

DRAFT INITIAL STUDY and ENVIRONMENTAL CHECKLIST

FOR

BAKER CREEK QUARRY ENTITLEMENTS RENEWAL

January 2021

**Lead Agency:
County of Humboldt**



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LACO Project No. 8830.04

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I. PROJECT SUMMARY

Date: January 2021

Project Title: Baker Creek Quarry Entitlements Renewal

Lead Agency: County of Humboldt

Contact: Trevor Estlow, Senior Planner
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Location: The existing Baker Creek Quarry (BCQ or Quarry, California Mine ID #91-12-0082) spans four separate Assessor's Parcel Numbers (APNs) 215-192-005, 215-192-018, 215-232-001, and 215-232-002 and is accessed via Baker Creek Road, off Briceland Thorn Road, approximately 1 mile southeast of the community of Whitethorn in unincorporated Humboldt County, California (site). The BCQ is located approximately 0.5 miles north of the Humboldt/Mendocino County line and approximately 7 miles west of Highway 101 [see Plan Set (Sheets 1 and 2)].

Coastal Zone: No

Affected Parcel(s): Assessor's Parcel Numbers (APNs) 215-192-005, 215-192-018, 215-232-001, and 215-232-002

County of Humboldt General Plan Land Use Designations: Timberland (T)

County of Humboldt Zoning Designation: Timberland Production Zone (TPZ)

Anticipated Permits and Approvals:

- 1) Conditional Use Permit (CUP), Surface Mining Permit (SMP), and Reclamation Plan Renewal for a period of 15 years
- 2) Lake and Streambed Alteration Agreement (LSAA) from the California Department of Fish and Wildlife (CDFW) for violations documented on the BCQ and Wilcox Processing Facility (WPF) sites. [Please note, preparation and submittal of a completed LSAA application to address the documented violations will occur as part of the WPF entitlements and is not part of this project.]

Tribal Cultural Resources: Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, is there a plan for consultation that includes, for example, the determination of significance of impacts to tribal cultural resources, procedures regarding confidentiality, etc.? AB 52 request has been requested

CEQA Requirement:

The proposed project is subject to the requirements of the California Environmental Quality Act (CEQA). The Lead Agency is the County of Humboldt. The purpose of this Initial Study (IS) is to provide a basis for determining whether to prepare an Environmental Impact Report (EIR) or a Negative Declaration. This IS is

intended to satisfy the requirements of the CEQA (Public Resources Code, Div. 13, Sec. 21000-21177) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sec 15000-15387).

CEQA encourages lead agencies and applicants to modify their projects to avoid significant adverse impacts (CEQA Section 20180(c) (2) and State CEQA Guidelines Section 15070(b) (2)).

Section 15063(d) of the State CEQA Guidelines states that an IS shall contain the following information in brief form:

- 1) A description of the project including the project location
- 2) Identification of the environmental setting
- 3) Identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to provide evidence to support the entries
- 4) Discussion of means to mitigate significant effects identified, if any
- 5) Examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls
- 6) The name of the person or persons who prepared and/or participated in the Initial Study

II. PROJECT DESCRIPTION

Mr. Timothy Metz of Restoration Forestry, Inc. (Applicant), as special agent for Lost Coast Forestlands LLC (owner), is requesting renewal of the current Conditional Use Permit (CUP), Surface Mining Permit (SMP), and Reclamation Plan for a period of 15 years (similar to the length of the current entitlements) for the existing Baker Creek Quarry (CUP-03-13/SMR-03-02/RP-03-02), to allow for continued commercial production of run-of-mine hard rock aggregate products. The current entitlements were approved on February 2, 2006, by the Humboldt County Planning Commission and are set to expire on February 2, 2021. The site was harvested for timber in the 1940s and the existing Baker Creek Quarry (BCQ or Quarry) has been under operation and intermittently mined since the 1950s.

The Quarry covers approximately 3 acres and the mineral reserve covers 11 acres. Based on documents for the current entitlements (including the Staff Report, Initial Study/Mitigated Negative Declaration, and Reclamation Plan), the volume of available material was estimated in excess of one million cubic yards. In recent information provided by the Applicant, the current volume of available material is estimated in the range of 12 to 14 million cubic yards. The maximum annual rate of extraction remains at 50,000 cubic yards pursuant to current entitlements; however, annual production varies with market conditions and the need for on-site road maintenance. No change in the annual maximum extraction rate is proposed. 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. Excavation would not occur below the adjacent stream elevation of Baker Creek, a perennial stream, located adjacent to the Quarry site.

A total of 150 traffic trips associated with the Quarry operation are estimated to occur daily, 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. Some material extracted from the Quarry is hauled directly to construction projects as they are produced, while some materials are stockpiled or transferred off-site for processing, including but not limited to transport via Baker Creek and Briceland Thorn Roads for processing at the Wilcox Processing Facility (WPF), located approximately 0.6 miles west of the BCQ at 17603 Briceland Thorn Road (APN 215-231-013). Similar to historic use, up to a maximum of 60 loads (on an intermittent/seasonal basis) would be transported from the site per day and would be expected during the dry months, with reduced operations during the wetter/winter months.

No changes to the Quarry's current 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. Incorporation of these measures, in addition to any additional measures deemed necessary for the project, would 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.

Quarry Operations

Quarry operations involve loosening the rock at the active mining location by ripping and dozing it to the eastern side of the hill, where it falls to the collection area at the base of the hillslope (see Sheet 2). Excavation operations at the site continue at the highest point of the site and continue to work downward and into the hill in an easterly direction. At the close of operations, the site, in accordance with the Reclamation Plan, would be graded so that the final contour of the area would conform with the general topography of the

surrounding hillside. Additionally, erosion prevention treatments, including but not limited to straw mulching and grass seeding, would be applied and Douglas-fir seedlings would be planted. Additional reclamation activities are discussed in more detail, below.

The site would continue to be operated until all of the materials which can be operationally and economically removed are depleted.

The basic materials generated from this Quarry are rip-rap, buttress material, road base, and road surface materials. Some materials are hauled directly to construction projects as they are produced, while some materials are stockpiled or transferred off-site for processing.

On-site processing is limited to sorting large boulders suitable for use as rip-rap. Limited drilling or blasting would continue to occur. Associated activities include minor road maintenance, erosion control, and concurrent reclamation.

No water is required during excavation or limited on-site processing. Water for dust suppression is utilized within the loading area and along the access road, as necessary, during times of heavy truck traffic. Otherwise, the site's permanent, deeply rocked, outsloped access road does not require daily water application. When it is needed, water for dust suppression is collected and transported by truck from the sedimentation basins located at the base of the hillside (see Sheet 2).

A SMARA Inspection was performed by the County (Lead Agency) on November 11, 2019, in which, as noted on the SMARA Lead Agency Inspection Notice Form (see Appendix B), the mining operation was found to be in compliance with SMARA, consistent with the reclamation plan, the financial assurance is adequate for reclamation costs, and no violations were cited. The form also noted that the operation has a Letter of Credit (Financial Assurance Mechanism No. 122400451) in the amount of \$20,000 that is annually renewed for the proposed reclamation activities. The Letter of Credit was approved on February 22, 2018, and was submitted to the County for reapproval on December 31, 2018. In a letter dated May 6, 2019, from the County to the Division of Mine Reclamation (DMR), it was noted an updated Financial Assurance Cost Estimate (FACE) was submitted to the County for the 2019 mining season and staff accepted the cost estimate of \$20,393 as adequate for the mining season. An updated financial assurance mechanism (Letter of Credit) was submitted to cover the 2019 cost estimate.

Quarry Operation Schedule

The Quarry would continue to operate on an intermittent basis. Operations are carried out throughout the year when a specific need for the materials exist. Operations would continue to be limited to daylight hours, generally between 6:00 am to 6:00 pm Monday through Friday.

Equipment and Employees

The equipment that would continue to be utilized on-site consists of the following:

- a bulldozer for excavation,
- a rubber-tired loader for sorting, moving, and loading the rock aggregate materials, and
- haul trucks to transport the material off-site for processing and to construction sites.

A maximum of three employees would continue to work on-site at any one time, including one equipment operator and up to two truck drivers.

Equipment utilized for the operation is mobile in nature and would continue to be removed periodically whenever the operation is inactive and at the close of the operation and completion of reclamation activities, described below.

Required Approvals

Quarrying, 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 existing quarry is located are not designated or zoned for commercial or industrial uses, and the mining operation, including the on-site equipment, sedimentation basins, rock collection area, operating areas, and private access road to the quarry are in excess of one acre, the existing quarry 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). As discussed above, the current mining operation is permitted under County Permits CUP-03-13/SMR-03-02/RP-03-02), issued on February 2, 2006, and set to expire on February 2, 2021. In order to allow for continued commercial production of run-of-mine hardrock aggregate products at the BCQ and to comply with State and local regulations, permits must be renewed prior to the February 2021 expiration date.

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 the California Department of Fish and Wildlife (CDFW), all of which will require approval of a LSAA. A discussion on the specific violations requiring a LSAA are included below.

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 CDFW at the BCQ and the WPF since 2013.

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 BCQ and WPF 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.

The letter combined violations found at the BCQ and WPF. Noted violations #1-3 apply to the BCQ and noted violations #4-7 are applicable to the WPF. Although the letter combined the violations found at the two facilities, they are separate projects and separate SMARA CUP applications are being sought. However, at the direction of CDFW, one LSAA to address the above-listed violations will be applied for.

On September 30, 2016, a Notice of Violation letter from CDFW was sent to Ray Wilcox, WPF and Baker Creek Quarry operator, describing the deficiencies identified during the July 12, 2016, site visit (see Appendix C). In addition, the letter also requested submission of a completed LSAA application and associated fees. The Operator ceased all processing operations at the WPF and removed processing equipment, including a feeder, crusher, and screening plant, from the site.

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 (Operator). 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. 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.

An additional site visit was conducted on January 24, 2019, with the Operator, 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. As it pertains to the BCQ, Violation #3 (Perched dirt on road adjacent to Baker Creek) appears to have been remediated via installation of log and rock berms as there was a requirement for an outside safety berm from the Division of Mine Safety.

Regarding Violation #2 (culvert on a salmonid stream that was impeding fish passage and obstructing surface flow), the Operator has stated the culvert (North Fork Culvert B1000-X02) was replaced with approval from CDFW, under LSAA Notification 01-0387 in 2001. The 2001 LSAA called for a 60-inch culvert with a gravel bottom. However, CDFW included this in the list of violations because 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, a 72-inch culvert would allow the water to flow over the top of the gravel and would not impede passage.

An additional site visit was conducted with the Applicant, Operator, Beth Burks (Planning Principal, LACO), and Kalyn Bocast (Environmental Scientist, Watershed Enforcement Team, CDFW) on April 23, 2020. During this visit, Ms. Bocast requested a screen be utilized when water is pumped from the quarry's sedimentation pond to ensure amphibians or fish are not impacted. Ms. Bocast also indicated a culvert replacement to address Violation #2 would not be necessary and would be removed from the violation status, as it was in conformance with the requirements and received a 1602 permit at the time the culvert was installed. Ms. Bocast also noted that Violations #3-4 appear to have been resolved. Continued maintenance of other culverts at both the WPF and quarry site was also requested by Ms. Bocast, as well as removal of trash observed and planting of riparian vegetation at the WPF, in order to address and resolve Violations #5-7. Furthermore, during the April 2020 site visit, Ms. Bocast identified a culvert at the quarry site in need of replacement, as it is currently undersized and filling with sediment. Once this culvert replacement takes place, the Applicant would implement appropriate Best Management Practices (BMPs) to minimize the potential for any associated environmental impacts to occur.

Lake or Streambed Alteration Agreement (LSAA)

An LSAA will be required to correct the violations, as well as for the proposed culvert replacement and culvert maintenance (inlet and outlet cleaning by hand). A LSAA application was submitted to CDFW on January 20, 2021 to address the violations and documents when violations were corrected and when any additional corrective actions will occur.

Reclamation

After the cessation of mining operations on-site, the site would be reclaimed consistent with the land use, zone, and adjacent areas. The proposed end use of the land after reclamation is timber production. However, areas that would not support timber production due to the proximate location of bedrock at or near the ground surface would be contoured to conform with the adjacent terrain, treated for erosion control, and seeded with grass species suitable to the site.

Reclamation of the areas suitable for timber production would consist of the following five activities:

1. Grading the area to conform with the adjacent terrain with a uniform slope free of potholes or other water catchment features;
2. Replacement of the stockpiled overburden and topsoil materials;
3. Site preparation as needed, including ripping compacted areas;
4. Erosion prevention treatments, including but not limited to straw mulching and grass seeding; and
5. Planting Douglas-fir seedlings.

The final reclamation activities may be phased, but shall commence no later than the first fall following the time of aggregate depletion, if the operation becomes economically infeasible, or at the termination of the permit period (unless renewed). Final reclamation would have no effect on future mining opportunities in the area. The main access road is proposed to remain after reclamation has been completed.

III. PROJECT SETTING AND LOCATION

The existing Baker Creek Quarry is located on four separate parcels, including APNs 215-192-005, 215-192-018, 215-232-001, and 215-232-002 (site), and is accessed via Baker Creek Road, off Briceland Thorn Road. An internal access road off Baker Creek Road provides access to the top of the Quarry. Access to the site is controlled by a locked metal gate. The site is located approximately 1 mile southeast of the unincorporated community of Whitethorn, approximately 0.5 miles north of the Humboldt/Mendocino County line, and approximately 7 miles west of Highway 101 (see Figure 1). Surrounding the Quarry is conifer forest, containing trees ranging from approximately 30 to 70 years old. No logging has occurred adjacent to the Quarry during the current entitlements phase (i.e., in the past 15 years).

Baker Creek, a perennial stream, is located adjacent to the Quarry, along the Quarry's western, northern, and northeastern boundaries, within approximately 75 to 100 feet of the operating area. The prior project documents (Staff Report and Initial Study/Mitigated Negative Declaration from 2005) indicated Baker Creek is located 10-15 feet from the site at its closest point and 75 feet at its furthest point. However, the Applicant has indicated that in 2006, the Mattole Restoration Council installed a Natural Resources Conservation Service (NRCS)-funded bridge over Baker Creek, which moved the stream farther from the site's temporary loading area. Please note, development activities proposed and carried out under the provisions of Division 9 (Mining Operations) of Title III (Land Use and Development) of the Humboldt County Code, such as the proposed project, are exempt from the requirements of the County's Streamside Management Areas and Wetlands Ordinance (SMAWO), as noted under Section 314-61.1.4.5 of the Humboldt County Zoning

Regulations, which requires minimum setbacks of 100 feet from perennial and 50 feet from intermittent streams.

The site contains an existing bridge, approximately 40 feet long by 20 feet wide, along the Quarry's private access road, which crosses Baker Creek. As noted above, no excavation would occur below the adjacent stream elevation. A high berm (approximately 6 feet in height) located 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, 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 2). Log and rock berms have also been installed along the access road, adjacent to Baker Creek, to reduce erosion and run-off into the creek.

IV. 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.

V. 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 & Forestry Resources		Air Quality
X	Biological Resources	X	Cultural Resources		Energy
X	Geology & Soils		Greenhouse Gas Emissions	X	Hazards & Hazardous Materials
X	Hydrology & Water Quality		Land Use & Planning		Mineral Resources
	Noise		Population & Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities & Service Systems	X	Wildfire	X	Mandatory Findings of Significance

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. All mitigation measures proposed for the project are provided in the Mitigation Monitoring and Reporting Program (MMRP) (see Appendix A).

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.

DETERMINATION: (To be completed by the Lead Agency on the basis of this initial evaluation)

<input type="checkbox"/>	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
<input checked="" type="checkbox"/>	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.
<input type="checkbox"/>	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.

Joshua Dorris

03/12/2021

Signature

Date

Joshua Dorris, Planner
Name and Title

I. AESTHETICS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) In non-urbanized areas, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on aesthetics if it 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

The site is located approximately one-mile southeast of the town of Whitethorn, one-mile along a private road in a rural undeveloped area. The primary use of the area is timber production. The site is an existing rock quarry that has been mined intermittently since the 1950s. The present quarry occupies about 3 acres, including extraction and stockpiling areas. The mineral reserve covers an area of about 11 acres. The site development is minimal, and consists of roads and a few pieces of mobile equipment; no permanent structures exist on the site. 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 approximately 30 to 70 years old.

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. There are no structures within three-quarters of a mile of the Quarry. The existing Quarry is located just off the Baker Creek Road with dense stands of tall trees and topography shielding the majority of the project site from the roadway. The project would be consistent with quarry activities in the past. The reclamation activities planned for the site would restore the disturbed area to a setting similar to and compatible with the surrounding land use. Current operations on-site are intermittent and limited to daylight hours. The nearest residence to the extraction activity is located approximately 0.7 miles to the southeast of the Quarry. There is no evidence that the project would result in a significant adverse aesthetic impact.

