River. Baker Creek is located west and north of the quarry site, while the Mattole River is located west of the processing site. The processing site has a seasonal/intermittent creek~~, a Class III stream bed~~ with ephemeral flow due to heavy rains~~,~~ along its northern boundary. ~~and t~~The temporary pre-processed stockpile area~~,~~ is currently located in the northeastern portion of the processing site, approximately 50 feet from the creek. While K-rails are currently located approximately 25 feet from the creek, they will be moved a minimum 50-foot distance from top of bank or outer edge of riparian drip-line (whichever is greater), in compliance with the 2017 County General Plan requirements. Additionally, the Mattole River is located approximately 200 feet west of the processing site and Stanley Creek is located approximately 0.3 miles to the north. A constructed ditch is located along the processing site's eastern boundary line to provide stream habitat protection and a vegetative swale is located downslope of the processing plant. Site drainage was formed to direct surface water flow, resulting from heavy rain, to flow southeast to northwest into the aforementioned vegetative swale for natural filtering before reaching the ditches along Briceland Thorne Road.

A literature review was conducted for rare, threatened, and endangered species and sensitive species to determine which of these might occur in the proposed project area. Coho and steelhead were previously recorded in Baker Creek. Protection measures incorporated in the plan are designed to prevent significant adverse impacts to Coho and steelhead, to the Foothill yellow-legged frog, etc., as identified in the review. Given the Watercourse and Lake Protection Zone (WLPZ) stream protection will recruit to mature forest types on timber managed properties, it would appear that no special limitations to operations are required provided that the proposed project is in compliance with the requirements of the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, the California Department of Forestry

and Fire Protection and all mitigation identified herein. The site will be reclaimed consistent with the land use, zone and adjacent areas.

As previously discussed, on July 12, 2016, Shane Embry (Warden, CDFW) and Jane Arnold (Senior/ Environmental Scientist, CDFW) conducted a follow up site visit to further review the status of violations to the Fish and Game Code (FGC) previously noted on a site visit conducted with CDFW and HCPD on April 9, 2013, in which violations to FGC Sections 1602, 5901, 5650, and 5652 were still noted including:

- Substantially diverting water from a spring tributary of Baker Creek, a tributary to the Mattole River;
- A culvert was installed on a salmonid stream, impeding fish passage and obstructing surface flow;
- An appurtenant road had dirt perched where it may enter waters of the State;
- Asphalt and loose unconsolidated soil had been placed where it may enter waters of the sState:
- A dirt fill crossing was installed in an unnamed tributary of the Mattole River; and
- Riparian vegetation had been encroached upon.

On July 24, 2017, a site visit was conducted by Jane Arnold (CDFW), Kasey Sirkin (USACE), Ray Wilcox (Applicant), and Deirdre Clem (Senior Planner) and Max Hilken (Assistant Planner) of LACO Associates (Applicant's consultant) to discuss the previously noted potential violations as well as possible remediation. During the site visit, it was noted that the discarded rail car bridge over the northern ~~Class III~~intermittent stream had been removed, as well as the dirt fill crossing. On July 26, 2017, contact was made with Michael Wheeler (Senior Planner, HCPD) in regards to the site visit in which the County approved the proposed movement of stockpile aggregate materials 25 feet from the ~~Class III~~ stream, along with the placement of K-rails 25 feet from the stream to create a permanent barrier and further protect the stream along the site's northern boundary (see Appendix ~~B~~A). [Please note, under the proposed project, the existing K-rails will be moved a minimum of 50 feet from the top of bank or outer edge of riparian drip-line (whichever is greater) from the intermittent stream to comply with the County's General Plan policies.]

On February 27, 2018, Deirdre Clem and Max Hilken of LACO Associates met with Jane Arnold to assess the requirements to be met in order to move forward and remedy the 1600 violations located on the site. At the close of the meeting, all parties agreed upon a solution requiring the placement of permanent retention barriers (K-rails) along the length of the unnamed ~~Class III~~ tributary to the Mattole River at a distance of 25 feet from the edge of bank to provide sediment movement and erosion control due to processing activities (stockpiling, hauling, loading and unloading materials) and to prevent both vehicle and pedestrian movement across the stream channel.

An additional site visit was conducted on January 24, 2019, with the Applicant, Megan Marruffo (Associate Planner, LACO), Gary Lester (Senior Environmental Scientist, LACO), and Jennifer Olson (Environmental Scientist, CDFW), in which the seven violations detailed in CDFW's September 2016 NOV letter were reviewed. Comments were received by CDFW on February 20, 2019, memorializing observations and recommendations pertaining to the January 2019 site visit. Per CDFW, several of the seven noted violations have been corrected, including:

- Violation #3 (Perched dirt on road adjacent to Baker Creek) – appears to have been remediated via installation of log and rock berms.
- Violation #4 (asphalt and soil where it may enter waters of the State): appears to have been remediated, although the buffer distance in general needed to be increased per County requirements.
- Violation #5 (refuse deposited where it may enter waters of the State): Has been primarily cleaned up, although some remnant isolated pieces of garbage/debris that should be removed from the buffer area.

- Violation #6 (dirt fill crossing at processing site): Has been removed.

The processing equipment previously utilized on-site is currently being stored off-site along Baker Creek Road. In addition, ~~Additionally,~~ as of April 2018, all processed stockpiled material has been removed from the site to comply with a Cease and Desist Order from Humboldt County sent on May 12, 2017, and delivered to ~~Ray Wilcox~~the Applicant, requiring all equipment and stockpiling to be removed until ~~such time as t~~he operation is able to come into compliance with SMARA ~~s~~Section 2770.

Biological Survey

A Biological Survey Technical Memorandum (Biological Survey) was prepared by LACO Associates on May 15, 2019 (see Appendix C), in order to characterize the existing habitats on the processing and quarry sites and to determine the potential for presence of special status species at either site. To characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites, a biological survey of both sites was conducted on January 24, 2019, by LACO's senior biologist. Special habitat areas, such as habitat edges and creeks, were assessed at interval cross sections to gain a representational sampling of habitat classification and structure. Plants were identified to the taxonomic level (genus or species) necessary for rare plant identification.

Of the seven plant species with the potential to occur, three species have the potential to occur at the two sites, including Oregon goldthread (*Coptis laciniate*), Howell's montia (*Montia howellii*), and Oregon polemonium (Polemonium carneum). These species were searched for but not detected at either site. Regarding wildlife species, of the species known to be in and around the U.S.G.S. Briceland Quad for the subject property, coho salmon (both Federal and State threatened), chinook salmon (Federal threatened), and steelhead trout (Federal threatened), are known in the streams adjacent to each site. Additionally, there is the potential for the following special status species to be located within the project area:

- Two special status invertebrate species [western bumblebee (*Bombus occidentalis*) and obscure bumblebee (*Bombus caliginosus*)],
- Four special status amphibian and reptile species [southern torrent salamander (*Rhyacotriton variegatus*), red-bellied newt (*Taricha rivularis*), northern red-legged frog (*Rana aurora*), and foothill yellow-legged frog *(Rana boylii*)],
- Three special status bird species (great blue heron (*Ardea herodias*), marbled murrelet (*Brachyramphus marmoratus*), and northern spotted owl (*Strix occidentalis caudata*)], and
- Four special status mammal species [pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), Sonoma tree vole (*Arborimus pomo*), and fisher (*Pekania pennant*].

Of the 10 migratory birds with the potential to occur, one species, Allen's Hummingbird (*Selasphorus sasin*), is likely to occur at or within the vicinity of the subject sites.

No listed plant species were detected on the property. Based on the site survey, wildlife species utilizing the project area include common resident and wintering species, which utilize the upland habitats in the upper Mattole River basin. Although two sensitive amphibian species, four sensitive bird species, one terrestrial mammal species, and two bat species are noted as potentially occurring in the project area, little habitat occurs on-site for any of the species or project activities are located far enough from potential occurrence sites. The closest occurring known nesting habitat for northern spotted owl is in a different drainage and is nearly one mile away. Although a portion of the processing site is located in designated critical habitat for marbled murrelet, only scattered remnant over story redwoods occur near the site and appear not to be

suitable occupied territory. Therefore, no effects, directly or cumulatively for any listed terrestrial species would occur from the development of this project area.

As noted in the Biological Survey, implementation of sufficient stream setbacks, proper Best Management Practices (BMPs), and stream bank protection and/or rehabilitation is recommended in order to protect special status fish species and nearby watercourses. Due to previously unpermitted site use at the gravel processing location next to the Briceland-Thorn Road and riparian vegetation clearing in the northern portion of the processing site, it is recommended by CDFW, in follow-up comments received on February 20, 2019, that the riparian corridor be planted with native riparian plant species. Cuttings of native tree stack from on-site placed in the ground during the winter and periodically watered during the summer to encourage successful establishment should be a condition of permit approval.

IV.a~~,d,e~~) The proposed project does not involve any physical changes or construction on the ground, but rather involves continuation of the historical use of the processing site~~, which~~. The processing site previously operated as an accessory function to a previously existing mill site located on the north end of the parcel prior to 1972 to create suitable road aggregate and slope protection in accordance to timber hauling and processing and operated as the WPF between 1995 and 2016. Under the proposed project, the operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use. As noted in the Biological Study, several special status species (3 plant species, 2 invertebrates, 4 reptiles and amphibians, 3 birds, 4 mammals, and 1 migratory birds) have the potential to occur at the processing and quarry sites, although none were observed during the January 2019 field visit. In addition, based on information provided by the County on January 18, 2019, the processing site is shown to be partially located within a critical habitat area for marbled murrelets (MaMu) as established by the USFWS. ~~Since~~While no modifications to the site are proposed, the proposed project would be required to be consistent with the requirements of the Regional Water Quality Control Board, and shall employ the Best Management Practices (BMPs) detailed therein (see Mitigation Measure BIO-1, below). As a result, the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. With mitigation incorporated, ~~A~~a less than significant impact would occur.

IV.b-c) There are no mapped wetland areas on or near the project parcel according to the Humboldt County WebGIS. However, the processing site is located approximately 200 feet west of the Mattole River (separated by Briceland Thorne Road, a Category 4 County road) and has an intermittent stream north of the processing area. Under the project, the existing K-rails located on the processing site would be moved 50 feet from the top of bank or outer edge of riparian drip-line, as required under the 2017 General Plan. As previously discussed, the ~~project~~processing site utilizes drainage and vegetative swales to control surface water runoff to further protect the ~~surrounding Class III~~adjacent intermittent stream and Mattole River habitats. Additionally, the vegetative swale provides natural filtering of surface water before reaching the ditches along Briceland Thorne Road. However, to mitigate for previously unpermitted site use and associated riparian vegetation clearing in the northern portion of the processing site, CDFW recommends that the riparian corridor be planted with native riparian plant species and cuttings of on-site native tree stacks be placed in the ground during the winter and periodically watered during the summer to encourage successful establishment (see Mitigation Measure BIO-2). ~~As such~~With mitigation incorporated, a less than significant impact would occur.

IV.d) The site is located adjacent to forest land; therefore, there is the potential for migratory birds protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC) to be present

within or in the vicinity of the project site. Based on information provided by the County on January 18, 2019, the processing site is shown to be partially located within a critical habitat area for marbled murrelets (MaMu) as established by the USFWS. However, since the project site has previously been utilized as a quarry rock processing facility, wildlife movement may occur, but is likely limited due to past and present disturbances. Continued operation of the processing site would not significantly alter wildlife movement within the area since the project site is located in a rural area, with ample open and undeveloped lands surrounding the project site. A less than significant impact would occur.

IV.e-f) The proposed project requests no allotments for timber conversion or take permits pertaining to the protection of biological resources regarding set local policies and ordinances protecting outlined resources. Additionally, there are no expected conflicts with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or any other applicable local, regional, or state habitat conservation plans. No impact would occur.

MITIGATION MEASURES

BIO-41: Project shall be consistent with the requirements of the Regional Water Quality Control Board, and shall employ the Best ~~m~~Management Practices (BMPs) detailed therein.

BIO-2: To mitigate for the previously unpermitted site use and associated riparian vegetation clearing in the northern portion of the processing site, the riparian corridor shall be planted with native riparian plant species. Cuttings of native on-site tree stacks shall be placed in the ground during the winter and periodically watered during the summer to encourage successful establishment.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Biological Resources.

V. CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource ~~as defined in~~pursuant to §15064.5?	☐	☒☐	☐	☐☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
~~c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?~~	☐	☒	☐	☐
~~d~~c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on Cultural Resources if it would cause a substantial adverse change in the significance of a historical resource ~~as defined in~~pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; ~~directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;~~ or disturb any human remains, including those interred outside of formal cemeteries.

DISCUSSION

The site is developed for industrial use and the location of the proposed processing facility is the location of a former mill site. The timber in the immediate vicinity of the project site were subject to timber harvesting of the original stand in the 1940's. Currently, there are no structures or buildings on-site. The databasenk for the County Natural Resources Division and the ~~North West~~Northwest Information Center (NWIC) found no recorded cultural or historical sites in the area. There is no evidence that the proposed project would impact sensitive archaeological resources. Mitigation measures regarding inadvertent discovery of resources have been incorporated into the project.

V.a-~~d~~) No historical resources have been documented on-site and no structures would be removed under the project. ~~The site was formerly developed with a mill and industrial uses including a quarry operation. No permanent structures or ground disturbance is proposed; t~~Therefore, the project ~~will~~would have no impact on ~~H~~historical ~~R~~resources defined in California Environmental Quality Act (CEQA) §15064.5.

V.b-c) No permanent structures or ground disturbance is proposed under the project. However, in the event that inadvertent archaeological discovery(ies) are made, including the discovery of human remains, the protocol prescribed in Mitigation Measures CULT-1 and CULT-2, below, shall be followed. With mitigation incorporated, a less than significant impact would occur.

MITIGATION MEASURES

CULT-1: If cultural materials (e.g., chipped or ground stone, historic debris, building foundations, or bone) are discovered during any ground-disturbance activities, work within 20 meters (66 feet) of the discovery shall be stopped, per the requirements of CEQA (Title 14 CCR 15064.5 [f]). Work near the archaeological find(s) shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the materials and offered recommendations for further action. Any identified cultural resources will be recorded on DPR 523 historic resource recordation forms, from the Office of Historic Preservation. If Native American archaeological remains are inadvertently encountered, the Tribal Historic Preservation Officers (THPOs) of the Bear River Band of Rohnerville Rancheria, and Sinkyone will be immediately notified, permitted to observe the findings in the field, and afforded the opportunity to make recommendations for avoiding, minimizing, or mitigating impacts from the proposed development.

CULT-2: If human remains are discovered during project construction, work within 20 meters (66 feet) of the discovery location, and within any nearby area reasonably suspected to overlie human remains, will cease (Public Resources Code, Section 7050.5). The Humboldt County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American burials, which fall within the jurisdiction of the California Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). In this case, the coroner will contact NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or person responsible for excavation work with direction regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Cultural Resources.

VI. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) ~~Expose people or structures to~~Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☒	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv) Landslides?	☐	☐	☒	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on geology and soils if it would ~~expose people or structures to~~direclty or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides; result in substantial soil erosion or the loss of topsoil; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property; ~~or~~ have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or **d**irectly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

DISCUSSION

Chapter 3 (Hazards and Resources) of the Humboldt County General Plan discusses the area's seismic hazards. The County is in the two highest seismic risk zones of the Uniform Building Code, and offshore Cape Mendocino has the highest concentration of earthquake events anywhere in the continental United States (General Plan, 2017). A number of faults are located throughout and near the County, including the subducting Gorda Plate near Cape Mendocino, the San Andreas Fault southwest of the County, the Mad

River Fault to the east of Arcata, the King Range Thrust to the west of the project site, and the Garberville Fault Zone to the east of the project site. There are no active faults mapped within the processing site's limits and the site is not within an Earthquake Fault Zone as mapped by the California Geological Survey. The nearest fault to the project site is the Whale Gulch Fault, located approximately 3 miles to the west of the site.

Although the project site is located in a seismically active area, there are no elements of the proposed project that would increase risk to existing structures, facilities, or residents, since the project involves a continuation of a historical use of the site.

VI.a.i) Although the project site is located within a seismically-active region, there are no fault lines or zones, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, located within the project area ("Regulatory Maps - Alquist Priolo", 2015). Therefore, the proposed project would not ~~expose people or structures to~~directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death and a less than significant impact would occur.

VI.a.ii). The project area is situated within a seismically-active area and multiple seismic sources capable of producing moderate to strong ground motions exist in the vicinity of the project area. Given the proximity of significant active faults (the Whale Gulch Fault and Kings Range Thrust to the west, the Garberville Fault Zone to the northeast, and the offshore Mendocino Fault Zone), as well as other active faults within northern California, it is expected that the project area would experience ground shaking of some magnitude during the economic life span of any site development. As shown on the County's WebGIS, the area encompassing the processing facility site is classified as having "Moderate Instability." However, since the proposed project does not involve the construction of any new structures, but would rather utilize the processing equipment which was previously utilized at the site, and involves the continuation of the historical use of the site (quarry rock processing facility), there would be a less than significant impact as a result of the proposed project.

VI.a.iii) As shown on the County's WebGIS, slopes at the project site are less than 15 percent and the area encompassing the processing facility site is classified as having "Moderate Instability." Additionally, as mapped by Humboldt County WebGIS, the project site resides in an area with no potential risk of liquefaction. Therefore, no impact would occur.

VI.a.iv) The project site is located in a shallow valley channel creating the route of the Mattole River, and, historically, landslides into this valley have been located primarily on the west side of the Mattole River, closer to the Whale Gulch Fault. The closest historical landslide near the project site is located approximately 700 feet to the northeast on the far side of a bordering hill complex (Humboldt County WebGIS). A less than significant impact would occur.

VI.b) The proposed project would not result in substantial soil erosion or the loss of topsoil, as the site has been historically used in the proposed manner with no notable changes. Although the processing site is currently vacant, ~~T~~the operating hours, footprint, and infrastructure of the processing site would ~~remain~~be the same as recorded historic use. Additionally, the project site utilizes drainage and vegetative swales to control surface water runoff to further protect the surrounding ~~Class III~~intermittent stream and Mattole River habitats. The vegetative swale provides natural filtering of surface water before reaching the ditches along Briceland Thorne Road. Since no additional ground disturbance would occur at the processing site and since protective measures are in place in both locations to minimize run-off and erosion, a less than significant impact would occur.

VI.c) As noted above, the project site is located within an area classified as having "Moderate Instability" with no mapped areas of potential liquefaction on or near the project parcel per Humboldt County WebGIS. The project does not propose any development or construction of new facilities or infrastructure beyond what has been utilized historically on-site. Therefore, no impact would occur.

VI.d) As provided by the United States Department of Agriculture (USDA) Natural Resources Conservation Service's Web Soil Survey, the soil type spanning the boundaries of the WPF has been identified as Conklin, 0 to 2 percent slopes. This soil type contains alluvium derived from mixed sedimentary sources and comprises loam, sandy clay loam, and extremely gravelly loamy coarse sand. The Conklin soil type is classified as being well drained with low runoff potential, and has very high available water storage, with a depth to water table of more than 80 inches (USDA, 2017).

Expansive soils are typically associated with clay soils. Although sandy clay loam is evident in the typical profile of this soil type, no permanent development is proposed at the site and all processing equipment would be removed from the site after completion of quarry rock processing activities at the site. A less than significant impact would occur.

VI.e) The proposed project does not include or require the installation and use of a septic tank or alternative wastewater disposal system, as the project would continue to utilize portable restroom facilities during the operation of the project. No impact would occur.

VI.f) Although no permanent development is proposed on-site, the potential exists for unique paleontological resources or site or unique geological features to be encountered within the project area. However, with incorporation of Mitigation Measure GEO-1 below, which provides specific requirements in the event any fossil(s) are encountered at the site, a less than significant impact would occur.

MITIGATION MEASURES

~~No mitigation required.~~**GEO-1:** In the event that fossils or fossil-bearing deposits are discovered during project implementation, the operator shall notify a qualified paleontologist to examine the discovery and excavations within 50 feet of the find shall be temporarily halted or diverted. The area of discovery shall be protected to ensure that fossils are not removed, handled, altered, or damaged until the Site is properly evaluated and further action is determined. The paleontologist shall document the discovery as needed, in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology 1995), evaluate the potential resource, and assess the significance of the finding under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project based on the qualities that make the resource important. The plan shall be submitted to the County of Humboldt for review and approval prior to implementation.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Geology and Soils.

VII. **GREENHOUSE GAS EMMISSIONS**. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment?	☐	☒	☐	☐
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant impact on Greenhouse Gas Emissions if it would generate greenhouse gas emissions (GHG), either directly or indirectly, that may have a significant impact on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

DISCUSSION

The framework for regulating greenhouse gas (GHG) emissions in California is described under Assembly Bill (AB) 32. In 2006, the California Global Warming Solutions Act (AB 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions.

The project site is located within the North Coast Air Basin (NCAB) and is subject to North Coast Unified Air Quality Management District (NCUAQMD) requirements. The NCUAQMD is responsible for monitoring and enforcing federal, state, and local air quality standards in the County of Humboldt. Activities at the site would be subject to NCUAQMD regulations through a Permit to Operate issued by that agency. Given the relatively remote nature of the property and the local region it would likely serve, the project is not expected to significantly increase GHG emissions in the area, as the processing site would continue to operate as it historically has.

VII.a) A significant increase in GHG emissions is not anticipated under the project. The GHG emissions anticipated for the proposed project are expected to remain in line with historical GHG emissions produced at this site under subsequent operations. GHG emissions are expected to be produced by three pieces of mobile processing equipment, through the shipments to and from the processing site of pre/post-processed quarry rock material, and from employees traveling to and from the site via personal vehicles. Due to the historical use of this site, the limited operating hours, and short windows (four months of the year) of heavy processing, a significant increase in the amount of GHG emissions at the site is not anticipated. However, pursuant to Mitigation Measures AIR-1 through AIR-3, the project would be required to comply with NCUAQMD's adopted *Rules and Regulations*, all construction equipment, processing equipment, and delivery trucks would be required be maintained in good condition at all times to minimize excessive exhaust emissions, and pursuant to State law, truck idling on the site would be limited to a maximum of five minutes at a time, thereby further reducing proposed GHG emissions. Additionally, under the proposed project, up to two truckloads of water per day would be utilized at the site for dust suppression. With incorporation of Mitigation Measure AIR-1 though AIR-3, a less than significant impact would occur.

VII.b) The proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. As noted under Section III, Air Quality, above, the County is in "non-attainment" for PM_{10}. Therefore, any use or activity that generates unnecessary airborne particulate matter may be of concern to NCUAQMD and has the potential to create significant project-specific and

cumulative effects to air quality. Though the proposed project would generate emissions associated with operation of the quarry rock processing equipment and large trucks traveling to and from the site, the project would not obstruct implementation of California standards or the draft PM_{10} Attainment Plan. Under the proposed project, up to two truckloads of water per day would be utilized at the site for dust suppression. Furthermore, with the incorporation of Mitigation Measure AIR-1 though AIR-3, which requires compliance with NCUAQMD standards and regulations, requires the contractor to keep all equipment in good working order, and limits the length of truck idling at the site, the project would not result in adverse air quality impacts or result in a cumulatively considerable net increase in the PM_{10} non-attainment levels in Humboldt County, and would minimize exhaust emissions and control fugitive dust. With incorporation of Mitigation Measures AIR-1 through AIR-3, a less than significant impact would occur.

MITIGATION MEASURES

Refer to Mitigation AIR-1 through AIR-3 in Section III~~,~~ (Air Quality), above.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Greenhouse Gas Emissions.

VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	☒
~~f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?~~	☐	☐	☐	☒
~~g~~f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐

~~h~~g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires~~, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands~~?	☐	☐	☒	☐

Thresholds of Significance: The project would have a significant impact on hazards and hazardous materials if it were to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or be located on a site which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and, as a result, would ~~it~~ create a significant hazard to the public or the environment. In addition, for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area~~; if the project is within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area~~. Finally, the project would have a significant impact to hazards and hazardous materials if it would impair the implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan; or expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires~~, including where wildlands are adjacent to urbanized area or where residences are intermixed with wildlands~~.

DISCUSSION

A material is considered hazardous if it appears on a list of hazardous materials prepared by a federal, state, or local agency, or has characteristics defined as hazardous by a federal, state, or local agency. Chemical and physical properties such as toxicity, ignitability, corrosiveness, and reactivity cause a substance to be considered hazardous. These properties are defined in the California Code of Regulations (CCR), Title 22, §66261.20-66261.24. A "hazardous waste" includes any hazardous material that is discarded, abandoned, or will be recycled. Therefore, the criteria that render a material hazardous also cause a waste to be classified as hazardous (California Health and Safety Code, §25117). According to this definition, fuels, motor oil, and lubricants typically used during operation and maintenance of the quarry rock processing facility could be considered hazardous.

Due to the historical use of ~~this~~the processing site, the proposed project would not lead to an increase in hazards or hazardous materials on the site or surrounding areas. The processing site utilizes approximately 50 gallons of diesel fuel a week, which is currently stored, and would continue to be stored, off-site in a maintenance shop located approximately 5 miles north of the site. Lubricants are used as needed on processing equipment then returned to the maintenance shop for storage.

The proposed project is not located on a site that is known to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and therefore would not create a significant hazard to the public or environment. A records search was conducted using the State of California Department of Toxic Substance Control's Envirostor Database and the EnviroStor Database maintained by the California Department of Toxic Substance Control. The nearest hazardous materials site to the project site, recorded on the SWRCB's GeoTracker database, is a leaking underground storage tank (LUST) cleanup site at the Whitethorn Elementary School (NCRWQCB Case #1THU370), located approximately 0.5 miles north of the processing site; however, cleanup of the hazardous materials site has been completed and the case was closed in August 2010.

VIII.a) Historical and proposed use of the site has and would continue to require the use of hazardous materials on the project site, which is primarily associated with equipment maintenance and operation. The bulk of these materials (diesel and lubricants for machinery) are located off-site at the Applicant's workshop, located approximately 5 miles north of the site. When use of these materials is required at the site, they are driven down Briceland Thorne Road in small quantities within locking gas containers to supply the facility's machinery. It is estimated that approximately 50 gallons of fuel per week would be required for the processing equipment. A less than significant impact would occur.

VIII.b) There would not be a significant hazard in the event of an accident on-site due to the minimal amounts of hazardous materials utilized on-site, continuous observation of machinery while in operation, and protective watershed and stream protection measures utilized on-site. Additionally, all hazardous materials would continue to be stored at an off-site location. Fuel will be brought to the site in small quantities up to 50 gallons in appropriate fuel safety cans when needed. A less than significant impact would occur.

VIII.c ~~f~~e) There are no existing or proposed schools within one-quarter mile of the proposed project; the nearest existing school to the project site is Whitethorn Elementary School, located approximately 0.5 miles northwest of the site. As previously discussed, there are no hazardous materials or cleanup sites listed in the GeoTracker database (2015) maintained by the SWRCB or the EnviroStor Database maintained by the California Department of Toxic Substance Control (~~GeoTracker, 2015~~2019). Additionally, the project site is not located within two miles of a public use airport ~~or within the vicinity of a private airstrip~~. The nearest airport compatibility zone is located approximately 6.5 miles to the west, around Shelter Cove, with the nearest operating airport the Garberville Airport, located approximately 7.7 miles northeast of the project area. No impact would occur.

VIII.~~g~~f) There are no emergency response plans or evacuation plans that apply to the proposed project area. The proposed project would not be anticipated to have a significant effect on emergency response within the area due to the amount of truck trips required related to the movement of quarry rock materials by up to three employees and the need for only one employee to be on-site at a time to oversee the safe operation of the processing equipment. A less than significant impact would occur.

VIII.~~h~~g) The project site is located within the California Department of Forestry and Fire Protection's (CAL FIRE) State Responsibility Area (SRA), and is located within a "high" fire hazard severity zone (WebGIS). Precautions on-site to abate the potential for fire creation would include the use of a 50 foot defensible space around the processing equipment that has no flammable debris and watching the equipment during use for any potential failures that could lead to the creation of an ignition source. A less than significant impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Hazards or Hazardous Materials.

IX. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☒	☐	☐
b) Substantially ~~deplete~~decrease groundwater supplies or interfere substantially with groundwater recharge such that ~~there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)~~the project may impede sustainable groundwater management of the basin?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: ~~result in substantial erosion or siltation on- or off-site?~~	☐	☐	☐	☒
i) Result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
iv) Impede or redirect flood flows?	☐	☐	☐	☒
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☐	☒
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☒	☐	☐
~~d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?~~	☐	☐	☐	☒
~~e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?~~	☐	☐	☒	☐
~~f) Otherwise substantially degrade water quality?~~	☐	☒	☐	☐
~~g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map?~~	☐	☐	☐	☒
~~h) Place within a 100-year flood hazard area structures, which would impede or redirect flood flows?~~	☐	☐	☐	☒
~~i) Expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?~~	☐	☐	☐	☒

~~j) Result in inundation by seiche, tsunami, or mudflow?~~	☐	☐	☐	☒

Thresholds of Significance: The project would have a significant effect on hydrology and water quality if it would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; substantially ~~deplete~~decrease groundwater supplies or interfere substantially with groundwater recharge such that ~~there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)~~the project may impede sustainable groundwater management of the basin; substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner, which would: result in substantial erosion or siltation on- or off-site; ~~substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or~~ substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff~~,~~; or ~~otherwise substantially degrade water quality~~impede or redirect flood flows. Significant impacts would also occur if the project would ~~place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map; place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary of Flood Insurance Rate Map or other flood hazard delineation map; place within a 100-year flood hazard area structures, which would impede or redirect flood flows; expose people or structures to a significant risk or loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; or result in inundation by seiche, tsunami, or mudflow~~risk release of pollutants due to project inundation (in flood hazard, tsunami, or seiche zones) or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

DISCUSSION

The site is located within the Bridge Creek Watershed, a major tributary region to the Upper Mattole River. As previously discussed, the processing site has a seasonal/intermittent creek with ephemeral flow due to heavy rains along its northern boundary ~~(a Class III streambed with ephemeral flow due to heavy rains)~~ and the temporary pre-processed stockpile area, currently located in the northeastern portion of the processing site (approximately 25 feet from the creek), would be moved to be setback a minimum of ~~25~~50 feet from the ~~creek~~top of bank or outer edge of riparian drip-line (whichever is greater), in accordance to the County's ~~SMA Ordinance~~2017 General Plan. The Mattole River is located approximately 200 feet west of the processing site and Stanley Creek is located approximately 0.3 miles north of the processing site. A constructed ditch is located along the processing site's eastern boundary line to provide stream habitat protection and a vegetative swale is located downslope of the processing plant. Site drainage was formed to flow southeast to northwest into a vegetative swale for natural filtering before reaching the ditches along Briceland Thorne Road.

Several violations have been noted on the processing and quarry sites since 2013. On July 12, 2016 Shane Embry (CDFW, Warden) and Jane Arnold (Senior Environmental Scientist, CDFW) conducted a follow up site visit to further review the status of violations to the Fish and Game Code (FGC) previously noted on a site visit conducted with CDFW and HCPD on April 9, 2013, in which violations to FGC sections 1602, 5901, 5650, and 5652 were still noted including:

- Substantially diverting water from a spring tributary of Baker Creek, a tributary to the Mattole River;
- An appurtenant road had dirt perched where it may enter waters of the State;
- Asphalt and loose unconsolidated soil had been placed where it may enter waters of the sState~~:~~;

- Refuse had been placed where it may enter waters of the State;
- A dirt fill crossing was installed in an unnamed tributary of the Mattole River; and
- Riparian vegetation had been encroached upon.

On July 24, 2017, a site visit was conducted by Jane Arnold (CDFW), Kasey Sirkin (USACE), Ray Wilcox (Applicant), and Deirdre Clem (Senior Planner) and Max Hilken (Assistant Planner) of LACO Associates (Applicant's consultant) to discuss the previously noted potential violations as well as possible remediation. During the site visit, it was noted that the discarded rail car bridge over the northern ~~Class III~~intermittent stream on the processing site had been removed, as well as the dirt fill crossing. On July 26, 2017, contact was made with Michael Wheeler (Senior Planner, HCPD) in regards to the site visit in which the County approved the proposed movement of stockpile aggregate materials 25 feet from the ~~Class III~~ stream in accordance to the Humboldt County SMAO, along with the placement of K-rails to create a permanent barrier and further protect the stream (see Appendix ~~B~~A). It is important to note that the County's General Plan was approved in October 2017 and supersedes the Humboldt County SMAO. Under the project, the stockpiles and K-rails will be moved a minimum of 50 feet from the top of bank or outer edge of riparian drip-line for intermittent streams in accordance with the 2017 County General Plan.

On February 27, 2018, Deirdre Clem and Max Hilken of LACO Associates met with Jane Arnold to assess the requirements to be met in order to move forward and remedy the 1600 violations located on the site. At the close of the meeting, all parties agreed upon a solution requiring the placement of permanent retention barriers (K-rails) along the length of the unnamed ~~Class III~~ tributary to the Mattole River at a distance of 25 feet from the edge of bank to provide sediment movement and erosion control due to processing activities (stockpiling, hauling, loading and unloading materials) and to prevent both vehicle and pedestrian movement across the stream channel. This course of action will be implemented upon approval of the Conditional Use Permit being applied for.

An additional site visit was conducted on January 24, 2019, with the Applicant, Megan Marruffo (Associate Planner, LACO), Gary Lester (Senior Environmental Scientist, LACO), and Jennifer Olson (Environmental Scientist, CDFW), in which the seven violations detailed in CDFW's September 2016 NOV letter were reviewed. Comments were received by CDFW on February 20, 2019, memorializing observations and recommendations pertaining to the January 2019 site visit. Per CDFW, several of the seven noted violations have been corrected, including:

- Violation #3 (Perched dirt on road adjacent to Baker Creek) – appears to have been remediated via installation of log and rock berms.
- Violation #4 (asphalt and soil where it may enter waters of the State): appears to have been remediated, although the buffer distance in general needed to be increased per County requirements.
- Violation #5 (refuse deposited where it may enter waters of the State): Has been primarily cleaned up, although some remnant isolated pieces of garbage/debris that should be removed from the buffer area.
- Violation #6 (dirt fill crossing at processing site): Has been removed.

The processing equipment previously utilized on-site is currently being stored off-site along Baker Creek Road. In addition, ~~Additionally,~~ as of April 2018, all processed stockpiled material has been removed from the site to comply with a Cease and Desist Order from Humboldt County sent on May 12, 2017, and delivered to ~~Ray Wilcox~~the Applicant, requiring all equipment and stockpiling to be removed until ~~such time as~~ the operation is able to come into compliance with SMARA ~~s~~Section 2770.

In 1992 the Mattole River was included on the Clean Water Act 303(d) list for impairments associated with excessive sediment and high temperatures. Historically, the Mattole River Valley repeatedly filled with settlers during the oil, tanbark, and agricultural booms between 1865 and World War II. The decades following World War II brought a large timber boom to the watershed bringing with it thousands of miles of logging roads. Heavy rainfalls triggered erosion throughout the watershed. In response to these environmental factors believed to be attributed to loss of salmonid habitat, measures were implemented, which set the allowable amounts of sediment and temperature. The Total Maximum Daily Load (TMDL) was established by the U.S. Environmental Protection Agency (EPA) in December 2002 and adopted by the North Coast Regional Water Quality Control Board (NCRWQCB) to set the target goals for sediment and temperature levels for impaired waters throughout the state. Current (2002) TMDL's recommend temperatures below 59 degrees Fahrenheit and sediment levels equal to or below 14 percent as targets for a healthy salmonid habitat within the Mattole River (US Environmental Protection Agency, 2002). As of 2013, the California State Water Resources Control Board have indicated that sediment conditions are improving by as much as 7-43% per year with Baker Creek showing only 4% of surface particles less than 2 millimeters in diameter which is about 10% less than the TMDL target of 14% **(**Total Maximum Daily Load Progress Report, 2013).

The County WebGIS shows that a small area of approximately 0.16 acres within the northwestern portion of the parcel comprising the processing site is located within a designated 100-year flood zone (Zone A) based off the FEMA FIRM number 1975F. However, this area is located west and outside of the processing area, is not used in conjunction with any activities outlined in this proposal, and is protected by the same measures utilized to prevent sediment and pedestrian movement into or across the Class III stream located at the north end of the WPF. All processing equipment and stockpiles would be located over 200 feet outside of the mapped area.

All on-site drainage swales have been located on a 0-5% grade to help avoid solid sediment movement into sensitive areas. K-rails, as stockpile-retaining structures, are currently being utilized on-site along the northern ~~class III~~intermittent stream at a distance of at least 25 feet to prevent sediment transport from stockpiles into water of the ~~s~~State as well as prevent vehicle and pedestrian crossing of the stream.~~as stockpile-retaining structures, which are setback 25 feet from the drainage boundary line to act as a permanent barrier to block sediment movement from the temporary stockpile area to the nearby drainage boundary located just to the north.~~ Under ~~T~~the project, the Applicant proposes to relocate the ~~use of~~ semi-permanent K-rails a minimum distance of 50 feet from the top of bank or outer edge of riparian drip-line (whichever is greater), in accordance to the 2017 General Plan,~~at 25 feet combined with an observed 50 foot buffer from the Class III stream bed to the north~~ to reduce the possibility of sediment transport from pre-processed quarry materials into the ~~Class III~~intermittent stream that boarders the north end of the site. Surface water drains from east to northwest on-site and is naturally filtered through a vegetative swale before reaching Briceland Thorne Road along the western boundary of the site.

While the processing site is surrounded by existing vegetation on all sides, minimal vegetation is currently present within the boundaries of the ~~existing~~ processing site, due to the site's historic use as a quarry rock processing facility and past disturbance under previously-approved timber operations. Vegetation at the site is primarily concentrated along its Briceland Thorne Road frontage (within the 30 foot building setback), with a small amount of vegetation, including grass and shrubs, located in the northeastern portion of the site, north of the stockpile area. The stockpiles and processing equipment would continue to be located in previously-disturbed areas and no vegetation would be removed under the project.

IX.a) The project would not violate any water quality standards, ~~nor~~ result in an increase in wastewater discharge over what was previously experienced through historical use of the site, or otherwise substantially degrade surface or ground water quality, with implementation of mitigation. The project site is not within the service boundary of any community service district and does not have an existing septic system on-site. Since no permanent structures are proposed ~~at the site~~under the project, the proposed project does not propose or require the installation and use of a septic tank or alternative wastewater disposal system, and portable restroom facilities would continue to be utilized under operation of the proposed project. The portable restrooms would be maintained and serviced by a qualified company, who would ensure compliance with all wastewater treatment requirements of NCRWQCB.

The proposed project would utilize existing site conditions and features, including the existing vegetative and drainage swales, driveway, and prior footprint of the processing equipment. The proposed project does not involve the construction of new impermeable surfaces and, as a result, additional surface run-off would not occur. Additionally, any potential hazardous chemicals would be stored off-site in a maintenance shop located approximately 5 miles north of the processing site, and would be driven down Briceland Thorne Road in small quantities within locking gas containers on an as-needed basis. Natural and pre-existing drainage swales located on the processing site would continue to redirect surface waters in the event of heavy rains to on-site vegetative swales to prevent sedimentation in the nearby Mattole River and the intermittent stream previously mentioned.

Pursuant to Mitigation Measure HYD-6, the project would be required to be consistent with the requirements of the Regional Water Quality Control Board, and shall employ Best Management Practices (BMPs) for Erosion and Sediment Control (ESC) and Contractor Activities (CA) as identified in the California Storm Water Beast Management Practice Handbook for Construction Activity. With mitigation incorporated, ~~A~~a less than significant impact would occur.

IX.b-~~d~~c) The project would not substantially ~~deplete~~decrease groundwater supplies, interfere substantially with groundwater recharge, or alter the existing drainage pattern of the site, resulting in substantial erosion, siltation, or flooding. In addition, the proposed project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. The proposed project would utilize existing site conditions and features, including the existing vegetative and drainage swales, driveway, and prior footprint of the processing equipment. The proposed project does not involve the construction of new impermeable surfaces and, as a result, additional surface run-off would not occur.

The project proposes the use of semi-permanent K-rails placed along ~~Class III~~the intermittent stream located on-site at a distance of at least ~~25~~50 feet from top of bank or outer edge of riparian drip-line (whichever is greater), pursuant to the requirements of the 2017 General Plan, to reduce the possibility of sediment transport from pre-processed quarry materials as well as vehicle and pedestrian crossing into the ~~Class III~~ stream that boarders the north end of the site. Natural and pre-existing drainage swales located on the site would continue to redirect surface waters in the event of heavy rains to on-site vegetative swales offering natural filtration to prevent sedimentation in the nearby Mattole River and the ~~Class III~~intermittent stream previously mentioned. Even though operation of the project would require up to two truckloads of water daily at the site for dust suppression, the project would not substantially increase water use over what has been previously utilized at the site. As a result, no impact would occur.

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

~~or otherwise substantially degrade water quality. The project site is located within a rural area of the County with limited storm drainage facilities. As discussed above, the proposed project would utilize existing site conditions and features, including the existing vegetative and drainage swales, driveway, and prior footprint of the processing equipment. The proposed project does not involve the construction of new impermeable surfaces and, as a result, addition surface run-off would not occur. Additionally, any potential hazardous chemicals would be stored off site in a maintenance shop located approximately 5 miles north of the site, and would be driven down Briceland Thorne Road in small quantities within locking gas containers on an as-needed basis. Natural and pre-existing drainage swales located on the site would continue to redirect surface waters in the event of heavy rains to on site vegetative swales to prevent sedimentation in the nearby Mattole River and the Class III stream previously mentioned. No impact would occur.~~

IX.~~g h~~d) As shown on the County of Humboldt WebGIS, the northwestern portion of the 41.8 acre project parcel (approximately 0.16 acres) is located within a mapped 100 year FEMA flood zone (Zone A); however, ~~the WPF site~~the processing area is located east and outside of the FEMA flood zone. ~~However~~In addition, this area is not used in conjunction with any activities outlined in this proposal and is protected by the same measures utilized to prevent sediment and pedestrian movement into or across the ~~Class III~~intermittent stream located at the north end of the WPF. All processing equipment and stockpiles would be located over 200 feet outside of the mapped area. ~~Since the proposed project would not involve the placement of any housing or other permanent structures within the FEMA flood zone, no impact would occur.~~

~~IX.i)~~ No documented dams or levees exist on the Mattole River; therefore, there would be no risk of failures (Named Places in Mattole HUC 18010107). Additionally, the County of Humboldt WebGIS does not show the project area as located within an area subject to dam failure inundation. ~~Therefore, since the project does not propose to create places of residence or other permanent structures that could be at risk of potential dam or levee failures causing significant risk or loss, nor injury or death involving flooding, no impact would occur.~~

~~IX.j)~~ The proposed project is not within the coastal zone and as shown on the County of Humboldt WebGIS, the project area is not located within a mapped tsunami evacuation area. Therefore, ~~I~~the proposed project would not involve any permanent development or alterations that would increase the potential for inundation by ~~seiche, tsunami, or mudflow~~flood, tsunami, or seiche within the project area, and no impact would occur.

IV.f) The proposes project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. As discussed above, pursuant to Mitigation Measure HYD-1, below, the project would be required to be consistent with the requirements of the Regional Water Quality Control Board, and shall employ Best Management Practices (BMPs) for Erosion and Sediment Control (ESC) and Contractor Activities (CA) as identified in the California Storm Water Beast Management Practice Handbook for Construction Activity. With mitigation incorporated, a less than significant impact would occur.

MITIGATION MEASURES

HYD–~~5~~1: Project shall be consistent with the requirements of the Regional Water Quality Control Board, and shall employ Best Management Practices (BMPs) for Erosion and Sediment Control (ESC) and Contractor Activities (CA) as identified in the California Storm Water Beast Management Practice Handbook for Construction Activity.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Hydrology and Water Quality.

X. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Physically divide an established community?	☐	☐	☐	☒
b) Cause a significant environmental impact due to a ~~C~~conflict with any ~~applicable~~ land use plan, policy, or regulation ~~of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance)~~ adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐
~~c) Conflict with any applicable habitat conservation plan or natural community conservation plan?~~	☐	☐	☒	☐

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) physically divide an established community; or (b) cause a significant environmental impact due to a conflict with any ~~applicable~~ land use plan, policy, or regulation ~~of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance)~~ adopted for the purpose of avoiding or mitigating an environmental effect~~.~~.

DISCUSSION

The proposed project area has a current Humboldt County General Plan land use designation of Residential Agriculture, 5 to 20 acre minimum parcel size (RA5-20) and Timberland (T) (see Figure 3), and is zoned as Agriculture Exclusive (AE) and Timberland Production Zone (TPZ) under the Humboldt County Zoning Regulations (see Figure 4). The quarry site is designated and zoned as T and TPZ, respectively (see Figures 3a and 4a). The location of the approximately 1.8 acre processing facility is located entirely within the portion of the site designated and zoned as RA5-20 and TPZ, respectively. Uses permitted within the TPZ zoning district include the growing and harvesting of timber and accessory uses compatible thereto, in addition to accessory agricultural uses and structures. Numerous accessory uses compatible with the growing and harvesting of timber are also principally permitted within the TPZ zoning district, including but not limited to uses which are integrally related to the growing, harvesting, and processing of forest products, such as roads, log landing, log storage areas, portable chippers, and portable sawmills.

Under the Humboldt County Zoning Regulations, the existing quarry (permitted under CUP-03-13) and proposed ~~project~~processing facility ~~is~~are classified as ~~a~~ "Surface Mining -1" extractive use types, which "*refers to surface extraction of nonmetallic minerals, such as sand, gravel and rock, and including fixed onsite processing facilities such as stationary crushers, separators, kilns, and transfer stations; or similar fixed facilities subject to the Surface Mining and Reclamation Regulations at Title III, Division 9 (Section 391-4 and following)*" (Humboldt County Zoning Regulations, Section 314-174 Extractive Use Types). Several uses within the TPZ zoning district are permitted with a use permit, including uses not specifically enumerated if it is similar to and compatible with the uses permitted in the TPZ zone. Manufacturing and segregation and stockpiling of mined materials, defined as "surface mining" under Section 2735 of SMARA, are not principally permitted uses of areas zoned as TPZ. However, per correspondence received from the County of Humboldt, dated August

21, 2017 (see Appendix ~~B~~A), it was noted that by considering the processing site as a SMARA activity appurtenant to the Baker Creek Quarry, it could be permitted with a Conditional Use Permit (CUP).

The proposed project does not conflict with the historical use of the land in this location, which has been in operation since 1972 as a quarry rock processing facility to provide road base aggregate~~s~~ to maintain the heavily used logging road to the mill site. After the mill burned down in 1972, the processing site continued processing quarry rock material to provide to locals in order to maintain and control sediment movement on the various dirt roads and driveways in the area. The processing site operated as the WPF from 1995 to 2017, but has since been idle. ~~Additionally, t~~The operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use ~~from 1995 to 2006~~.

No changes to the property's current General Plan land use or zoning designations are proposed under the project.

X.a) The proposed project would not physically divide an established community, since no new permanent development or change to the property's current General Plan land use or zoning designations are proposed under the project. In addition, the proposed processing facility would operate in accordance to its historical use, with the same equipment, footprint, and operating hours. As such, no impact would occur.

X.b) As noted above, the project area has a General Plan land use designation of RA5-20 and T, and is zoned as AE and TPZ (see Figures 3 and 4). Although the proposed project is not principally permitted or a principally permitted use compatible with timber production, and does not directly conform to the General Plan land use and zoning designations as it falls under the "Surface Mining -1" extractive use type in the Humboldt County Zoning Regulations, it was a historically allowed use when utilized as a quarry rock processing facility for the mill. Pursuant to correspondence with Michael Wheeler (Senior Planner, HCPD), the consideration of the processing site as a SMARA activity appurtenant to the Baker Creek Quarry would allow for it to be permitted with a CUP (see Appendix ~~B~~A). A less than significant impact would occur.

~~X.c) There are no habitat conservation plans or natural community conservation plans in effect in the proposed project area. No impact would occur.~~

MITIGATION MEASURES
No mitigation required.

FINDINGS
The proposed project would have a **Less Than Significant Impact** on Land Use and Planning.

XI. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☒	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☒	☐

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, or (b) result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

DISCUSSION

As noted in Section 2530 (Mineral and Energy Resources) of the County of Humboldt General Plan, County mineral resource production is primarily limited to sand, gravel, and rock extraction, with operation usually located close to rural and urban development areas. The proposed project is located in close proximity to the Baker Creek Quarry (BCQ), approximately 0.7 miles to the east of the site. The BCQ extracts hard rock aggregate materials which are then primarily processed at the WPF. It is estimated that the quarry contains 1,000,000 cubic yards of available hard rock aggregate material, with an anticipated extraction rate of 50,000 cubic yards per year of material. However, due to the intermittent need for aggregate materials in the immediate area; actual annual quantities of materials removed and produced may be lower from year to year with market conditions, specific demand for the aggregate resources, and the need for on-site road maintenance (SHN Consulting Engineers and Geologists, 2004).

XI.a-b) The proposed project is for continued operation of a quarry rock processing facility appurtenant to the BCQ. The project as proposed is to process aggregate materials already extracted from the BCQ and therefore, would not exhaust any further available mineral resource that would be of value to the region. Additionally, it would not result in a significant loss of availability of a known mineral resource that would be of value to the region and the residents of the state. The property does not include a mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. A less than significant impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Mineral Resources.

XII. NOISE. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) ~~Expose persons to or g~~Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) ~~Expose persons to or g~~Generate excessive ground borne vibration or ground borne noise levels?	☐	☐	☒	☐
~~c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?~~	☐	☐	☒	☐
~~d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?~~	☐	☐	☒	☐
~~e~~c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
~~f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?~~	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) ~~expose persons to, or~~ generate~~,~~ a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; (b) ~~expose persons to, or~~ generate~~,~~ excessive ground borne vibration or ground borne noise levels; ~~(c) result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the proposed project; (d) result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the proposed project;~~ or (~~e~~c) expose people residing or working in the project area to excessive noise levels (~~only applicable~~ if the proposed project is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport)~~.; or (f) expose people residing or working in the project area to excessive noise levels (only applicable if the proposed project is located within the vicinity of a private airstrip.)~~

DISCUSSION

Major noise sources in Humboldt County consist primarily of highways, airports, rail, on-site construction, and industrial activities. The project site is approximately 7.4 miles west of Highway 101, the closest source of prominent highway noise listed in the Humboldt County General Plan. According to the Humboldt County General Plan, appropriate standards for short-term noise levels vary with the type of land use and time of day. Acceptable daytime levels in industrial and commercial areas are typically based on a combination of health and nuisance considerations and typically do not exceed 85 dBA. The maximum interior noise level for residences is 45 dBA, where the maximum exterior noise level for residences is 60 dBA without requiring additional insulation. In areas where CNEL noise levels exceed 60 dBA, the need for additional noise insulation will vary depending on the land use designation, adjacent uses, distance-to-noise source, and intervening topography, vegetation, and other buffers. For the zoning designations of Industrial General (MG), MC

(Industrial-Coastal Dependent), TC (Commercial Timberland [Coastal]), AG (Agriculture General), FP (Flood Plan), FR (Forestry Recreation), MH (Heavy Industrial), in addition to AE and TPZ, such as the subject site, the maximum permissible noise level (L_{max}) during the daytime hours of 6:00 am to 10:00 pm is 80 dBA, while during the nighttime hours of 10:00 pm to 6:00 am, the maximum permissible noise level is 70 dBA (2017 General Plan).

Major sources of noise proposed at the site are associated with mobile and processing equipment and would include the same type of equipment previously utilized on-site. Mobile equipment to be utilized at the site includes heavy equipment such as loaders and dozers in addition to trucks moving aggregate (loading and unloading). Processing equipment to be utilized on the site consists of a conveyor (loader), crusher, and screen to separate the post processed material. Noise production would be limited to times of operation, which ~~are proposed to remain~~would primarily occur during major material deliveries occurring between April-May and September-October, with low to no use during other parts of the year. All operations ~~are~~would be limited to the hours of 6:00 am to 6:00 pm five days a week, even during peak processing months as previously noted, similar to the site's historical use.

The County has identified noise standards within the County General Plan to ensure noise compatibility between land uses. The project is subject to the noise compatibility standards found in the County General Plan which are outlined in the following table (Table 1), including land uses within the vicinity of the site.

Table 1: Land Use and Noise Compatibility Standards

Land Use Category	Normally Acceptable Ldn Value
Residential	60
School Classrooms, Libraries, Churches	65
Manufacturing	70
Livestock	75
Natural Recreation Areas	75
Commercial (including retail)	75
Commercial (including wholesale, some retail, ind., mfg., util.)	80
Public Right-of-Way	85
Agriculture, Mining, Fishing	91+
Source: County of Humboldt General Plan. October 23, 2017. Chapter 13: Noise Element. Table 13-D: Land Use/Noise Compatibility Standards.	

As previously discussed, ~~T~~the proposed project involves the continuation of quarry rock processing at the site consistent with prior historic use dating back to 1972. No changes to the WPF's ~~existing~~ facilities, infrastructure, or footprint are proposed under the project and the equipment to be utilized on-site would be similar to what was previously utilized. As such, noise levels under the project are anticipated to create no additional increase in the immediate area.

No official noise study for the proposed project has ~~be~~been performed to date, to measure the Ldn values associated with the operation of equipment and processing of quarry rock materials on or near the WPF and since no equipment is currently located on-site and the operation has been idle since 2017, noise and vibration measurements from the site cannot be taken. As such, noise values are being estimated from a noise study performed for the Blue Ridge Rock Quarry (BRRQ) ~~which~~, located in southern Mendocino County approximately 3.5 miles north of the City of Cloverdale and 10 miles south of the town of Hopland, off Geysers Road. The noise values determined from the BRRQ are used as an example for the WPF, as the two sites include similar operational activities. The *Blue Ridge Rock Quarry Environmental Noise and Vibration*

Assessment (BRRQ Noise Study) was prepared by Illingworth and Rodkin, LLC, on June 28, 2016. Per the BRRQ Noise Study, the BRRQ performs both mining and processing activities, similar to the WPF and BCQ. The BRRQ is located in a rural area. A small 16-lot subdivision is located approximately one mile south of the BRRQ. The nearest off-site residence is located approximately 0.5 miles north of the BRRQ expansion limits. To the south the nearest residence is located approximately 0.8 miles from the BRRQ. The nearest residence to the east is approximately two miles from the BRRQ. There are no other commercial or industrial activities in the vicinity of the BRRQ except for a private campground located about 0.5 miles to the south. As previously discussed, the nearest sensitive receptors to the project site include Whitethorn Elementary School, approximately 0.5 miles to the northwest, and two residences located approximately 0.6 miles northwest and 0.6 miles southeast of the site.

As stated in the BRRQ Noise Study, major sources of noise at the BRRQ include the processing equipment and mobile equipment. The BRRQ's processing equipment includes crushers, screens, conveyors, and a generator, where as the mobile equipment includes loaders, dozers, an excavator, and a loop/fuel truck. The specific equipment and anticipated days in operation at the BRRQ is provided below:

- Water Truck, 202 days per year (Maximum 1.5 hours per day)
- Rock Truck, 89 days per year
- Loaders, ongoing (Maximum of 2 at a time)
- Dozer, 89 days per year
- Grader, 48 days per year (Maximum 1 hour per week)
- Excavator, 198 days per year
- Crushers (2), 103 per year processing, 20 days per year recycling
- Conveyers, 103 per year processing (3), 20 days per year recycling (2)
- Screens, 103 per year processing (3), 20 days per year recycling (1)

The BRRQ Noise Study tested Ldn at sensitive receptor sites located near the BRRQ site based on the following parameters:

- Operations 7:00 AM to 6:00 PM, Mondays through Sundays
- Performs extraction and processing simultaneously
- Trucks using truck scales.

The BRRQ Noise ~~s~~Study assumed that there would be full quarry operations for the entire daytime period between 7:00 AM and 6:00 PM. The previously mentioned factors together, created a worse-case scenario. The BRRQ is also located in a rural area like the WPF although the WPF would not be creating additional noise or ground vibrations due to quarry extraction operations~~,~~ or truck scales, as these operations are handled at the Baker Creek Quarry (BCQ). Furthermore, the BRRQ utilized three large crushers for its processing operations and consequently for the worst case scenario test whereas the WPF only uses one loader device, one mobile cone crusher, and one mobile screening device.

The results of the noise study for the BRRQ prepared on June 28, 2016, included measurements taken at the BRRQ site to gain a base level of dBA on-site and for each type of processing equipment that would be used at the BRRQ. Further readings were measured at sensitive areas designated by the study as private residences, a campground, and public park. The data has been summarized into the following tables:

Table 2: Noise Levels for Equipment Used On-site

	Noise level (dBA)	
Source and Distance	**Average**	**Lmax**

Primary and secondary crushers at 100 feet	81	82
Loader and truck at 30 feet loading small aggregate	71	79
Truck driving by at 25 feet	68	71
Portable Screening Plant at 40 feet from end	74	84
Source: Illingworth & Rodkin, Inc. Blue Ridge Rock Quarry Environmental Noise and Vibration Assessment. June 28, 2016.		

Table 3: Summary of Worst-Case Noise Levels at Nearest Noise Sensitive Receptors

Location	Project Noise Levels, dBA		
	L50	Lmax*	Ldn
0.7 miles to the north ~~(R1)~~	<20	17-28	<20
0.8 miles to the south ~~(R2)~~	25	23-25	21
Source: Illingworth & Rodkin, Inc. Blue Ridge Rock Quarry Environmental Noise and Vibration Assessment. June 28, 2016.			

The noise findings of the BRRQ ~~n~~Noise ~~s~~Study are believed to be equal or even above expected noise levels produced by the WPF at similar distances for sensitive receptor locations, due to the smaller amounts of processing proposed by the WPF relative to BRRQ. Additionally, the WPF utilizes smaller processing equipment as well as fewer crushers and screens than the BRRQ. The noise study for the BRRQ found all potential noise impacts associated with the expansion and operation of BRRQ would be less than significant and required no mitigation. Specifically, BRRQ-generated traffic noise would not substantially increase ambient traffic noise levels along roadways serving the BRRQ site. In addition, the BRRQ Noise Study determined that noise from operation of the BRRQ would be below the Mendocino County noise level limits and would not cause a substantial increase in noise at any noise-sensitive receiving locations in the vicinity of the BRRQ project. The noise level limits under the Mendocino County General Plan are slightly more stringent than Humboldt County's regulations. Per Policy DE-100 of the Mendocino County General Plan, single-family residences, such as what are located within one-half mile of the BRRQ site, are limited to maximum exterior noise levels of 60 decibels (dBA) during the daytime hours of 7:00am to 10:00pm and 50 dBA during the nighttime hours of 10:00pm to 7:00am. Under the Policy N-S7 of the Noise Element of the Humboldt County General Plan, uses within residential zoning districts are limited to maximum noise levels of 65 dBA during the daytime hours of 6:00am to 10:00pm and 60 dB during the nighttime hours of 10:00am to 6:00pm.

The nearest identified sensitive receptors to the project site are the Whitethorn Elementary School, located approximately 0.5 miles northwest of the WPF, in addition to two residences located approximately 0.6 miles northwest and 0.6 miles southeast of the site (WebGIS).

XII.a-~~d~~b) ~~Based on t~~The noise study performed at the larger extraction and processing site of the BRRQ in Mendocino County~~and the information prepared~~ by Illingworth & Rodkin, Inc. in June of 2016, determined the larger-scale BRRQ, with extraction and processing, would have less than significant noise impacts. Since operations at the WPF are of a smaller scale than the BRRQ's operations, which were determined to have less-than-significant impacts related to noise, the WPF noise levels would also be anticipated to be less than significant and~~are~~ below the thresholds required by the Humboldt County General Plan in relation to on-site conditions and off-site sensitive receptors. ~~A less than significant impact would occur~~In addition, the BRRQ also assessed the site's quarry operations, where as the WPF only includes processing. The WPF would not create a substantial permanent or temporary increase in ambient noise levels in the project vicinity in excess

of standards established in the County General Plan, as the proposed project is for the continued operation of the quarry rock processing facility, which has been in operation since 1972, although idle since 2017.

~~Overall, the WPF would not expose persons to or generate noise levels in excess of standards established in the County General Plan.~~ Additionally, ~~I~~the WPF would not ~~expose persons to or~~ generate excessive ground borne vibration or ground borne noise levels as it does not propose any ground disturbance or blasting and would be utilized for processing the aggregate provided by the nearby quarry. ~~The WPF would not create a substantial permanent or temporary increase in ambient noise levels in the project vicinity, as the proposed project is for the continued operation of the quarry rock processing facility, which has been in operation since 1972.~~ A less than significant impact would occur.

XII.~~e f~~c) The proposed project is not located in an airport land use plan area or within two miles of a public airport or public use airport, nor within the vicinity of a private airstrip. No impact would occur.

MITIGATION MEASURES

~~Noi~~ NOI– 6: Operation will be intermittent and will be limited to daylight hours, generally Monday through Friday from 6am to 6pm.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Noise.

XIII. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
~~c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?~~	~~☐~~	~~☐~~	~~☐~~	~~☒~~

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and/or businesses) or indirectly (e.g., through extension of roads or other infrastructure); or (b) displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere~~, or (c) displace substantial numbers of people, necessitating the construction of replacement housing elsewhere~~.

DISCUSSION

The project site is located in a very rural area. The closest community to the project site is the unincorporated community of Whitethorn which shares a census geographic area with the community of Shelter Cove, with a population of 966 estimated in 2016, based on the United States American Community Survey performed in 2010 (U.S. Census Bureau, 2016).

The proposed project does not include development of any housing units. The proposed project involves the re-installation of mobile rock quarry processing equipment that has previously been utilized at the site, with the need for only one employee on-site to oversee operations and up to three truck drivers to transport quarry rock materials. Truck drivers would traverse the haul road from the Baker Creek Quarry, located approximately 0.7 miles southeast of the site, to the processing facility, similar to historic operations on this site.

XIII.a-~~c~~b) The proposed project would not induce substantial population growth (planned or unplanned) in the area and the proposed project does not include the development or removal of any housing. Since the proposed project is a continued quarry rock processing operation and would not result in expanded operations at the site, no new employees are anticipated under the project. One employee is all that would be required at a time to oversee operations at the site, with up to three truck drivers infrequently loading and unloading materials. It is assumed that all workers would be local. No impact would occur.

MITIGATION MEASURES
No mitigation required.

FINDINGS
The proposed project would have **No Impact** on Population and Housing.

XIV. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Fire protection?	☐	☐	☐	☒
b) Police protection?	☐	☐	☐	☒
c) Schools?	☐	☐	☐	☒
d) Parks?	☐	☐	☐	☒
e) Other public facilities?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or result in the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for (a) fire protection, (b) police protection, (c) schools, (d) parks, or (e) other public facilities.

DISCUSSION
The project site is located within the State Responsibility Area (SRA) and is classified as a high fire hazard area. Fire protection to the site is provided by the Whitethorn Fire Protection District and by the California Department of Forestry and Fire Protection (CAL FIRE) (WebGIS). The Humboldt County Sheriff's Office

provides police protection services for the unincorporated community of Whitethorn, with the nearest station located in Garberville to the northeast of the processing site, approximately 19 miles away via road travel.

XIV.a-e) The demand on fire protection, police protection, medical services, schools, parks, and other public facilities is not anticipated to change with the implementation of the project, since the proposed project involves the continuation of quarry rock processing on a site with the same historical use, functions, and capacity. No changes to the WPF's existing facilities, infrastructure, or footprint are proposed under the project. No housing is proposed under the project, and since the WPF proposes to maintain the same processing amounts and hours of operation that the site has performed under historically, no additional employees are expected at the site. No impact would occur.

MITIGATION MEASURES
No mitigation required.

FINDINGS
The proposed project would have **No Impact** on Public Services.

XV. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, or (b) include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

DISCUSSION
Humboldt County provides and maintains parkland, open space, and community facilities for public recreation and community use throughout the County. Park and recreational facilities vary in size, use, and type of service and provide for regional and neighborhood uses. The project site is located in the vicinity of the following neighborhood parks and recreational facilities:

- Whitethorn Elementary School, located approximate 0.5 miles north of the proposed project area; and
- Sinkyone Wilderness State Park, located approximately 5 miles south of the proposed project area.

XV.a-b) No residential units would be constructed, nor is the population expected to increase, as a result of the proposed project, as the proposed project involves the continuation of quarry rock processing at the site and no changes to the WPF's existing facilities, infrastructure, or footprint are proposed under the project. As a result, ~~T~~the proposed project would not increase the usage of or demand for neighborhood and regional

parks or other recreational facilities. Therefore, the proposed project would not result in the physical deterioration of parks or facilities, nor would it require the construction of new park or recreational facilities. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Recreation.

XVI. TRANSPORTATION ~~/ TRAFFIC~~. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Conflict with ~~an applicable~~a program, plan, ordinance or policy ~~establishing measures of effectiveness for the performance of~~addressing the circulation system, ~~taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit~~including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☒	☐
~~b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestions management agency for designated roads or highways?~~	☐	☐	☒	☐
~~c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?~~	☐	☐	☐	☒
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☒	☐
~~d~~c) Substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
~~e~~d) Result in inadequate emergency access?	☐	☐	☒	☐
~~f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?~~	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) conflict with ~~an applicable~~a program, plan, ordinance, or policy ~~establishing measures of effectiveness for the performance of~~addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities~~taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit~~; (b) conflict with or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)~~an applicable congestion management program including, but~~

~~not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways~~; (c) ~~result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; (d)~~ substantially increase hazards due to geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or (~~e~~d) result in inadequate emergency access~~; or (f) conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities~~.

DISCUSSION:
Access to the site is provided by Briceland Thorne Road off Redwood Drive, which connects to Highway 101. Since the project would not result in expanded operations at the site, no new employees are anticipated under the project based on historical use of the site. One employee is expected to work at the site to oversee and supervise the processing equipment and up to three truck drivers. Truck drivers would infrequently traverse Baker Creek Road, which connects the processing site to the nearest source of quarry rock materials, located at Baker Creek Quarry, approximately 0.7 miles southeast of the site.

XVI.a~~,b,d,e~~-d) The proposed project would not result in significant transportation impacts~~ to transportation or traffic~~. The project site is located in a rural area and is accessed via Briceland Thorne Road off Redwood Drive via Highway 101. Should roadway or driveway improvements be necessary as a result of the project to comply with County road standards, the County would require such improvements as conditions of approval for the project. ~~Since o~~Only one employee is expected to work on-site, with up to three truck drivers traveling to and from the site, similar to the site's former processing operation. In addition, ~~and~~ processing production is proposed to remain the same as past historical use, and as a result, a significant amount of new vehicular traffic is not anticipated. Additionally, the site would continue to provide adequate emergency access and no processing equipment or trucks would be located or allowed to park in such a way that blocks access to the site. A less than significant impact would occur.

~~XVI.c,f) The project would not alter or increase the use of transit, pedestrian, or bicycle facilities in the project area, nor would the project result in any change to air traffic patterns. Additionally, the project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, nor would the project decrease the performance or safety of such facilities. No impact would occur.~~

MITIGATION MEASURES
No mitigation required.

FINDINGS
The proposed project would have a **Less Than Significant Impact** on Transportation~~ and Traffic~~.

XVII. TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	☐	☒	☐	☐
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?	☐	☒	☐	☐
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Thresholds of Significance: The project would have a significant effect on Tribal Cultural Resources if it would cause a substantial adverse change in the significance of a cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Places or in a local register of historical resources as defined in Public Resources Code §5020.1(k), or is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code §5024.1.

DISCUSSION

The site is developed for industrial use and the location of the proposed processing facility is the location of a former mill site. The timber in the immediate vicinity of the project site was subject to timber harvesting of the original stand in the 1940's. The proposed project area is situated outside of the 100-year flood zone boundary of both the Mattole River and Baker Creek. Currently, there are no structures or buildings on-site. The databank for the County Natural Resources Division and the ~~North West~~Northwest Information Center NWIC) found no recorded sites in the area. There is no evidence that the proposed project would impact archaeological resources. Mitigation measures regarding inadvertent discovery of resources have been incorporated into the project.

XVII.a) No existing development is currently located on-site. As discussed under Section V, Cultural Resources, above, no historical resources have been documented on-site and no structures would be removed under the project. Therefore, no impact would occur.

XVII.b) As previously discussed, no permanent structures or ground disturbance is proposed under the project. However, in the event that archaeological resources, tribal cultural resources, and/or human remains are

inadvertently discovered, the protocol prescribed in Mitigation Measures CULT-1 and CULT-2 from Section V, Cultural Resources, above, shall be followed. With mitigation incorporated, a less than significant impact would occur.

MITIGATION MEASURES

Refer to Mitigation Measures CULT-1 and CULT-2 in Section V (Cultural Resources), above.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Tribal Cultural Resources.