I.a-c) The proposed project would not have a substantial adverse effect on a scenic vista. Additionally, there are no state scenic highways or designated scenic vistas within the vicinity of the project (Caltrans, 2018). Humboldt County has no officially designated State Scenic Highways, although Highway 101 is listed in

Section 263.6 of the California Streets and Highway Code as eligible for designation, which is located approximately 7 miles east of the BCQ at its nearest point, with several peaks and valleys between this distance (Humboldt County General Plan, 2017). The project would not substantially degrade the existing visual character or quality of the site and its surroundings, since the project site has been intermittently mined since the 1950s. 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 Quarry from surrounding properties and Briceland Thorn Road. A less than significant impact would occur.

I.d) No changes to the Quarry's current operations, including commercial production of run-of-mine hardrock aggregate products, are proposed under the project. The project involves the continuation of the site's current use and operation of the same equipment currently utilized on-site. Operations would continue to be limited to daylight hours, generally between 6:00 am to 6:00 pm Monday through Friday. Additionally, the project would not introduce a new source of substantial light or glare as no new development or equipment is proposed on-site. 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 Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on agriculture and forestry resources if it would 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; conflict with existing zoning for agricultural use or a Williamson Act contract; 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)); 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

The project area is rural in nature and currently contains land for forestry uses. The area comprising the existing BCQ has a Humboldt County General Plan land use designation of Timberland (T) and a Humboldt County zoning designation of Timberland Production Zone (TPZ).

The BCQ spans four (4) adjacent parcels which collectively total approximately 224.85 acres; however, the Quarry itself occupies approximately 3 acres, with 11 acres of mineral reserve. The site is comprised of an existing rock quarry that has been intermittently mined since the 1950s. 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 conifer forest, approximately 30 to 70 years old.

According to Humboldt County WebGIS, the Natural Resources Conservation Service (NRCS) proposes to designate the areas around the Quarry site as "Farmland of Statewide Importance". The Quarry has been operating since the 1950s and no changes are proposed with the requested permit renewals. Additionally, the property is not subject to a Williamson Act contract. The project would not convert farmland.

II.a) The project is not located on any farmlands of state or local importance as shown by the Humboldt County Web GIS, although some proposed "Farmland of Statewide Importance" by the NRCS surrounds the Quarry site. No changes to the BCQ's existing 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 has historically been and would continue to be used as a rock quarry and no changes to the current operation or footprint are proposed. 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) As discussed above, the portion of the four adjacent parcels where the existing BCQ is located is zoned as TPZ. The quarrying of mined materials, defined as "surface mining" under Section 2735 of SMARA, is not a principally permitted use of areas zoned as TPZ. However, continuation of the existing use is permissible with a Conditional Use Permit (CUP) if it would not "significantly detract from the use of the property for, or inhibit, growing and harvesting of timber" (per §314-7.4 of the Humboldt County Zoning Regulations), in addition to a Surface Mining Permit (SMP) and Reclamation Plan (RP) approval. After the cessation of mining operations on-site, the site would be reclaimed consistent with the land use, zone, and adjacent areas. The proposed end use of the land after reclamation is timber production. However, areas that would not support timber production due to the proximate location of bedrock at or near the ground surface would be contoured to conform with the adjacent terrain, treated for erosion control, and seeded with grass species suitable to the site.

It is important to note that the proposed project does not conflict with the historical use of the land in this location, as the BCQ has been in operation since the 1950s. Additionally, no changes to the site's current land use and zoning designations or existing operation are proposed under the project, and the operating hours, footprint, and infrastructure of the BCQ would remain the same as its current and recorded historic use. A less than significant impact would occur.

II.d) The BCQ would not result in the loss of forest land or conversion of forest land to non-forest use. Even though the site is located within an area designated as T and zoned as TPZ, the existing BCQ has been void of forestation for approximately 70 years, as it has been intermittently mined since the 1950s. Under the proposed project, there are no proposed expansions or infrastructure improvements that would expand beyond the pre-existing historical disturbance of the site. Additionally, as noted above, the proposed end use of the land after reclamation is timber production. No impact would occur.

II.e) The BCQ site has historically been utilized to 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 site. There would be no changes in the existing environment in 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. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on air quality if it would conflict with or obstruct implementation of applicable air quality plans; 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; expose sensitive receptors to substantial pollutant concentrations; or result 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 emissions, 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 PM₁₀ standard for breathable particulate matter of 10 microns or less (PM₁₀), and as "attainment," or within allowable limits, with respect to the balance of the criteria pollutants (NCUAQMD, n.d.).

Because the NCAB is in "non-attainment" for PM₁₀, the NCUAQMD adopted a PM₁₀ Attainment Plan (Attainment Plan) in 1995, which identified cost effective control measures that can be implemented to reduce ambient PM₁₀ 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 PM₁₀ 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* (2014). The project would result in the continuation of mining operations at the site, which has been under operation and intermittently mined since the 1950s. No additional site preparation or construction would occur under the project. Quarry operations involve excavation, sorting, loading, and hauling, all of which requires the use of heavy trucks and machinery. Excavation occurs by ripping and pushing broken rock over the hillside to the stockpile area below, where rock is loaded into highway transports for removal from the site for off-site processing. Limited drilling and blasting would also continue to occur. Associated activities to occur on-site include minor road maintenance, erosion control, and concurrent reclamation.

Emissions from continued operation of the BCQ would be comprised of emissions from on-site activities, including exhaust and fugitive dust, associated with operation of the quarry equipment, the loading and

hauling of aggregate material off-site, and from other vehicles, including employees traveling to and from the project site. However, the site is not continually in use and emissions would be created only during the time the mining operation is active. Vehicles are known to be a major pollution contributor, producing significant amounts of nitrous oxides (NO_x), carbon monoxide (CO), ozone (O₃), and particulate matter (PM_{2.5} and PM₁₀), and must also be considered when evaluating potential air quality impacts of a proposed project. A total of 150 traffic trips associated with the Quarry operation are estimated to occur daily, 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. Up to a maximum of 60 daily loads (on a seasonal basis) of materials from the Quarry would continue to be transported from the site, including directly to construction projects or off-site for processing. A maximum of three employees would continue to work on-site at any one given time and would generally consist of one equipment operator and up to two truck drivers.

The continued mining operations would be required to comply with all policies and requirements related to the control of fugitive dust during these activities, which have been established by NCUAQMD and include but are not limited to 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.

Additionally, in order to further minimize potential impacts, the operator will continue to maintain all quarry equipment and haul trucks in good working condition and limit travel speed to a maximum of 15 miles per hour (mph) within the boundaries of the site. Furthermore, pursuant to State law, all trucks utilized on-site are required to limit the amount of idling time to less than five minutes at a time. Continued implementation of these best management practices (BMPs) would ensure potential air quality impacts associated with continued operation of the BCQ continue to be adequately mitigated. In addition, water from the site's sedimentation pond (see Sheet 2) would be utilized on-site, as needed, for dust suppression during times of heavy truck traffic. Otherwise, the site's permanent, deeply rocked, outsloped access road does not require daily water application.

III.a-b) As noted above, the County is in "non-attainment" for PM₁₀. 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 BCQ's operation or size are requested under the CUP/SMP/RP entitlements renewal request, there are no expected conflicts or obstructions in the implementation of NCUAQMD's PM₁₀ 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 PM₁₀ air quality violation. The most common source of PM₁₀ 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 project, emissions would continue during use of the quarry equipment, including the extraction and loading equipment and trucks utilized for transporting the rock off-site for processing. However, as previously discussed, emissions would not be constant, as the BCQ operations are intermittent in nature. NCUAQMD has established policies regarding the control of fugitive dust during a project's construction and operation, which are prescribed in Rule 104, Subsection D (Fugitive Dust Emissions) of the NCUAQMD's *Rules and Regulations*. The proposed project would be required to comply with these policies, which include but are not limited to covering open bodied trucks used for transporting materials likely to release airborne dust, applying water or suitable chemicals for dust control, covering materials stockpiles and other surfaces which can give rise to airborne dust, and promptly removing tracked material from paved streets. Additionally, in order to further minimize potential impacts, the operator will continue to maintain all equipment and delivery trucks in good working condition and limit travel speed to a maximum of 15 miles per hour (mph) for vehicles traveling within the boundaries of the site. Furthermore, pursuant to State law, truck idling would continue to be limited to five minutes or less. With continued implementation of these BMPs, the proposed project would not result in significant adverse air quality impacts or result in a cumulatively considerable net increase in the PM₁₀ non-attainment levels in Humboldt County, and a less than significant impact would occur.

III.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 nearest residence to the site is located approximately 0.7 miles southeast of the site, respectively. Additionally, Whitethorn Elementary School is located approximately 1 mile northwest of the site. Due to the project's rural location, continuation of the existing mining operation would not expose sensitive receptors to substantial pollutant concentrations, nor create objectionable odors affecting a substantial number of people. As previously discussed, up to 60 daily loads of material (on a seasonal basis) would be transported off-site directly to construction projects or for processing, including but not limited to transport via Baker Creek and Briceland Thorn Roads for processing at the Wilcox Processing Facility (WPF), located approximately 0.6 miles west of the BCQ. Additionally, the project would require the continued 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, the transport, use, storage, and disposal of the necessary hazardous materials would be in accordance with all federal, State, and local laws, and would be collected and properly disposed of in a large collection container kept within the owner's timber operations maintenance shops located within the immediate area. A less than significant impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

IV. BIOLOGICAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on biological resources if it would 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 (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.

As previously discussed, the Quarry spans four separate parcels (APNs 215-192-005, 215-192-018, 215-232-001, and 215-232-002) and is surrounded by land zoned for timber production. Baker Creek, a perennial stream, is located adjacent to the Quarry, running along its northern, western, and eastern boundaries, within approximately 75 to 100 feet of the operating area.

A Biological Survey Technical Memorandum (Biological Survey) was prepared by LACO Associates on May 15, 2019 (see Appendix D), in order to characterize the existing habitats within both the Quarry and WPF 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 site, including Oregon goldthread (*Coptis laciniata*), Howell's montia (*Montia howellii*), and Oregon polemonium (*Polemonium carneum*). These species were searched for but not detected. Regarding wildlife species, of the species known to be in and around the USGS 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 the 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 boylei*)],
- Three special status bird species [great blue heron (*Ardea herodias*), marbled murrelet (*Brachyramphus marmoratus*), and northern spotted owl (*Strix occidentalis caudata*)],
- Four special status mammal species [pallid bat (*Antrozous pallidus*), hoary bat (*Lasiurus cinereus*), Sonoma tree vole (*Arborimus pomo*), and fisher (*Pekania pennant*)], and
- One migratory bird species [Allen's Hummingbird (*Selasphorus sasin*)].

No listed plant species were detected on during the field visit. Wildlife species utilizing the project area include common resident and wintering species, which utilize the upland habitats in the upper Mattole River basin. Although there is the potential for several special status wildlife species to be located on-site, 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. The Quarry site is located outside of designated critical habitat areas for marbled murrelet. 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 (LACO, 2019).

Please note, development activities proposed and carried out under the provisions of Division 9 (Mining Operations) of Title III (Land Use and Development) of the Humboldt County Code, such as the proposed project, are exempt from the requirements of the County's Streamside Management Areas and Wetlands Ordinance (SMAWO), as noted under Section 314-61.1.4.5 of the Humboldt County Zoning Regulations, which requires minimum setbacks of 100 feet from perennial and 50 feet from intermittent streams. However,

several protective features provided on-site and are designed to prevent significant adverse impacts to special status species potential located in the vicinity of the site, including Coho and steelhead, which were previously recorded in Baker Creek. As previously discussed, a high berm located between the stockpile area and Baker Creek, in addition to log and rock berms installed along the access road adjacent to Baker Creek, ensure 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, 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 2). Furthermore, no excavation occurs below the adjacent stream elevation.

IV.a) 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. As discussed above, the site supports a variety of common plant and wildlife species, although there is the potential for several special status plant and wildlife species to occur on-site. However, none were observed on-site during a January 2019 field survey. Mining activity at the site is intermittent and impacts to wildlife species would be limited to times of operation. The Quarry has been intermittently mined since the 1950s and, as a result, wildlife species have either adapted, modified their behavior, or relocated elsewhere. Once quarry operations end and reclamation, including revegetation, is completed, it is anticipated that wildlife would resettle into the area. A less than significant impact would occur.

IV.b-c) The project would not have a significant impact on any riparian habitat, other sensitive natural community, or State or federally protected wetlands, with mitigation incorporated. The project involves continuation of an existing mining operation. Several protective measures, including rock and log berms, sloped stockpile area, and the sedimentation area, described above, have been installed on-site and would continue to be utilized under the project to minimize erosion and run-off. In addition, the project would be required to maintain compliance with the requirements of the Regional Water Quality Control Board (RWQCB) and shall employ Best Management Practices (BMPs) for Erosion and Sediment Control (ESC) and Contractor Activities (CA) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity.

Equipment operation and routine maintenance would require the use of hazardous materials on-site, including the use of diesel fuel, oils, hydraulic fluids, lubricants, and cleaning solvents. Routine maintenance is and would continue to be performed on-site, while major repairs and the changing of fluids and lubricants would continue to occur off-site. The transport, use, and disposal of the materials would be in accordance with all federal, State, and local laws, and would be collected and properly disposed of in a large collection container kept within the owner's timber operations maintenance shops located within the immediate area. To minimize potential impacts on Baker Creek, any hazardous materials to be stored on-site shall be stored within an approved container and shall be stored in accordance with all laws and regulations. Additionally, pursuant to Mitigation Measure BIO-1, leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent contamination of waterways. With mitigation incorporated, a less than significant impact would occur.

IV.d) The Quarry 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 (CFG) to be present within or in the vicinity of the Site. In addition, coho and steelhead were previously recorded in Baker Creek, which runs adjacent to the Site; however, no work would occur within the creek and protective measures installed on-site (including rock and log berms, sloped stockpile area, and sedimentation basin) would continue to be utilized under the project to ensure erosion and run-off from project operations are

minimized. However, since the Quarry has been intermittently mined since the 1950s, wildlife species have either adapted, modified their behavior, or relocated elsewhere. Once quarry operations end and reclamation, including revegetation, is completed, it is anticipated that wildlife would resettle into the area. Continued operation of BCQ would not significantly alter wildlife movement within the area since the 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-1: Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:

1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses.
2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment.

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 Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 pursuant to §15064.5; cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5; or disturb any human remains, including those interred outside of formal cemeteries.

DISCUSSION:

On November 20, 2019, the Applicant's consultant, LACO Associates (LACO), prepared and delivered a Records Search Request to the Northwest Information Center (NWIC) to evaluate the potential to encounter archaeological or historic resources during the construction and operation of the residential development anticipated on-site subsequent to the minor subdivision. Additionally, on November 20, 2019, LACO submitted a request for a Native American contact list of the local Tribes and search of the Sacred Lands File (SLF) to the Native American Heritage Commission (NAHC).

In a letter response received from NWIC, dated December 3, 2019, it was noted that three prior studies [Studies S-27139 (Rich and Roscoe, 2003), S-44069 (Roscoe and Rich, 2006), and S-51464 (Raskin and Roscoe, 2014), which collectively covered approximately 10 percent of the proposed project area, did not identify any cultural resources within those portions of the project area that were surveyed. Since the project area has the possibility of containing unrecorded archaeological site(s), NWIC recommends that a study of the unsurveyed portions of the project area occur prior to commencement of project activities and that the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values.

To date, no response has been received from the NAHC.

V.a) There are no known historical cultural resources at the project site. There would be no new ground disturbance as part of the proposed project. Therefore, the project would have a less than significant impact on known cultural resources, and no mitigation is required.

V.b) There are no known or designated, tribal cultural, or unique archaeological resources within the project area. However, there is a small potential that the proposed project activities could inadvertently uncover archaeological materials that would need to be evaluated further to determine their significance. Two mitigation measures (MM CULT-1 and MM CULT-2) are incorporated as a precautionary measure to ensure appropriate response in the event of inadvertent discovery of cultural resources. With mitigation a less than significant impact would occur.

V.c) The proposed project activities have the potential to inadvertently uncover human remains during construction. A mitigation measure (MM CULT-3) is incorporated as a precautionary measure to ensure

appropriate response in the event of inadvertent discovery of cultural resources. With mitigation a less than significant impact would occur.

MITIGATION MEASURES

CULT-1: If archaeological resources are encountered during construction, work on-site shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. [Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.]

CULT-2: Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website:
http://ohp.parks.ca.gov/default.asp?page_id=1069.

CULT-3: 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 Impacts with Mitigation Incorporated** on Cultural Resources.

VI. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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.

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 project as proposed would allow for the commercial production of run-of-mine hardrock aggregate products from an existing quarry.. The Quarry has been operated since the 1950s and under the project, the site would continue to be utilized as historically allowed. Additionally, the site is not connected to the electrical grid and is not served by natural gas. The proposed project would continue to require the use of fuels such as gasoline diesel, hydraulic fluids, oils, and lubricants for the maintenance and operation of equipment.

VI.a-b) The proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources. The project does not involve new construction or an expanded footprint, as the project, which has been in operation since the 1950s, would result in continuation of the existing use, with no changes to the current operation proposed. Quarry operations involve excavation by ripping and pushing broken rock over the hillside to the stockpile area where run-of-mine rock will be loaded into highway transports. There would continue to be limited drilling and blasting and limited processing (sorting only) of the excavated material. The project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. Additionally, the proposed project does not propose the use or consumption of any additional energy except for during excavation operations. A less than significant impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

VII. GEOLOGY AND SOILS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect on geology and soils if it would directly 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; 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 directly 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 site, and the Garberville Fault Zone to the east of the site. There are no active faults mapped within the site or Quarry limits, nor is the site located within an Earthquake Fault Zone as mapped by the California Geological Survey (WebGIS). The nearest fault to the BCQ is the Whale Gulch-Bear Harbor fault zone, located approximately 3.8 miles to the west. The site is located in an area mapped as having moderate instability (WebGIS). Although the project site is located in a seismically active area, there are no elements of the project that would increase risk to existing structures, facilities, or residents, since the project involves a continuation of the current quarry operations on-site.

An *Investigation and Geotechnical Evaluation of the Baker Creek Quarry* (Geological Report) was prepared by SHN Consulting Engineers & Geologists, Inc., in November 2004 (see Appendix E), and provides recommendations for erosion control and for the construction and final slope conditions. The project would continue to comply with the recommendations contained in the Geotechnical Report.

As provided by the United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Web Soil Survey, there are two primarily soil types underlying the existing Quarry:

- Sproulish-Gibsoncreek-Redwohly complex, 50 to 75 percent slopes (Soil Type #579), comprising the northern half of the Quarry; and
- Sproulish-Gibsoncreek-Redwohly complex, 30 to 50 percent slopes (Soil Type #576), which comprises the southern half of the Quarry (NRCS, 2019).

These soil types contain colluvium derived from sandstone and/or residuum weathered from sandstone. The characteristics of the soil types underlying the site are presented in Table 1, below.

Table 1. Site Soil Characteristics

Property	Soil Type	
	Soil Type #576	Soil Type #579
Composition	25 percent Sproulish 45 percent Gibsoncreek 15 percent Redwohly soils 15 percent comprised of minor components	40 percent Spoulish 30 percent Gibsoncreek 15 percent Redwohly soils 15 percent comprised of minor components
Typical Profile	- <u>Sproulish</u> : loam and clay loam - <u>Gibsoncreek</u> : slightly decomposed plant material, loam, extremely paragravelly sandy loam, extremely paragravelly loam, and extremely paragravelly sandy loam - <u>Redwohly</u> : slightly decomposed plant material, gravelly loam, loam, paragravelly loam, paragravel	- <u>Sproulish</u> : loam and clay loam - <u>Gibsoncreek</u> : slightly decomposed plant material, loam, extremely paragravelly sandy loam, and extremely paragravelly loam - <u>Redwohly</u> : slightly decomposed plant material, gravelly loam, loam, paragravelly loam, and paragravel
Setting	Mountain slopes	Mountain slopes
Hydric Soil Rating	No	No
Natural Drainage Class	Well drained	Well drained
Runoff Class	High	High
Depth to Water Table	More than 80 inches	More than 80 inches
Available Water Storage	- <u>Sproulish</u> : High (about 10.6 inches) - <u>Gibsoncreek</u> : Moderate (about 6.1 inches) - <u>Redwohly</u> : Low (about 5.3 inches)	- <u>Sproulish</u> : High (about 11.6 inches) - <u>Gibsoncreek</u> : Moderate (about 6.0 inches) - <u>Redwohly</u> : Low (about 3.4 inches)
Source: NRCS, 2019.		

VII.a.i-ii) Although the site is located within a seismically-active region and would be likely to experience ground shaking of some magnitude during the life of the project, 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). As shown on the County's WebGIS, the area encompassing the Quarry is classified as having "Moderate Instability." However, since the project does not involve the construction of any new structures, but rather involves the continuation of the site's current use and operation of the same equipment currently utilized on-site, there are no components of the project that would increase potential impacts. A less than significant impact would occur.

VII.a.iii) As shown on the County's WebGIS, although the site and surrounding area is classified as having "Moderate Instability," neither the site nor the surrounding area is mapped as an area of potential liquefaction. Therefore, no impact would occur.

VII.a.iv) The County's WebGIS indicates the site and surrounding area has experienced numerous historic landslides. However, since the project is a continuation of the current use and no changes to the site's current operations are proposed, there are no components of the project that would increase the potential for landslides to occur or increase risk of harm for persons working on-site. In addition, continued compliance with the recommendations included in the 2004 Geotechnical Report (see Appendix E), including specific recommendation related to finished cut slopes, slope instability would be minimized. A less than significant impact would occur.

VII.b) The project would not result in substantial soil erosion or loss of topsoil, with mitigation incorporated. Baker Creek, a perennial stream, is located adjacent to the Quarry, along the Quarry's western, northern, and northeastern boundaries, within approximately 75-100 feet of the operating area. No excavation is proposed below the adjacent stream elevation. An existing earthen berm between the stockpile area and Baker Creek, in addition to the existing rock and log berms along the access road, would continue to be utilized and maintained to ensure 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 (see Sheet 2). In addition, the project is required to maintain compliance 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 Best Management Practice Handbook for Construction Activity. A less than significant impact would occur.

VII.c) As noted above, the existing BCQ 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. A historic landslide has been mapped within the eastern portion of the Quarry, with numerous other historic landslides mapped in the surrounding vicinity. However, the project does not propose any development or construction of new facilities or infrastructure beyond what has been utilized historically on-site. A less than significant impact would occur.

VII.d) Expansive soils are typically associated with clay soils. As shown in Table 1, above, although clay loam is evident in the typical profile of the site's two soil types, it is not the predominant component of the soils. Additionally, no permanent development is proposed on-site and all equipment would be removed from the site after completion of the mining operation and reclamation activities at the site. A less than significant impact would occur.

VII.e) The 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.

VII.f) Although no permanent development is proposed on-site, the potential exists for unique paleontological resources or sites 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 on-site, a less than significant impact would occur.

MITIGATION MEASURES

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.

DRAFT

VIII. GREENHOUSE GAS EMISSIONS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect 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 seq.), including setting a target of reducing GHG emissions to 1990 levels by 2020 (a reduction of approximately 15 percent below emissions expected under a "business as usual" scenario), and to a level of 80 percent below 1990 emission levels by 2050. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions (ARB, 2014). Health and Safety Code §38505 identifies seven greenhouse gases that ARB is responsible to monitor and regulate in order to reduce emissions: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and nitrogen trifluoride (NF₃).

The existing BCQ 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. Mining operations at the site would continue to be subject to NCUAQMD regulations through a Permit to Operate issued by that agency.

Given the relatively remote nature of the quarry and the local region it would likely serve, the project is not expected to significantly increase GHG emissions in the area, as the quarry would continue to operate as it historically has. Emissions from continued operation of the BCQ would be comprised of emissions from on-site activities, including exhaust and fugitive dust, associated with operation of the quarry equipment, the loading and hauling of aggregate material off-site, and from other vehicles, including employees traveling to and from the Quarry site. However, the site is not continually in use and emissions would be created only during the time the mining operation is active.

VIII.a) A significant increase in GHG emissions over current conditions is not anticipated under the project, as the project would result in continuation of the site's current quarry operations. GHG emissions would continue to be produced by the extraction and loading equipment, trucks that transport the material off-site, and from employees traveling to and from the site via personal vehicles. However, as discussed under Section III (Air Quality), above, the project would be required to comply with NCUAQMD's adopted Rules and Regulations; all equipment and haul trucks utilized on-site would continue to be maintained in good condition and observe a maximum speed of 15 mph when traveling on-site to minimize excessive exhaust emissions and fugitive dust; 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. As such, a less than significant impact would occur.

VIII.b) As noted above, the quarry would continue to operate as it historically has. There are several goals, policies, standards, and implementation measures related to air quality and the reduction of GHG emissions included in Chapter 15 (Air Quality Element) of the Humboldt County General Plan. While a Climate Action Plan (CAP) has not been officially adopted by the County, the County of Humboldt, in coordination with RCEA and the Cities of Arcata, Blue Lake, Eureka, Ferndale, Fortuna, Rio Dell, and Trinidad, is working to develop a regional Climate Action Plan (CAP) to “explore locally-oriented strategies to reduce emissions from vehicle travel, electricity consumption, natural gas use, and other sources of GHGs” (County, n.d.). Development of the regional CAP is consistent with a policy (Policy AQ-P9) in the Air Quality Element (Chapter 15) of the Humboldt County General Plan.

As discussed above, continued compliance with NCUAQMD standards and regulations would be required. Additionally, the operator would continue to keep all equipment and haul trucks utilized on-site maintained in good condition, observe a maximum speed of 15 mph when traveling on-site to minimize excessive exhaust emissions and fugitive dust, and, pursuant to State law, truck idling on-site would continue to be limited to a maximum of five minutes at a time. As a result, GHG emissions associated with continued operation of the quarry would be minimized and a less than significant impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thresholds of Significance: The project would have a significant effect 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; be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment; result in a safety hazard or excessive noise for people residing or working in the project area if 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; or 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.

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).

Due to the continued use of the site as a quarry, the project would not lead to an increase in hazards or hazardous materials on-site or within the surrounding areas. Equipment operation and routine maintenance would require the use of hazardous materials on-site, including the use of diesel fuel, oils, hydraulic fluids, lubricants, and cleaning solvents. Routine maintenance is and would continue to be performed on-site, while major repairs and the changing of fluids and lubricants would continue to occur off-site. The transport, use, and disposal of the materials would be in accordance with all federal, State, and local laws, and would be collected and properly disposed of in a large collection container kept within the owner's timber operations maintenance shops located within the immediate area.

The Quarry site is not 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 (DTSC) Envirostor database (2019), and the GeoTracker database maintained by the State Water Resources Control Board (SWRCB, 2015). 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 1 mile northwest of the BCQ; however, cleanup of the hazardous materials site has been completed and the case was closed in August 2010 (SWRCB, 2015).

On September 30, 2004, SHN Consulting Engineers and Geologists, Inc. (SHN) conducted a site investigation at the BCQ in an effort to determine the potential for naturally occurring asbestos at the site. Although the Quarry site is not located in an area identified on the State Geologic Map (Redding 2° Sheet) as containing ultramafic rock, the BCQ is located on a large block of greenstone belonging to the Coastal Belt of the Franciscan Complex. The Quarry is situated on the nose of a ridge composed of fractured greenstone bedrock. Greenstone is a generic name for a metamorphosed ultramafic rock with a greenish hue; this coloring results from various amounts of chlorite, actinolite, or epidote. The bedrock is mostly hard and intact, with widely spaced fractures. Softer portions of the rock are highly fractured, and weather into angular cobble sized gravel fragments. Typical Coastal Belt terrane includes rootless blocks of sandstone and the occasional mafic rock enveloped in a highly sheared argillite matrix. Though the greenstone may contain asbestos minerals, SHN did not find any evidence of asbestos on site. Asbestos is most commonly associated with serpentinite, which, like greenstone, is a metamorphosed ultramafic rock. Serpentinite is not commonly found in Coastal Belt rocks and was not encountered at the Quarry (SHN, 2004).

IX.a-b) As noted above, equipment operation and routine maintenance associated with the continued quarry operations would require the routine transport, use, and disposal of hazardous materials, such as diesel fuel, oils, hydraulic fluids, lubricants, and cleaning solvents. The transport, use, and disposal of such materials would be required to be conducted in accordance to all federal, State, and local laws. Additionally, any hazardous materials utilized would be collected and properly disposed of in a large collection container kept within the owner's timber operations maintenance shops located within the immediate area.

Baker Creek is in close proximity to the Quarry. As discussed under Section IV, Biological Resources, above, coho salmon and steelhead trout (State and Federal Threatened species) were previously recorded in Baker Creek. A high berm between the stockpile area and Baker Creek ensures erosion and run-off is minimized and the stockpile area is sloped to direct any run-off away from the stream, where it is captured in a sedimentation pond. Overflow from the pond passes through sediment filters before it is allowed to drain to

the stream (see Sheet 2). Compliance with federal, State, and local laws would continue to be required, including but not limited to storing any hazardous materials on-site within an approved container. Additionally, Mitigation Measure BIO-1 requires prompt clean-up of leaks, drips, and spills of hydraulic fluid, oil, or fuel from the equipment utilized on-site to prevent contamination of waterways, which would further reduce potential impacts. With mitigation incorporated, a less than significant impact would occur.

IX.c-e) There are no existing or proposed schools within one-quarter mile of the proposed project; the nearest existing school to the site is Whitethorn Elementary School, located approximately 1 mile 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 (2019) located on-site or in the immediate vicinity. Additionally, the project site is not located within two miles of a public use airport. The nearest airports to the site are the Garberville and Shelter Cove Airports, located approximately 7 miles northeast and 8 miles west of the site, respectively. No impact would occur.

IX.f) The Humboldt County Emergency Operations Plan (2015) (applies to the entirety of the County, including the subject site. As noted in the County's Emergency Operations Plan, "the policies, principles, concepts, and procedures contained in [the] plan are designed to provide the basis for action by the County's Operational Area emergency organization" (OES, 2015). The project would not be anticipated to have a significant effect on emergency response within the area, as continuation of the existing Quarry operation would not increase the amount of truck or traffic trips over current conditions. A less than significant impact would occur.

IX.g) The project site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire) and the Whitethorn Volunteer Fire Department for fire protection services. Additionally, the Site is located within a "high" fire hazard severity zone (WebGIS). CalFire's Thorn Station is located approximately 3.8 miles northwest of the site. Continued compliance with the SRA Fire Safe Regulations (14 CCR, Division 1.5, Subchapter 2, Articles 1-5) would be required under the project, which would minimize wildfire risk. Precautions on-site to abate the potential for fire creation includes the use of defensible space around the operating areas and equipment and watching the equipment during use for any potential failures that could lead to the creation of an ignition source. However, in order to ensure people and structures would not be exposed, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires additional measures are required in order to further reduce the potential for such impact to occur, including: prohibiting parking or idling of any vehicles or operating equipment in grassy or vegetated areas; ensuring areas where equipment is parked or operated remain clear of flammable materials; and limit where smoking may occur on-site to paved areas or areas cleared of all vegetation (see Mitigation Measure HAZ-1, below).

With mitigation incorporated, a less than significant impact would occur.

MITIGATION MEASURES

Refer to Mitigation Measure BIO-1 under Section IV, Biological Resources, above.

HAZ-1: In order to further minimize the potential for wildland fires as a result of the proposed project, the Applicant and Quarry operator shall:

- Prohibit parking or idling of any vehicles or operating equipment in grassy or vegetated areas;
- Ensure that equipment parking and operating areas are cleared of all extraneous flammable materials; and

- Prohibit smoking in wildland areas, with smoking limited to paved areas or areas cleared of all vegetation.

FINDINGS

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

DRAFT

X. HYDROLOGY AND WATER QUALITY. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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 decrease groundwater supplies or interfere substantially with groundwater recharge such that 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 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 impede or redirect flows; in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

DISCUSSION

Baker Creek, a perennial stream, is located adjacent to the quarry, along the Quarry's western, northern, and northeastern boundaries, within approximately 75 to 100 feet of the operating area. Please note, development activities proposed and carried out under the provisions of Division 9 (Mining Operations) of Title III (Land Use and Development) of the Humboldt County Code, such as the proposed project, are exempt from the requirements of the County's Streamside Management Areas and Wetlands Ordinance (SMAWO), as noted under Section 314-61.1.4.5 of the Humboldt County Zoning Regulations, which requires minimum setbacks of 100 feet from perennial and 50 feet from intermittent streams.

The 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 in order to direct any run-off away from the stream where it is captured in a holding/sedimentation pond. Overflow from the pond passes through sediment filters before it is allowed to drain to the stream (see Sheet 2). Mining operations would continue to not require the use of water for excavation or sorting; however, water from the catch basins would continue to be utilized for dust suppression in the Quarry loading area and on the access road. The site and access road would continue to be watered as needed when operations are active.