XVIII. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
~~a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?~~	☐	☐	☐	☒
~~b~~a) Require or result in the relocation or construction of new or expanded water, ~~or~~ wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities~~ or expansion of existing facilities~~, the construction or relocation of which could cause significant environmental effects?	☐	☐	☐	☒
~~c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?~~	☐	☐	☐	☒
~~d~~b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years~~from existing entitlements and resources, or are new or expanded entitlements needed~~?	☐	☐	☐	☒
~~e~~c) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
~~f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?~~	☐	☐	☐	☒
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	☒
~~g~~e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) ~~exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board; (b)~~ require or result in the relocation or construction of new or expanded water, ~~or~~ wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications~~facilities or expansion of existing facilities~~, the construction or relocation of which could cause significant environmental effects; ~~(c) require or~~

~~result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects;~~ (~~d~~b) have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years~~from existing entitlements and resources, or need new or expanded entitlements~~; (~~e~~c) result in a determination by the wastewater treatment provider that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; ~~(f) be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs~~; ~~or~~ (d) generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or (~~g~~e) comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

DISCUSSION

The project site is under jurisdiction of the North Coast Regional Water Quality Control Board (NCRWQCB), which exercises rulemaking and regulatory authority in Del Norte, Glenn, Humboldt, Lake, Marin, Mendocino, Modoc, Siskiyou, Sonoma, and Trinity counties. The project site is not within the service boundary of any community service district, and is therefore not served with community wastewater or water service. Due to the ruralness of the site, stormwater drainage facilities are limited in the area and run-off tends to follows the natural topography of the area. As previously discussed, drainage on the processing site is designed to direct surface water flow, resulting from heavy rain, to flow southeast to northwest into a vegetative swale for natural filtering before reaching the ditches along Briceland Thorne Road Additionally, electrical service is not currently available at the site. There are no on-site water wells or wastewater disposal systems (such as a septic system) currently located on or planned for the site.

XVIII.a-~~g~~e) One to two truckloads of water per day (approximately ~~4~~3,000 gallons per truckload) would be utilized onsite during the setup and operation of the processing equipment at the site for dust suppression. Potable water facilities do not currently exist at the site, nor would such facilities be installed onsite under the project. Potable water for employees would be brought to the site in their vehicles.

The property is not within any sanitation district and an on-site septic system does not currently exist at the site, nor is one proposed under the project, as no permanent development is proposed at the site. Wastewater facilities at the site would be limited to one portable restroom facility for the operator's use and would be on-site when the processing is in operation~~during months of major processing during April-May and again during September-October~~. The portable restroom facility would be located outside of the area of traffic and activity in order to avoid the chance of an accidental spill. The portable restroom facility would be properly maintained in accordance with all rules and regulations and would be removed from the site at the end of the processing periods.

The proposed project is located in a rural area that is not served by existing stormwater drainage facilities. The site contains existing site features to control runoff and sedimentation, which would continue to be implemented under operation of the proposed project. Minimal solid waste would be generated at the site; as such, it is anticipated that employees would remove their individual solid waste from the site at the end of each day. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have **No Impact** on Utilities and Service Systems.

XIX. ENERGY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on energy if it would result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation; or require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

DISCUSSION:
On October 7, 2015, Governor Edmund G. Brown, Jr. signed into law Senate Bill (SB) 350, known as the Clean Energy and Pollution Reduction Act of 2015 (De León, Chapter 547, Statutes of 2015), which sets ambitious annual targets for energy efficiency and renewable electricity aimed at reducing greenhouse gas (GHG) emissions. SB 350 requires the California Energy Commission to establish annual energy efficiency targets that will achieve a cumulative doubling of statewide energy efficiency savings and demand reductions in electricity and natural gas final end uses by January 1, 2030. This mandate is one of the primary measures to help the state achieve its long-term climate goal of reducing GHG emissions to 40 percent below 1990 levels by 2030. The proposed SB 350 doubling target for electricity increases from 7,286 gigawatt hours (GWh) in 2015 up to 82,870 GWh in 2029. For natural gas, the proposed SB 350 doubling target increases from 42 million of therms (MM) in 2015 up to 1,174 MM in 2029 (CEC, 2017).

The ~~site is comprised of~~proposed project would utilize the three pieces of machinery (crusher, screener, and loader) previously utilized on-site,~~that~~ all of which run off of approximately 50 gallons of diesel fuel per week, during peak processing weeks. The site utilizes one portable restroom and requires employees to bring potable water to the site. There are no proposed future expansions of facilities or equipment in the foreseeable future that would require on-grid power sources, the placement of infrastructure for a power drop through PG&E, or the need for additional water or waste water facilities during the placement of the previously described equipment or their operation. Furthermore, wastewater facilities at the site would be limited to one portable restroom facility for the operator's use during months of major processing during April-May and again during September-October, which would be properly maintained in accordance with all rules and regulations and would be removed from the site at the end of the processing periods.

XIX.a,b) No development is proposed at the site requiring the installation or use of energy or water or wastewater facilities. Project operation would not be anticipated to result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources. Likewise, the project would not require or result in the construction of new water or wastewater facilities or expansion of existing facilities. No impact would occur.

MITIGATION MEASURES:
No mitigation required.

FINDINGS: The proposed project would have a **No Impact** on Energy.

XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☒	☐
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges?	☐	☐	☒	☐

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on wildfire and wildfire resources if it would result in a) an impairment on adopted emergency response or evacuation plans; b) exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors; c) require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impact to the environment; d) expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage challenges.

DISCUSSION
The project site is located within the State Responsibility Area (SRA) and is classified as a high fire hazard severity zone. The site is located on the east side of the Mattole River and no historic fires have occurred on-site in the last 100 years as of 2018. However, there have been historic fires located nearby occurring in 1950, approximately 0.4 miles to the northwest of the site, the Forrest Miller fire burned approximately 470 acres and the following year, in 1951, approximately 0.85 miles to the southwest of the site, the WM. Happy fire burned approximately 2,592 acres, accounting for the most recent and geographically relevant fires to the project site as shown on the Humboldt County WebGIS. These fires raged on the opposite side (west) of the Mattole River in regards to the project site.

The project site itself has direct vehicle access off Briceland Thorne Road, a County-maintained road designed and maintained to handle emergency response vehicles. Flammable materials such as lubricants and oil are stored off-site in a workshop building owned by the Applicant, located approximately 5 miles to the north of the site. Fuel storage on-site is constrained to the estimated 50 gallons of fuel use per week within the processing equipment itself, with no additional storage containers located on-site.

XX.a) The ~~project~~Applicant estimates the need for four local employees on average with one employee onsite to oversee operations and up to three truck drivers, and no increase in the amount of facilities or equipment utilized for quarry rock processing beyond historic uses and amounts. The project at its current and proposed scale would not impair an adopted emergency response or evacuation plan. No impact would occur.

XX. b,d) Although the eastern portion of the project parcel has slopes ranging from 15 percent up to more than 50 percent, the processing site maintains slopes less than 6 percent and is devoid of vegetation and other organics that could be considered fuel for a wildfire or increase the spread of an uncontrolled wildfire. At any one time, up to 50 gallons maximum of diesel fuel is located on-site (not including personal vehicles) to run the processing equipment with all other flammable materials stored safely in a workshop located approximately 5 miles north of the site. Due to slope, prevailing winds, and other factors, this project would not exacerbate wildfire risks or expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Furthermore, the project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage challenges. A less than significant impact would occur.

XX.c) This project proposes to maintain the historic footprint, facilities, and equipment utilized at the site between 1972 and 2016, with no increase or movement of the location and amount of equipment utilized at the site, in the foreseeable future. As such, there would be no installations required or additional maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. No impact would occur.

MITIGATION MEASURES:
No mitigation required.

FINDINGS: The proposed project would have a **Less than Significant Impact** on Wildfire.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects).	☐	☐	☒	☐

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

THRESHOLDS OF SIGNIFICANCE: This Initial Study considers to what degree, if any, the proposed project would (a) have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory; (b) have impacts that are individually limited, but cumulatively considerable ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.); or (c) have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

DISCUSSION

Certain mandatory findings of significance must be made to comply with CEQA Guidelines §15065. The proposed project has been analyzed and it has been determined that it would not:

- Substantially degrade environmental quality;
- Substantially reduce fish or wildlife habitat;
- Cause a fish or wildlife population to fall below self-sustaining levels;
- Threaten to eliminate a plant or animal community;
- Reduce the numbers or range of a rare, threatened, or endangered species;
- Eliminate important examples of the major periods of California history or pre-history;
- Achieve short term goals to the disadvantage of long term goals;
- Have environmental effects that will directly or indirectly cause substantial adverse effects on human beings; or
- Have possible environmental effects that are individually limited but cumulatively considerable when viewed in connection with past, current, and reasonably anticipated future projects.

Potential environmental impacts from the approval of a Conditional Use Permit and Reclamation Plan to use the site as a quarry rock processing site, similar to the historical use of the site between 1972 and 2016, have been analyzed in this document and mitigation measures have been included in the document to ensure impacts would be held to a less than significant level.

XIX.a) Based on the findings in this Initial Study and as mitigated, the proposed project would have a less than significant impact related to the potential to degrade the quality of the environment, substantially reduce habitat values, or otherwise impact listed species. Furthermore, with mitigation incorporated, the proposed project would not eliminate important examples of California history or prehistory and a less than significant impact occur.

XIX.b) No cumulative impacts have been identified as a result of the proposed project. Individual impacts from the project would not significantly contribute to cumulative impact in the area. A less than significant impact would occur.

XIX.c) Based on the findings in this Initial Study and as mitigated, the proposed project would not have environmental effects that would cause substantial adverse effects on human beings either directly or

indirectly. Potential environmental impacts from the approval of the Conditional Use Permit and Reclamation Plan have been analyzed and, as mitigated, all potential impacts can be held to a less than significant level.

MITIGATION MEASURES

Refer to Mitigation Measures AIR-1 through AIR-3 in Section III (Air Quality), and Mitigation Measures CULT-1 and CULT-2 in Section V (Cultural Resources), above.

FINDINGS

The proposed project would have a **Less Than Significant Impact with Mitigation Incorporated** on Mandatory Findings of Significance.

VIII. REFERENCES

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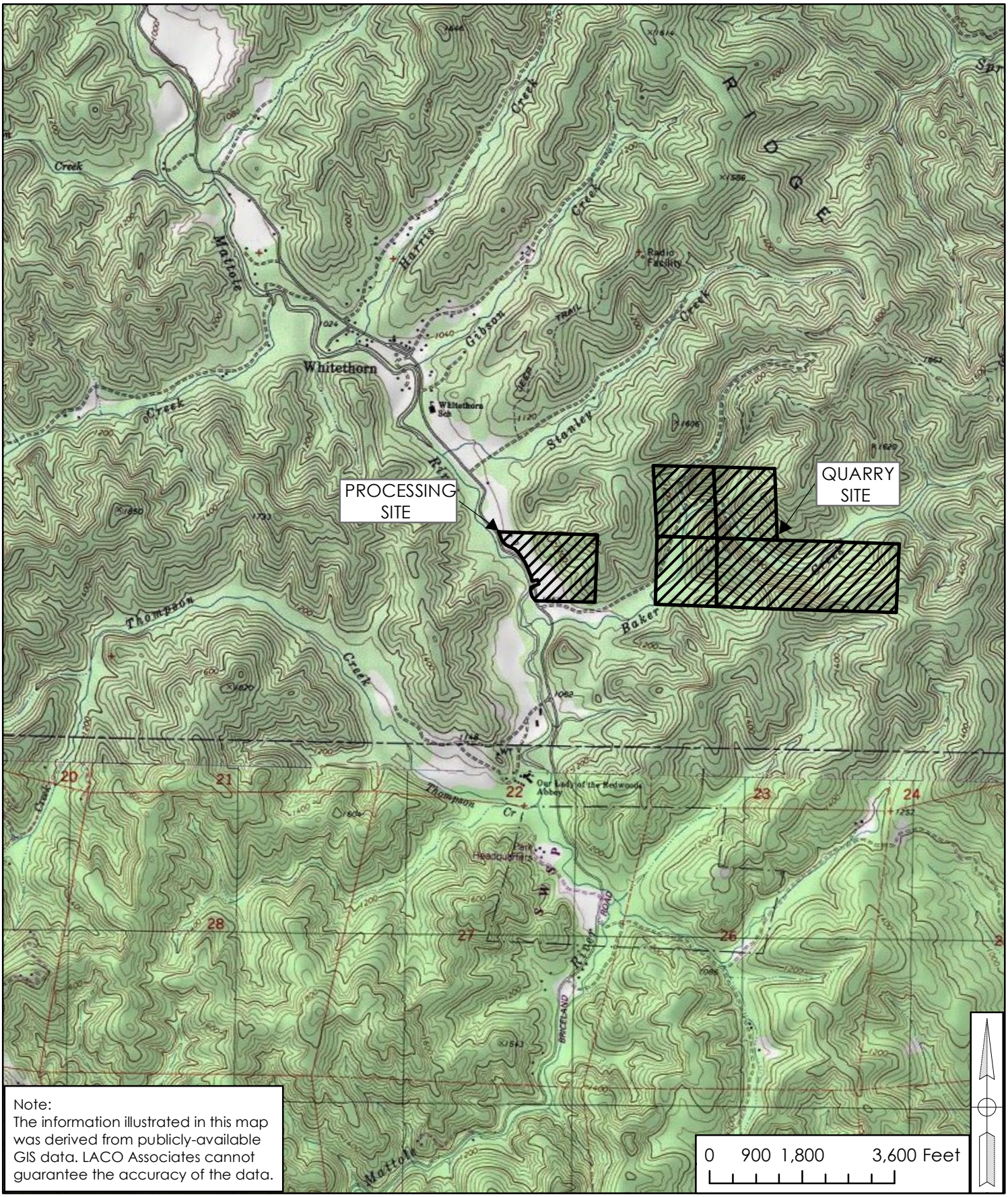
~~VIII~~IX. FIGURES

LACO	PROJECT	WILCOX PROCESSING FACILITY	BY	CMB	FIGURE
EUREKA • UKIAH • SANTA ROSA	CLIENT	G.R. WILCOX ENTERPRISES	CHECK	MMM	1
1-800-515-5054 www.lacoassociates.com	LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA 95589	DATE	2/8/2019	JOB NO. 5375.01
		SITE VICINITY MAP			



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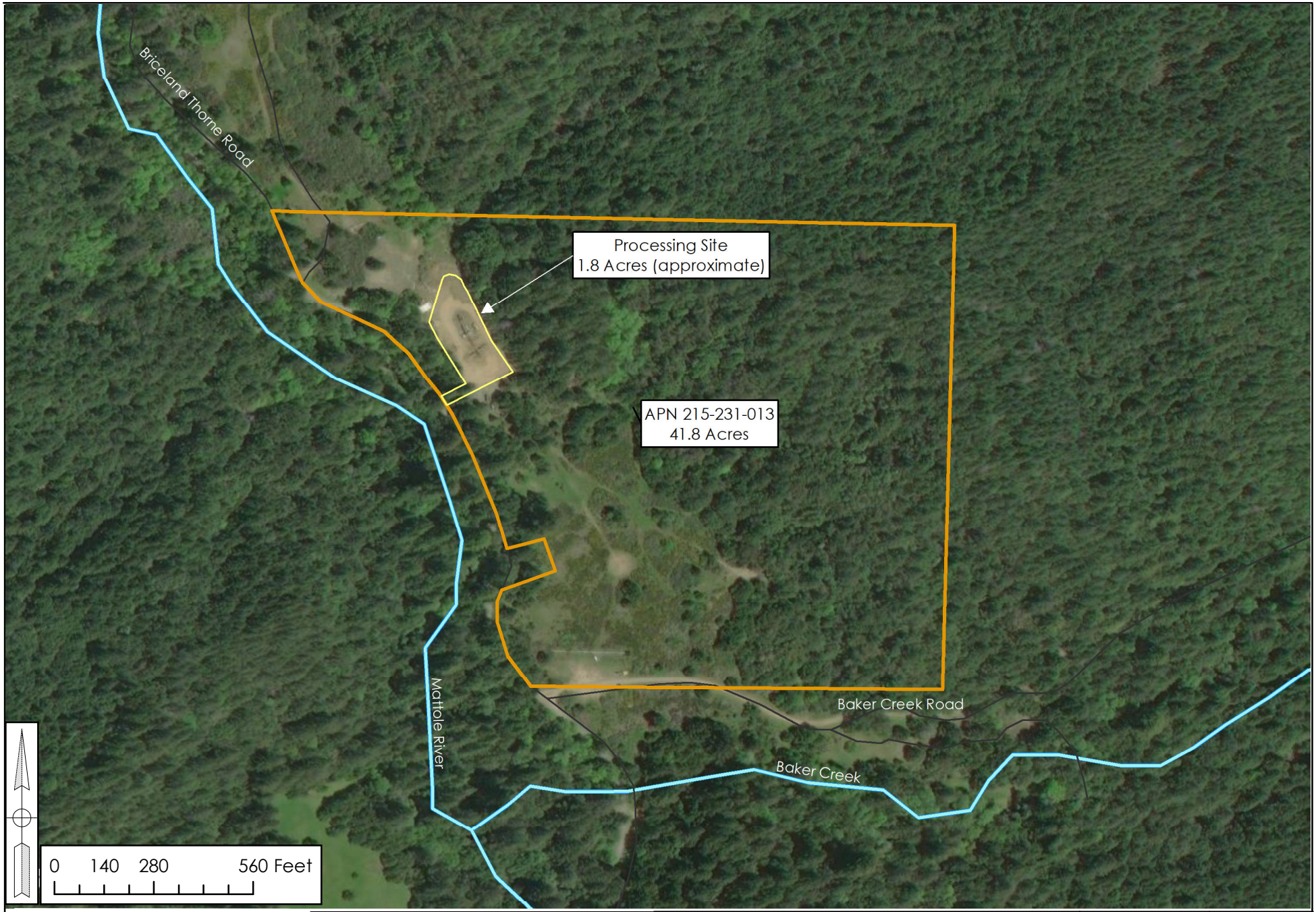

Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

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PROJECT	WILCOX PROCESSING FACILITY	BY CMB/MCH	FIGURE 2
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE 5/20/2019	JOB NO. 5375.01
	PROCESSING SITE		

Date: 5/20/2019 Time: 11:20:53 AM
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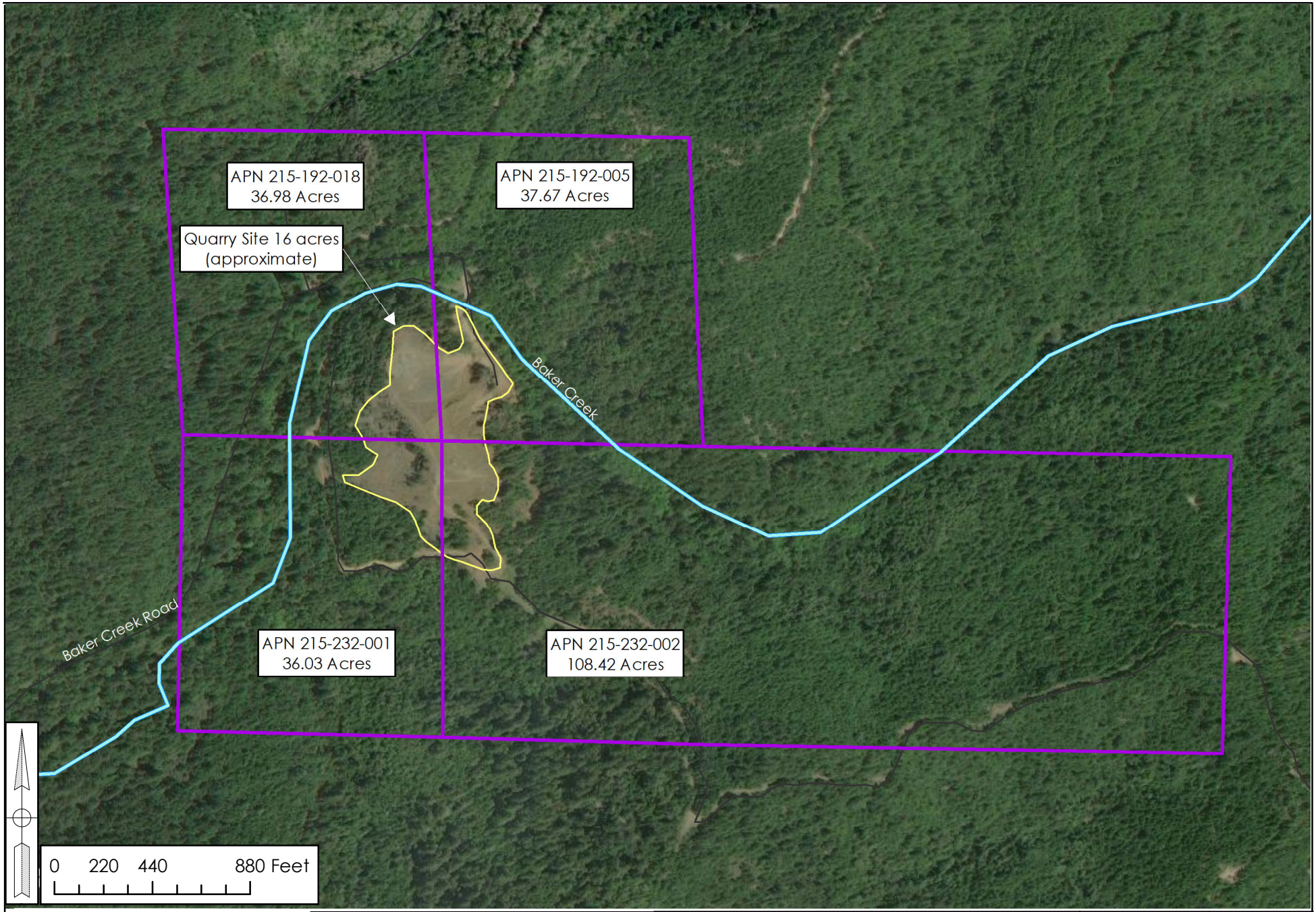

Note:
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PROJECT	WILCOX PROCESSING FACILITY	BY CMB/MCH	FIGURE 2a
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE 5/20/2019	JOB NO. 5375.01
	QUARRY SITE		

Date: 5/20/2019 Time: 11:13:14 AM
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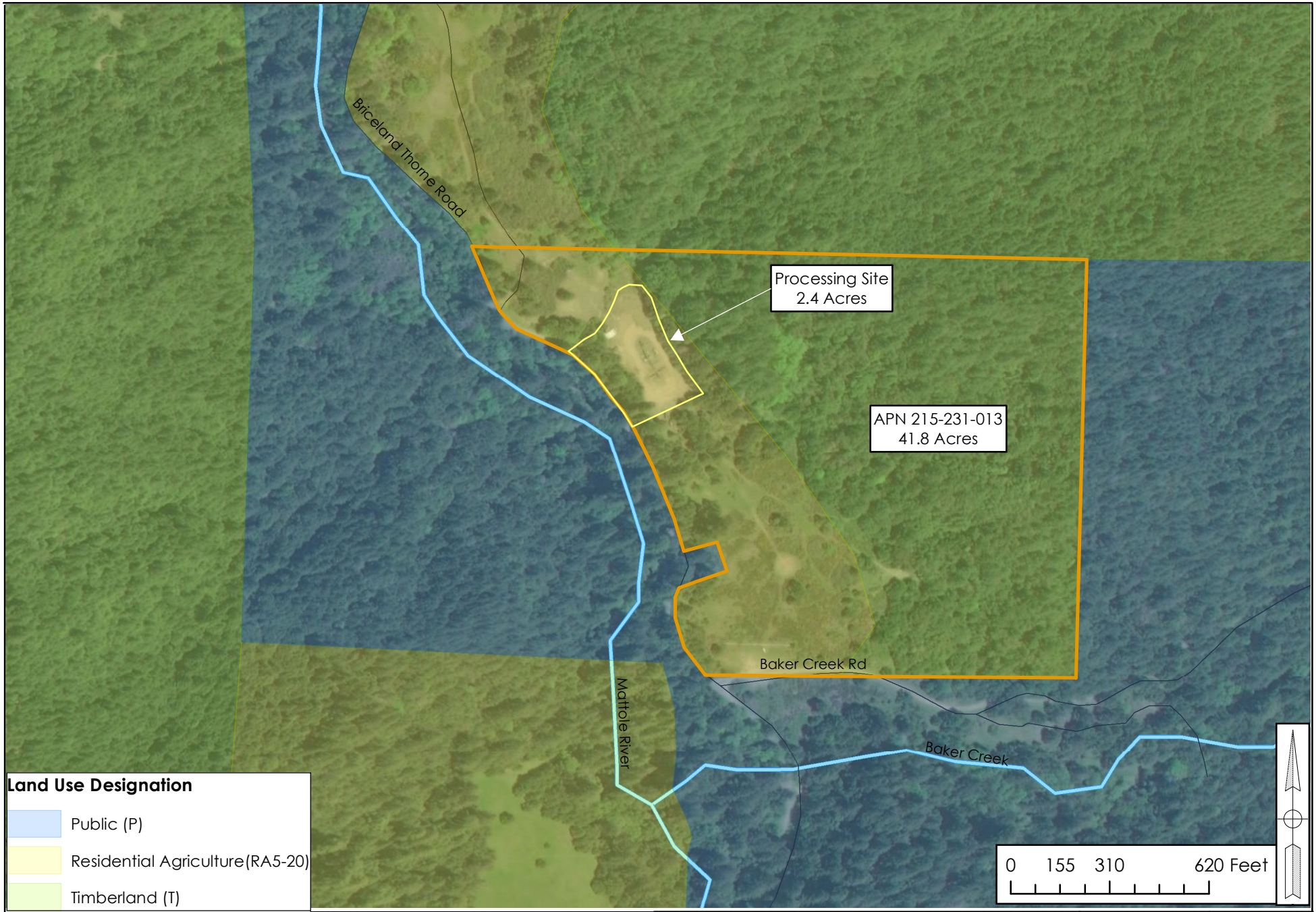

Note:
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PROJECT	WILCOX PROCESSING FACILITY	BY MCH/CMB	FIGURE 3
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THORNE ROAD, WHITETHORN, CA	DATE 2/13/2019	JOB NO. 5375.01
	PROCESSING SITE LAND USE DESIGNATION		

Date: 2/13/2019 Time: 12:49:09 PM
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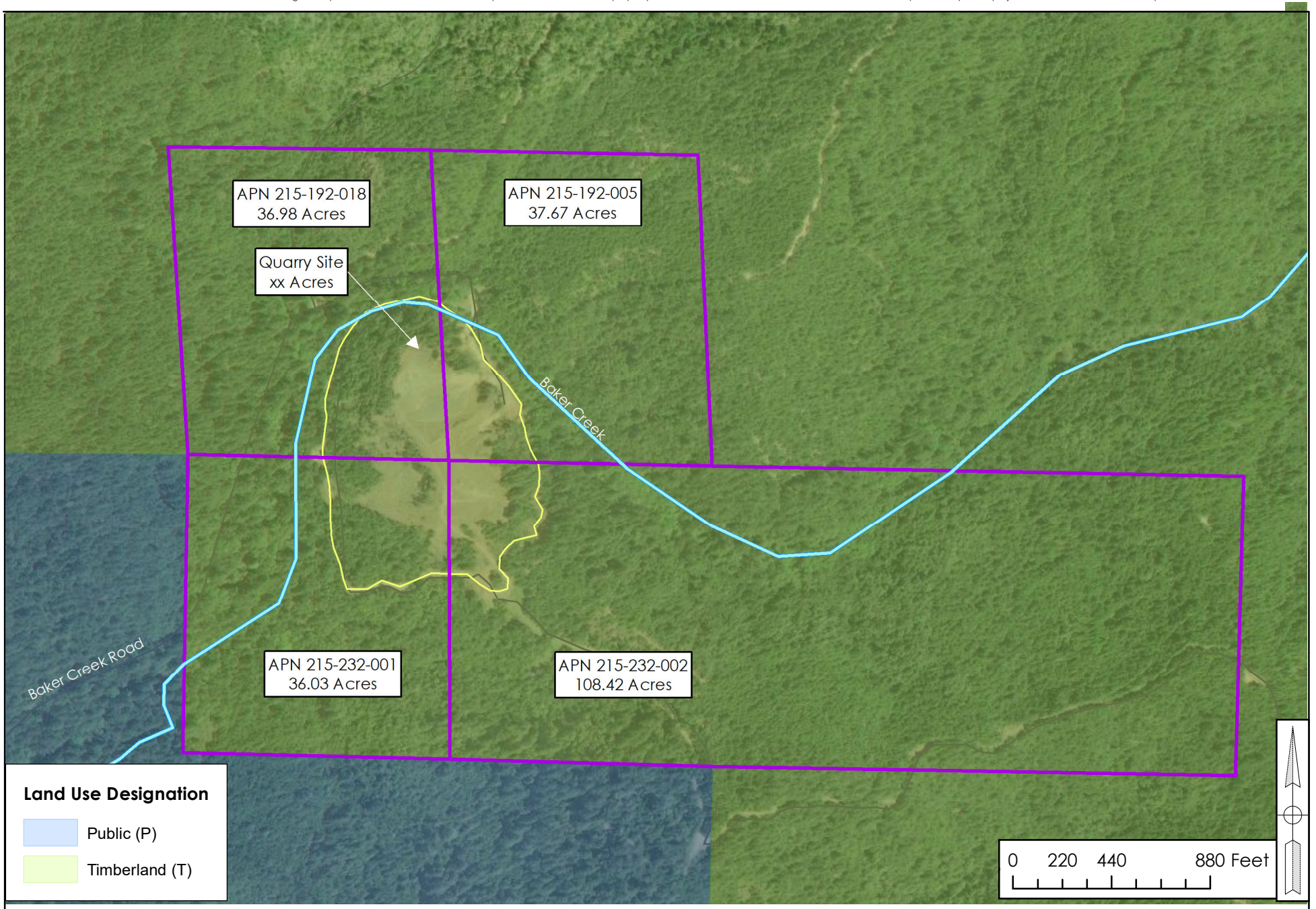

Note:
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PROJECT	WILCOX PROCESSING FACILITY	BY CMB/MCH	FIGURE 3a
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE 2/13/2019	JOB NO. 5375.01
	QUARRY SITE LAND USE DESIGNATION		

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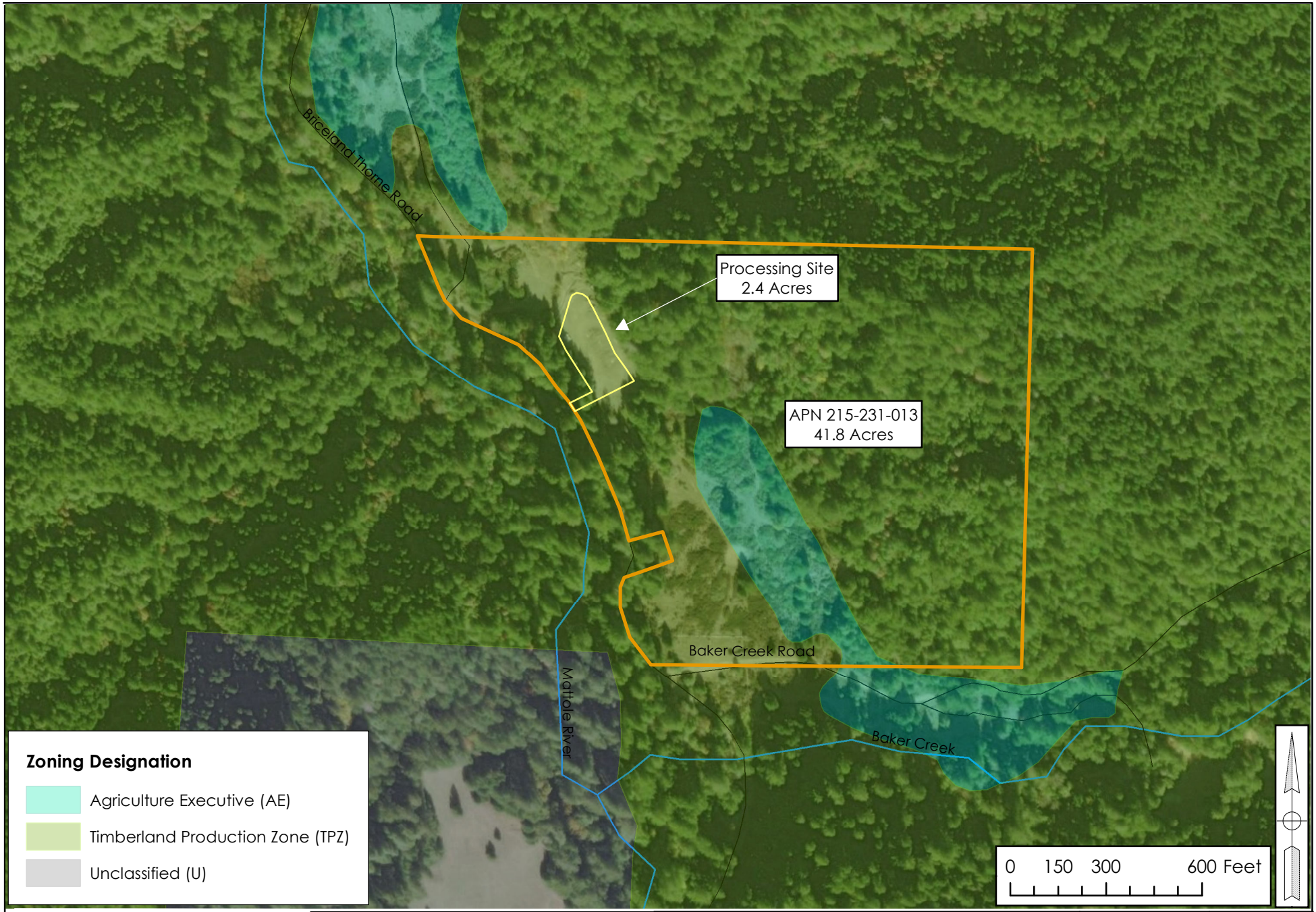

Note:
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PROJECT	WILCOX PROCESSING FACILITY	BY MCH/CMB	FIGURE 4
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND THORNE ROAD, WHITETHORN, CA	DATE 7/8/2019	JOB NO. 5375.01
	PROCESSING SITE ZONING DESIGNATION		