A portion of two of the four parcels comprising the Quarry are located within a 100-year FEMA flood zone (Zone A; Firm Panel 06023C1975F); however, only a small portion of Baker Creek Road falls within the flood zone. The remaining components of the BCQ, including the internal access road, active mining location, rock collection area, berm, and sedimentation basins, are located outside of the 100-year flood zone.

As previously discussed, several violations have been noted on the Quarry and Wilcox Processing Facility (WPF; where material from the BCQ is taken for processing) sites since 2013. 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 BCQ and WPF 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. Those noted related to Baker Creek Quarry include:

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;

On September 30, 2016, a Notice of Violation letter from CDFW was sent to Ray Wilcox, WPF and quarry operator, describing the deficiencies identified during the July 12, 2016, site visit (see Appendix C). In addition, the letter also requested submission of a completed LSAA application and associated fees. The Operator ceased all processing operations at the WPF 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 (Operator). This site visit served as a review of corrections made in an effort to correct the previously noted 1600 violations and to develop a clear path forward to compliance. 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.

An additional site visit was conducted on January 24, 2019, with the Operator, 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, one violation pertaining to the Baker Creek Quarry has been corrected:

- Violation #3 (Perched dirt on road adjacent to Baker Creek) – appears to have been remediated via installation of log and rock berms.

Regarding Violation #2 (culvert on a salmonid stream that was impeding fish passage and obstructing surface flow), the Operator 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.

Due to this violation, a culvert replacement may be necessary. The Applicant, with Mr. Wilcox and Sanctuary Forest, Inc., proposes the removal of the culvert and replacement of the culvert with a bridge of sufficient length to restore the stream to its historic meander, along with filling in the gully and ensuring fish passage into the upstream reaches. The Applicant would implement Best Management Practices (BMPs) if and when the culvert replacement takes place to minimize the potential for any associated environmental impacts.

An additional site visit was conducted with the Applicant, Operator, Beth Burks (Project Manager/Planning Principal, LACO), and Kalyn Bocast (Environmental Scientist, Watershed Enforcement Team, CDFW) on April 23, 2020. During this visit, Ms. Bocast requested a screen be utilized when water is pumped from the quarry's sedimentation pond to ensure amphibians or fish are not impacted. Ms. Bocast also indicated a culvert replacement to address Violation #2 would not be necessary, since when it was replaced, it was in conformance with the requirements at that time. Ms. Bocast also noted that Violations #3-4 appear to have been resolved. Continued maintenance of other culverts at both the WPF and quarry site was also requested by Ms. Bocast, as well as removal of trash observed and planting of riparian vegetation at the WPF, in order to address and resolve Violations #5-7. Furthermore, during the April 2020 site visit, Ms. Bocast identified a culvert at the quarry site in need of replacement, as it is currently undersized and filling with sediment. Once this culvert replacement takes place, the Applicant would implement appropriate Best Management Practices (BMPs) to minimize the potential for any associated environmental impacts to occur.

X.a) The project would not violate any water quality standards, result in an increase in wastewater discharge over the current mining operation, or otherwise substantially degrade surface or ground water quality, with the incorporation and continued use of best management practices (BMPs). The 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 under the project, the 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 the continued mining operation. The portable restrooms would be maintained and serviced by a qualified company, who would ensure compliance with all wastewater treatment requirements of NCRWQCB. Additionally, as previously described, the project would require continued compliance with the requirements of the Regional Water Quality Control Board (RWQCB), and shall employ BMPs for Erosion and Sediment Control (ESC) and Contractor Activities (CA) as identified in the California Storm Water Best Management Practice Handbook for Construction Activity. Once the culvert identified in need of replacement by CDFW in April 2020 is replaced, appropriate BMPs would be implemented to minimize any potential associated impacts.

The proposed project does not involve the construction of new impermeable surfaces and, as a result, additional surface run-off would not occur. The existing berm on-site would continue to be maintained and utilized, which would continue to ensure 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 and overflow from the pond would continue to pass through sediment filters before it is allowed to drain to the stream (see Sheet 2).

As previously discussed, the project would continue to transport and use hazardous materials on-site. Routine maintenance is and would continue to be performed on-site, while major repairs and the changing of fluids and lubricants would continue to occur off-site. Compliance with federal, State, and local laws would continue to be required, which require any hazardous materials be stored within an approved container on-site. Additionally, pursuant to Mitigation Measure BIO-1, prompt clean-up of leaks, drips, and spills of hydraulic fluid, oil, or fuel from the equipment utilized on-site to prevent contamination of waterways is required in order in order to prevent contamination of waterways and would further reduce potential impacts. With mitigation incorporated, a less than significant impact would occur.

X.b) The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project, which involves continuation of existing mining operation, would not construct any impermeable surfaces, and, as a result, additional runoff would not occur and surface water would continue to infiltrate into the ground.

No water is required during excavation or limited on-site processing. Water for dust suppression is utilized within the loading area and along the access road. The water is collected and transported by truck from the sedimentation basins located at the base of the hillslope. A less than significant impact would occur.

X.c.i and iii) The project would not result in substantial erosion or siltation 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, with mitigation incorporated. Baker Creek, a perennial stream, is located adjacent to the Quarry, along the Quarry's western, northern, and northeastern boundaries, within approximately 75 to 100 feet of the operating area. No excavation currently or would continue to occur below the adjacent stream elevation. An existing earthen berm between the stockpile area and Baker Creek would continue to be utilized and maintained to ensure 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 (see Sheet 2). As previously described, a culvert was identified to be in need of replacement by CDFW during the April 2020 site visit. Once replacement occurs, appropriate BMPs would be implemented to minimize any potential associated impacts. In addition, the project is required to maintain compliance with the requirements of the RWQCB, and shall employ BMPs for ESC and CA as identified in the California Storm Water Best Management Practice Handbook for Construction Activity. A less than significant impact would occur.

X.c.ii) No changes to the current operation or site is proposed under the project. As a result, the project would not increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Since the project would not increase the amount of impermeable surfaces on-site, additional runoff would not occur and surface water would continue to infiltrate into the ground. No impact would occur.

X.c.iv) The project would not impede or redirect flood flows, as the project is a continuation of an existing use. A portion of two of the four parcels comprising the Quarry are located within a 100-year FEMA flood zone (Zone A; Firm Panel 06023C1975F); however, only a small portion of Baker Creek Road falls within the flood zone. The remaining components of the existing BCQ, including the internal access road, active mining location, rock collection area, berm, and sedimentation basins, are located outside of the 100-year flood zone. No impact would occur.

X.d) The site is not located within the coastal zone and is not subject to tsunamis or seiches. As discussed above, only a small portion of Baker Creek Road falls within the flood zone. The remaining components of the existing BCQ, including the internal access road, active mining location, rock collection area, berm, and sedimentation basins, are located outside of the 100-year flood zone. No impact would occur.

X.e) As previously discussed, continued compliance with the requirements of the RWQCB would be required and the project would be required to employ BMPs for ESC and CA as identified in the California Storm Water Best Management Practice Handbook for Construction Activity. As a result, the project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan, and a less than significant impact would occur.

MITIGATION MEASURES

See Mitigation Measure BIO-1 under Section IV, Biological Resources, above.

FINDINGS

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

XI. LAND USE AND PLANNING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on land use and planning if it would physically divide an established community or cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

DISCUSSION

The existing BCQ spans four individual Assessor's Parcel Numbers (APNs), including APNs 215-192-005, 215-192-018, 215-232-001, 215-232-002. The majority of the project area has a Humboldt County General Plan land use designation of Timberland (T) and a Humboldt County zoning designation of Timber Production Zone (TPZ).

Uses principally 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, 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, grazing and other agricultural uses, and recreational uses. Uses permitted with a CUP include timber production processing plants, incidental camping areas, tent camps, temporary recreational vehicle parks, special occupancy parks, and similar recreational uses, or any use not specifically enumerated, if it is similar to and compatible with the uses permitted in the TPZ. In addition, CUP authorized under §314-7.4 (TPZ: Timberland Production) of the Humboldt County Zoning Regulations "cannot be approved if such use will significantly detract from the use of the property or inhibit, growing and harvesting of timber."

The undeveloped area is covered with sparse covering of tanoak and conifer regeneration with an understory of native brush species. Surrounding the Quarry is conifer forest, approximately 30 to 70 years old. The project would be consistent with current quarry operations, which has been mined intermittently since the 1950s. Additionally, the reclamation activities planned for the site would restore the disturbed area to a setting similar to and compatible with the surrounding land uses, which includes timber production.

The proposed end use of the land after reclamation is timber production. However, areas that would not support timber production due to the proximate location of bedrock at or near the ground surface would be contoured to conform with the adjacent terrain, treated for erosion control, and seeded with grass species suitable to the site.

Reclamation of the areas suitable for timber production would consist of the following five activities:

1. Grading the area to conform with the adjacent terrain with a uniform slope free of potholes or other water catchment features;
2. Replacement of the stockpiled overburden and topsoil materials;
3. Site preparation as needed, including ripping compacted areas;
4. Erosion prevention treatments, including but not limited to straw mulching and grass seeding; and
5. Planting Douglas-fir seedlings.

The final reclamation activities may be phased but shall commence no later than the first fall following the time of aggregate depletion, if the operation becomes economically infeasible, or at the termination of the permit period (unless renewed). Final reclamation would have no effect on future mining opportunities in the area. The main access road is proposed to remain after reclamation has been completed.

XI.a) The proposed project would not physically divide an established community, since no new permanent development or change to the property's current land use or zoning designations are proposed under the project. As such, no impact would occur.

XI.b) As noted above, the project area has a Humboldt County General Plan land use designation of Timberland (T) and a Humboldt County zoning designation of Timber Production zone (TPZ). The project would be consistent with the site's historic and current quarry activities, which has been mined intermittently since the 1950s. Additionally, once the mining operations of the BCQ site have concluded, the site would be reclaimed consistent with the land use, zone, and adjacent areas, as mentioned above with the five (5) reclamation activities. There is no evidence that the project would result in land use and planning impacts, and the operating hours, footprint, and infrastructure of the site would remain the same as its current and recorded historic use. No changes to the property's current land use or zoning designations are proposed under the project. Therefore, the project would have a less than significant impact.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

XII. MINERAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on mineral resources if it would 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 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

The Baker Creek Quarry is an existing run-of-mine hardrock aggregate quarry that has been mined intermittently since the 1950s. The basic materials generated from this quarry are rip-rap, buttress material, road base, and road surface materials. Some materials are hauled directly to construction projects as they are produced, while some materials are stockpiled or transferred off-site for processing.

The present Quarry occupies about 3 acres, including extraction and stockpiling areas. The mineral reserve covers an area of about 11 acres. The Quarry area consists of an access road, minimal stockpile areas, and unworked rock. The project does not propose any new mining activities and, thus, the project would be consistent with current and historic quarry activities on-site. The project allows for the continued utilization of an important and historically utilized mineral resource for the region. The mineral resources available on the site are not unique to the area and are found throughout this geologic formation. The project site is not delineated as a locally important mineral resource recovery site within the Humboldt County General Plan. The final reclamation would have no effect on future mining opportunities in this area. There is no evidence that the project would impact mineral resources.

The Quarry would continue to operate on an intermittent basis. Operations are carried out throughout the year when a specific need for the materials exist. The BCQ would continue to be operated until all of the materials which can be operationally and economically removed are depleted.

XII.a-b) The proposed project involves a request for renewal of the current entitlements to allow for the continued extraction of run-of-mine hardrock aggregate. No changes to the Quarry's current operations are proposed. Quarry operations entail loosening the rock at the active mining location by ripping and dozing it to the eastern side of the hill, where it falls to the collection area at the base of the hillslope (see Sheet 2). Excavation operations at the site continue at the highest point of the site and continue to work downward and into the hill in an easterly direction. At the close of operations, the site would be graded so that the final contour of the area would conform with the general topography of the surrounding hillside. Additionally, on-site processing is limited to sorting large boulders suitable for use as rip-rap. Limited drilling or blasting would continue to occur. Furthermore, 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.

DRAFT

XIII. NOISE. Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generation of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) For a project located within the vicinity of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on noise if it would result in the generation of 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; or generation of excessive groundborne vibration or groundborne noise levels; or expose people residing or working in the project area to excessive noise levels (for a project located within the vicinity of a private airstrip or an airport or an airport land use plan, or where such as plan has not been adopted, within two miles of a public airport or public use airport).

DISCUSSION

Major noise sources in Humboldt County consist primarily of highways, airports, rail, on-site construction, and industrial activities. The site is approximately 7 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), and AE (Agriculture Exclusive), in addition to TPZ, such as the subject site, the maximum permissible noise level (Lmax) 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).

The project is located in a rural location and continuation of the existing mining operation would not significantly increase noise in the vicinity or increase noise over current conditions, as no changes to the current operation are proposed under the project. The surrounding area, predominately zoned as TPZ, is also utilized for timber harvesting activities. Major sources of noise at the site are associated with heavy equipment, including ripping and excavating machinery, wheel loader, and rock hauling trucks, in addition to occasional drilling and blasting associated with the mining operation. However, as previously discussed, the mine would continue to operate on an intermittent basis, with the bulk of activity to occur in the drier months (spring and summer). As a result, increase noise levels at the site would only occur during periods of

operation. Operations would also continue to be limited to daylight hours, generally Monday through Friday, between 6:00 am to 6:00 pm.

The nearest sensitive receptors to the site include a single family residence, located approximately 0.7 miles southeast of the site, and Whitethorn Elementary School, located approximately 1 mile northwest of the Site, respectively. While the haul trucks associated with the operation produce noise levels in the range of 70 dBA along Briceland Thorn Road, this level of noise is common for this road, which has a long history of use by logging trucks, rock hauling trucks, and other heavy trucks. The surrounding area, predominately zoned as TPZ, is utilized for timber harvesting activities.

XIII.a-b) The project would not generate a substantial temporary or permanent increase in ambient noise levels of the site, nor the generation of excessive groundborne vibration or groundborne noise levels. As previously discussed, the project involves a continuation of an existing mining operation, which involves the use of heavy equipment, including ripping and excavating machinery, wheel loader, and rock hauling trucks. In addition, limited drilling and blasting associated with the mining operation would continue to occur. There are no nearby sensitive receptors that would be impacted by the limited level of groundborne vibration that is anticipated during some of the quarry activities. No changes in the Quarry's operations are proposed and operations would remain intermittent. Ambient noise levels at the site and surrounding properties has historically been associated with timber harvesting activities and the intermittent mining. The BCQ has also been intermittently mined since the 1950s.

The site is located in a very rural area with minimal development. The nearest residence to the site is located approximately 0.7 miles southeast of the site, respectively. Additionally, Whitethorn Elementary School is located approximately 1 mile northwest of the site. Since the operation is intermittent in nature, any increases in noise would be temporary and would also be limited to daylight hours. In addition, Briceland Thorn Road has a long history of use by logging and rock hauling trucks, and, as a result, occupants of the developments located along and within the vicinity of Briceland Thorn Road have become accustomed to the associated road noise.

After the cessation of mining operations on-site, the site would be reclaimed consistent with the land use, zone, and adjacent areas. The proposed end use of the land after reclamation is timber production. However, areas that would not support timber production due to the proximate location of bedrock at or near the ground surface would be contoured to conform with the adjacent terrain, treated for erosion control, and seeded with grass species suitable to the site.

A less than significant impact would occur.

XIII.c) The site is not located within an airport land use plan or within two miles of a public airport. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

XIV. POPULATION AND HOUSING. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on population and housing if it would 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 displace substantial numbers of existing people or housing, 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 request to renewal existing permits for the Baker Creek Quarry. A maximum of three employees would continue to work on-site at any one time. In addition, truck drivers would continue to traverse the haul road from the Baker Creek Quarry to transport the material (up to a maximum of 60 daily loads on an intermittent/seasonal basis) off-site directly to construction sites or for processing, including but not limited to processing at the WPF, located approximately 0.6 miles west of the BCQ.

XIV.a-b) The project would not result in any significant growth inducing impacts and the proposed project does not include the development or removal of any housing. Since the proposed project is a continued rock quarry operation and would not result in expanded operations at the site, no new employees are anticipated under the project. Additionally, aggregate extraction is normally driven by growth, not vice versa. Growth inducing impacts are generally caused by projects that have a direct or indirect effect on economic or population growth, or land development. No services or utilities are required to be extended to the site. There is no evidence that the project would impact population and housing; therefore, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

XV. 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 Incorporated	Less Than Significant Impact	No Impact
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on public services if it 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 site is located within the State Responsibility Area (SRA) and is classified as a high fire hazard area. Fire protection service for the site is provided by the California Department of Forestry and Fire Protection (CalFire) and the Whitethorn Volunteer Fire Protection District (WebGIS). CalFire's Thorn Station is located approximately 3.8 miles northwest of the site. The Humboldt County Sheriff's Office provides police protection service for the unincorporated community of Whitethorn, with the nearest station located in Garberville, approximately 9 miles to the northeast of the site. Whitethorn Elementary School is located approximately 1 mile northwest of the site. No parks are located in the immediate vicinity of the site, although several parks are located in Garberville and Benbow, approximately 8 miles northeast of the site.

XIV.a-e) The demand on fire protection, police protection, schools, parks, and other public facilities (such as hospitals and libraries) is not anticipated to change with the implementation of the project, since the project involves the continuation of the BCQ and no changes to the current operation is proposed. No housing is proposed under the project and since the operation would remain the same, 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.

XVI. RECREATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on recreation if it would 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 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 1.15 miles northwest of the proposed project area; and
- Sinkyone Wilderness State Park, located approximately 5 miles south of the proposed project area.

XVI.a-b) No residential units would be constructed, nor is the population expected to increase, as a result of the proposed project. The proposed project involves the continuation of extracting run-of-mine hardrock aggregate from the Baker Creek Quarry, as historically permitted. No changes to the current operation are proposed and the existing facilities, infrastructure, and footprint are proposed remain the same. No expansion or new employees are anticipated under the project, and, as a result, 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. Thus, no impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

XVII. TRANSPORTATION. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on transportation if it would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b); substantially increase hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or result in inadequate emergency access.

DISCUSSION

The project involves continuation of an existing quarry, which has been mined since the 1950s. The site is accessed via Baker Creek Road (a private road), off Briceland Thorn Road (which is maintained by the County). An internal access road off Baker Creek Road provides access to the top of the Quarry. Baker Creek Road, a private road, is rock surfaced, approximately 15 to 20 feet wide, and has been historically utilized for both timber and rock hauling. In order to maintain the road and provide dust suppression, Baker Creek Road would continue to be periodically watered and graded.

Annual Quarry production varies with market conditions and the need for on-site road maintenance. Due to the Quarry's intermittent use, truck traffic associated with the project would continue to vary with seasonal and market conditions; however, similar to historic use, a maximum of 60 loads would be transported from the site per day, including but not limited to transporting directly to construction projects or for processing, and would be expected during the dry months, with reduced operations during the wetter/winter months. A maximum of three employees would continue to work on-site at any one time.

The heavy equipment that would continue to be utilized on-site consists of the following:

- a bulldozer for excavation;
- a rubber-tired loader for sorting, moving, and loading the rock aggregate materials; and
- haul trucks to transport the material off-site for processing and to construction sites.

Equipment utilized for the operation is mobile in nature and would continue to be removed periodically whenever the operation is inactive and at the close of the operation and completion of reclamation activities.

XVII.a) The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. As noted above, the Quarry site is located in a rural area and is accessed via Baker Creek Road, a private road off Briceland Thorn Road. The project involves continuation of an existing mining operation with no changes to the current operation proposed and a maximum of three employees would continue to work on-site. As a result, a significant

amount of new vehicular traffic is not anticipated, in addition to any significant impacts to public transit or bicycle and pedestrian facilities. A less than significant impact would occur.

XVII.b) The project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b), which states:

"(1) Land Use Projects. Vehicle miles traveled exceeding an applicable threshold of significance may indicate a significant impact. Generally, projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Projects that decrease vehicle miles traveled in the project area compared to existing conditions should be considered to have a less than significant transportation impact", and

"(2) Transportation Projects. Transportation projects that reduce, or have no impact on, vehicle miles traveled should be presumed to cause a less than significant transportation impact. For roadway capacity projects, agencies have discretion to determine the appropriate measure of transportation impact consistent with CEQA and other applicable requirements. To the extent that such impacts have already been adequately addressed at a programmatic level, a lead agency may tier from that analysis as provided in Section 15152."

As of the date of this Initial Study, Humboldt County has not adopted vehicle miles traveled (VMT) thresholds. A significant impact would not be anticipated to occur as a result of the project, since the project involves a continuation of an existing mining operation, with no changes to the current operation proposed. In addition, Briceland Thorn Road has historically been used for timber and rock hauling. As a result, a significant increase in the amount of traffic along Briceland Thorn Road, including truck traffic, is not anticipated. A less than significant impact would occur.

XVII.c) As noted above, the project involves continuation of an existing mining operation and no changes to the current operation are proposed under the project. Briceland Thorn Road, a County road utilized by the project, is designed and maintained in accordance to all County standards. A less than significant impact would occur.

XVII.d) The proposed project would not result in inadequate emergency access. The site and surrounding vicinity are currently developed to meet pertinent design criteria to provide adequate emergency access in accordance with all design standards and requirements. Additionally, equipment, trucks, and employees' personal vehicles would continue to not be located or allowed to park in such a way that blocks access to the Site. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

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

XVIII. TRIBAL CULTURAL RESOURCES. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

XVIII.i and XVIII.ii) There is a small potential that the proposed project activities could inadvertently uncover archaeological materials that would need to be evaluated further to determine their significance. A mitigation measure (MM CULT-1) is incorporated as a precautionary measure to ensure appropriate response in the event of inadvertent discovery of cultural resources. As such the potential for project activities to inadvertently uncover archaeological materials is less than significant. However, the tribes requested the opportunity to observe ground-disturbing activities that will penetrate deeper than one foot below ground surface. This request was incorporated into Mitigation Measure CULT-1.

MITIGATION MEASURES

Refer to Mitigation Measures CULT-1 through CULT-3 in Section V, Cultural Resources, above.

FINDINGS

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

XVIX. UTILITIES AND SERVICE SYSTEMS. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on utilities and service systems if it would require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects; not have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; result in a determination by the wastewater treatment provider, which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; 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 not 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. 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 the site.

The Quarry has been in operation since the 1950s and the proposed project consists of the renewal of the existing entitlements (Conditional Use permit and Surface Mining Permit) and Reclamation Plan. The extraction area consists of approximately 3 acres with 11 acres of mineral reserve. However, there will be no increase above currently permitted extraction volumes and operations. A maximum of three employees

would continue to work on-site at any one time, including one equipment operator and up to two truck drivers. Water would continue to be used for on-site dust control, as needed, during times of heavy truck traffic. Water for dust suppression is utilized within the loading area and along the access road. An on-site water source is available as the catch basins and settling ponds remain filled throughout the year. The water is collected and transported by truck from the sedimentation basins located at the base of the hillslope. No wastewater would be produced. Site runoff and water utilized for mining activities would be returned to the ground table via ground percolation and the settling basin. Minimal solid waste would continue to be generated on-site and would continue to be transported off-site for disposal. 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. Portable chemical toilets would continue to be provided, as required, and maintained by a licensed pumper. The toilets do not connect to or impact any public water or wastewater facilities. Consistent with past and existing quarry operations, the use and maintenance of the portable sanitary facility would continue to comply with all State and County regulations. No change to solid waste patterns and disposal would occur as a result of the project.

XVIX.a) 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. As mentioned above, no wastewater would be produced. The site runoff and water use on-site would be returned to the ground table via ground percolation and the settling basin. There would be minimal solid waste generated on-site and portable chemical toilets would continue to be provided. The toilets do not connect to or impact any public water or wastewater facilities and would continue to be maintained by a licensed pumper.

On July 12, 2016, the CDFW conducted a site visit at the BCQ and WPF sites. Warden Shane Embry and Senior Environmental Scientist Jane Arnold were present. During the site visit CDFW staff observed the several potential violations, one of them being a culvert on a salmonid stream that was impeding fish passage and obstructing surface flow (Violation #2). Since that time additional information has been provided to CDFW and a second site visit was conducted in April 2020. Based on the new information and the results of the site visit, the culvert will be removed from the violation status, as it was in conformance with the requirements and received a 1602 permit at the time it was installed. Therefore, the project would have a less than significant impact.

XVIX.b-c) Potable water facilities do not currently exist at the site, nor would such facilities be installed on-site under the project, as no development is proposed. Potable water for employees would be brought to the site in their vehicles. Additionally, the property is not within any sanitation district nor is there an on-site septic system. Portable chemical toilets are provided. 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 operation periods. Water on-site is utilized for dust suppression purposes only; the on-site water source is available as the catch basins and settling ponds remain flooded throughout the year. There would be no impact to water supplies.

XVIX.d-e) 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. There would be no change to solid waste patterns or disposal as a result of the proposed project. No impact would occur.

MITIGATION MEASURES

No mitigation required.

FINDINGS

The proposed project would have a **Less Than Significant Impact** on Utilities and Service Systems.

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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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on wildfire if it would impair an adopted emergency response plan or emergency evacuation plan; 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; 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; or 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 site is located within the State Responsibility Area (SRA) and is classified as a high fire hazard severity zone. The site is currently and would continue to be served by the California Department of Forestry and Fire Protection (CalFire) and the Whitethorn Volunteer Fire Department for fire protection services. No historic fires have occurred on-site in the last 100 years. However, two historic fires occurred nearby in 1950 and 1951. Occurring in 1950, the Forrest Miller fire, located 1.1 miles west of the site, burned approximately 470 acres and the following year, in 1951, located approximately 1.2 miles southwest of the site, the WM. Happy fire burned approximately 2,592 acres, accounting for the most recent and geographically relevant fires to the site as shown on the Humboldt County WebGIS. The site is accessed via Baker Creek Road, off Briceland Thorn Road, a County-maintained road designed and maintained to handle emergency response vehicles.

Due to the continued use of the site as a quarry, the project would not lead to an increase in hazards or hazardous materials on-site or within the surrounding areas. As previously discussed, the transport, use, and disposal of the materials would be in accordance with all federal, State, and local laws, and would be collected and properly disposed of in a large collection container kept within the owner's timber operations maintenance shops located within the immediate area.

Continued compliance with the SRA Fire Safe Regulations (14 CCR, Division 1.5, Subchapter 2, Articles 1-5) would be required under the project, which would minimize wildfire risk. Precautions on-site to abate the potential for fire creation includes the use of defensible space around the operating areas and equipment and watching the equipment during use for any potential failures that could lead to the creation of an ignition source.

XX.a, b, d) As previously discussed, the project site is located within the State Responsibility Area (SRA) and is served by the California Department of Forestry and Fire Protection (CalFire) and the Whitethorn Volunteer Fire Department for fire protection services. Additionally, the Site is located within a "high" fire hazard severity zone (WebGIS). CalFire's Thorn Station is located approximately 3.8 miles northwest of the site. The project involves continuation of an existing mining operation. Under the project, a maximum of three employees would continue to work on-site at any one time. Although the top of the hillside and active mining location are located at an elevation of approximately 1,350 feet above mean sea level, with slopes ranging from 15 percent up to more than 50 percent, Baker Creek Road and the internal access road to the top of the Quarry are adequately maintained. As noted above, the project would continue to be required to comply with the SRA Fire Safe Regulations. Additional measures utilized on-site to reduce wildfire risk include the use of defensible space around the operating areas and equipment and watching the equipment during use for any potential failures that could lead to the creation of an ignition source. The project would continue to provide adequate emergency access in accordance with all design standards and requirements. Furthermore, equipment, trucks, and employees' personal vehicles would continue to not be located or allowed to park in such a way that blocks access to the Site.

- However, due to the site's rural nature and location within the high fire hazard severity zone, additional measures are required per Mitigation Measure HAZ-1 (see Section IX, Hazards and Hazardous Materials, above) in order to further minimize the risk of wildfire associated with the proposed project, including: Prohibiting parking or idling of any vehicles or operating equipment in grassy or vegetated areas;
- Ensuring that equipment parking and operating areas are cleared of all extraneous flammable materials; and
- Prohibiting smoking in wildland areas, with smoking limited to paved areas or areas cleared of all vegetation (see Mitigation Measure HAZ-1).

With mitigation incorporated, a less than significant impact would occur.

XX.c) Since the project involves continuation of an existing use with no changes to the current operation proposed, no additional infrastructure is required. As discussed above, Baker Creek Road and the internal access road to the top of the Quarry are adequately maintained and safety precautions are utilized on-site to reduce the potential for wildfire risk. A less than significant impact would occur.

MITIGATION MEASURES

Refer to Mitigation Measure HAZ-1 under Section IX, Hazards and Hazardous Materials, above.

FINDINGS

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

XXI. MANDATORY FINDINGS OF SIGNIFICANCE.	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Does the project have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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).	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

THRESHOLDS OF SIGNIFICANCE: The project would have a significant effect on mandatory findings of significance if it would have the potential to substantially 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, substantially 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; 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 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 extension of the Conditional Use Permit and Surface Mining Permit, and Reclamation Plan acceptance to allow for the continued use of the site as a quarry rock mining site, similar to the historical use of the site since the 1950s, 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.

XXI.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. There is no evidence that the project would substantially reduce the habitat of a fish or wildlife species or cause a fish or wildlife population to drop below self-sustaining levels. There is no evidence that the project would restrict or reduce the range or number of rare or endangered plants or animals, as discussed under the Biological Resources and Hydrology sections. Furthermore, the site will be reclaimed and revegetated to an end use consistent with the land use, zone and adjacent areas. Potential project impacts have been mitigated during the planning stage of the proposal. The largest potential for impact would be from resulting increases in sedimentation to watercourses from the project area. Consequently, the project is designed to preclude the concentration of surface runoff from entering streams or erodible areas. Furthermore, with mitigation incorporated, the proposed project would not eliminate important examples of California history or prehistory and a less than significant impact occur.

XXI.b) The surface mining activities and final reclamation of the site have no collective impact greater than any individual component. The project does not propose any development and does not include any short-term impacts that are to the detriment of long-term environmental goals. The project is designed and mitigated with these long-term goals in mind. The ultimate reclamation of the site would be beneficial in all cases when viewed in a context with past, present, and future projects.

Upon project conclusion, the Quarry would be restored to its original designation as a timber production zone. Thus, the proposed project is consistent with the general or community plan developed for the area. The project has been reviewed in the context of all other recent discretionary approvals in the surrounding area, in the context of conformance with the applicable general plan or community plan policies and standards, and in the context of future developments which are known at the time of project review. As part of this review, the project has been determined to be consistent with the long-term goals of the general plan by virtue of consistency with the provisions of the general plan designation and zoning. The project represents conditionally permitted development in the context of the general and/or community plans.

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.

XXI.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 extension of Conditional Use and Surface Mining Permits and Reclamation Plan acceptance have been analyzed and, as mitigated, all potential impacts can be held to a less than significant level.

MITIGATION MEASURES

Refer to Mitigation Measure BIO-1 in Section IV (Biological Resources), Mitigation Measures CULT-1 through CULT-3 in Section V (Cultural Resources), Mitigation Measure GEO-1 in Section VII (Geology and Soils), and Mitigation Measure HAZ-1 in Section IX (Hazards and Hazardous Materials).

FINDINGS

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

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VI. REFERENCES

- California Air Resources Board (ARB). 2014. *Assembly Bill 32 Overview*. Accessed August 13, 2019. Available at: <https://www.arb.ca.gov/cc/ab32/ab32.htm>.
- California Energy Commission (CEC). October 2017. California Energy Commission Final Commission Report - Senate Bill 350: Doubling Energy Efficiency Savings by 2020. Accessed August 23, 2019. Available at: http://docketpublic.energy.ca.gov/PublicDocuments/17-IEPR-06/TN221631_20171026T102305_Senate_Bill_350_Doubling_Energy_Efficiency_Savings_by_2030.pdf.
- Humboldt County Planning and Building Department. Web GIS. Available at: <http://gis.co.humboldt.ca.us/Freeance/Client/PublicAccess1/index.html?appconfig=podgis4>
- Humboldt County Sheriff's Office, Office of Emergency Services (OES). March 2015. *County of Humboldt Emergency Operations Plan – Humboldt Operational Area*. Accessed August 13, 2019. Available at: <https://humboldt.gov.org/DocumentCenter/View/51861/Humboldt-County-Emergency-Operations-Plan-2015>.
- North Coast Unified Air Quality Management District (NCUAQMD). *Air Quality Planning & CEQA*. Accessed August 13, 2019. Available at: <http://www.ncuaqmd.org/index.php?page=aqplanning.ceqa>.
- North Coast Unified Air Quality Management District (NCUAQMD). February 20, 2014. *Rules and Regulations. Regulation I (General Provisions, Permits & Prohibitions). Rule 101 (Definitions)*. Accessed August 13, 2019. Available at: <http://www.ncuaqmd.org/index.php?page=rules.regulations>.
- SHN Consulting Engineers & Geologists, Inc. Investigation and Geotechnical Evaluation of the Baker Creek Quarry. Eureka, California: SHN, 2004. Print
- State of California. Department of Toxic Substances Control (DTSC). 2019. *EnviroStor*. Accessed August 16, 2019. Available at: <https://www.envirostor.dtsc.ca.gov/public/>.
- State Water Resources Control Board (SWRCB). 2015. *GeoTracker*. Accessed August 16, 2019. Available at: <https://geotracker.waterboards.ca.gov/>.
- United States Census Bureau. Factfinder. Accessed August 29, 2019. Available at: <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.
- United States Department of Agriculture (USDA). Natural Resources Conservation Service (NRCS). Last modified April 9, 2019. *Web Soil Survey*. Accessed August 16, 2019. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>.