Date: 7/8/2019 Time: 9:58:39 AM
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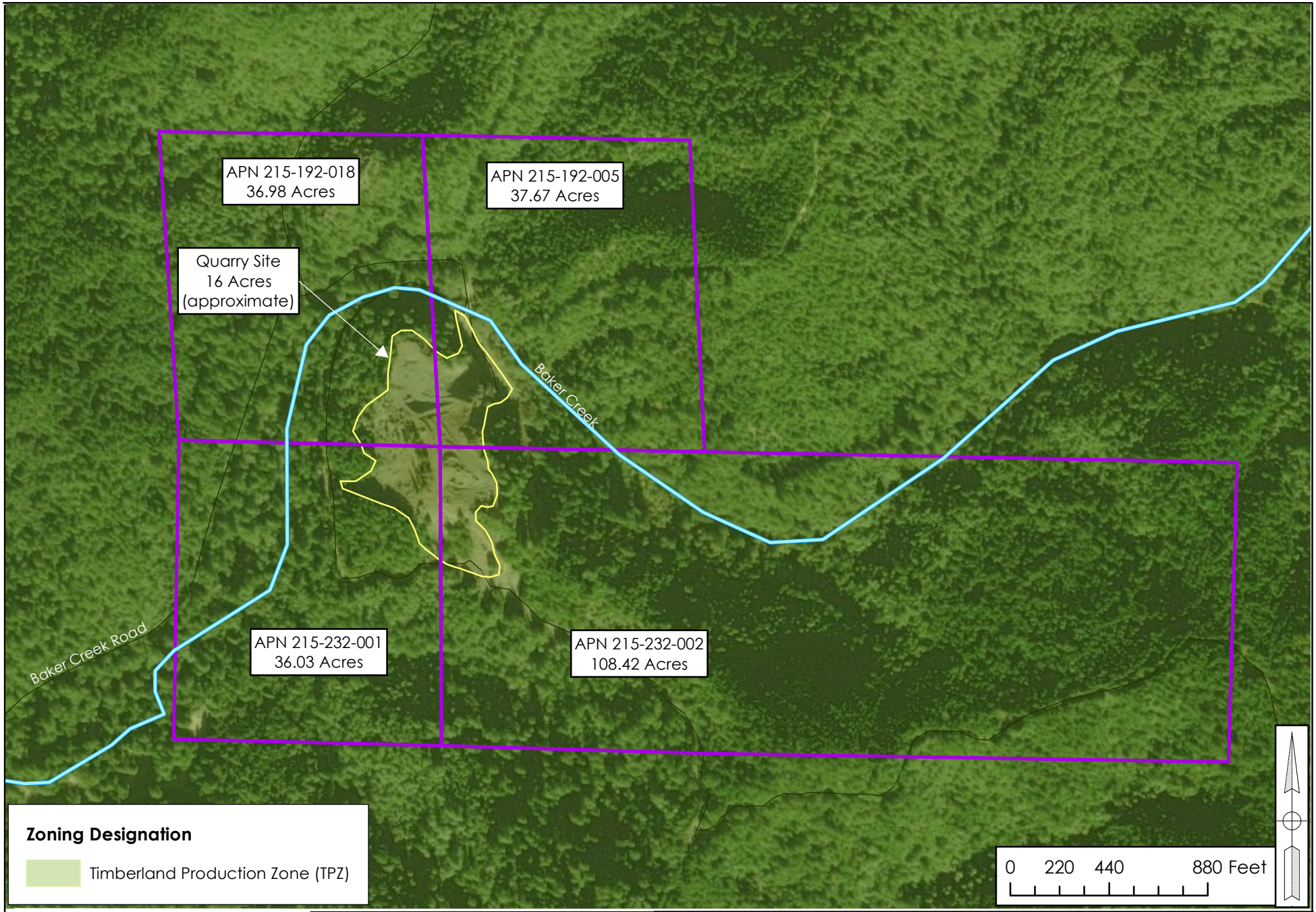

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PROJECT	WILCOX PROCESSING FACILITY	BY MCH/CMB	FIGURE 4a
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND THORNE ROAD, WHITETHORN, CA	DATE 7/8/2019	JOB NO. 5375.01
	QUARRY SITE ZONING DESIGNATION		

Date: 7/8/2019 Time: 10:59:48 AM
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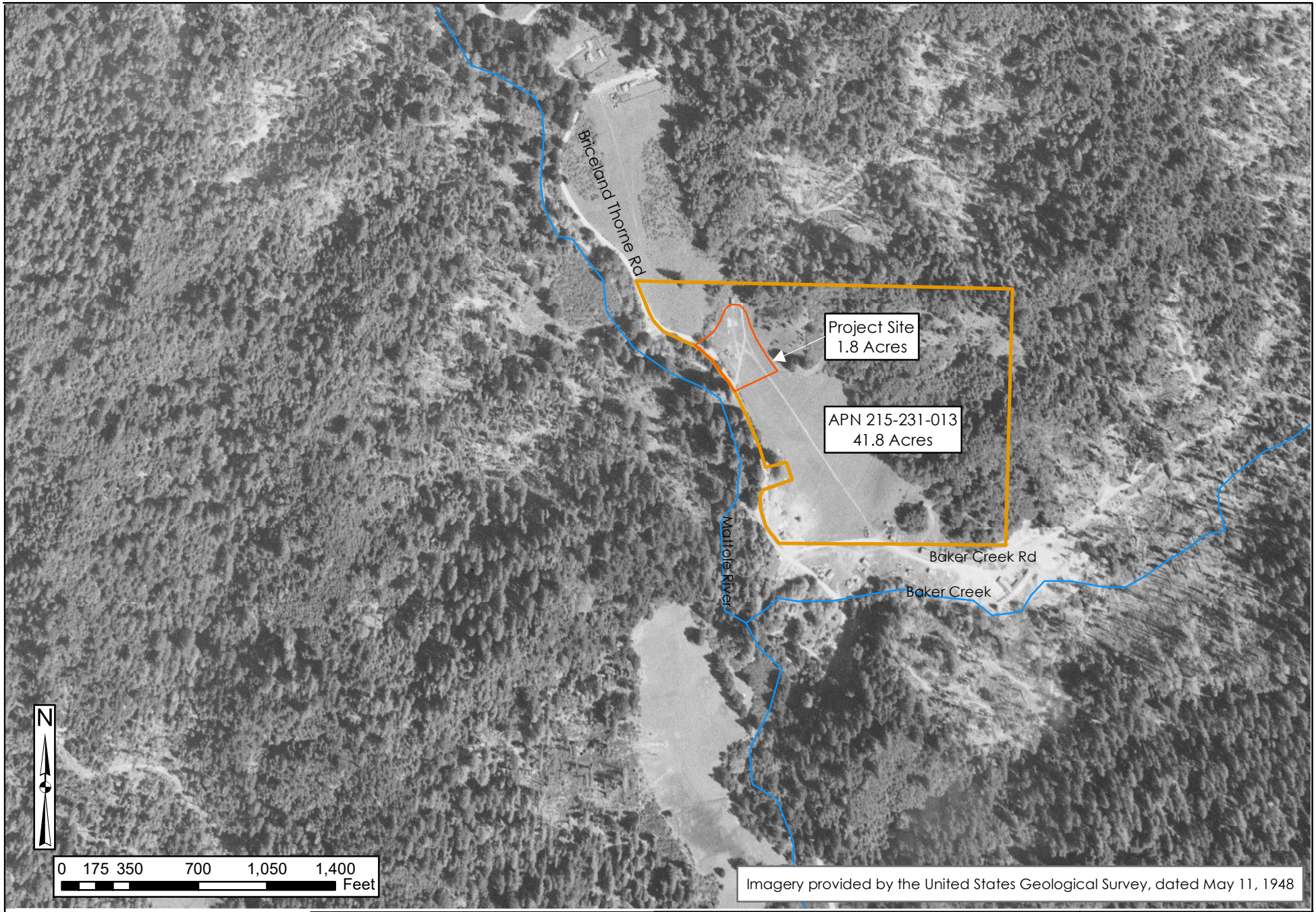

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The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

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PROJECT	WILCOX PROCESSING FACILITY	BY MCH	FIGURE 5
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	APN: 215-231-013	DATE 05/02/2018	JOB NO. 5375.01
	PROCESSING SITE - 1948 HISTORIC AERIAL MAP		

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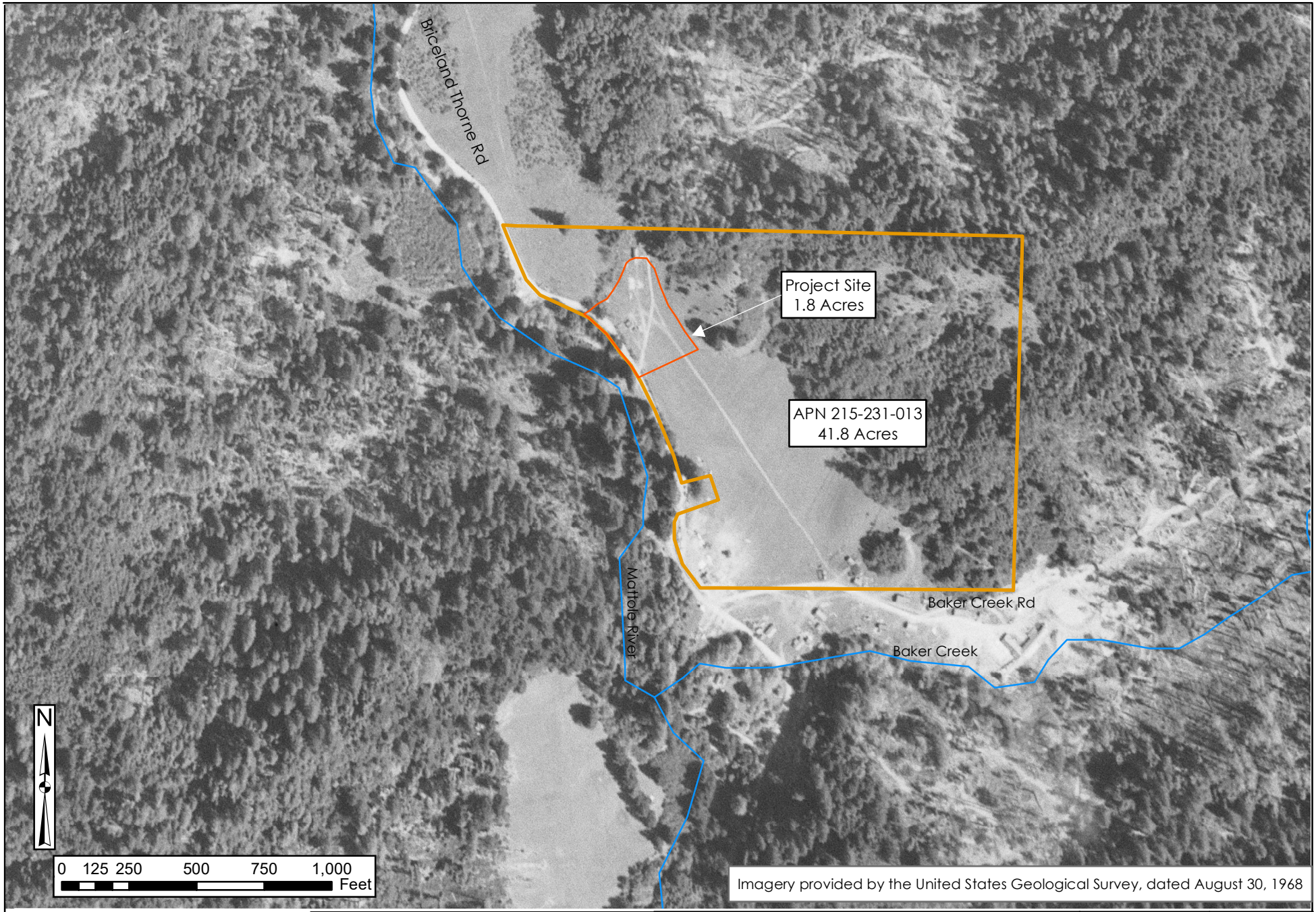

Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

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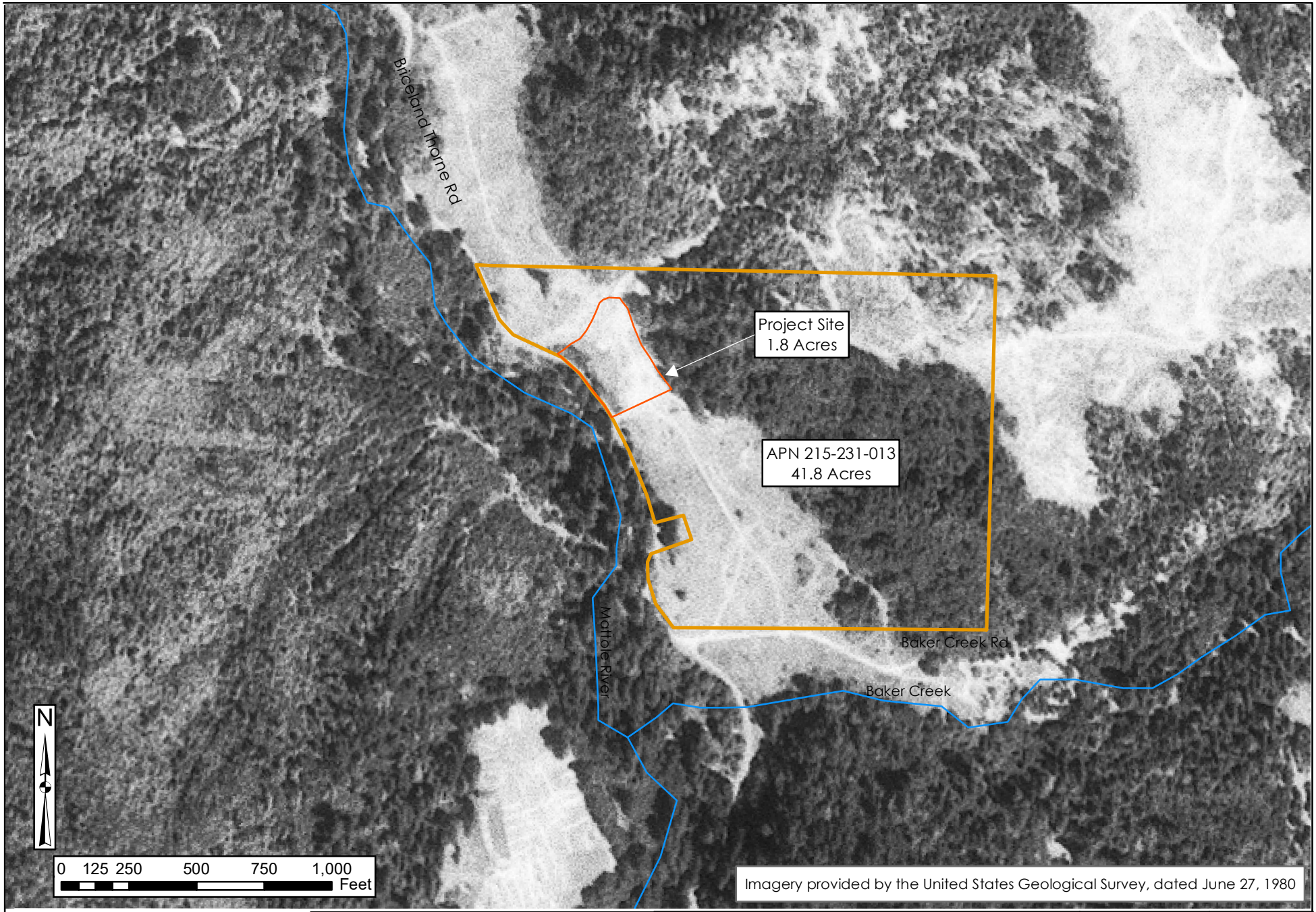
PROJECT WILCOX PROCESSING FACILITY		BY MCH	FIGURE 6
CLIENT G.R. WILCOX ENTERPRISES		CHECK MMM	
LOCATION APN: 215-231-013		DATE 05/02/2018	JOB NO. 5375.01
PROCESSING SITE - 1968 HISTORIC AERIAL MAP			

Date: 5/10/2019 Time: 2:32:58 PM
Path: P:\5300\5375 RAY WILCOX\5375.01 CONDITIONAL USE PERMIT\12 Figures_Maps\GIS\Historic Aeria 19680830 Fig2.mxd



Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

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PROJECT	WILCOX PROCESSING FACILITY	BY MCH	FIGURE 7
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	APN: 215-231-013	DATE 05/02/2018	JOB NO. 5375.01
	PROCESSING SITE - 1980 HISTORIC AERIAL MAP		

Date: 5/10/2019 Time: 2:36:04 PM
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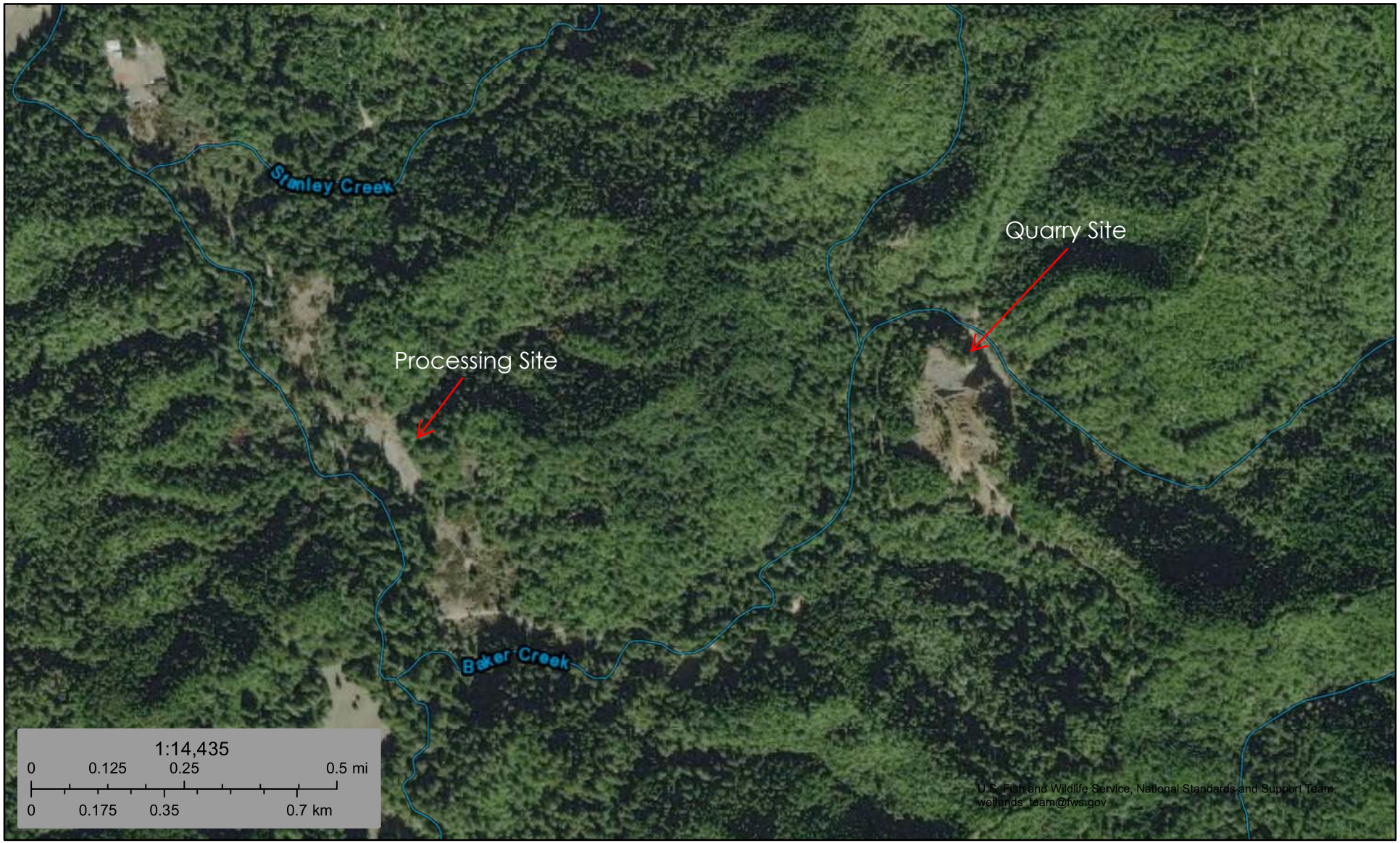
U.S. Fish and Wildlife Service
National Wetlands Inventory

Figure 8

Processing and Quarry Sites



July 3, 2019

Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

~~VIII~~X. APPENDICES

Appendix A: Project Correspondence
Appendix B: Biological Survey Results
Appendix C: Response to Comments on the Draft IS/MND

October 3, 2018

Mr. Josh Dorris
Humboldt County Planner
3015 H St., Eureka, CA 95501
JDorris@co.humboldt.ca.us

RE: Baker Creek Processing Site Initial Study and Mitigated Negative Declaration

Mr. Dorris:

I reviewed the Draft Initial Study, Mitigated Negative Declaration and Environmental Checklist (IS/MND) for the proposed Wilcox Processing Facility (Processing Facility). From the description provided in the IS/MND, the applicant is proposing to restart their processing operations after operations were stopped in 2016 after a cease and desist order was issued by the County of Humboldt. The order was issued because the operation did not have permits from the County to operate. It is my understanding this site also lacks permits from other agencies, such as the North Coast Unified Regional Air Quality Control District, and the operation as a whole does not comply with the County's Streamside Management Area Ordinance.

The proposed Processing Facility is described as being an integral part of the Baker Creek Quarry (Quarry) operations, with rock taken from the Quarry to be processed exclusively at the proposed Processing Site. This proposed Processing Site is located approximately one mile from the Quarry with trucks and equipment driving back and forth between sites on the unpaved Baker Creek Road. This dirt road between the Quarry and the Processing site, as well as the Quarry itself, is immediately adjacent to Baker Creek, one of a few consistent salmon and trout tributaries remaining in the Mattole River Watershed.

As is stated in the County application for the Quarry, the Baker Creek Quarry has been selling rock from its location for many years, since at least 1995. It is only since 2003 that the Quarry obtained a conditional use permit from the County of Humboldt. In these documents, it is clearly and repeatedly stated that no processing associated with this operation is, or will, take place. What was explicitly left out of the documents permitting the Quarry in 2003 was that there had been ongoing processing at the proposed project's site of material from Baker Creek Quarry by the applicant since 1995. As stated in the IS/MND, the operation of this processing site continued until 2016, with no County permits or CEQA analysis of its singular or cumulative impacts.

1-A

As stated in §15378(a) of the CEQA guidelines, a "project" means the "whole of the action". Projects may not be "piecemealed" or "segmented" and Lead Agencies must look at projects in their entirety. The Quarry and the proposed Processing Facility are inextricably linked, with the project description in the IS/MND clearly linking the two sites and stating that the material processed at the Processing Site will be from the Quarry. In addition, the IS/MND refers to the proposed Processing Facility as being "appurtenant" to the Quarry and links the two project's permitting together (page 13). As a Lead Agency cannot treat each separate permit or approval as a separate project when evaluating environmental impacts, the ultimate CEQA document should include the impacts from all of the components of the Project, including the proposed Processing Facility, the Quarry operations, the road use in between, and impacts to County roads from increased use by dump trucks and other large trucks. These together constitute the "Project", as defined under CEQA, and the comments provided in this letter assume the whole of the action will ultimately be evaluated. 1-B

As the IS/MND states, the site proposed for the processing facility has been out of operation for two years. As such, the former use of this site for processing material should not be part of the environmental baseline for determining environmental impacts. As the environmental baseline is generally determined at the time the IS is issued, all environmental impacts from the proposed project should be considered *in addition* to the current baseline conditions. The baseline should include conditions as they currently exist for the location as a whole, including the lack of processing at the processing site, the current traffic levels on Baker Creek Road, a relatively decreased truck traffic on County roads due to the lack of processing, and the current activity levels at the Baker Creek Quarry. The CEQA analysis should be conducted without consideration of historical practices, only conditions that *currently exist at the time the IS was issued*. 1-C

The IS/MND does not include all of the environmental impacts from the proposed Project. An increase in activity at the Baker Creek Quarry above current baseline conditions is anticipated as operations have severely slowed or ceased since the former processing facility stopped operating two years ago. Anticipated increased activities due to the addition of the proposed Processing Facility include: increase of heavy vehicles on County roads such as Briceland-Thorne Road, substantially increased use of heavy machines such as dump trucks, water tucks, and other vehicles on the unpaved Baker Creek Road, and increased operations at the Baker Creek Quarry. In addition, impacts from increased use of heavy equipment at the Quarry, increased fugitive dust and fine sediments into Baker Creek, and taking water from Baker Creek (or from the seep immediately adjacent to the Creek that would otherwise flow into the creek, thereby taking water from the creek) are expected from the project as a whole. 1-D

The IS/MND states the new sites will use the same old equipment (page 14). Much of this equipment does not meet new California Air Resources Board (CARB) standards. Not only should the CEQA document consider impacts to air quality and increased greenhouse gas emissions from the equipment proposed to be used, but the project should not be permitted 1-E

until the applicant demonstrates they can meet these standards and obtain a permit from the North Coast Unified Regional Air Quality Control District, including purchasing new equipment that will meet the Air Board's standards.

1-E (cont.)

The Biological Resources section does not adequately describe the species that will be impacted by the proposed project, and does not include multiple significant impacts to listed species. The Mattole River watershed supports three populations of federally-listed threatened salmonids: California Coastal Chinook salmon (Chinook), Southern Oregon Northern California Coast coho salmon (coho), and Northern California steelhead (steelhead). SONCC coho salmon are also listed by the State of California. The Mattole Salmon Group counted just three adult Coho salmon in the river in the 2009-2010 winter, and only one redd (Haas 2012). In 2010-2011 ten coho were counted and five redds. Since these extremely low counts were conducted in 2009, coho numbers have not rebounded in the system.

In 2012, the population of coho salmon in the Mattole Watershed was determined to have a "high risk of extinction" and a population likely below depensation thresholds by NOAA Fisheries. Depensation, when populations are reduced to very low levels, results in a negative feedback that accelerates a decline toward extinction. Coho population trends in the Mattole River have not improved since the 2012 NOAA report. The Mattole Salmon group stated in their reporting on the **2017 juvenile coho surveys**, "The continued decline of coho distribution and abundance in the Mattole **raises questions about how long the population will persist**. Without exceptionally high parr-smolt and smolt-adult survival, it seems unlikely that there will be spawning coho salmon in the Mattole watershed in the winter of 2019-2020" (Queener 2018). NOAA (2012) states that the juvenile stage of coho is the most limited, with summer rearing habitat impaired by low flow conditions, and exacerbated by water withdrawals. Welsh et al. (2001) showed the critical role water temperatures play in coho distribution in the Mattole River, with cool summer water temperatures predicting coho presence. NOAA (2012) recommends that sufficient instream flows be secured and maintained. The California Department of Fish and Wildlife (CDFW) noted young of the year coho in Baker Creek during a site visit to the Quarry (CDFW email dated June 17, 2013).

1-F

Recent juvenile coho surveys have highlighted the critical importance of Baker Creek to the survival of the Mattole River coho population (Queener 2018). Baker Creek is one of two tributaries with coho detected all 5 years surveyed, and has accounted for up to 50% of the coho detected in the *entire watershed*. As this population **is near extinction (jeopardy) levels**, ANY impact to critical habitat, including habitat quality or quantity, would constitute a significant impact. In addition to the impacts described above, the increase in activity along Baker Creek from driving along the unpaved surface immediately adjacent to the Creek will have significant impacts to listed species (impacts include: fugitive dust, oils, fuels, brake dust, chemical fuels, increased sedimentation and erosion from the unpaved road, impacts to prey species, increased water temperatures and increased chance of mortality) and should be included in the EIR.

In addition to salmon and trout, there are a variety of special status species that will be impacted by the proposed project as a whole. These include the western pond turtle, *Actinemys marmoratais,* the foothill yellow legged frog, *Rana boylii*, the tailed frog, *Ascaphus truei*, the southern torrent salamander, *Rhyacotriton variegatus*, red-bellied newt, *Taricha rivularis*, and the northern red legged frog, *Rana aurora*.

The western pond turtle is the only remaining freshwater turtle species native to California. Habitat destruction appears to be the major cause of its decline (Brattstrom and Messer, 1988) and the species is listed as a Species of Special Concern by CDFW, and is under review by the US Fish and Wildlife Service. Impacts to this species from the Project, as discussed above, including loss of nesting habitat, should be evaluated in the EIR. 1-G

The Foothill Yellow Legged Frog is currently a candidate species for CESA protection by CDFW. As a candidate, it is afforded the same protections as if it were listed. As such, the applicant should be required to obtain an Incidental Take Permit from CDFW to avoid, minimize and mitigate take of the species. Take of this species is likely to occur given the close proximity of Baker Creek Road to Baker Creek, the extreme proximity of the Quarry to Baker Creek, and the associated seep used for water pumping at the Quarry which is likely important off channel habitat for this species. In addition, the proposed Processing Facility is located 50 feet from a class III stream and 200 feet from the Mattole River. As Yellow Legged Frogs utilize class III streams for migration and dispersal and are present year round in and near the Mattole River, take of Yellow Legged Frogs during normal operations at the proposed Processing Facility is likely to occur.

The tailed frog, *Ascaphus truei*, the southern torrent salamander, *Rhyacotriton variegatus*, red-bellied newt, *Taricha rivularis*, and the northern red legged frog, *Rana aurora*, are found in tributaries to the Mattole River (Welsh and Hodgson 2011). These species are all listed as Species of Special Concern by CDFW. Impacts to these species are likely to occur from the Project given the close proximity of Baker Creek Road to Baker Creek, the extreme proximity of the Quarry to Baker Creek and the associated seep used for water pumping at the Quarry which is likely important off channel habitat for these species. Given the proximity of the operations to Baker Creek, the mainstem of the Mattole River, and the pond feature at the Quarry, all of these species are likely to be impacted from Project activities. For example, northern red legged frogs, a pond breeding species, are likely to utilize the pond feature at the quarry for breeding.

As described above, there are many State and federally listed species, as well as Species of Special Concern present in or near the Project. In addition to habitat loss and degradation, one of the most limiting factors for the continuance of these species is water temperature (Welsh et al 2001; Welsh and Hodgson 2011). Baker Creek is one of the last remaining tributaries with salmon and trout as well as the Species of Special Concern listed above. All of these species are sensitive to increased water temperatures. The proposed Project, including the Quarry has historically either pumped directly from Baker Creek or used water from an area at the Quarry, consisting of a cold water seep that is located immediately adjacent to Baker Creek, to fill their water truck for all water use associated with the operation. As this water would otherwise flow to Baker Creek, this removal of cold water from the Baker 1-H

Creek Watershed removes vitally essential cold water refugia from Baker Creek and should be considered take for Coho and steelhead utilizing these waters. In addition, it should be considered a significant impact to temperature sensitive Species of Special Concern such as tailed frogs, breeding habitat for red-legged frogs, and off channel refugia for yellow-legged frogs. In addition, the EIR should include a detailed description of the water source used for all of the operations and consider this in the cumulative impacts evaluation. 1-H (cont.)

The guidelines for Mandatory Findings of Significance are the, "potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal" (CEQA Guidelines §15065). Given the evidence provided in this letter, it is clear most or all of these will occur with this proposed project, and as such, an EIR should be completed for this project. 1-I

In addition to the other comments in this letter, the following comments should be addressed in the EIR:

- The County issued a memo stating that all new surface mining permits and extensions should have compliant roads, including all County and non-County roads. As the IS/MND clearly links the quarry and the proposed Processing Facility (see paragraph 4 above and page 13 of the IS/MND), this should be considered a surface mining permit. It is unclear in the IS/MND how the proposed project would comply with this memo given the condition of Baker Creek Road for bringing material to the proposed Processing Facility, and Briceland-Thorne Road and other County roads, the sold quarry material will ultimately be driven on. Please provide substantiation regarding road widths, shoulders, and condition in compliance with this memo, including the County roads used for delivering materials (County of Humboldt Memo dated 6/28/2013, To Michael Wheeler From Robert Bronkall RE: Barnum timber Co Baker Creek Quarry, APN 215-192-005, CUP 03-13M, SMP 03-02M, RP-02). 1-J
- The County and the EIR should include a detailed evaluation and limit on the amount of material that will be excavated at the quarry, and brought to and sold at the Proposed Processing Facility. Annual surveys of the quarry should be completed to determine the actual yardage removed from the quarry and processed to ensure the limit is not exceeded. 1-K
- Address why a cease and desist order was issued to the applicant on May 12, 2017 requiring all stockpiled material and equipment be removed, but compliance did not occur until April 2018 (Page 6 of the IS/MND). 1-L
- The IS/MND discusses a temporary pre-processed stockpile area at the proposed processing site (page 29). While it is unclear, the IS/MND insinuates this area is in current use with material stored out of compliance with the County's Streamside Management Area (SMA) Ordinance and in violation of the cease and desist order from the County. Please explain if the applicant is in violation of the cease and desist order and the SMA ordinance, and the County's plans to rectify these violations in an expedient manner. 1-M

- The IS/MND states that a portion of the proposed Processing Facility would be in a 100 year flood zone, but stockpiled materials and equipment would be 200 feet from this zone. To ensure compliance with this measure, please provide a map showing the 200 foot setback from the flood zone in conjunction with the processing equipment, piles, etc as shown in page 54 of the IS/MND pdf. 1-N
- The IS/MND repeatedly references an Appendix B (pages 6, 13, 18, 29 and 33). However, there is no Appendix B in the document. As such, the background documents for many aspects of the IS/MND are not able to be reviewed or evaluated. 1-O
- Of note, on page 13 the IS/MND states that a portion of the proposed Processing Site is on TPZ and does not allow this type of activity. Reviewing the zoning map it appears ALL of the "Project Site" is on TPZ land. As the cited Appendix B is not included in the document, it is difficult to ascertain why the proposed project would be allowed to occur on TPZ zoned land. Please provide a detailed explanation regarding this issue including the zoning issue and SMARA rules and regulations. 1-P
- The proposed Processing Facility does not include plans to utilize certified scales to measure truck weights before leaving the site and heading out over County Roads. As such, it is likely that overweight trucks will impact and further degrade County roads. The proposed project should include certified scales to ensure regulations regarding weights limits on County and State roads are followed. 1-Q
- We request that all mitigation measures included in the EIR also be included in any permit issued by the County for the quarry or proposed Processing Facility. 1-R

In conclusion, this IS/MND does not include all of the significant impacts to the environment and is not adequate pursuant to CEQA. The County should include the whole of the project and should include both the Quarry, the connecting roads, impacts to Briceland-Thorne Road, and the new processing site in the evaluation of environmental impacts. In addition, given the information provided here and in the IS/MND, an EIR should be completed for this Project. The impacts from this Project are significant for all of the species discussed above, the impacts are cumulatively considerable, and also meet the Mandatory Findings of Significance under CEQA. An EIR must be prepared when there is substantial evidence in the record that supports a fair argument that significant effects *may* occur (CEQA guidelines §21080(d)). The information provided and cited in this letter provide a fair argument that significant impacts will occur from the proposed project. As such, an EIR should be prepared for this Project. 1-S

Best Regards,

Shawn Studebaker

CC:

US Army Corps of Engineers: Kasey Sirkin (l.k.sirkin@usace.army.mil)

NOAA: Matt Goldsworthy (Matt.Goldsworthy@noaa.gov)

California Department of Fish and Wildlife: Jennifer Olsen (Jennifer.Olson@wildlife.ca.gov); Jane Arnold (Jane.Arnold@wildlife.ca.gov); Michael van Hattem (Michael.vanHattem@wildlife.ca.gov*)*

North Coast Unified Air Quality Management District: Brian Wilson & Al Steer (support@ncuaqmd.org); Chair Chris Howard (hbitner@ncuaqmd.org)

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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

October 19, 2018

Joshua Dorris
Planner
County of Humboldt Planning & Building Department
3015 H Street
Eureka, CA 95501

Subject: Wilcox Processing Facility Conditional Use Permit and Reclamation Plan Mitigated Negative Declaration, State Clearinghouse No. 2018092046

Dear Mr. Dorris:

On October 9, 2018, the California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) for the Wilcox Processing Facility Conditional Use Permit and Reclamation Plan (Project) from the Humboldt County Planning and Building Department (Lead Agency). On October 9, 2018, the Lead Agency informed CDFW they would accept written comments submitted after the October 18, 2018 deadline due to CDFW's late receipt of the environmental document. 2-A

CDFW TRUSTEE AND RESPONSIBLE AGENCY ROLE

As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq. 2-B

PROJECT DESCRIPTION

According to the MND, the Project consists of a Conditional Use Permit and Reclamation Plan for the Wilcox Processing Facility, a rock and aggregate processing facility appurtenant to the Baker Creek Quarry, which is located approximately 0.7 miles to the east. Operations at the processing facility consist of the following activities required to process quarry rock into a variety of aggregate products: 2-C

- Aggregate processing, including crushing and screening;
- Storage of processed aggregate materials;
- Loading and hauling of aggregate; and
- Fueling and washing of equipment.