FIGURES

Conditional Use Permit/Surface Mining Permit/Reclamation Plan Renewal Plan Set

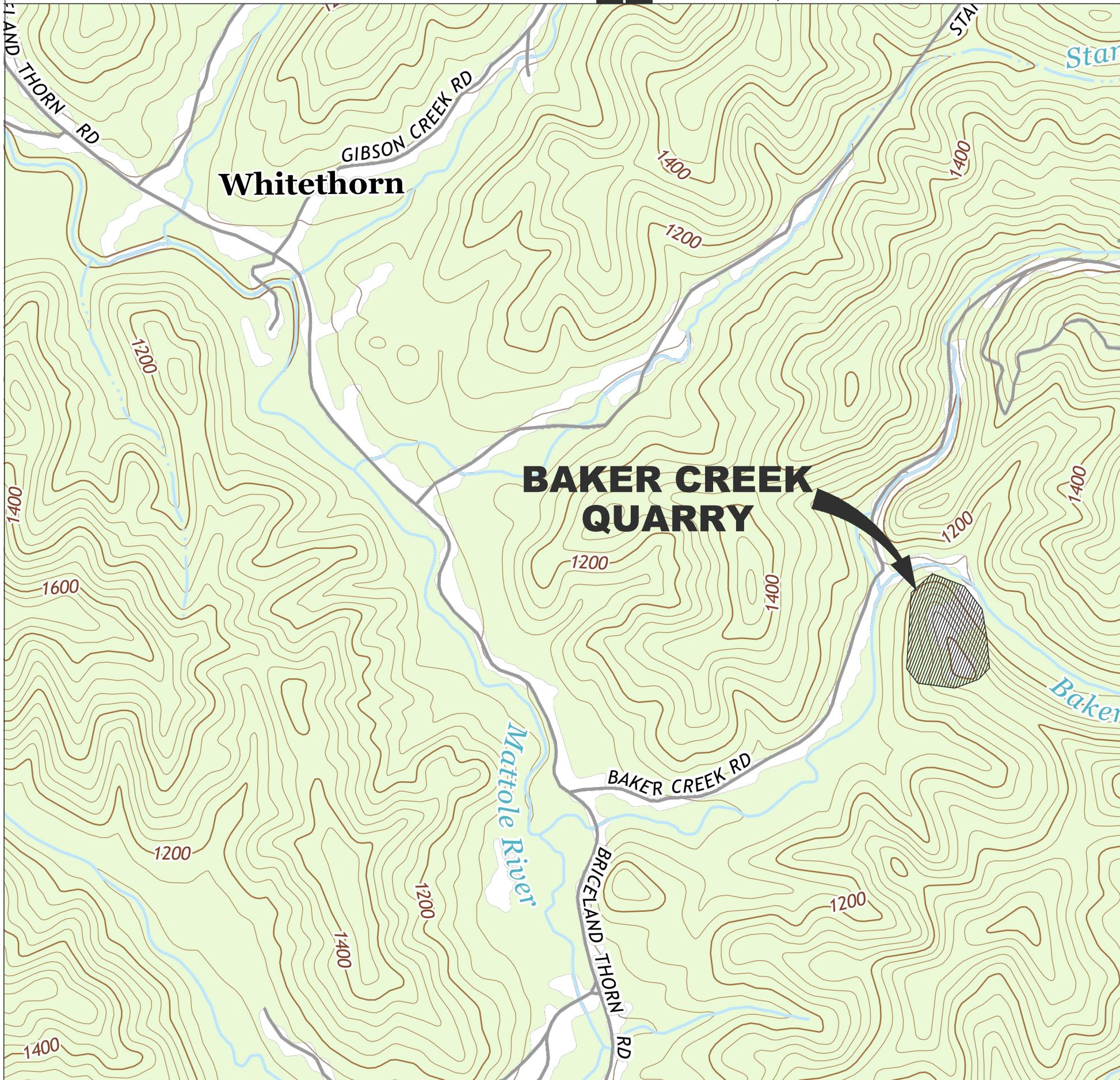
Sheet 1 Cover Sheet

Sheet 2 Site Plan

BAKER CREEK QUARRY CONDITIONAL USE PERMIT, SURFACE MINING PERMIT, AND RECLAMATION PLAN RENEWAL

LOST COAST FORESTLANDS, LLC

APN: 215-192-005, 215-192-018, 215-232-001, 215-232-002

PROJECT DATA		PROJECT NOTES		SHEET INDEX	
<p>BAKER CREEK QUARRY: LOCATION: BAKER CREEK ROAD, WHITETHORN, CA APNs: 215–192–005, 215–192–018, 215–232–001, 215–232–002 CURRENT GENERAL PLAN DESIGNATIONS: TIMBERLAND (T) CURRENT ZONING DESIGNATION: TIMBERLAND PRODUCTION ZONE (TPZ) PROJECT AREA: 16 ACRES</p>		<p>1. THE APPLICANT IS REQUESTING THE RENEWAL OF A CONDITIONAL USE PERMIT (CUP), SURFACE AND MINING PERMIT (SMP), AND RECLAMATION PLAN ACCEPTANCE FOR THE BAKER CREEK QUARRY TO ALLOW FOR CONTINUED QUARRY ROCK MINING. NO CHANGES TO THE BAKER CREEK QUARRY’S CURRENT OPERATIONS ARE PROPOSED UNDER THE PROJECT. THIS PROJECT IS SEPARATE FROM THE WILCOX PROCESSING FACILITY WHICH HAS BEEN IDLE SINCE 2016 AND IS SEEKING ENTITLEMENTS UNDER A SEPARATE APPLICATION (CUP 18–016).</p> <p>2. THE CURRENT ENTITLEMENTS (CUP–03–13/SMR–03–02/RP–03–02) WERE APPROVED ON FEBRUARY 2, 2006, BY THE HUMBOLDT COUNTY PLANNING COMMISSION AND ARE SET TO EXPIRE ON FEBRUARY 2, 2021.</p> <p>3. THE SITE WAS HARVESTED FOR TIMBER IN THE 1940S AND THE EXISTING BAKER CREEK QUARRY HAS BEEN UNDER OPERATION AND INTERMITTENTLY MINED SINCE THE 1950S.</p> <p>4. THE BAKER CREEK QUARRY IS ACCESSED VIA BAKER CREEK ROAD FROM BRICELAND THORNE ROAD. THE QUARRY IS APPROXIMATELY 1 MILE SOUTHEAST OF THE COMMUNITY OF WHITETHORN.</p> <p>5. AN INTERMITTENT SEASONAL CREEK IS LOCATED IN CLOSE PROXIMITY TO THE SITE, APPROXIMATELY 50 FEET FROM THE STREAMSIDE MANAGEMENT AREA ALONG THE WEST, NORTH, AND EAST OF THE QUARRY.</p> <p>6. THE SITE IS WITHIN THE STATE FIRE RESPONSIBILITY AREA AND IS CLASSIFIED AS VERY HIGH AND HIGH FIRE HAZARD SEVERITY RATING.</p> <p>7. PORTIONS OF THE TWO WESTERLY PARCELS ARE LOCATED WITHIN THE FEMA 100–YEAR FLOOD ZONE. HOWEVER, THE OPERATING AREA OF THE QUARRY IS LOCATED OUTSIDE OF THE FLOOD ZONE BOUNDARIES AND WOULD NOT BE SUBJECT TO INUNDATION.</p> <p>8. NO HAZARDOUS AREAS ARE KNOWN TO EXIST ON THE SITE.</p>		<div>PLANNING</div> <div>1COVER SHEET</div> <div>2SITE PLAN</div>	
PROJECT DIRECTORY		<div>VICINITY MAP</div> <div></div>			
<p>APPLICANT INFORMATION: COMPANY: RESTORATION FORESTRY, INC. (AS AGENT FOR LOST COAST FORESTLANDS, LLC) NAME: TIM METZ PHONE: (707) 496–0322 ADDRESS: 1593 OLD BRICELAND ROAD, GARBERVILLE, CA 95524</p> <p>OWNER INFORMATION: COMPANY: LOST COAST FORESTLANDS, LLC c/o TER SERVICES, LLC – MARA POLK PHONE: (713) 955–3220 ADDRESS: 2229 SAN FELIPE STREET, SUITE 1150 HOUSTON, TX 77019</p> <p>AGENT INFORMATION: COMPANY: LACO ASSOCIATES NAME: MEGAN MARRUFFO, SENIOR PLANNER/PROJECT MANAGER PHONE: (707) 443–5054 ADDRESS: 21 W 4TH STREET, EUREKA, CA 95501</p>					

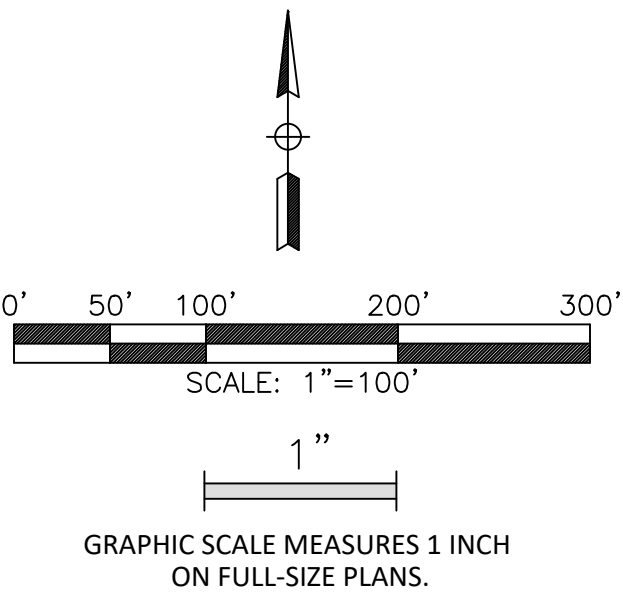
LACO

EUREKA • UKIAH • SANTA ROSA

1-800-515-5054

www.lacoassociates.com

HISTORY / REVISION		BY	CHK.	DATE
NO.				
CONDITIONAL USE PERMIT, SURFACE MINING PERMIT, AND RECLAMATION PLAN RENEWAL				
APNS: 215-192-005 AND -018; 215-232-001 AND -002				
COVER SHEET				
LOST COAST FORESTLANDS, LLC				
BAKER CREEK ROAD				
DRAWN	ASV (LACO)			
CHECK	KLD (LACO)			
APPROVED	MMM (LACO)			
DATE	09-13-2019			
JOB NUMBER	8830.04			
SHEET	1			



VICINITY MAP

0' 200' 400' 800' 1200'

SCALE: 1"=400'

DRAWN	MRM (LACO)
CHECK	KLD (LACO)
APPROVED	MMM (LACO)
DATE	09-13-2019
JOB NUMBER	8830.04
SHEET	

APPENDIX A

Mitigation and Monitoring Program (MMRP)

Environmental Factor	Mitigation Measure	Implementation Responsibility	Monitoring/ Reporting Responsibility	Timing
Biological Resources	<p>MM BIO-1: Leaks, drips, and spills of hydraulic fluid, oil, or fuel from construction equipment shall be promptly cleaned up to prevent contamination of waterways. All workers shall be properly trained in the prevention and clean-up of spills of contaminants. Protective measures shall include the following:</p> <ol style="list-style-type: none"> 1. No discharge of pollutants from vehicle and equipment cleaning shall be allowed into any drainage ditches or watercourses. 2. Spill containment kits shall be properly maintained and located within the vicinity of all operations and fueling of equipment. 	Project Sponsor	County of Humboldt	Ongoing
Cultural Resources	<p>MM CULT-1: If archaeological resources are encountered during construction, work on-site shall be temporarily halted in the vicinity of the discovered materials and workers shall avoid altering the materials and their context until a qualified professional archaeologist has evaluated the situation and provided appropriate recommendations. Project personnel shall not collect cultural resources. [Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.]</p>	Project Sponsor	County of Humboldt	Prior to construction
Cultural Resources	<p>MM CULT-2: Any identified cultural resources shall be recorded on DPR 523 historic resource recordation forms, available online from the Office of Historic Preservation's website: http://ohp.parks.ca.gov/default.asp?page_id=1069.</p>	Project Sponsor	County of Humboldt	Prior to construction
Cultural Resources	<p>MM CULT-3: 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</p>	Project Sponsor	County of Humboldt	Prior to construction

	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.			
Geology and Soil	MM 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.	Project Sponsor	County of Humboldt	Prior to construction
Hazards and Hazardous Materials	MM HAZ-1: In order to further minimize the potential for wildland fires as a result of the proposed project, the Applicant and Quarry operator shall: <ul style="list-style-type: none"> Prohibit parking or idling of any vehicles or operating equipment in grassy or vegetated areas; Ensure that equipment parking and operating areas are cleared of all extraneous flammable materials; and 	Project Sponsor	County of Humboldt	Prior to construction

	Prohibit smoking in wildland areas, with smoking limited to paved areas or areas cleared of all vegetation.			
Hydrology and Water Quality	See Mitigation Measure MM BIO-1 under Biological Resources, above.	Project Sponsor	County of Humboldt	Prior to construction
Tribal Cultural Resources	Refer to Mitigation Measures MM CULT-1 through CULT-3 in Cultural Resources, above.	Project Sponsor	County of Humboldt	Prior to construction
Wildfire	Refer to Mitigation Measure MM HAZ-1 in Hazards and Hazardous Materials, above.	Project Sponsor	County of Humboldt	During construction

APPENDIX B

2019 SMARA Lead Agency Inspection Form



Department of Conservation
OFFICE OF MINE RECLAMATION

SMARA LEAD AGENCY INSPECTION NOTICE FORM

(This form is provided for the convenience of lead agencies. See instructions on the back of the form.)

To: Reporting Unit
California Department of Conservation
Office of Mine Reclamation
801 K Street, MS 0906
Sacramento, CA 95814

From:

Date of this Notice:

Subject: Lead Agency Inspection Notice Pursuant to PRC 2774(b)

Date of Inspection:

Mine ID: 91-

I certify that this surface mining operation is in compliance with SMARA (mining operation is permitted [or vested], consistent with reclamation plan, the financial assurance is adequate for reclamation costs, and no violations were cited on the MRRC-1 inspection form*).

Check applicable box:

Yes **No** - If no, which aspects of the operations are inconsistent with SMARA :

Does the surface mining operation have a review of its reclamation plan, financial assurances, or an interim management plan pending under subdivision (b), (c), (d), or (h) of Section 2770, or an appeal pending before the board or lead agency governing body under subdivision (e) or (h) of Section 2770?

Yes

No

Are the completed MRRC-1 inspection form and any supporting documentation, including, but not limited to, any inspection report prepared by the licensed geologist, civil engineer, landscape architect, or forester, who conducted the inspection attached?

Yes

No

Planner

Signature and Title of Lead Agency Representative

* See instructions on back of form

SURFACE MINING INSPECTION REPORT

(See reverse side of each form page for completion instructions)

I. Mine Name (As Shown on Approved Reclamation Plan)	Inspection Date:	CA MINE ID# 91-
--	------------------	--------------------

II. Mine Operator		Telephone ()
Onsite Contact Person		Telephone ()
Mailing Address		
City	State	ZIP Code
E-mail Address (optional)		

III. Designated Agent		Telephone ()
Mailing Address		
City	State	ZIP Code
E-mail Address (optional)		

IV. SMARA Lead Agency Name (City, County, BCDC, or SMGB)		
Inspector		Telephone ()
Title	Organization	
Mailing Address		
City	State	ZIP Code
E-mail Address (optional)		

V. Does the operation have:	P	NR	No	Yes
A Permit to Mine				Permit # - Start and Expiration Dates
Vested Right to Mine				Year of Lead Agency determination
A Reclamation Plan				RP# Date Approved
Reclamation Plan Amendment				RP Amendment # (as applies) Date Approved or Status of Amendment
Has the Operator filed a Mining Operation Annual Report (Form MRRC-2) this Year? Check One: <input type="checkbox"/> Yes <input type="checkbox"/> No Year of Most Recent Filed Annual Report:				

VI. Is this Operation on Federal Land? Check One: If "Yes," Provide One or Both of the Federal Mine Land Identification Numbers Below: <input type="checkbox"/> Yes <input type="checkbox"/> No	
California Mining Claim Number (CAMC#):	Latitude/Longitude at Mine Entrance (Decimal Degrees):
U.S. Forest Service or BLM Identification Number (Plan of Operations #) :	Status of Plan of Operations (Current/Expired/In Process):

DISTRIBUTION: Lead Agency sends copies of Inspection notice & completed MRRC-1 to operator, operator's designated agent, BLM or USFS (if required) & retains original.

SURFACE MINING INSPECTION REPORT

VII. Financial Assurance		Inspection Date:	CA MINE ID#: 91-	
Type of Financial Assurance Mechanism(s)	Financial Assurance Mechanism Number(s)	Amount of Mechanism	Date of Expiration	Date of Lead Agency Approval of Mechanism
Total Amount of Mechanism(s)				
<input type="checkbox"/> Financial Assurance Mechanism Pending Review by Lead Agency? If yes, provide date submitted/explanation and amount of pending mechanism:				
Has there been a change of operator since last inspection? If yes provide the date of notice. <input type="checkbox"/> Yes <input type="checkbox"/> No Date of Change:	If yes, has the new operator posted a Financial Assurance Mechanism? <input type="checkbox"/> Yes <input type="checkbox"/> No If not, describe status of new operators Financial Assurance Mechanism:		Does new operator's Notice of Change include a statement of responsibility for reclamation? <input type="checkbox"/> Yes <input type="checkbox"/> No	

Date and Amount of Most Recent Approved Financial Assurance Cost Estimate:	Date: _____ Amount: _____
<input type="checkbox"/> Financial Assurance Cost Estimate Pending Review with Lead Agency?	Date Submitted/Explanation/Amount of pending estimate:
<input type="checkbox"/> Financial Assurance Cost Estimate Appealed by Operator?	Date Submitted to State Mining and Geology Board or Lead Agency for Appeal/Explanation:
<input type="checkbox"/> Other?	

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91-	
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?
1) General Information			<input type="checkbox"/>
a) Permitted Mineral Product(s)			
b) Approved Production Amount (Annual/Gross)			
c) End Date of Operations Per RP			
d) Permit end date			
e) End Use			
2) Boundaries			<input type="checkbox"/>
a) Property Boundary			
b) Permit Boundary			
c) Rec. Plan Boundary (RPB)			
d) Setbacks			
3) Slopes – Grading			<input type="checkbox"/>
a) Fill Slopes – Note Condition of:			
i) Slopes – Working (max/current)			
ii) Slopes – Reclaimed			
iii) Compaction			
b) Cut Slopes – Note Condition of:			
i) Slopes – Working (max./current)			
ii) Slopes – Reclaimed			
4) Erosion Control			<input type="checkbox"/>
a) BMPs			
b) Grading			
c) Vegetation			
5) Ponds			<input type="checkbox"/>
a) Design – Function			
b) Capacity (area/depth/volume)			
c) Maintenance			
6) Stream & Wetland Protection			<input type="checkbox"/>
a) Buffers (distance to channel)			
b) Berms (distance/length/height)			
c) Best Management Practices			
d) Drainage			
e) Grading & Slopes			
f) Stockpiles			
g) Stream Diversions			
7) Sensitive Wildlife & Plant Protection			<input type="checkbox"/>
a) List Species			
b) Protection Measures			

DEPARTMENT OF CONSERVATION
OFFICE OF MINE RECLAMATION

MRRC-1 (4/97) Page 4 of 5 (Rev. 07/13)

SURFACE MINING INSPECTION REPORT

VIII. Non-SMARA facility operations conditions solely of local concern (e.g. hours of operation) do not need to be noted here. See Instructions for Block VIII on reverse side of page. [Use separate sheet(s) where necessary. Refer to item numbers below]		CA MINE ID # 91-			
Potential Reclamation Plan Requirements:	List Reclamation Plan Requirements (Recommended to be filled out prior to field inspection)	Note Site Conditions and Compliance Issues (Note additional comments on Page 5 as necessary)	VN?		
8) Soil/Overburden Stockpile Management			<input type="checkbox"/>		
a) Topsoil					
i) Location					
ii) Slope Stability					
iii) BMPs					
b) Overburden					
i) Location					
ii) Slope Stability					
iii) BMPs					
c) Topsoil Application					
i) Amendments					
ii) Depth					
iii) Moisture					
iv) Application Methods					
9) Revegetation					<input type="checkbox"/>
a) Test Plots					
b) Species Mix					
c) Density					
d) Percent Cover					
e) Species Richness					
f) Protection					
g) Success Monitoring					
h) Invasive Species Control			<input type="checkbox"/>		
10) Structures			<input type="checkbox"/>		
11) Equipment			<input type="checkbox"/>		
12) Closure of Adits			<input type="checkbox"/>		
13) Other Reclamation Plan Requirements					

SURFACE MINING INSPECTION REPORT

<p>IX. List comments/description/sketches to support observations of mine site conditions, including violations. Where any violations are noted, list in numerical order, along with suggested corresponding corrective actions. Also describe preventative measures recommended by the inspector to avoid or remedy potential violations. Indicate if you have attached photos, sketches, and/or notice(s) of violation(s) or other documents to this form. (Add additional sheets as necessary)</p>	<p>CA MINE ID # 91 -</p>
	Inspection Date:
	Weather Code(s):
	Duration of Inspection:
	Start Time:
	End Time:
	Status of Mine Code(s):
	Status of Reclamation Code(s):
	Approximate Acreage Under Reclamation:
	Approximate Acreage the lead agency has determined reclaimed in accordance with the approved reclamation plan:
	Approximate Total Disturbed Acreage:
	Approximate Pre-SMARA Disturbed Acreage:
	Disturbed Acreage Identified in Most Recent Financial Assurance Cost Estimate:
	Previous Inspection Date (and Number of Violations then Noted):
	Violations Corrected? (explain in block to left)
	Inspection Attendees and Affiliations:

X. Number of Current Violations:	Inspectors Signature:	If inspector is a contractor for the lead agency give license type and number:
	Date Signed: 11/25/2019	

APPENDIX C

CDFW Violations and Correspondence



State of California – Natural Resources Agency
 DEPARTMENT OF FISH AND WILDLIFE
 Northern Region
 601 Locust Street
 Redding, CA 96001
 www.wildlife.ca.gov

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.

2-D

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).

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 rock 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 rock 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 boylei*), 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 boylei*), 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 (CNDDDB), 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 CNDDDB. The online submission and PDF CNDDDB field survey forms, as well as information on which species are tracked by the CNDDDB, can be found under their corresponding tabs at the following link:
<https://www.wildlife.ca.gov/Data/CNDDDB/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
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Beth Hendrickson and Leah Gardner
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Matt Goldsworthy
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Curt Babcock, Cheri Sanville, Gordon Leppig, Jane Arnold, Jennifer Olson,
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Gordon.Leppig@wildlife.ca.gov, Jane.Arnold@wildlife.ca.gov,
Jennifer.Olson@wildlife.ca.gov, Michael.vanHattem@wildlife.ca.gov,
Scott.Bauer@wildlife.ca.gov, Shane.Embry@wildlife.ca.gov

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:

Conserving California's Wildlife Since 1870

Ray Wilcox
Wilcox Enterprises
September 30, 2016
Page 2 of 4

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:

Ray Wilcox
Wilcox Enterprises
September 30, 2016
Page 3 of 4

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

Ray Wilcox
Wilcox Enterprises
September 30, 2016
Page 4 of 4

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

Mr. Wilcox
May 26, 2017
Page 2 of 3

☒ **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

Mr. Wilcox
May 26, 2017
Page 3 of 3

cc: 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
leah.gardner@conservation.ca.gov; beth.hendrickson@conservation.ca.gov

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
819 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

Ray Wilcox
October 11, 2018
Page 2 of 2

Sincerely,



Cheri Sanville
Senior Environmental Scientist Supervisor

cc: 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
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Northcoast Regional Water Quality Control Board
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County of Humboldt
Joshua Dorris
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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 D

Biological Survey Results

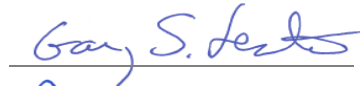
TECHNICAL MEMORANDUM

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 odoratum*), 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 (<i>Coptis laciniata</i>)	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 (<i>Gilia capitata</i> ssp. <i>pacifica</i>)	CNPS 1B.2	Occurs in grasslands, coastal scrub communities.	Unlikely. Native grassland habitat does not occur in the project area.
Howell's montia (<i>Montia howellii</i>)	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 (<i>Piperia candida</i>)	CNPS 1B.2	Mostly restricted to coastal scrub, prairie and coniferous forest.	Unlikely. Undisturbed forest soils setback from work areas.
Oregon polemonium (<i>Polemonium carneum</i>)	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 (<i>Sidalcea malachroides</i>)	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 (<i>Sidalcea malviflora</i> ssp. <i>patula</i>)	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 (<i>Bombus occidentalis</i>)	None	Widespread	Possible. Suitable colonial habitat along the Mattole River and Baker Creek.
Obscure bumblebee (<i>Bombus caliginosus</i>)	None	West coast	Possible. Suitable colonial habitat along the Mattole River and Baker Creek.
Fish			
Chinook Salmon (<i>Oncorhynchus tshawytscha</i>)	FT	California coastal ESU (evolutionarily significant unit).	Present. Chinook anadromy documented for Baker Creek.
Coho Salmon (<i>Oncorhynchus kisutch</i>)	FT/CT	Southern Oregon/Northern California ESU.	Present. Coho anadromy documented for Baker Creek.
Steelhead (<i>Oncorhynchus mykiss</i>)	FT	Northern California ESU.	Present. Steelhead anadromy documented for Baker Creek.
Amphibians and Reptiles			
Southern Torrent Salamander (<i>Rhyacotriton variegatus</i>)	CSC	Cold, freshwater streams	Possible. Baker Creek and tributaries appear likely habitat.
Red-bellied Newt (<i>Taricha rivularis</i>)	CSC	Freshwater streams	Possible. Mattole River and Baker Creek appear to be likely habitat.
Northern Red-legged Frog (<i>Rana aurora</i>)	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 (<i>Rana boylei</i>)	SCT	Rocky stream beds	Possible. Suitable habitat (gravel stream bed) for this species occurs in the project area.
Western Pond Turtle (<i>Emys marmorata</i>)	None	North coast freshwaters	Unlikely. Suitable habitat (permanent ponds) for this species does not occur in the study area.
Birds			
Great Blue Heron (<i>Ardea herodias</i>)	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 (<i>Brachyramphus marmoratus</i>)	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 (<i>Strix occidentalis caudata</i>)	FT	Mature forest	Possible. Known nesting pair is located in an adjacent drainage.
Western Yellow-billed Cuckoo (<i>Coccyzus americanus</i>)	FT	Open woodland, parks, deciduous riparian woodland.	Unlikely. Suitable habitat (expansive, multi-layered riparian forest) for this species is severely limited.
Mammals			
Pallid Bat (<i>Antrozous pallidus</i>)	None	North coast forests. Rock den sites.	Possible. Suitable roost habitat for this species occurs in the study area.
Hoary Bat (<i>Lasiurus cinereus</i>)	None	North coast forests.	Possible. Suitable roost habitat for this species occurs in the study area.
Sonoma tree vole (<i>Arborimus pomo</i>)	None	North coast coniferous forests.	Possible. Suitable habitat (mature Douglas-fir trees) for this species occurs in the project area.
Pacific Fisher (<i>Pekania pennanti</i>)	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

FT Federally Threatened

FPE Federally Endangered (Proposed)

FC Federal Candidate

CNPS California Native Plant Society Listing

SCT California Candidate Threatened

CE California Endangered

CT California Threatened

CR California Rare

CSC California Species of Special Concern

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 (<i>Selasphorus sasin</i>)	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 (<i>Aquila chrysaetos</i>)	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 (<i>Haliaeetus leucocephalus</i>)	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 (<i>Athene cunicularia</i>)	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 (<i>Lanius ludovicianus</i>)	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 (<i>Falco peregrinus</i>)	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 (<i>Asio flammeus</i>)	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 (<i>Empidonax traillii</i>)	Bird of Conservation Concern	Season, Breeding: Strongly tied to brushy areas of willow (<i>Salix</i> 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 (<i>Alnus</i> 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 (<i>Dendroica petechia brewsteri</i>) ssp.	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 (<i>Icteria virens</i>)	Bird of Conservation Concern	Season, Breeding: Strongly tied to brushy areas of willow (<i>Salix</i> 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.

OCURRENCE 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 goldenthead (*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 (*Zonotrichia 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;
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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.

California Department of Fish and Wildlife, California Natural Diversity Data Base. February 2019. Briceland Quad.

CalFish. January 2019. CDFW, BIOS Chinook Salmon, Coho Salmon, Steelhead Coastal Distribution, <https://map.dfg.ca.gov/bios/?al=ds981>.