The Project is located approximately 1 mile south of the community of Whitethorn in the County of Humboldt (County), approximately 0.5 miles north of the Humboldt/Mendocino County line, approximately 7.2 miles west of Highway 101, and directly east of the Mattole River, on Assessor's Parcel Number 215-231-013.

A Reclamation Plan has also been prepared for the site pursuant to the Surface Mining and Reclamation Act (SMARA). The Reclamation Plan describes the end use of the site as a gravel lot and describes the proposed reclamation process. According to the MND, this Reclamation Plan is being processed as an addendum to an existing Reclamation Plan for the Baker Creek Quarry approved in 2007, because the processing facility is an appurtenant facility to the quarry.

2-C (cont.)

CDFW PROJECT HISTORY

As detailed in the MND, CDFW has documented multiple violations of Fish and Game Code at the Project site and adjacent Baker Creek Quarry since 2013. To date, the Project proponent has not obtained a Lake or Streambed Alteration Agreement (LSAA) for the water diversion at the quarry nor any of the other encroachments identified in the September 30, 2016 Notice of Violation (NOV) (Attachment A).

The NOV directed the Project proponent to notify CDFW pursuant to Fish and Game Code section 1602 to obtain an LSAA for the continued operation and/or remediation of all the encroachments identified in the NOV. On November 7, 2016, CDFW received a Notification of Lake or Streambed Alteration (Notification). On December 5, 2016, CDFW deemed the Notification incomplete because information was either missing or insufficient, including lack of notification for five of the encroachments identified in the NOV.

On April 28, 2017, the Project proponent submitted additional fees and supplemental information for installing a rocked ford crossing at the Project site. The supplemental information and fees covered one additional encroachment described in the NOV but did not address the remaining encroachments. CDFW has determined the Notification remains incomplete and provided this information to the applicant on May 26, 2017 (Attachment B). To date, CDFW has received no additional information to complete the Project proponent's Notification. Because our request for additional information received no response for over a year, CDFW closed the LSAA file, effective October 11, 2018 (Attachment C).

2-D

Because the water diversion at the Baker Creek Quarry, which provides water for the Project, does not have an LSAA, it is currently operating in violation of Fish and Game Code section 1602. Other unpermitted substantial alterations of the bed, bank, and channel of the unnamed tributary to the Mattole River and nearby Baker Creek have since occurred. The status of stream crossings and other substantial alterations of bed, bank, and channel identified in the NOV or otherwise related to the Project are unclear. It appears at least one of the culverts identified in the NOV has been replaced by the

2-E

Mattole Restoration Council using Fisheries Restoration Grant Program funding (LSAA 1600-2014-0163-R1). Additionally, the rocked ford across the unnamed tributary to the Mattole River has been removed without an LSAA.

CDFW recommends as a condition of Project approval, that the Lead Agency require a qualified person to identify all substantial alterations of bed, bank, or channel at both the Project site and the Baker Creek Quarry, and the Project proponent obtain an LSAA to bring these facilities into compliance with Fish and Game Code. Additionally, CDFW requests that a qualified professional evaluates current channel conditions at the Project site to determine whether the unpermitted installation and subsequent removal of the rocked ford requires further action (e.g., additional fill removal, riparian revegetation, and/or removal of abandoned culverts or other debris). CDFW should be given an opportunity to review and concur with the results of such an evaluation and any associated recommendations. Any further substantial alteration of the bed, bank, or channel of a stream or riparian area at either the Project site or the quarry will also require an LSAA. 2-E (cont.)

CEQA PROCESS

As described above, the Reclamation Plans for both the Baker Creek Quarry and the Project site are being processed as one document, with the Reclamation Plan for the Project site as an addendum to the Reclamation Plan for the Quarry. Additionally, according to the MND, the Project site is being considered as an appurtenant facility to the Baker Creek Quarry in order to resolve the conflict with the parcel's timberland zoning. The MND states the Project site is the primary processing facility for the Baker Creek Quarry. However, according to CEQAnet, the online searchable environmental database of the State Clearinghouse, the Baker Creek Quarry was evaluated under a 2006 Negative Declaration (ND, SCH 2006012147), which indicated no processing would occur as part of that Project. 2-F

Upon request for the prior CEQA documents relating to the Baker Creek Quarry, the Lead Agency also provided an undated Subsequent MND that intended to incorporate the Wilcox Processing Facility into the Baker Creek Quarry operation. It is CDFW's understanding that the Subsequent MND was never circulated. CDFW seeks clarification on why the current MND treats the Wilcox Processing Facility separately from the Baker Creek Quarry. Because the definition of a "Project" pursuant to CEQA Guidelines section 15378 "*means the whole of an action*," the Project should be considered a part of the Baker Creek Quarry operation. Additionally, if there are potentially significant impacts resulting from operations of the quarry that were not discussed in the 2006 ND, they should be addressed in the subsequent CEQA document pursuant to CEQA guidelines section 15162. If mitigation measures cannot be incorporated to reduce these impacts to a less than significant level, an environmental Impact Report (EIR) should be prepared. 2-G

HUMBOLDT COUNTY STREAMSIDE MANAGEMENT AREA ORDINANCE (SMAO)

The MND states (p. 18):

> "*The site has a seasonal creek, a Class III stream bed with ephemeral flow due to heavy rains, along its northern boundary and the temporary pre-processed stockpile area, currently located in the northeastern portion of the site, approximately 50 feet from the creek.*"

CDFW disagrees with the classification of this stream. While intermittent, it is a restorable fish bearing (Class I) stream according to CDFW's 2003 *Policy Regarding Restorable Habitat and Watersheds for Fish*. The stream flows through early spring and only flows subsurface during the later dry season, thus it is more appropriately classified as intermittent, not ephemeral.

The stream provides potential habitat for a variety of sensitive aquatic species including listed salmonids and foothill yellow-legged frogs (*Rana boylii*), a State-Candidate Threatened species. Per the County's 2017 General Plan Update, the SMAO now requires a minimum 50-foot setback from top-of-bank or outer edge of riparian vegetation, whichever results in a greater buffer. Based on recent aerial imagery, it does not appear the k-rail buffer, installed in early 2018, provides a 50-foot setback in all areas. 2-H

A qualified person should delineate all streamside management areas at both the Project site and the Baker Creek Quarry and delineate their corresponding buffer areas as required by the County's ordinance. Buffers should be established as required and maintained by the applicant with wildlife-friendly fencing or some other physical barrier. Further, as a condition of the Project approval, the county should require the Project include a restoration plan to revegetate any buffer areas that have been encroached upon. Compensatory mitigation should be proposed and reviewed by CDFW if reduced buffers are proposed in any areas. Finally, the prior unpermitted rock ford stream crossing should be fully remediated, and the abandoned culvert documented by CDFW on prior site visits should be removed.

BIOLOGICAL RESOURCES

It does not appear any scoping or biological data (e.g., surveys, reports) were produced during development of the CEQA document. The MND states:

> "*A literature review was conducted for rare, threatened, and endangered species and sensitive species to determine which of these might occur in the proposed project area. Coho and steelhead were previously recorded in Baker Creek. Protection measures incorporated in the plan are designed to prevent significant adverse impacts to Coho and steelhead, to the Foothill yellow-legged frog, etc., as identified in the review.*" 2-I

CDFW was not able to review the results of this literature review and the "*protection measures incorporated in the plan*," because neither were provided. It is unclear what plan the MND is referring to in this sentence. The Project has the potential to impact numerous special status species and sensitive habitats including, but not limited to, the following:

1. Salmonids (via impacts to water quality and quantity from water drafting, stream crossings, and Project runoff):
    - Coho Salmon – Southern Oregon/Northern California coast ESU (*Oncorhynchus kisutch*), State and federally Threatened
    - Chinook Salmon – California Coastal ESU (*O. tshawytscha*), federally Threatened
    - Steelhead – Northern California DPS (*O. mykiss irideus*), federally Threatened

2. Nesting passerine birds and raptors (via noise disturbance and visual disturbance if operations are located adjacent to habitat):
    - Willow flycatcher (*Empidonax traillii*), State Endangered
    - Northern spotted owl (*Strix occidentalis caurina*), State and federally Threatened
    - Yellow warbler (*Setophaga petechia*), State Species of Special Concern (SSC)
    - Yellow-breasted chat (*Icteria virens*), SSC
    - Golden eagle (*Aquila chrysaetos*), Fully Protected
    - Bald eagle (*Haliaeetus leucocephalus*), State Endangered and Fully Protected

3. Listed and sensitive amphibian and reptile species (via noise, direct take, and impacts to water quality and quantity from water drafting, stream crossings, and Project runoff):
    - Foothill yellow-legged frog (*Rana boylii*), State Candidate Threatened
    - Northern red-legged frog (*Rana aurora*), SSC
    - Western pond turtle (*Emys marmorata*), SSC

4. Riparian vegetation (from encroachment if appropriate buffers are not adhered to)

5. Marbled Murrelet Critical Habitat:
    - There is a marbled murrelet critical habitat polygon that appears to overlap the Project site. The County should require the Project proponent consult with the United States Fish and Wildlife Service to determine whether the Project will result in adverse impacts to this habitat.

2-I (cont.)

Further, the MND includes only one mitigation measure for impacts on Biological Resources: *"BIO-4: Project shall be consistent with the requirements of the Regional*

2-J

Water Quality Control Board, and shall employ the Best management Practices detailed therein." It appears mitigation measures BIO-1 through BIO-3 were omitted from the MND, thus, CDFW cannot evaluate their feasibility or effectiveness. It is unclear which requirements of the Regional Water Quality Control Board the MND is referring to, or which best management practices the Project intends to adopt. In any case, given the potential impacts of the Project on biological resources have not been adequately identified, CDFW cannot determine whether this measure is sufficient to reduce potential impacts to a level of less than significant. 2-J (cont.)

CDFW recommends typical scoping methods, including review of relevant databases such as the California Natural Diversity Database (CNDDB), be conducted for the Project, and an analysis of potential impacts on any species that may be present in, adjacent to, or downstream of the Project site be conducted. Surveys may be required to determine whether certain species are present on or adjacent to the site. Mitigation measures, if necessary, should be proposed to ensure any impacts to these species are less than significant. If mitigation measures cannot be incorporated to reduce these impacts to a less than significant level, an EIR should be prepared. Based on the information provided in the MND, CDFW cannot determine whether potentially significant impacts may occur or whether they are mitigated to a less than significant level. 2-K

NOISE

The MND indicates that no Project-specific noise study has been performed, but provides noise values "*estimated from a noise study performed for the Blue Ridge Rock Quarry (BRRQ) which tested Ldn at sensitive receptor sites located near the BRRQ.*" The MND does not provide relevant information about the BRRQ, such as where it is located or why the results of that noise study are applicable to this Project. Site-specific data should be collected and evaluated to address potential impacts to sensitive wildlife species such as northern spotted owl and other nesting raptors that may occur adjacent to the Project area. 2-L

SUMMARY OF COMMENTS AND RECOMMENDATIONS

1. The Lead Agency should require the Project obtain all necessary local, State, and federal permits and authorizations prior to continuing to operate the Baker Creek Quarry and the Project. This includes but is not limited to resolving Fish and Game Code violations and obtaining an LSAA for all points described in the 2016 NOV.

2. The Lead Agency should evaluate the Baker Creek Quarry and Wilcox Processing Facility as one Project to avoid piecemealing.

2-M

3. The Lead Agency should ensure the Project conforms to the County's SMAO including establishing appropriate buffers and remediation of prior violations of the SMAO.

4. The Biological Resources section of the MND is not adequate. It appears that three of the four mitigation measures were omitted from the document, and the MND refers to measures and a plan that were not included with the MND. It does not appear adequate scoping was conducted. The information provided is insufficient for CDFW to determine whether impacts have been mitigated to a level of less than significant. Because special status species occur on and adjacent to the Project site, mitigation measures are likely necessary to avoid potentially significant impacts.

2-M (cont.)

ENVIRONMENTAL DATA

CEQA requires information developed in EIRs and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code § 21003, subd. (e)). Accordingly, any special status species and sensitive natural communities detected during Project surveys must be reported to CNDDB. The online submission and PDF CNDDB field survey forms, as well as information on which species are tracked by the CNDDB, can be found under their corresponding tabs at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data.

2-N

Thank you for the opportunity to comment on this Project. Questions regarding this letter should be directed to Environmental Scientist Jennifer Olson at (707) 445-5387 or jennifer.olson@wildlife.ca.gov.

2-O

Sincerely,

Curt Babcock
Habitat Conservation Program Manager

ec: Joshua Dorris
County of Humboldt Planning & Building Department
jdorris@co.humboldt.ca.us

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Curt Babcock, Cheri Sanville, Gordon Leppig, Jane Arnold, Jennifer Olson, Michael van Hattem, Scott Bauer, Shane Embry
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Attachment A: Notice of Violation Letter

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, CA 95501]
(707 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

September 30, 2016

Ray Wilcox
Wilcox Enterprises
P.O. Box 186
Whitethorne, CA 95589

Subject: Notice of Violation of Fish and Game Code for Baker Creek Quarry and Process Plant

Dear Mr. Wilcox:

On July 12, 2016, the California Department of Fish and Wildlife (Department) conducted a site visit on the Baker Creek Quarry and Processing Plant. Warden Shane Embry and Senior Environmental Scientist (Specialist) Jane Arnold were present during the site visit. During the site visit, Department staff observed the following potential violations:

1. substantially diverting water from a spring tributary Baker Creek, tributary to the Mattole River;
2. a culvert on a salmonid stream that was impeding fish passage and obstructing surface flow;
3. an appurtenant road had dirt perched where it may enter waters of the State;
4. asphalt and loose unconsolidated soil had been placed where it may enter waters of the State;
5. refuse had been deposited where it may enter waters of the State;
6. a dirt fill crossing was installed in an unnamed tributary to the Mattole River; and
7. riparian vegetation had been encroached upon.

These activities are subject to the Fish and Game Code (FGC). The Department has determined your diversion and other activities are substantial pursuant to FGC section 1602. FGC section 1602 requires a person to notify the Department before:

1. substantially diverting or obstructing the natural flow of a river, stream, or lake;

2. substantially changing the bed, channel, or bank of a river, stream, or lake;

3. using any material from the bed, channel, or bank of a river, stream, or lake; or

4. depositing or disposing of debris, waste, material containing crumbled, flaked, or ground pavement where it may pass into a river, stream, or lake.

Additionally, the observed activities may not comply with other sections of FGC. FGC section 5901 states in part:

> *"It is unlawful to construct or maintain in any stream . . . any device or contrivance that prevents, impedes, or tends to prevent or impede, the passing of fish up and down a stream."*

FGC section 5650 Water Pollution states in part:

> *"(a) Except as provided in subdivision (b), it is unlawful to deposit in, permit to pass into, or place where it can pass into the waters of this state any of the following:*
>
> *(1) Any petroleum, acid, coal or oil tar, lampblack, aniline, asphalt, bitumen, or residuary product of petroleum, or carbonaceous material or substance.*
>
> *(6) Any substance or material deleterious to fish, plant life, mammals, or bird life."*

The observed refuse did not comply with FGC section 5652(a) which states:

> *"It is unlawful to deposit, permit to pass into, or place where it can pass into the waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any cans, bottles, garbage, motor vehicle or parts thereof, rubbish, litter, refuse, waste, debris, or the viscera or carcass of any dead mammal, or the carcass of any dead bird."*

Violation of FGC sections 1602, 5901, 5650, and 5652 may result in civil or criminal prosecution. If you have not done so already, please complete the enclosed notification package and submit the package, notification fee, and a copy of this letter to the following address:

Streambed Alterations
California Department of Fish and Wildlife
619 Second Street
Eureka, CA 95501

After the Department receives the notification and fee, it will process the notification and issue a draft Streambed Alteration Agreement (Agreement) as described in FGC sections 1602 and 1603. However, the draft Agreement will not be subject to arbitration in the event you disagree with any of the protective measures, and you and the Department cannot resolve the disagreement (FGC § 1614.)

If the Department does not receive the notification and fee by November 7, 2016, the Department will pursue other enforcement options, including referring the matter to the District Attorney's Office or the Attorney General's Office for civil or criminal prosecution.

If you have any questions regarding this letter, please contact Senior Environmental Scientist (Specialist) Jane Arnold at (707) 441-5671.

Sincerely,

Curt Babcock
Habitat Conservation Program Manager

Enclosure

ec: Ray Wilcox
Wilcox Enterprises
rwilcoxtimber@gmail.com

Victor Vasquez
Division of Water Rights
victor.vasquez@waterboards.ca.gov

Leah Gardner and Beth Hendrickson
Office of Mining Reclamation
leah.gardner@conservation.ca.gov, beth.hendrickson@conservation.ca.gov

Shin-Roei Lee, Mona Dougherty, Paul Kieran, Diana Henrioulle
Northcoast Regional Water Quality Control Board
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paul.kieran@waterboards.ca.gov, diana.henrioulle@waterboards.ca.gov

Michael Wheeler
County of Humboldt
mwheeler@co.humboldt.ca.us

Warden Shane Embry, Michael van Hattem, Jane Arnold
California Department of Fish and Wildlife
shane.embry@wildlife.ca.gov, michael.vanhattem@wildlife.ca.gov,
jane.arnold@wildlife.ca.gov

Attachment B: Incomplete letter

California Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, California 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

May 26, 2017

Mr. Ray Wilcox
Wilcox Enterprises
P.O. Box 186
Whitethorne, CA 95589
rwilcoxtimber@gmail.com

Subject: Incomplete Notification of Lake or Streambed Alteration
Notification No. 1600-2016-0549-R1
Baker Creek Quarry

Dear Mr. Wilcox:

On November 7, 2016, the Department of Fish and Wildlife (Department) received your Notification of Lake or Streambed Alteration (Notification). On December 5, 2016, the Department determined that your Notification was incomplete because information was either missing or insufficient, including lack of notifying on five encroachments.

On April 28, 2017, you submitted additional fees in the amount of $561.00 and supplemental information for installing a rock ford to the Department. This supplemental information and fees covered one additional encroachment described in the September 30, 2016, Notice of Violation. The Department has determined your notification remains incomplete despite the supplemental information and fees submitted on April 28, 2016. To complete your Notification, please review the Notification instructions and provide the following notification sections, along with a copy of this letter, to the Department.

☒ *Section 6:* Fees

The notification is for only two encroachments, but does not include the four other encroachments that require work. Please include all fees for all sites in the notification.

☒ *Section 10:* Complete project description

The project describes only the quarry diversion and a rocked ford. On September 30, 2016, the Department sent a Notice of Violation describing seven violations on six encroachments that were violating Fish and Game Code. Please include in the notification the other four encroachments with remediation measures and appropriate fees for all sites.

Conserving California's Wildlife Since 1870

☒ *Section 11:* Project Impacts

Please describe project impacts from the quarry roads and processing site on the four encroachments.

☒ *Section 13:* Permits Applied/Issued

Section 13 requests a list of permits that the applicant has been issued or has applied for. This area was left blank. Please list the permits that will be applied for or that have been obtained. If it is unclear which agencies have jurisdiction, please contact the Department for other agency contacts.

Please note that you may not proceed with your project until your Notification is deemed complete, and you have obtained a Lake or Streambed Alteration Agreement, if required. If you have any questions regarding this matter or need additional information, please consult the "Notification Instructions" and/or "Questions and Answers" that were included in the notification materials. You may also contact Jane Arnold, Senior Environmental Scientist Specialist at 707-441-5671 or at jane.arnold@wildlife.ca.gov.

Sincerely,

Gordon Leppig
Senior Environmental Scientist Supervisor

ec: Page 3

ec: Seth Johannesen
seth@101netlink.com

Army Corps of Engineers
Lisa Sirkin
L.K.Sirkin@usace.army.mil

Office of Mining Reclamation
Leah Gardner and Beth Hendrickson
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Northcoast Regional Water Quality Control Board
Mona Dougherty and Paul Kieran
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County of Humboldt
Michael Wheeler
mwheeler@co.humboldt.ca.us

California Department of Fish and Wildlife
Warden Shane Embry and Jane Arnold
shane.embry@wildlife.ca.gov; jane.arnold@wildlife.ca.gov

Attachment C: Notice of Closure Letter

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 Second Street
Eureka, CA 95501
(707) 445-6493
www.wildlife.ca.gov

EDMUND G. BROWN, Jr., Governor
CHARLTON H. BONHAM, Director

October 11, 2018

Ray Wilcox
Wilcox Enterprises
P.O. Box 186
Whitethorne, CA 95589

Dear Ray Wilcox

Notice of Closure of Lake or Streambed Alteration Notification, Notification No. 1600-2016-0549-R1, Baker Creek Quarry Drafting

The purpose of this letter is to inform you that the California Department of Fish and Wildlife (CDFW) is closing the above-referenced Lake or Streambed Alteration Notification (Notification) file.

CDFW received your Notification on November 7, 2016. On December 5, 2016, CDFW sent you consultant an incomplete letter requesting more information. In January, 2017, CDFW staff met with you and your consultant to explain the information required to complete the Notification. On April 28, 2017, you and your consultant submitted more information, however, on May 26, 2017, CDFW deemed your Notification incomplete again. It has been more than one year since any information has been submitted, consequently, CDFW is closing the file on your Notification on October 11, 2018.

If you intend to complete your project, you will need to submit a new Notification and notification fee to CDFW.

Please note that you may not proceed with your project until after you submit a complete notification to CDFW and, if required, obtain a Lake or Streambed Alteration Agreement.

If you have questions regarding this letter, please contact Jane Arnold, Senior Environmental Scientist at (707) 441-5671 or jane.arnold@wildlife.ca.gov.

Conserving California's Wildlife Since 1870

Sincerely,

Cheri Sanville
Senior Environmental Scientist Supervisor

ec: Seth Johannesen
seth@101netlink.com

Division of Water Rights
Victor Vasquez
victor.vasquez@waterboards.ca.gov

Office of Mining Reclamation
Leah Gardner and Beth Hendrickson
leah.gardner@conservation.ca.gov; beth.hendrickson@conservation.ca.gov

Northcoast Regional Water Quality Control Board
Mona Dougherty, and Diana Henrioulle
mona.dougherty@waterboards.ca.gov;
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County of Humboldt
Joshua Dorris
jdorris@co.humboldt.ca.us

California Department of Fish and Wildlife
Warden Shane Embry, Jennifer Olson, and Jane Arnold
shane.embry@wildlife.ca.gov; jennifer.olson@wildlife.ca.gov;
jane.arnold@wildlife.ca.gov

Appendix B: Biological Survey Results

LACO

TECHNICAL MEMORANDUM

Biological Survey
Wilcox Conditional Use Permit
Briceland-Thorne Road, Whitethorn, Humboldt County, CA
Assessor's Parcel Numbers (APNs) 215-192-005, -018,
215-231-013, 215-232-001, and -002

Date: May 15, 2019
Project No.: 5375.01

Prepared For: Ray Wilcox, Wilcox Enterprises

Prepared By: Gary Lester, Senior Environmental Scientist

Reviewed By: Deirdre Clem, Senior Planner/Project Manager

Attachments:

Appendix 1:	Figures
Appendix 2:	Site Photos
Appendix 3:	Observed Plant Species List
Appendix 4:	Observed Wildlife Species List

1.0 INTRODUCTION

Wilcox Enterprises is applying for conditional use permit to operate an approximately 2-acre gravel processing yard within the northwestern portion of the 42 acre property identified as Assessor's Parcel Number (APN) 215-231-013 (processing site), located off Briceland-Thorne Road, south of the unincorporated community of Whitethorn in Humboldt County, California. In addition, unprocessed rock is obtained from a nearby rock quarry (Baker Creek Quarry) on Barnum Timber Company lands (APNs 215-192-005, -018, 215-232-001, and -002) (quarry site), although the Wilcox Enterprises' lease agreement also allows for rock from other locations. Location and site maps are included as Figures 1 through 3 in Appendix 1, with photos of the two sites included in Appendix 2.

The purpose of the Biological Survey was twofold; to characterize the existing habitats on the processing and quarry sites and to determine the potential for presence of special status species, in response to public and referral comments received from Mr. Shawn Studebaker (dated October 3, 2018) and the California

Department of Fish and Wildlife (CDFW) (dated October 19, 2018) on the Draft Initial Study/Mitigated Negative Declaration (State Clearinghouse No. 2018092046) prepared for the proposed project.

2.0 METHODS

To characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites, LACO's Senior Environmental Scientist, Gary Lester, conducted a biological survey of the sites on January 24, 2019.

Prior to and during the survey, a number of resources were consulted to determine potential areas of sensitive plant and wildlife species occurrence in the vicinity of the project area: CDFW Natural Diversity Database (CNDDB) – Briceland Quad, California Native Plant Society (CNPS) rare plant inventory, USGS 7.5-minute Briceland quadrangle topographic map, and aerial photography. Special habitat areas, such as habitat edges and creeks, were assessed at interval cross sections to gain a representational sampling of habitat classification and structure. Plants were identified to the taxonomic level (genus or species) necessary for rare plant identification. Plant species names follow the scientific nomenclature of the Jepson Manual (Baldwin, et. al., 2012). Photos taken at the processing and quarry sites are included as Appendix 2.

A complete observed plant species list is provided in Appendix 3 and an observed wildlife list is provided in Appendix 4.

3.0 ENVIRONMENTAL SETTING

The processing site is primarily surrounded by forested habitats, although the approximately 2 acre processing area is located in a cleared area in the northwestern portion of the parcel. The processing area is the location of a former mill site and previously operated as an accessory function to the mill site prior to 1972. Processing operations have been idle since 2017, and the processing equipment is being temporarily stored at an off-site location along Baker Creek Road, approximately 0.35 miles southeast of the site. The processing site has an intermittent Class II seasonal creek along its northern boundary and would require all pre- and post-processed quarry rock materials, processing equipment, and stockpile-retaining structures (K-rails) to be setback a minimum distance of 50 feet from the top of bank or outer edge of riparian (whichever is greater), in accordance with Streamside Management Area (SMA) setback distances established in the 2017 Humboldt County General Plan.

The Baker Creek Quarry has been under operation and intermittently mined since the 1950s. Baker Creek, a Class I perennial stream, is located adjacent to the quarry, along the quarry's western, northern, and northeastern boundaries, within approximately 50 feet of the operating area. No excavation occurs below the adjacent stream elevation. A high berm between the stockpile area and Baker Creek ensures erosion and run-off is minimized. Additionally, the stockpile area is sloped to direct any run-off away from the stream where it is captured in a holding pond. Overflow from the pond passes through sediment filters before it is allowed to drain to the stream.

A general survey of habitats was conducted during the January 24, 2019 site visit, in which three different habitat types were found in the project area. The primary habitat found on the processing site is ruderal grassland. The dominate plant species found in the non-native grassland include sweet vernal grass (*Anthoxanthum oderatum*), perennial bluegrass (*Poa pratensis*), creeping buttercup (*Ranunculus repens*), and white clover (*Trifolium repens*). A small narrow strip of riparian habitat is found on an unnamed stream

channel, north of the processing area, with more robust riparian habitat found along Baker Creek. The dominate plant species found in the riparian habitat area include Pacific willow (*Salix lasiandra*), white alder (*Alnus rhombifolia*), Oregon ash (*Fraxinus latifolia*), California blackberry (*Rubus ursinus*), and penny royal (*Mentha pulegium*). Mixed evergreen forest is the remaining habitat type, associated with uplands adjacent to the gravel processing area and the rock quarry. The dominate plant species found in the mixed evergreen forest include coast redwood (*Sequoia sempervirens*), California bay (*Umbellularia californica*), tan oak (*Notholithocarpus denisflorus*), and evergreen huckleberry (*Vaccinium ovatum*).

4.0 POTENTIAL SENSITIVE SPECIES ANALYSIS

The following section discusses the sensitive plant species historically reported nearby and the sensitive wildlife species with the potential to occur at the processing and quarry sites. Federal laws have provided the USFWS with a mechanism for conserving and protecting the diversity of native plants and animals. A sizable number of native plants and animals have been formally designated as threatened or endangered under federal endangered species legislation. Others have been designated as "candidates" for such listing. Still others have been designated as "species of special concern" by the USFWS. The CNPS has developed its own set of lists of native plants considered rare, threatened, or endangered (CNPS 2018). Collectively, these plants and animals are referred to as "special status species." The information used in this assessment was compiled from public information research and field reconnaissance. Public sources of information were investigated with respect to the species of concern. These sources include current professional publications, professional communications, natural resource data base inquiries, and current landowner contact.

The CNPS published the most recent edition of the Inventory of Rare and Endangered Vascular Plants of California. Plants listed in the Inventory are placed into one of five categories:

1A. Plants that are presumed extinct in California;
1B. Plants that are rare or endangered in California and elsewhere;
2. Plants that are rare or endangered in California but more common elsewhere;
3. Plants for which more information is needed for final listing to be undertaken; and
4. Plants of limited distribution (a watch list) which are uncommon enough that their status needs monitoring.

The CDFW has primary responsibility for the protection of sensitive plant species at the State level. The Department acts in an advisory capacity to other State agencies, such as the California Coastal Commission, in matters relating to sensitive species and sensitive habitats. In this capacity, CDFW staff may request avoidance of sensitive species and/or mitigation for impacts on these species. California recognizes the following categories of sensitive plant species:

1. Endangered species;
2. Threatened species;
3. Rare species;
4. Candidate species (those which are under review by the Department for addition to the list of Threatened or Endangered species); and
5. Species of Concern (those listed in the CNPS Inventory which are not included in any of the above categories).

The U.S. Fish and Wildlife Service (USFWS) functions in a manner similar to that of CDFW, but on a Federal level. This agency has primary responsibility for protection of all species falling under the Endangered Species Act (ESA, -1973). The following are categories utilized under the ESA:

1. Endangered species;
2. Threatened species;
3. Listed species (those which have been the subject of a proposed and final rule or regulation published in the Federal Register);
4. Proposed species (those species for which a proposed regulation has been published in the Federal Register, but not a final rule);
5. Candidate species (those which USFWS is considering for listing as endangered or threatened but which have not been the subject of a proposed rule); and
6. Non-candidate species (those species which have previously been considered candidates, but have been dropped for one or more reasons).

4.1 Potential Plant Species

A list of sensitive plant species recorded from the general vicinity of the subject sites was compiled. For this analysis, sensitive plant species include all of those which are protected by State and/or Federal law, plus those considered rare or endangered by the CNPS. Taxonomic details as well as the general ecology of these species were reviewed prior to the field investigation. Table 1, below, provides a list of plant species known to occur within the vicinity of the project area and an evaluation of each species' potential to occur on the two sites. Included in the table are State and Federal threatened, endangered, or State species of concern.

Table 1. Special Status Plant Species with Potential to Occur Within the Project Vicinity

Species	Status[2]	Habitat	Occurrence in the Project Vicinity[1]
Oregon Golden-thread *(Coptis laciniata)*	CNPS 4.2	This species occurs in damp stream margins terrestrial habitat	**Possible but unlikely**. Suitable habitat for this species occurs along the Mattole River and Baker Creek rocky banks in the project area.
Pacific gilia (*Gilia capitata* ssp. *pacifica)*	CNPS 1B.2	Occurs in grasslands, coastal scrub communities.	**Unlikely**. Native grassland habitat does not occur in the project area.
Howell's montia *(Montia howellii)*	CNPS 2B.2	Requires seasonal wet bare soil & seeps as terrestrial habitat	**Possible**, historic record from "White Thorn valley". Suitable bare soil habitat for this species does occur in the project area but extremely rocky, with little possibility of ponding.
White-flowered Rein Orchid (*Piperia candida)*	CNPS 1B.2	Mostly restricted to coastal scrub, prairie and coniferous forest.	**Unlikely**. Undisturbed forest soils setback from work areas.
Oregon polemonium *(Polemonium carneum)*	CNPS 2B.2	This species requires dry stream beds & banks as terrestrial habitat	**Possible**. Nearest known population over 30 miles from the project area.
Maple-leaved checkerbloom (*Sidalcea malachroides)*	CNPS 4.2	Mostly restricted to coastal scrub, prairie and coniferous forest.	**Unlikely**. Much of the project site is highly disturbed and altered.
Siskiyou checkerbloom (*Sidalcea malviflora* ssp. *patula)*	CNPS 1B.2	Mostly restricted to coastal scrub, prairie and coniferous forest.	**Unlikely**. Much of the project site is highly disturbed and altered.

Species	Status[2]	Habitat	Occurrence in the Project Vicinity[1]

OCCURRENCE DESIGNATIONS:
Present: Species observed on the study area at time of field surveys or during recent past.
Likely: Species not observed on the study area, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed in the study area, but it could occur there from time to time.
Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed in the study area and precluded from occurring there because habitat requirements not met.

*STATUS CODES:

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FC	Federal Candidate	CSC	California Species of Special Concern
CNPS	California Native Plant Society Listing		
SCT	California Candidate Threatened		

Of the seven plant species listed above, three species have the potential to occur at the two sites, including Oregon goldthread (*Coptis laciniata*), Howell's montia *(Montia howellii*), and Oregon polemonium (*Polemonium carneum*). These species were searched for but not detected at either site.

4.2 Potential Wildlife Species

A list of sensitive wildlife species known to occur within the project vicinity is provided in Table 2, with a list of migratory birds protected under the Migratory Bird Treaty Act (MBTA) provided in Table 3, below.

Table 2. Special Status Wildlife Species with Potential to Occur Within the Project Vicinity

Species	Status[2]	Habitat	Occurrence in the Project Vicinity[1]
Invertebrates			
Western bumblebee *(Bombus occidentalis)*	None	Widespread	**Possible**. Suitable colonial habitat along the Mattole River and Baker Creek.
Obscure bumblebee *(Bombus caliginosus)*	None	West coast	**Possible**. Suitable colonial habitat along the Mattole River and Baker Creek.
Fish			
Chinook Salmon *(Oncorhynchus tshawytscha)*	FT	California coastal ESU (evolutionarily significant unit).	**Present**. Chinook anadromy documented for Baker Creek.
Coho Salmon *(Oncorhynchus kisutch)*	FT/CT	Southern Oregon/Northern California ESU.	**Present**. Coho anadromy documented for Baker Creek.
Steelhead *(Oncorhynchus mykiss)*	FT	Northern California ESU.	**Present**. Steelhead anadromy documented for Baker Creek.
Amphibians and Reptiles			
Southern Torrent Salamander (*Rhyacotriton variegatus)*	CSC	Cold, freshwater streams	**Possible**. Baker Creek and tributaries appear likely habitat.
Red-bellied Newt *(Taricha rivularis)*	CSC	Freshwater streams	**Possible**. Mattole River and Baker Creek appear to be likely habitat.
Northern Red-legged Frog *(Rana aurora)*	None	North coast freshwaters	**Possible**. Suitable habitat for this species occurs in the study area.

Species	Status[2]	Habitat	Occurrence in the Project Vicinity[1]
Foothill Yellow-legged frog *(Rana boylii)*	SCT	Rocky stream beds	**Possible**. Suitable habitat (gravel stream bed) for this species occurs in the project area.
Western Pond Turtle *(Emys marmorata)*	None	North coast freshwaters	**Unlikely**. Suitable habitat (permanent ponds) for this species does not occur in the study area.
Birds			
Great Blue Heron *(Ardea herodias)*	None	North coast coniferous forest (nesting only), dependent on mature stands.	**Possible**. Suitable habitat (canopy trees) for this species occurs in the study area.
Marbled Murrelet *(Brachyramphus marmoratus)*	FT/ST	Nests on limbs in mature trees.	**Possible, but unlikely**. Suitable habitat (mature forest stands) for this species does not occur in the study area.
Northern Spotted Owl *(Strix occidentalis caudata)*	FT	Mature forest	**Possible**. Known nesting pair is located in an adjacent drainage.
Western Yellow-billed Cuckoo (*Coccyzus americanus)*	FT	Open woodland, parks, deciduous riparian woodland.	**Unlikely**. Suitable habitat (expansive, multi-layered riparian forest) for this species is severely limited.
Mammals			
Pallid Bat (*Antrozous pallidus*)	None	North coast forests. Rock den sites.	**Possible**. Suitable roost habitat for this species occurs in the study area.
Hoary Bat (*Lasiurus cinereus*)	None	North coast forests.	**Possible**. Suitable roost habitat for this species occurs in the study area.
Sonoma tree vole (*Arborimus pomo*)	None	North coast coniferous forests.	**Possible**. Suitable habitat (mature Douglas-fir trees) for this species occurs in the project area.
Pacific Fisher (*Pekania pennanti*)	PT	North coast coniferous forests. Depends on sizable tree hollows for raising young.	**Possible**. Suitable habitat (mixed coniferous forest) for this species occurs in the project area.

OCCURRENCE DESIGNATIONS:
Present: Species observed on the study area at time of field surveys or during recent past.
Likely: Species not observed on the study area, but it may reasonably be expected to occur there on a regular basis.
Possible: Species not observed in the study area, but it could occur there from time to time.
Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed in the study area and precluded from occurring there because habitat requirements not met.

*STATUS CODES:

FE	Federally Endangered	CE	California Endangered
FT	Federally Threatened	CT	California Threatened
FPE	Federally Endangered (Proposed)	CR	California Rare
FC	Federal Candidate	CSC	California Species of Special Concern
CNPS	California Native Plant Society Listing		
SCT	California Candidate Threatened		

Of the species known to be in and around the U.S.G.S. Briceland Quad for the subject property, coho salmon (both Federal and State threatened), chinook salmon (Federal threatened), and steelhead trout (Federal threatened), are known in the streams adjacent to each site. Additionally, there is the potential for the following special status species to be located within the project area:

- Two special status invertebrate species, western bumblebee and obscure bumblebee;
- Four special status amphibian and reptile species [southern torrent salamander, red-bellied newt, northern red-legged frog (*Rana aurora*), and foothill yellow-legged frog];
- Three special status bird species, great blue heron, marbled murrelet, and northern spotted owl; and

- Four special status mammal species, pallid bat, hoary bat, Sonoma tree vole, and fisher.

4.2.1 Migratory Birds

The Migratory Bird Treaty Act (MBTA) of 1918 expressly forbids any party, unless permitted by regulations, to "pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry, or cause to be carried by any means whatever, receive for shipment, transportation or carriage, or export, at any time, or in any manner, any migratory bird, included in the terms of this Convention…for the protection of migratory birds…or any part, nest, or egg of any such bird" (16 U.S.C. 703). On March 1, 2010, the USFWS revised the MBTA adding additional species to the list. There are now 1007 bird species listed. The following MBTA species, provided in Table 3, below, are listed by the USFWS for the Briceland Quad.

Table 3. Migratory Birds Listed on the Briceland Quadrangle

Species	Status	Habitat	Occurrence in the Study Area[1]
Allen's Hummingbird (*Selasphorus sasin*)	Bird of Conservation Concern	Season, Breeding: Chaparral, thickets, brushy hillsides, open coniferous woodlands, and gardens near coast, often in ravines and canyons. Nests on twig or fork of tree or shrub, sometimes on stalk of plant, among in vines, occasionally in building.	**Likely** in the project area.
Golden Eagle (*Aquila chrysaetos)*	Bird of Conservation Concern	Year-round: Breeding habitat most commonly includes tall trees or on pinnacles or cliffs near water.	**Unlikely**. Project area appears much too close to active roads, traffic, human habitation.
Bald Eagle (*Haliaeetus leucocephalus)*	Bird of Conservation Concern	Year-round: Breeding habitat most commonly includes areas close to (within 4 km) coastal areas, bays, rivers, lakes, reservoirs, or other bodies of water that reflect the general availability of primary food sources including fish, waterfowl, or seabirds. Nests usually are in tall trees or on pinnacles or cliffs near water.	**Unlikely**. Suitable foraging habitat for this species does not occur in the project area.
Burrowing Owl (*Athene cunicularia)*	Bird of Conservation Concern	Year-round: Habitat includes open grasslands, especially prairie, plains, and savanna, sometimes other open areas such as vacant lots near human habitation or airports. This owl spends much time on the ground or on low perches such as fence posts or dirt mounds.	**Absent**. Suitable habitat for this species does not occur in the study area.
Loggerhead Shrike **(***Lanius ludovicianus)*	Bird of Conservation Concern	Season, Wintering: Open country with scattered trees and shrubs, and, occasionally, open woodland; often perches on poles, wires or fence posts.	**Unlikely**. Suitable habitat for this species does occur in the study area, but it is an extremely rare migrant or wintering species in the region.
Peregrine Falcon (*Falco peregrinus)*	Bird of Conservation Concern	Year-round: Occurs in areas where prey concentrate, including farmlands, marshes, lakeshores, river mouths, tidal flats, dunes and beaches, broad river valleys, cities, and airports.	**Absent**. No suitable nesting habitat for this species occurs in the study area.
Short-eared Owl (*Asio flammeus)*	Bird of Conservation Concern	Season, Wintering: Broad expanses of open land with low vegetation for nesting and foraging are required.	**Unlikely**. A broad expanse of grassland habitat for this species does not occur in the study area.

Species	Status	Habitat	Occurrence in the Study Area[1]
		Habitat types frequently mentioned as suitable include fresh and saltwater marshes, bogs, dunes, prairies, grassy plains, old fields, tundra, moorlands, river valleys, meadows, savanna, open woodland, and heathland.	
Willow Flycatcher (*Empidonax traillii)*	Bird of Conservation Concern	Season, Breeding: Strongly tied to brushy areas of willow (*Salix* spp.) and similar shrubs. Found in thickets, open second growth with brush, swamps, wetlands, streamsides, and open woodland. Common in mountain meadows and along streams; also in brushy upland pastures (especially hawthorn) and orchards. The presence of water (running water, pools, or saturated soils) and willow, alder (*Alnus* spp), or other deciduous riparian shrubs are essential habitat elements.	**Absent**. Suitable habitat for this species does not occur in the study area.
Yellow Warbler (*Dendroica petechia* ssp. *brewsteri)*	Bird of Conservation Concern	Season, Breeding: Habitat includes open scrub, second-growth woodland, thickets, farmlands, and gardens, especially near water; riparian woodlands, especially of willows, are typical habitat in the West.	**Absent**. Suitable habitat for this species does not occur in the study area.
Yellow-breasted Chat (*Icteria virens)*	Bird of Conservation Concern	Season, Breeding: Strongly tied to brushy areas of willow (*Salix* spp.) and similar shrubs. Found in thickets, open second growth with brush, swamps, wetlands, stream sides, and open woodland.	**Absent**. Suitable habitat for this species does not occur in the study area.

OCCURRENCE DESIGNATIONS:
Present: Species observed on the study area at time of field surveys or during recent past.
Likely: Species not observed on the study area, but it may be reasonably expected to occur there on a regular basis.
Possible: Species not observed in the study area, but it could occur there from time to time.
Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.
Absent: Species not observed in the study area and precluded from occurring there because habitat requirements not met.

Of the 10 migratory birds listed above, one species, Allen's Hummingbird (*Selasphorus sasin*), is likely to occur at or within the vicinity of the subject sites.

5.0 SURVEY RESULTS

5.1 Plants

Of the seven special status plant species potentially occurring in the project area, three plant species, Oregon goldenthread (*Coptis laciniata*), Howell's montia (*Montia howellii*), and Oregon polemonium (*Polemonium carneum*), are considered to have the potential to occur within the sites (CDFW, 2019; CNPS, 2019); however, no special status plant species were observed on the processing or quarry sites. Vegetation at the two sites has been highly altered and modified by past and current land use and development. These activities have altered the environmental conditions at the sites so that common, non-native plant species

dominate the sites. The ongoing disturbed nature of the sites and regular impacts from human intrusion are factors that likely contribute to the absence of rare plants or their ability to colonize the sites over time, with the exception of species that can tolerate a high disturbance regime. Given the above information and the fact that no special status plant species were detected during the site visit, the proposed project is not anticipated to directly or indirectly impact any listed or special status plant species. Approximately 2 acres were traversed with a special emphasis placed on the proposed areas to be disturbed by project activities. This survey did not indicate the need for a more in-depth analysis of criteria habitat or occurrence of special status species due to the lack of habitat of listed species.

5.2 Wildlife

Wildlife species that were observed in the project area include many species of birds such as band-tailed pigeon (*Patagioenus fasciata*), American robin (*Turdus migratorius*), song sparrow (*Melospiza melodia*), black phoebe (*Sayornis nigricans*), American crow (*Corvus brachyrhynchos*), white-crowned sparrow (*Zonotricha leucophrys*), Lesser Goldfinch (*Carduelis psaltria*), and yellow-rumped warbler (*Setophaga coronata*). Black-tailed deer (*Odocoileus hemionus*) sign were found throughout as was botta valley pocket gopher (*Thomomys bottea*) sign. Scattered Pacific tree frogs (*Pseudoacris regilla*) were also observed and one black salamander (*Aneides flavipunctatus*) was located. No special status wildlife species were observed.

6.0 EFFECTS ANALYSIS

No listed plant species were detected on the property. Based on the site survey, wildlife species utilizing the project area include common resident and wintering species, which utilize the upland habitats in the upper Mattole River basin. Although 2 sensitive amphibian species (northern red-legged frog and foothill yellow-legged frog), four sensitive bird species (great blue heron, marbled murrelet, northern spotted owl, and Allens' hummingbird), one terrestrial mammal species (Pacific Fisher), and two bat species are noted as potentially occurring in the project area (see Tables 2 and 3), little habitat occurs on-site for any of the above species or project activities are located far enough from potential occurrence sites. The closest occurring known nesting habitat for northern spotted owl is in a different drainage and is nearly one mile away to the southeast from both processing and quarry sites. Although a portion of the processing site is located in designated critical habitat for marbled murrelet (FWS, 2011), only scattered remnant over story redwoods occur near the site and appear not to be suitable occupied territory. Therefore, no effects, directly or cumulatively for any listed terrestrial species would occur from the development of this project area. In addition, no site clearing would occur at either site as a part of the project. Current operations at the quarry would continue and operations at the processing site would conform to the site's historic use. As such, no direct impacts to migratory birds is anticipated. However, should future site clearing be proposed at either site, potential direct impacts to migratory bird species may occur if construction occurs during the breeding season. If any future vegetation removal and other on-site work is to be completed during the migratory bird breeding season (March 1-August 15), a nesting bird survey of birds protected under the Migratory Bird Act should be conducted on the site.

Based on CalFish (CDFW, 2019) data, Chinook salmon, coho salmon, and steelhead trout are known to use the Mattole River and Baker Creek channels. Although suitable spawning habitat appears absent from either site, sufficient stream setbacks and proper exposed soil Best Management Practices (BMPs) from site construction is recommended and stream bank protection and/or rehabilitation is encouraged.

7.0 CONCLUSIONS AND FINDINGS

Provided adequate stream setbacks (50 feet minimum), implementation of disturbed soil BMPs, and storm water drainage control, no effects, directly or cumulatively for any listed species will occur from the development of this project area. Although no site clearing or vegetation removal is proposed at this time, should any future vegetation removal or any construction be planned for the breeding bird season (March 1- August 15) and appropriate mitigation measures are followed (pre-construction breeding bird surveys), then effects on protected birds under the Migratory Bird Act would be reduced to insignificant. Consultation with the National Marine Fisheries Service (NMFS) and CDFW is recommended prior to developing construction plans to determine adequate Baker Creek setbacks. Due to previously unpermitted site use at the gravel processing location next to the Briceland-Thorne Road and riparian vegetation clearing in the northern portion of the processing site, it is recommended by CDFW, in follow-up comments received on February 20, 2019, that the riparian corridor be planted with native riparian plant species. Cuttings of native tree stock from on-site placed in the ground during the winter and periodically watered during the summer to encourage successful establishment should be a condition of permit approval.

8.0 TERMS AND CONDITIONS

The data and findings presented by LACO Associates are valid to the extent that they represent habitat analysis and/or actual sightings of the wildlife described within this Report. To the maximum extent permitted by law, all implied warranties and conditions in relation to the services provided by LACO Associates and the Report are excluded unless they are expressly stated to apply in this Report. The services undertaken by LACO Associates in connection with preparing this Report:

- Were limited to those specifically detailed in this Report;
- The opinions, conclusions and any recommendations in this Report are based on assumptions made by LACO Associates when undertaking services and preparing the Report;
- LACO Associates expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with any of the assumptions being incorrect; and
- Subject to the paragraphs in this section of the Report, the opinions, conclusions and any recommendations in this Report are based on conditions encountered and information reviewed at the time of preparation and may be relied on until six months, after which time, LACO Associates expressly disclaims responsibility for any error in, or omission from, this Report arising from or in connection with those opinions, conclusions and any recommendations.

9.0 REFERENCES

California Department of Fish and Wildlife, California Natural Diversity Data Base. November 2018. Special Animals List. Periodic publication. 67 pp.

California Department of Fish and Wildlife. August 6, 2019. State & Federally Listed Endangered and Threatened Animals of California. California Department of Fish and Game, Wildlife and Habitat Data Analysis Branch. 14 pp.

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California Native Plant Society. January 2019. The CNPS Inventory of Rare and Endangered Plants. http://www.cnps.org/cnps/rareplants/inventory/.

U. S. Fish and Wildlife Service. 2011. Endangered and Threatened Wildlife and Plants; Revised Critical Habitat for the Marbled Murrelet. Federal Register 61 FR 26256.

U. S. Fish and Wildlife Service. 2019. Information for Planning and Conservation. Project Species List.

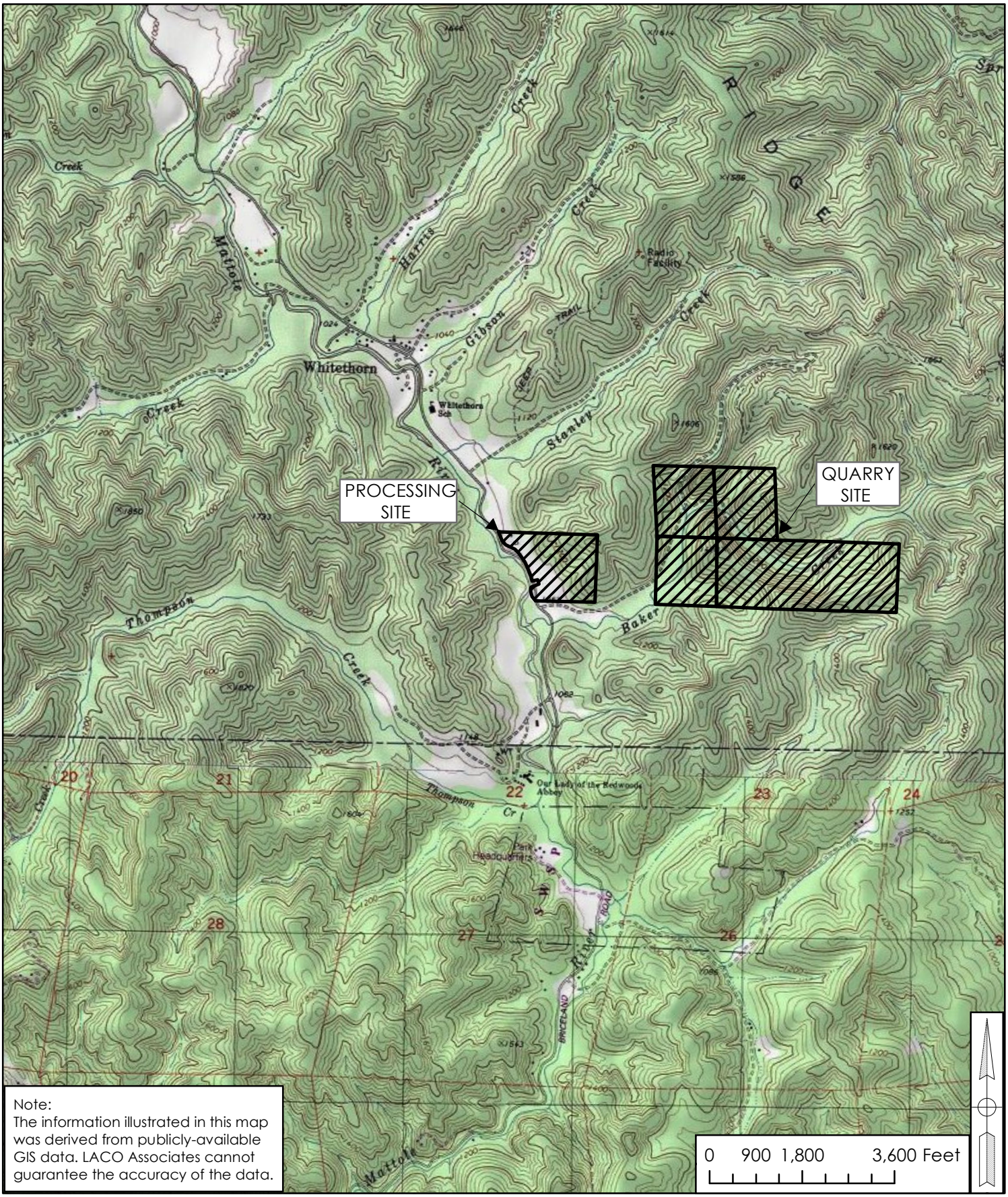
APPENDIX 1

Figure 1 Site Vicinity Map

Figure 2 Processing Site Map

Figure 2a Quarry Site Map

LACO	PROJECT	WILCOX PROCESSING FACILITY	BY	CMB	FIGURE
EUREKA • UKIAH • SANTA ROSA	CLIENT	G.R. WILCOX ENTERPRISES	CHECK	MMM	1
1-800-515-5054 www.lacoassociates.com	LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA 95589	DATE	2/8/2019	JOB NO. 5375.01
		SITE VICINITY MAP			



Date: 2/8/2019 Time: 3:34:25 PM
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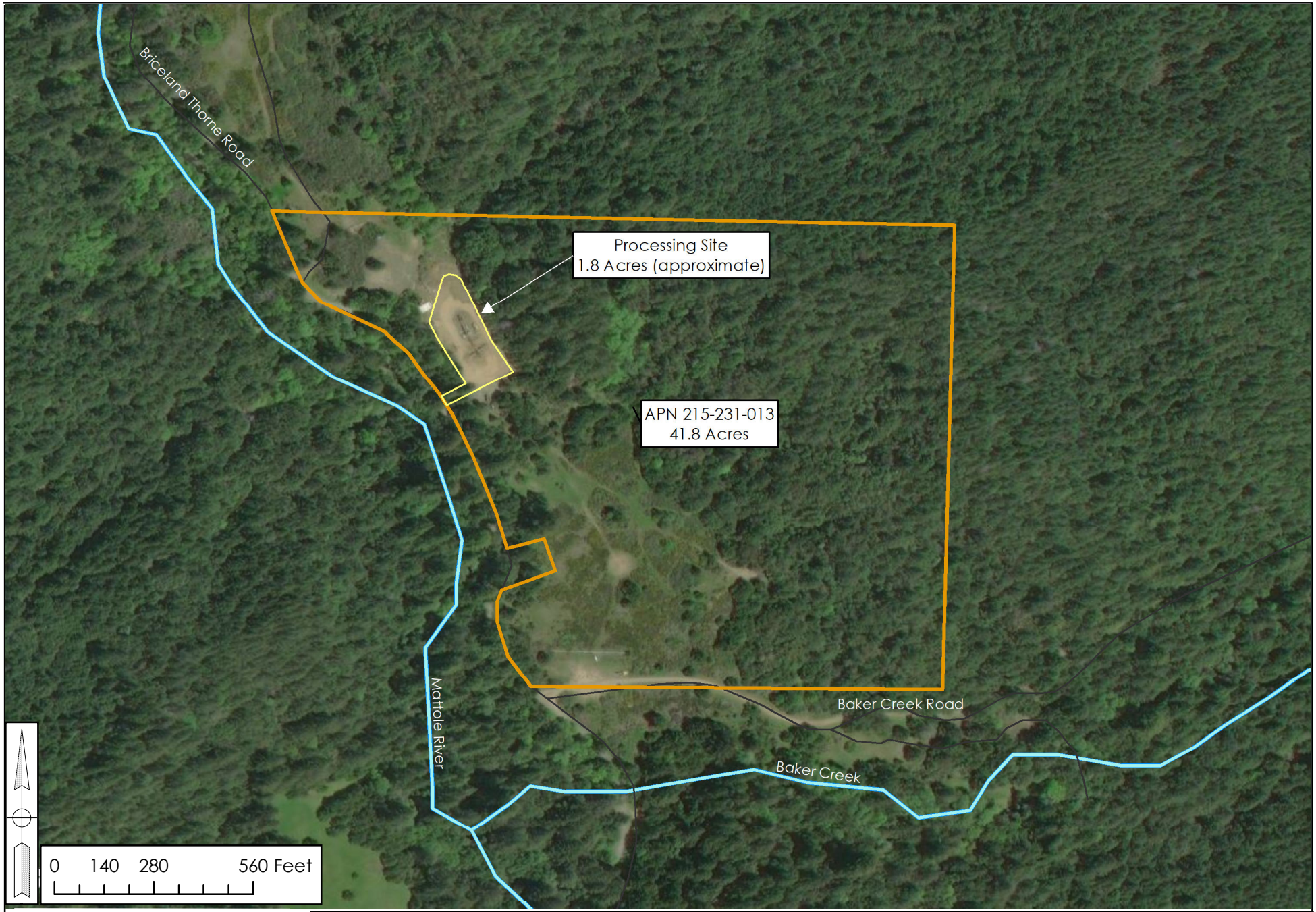

Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

LACO
EUREKA • UKIAH • SANTA ROSA
1-800-515-5054 www.lacoassociates.com

PROJECT	WILCOX PROCESSING FACILITY	BY CMB/MCH	FIGURE 2
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE 5/20/2019	JOB NO. 5375.01
	PROCESSING SITE		

Date: 5/20/2019 Time: 11:20:53 AM
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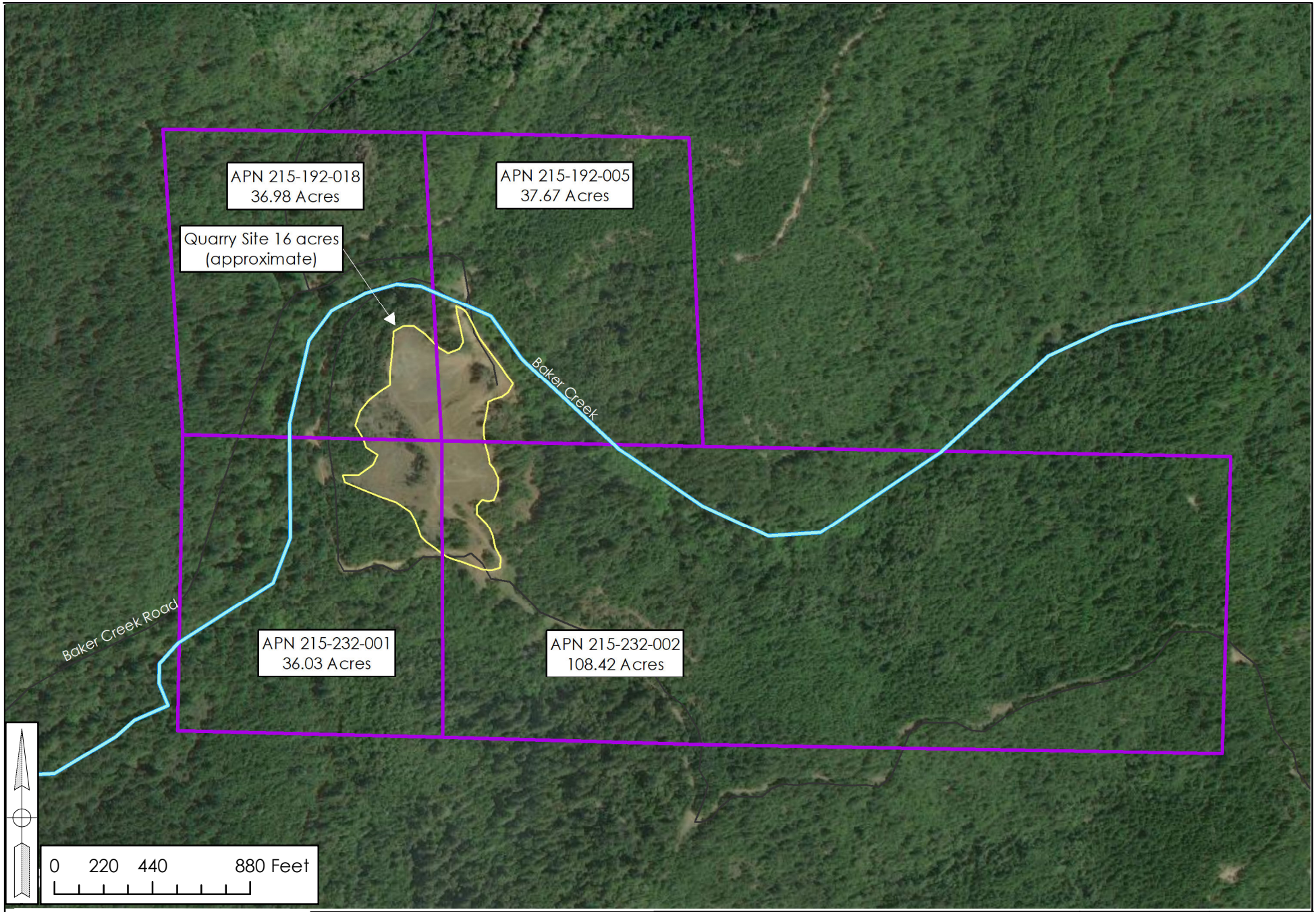

Note:
The information illustrated in this map was derived from publicly-available GIS data. LACO Associates cannot guarantee the accuracy of the data.

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1-800-515-5054 www.lacoassociates.com

PROJECT	WILCOX PROCESSING FACILITY	BY CMB/MCH	FIGURE 2a
CLIENT	G.R. WILCOX ENTERPRISES	CHECK MMM	
LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE 5/20/2019	JOB NO. 5375.01
	QUARRY SITE		

Date: 5/20/2019 Time: 11:13:14 AM
Path: P:\5300\5375 RAY WILCOX\5375.01 CONDITIONAL USE PERMIT\12 Figures_Maps\GIS\5375.01 Wilcox Figure 2a Quarry Site.mxd

APPENDIX 2

Site Photos

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Site Photos

Processing Site

Photo 1: Unnamed seasonal drainage in northern portion of Processing Site

Photo 2: Former crossing

Photo 3: Location of Existing K-Rails (approx. 25 feet from drainage)

Photo 4: Existing K-Rails and Storage Piles

Photo 5: Unnamed drainage (looking east from Briceland-Thorn Road)

Photo 6: Unnamed drainage and existing culvert (looking west from Briceland-Thorn Road)

Quarry Site

Photo 7: Quarry face and existing sedimentation basins

Photo 8: Existing pond (fed by spring)

Photo 9: Baker Creek and existing bridge (40 ft. L x 20 ft. W)

b

Photo 10: View of Baker Creek from existing bridge

Photo 11: View of existing rock berm from private road, adjacent to Baker Creek

Photo 12: Observed Black Salamander

APPENDIX 3

Observed Plant Species List

Observed Species Plant List within the Vicinity

Trees	
Acer macrophyllum	bigleaf maple
Alnus rhombifolia	white alder
Frangula purshiana	cascara
Notholithocarpus densiflorus	tan-oak
Pseudotsuga menzeisii	Douglas-fir
Salix lasiandra	Pacific willow
Sequoia sempervirens	coast redwood
Umbellularia californica	California bay
Shrubs	
Baccharis pilularis	coyote brush
Lonicera involucrata.	twinberry
Riber sanguinium	red-flowering currant
Rosa sp.	cultivated rose
Rubus armeniacus	Himalayan blackberry
Rubus parviflorus	thimbleberry
Rubus ursinus	California blackberry
Sambucus racemosa	red elderberry
Symphoricarpos albus var. *laevigatus*	common snowberry
Toxicodendron diversiloba	poison oak
Herbaceous Species	
Achillea millefolium	yarrow
Agoseris stolonifera	redtop
Anagallis arvensis	scarlet pimpernel
Anthoxanthum odoratum	sweet vernal grass
Athyrium filix-femina	lady fern
Avena barbata	slender wild oat
Avena fatua	wild oat grass
Brassica nigra	black mustard
Bromus catharticus	rescue grass
Bromus diandrus	ripgut grass
Bromus hordeaceus	soft chess
Callitriche sp.	water star-wort
Carex leptopoda	slender-footed sedge
Cyperus eragrostis	tall flat-sedge
Dactylis glomerata	orchard grass
Daucus carota	Queen Anne's lace
Dipsacus fullonum	wild teasel

Dryopteris expansa	wood fern
Equisetum arvense	common horsetail
Erigeron canadensis	horseweed
Erodium cicutarium	red-stem filaree
Foeniculum vulgare	fennel
Festuca arundinacea	tall fescue
Festuca perennis	perennial ryegrass
Geranium dissectum	cut-leaved geranium
Holcus lanatus	common velvet grass
Hordeum marium spp. gussoneanum	Mediterranean barley
Hypochaeris glabra	annual cat's-ear
Hypochaeris radicata	hairy cat's-ear
Juncus bufonius	common toad rush
Juncus effusus	common rush
Juncus occidentalis	western rush
Juncus patens	spreading rush
Lapsana communis	nipplewort
Lathyrus latifolius	everlasting pea
Linum bienne	western blue flax
Lotus corniculatus	birdsfoot trefoil
Lythrum hyssopifolia	hyssop loosestrife
Malva nicaeensis	bull mallow
Marah oregana	coast man-root
Matricaria discoidea	pineapple weed
Mentha pulegium	pennyroyal
Physocarpus capitata	ninebark
Plantago lanceolata	English plantain
Plantago major	common plantain
Poa annua	annual bluegrass
Poa pratensis	Kentucky bluegrass
Polygonum aviculare	knotweed
Polygonum maculosa	lady's thumb
Polystichum munitum	sword fern
Potentilla sp.	cinquefoil
Prunella vulgaris var. vulgaris	self-heal
Pteridium aquilinum var. *pubescens*	western bracken fern
Ranunculus repens	hairy buttercup
Raphanus sativus	wild radish
Rubus ursinus	California blackberry
Rumex acetosella	sheep sorrel
Rumex crispus	curly dock

Salix lasiandra	Pacific willow
Scrophularia californica	figwort
Sonchus sp.	sow thistle
Stachys sp.	hedge-nettle
Symphyotrichum chilense	California aster
Taraxacum officinale	dandelion
Trifolium pratense	red clover
Trifolium repens	white clover
Typha latifolium	cattail
Vicia villosa	hairy vetch
Vinca major	greater periwinkle

APPENDIX 4

Observed Wildlife Species List

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Wildlife Species Observed within the Vicinity

Species	Status[2]	Habitat	Occurrence in the Study Area[1]
Birds			
Mountain Quail *(Oreortyx pictus)*	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Turkey Vulture *(Cathartes aura)*	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Red-shouldered Hawk *(Buteo lineatus)*	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Red-tailed Hawk *(Buteo jamaicensis)*	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Band-tailed Pigeon *(Patagioenas fasciata)*	DFW-native migratory upland game bird	Statewide forests	Present. Possibly attracted to residential bird feeders and scattered broadleaf trees for cover and native food source.
Anna's Hummingbird (*Calypte anna*)	Native	Resident, widespread	Present, suitable foraging and nesting habitat present
Wrentit *(Chamaea fasicata)*	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
American Robin *(Turdus migratorius)*	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Song Sparrow *(Melospiza melodia)*	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Black Phoebe *(Sayornis nigricans)*	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Common Raven *(Corvus corax)*	DFW-native migratory	Statewide	Present.
American Pipit *(Anthus rubescens)*	Native, not listed	Widespread, winter resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Cedar Waxwing *(Bombycilla cedorum)*	Native, not listed	Widespread, summer breeder	Present. Suitable foraging and nesting habitat occurs in the project area.
Eurasian Starling *(Sturnus vulgaris)*	Non-native	Widespread, resident	Present. Not protected by the Migratory Bird Act.
White-crowned Sparrow *(Zonotricha leucophyrs)*	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Purple Finch *(Haemorhous purpureus)*	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Pine Siskin *(Spinus pinus)*	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Yellow-rumped Warbler (*Dendroica coronata*)	Native, migratory species	Widespread, coniferous forest breeder	Present, likely late migrant.
Mammals			
Valley Pocket Gopher *(Thomomys bottae)*	Native, not listed	Widespread	Present. Not observed in the field, but numerous sign & suitable habitat occurs in the project area.

Species	Status[2]	Habitat	Occurrence in the Study Area[1]
Black-tailed deer *(Odocoileus hemionus columbianus)*	Native, California game mammal	Widespread	Present. Not observed in the field, but numerous sign & suitable habitat occurs in the project area.

1 OCCURRENCE DESIGNATIONS:

Present: Species observed on the study area at time of field surveys or during recent past.

Likely: Species not observed on the study area, but it may be reasonably expected to occur there on a regular basis.

Possible: Species not observed in the study area, but it could occur there from time to time.

Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.

Absent: Species not observed in the study area and precluded from occurring there because habitat requirements not met.

*STATUS CODES:

The native bird species above are protected by the Migratory Bird Act.

Appendix C: Responses to Comments on the Draft IS/MND

RESPONSE TO COMMENTS ON THE DRAFT INITIAL STUDY/ MITIGATED NEGATIVE DECLARATION

Wilcox Processing Facility
State Clearinghouse (SCH) No. 201809204
July 9, 2019

1.0 INTRODUCTION AND PURPOSE

A Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) for the Wilcox Processing Facility Project (project) was prepared by the County of Humboldt (County) in August 2018, pursuant to the California Environmental Quality Act (CEQA), to analyze the potential environmental impacts of the proposed project. The Draft IS/MND was submitted to the State Clearinghouse (SCH No. 201809204) and circulated for public review and comment for a period of 30 days, beginning on September 19, 2018, and ending on October 18, 2018.

As provided in the Draft IS/MND, Ray Wilcox (Applicant) is requesting approval of a Conditional Use Permit (CUP) and Reclamation Plan acceptance submitted concurrently, for the Wilcox Processing Facility (WPF), an existing quarry rock processing facility located approximately 1 mile south of the community of Whitethorn in unincorporated County of Humboldt, on Assessor's Parcel Number (APN) 215-231-013 (site). The processing area is the location of a former mill site and previously operated as an accessory function to the mill site prior to 1972. The processing operations have been idle since 2017 and the processing equipment is being temporarily stored at an off-site location on Baker Creek Road, approximately 0.35 miles southeast of the site. The operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use. Under the Applicant's lease agreement for the Site, the WPF is able to accept material for processing from locations other than the Baker Creek Quarry and, as a result, the two sites have independent utility (i.e., can operate independent of the other operation and are not directly related).

The County received a total of two (2) comment letters on the Draft IS/MND. Comments were received from Mr. Shawn Studebaker (October 3, 2018) and the California Department of Fish and Wildlife (CDFW, October 19, 2018), which are included in Appendix A. Comment letters were numbered according to the date they were received by the County. Individual comments within each comment letter were then labeled in alphabetical order starting with the letter "A."

Written comments made during the public review of the Draft IS/MND intermixed points and opinions relevant to the project's merits with points and opinions relevant to potential environmental effects of the project. The

responses acknowledge comments addressing points and opinions relevant to the project's merits, and discuss as necessary the points relevant to the environmental review required by CEQA.

Table 1, below, lists the organizations who provided written comments on the Draft IS/MND to the County during the 30-day public review period.

Table 1. Comments Received on the Draft IS/MND

Correspondence Number	Date of Correspondence	Commenter
1	October 3, 2018	Mr. Shawn Studebaker
2	October 19, 2018	California Department Fish and Wildlife (CDFW)

Based on edits warranted as a result of the comments and amendments to the State CEQA Guidelines, approved by the Office of Administrative Law (OAL) and filed by the Secretary of State on December 28, 2018, a Revised IS/MND will be prepared and recirculated for public review and comment. The follow section presents and addresses the specific comments received on the Draft IS/MND.

2.0 RESPONSE TO COMMENTS

The following comments were extracted from the two comment letters received on the Draft IS/MND:

2.1 Comment Letter 1 (Shawn Studebaker – October 3, 2018)

Comment 1-A

"I reviewed the Draft Initial Study, Mitigated Negative Declaration and Environmental Checklist (IS/MND) for the proposed Wilcox Processing Facility (Processing Facility). From the description provided in the IS/MND, the applicant is proposing to restart their processing operations after operations were stopped in 2016 after a cease and desist order was issued by the County of Humboldt. The order was issued because the operation did not have permits from the County to operate. It is my understanding this site also lacks permits from other agencies, such as the North Coast Unified Regional Air Quality Control District, and the operation as a whole does not comply with the County's Streamside Management Area Ordinance.

The proposed Processing Facility is described as being an integral part of the Baker Creek Quarry (Quarry) operations, with rock taken from the Quarry to be processed exclusively at the proposed Processing Site. This proposed Processing Site is located approximately one mile from the Quarry with trucks and equipment driving back and forth between sites on the unpaved Baker Creek Road. This dirt road between the Quarry and the Processing site, as well as the Quarry itself, is immediately adjacent to Baker Creek, one of a few consistent salmon and trout tributaries remaining in the Mattole River Watershed.

As is stated in the County application for the Quarry, the Baker Creek Quarry has been selling rock from its location for many years, since at least 1995. It is only since 2003 that the Quarry obtained a conditional use permit from the County of Humboldt. In these documents, it is clearly and repeatedly stated that no processing associated with this operation is, or will, take place. What was explicitly left out of the documents permitting the Quarry in 2003 was that there had been ongoing processing at the proposed project's site of material from Baker Creek Quarry by the applicant since 1995. As stated in the IS/MND, the operation of this processing site continued until 2016, with no County permits or CEQA analysis of its singular or cumulative impacts."

Response to Comment 1-A
This comment summarizes the commenter's understanding of the project and its operational history, based on review of the Draft IS/MND that was circulated for public review. Additionally, the commenter provides information regarding the project area, stating that the unpaved Baker Creek Road, where trucks currently travel back and forth between the Baker Creek Quarry and processing site, is located immediately adjacent to Baker Creek, "one of a few consistent salmon and trout tributaries remaining in the Mattole River Watershed." The comment also reiterates information pertaining to timing of permits and when the quarry and processing sites were under operation, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

More clarifying information, including information on the Baker Creek Quarry operations and history, has been incorporated throughout the Revised Draft IS/MND.

Comment 1-B
"As stated in §15378(a) of the CEQA guidelines, a "project" means the "whole of the action". Projects may not be "piecemealed" or "segmented" and Lead Agencies must look at projects in their entirety. The Quarry and the proposed Processing Facility are inextricably linked, with the project description in the IS/MND clearly linking the two sites and stating that the material processed at the Processing Site will be from the Quarry. In addition, the IS/MND refers to the proposed Processing Facility as being "appurtenant" to the Quarry and links the two project's permitting together (page 13). As a Lead Agency cannot treat each separate permit or approval as a separate project when evaluating environmental impacts, the ultimate CEQA document should include the impacts from all of the components of the Project, including the proposed Processing Facility, the Quarry operations, the road use in between, and impacts to County roads from increased use by dump trucks and other large trucks. These together constitute the "Project", as defined under CEQA, and the comments provided in this letter assume the whole of the action will ultimately be evaluated."

Response to Comment 1-B
The comment reiterates the definition of a project included under Section 15378(a) of the State CEQA Guidelines, which defines a project as "the whole of an action." In addition, the comment claims the processing facility and the Baker Creek Quarry are "inextricably linked" and therefore the Lead Agency should evaluate the impacts from all of the components of the Project, including the proposed processing facility, existing quarry operations, and roadways, including any impacts to County roads from increased use by dump trucks and other large trucks.

The WPF is able to accept material for processing from locations other than the Baker Creek Quarry per the lease agreement for the Site, and, as a result, the proposed project is being evaluated and processed as a separate Conditional Use Permit (CUP). The Applicant is also seeking approval of a separate Reclamation Plan specific to the processing facility site. In addition to evaluating the proposed processing facility, the Draft IS/MND for the project has been revised to include an evaluation of the quarry and roadways utilized by the project to transport materials from the quarry to the WPF for processing. The Revised Draft IS/MND will be circulated for public review for a period of no less than 30 days.

Comment 1-C
"As the IS/MND states, the site proposed for the processing facility has been out of operation for two years. As such, the former use of this site for processing material should not be part of the environmental baseline for determining environmental impacts. As the environmental baseline is generally determined at the time

the IS is issued, all environmental impacts from the proposed project should be considered *in addition* to the current baseline conditions. The baseline should include conditions as they currently exist for the location as a whole, including the lack of processing at the processing site, the current traffic levels on Baker Creek Road, a relatively decreased truck traffic on County roads due to the lack of processing, and the current activity levels at the Baker Creek Quarry. The CEQA analysis should be conducted without consideration of historical practices, only conditions that *currently exist at the time the IS was issued*."

Response to Comment 1-C
This comment is in reference to the environmental baseline utilized in the Draft IS/MND for the proposed project. It is the opinion of the commenter that the project's baseline should match the existing conditions. While the County agrees that environmental baselines are generally determined to be the conditions present at the time an Initial Study is completed, this isn't always the best fit for every project. CEQA case law, specifically *North County Advocates v. City of Carlsbad* (2015) (Cal.App.4th), has ruled that a CEQA baseline may consider historic levels of use if and only if supported by substantial evidence. The WPF site operated as the WPF from 1995 to 2017 and was previously utilized to process quarry rock prior to 1972, appurtenant to a previously existing mill. The processing operations at the Site have not changed over the 45+ year period. The Site is currently idle, due to the required Cease and Desist Order issued by the County of Humboldt on May 12, 2017, requiring all processed stockpiles and processing equipment be removed from the Site until such time required permits are obtained.

Prior operations at the existing WPF were limited to daytime operation hours of 6am to 6pm Monday through Friday during peak periods, with fewer days per week of operation the rest of the year. Similar hours of operation would occur under the proposed project. Since proposed operations at the WPF would have the same operating hours and footprint and would utilize the same equipment as the recorded use (which is currently stored at an off-site location), the analysis contained in the Draft IS/MND and Revised IS/MND assumed and will continue to assume the historical use of the WPF site as the environmental baseline.

Comment 1-D
"The IS/MND does not include all of the environmental impacts from the proposed Project. An increase in activity at the Baker Creek Quarry above current baseline conditions is anticipated as operations have severely slowed or ceased since the former processing facility stopped operating two years ago. Anticipated increased activities due to the addition of the proposed Processing Facility include: increase of heavy vehicles on County roads such as Briceland-Thorne Road, substantially increased use of heavy machines such as dump trucks, water tucks, and other vehicles on the unpaved Baker Creek Road, and increased operations at the Baker Creek Quarry. In addition, impacts from increased use of heavy equipment at the Quarry, increased fugitive dust and fine sediments into Baker Creek, and taking water from Baker Creek (or from the seep immediately adjacent to the Creek that would otherwise flow into the creek, thereby taking water from the creek) are expected from the project as a whole."

Response to Comment 1-D
The comment claims that the Draft IS/MND does not include all environmental impacts that are expected as a result of the project. The commenter believes that the addition of the proposed processing facility would increase operations at the Baker Creek Quarry and result in an increase of heavy vehicles and machinery on County roads and Baker Creek Road, increased fugitive dust, an increased amount of fine sediments into Baker Creek, and water extraction from Baker Creek or from the seep immediately adjacent to Baker Creek that would otherwise flow into the creek.

As discussed in the IS/MND and Revised IS/MND, respectively, the proposed project would result in the continuation of the site's historical use as a processing facility. The processing site previously operated as an accessory function to a previously existing mill site located on the north end of the parcel prior to 1972 to create suitable road aggregate and slope protection in accordance to timber hauling and processing and operated as the WPF between 1995 and 2017. Under the proposed project, no construction would occur and the equipment previously utilized on-site (currently stored at an off-site location) would be reinstalled at the site. In addition, the operating hours, footprint, and infrastructure of the processing site would remain the same as recorded historic use. The use would not be intensified beyond historic levels and all impacts would be reduced to a less-than-significant level with mitigation incorporated.

In addition, no changes to the quarry's current operations would occur under the project. The requirements and mitigation measures prescribed under the quarry's original Conditional Use Permit (CUP-03-13), approved by the Humboldt County Planning Commission in February 2006, shall continue to apply and will continue to adequately ensure the minimization of potential impacts associated with continued quarry operations, including but not limited to, minimizing erosion, preventing discharges to State waters, and protecting vegetation and wildlife.

Comment 1-E
"The IS/MND states the new sites will use the same old equipment (page 14). Much of this equipment does not meet new California Air Resources Board (CARB) standards. Not only should the CEQA document consider impacts to air quality and increased greenhouse gas emissions from the equipment proposed to be used, but the project should not be permitted until the applicant demonstrates they can meet these standards and obtain a permit from the North Coast Unified Regional Air Quality Control District, including purchasing new equipment that will meet the Air Board's standards."

Response to Comment 1-E
This comment expresses concerns pertaining to the processing equipment to be utilized on-site and requests the project not be permitted until the Applicant demonstrates the equipment meets all air quality standards and obtains a permit from the North Coast Unified Air Quality Management District (NCUAQMD). Please refer to Sections III (Air Quality) and VII (Greenhouse Gas Emissions) for additional discussion and analysis pertaining to the project's potential air quality impact and greenhouse gas emissions.

Comment 1-F
"The Biological Resources section does not adequately describe the species that will be impacted by the proposed project, and does not include multiple significant impacts to listed species. The Mattole River watershed supports three populations of federally-listed threatened salmonids: California Coastal Chinook salmon (Chinook), Southern Oregon Northern California Coast coho salmon (coho), and Northern California steelhead (steelhead). SONCC coho salmon are also listed by the State of California. The Mattole Salmon Group counted just three adult Coho salmon in the river in the 2009-2010 winter, and only one redd (Haas 2012). In 2010-2011 ten coho were counted and five redds. Since these extremely low counts were conducted in 2009, coho numbers have not rebounded in the system.

In 2012, the population of coho salmon in the Mattole Watershed was determined to have a "high risk of extinction" and a population likely below depensation thresholds by NOAA Fisheries. Depensation, when populations are reduced to very low levels, results in a negative feedback that accelerates a decline toward extinction. Coho population trends in the Mattole River have not improved since the 2012 NOAA report. The Mattole Salmon group stated in their reporting on the 2017 **juvenile coho surveys**, "The continued decline of

coho distribution and abundance in the Mattole **raises questions about how long the population will persist**. Without exceptionally high parr-smolt and smolt-adult survival, it seems unlikely that there will be spawning coho salmon in the Mattole watershed in the winter of 2019-2020" (Queener 2018). NOAA (2012) states that the juvenile stage of coho is the most limited, with summer rearing habitat impaired by low flow conditions, and exacerbated by water withdrawals. Welsh et al. (2001) showed the critical role water temperatures play in coho distribution in the Mattole River, with cool summer water temperatures predicting coho presence. NOAA (2012) recommends that sufficient instream flows be secured and maintained. The California Department of Fish and Wildlife (CDFW) noted young of the year coho in Baker Creek during a site visit to the Quarry (CDFW email dated June 17, 2013).

Recent juvenile coho surveys have highlighted the critical importance of Baker Creek to the survival of the Mattole River coho population (Queener 2018). Baker Creek is one of two tributaries with coho detected all 5 years surveyed, and has accounted for up to 50% of the coho detected in the *entire watershed*. As this population **is near extinction (jeopardy) levels**, ANY impact to critical habitat, including habitat quality or quantity, would constitute a significant impact. In addition to the impacts described above, the increase in activity along Baker Creek from driving along the unpaved surface immediately adjacent to the Creek will have significant impacts to listed species (impacts include: fugitive dust, oils, fuels, brake dust, chemical fuels, increased sedimentation and erosion from the unpaved road, impacts to prey species, increased water temperatures and increased chance of mortality) and should be included in the EIR."

Response to Comment 1-F
This comment expresses concerns related to Section IV, Biological Resources, of the Draft IS/MND and claims that multiple significant impacts would occur. The comment also presents data on coho salmon and counts conducted in the winters of 2009-2010 and 2010-2011. Additionally, the commenter claims that there would be an increase in activity along Baker Creek associated with the proposed project.

The proposed processing activities at the processing site would be consistent with the site's historical use. No changes to the quarry's current operations are proposed under the project. Our analysis conducted for the proposed project found that all potential impacts could be reduced to a less-than-significant level with mitigation incorporated. A *Biological Survey* technical memorandum (Biological Report) was prepared by LACO Associates on May 15, 2019, to characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites. As noted in the Biological Report, although several special status plant and wildlife species and migratory birds protected under the Migratory Bird Treaty Act (MBTA) have the potential to occur at the subject sites, no special status plant species were observed on the processing or quarry sites. The ongoing disturbed nature of the sites and regular impacts from human intrusion are factors that likely contribute to the absence of rare plants or their ability to colonize the sites over time, with the exception of species that can tolerate a high disturbance regime.

As noted in the Biological Survey, implementation of sufficient stream setbacks, proper Best Management Practices (BMPs), and stream bank protection and/or rehabilitation is recommended in order to protect special status fish species and nearby watercourses. Drainage on the processing site is designed to direct surface water flow, resulting from heavy rain, to flow southeast to northwest into a vegetative swale for natural filtering before reaching the ditches along Briceland Thorne Road. In addition, permanent retention barriers (K-rails), currently located 25 feet from the intermittent stream located directly north of the processing area, will be relocated to be a minimum distance of 50 feet from the top of bank or outer edge of riparian

drip-line (whichever is greater), pursuant to the requirements specified in the 2017 County General Plan in order to provide sediment movement and erosion control due to processing activities (stockpiling, hauling, loading and unloading materials) and to prevent both vehicle and pedestrian movement across the stream channel. Two mitigation measures (Mitigation Measures BIO-1 and BIO-2) are included in the Biological Resources section of the Revised IS/MND to mitigate for potential biological impacts:

> **BIO-1**: Project shall be consistent with the requirements of the Regional Water Quality Control Board, and shall employ the Best Management Practices (BMPs) detailed therein.
>
> **BIO-2:** To mitigate for the previously unpermitted site use and associated riparian vegetation clearing in the northern portion of the processing site, the riparian corridor shall be planted with native riparian plant species. Cuttings of native on-site tree stacks shall be placed in the ground during the winter and periodically watered during the summer to encourage successful establishment.

Please refer to Section IV (Biological Resources) and Appendix B (Biological Survey Results) of the Revised IS/MND for more information pertaining to biological resources.

Comment 1-G
"In addition to salmon and trout, there are a variety of special status species that will be impacted by the proposed project as a whole. These include the western pond turtle, *Actinemys marmoratais*, the foothill yellow legged frog, *Rana boylii*, the tailed frog, *Ascaphus truei*, the southern torrent salamander, *Rhyacotriton variegatus*, red-bellied newt, *Taricha rivularis*, and the northern red legged frog, *Rana aurora*.

The western pond turtle is the only remaining freshwater turtle species native to California. Habitat destruction appears to be the major cause of its decline (Brattstrom and Messer, 1988) and the species is listed as a Species of Special Concern by CDFW, and is under review by the US Fish and Wildlife Service. Impacts to this species from the Project, as discussed above, including loss of nesting habitat, should be evaluated in the EIR.

The Foothill Yellow Legged Frog is currently a candidate species for CESA protection by CDFW. As a candidate, it is afforded the same protections as if it were listed. As such, the applicant should be required to obtain an Incidental Take Permit from CDFW to avoid, minimize and mitigate take of the species. Take of this species is likely to occur given the close proximity of Baker Creek Road to Baker Creek, the extreme proximity of the Quarry to Baker Creek, and the associated seep used for water pumping at the Quarry which is likely important off channel habitat for this species. In addition, the proposed Processing Facility is located 50 feet from a class III stream and 200 feet from the Mattole River. As Yellow Legged Frogs utilize class III streams for migration and dispersal and are present year round in and near the Mattole River, take of Yellow Legged Frogs during normal operations at the proposed Processing Facility is likely to occur.

The tailed frog, *Ascaphus truei*, the southern torrent salamander, *Rhyacotriton variegatus*, red-bellied newt, *Taricha rivularis*, and the northern red legged frog, *Rana aurora*, are found in tributaries to the Mattole River (Welsh and Hodgson 2011). These species are all listed as Species of Special Concern by CDFW. Impacts to these species are likely to occur from the Project given the close proximity of Baker Creek Road to Baker Creek, the extreme proximity of the Quarry to Baker Creek and the associated seep used for water pumping at the Quarry which is likely important off channel habitat for these species. Given the proximity of the operations to Baker Creek, the mainstem of the Mattole River, and the pond feature at the Quarry, all of

these species are likely to be impacted from Project activities. For example, northern red legged frogs, a pond breeding species, are likely to utilize the pond feature at the quarry for breeding."

Response to Comment 1-G
This comment lists and describes six species that may be impacted by the proposed project, including: the western pond turtle, *Actinemys marmoratais*, the foothill yellow legged frog, *Rana boylii*, the tailed frog, *Ascaphus truei*, the southern torrent salamander, *Rhyacotriton variegatus*, red-bellied newt, *Taricha rivularis*, and the northern red legged frog, *Rana aurora*. Due to the project's potential to impact these special status species, the comment requests that potential impacts to these species be evaluated.

As noted above, a *Biological Survey* technical memorandum (Biological Report) was prepared by LACO Associates on May 15, 2019, to characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites. As provided in the Biological Report, it was determined there is the potential for the following special status species to be located within the project area:

- Two special status invertebrate species [western bumblebee (*Bombus occidentalis*) and obscure bumblebee (*Bombus caliginosus*)],
- Four special status amphibian and reptile species [southern torrent salamander (*Rhyacotriton variegatus*), red-bellied newt (*Taricha rivularis*), northern red-legged frog (*Rana aurora*), and foothill yellow-legged frog (*Rana boylii*)],
- Three special status bird species (great blue heron (*Ardea herodias*), marbled murrelet (*Brachyramphus marmoratus*), and northern spotted owl (*Strix occidentalis caudata*)], and
- Four special status mammal species [pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), Sonoma tree vole (*Arborimus pomo*), and fisher (*Pekania pennant*].

However, no special status species were observed at the quarry and processing sites. As determined in the Biological Report, with the site features and recommended measures, no significant biological impacts would be anticipated as a result of the continued processing operations.

Please refer to Section IV (Biological Resources) and Appendix B (Biological Survey Results) of the Revised IS/MND for more information pertaining to biological resources.

Comment 1-H
"As described above, there are many State and federally listed species, as well as Species of Special Concern present in or near the Project. In addition to habitat loss and degradation, one of the most limiting factors for the continuance of these species is water temperature (Welsh et al 2001; Welsh and Hodgson 2011). Baker Creek is one of the last remaining tributaries with salmon and trout as well as the Species of Special Concern listed above. All of these species are sensitive to increased water temperatures. The proposed Project, including the Quarry has historically either pumped directly from Baker Creek or used water from an area at the Quarry, consisting of a cold water seep that is located immediately adjacent to Baker Creek, to fill their water truck for all water use associated with the operation. As this water would otherwise flow to Baker Creek, this removal of cold water from the Baker Creek Watershed removes vitally essential cold water refugia from Baker Creek and should be considered take for Coho and steelhead utilizing these waters. In addition, it should be considered a significant impact to temperature sensitive Species of Special Concern such as tailed frogs, breeding habitat for red-legged frogs, and off channel refugia for yellow-

legged frogs. In addition, the EIR should include a detailed description of the water source used for all of the operations and consider this in the cumulative impacts evaluation."

Response to Comment 1-H
This comment expresses concerns related to the water temperature of Baker Creek and the associated impact of the operation's associated water use of the water from the sedimentation pond at the quarry.

Comment 1-I
"The guidelines for Mandatory Findings of Significance are the, "potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal" (CEQA Guidelines §15065). Given the evidence provided in this letter, it is clear most or all of these will occur with this proposed project, and as such, an EIR should be completed for this project."

Response to Comment 1-I
This comment references Section 15065 (Mandatory Findings of Significance) of the State CEQA Guidelines, which specifies when a significant impact would occur and when an Environmental Impact Report (EIR) would be necessary for a proposed project. One specific condition from Section 15065 of the State CEQA Guidelines when this would occur and an EIR would be required is quoted in the comment and stated to be applicable to the project.

However, as previously discussed, our analysis contained in the Draft IS/MND and Revised Draft IS/MND found the proposed project would have no significant impacts and all impacts would be reduced to a less-than-significant level with mitigation incorporated. As a result, an EIR was not determined to be necessary for the project.

Comment 1-J
"In addition to the other comments in this letter, the following comments should be addressed in the EIR:

- The County issued a memo stating that all new surface mining permits and extensions should have compliant roads, including all County and non-County roads. As the IS/MND clearly links the quarry and the proposed Processing Facility (see paragraph 4 above and page 13 of the IS/MND), this should be considered a surface mining permit. It is unclear in the IS/MND how the proposed project would comply with this memo given the condition of Baker Creek Road for bringing material to the proposed Processing Facility, and Briceland-Thorne Road and other County roads, the sold quarry material will ultimately be driven on. Please provide substantiation regarding road widths, shoulders, and condition in compliance with this memo, including the County roads used for delivering materials (County of Humboldt Memo dated 6/28/2013, To Michael Wheeler From Robert Bronkall RE: Barnum timber Co Baker Creek Quarry, APN 215-192-005, CUP 03-13M, SMP 03-02M, RP-02)."

Response to Comment 1-J
This comment introduces ensuing comments and requests justification demonstrating how the roads to be utilized by the project, including but not limited to Baker Creek Road and Briceland-Thorne Road, conform to County standards. Pursuant to a July 24, 2018, memorandum from Mr. Bob Bronkall, Deputy Director of the Humboldt County Public Works Department, to the Humboldt County Planning and Building Department, all on-site and off-site access roads (both County-maintained and non-County maintained) shall be suitable for truck traffic. In general, roads must meet Category 4 road standards in being at least 18 feet in width when

2-way traffic is expected. In addition, a 4 foot wide shoulder is necessary when pedestrians are expected. However, 2-way traffic on a single lane road (Category 2 road) may be appropriate when a road serves only the mining operation and when no other parcels of land use the road for access. Access roads and driveways not meeting the above standards must be improved to those standards, unless otherwise approved by the County Public Works Department. In addition, entrances from private roads or driveways onto paved County-maintained roads must be paved for the first 50 feet (roads) and the first 25 feet (driveways). The roads and driveways at the intersection of the County-maintained road must meet the standards set forth in the County Visibility Ordinance. Prior to constructing any improvements on any road within the County Maintained Road System, an encroachment permit must be issued from the County Public Works Department.

If driveway and/or roadway improvements are deemed necessary for the project by the County Public Works Department during their review of the project and Revised IS/MND, such improvements would be made a condition of approval.

Comment 1-K

- "The County and the EIR should include a detailed evaluation and limit on the amount of material that will be excavated at the quarry, and brought to and sold at the Proposed Processing Facility. Annual surveys of the quarry should be completed to determine the actual yardage removed from the quarry and processed to ensure the limit is not exceeded."

Response to Comment 1-K

This comment is requesting that the County evaluate and establish a limit on the amount of material to be excavated at the Baker Creek Quarry and brought to and sold at the proposed WPF. The comment also requests that annual surveys be completed at the quarry to quantify the actual yardage removed from the quarry and processed at the WPF in order to determine if established limits were exceeded.

It is important to note that the WPF is able to accept material for processing from locations other than the Baker Creek Quarry per the lease agreement for the processing site. The Revised Draft IS/MND includes a discussion on the amount of material anticipated for extraction per year at the quarry (anticipated annual rate of extraction of 50,000 cubic yards), derived from the quarry's CUP (CUP-03-13) documentation.

[finish response]

Comment 1-L

- "Address why a cease and desist order was issued to the applicant on May 12, 2017 requiring all stockpiled material and equipment be removed, but compliance did not occur until April 2018 (Page 6 of the IS/MND)."

Response to Comment 1-L

The Cease and Desist Order, issued by the County of Humboldt Planning and Building Department on May 12, 2017, required the processing equipment (including a feeder, crusher, and screener) and stockpiles of processed material be removed from the site. To comply with the Order, the processing equipment is being temporarily stored at an off-site location on Baker Creek Road, approximately 0.35 miles southeast of the site. Additionally, all processed rock has been removed from the processing site. To date, only pre-processed rock and stockpile-retaining structures (K-rails) are currently located on-site.

Comment 1-M

- "The IS/MND discusses a temporary pre-processed stockpile area at the proposed processing site (page 29). While it is unclear, the IS/MND insinuates this area is in current use with material stored out of compliance with the County's Streamside Management Area (SMA) Ordinance and in violation of the cease and desist order from the County. Please explain if the applicant is in violation of the cease and desist order and the SMA ordinance, and the County's plans to rectify these violations in an expedient manner."

Response to Comment 1-M

This comment is in regard to the County's Streamside Management Area Ordinance (SMAO) and cease and desist order issued on May 12, 2017. In addition, the comment requests an explanation as to whether or not the pre-processed stockpile area is out of compliance with the SMAO and the County's Cease and Desist Order.

Prior to the adoption of the 2017 County General Plan, Section 314-61.1.6.b of the SMAO required a buffer of 50 feet from the STL on either side of perennial streams and a buffer of 25 feet from the STL on either side of intermittent streams. However, the 2017 General Plan, adopted on October 23, 2017, supersedes the SMAO and associated setback requirements. Per Standard BR-S5 (Streamside Management Areas Defined) in Chapter 10 (Conservation and Open Space) of the Humboldt County General Plan, the outer boundaries of Streamside Management Areas (SMA) shall be defined as:

1. 100 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of perennial streams;
2. 50 feet, measured as the horizontal distance from the top of bank or edge of riparian drip-line whichever is greater on either side of intermittent streams; and
3. The width of Streamside Management Areas shall not exceed 200 feet measured as a horizontal distance from the top of bank.

As noted in the Draft IS/MND and Revised Draft IS/MND, the resource agencies (including the County, CDFW, and USACE) agreed to placement of the K-rails 25 feet from the intermittent stream located just north of the processing area. However, these discussions occurred in July and August of 2017, prior to the adoption of the 2017 General Plan. Pursuant to the setback requirements specified in the 2017 General Plan, the K-rails will be relocated a minimum of 50 feet from the top of bank or outer edge of riparian drip-line under the proposed project.

Additionally, the Applicant is not in violation of the May 2017 Cease and Desist Order from the County, as the Cease and Desist Order only required the removal of the processed stockpiles from the site. As such, the remaining pre-processed quarry rock stockpiles currently located on-site are not in violation of the Order.

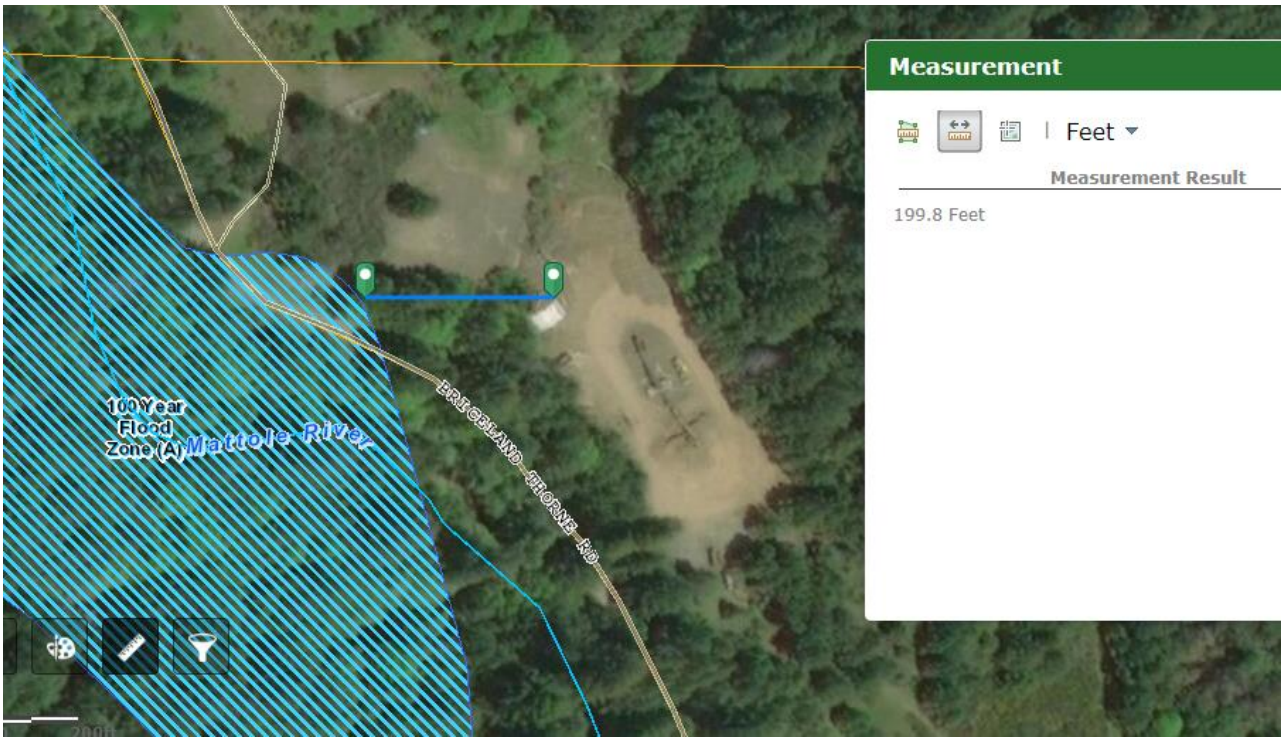
Comment 1-N

- "The IS/MND states that a portion of the proposed Processing Facility would be in a 100 year flood zone, but stockpiled materials and equipment would be 200 feet from this zone. To ensure compliance with this measure, please provide a map showing the 200 foot setback from the flood zone in conjunction with the processing equipment, piles, etc as shown in page 54 of the IS/MND pdf."

Response to Comment 1-N
This comment is in regards to the 100 year flood zone discussion within the Draft IS/MND. Additional discussion has been added in the Revised Draft IS/MND to clarify that while a small portion of the parcel comprising the processing site (approximately 0.16 acres) is located within a designated 100-year flood zone (FEMA Flood Zone A), this identified area is located west and outside of the proposed processing area.

A screenshot from the County's WebGIS portal is provided below to illustrate the processing area's location outside of the FEMA 100-year flood zone. In addition, a measured distance of 200 feet from the FEMA flood zone is shown. As the processing equipment would be reinstalled in the location where the equipment was historically located (see screenshot below) and the stockpiles would be located on the eastern portion of the processing area, both the processing equipment and stockpiles would be located more than 200 feet from the FEMA flood zone.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Revised IS/MND for their consideration in reviewing the project.



Comment 1-O

- "The IS/MND repeatedly references an Appendix B (pages 6, 13, 18, 29 and 33). However, there is no Appendix B in the document. As such, the background documents for many aspects of the IS/MND are not able to be reviewed or evaluated."

Response to Comment 1-O
This comment states that Appendix B is not included in the Draft IS/MND, although it is referenced several times in the document. As part of the Revised Draft IS/MND, all references to appendices have been corrected and the following three appendices are included:

- Appendix A: Project Correspondence
- Appendix B: Biological Survey Results
- Appendix C: Response to Comments on the Draft IS/MND

Comment 1-P

- "Of note, on page 13 the IS/MND states that a portion of the proposed Processing Site is on TPZ and does not allow this type of activity. Reviewing the zoning map it appears ALL of the "Project Site" is on TPZ land. As the cited Appendix B is not included in the document, it is difficult to ascertain why the proposed project would be allowed to occur on TPZ zoned land. Please provide a detailed explanation regarding this issue including the zoning issue and SMARA rules and regulations."

Response to Comment 1-P

This comment is in regard to the WPF's current zoning designations (as described and shown in Figure 3 of the Draft IS/MND) and requests additional clarification as to why the project would be allowed to occur on land that is zoned TPZ. For this comment, it is important to distinguish that the WPF comprises an approximately 1.8 acre portion of the parcel identified as Assessor's Parcel Number (APN) 215-231-013, which totals approximately 41.8 acres in size. For clarification purposes, the "Project Site" labels included on the figures have been revised to read as "Processing Site" and "Quarry Site", respectively. In addition, Figures 2a, 3a, and 4a have been created and added to the Revised Draft IS/MND to provide more information pertaining to the location, zoning, and land use designations of the quarry site.

As shown in Figure 4 of the Revised Draft IS/MND, the majority of the parcel containing the WPF is zoned as Timberland Production Zone (TPZ), with a small area within the central/southern portion zoned as Agriculture Exclusive (AE). The commenter is correct in noting that the WPF would be located in area zoned as TPZ. In response to the portion of the comment related to why the proposed project would be permitted on TPZ land, manufacturing and segregation and stockpiling of mined materials, defined as "surface mining" under Section 2735 of SMARA, are not principally permitted uses of areas zoned as TPZ. However, per correspondence received from the County of Humboldt, dated August 21, 2017 (see Appendix A), it was noted that by considering the processing site as a SMARA activity appurtenant to the Baker Creek Quarry, it could be permitted with a Conditional Use Permit (CUP).

Comment 1-Q

- "The proposed Processing Facility does not include plans to utilize certified scales to measure truck weights before leaving the site and heading out over County Roads. As such, it is likely that overweight trucks will impact and further degrade County roads. The proposed project should include certified scales to ensure regulations regarding weights limits on County and State roads are followed."

Response to Comment 1-Q

This comment is in regards to scales and weight limits. Pursuant to the California Vehicle Code (CVC) Sections 35550 – 35558, gross vehicle weight shall not exceed 80,000 pounds maximum.

Comment 1-R

- "We request that all mitigation measures included in the EIR also be included in any permit issued by the County for the quarry or proposed Processing Facility."

Response to Comment 1-R
This comment requests all mitigation measures included in the environmental review document be included in any permit issued by the County for the quarry and proposed WPF, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

Comment 1-S
"In conclusion, this IS/MND does not include all of the significant impacts to the environment and is not adequate pursuant to CEQA. The County should include the whole of the project and should include both the Quarry, the connecting roads, impacts to Briceland-Thorne Road, and the new processing site in the evaluation of environmental impacts. In addition, given the information provided here and in the IS/MND, an EIR should be completed for this Project. The impacts from this Project are significant for all of the species discussed above, the impacts are cumulatively considerable, and also meet the Mandatory Findings of Significance under CEQA. An EIR must be prepared when there is substantial evidence in the record that supports a fair argument that significant effects may occur (CEQA guidelines §21080(d)). The information provided and cited in this letter provide a fair argument that significant impacts will occur from the proposed project. As such, an EIR should be prepared for this Project.

Best Regards,

Shawn Studebaker"

Response to Comment 1-S
This comment including closing language and reiterates concerns and remarks raised in previous comments, which are provided and discussed above. As the comments have been previously addressed, the commenter is advised to review the previous responses.

2.2 Comment Letter 2 (California Department Fish and Wildlife [CDFW] – October 19, 2018)

Comment 2-A
"On October 9, 2018, the California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) for the Wilcox Processing Facility Conditional Use Permit and Reclamation Plan (Project) from the Humboldt County Planning and Building Department (Lead Agency). On October 9, 2018, the Lead Agency informed CDFW they would accept written comments submitted after the October 18, 2018 deadline due to CDFW's late receipt of the environmental document."

Response to Comment 2-A
This comment confirms CDFW's receipt of the Draft IS/MND for the project and notes how the County, as Lead Agency, would accept written comments after the October 18th deadline due to CDFW's late receipt of the document, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Revised IS/MND for their consideration in reviewing the project.

Comment 2-B
"As the Trustee Agency for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and their habitat. As a Responsible Agency, CDFW administers the California Endangered Species Act and other provisions of the Fish and Game Code that conserve the State's fish and wildlife public trust resources. CDFW offers the following comments and recommendations on this Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (CEQA), California Public Resources Code section 21000 et seq."

Response to Comment 2-B
This comment identifies the CDFW's role as both a Trustee and Responsible Agency and introduces ensuing comments, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

Comment 2-C
"According to the MND, the Project consists of a Conditional Use Permit and Reclamation Plan for the Wilcox Processing Facility, a rock and aggregate processing facility appurtenant to the Baker Creek Quarry, which is located approximately 0.7 miles to the east. Operations at the processing facility consist of the following activities required to process quarry rock into a variety of aggregate products:

- Aggregate processing, including crushing and screening;
- Storage of processed aggregate materials;
- Loading and hauling of aggregate; and
- Fueling and washing of equipment.

The Project is located approximately 1 mile south of the community of Whitethorn in the County of Humboldt (County), approximately 0.5 miles north of the Humboldt/Mendocino County line, approximately 7.2 miles west of Highway 101, and directly east of the Mattole River, on Assessor's Parcel Number 215-231-013.

A Reclamation Plan has also been prepared for the site pursuant to the Surface Mining and Reclamation Act (SMARA). The Reclamation Plan describes the end use of the site as a gravel lot and describes the proposed reclamation process. According to the MND, this Reclamation Plan is being processed as an addendum to an existing Reclamation Plan for the Baker Creek Quarry approved in 2007, because the processing facility is an appurtenant facility to the quarry."

Response to Comment 2-C
This comment reiterates project details included in the Draft IS/MND, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

Comment 2-D
"As detailed in the MND, CDFW has documented multiple violations of Fish and Game Code at the Project site and adjacent Baker Creek Quarry since 2013. To date, the Project proponent has not obtained a Lake or Streambed Alteration Agreement (LSAA) for the water diversion at the quarry nor any of the other encroachments identified in the September 30, 2016 Notice of Violation (NOV) (Attachment A).

The NOV directed the Project proponent to notify CDFW pursuant to Fish and Game Code section 1602 to obtain an LSAA for the continued operation and/or remediation of all the encroachments identified in the NOV. On November 7, 2016, CDFW received a Notification of Lake or Streambed Alteration (Notification).

On December 5, 2016, CDFW deemed the Notification incomplete because information was either missing or insufficient, including lack of notification for five of the encroachments identified in the NOV.

On April 28, 2017, the Project proponent submitted additional fees and supplemental information for installing a rocked ford crossing at the Project site. The supplemental information and fees covered one additional encroachment described in the NOV but did not address the remaining encroachments. CDFW has determined the Notification remains incomplete and provided this information to the applicant on May 26, 2017 (Attachment B). To date, CDFW has received no additional information to complete the Project proponent's Notification. Because our request for additional information received no response for over a year, CDFW closed the LSAA file, effective October 11, 2018 (Attachment C)."

Response to Comment 2-D
This comment discusses how the multiple Fish and Game Code violations at the WPF and Baker Creek Quarry have been documented by CDFW since 2013, discusses how the project applicant has not obtained a LSAA for the water diversion at the quarry or any of the other encroachments identified in CDFW's NOV letter dated September 30, 2016, and outlines the timing of the previously submitted LSAA application and its closure due to inactivity. Since the comment does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND, no response is required. However, the comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Revised IS/MND for their consideration in reviewing the project.

Comment 2-E
"Because the water diversion at the Baker Creek Quarry, which provides water for the Project, does not have an LSAA, it is currently operating in violation of Fish and Game Code section 1602. Other unpermitted substantial alterations of the bed, bank, and channel of the unnamed tributary to the Mattole River and nearby Baker Creek have since occurred. The status of stream crossings and other substantial alterations of bed, bank, and channel identified in the NOV or otherwise related to the Project are unclear. It appears at least one of the culverts identified in the NOV has been replaced by the Mattole Restoration Council using Fisheries Restoration Grant Program funding (LSAA 1600-2014-0163-R1). Additionally, the rocked ford across the unnamed tributary to the Mattole River has been removed without an LSAA.

CDFW recommends as a condition of Project approval, that the Lead Agency require a qualified person to identify all substantial alterations of bed, bank, or channel at both the Project site and the Baker Creek Quarry, and the Project proponent obtain an LSAA to bring these facilities into compliance with Fish and Game Code. Additionally, CDFW requests that a qualified professional evaluates current channel conditions at the Project site to determine whether the unpermitted installation and subsequent removal of the rocked ford requires further action (e.g., additional fill removal, riparian revegetation, and/or removal of abandoned culverts or other debris). CDFW should be given an opportunity to review and concur with the results of such an evaluation and any associated recommendations. Any further substantial alteration of the bed, bank, or channel of a stream or riparian area at either the Project site or the quarry will also require an LSAA."

Response to Comment 2-E
This comment is in reference to some of the violations that have been recorded at the processing and quarry sites since 2013, and discusses the requirement for Lake or Streambed Alteration Agreement(s) (LSAA). It is important to note the comments from CDFW on the Draft IS/MND, dated October 19, 2018, pre-date a follow-up site visit with Jennifer Olson, CDFW Environmental Scientist. As discussed in the Revised Draft IS/MND, an additional site visit was conducted on January 24, 2019, with the Applicant, Megan Marruffo (Associate

Planner, LACO), Gary Lester (Senior Environmental Scientist, LACO), and Ms. Olson in which the seven violations detailed in CDFW's September 2016 NOV letter were reviewed. Comments were received by CDFW on February 20, 2019, memorializing observations and recommendations pertaining to the January 2019 site visit. Per CDFW, several of the violations (discussed below) have been corrected:

- Violation #3 (Perched dirt on road adjacent to Baker Creek) – appears to have been remediated via installation of log and rock berms.
- Violation #4 (asphalt and soil where it may enter waters of the State): appears to have been remediated, although the buffer distance in general needed to be increased per County requirements.
- Violation #5 (refuse deposited where it may enter waters of the State): Has been primarily cleaned up, although some remnant isolated pieces of garbage/debris that should be removed from the buffer area.
- Violation #6 (dirt fill crossing at processing site): Has been removed.

LSAA coverage will be required for all of the seven noted violations and will be prepared and submitted under the project. Regarding Violation #2 (culvert on a salmonid stream that was impeding fish passage and obstructing surface flow), the Applicant has stated this culvert (North Fork Culvert B1000-X02) has been replaced by the Mattole Restoration Council, which was approved by CDFW under LSAA Notification 01-010387. The 2001 LSAA called for a 60-inch culvert with a gravel bottom. However, Jane Arnold with CDFW has issued a citation for the culvert, as the culvert does not meet the updated 72-inch specification used today for 100-year flows and the gravel bottom may be causing a fish passage barrier. Per the guidelines for fish passage required at flows of 1 cubic foot per second (cfs) or greater, the water would flow over the top of the gravel and would not impede passage. The Applicant requests that this violation be removed from the project as the culvert in question was lawfully constructed. Additional consultation with CDFW will be necessary to confirm this violation has been adequately addressed.

Additionally, CDFW noted that an appropriate buffer of 50 feet from the intermittent unnamed tributary to the Mattole that runs adjacent to the processing site (from top of bank or outer edge of riparian drip-line, whichever is greater) would be required, pursuant to County requirements established under the 2017 General Plan. As such, while the existing stockpiles appear to be appropriately located, the existing K-rails, currently setback 25 feet, would need to be relocated a minimum distance of 50 feet. To mitigated for the "past unpermitted development and riparian vegetation clearing" at the processing site, it is recommended that the previously-disturbed riparian vegetation be replaced and revegetated, both of which would address Violation #7 (riparian vegetation encroachment).

A completed LSAA application will be prepared by LACO Associates and submitted to CDFW on behalf of the Applicant as part of the project.

Comment 2-F
"As described above, the Reclamation Plans for both the Baker Creek Quarry and the Project site are being processed as one document, with the Reclamation Plan for the Project site as an addendum to the Reclamation Plan for the Quarry. Additionally, according to the MND, the Project site is being considered as an appurtenant facility to the Baker Creek Quarry in order to resolve the conflict with the parcel's timberland zoning. The MND states the Project site is the primary processing facility for the Baker Creek Quarry. However, according to CEQAnet, the online searchable environmental database of the State Clearinghouse, the Baker Creek Quarry was evaluated under a 2006 Negative Declaration (ND, SCH 2006012147), which indicated no processing would occur as part of that Project."

Response to Comment 2-F
This comment provides background information on the project and Baker Creek Quarry, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

Comment 2-G
"Upon request for the prior CEQA documents relating to the Baker Creek Quarry, the Lead Agency also provided an undated Subsequent MND that intended to incorporate the Wilcox Processing Facility into the Baker Creek Quarry operation. It is CDFW's understanding that the Subsequent MND was never circulated. CDFW seeks clarification on why the current MND treats the Wilcox Processing Facility separately from the Baker Creek Quarry. Because the definition of a "Project" pursuant to CEQA Guidelines section 15378 "*means the whole of an action,*" the Project should be considered a part of the Baker Creek Quarry operation. Additionally, if there are potentially significant impacts resulting from operations of the quarry that were not discussed in the 2006 ND, they should be addressed in the subsequent CEQA document pursuant to CEQA guidelines section 15162. If mitigation measures cannot be incorporated to reduce these impacts to a less than significant level, an environmental Impact Report (EIR) should be prepared."

Response to Comment 2-G
This comment describes a subsequent uncirculated IS/MND for the Baker Creek Quarry and WPF and states that the proposed project should be considered part of the BCQ, rather than as a separate project. Additionally, the comment notes that if there are any impacts resulting from the quarry operation that were not previously addressed in prior environmental review document(s), that they should be addressed in the subsequent CEQA document being prepared. It is noted that an EIR would be required, should project impacts be unable to be reduced to a less-than-significant level.

In response to comments received on the Draft IS/MND, the Revised Draft IS/MND considers the WPF appurtenant to the quarry. The Draft IS/MND has been revised to include an evaluation of the quarry site. Prior documentation pertaining to the quarry, including past environmental review documents, were reviewed. The quarry site was also visited to observe current conditions and assess the site's potential for resulting in impacts not previously analyzed. As noted in the Revised Draft IS/MND, no changes to the quarry's operations are proposed under the project. The requirements and mitigation measures prescribed under the BCQ's original Conditional Use Permit (CUP-03-13), approved by the Humboldt County Planning Commission in February 2006, shall continue to apply and will continue to adequately ensure the minimization of potential impacts associated with continued quarry operations, including but not limited to, minimizing erosion, preventing discharges to State waters, and protecting vegetation and wildlife. Our analysis conducted for the proposed project found that all potential impacts could be reduced to a less-than-significant level with mitigation incorporated and, as a result, an EIR would not be required.

Comment 2-H
"The MND states (p. 18):

> *The site has a seasonal creek, a Class III stream bed with ephemeral flow due to heavy rains, along its northern boundary and the temporary pre- processed stockpile area, currently located in the northeastern portion of the site, approximately 50 feet from the creek.*

CDFW disagrees with the classification of this stream. While intermittent, it is a restorable fish bearing (Class I) stream according to CDFW's 2003 *Policy Regarding Restorable Habitat and Watersheds for Fish*. The stream flows through early spring and only flows subsurface during the later dry season, thus it is more appropriately classified as intermittent, not ephemeral.

The stream provides potential habitat for a variety of sensitive aquatic species including listed salmonids and foothill yellow-legged frogs (*Rana boyi/it*), a State-Candidate Threatened species. Per the County's 2017 General Plan Update, the SMAO now requires a minimum 50-foot setback from top-of-bank or outer edge of riparian vegetation, whichever results in a greater buffer. Based on recent aerial imagery, it does not appear the k-rail buffer, installed in early 2018, provides a 50-foot setback in all areas.

A qualified person should delineate all streamside management areas at both the Project site and the Baker Creek Quarry and delineate their corresponding buffer areas as required by the County's ordinance. Buffers should be established as required and maintained by the applicant with wildlife-friendly fencing or some other physical barrier. Further, as a condition of the Project approval, the county should require the Project include a restoration plan to revegetate any buffer areas that have been encroached upon. Compensatory mitigation should be proposed and reviewed by CDFW if reduced buffers are proposed in any areas. Finally, the prior unpermitted rock ford stream crossing should be fully remediated, and the abandoned culvert documented by CDFW on prior site visits should be removed."

Response to Comment 2-H
This comment acknowledges CDFW's disagreement with the classification of the stream located along the northern property boundary provided in the Draft IS/MND, required buffer areas, potential for sensitive species, and the request for all streamside management areas (SMAs) and respective buffers at the WPF and Baker Creek Quarry to be delineated.

In response to this comment, the Draft IS/MND has been revised to remove the Class III classification of the intermittent stream along the WPF's northern boundary. It was stated in the CDFW comment letter that the intermittent stream is a "restorable fish bearing Class I stream". However, during the January 24, 2019, site visit with the Applicant, CDFW, and LACO representatives, the CDFW representative was uncertain if the stream is Class I or Class II, but agreed it is intermittent, thereby requiring a minimum 50-foot setback from top of bank or outer edge of riparian drip-line, whichever is greater.
As previously discussed in the Revised Draft IS/MND and discussed in the Revised Draft IS/MND, a *Biological Survey* technical memorandum (Biological Report) was prepared by LACO Associates on May 15, 2019, to characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites. As noted in the Biological Report, although several special status plant and wildlife species and migratory birds protected under the Migratory Bird Treaty Act (MBTA) have the potential to occur at the subject sites, no special status plant species were observed on the processing or quarry sites. The ongoing disturbed nature of the sites and regular impacts from human intrusion are factors that likely contribute to the absence of rare plants or their ability to colonize the sites over time, with the exception of species that can tolerate a high disturbance regime.

As noted in the Biological Survey, implementation of sufficient stream setbacks, proper Best Management Practices (BMPs), and stream bank protection and/or rehabilitation is recommended in order to protect special status fish species and nearby watercourses. Drainage on the processing site is designed to direct surface water flow, resulting from heavy rain, to flow southeast to northwest into a vegetative swale for

natural filtering before reaching the ditches along Briceland Thorne Road. In addition, permanent retention barriers (K-rails), currently located 25 feet from the intermittent stream located directly north of the processing area, will be relocated to be a minimum distance of 50 feet from the top of bank or outer edge of riparian drip-line (whichever is greater), pursuant to the requirements specified in the 2017 County General Plan in order to provide sediment movement and erosion control due to processing activities (stockpiling, hauling, loading and unloading materials) and to prevent both vehicle and pedestrian movement across the stream channel. Two mitigation measures (Mitigation Measures BIO-1 and BIO-2) are included in the Biological Resources section of the Revised IS/MND to mitigate for potential biological impacts:

> **BIO-1:** Project shall be consistent with the requirements of the Regional Water Quality Control Board, and shall employ the Best Management Practices (BMPs) detailed therein.
>
> **BIO-2:** To mitigate for the previously unpermitted site use and associated riparian vegetation clearing in the northern portion of the processing site, the riparian corridor shall be planted with native riparian plant species. Cuttings of native on-site tree stacks shall be placed in the ground during the winter and periodically watered during the summer to encourage successful establishment.

The Applicant acknowledges the revised setback requirements approved under the 2017 General Plan and, as part of the project, will relocate the existing retention barriers (K-rails) from their current location (25 feet from the intermittent stream) to be a minimum of 50 feet from the top of bank or outer edge of riparian drip-line, whichever is greater, in accordance to the standard.

Please refer to Section IV (Biological Resources) and Appendix B (Biological Survey Results) of the Revised IS/MND for more information pertaining to biological resources.

Comment 2-I
"It does not appear any seeping or biological data (e.g., surveys, reports) were produced during development of the CEQA document. The MND states:

> *A literature review was conducted for rare, threatened, and endangered species and sensitive species to determine which of these might occur in the proposed project area. Coho and steelhead were previously recorded in Baker Creek. Protection measures incorporated in the plan are designed to prevent significant adverse impacts to Coho and steelhead, to the Foothill yellow-legged frog, etc., as identified in the review.*

CDFW was not able to review the results of this literature review and the *"protection measures incorporated in the plan,"* because neither were provided. It is unclear what plan the MND is referring to in this sentence. The Project has the potential to impact numerous special status species and sensitive habitats including, but not limited to, the following:

1. Salmonids (via impacts to water quality and quantity from water drafting, stream crossings, and Project runoff):
    - Coho Salmon - Southern Oregon/Northern California coast ESU (*Oncorhynchus kisutch*), State and federally Threatened
    - Chinook Salmon- California Coastal ESU (0. *tshawytscha*), federally Threatened
    - Steelhead- Northern California DPS (0. *mykiss irideus*), federally Threatened

2. Nesting passerine birds and raptors (via noise disturbance and visual disturbance if operations are located adjacent to habitat):
    - Willow flycatcher (*Empidonax trail/if*), State Endangered
    - Northern spotted owl (*Strix occidentalis caurina*), State and federally Threatened
    - Yellow warbler (*Setophaga petechia*), State Species of Special Concern (SSC)
    - Golden eagle (*Aquila chrysaetos*), Fully Protected
    - Bald eagle (*Haliaeetus leucocephalus*), State Endangered and Fully Protected

3. Listed and sensitive amphibian and reptile species (via noise, direct take, and impacts to water quality and quantity from water drafting, stream crossings, and Project runoff):
    - Foothill yellow-legged frog (*Rana boy/if*), State Candidate Threatened
    - Northern red-legged frog (*Rana aurora*), SSC
    - Western pond turtle (*Emys marmorata*), SSC

4. Riparian vegetation (from encroachment if appropriate buffers are not adhered to)

5. Marbled Murrelet Critical Habitat:
    - There is a marbled murrelet critical habitat polygon that appears to overlap the Project site. The County should require the Project proponent consult with the United States Fish and Wildlife Service to determine whether the Project will result in adverse impacts to this habitat.

Response to Comment 2-I
This comment is in reference to the Biological Resources section of the Draft IS/MND. As noted above, a *Biological Survey* technical memorandum (Biological Report) was prepared by LACO Associates on May 15, 2019 to characterize existing biological conditions; identify potential impacts to sensitive habitats resulting from implementation of the project; and evaluate the potential presence of rare, threatened, or endangered plant and wildlife species at the processing and quarry sites. As provided in the Biological Report, it was determined there is the potential for the following special status species to be located within the project area:

- Two special status invertebrate species [western bumblebee (*Bombus occidentalis*) and obscure bumblebee (*Bombus caliginosus*)],
- Four special status amphibian and reptile species [southern torrent salamander (*Rhyacotriton variegatus*), red-bellied newt (*Taricha rivularis*), northern red-legged frog (*Rana aurora*), and foothill yellow-legged frog (*Rana boylii*)],
- Three special status bird species (great blue heron (*Ardea herodias*), marbled murrelet (*Brachyramphus marmoratus*), and northern spotted owl (*Strix occidentalis caudata*)], and
- Four special status mammal species [pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), Sonoma tree vole (*Arborimus pomo*), and fisher (*Pekania pennant*].

However, no special status species were observed at the quarry and processing sites. As determined in the Biological Report, with the site features and recommended measures, no significant biological impacts would be anticipated as a result of the continued processing operations.

Please refer to Section IV (Biological Resources) and Appendix B (Biological Survey Results) of the Revised IS/MND for more information pertaining to biological resources.

Comment 2-J
"Further, the MND includes only one mitigation measure for impacts on Biological Resources:"BIO-4: *Project shall be consistent with the requirements of the Regional Water Quality Control Board, and shall employ the Best management Practices detailed therein*." It appears mitigation measures BIO-1 through BIO-3 were omitted from the MND, thus, CDFW cannot evaluate their feasibility or effectiveness. It is unclear which requirements of the Regional Water Quality Control Board the MND is referring to, or which best management practices the Project intends to adopt. In any case, given the potential impacts of the Project on biological resources have not been adequately identified, CDFW cannot determine whether this measure is sufficient to reduce potential impacts to a level of less than significant."

Response to Comment 2-J
This comment is specific to Mitigation Measure BIO-4 included in the Draft IS/MND. While the comment notes that it appears that BIO-1 through BIO-3 were inadvertently omitted from the Draft IS/MND, this is actually not the case and is just how the mitigation measures were numbered in the document. Instead of restarting the numbering at 1 for each impact section requiring mitigation, the mitigation numbering continued throughout the document. However, for clarification purposes, the mitigation measure numbering has been revised and restarts a "1" for each respective section.

Under the Revised Draft IS/MND, a second mitigation measure (BIO-2) has been added to the Biological Resources section, per the additional analysis and recommendations included in and provided by the Biological Study and CDFW, respectively, in order to mitigate for the previously unpermitted site use and associated riparian vegetation clearing in the northern portion of the processing site. Please refer to Response to Comment 2-H above, in addition to Section IV, Biological Resources, of the Revised Draft IS/MND.

Comment 2-K
"CDFW recommends typical seeping methods, including review of relevant databases such as the California Natural Diversity Database (CNDDB), be conducted for the Project, and an analysis of potential impacts on any species that may be present in, adjacent to, or downstream of the Project site be conducted. Surveys may be required to determine whether certain species are present on or adjacent to the site. Mitigation measures, if necessary, should be proposed to ensure any impacts to these species are less than significant. If mitigation measures cannot be incorporated to reduce these impacts to a less than significant level, an EIR should be prepared. Based on the information provided in the MND, CDFW cannot determine whether potentially significant impacts may occur or whether they are mitigated to a less than significant level."

Response to Comment 2-K
This comment is also in reference to the Biological Resources section of the Draft IS/MND. Please refer to Response to Comments 2-H through 2-J, above, which provide additional information pertaining to the Biological Study and Biological Resources section of the Revised Draft IS/MND.

Comment 2-L
"The MND indicates that no Project-specific noise study has been performed, but provides noise values "estimated from a noise study performed for the Blue Ridge Rock Quarry (BRRQ) which tested Ldn at sensitive receptor sites located near the BRRQ." The MND does not provide relevant information about the BRRQ, such as where it is located or why the results of that noise study are applicable to this Project. Site-specific data should be collected and evaluated to address potential impacts to sensitive wildlife species such as northern spotted owl and other nesting raptors that may occur adjacent to the Project area."

Response to Comment 2-L

This comment is regarding anticipated noise associated with the proposed project, the noise analysis contained in the Draft IS/MND, and recommended analysis. The comment notes that the Draft IS/MND relied upon the results of a noise study performed for the Blue Ridge Rock Quarry (BRRQ), but does not provide sufficient information, including the location of the BRRQ or an explanation of why the results of the BRRQ's study are applicable to the proposed project.

More discussion has been added to the Noise section of the Revised Draft IS/MND to discuss why the results of the BRRQ's noise study were relied for the proposed project. As noted in the Revised Draft IS/MND, the processing equipment has been removed from the WPF site in response to the May 2017 Cease and Desist Order issued by the County. No changes to the WPF's facilities, infrastructure, or footprint are proposed under the project and the equipment to be utilized on-site would be similar to what was previously utilized. As such, noise levels under the project are anticipated to create no additional increase in the immediate area.

No official noise study for the proposed project has been performed to date, to measure the Ldn values associated with the operation of equipment and processing of quarry rock materials on or near the WPF and since no equipment is currently located on-site and the operation has been idle since 2017, noise and vibration measurements from the site cannot be taken. As such, noise values are being estimated from a noise study performed for the Blue Ridge Rock Quarry (BRRQ), located in southern Mendocino County approximately 3.5 miles north of the City of Cloverdale and 10 miles south of the town of Hopland, off Geysers Road. The *Blue Ridge Rock Quarry Environmental Noise and Vibration Assessment* (BRRQ Noise Study) was prepared by Illingworth and Rodkin, LLC, on June 28, 2016. Per the BRRQ Noise Study, the BRRQ performs both mining and processing activities. The BRRQ is located in a rural area. A small 16-lot subdivision is located approximately one mile south of the BRRQ. The nearest off-site residence is located approximately 0.5 miles north of the BRRQ expansion limits. To the south the nearest residence is located approximately 0.8 miles from the BRRQ. The nearest residence to the east is approximately two miles from the BRRQ. There are no other commercial or industrial activities in the vicinity of the BRRQ except for a private campground located about 0.5 miles to the south. As stated in the BRRQ Noise Study, major sources of noise at the BRRQ include the processing equipment and mobile equipment. The BRRQ's processing equipment includes crushers, screens, conveyors, and a generator, whereas the mobile equipment includes loaders, dozers, an excavator, and a loop/fuel truck. The specific equipment and anticipated days in operation at the BRRQ is provided below:

- Water Truck, 202 days per year (Maximum 1.5 hours per day)
- Rock Truck, 89 days per year
- Loaders, ongoing (Maximum of 2 at a time)
- Dozer, 89 days per year
- Grader, 48 days per year (Maximum 1 hour per week)
- Excavator, 198 days per year
- Crushers (2), 103 per year processing, 20 days per year recycling
- Conveyers, 103 per year processing (3), 20 days per year recycling (2)
- Screens, 103 per year processing (3), 20 days per year recycling (1)

The BRRQ Noise Study tested Ldn at sensitive receptor sites located near the BRRQ site based on the following parameters:

- Operations 7:00 AM to 6:00 PM, Mondays through Sundays
- Performs extraction and processing simultaneously
- Trucks using truck scales.

The BRRQ Noise sStudy assumed that there would be full quarry operations for the entire daytime period between 7:00 AM and 6:00 PM. The previously mentioned factors together, created a worse-case scenario. The BRRQ is also located in a rural area like the WPF although the WPF would not be creating additional noise or ground vibrations due to quarry extraction operations, or truck scales, as these operations are handled at the Baker Creek Quarry (BCQ). Furthermore, the BRRQ utilized three large crushers for its processing operations and consequently for the worst case scenario test whereas the WPF only uses one loader device, one mobile cone crusher, and one mobile screening device.

The results of the noise study for the BRRQ prepared on June 28, 2016, included measurements taken at the BRRQ site to gain a base level of dBA on-site and for each type of processing equipment that would be used at the BRRQ. Further readings were measured at sensitive areas designated by the study as private residences, a campground, and public park. The noise findings of the BRRQ Noise Study are believed to be equal or even above expected noise levels produced by the WPF at similar distances for sensitive receptor locations, due to the smaller amounts of processing proposed by the WPF relative to BRRQ. Additionally, the WPF utilizes smaller processing equipment as well as fewer crushers and screens than the BRRQ. The noise study for the BRRQ found all potential noise impacts associated with the expansion and operation of BRRQ would be less than significant and required no mitigation. Specifically, the BRRQ Noise Study found that noise from operation of the BRRQ would be below the Mendocino County noise level limits and would not cause a substantial increase in noise at any noise sensitive receiving locations in the vicinity of the BRRQ project. In addition, BRRQ-generated traffic noise would not substantially increase ambient traffic noise levels along roadways serving the BRRQ site. Since operations at the WPF are of a smaller scale than the BRRQ's operations, which were determined to have less-than-significant impacts related to noise, the WPF noise levels would also be anticipated to be less than significant and are below the thresholds required by the Humboldt County General Plan in relation to on-site conditions and off-site sensitive receptors. A less than significant impact would occur. The WPF would not create a substantial permanent or temporary increase in ambient noise levels in the project vicinity in excess of standards established in the County General Plan, as the proposed project is for the continued operation of the quarry rock processing facility, which has been in operation since 1972, although idle since 2017.

Please refer to Section XII (Noise) of the Revised Draft IS/MND for additional discussion related to proposed project and associated noise.

Comment 2-M

1. "The Lead Agency should require the Project obtain all necessary local, State, and federal permits and authorizations prior to continuing to operate the Baker Creek Quarry and the Project. This includes but is not limited to resolving Fish and Game Code violations and obtaining an LSAA for all points described in the 2016 NOV.

2. The Lead Agency should evaluate the Baker Creek Quarry and Wilcox Processing Facility as one Project to avoid piecemealing.

3. The Lead Agency should ensure the Project conforms to the County's SMAO including establishing appropriate buffers and remediation of prior violations of the SMAO.

4. The Biological Resources section of the MND is not adequate. It appears that three of the four mitigation measures were omitted from the document, and the MND refers to measures and a plan that were not included with the MND. It does not appear adequate scoping was conducted. The

information provided is insufficient for CDFW to determine whether impacts have been mitigated to a level of less than significant. Because special status species occur on and adjacent to the Project site, mitigation measures are likely necessary to avoid potentially significant impacts."

Response to Comment 2-M
This comment reiterates and summarizes comments previously addressed above. Since these comments have been addressed, no additional response is provided. The comment is acknowledged for the record and will be forwarded to the decision-making bodies as part of the Revised IS/MND for their consideration in reviewing the project.

Comment 2-N
"CEQA requires information developed in EIRs and negative declarations be incorporated into a database that may be used to make subsequent or supplemental environmental determinations (Pub. Resources Code§ 21003, subd. (e)). Accordingly, any special status species and sensitive natural communities detected during Project surveys must be reported to CNDDB. The online submission and PDF CNDDB field survey forms, as well as information on which species are tracked by the CNDDB, can be found under their corresponding tabs at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Submitting-Data."

Response to Comment 2-N
The comment provides general information, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.

Comment 2-O
"Thank you for the opportunity to comment on this Project. Questions regarding this letter should be directed to Environmental Scientist Jennifer Olson at (707) 445-5387 or jennifer.olson@wildlife.ca.gov.

Sincerely,

Curt Babcock
Habitat Conservation Program Manager"

Response to Comment 2-O
This comment contains closing remarks and provides contact information, but does not state a specific concern or question regarding the sufficiency of the analysis contained in the Draft IS/MND. As such, no response is required.