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

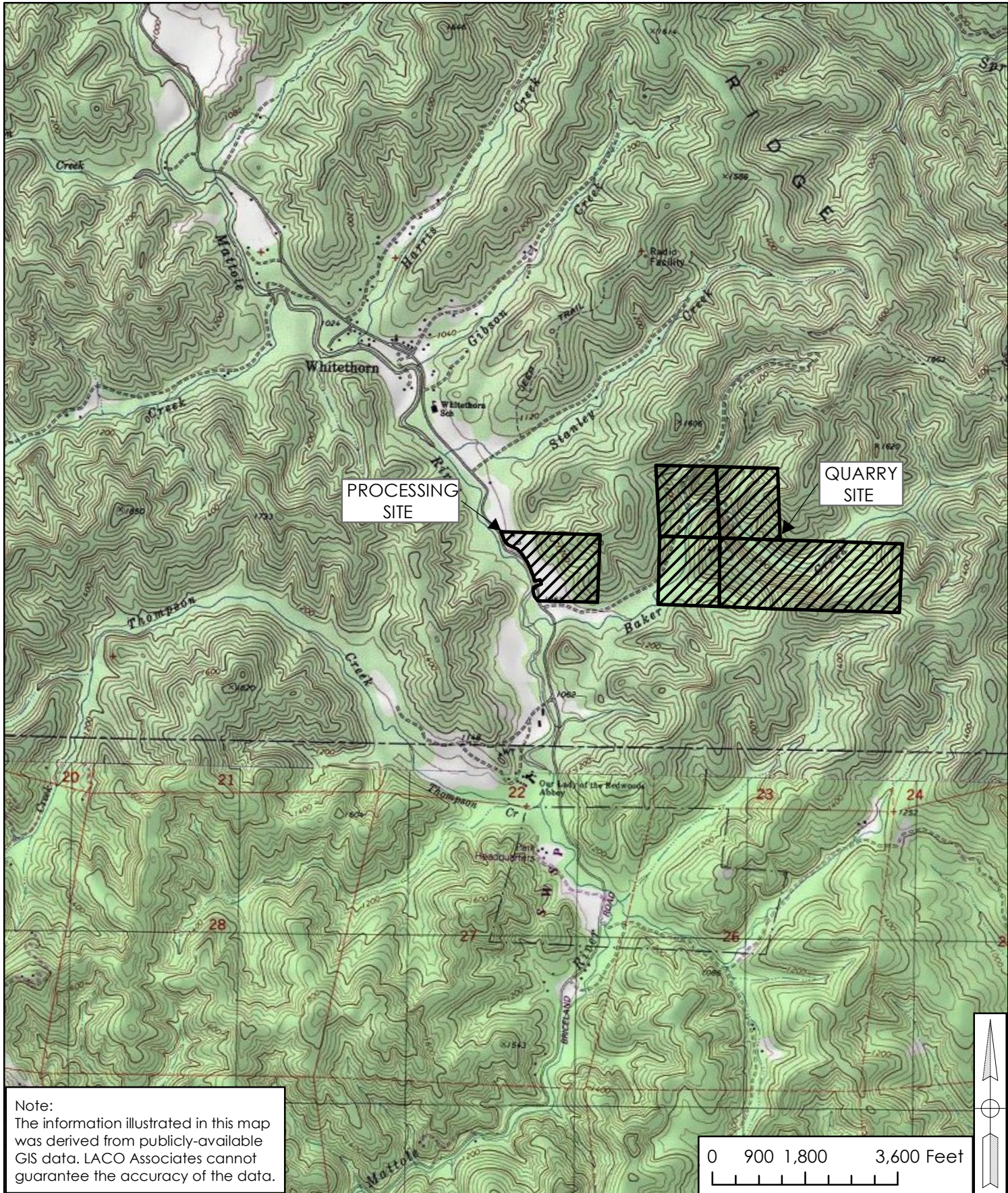
Figure 1 Site Vicinity Map

Figure 2 Processing Site Map

Figure 2a Quarry Site Map

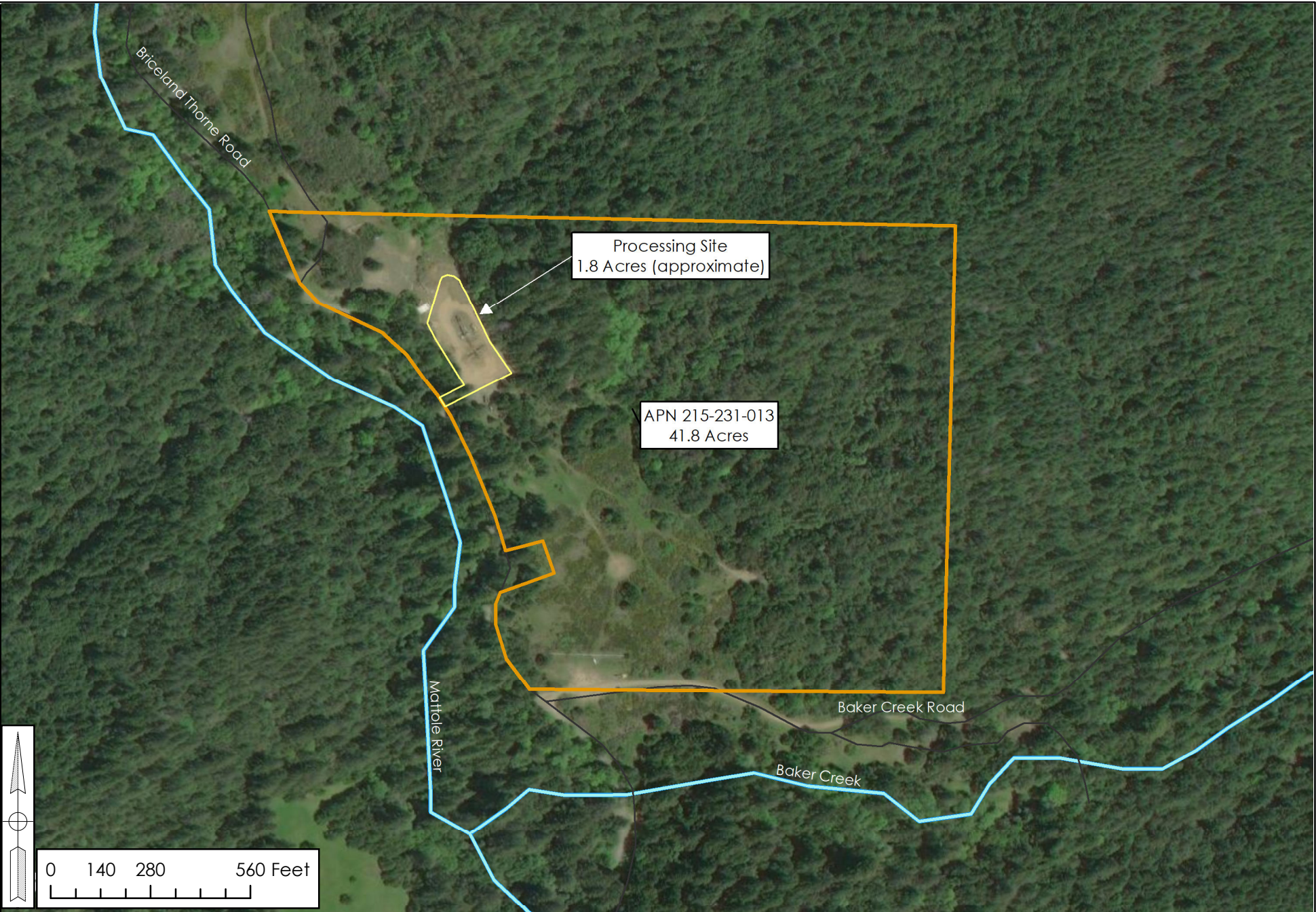
LACO EUREKA • UKIAH • SANTA ROSA 1-800-515-5054 www.lacoassociates.com	PROJECT	WILCOX PROCESSING FACILITY	BY	CMB	FIGURE
	CLIENT	G.R. WILCOX ENTERPRISES	CHECK	MMM	1
	LOCATION	17603 BRICELAND-THRONE ROAD, WHITETHORN, CA 95589	DATE	2/8/2019	JOB NO.
		SITE VICINITY MAP			5375.01

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Note:
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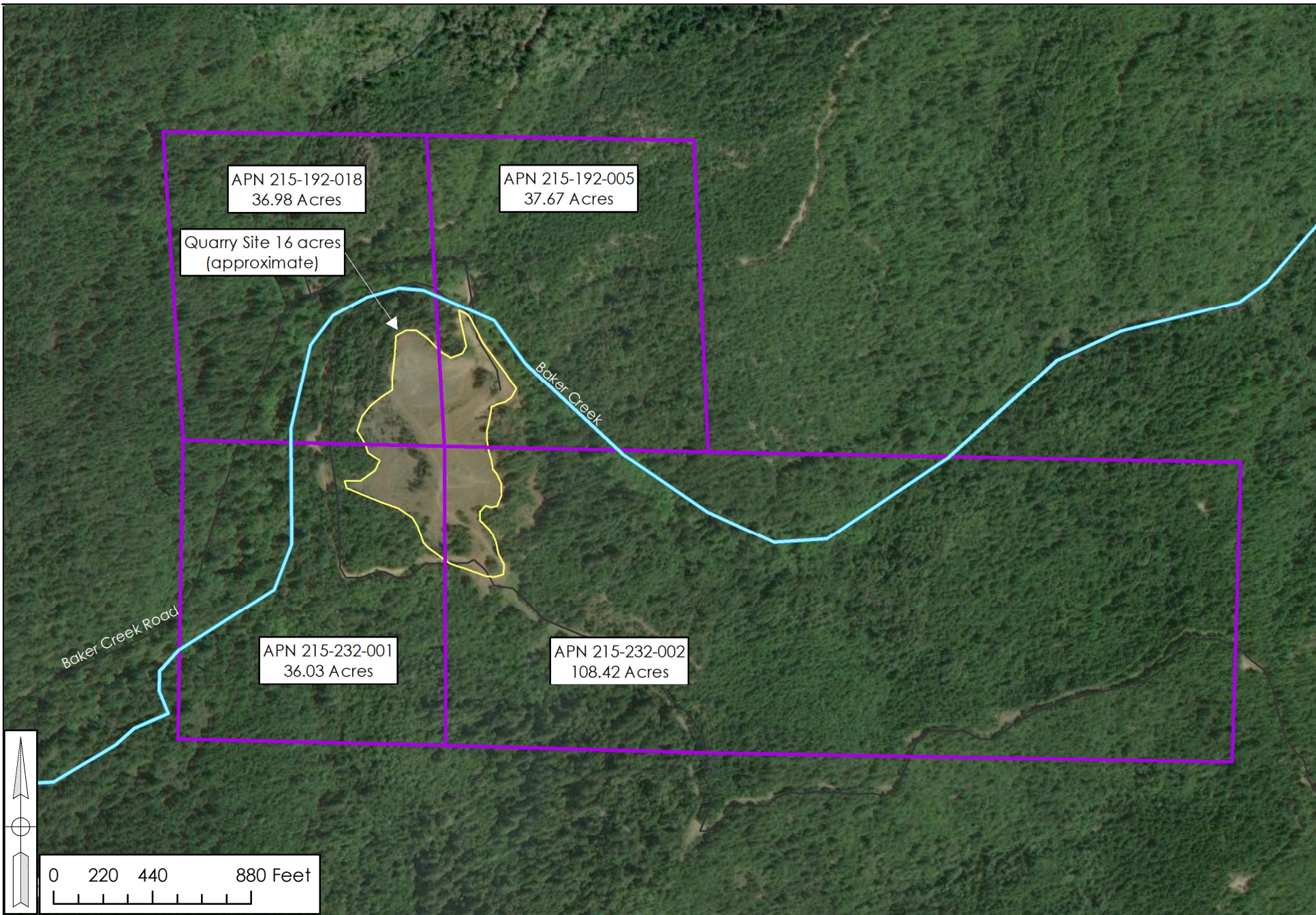
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Path: P:\5000\5375 RAY WILCOX\5375.01 CONDITIONAL USE PERMIT\12 Figures_Maps\GIS\5375.01 Wilcox Figure 2 Processing Site.5.20.19.mxd



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

<div>LACO</div> <div>EUREKA • UKIAH • SANTA ROSA</div> <div>1-800-515-5054 www.lacoassociates.com</div>	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: 11:13:14 AM
 Path: P:\5300\5375 RAY WILCOX\5375.01 CONDITIONAL USE PERMIT\12 Figures_Maps\GIS\5375.01 Wilcox Figure 2a Quarry Site.mxd



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	2a
CLIENT	G.R. WILCOX ENTERPRISES	CHECK	MMM	JOB NO.	5375.01
LOCATION	7603 BRICELAND-THRONE ROAD, WHITETHORN, CA	DATE	5/20/2019		
	QUARRY SITE				

APPENDIX 2

Site Photos

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)



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

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

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

APPENDIX 4

Observed Wildlife Species List

Wildlife Species Observed within the Vicinity

Species	Status ²	Habitat	Occurrence in the Study Area ¹
Birds			
Mountain Quail (<i>Oreortyx pictus</i>)	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Turkey Vulture (<i>Cathartes aura</i>)	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Red-shouldered Hawk (<i>Buteo lineatus</i>)	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Red-tailed Hawk (<i>Buteo jamaicensis</i>)	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Band-tailed Pigeon (<i>Patagioenas fasciata</i>)	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 (<i>Calypte anna</i>)	Native	Resident, widespread	Present, suitable foraging and nesting habitat present
Wrenit (<i>Chamaea fasciata</i>)	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
American Robin (<i>Turdus migratorius</i>)	Native, not listed	Widespread	Present. Suitable foraging & nesting habitat does occur in the project area.
Song Sparrow___(<i>Melospiza melodia</i>)	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Black Phoebe (<i>Sayornis nigricans</i>)	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Common Raven (<i>Corvus corax</i>)	DFW-native migratory	Statewide	Present.
American Pipit (<i>Anthus rubescens</i>)	Native, not listed	Widespread, winter resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Cedar Waxwing (<i>Bombycilla cedorum</i>)	Native, not listed	Widespread, summer breeder	Present. Suitable foraging and nesting habitat occurs in the project area.
Eurasian Starling (<i>Sturnus vulgaris</i>)	Non-native	Widespread, resident	Present. Not protected by the Migratory Bird Act.
White-crowned Sparrow (<i>Zonotricha leucophrys</i>)	Native, not listed	Widespread	Present. Suitable foraging and nesting habitat occurs in the project area.
Purple Finch (<i>Haemorhous purpureus</i>)	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Pine Siskin (<i>Spinus pinus</i>)	Native, not listed	Widespread, resident	Present. Suitable foraging & nesting habitat does occur in the project area.
Yellow-rumped Warbler (<i>Dendroica coronata</i>)	Native, migratory species	Widespread, coniferous forest breeder	Present, likely late migrant.
Mammals			
Valley Pocket Gopher (<i>Thomomys bottae</i>)	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 (<i>Odocoileus hemionus columbianus</i>)	Native, California game mammal	Widespread	Present. Not observed in the field, but numerous sign & suitable habitat occurs in the project area.
<p>1 OCCURRENCE DESIGNATIONS:</p> <p>Present: Species observed on the study area at time of field surveys or during recent past.</p> <p>Likely: Species not observed on the study area, but it may be reasonably expected to occur there on a regular basis.</p> <p>Possible: Species not observed in the study area, but it could occur there from time to time.</p> <p>Unlikely: Species not observed in the study area, and would not be expected to occur there except, perhaps, as a transient.</p> <p>Absent: Species not observed in the study area and precluded from occurring there because habitat requirements not met.</p> <p>*STATUS CODES:</p> <p>The native bird species above are protected by the Migratory Bird Act.</p>			

APPENDIX E

2004 Geotechnical Report

Reference: 004255

Investigation and Geotechnical Evaluation of the Baker Creek Quarry

Whitethorn, California

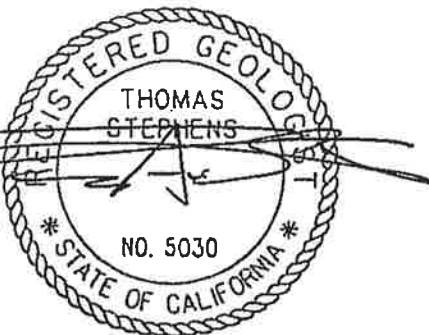
Prepared for:

Ray Wilcox



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November 2004



QA/QC:___



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Appendix A: Letter to the North Coast Unified Air Quality Management District

List of Illustrations

Figures	Follows Page
1. Topographic Map	see attachment
2. Profiles	see attachment

Introduction

The Baker Creek Quarry is located just over a mile southeast of the town of Whitethorn in southern Humboldt County. Currently, the Barnum Timber Company is using material from the mine to surface roads in the company's adjacent land holdings. Barnum now wishes to sell material for commercial construction purposes. SHN has been retained to conduct a site investigation in order to document the nature of the material to be mined and the potential for slope instability. In addition, SHN will provide recommendations for erosion control. We will also provide geotechnical recommendations for the construction and final slope conditions. Included in the investigation is a determination of whether or not asbestos is present at the site.

Background

The operator, Barnum Timber Company, wishes to sell material from the mine for commercial construction purposes. To comply with the Surface Mining and Reclamation Act of 1979, the owner must provide reclamation plans prior to beginning operations at the mine. A letter from OMR entitled "Barnum Timber Company Baker Creek Quarry Mining and Reclamation Plan, Briceland - Thorne Road" dated February 20, 2004, lists the following requirements for compliance with SMARA:

1. "The reclamation plan should contain a map showing before and after topography and include cross sections of the site. In particular, the final highwall gradient should be depicted and a cross section showing the relationship of the loading area, berm and perennial stream channel, included. The maximum disturbance boundary should be shown relative to the property boundary, and a setback incorporated where appropriate."
2. "The map would show the location of overburden, non-salable fines and soils, as well as product stockpiles. The maximum stockpile volume and dimensions should be stated, and the type of stockpile, either overburden or product, specified."
3. "The Reclamation plan should include a discussion of the highwall and ensure that the feature will be stable in the long term. Its dimensions and slope should be described both in the narrative and cross sections of the site. A geotechnical evaluation of the proposed slope should be included and a slope stability analysis done by a California-Certified Engineering Geologist or Registered Geotechnical Engineer if it approaches the critical gradient. We recommend an annual slope inspection ensure that the slopes are stable."
4. "Performance criteria should be included in the reclamation plan in order to identify how much erosion can be tolerated in reclaimed areas before implementing erosion control treatments and to identify methods that will be employed to address increasingly severe erosion features."

In addition to OMR's requirements, the Humboldt County Building Department requires the following items, listed in an application for a surface mining permit dated January 9, 2004:

1. "A cross section of proposed reclamation, rock face and benches"
2. "Topsoil stockpile location on site map"

Lastly, NCUAQMD has outlined its recommendations in a letter entitled "Air District Comments, Initial Study for Barnum Timber Co. CUP-03-13," dated September 23, 2003. This letter requests that a California Registered Geologist investigate the quarry for the presence of asbestos. SHN addresses this issue in a letter in the appendix of this report.

Site Description

The Baker Creek Quarry is situated on the nose of a ridge composed of fractured greenstone bedrock (Figure 1). Greenstone is a generic name for a metamorphosed ultramafic rock with a greenish hue; this coloring results from various amounts of chlorite, actinolite, or epidote. The bedrock is mostly hard and intact, with widely spaced fractures. Softer portions of the rock are highly fractured, and weather into angular cobble-sized gravel fragments. A rock cliff at the quarry forms a 40 to 50 foot high stable vertical face with a $\pm 0.33:1$ (H:V) to $0.5:1$ (H:V) slope (Figure 2).

Excavation Plan

As specified by the above listed OMR requirements, SHN is providing a topographic map showing topography at the site prior to and after operations (Figure 1). This map shows the locations where stockpile material will be stored. The stockpile material consists of topsoil and overburden no more than a foot thick. We have calculated a maximum area of approximately 260,000 square feet of stockpile. Assuming an average thickness of 0.5 feet, we can estimate the maximum volume of the stockpile area to be approximately 130,000 cubic feet of material.

Geotechnical Recommendations

As explained below, planned excavation geometry will result in negligible risk of offsite impacts from potential cut slope failures, whether they are in temporary construction cut slopes or in finished cut slopes. An estimation can be made for a nominal finished cut slope geometry, selected to provide a low to moderate risk of large-scale failures in the finished cut slope, provided this initial design is periodically re-assessed as the excavation proceeds. This design approach is recommended over a technical stability analysis, which, without comprehensive knowledge of variations in rock mass strength at and behind the future cut slope area, provides only a limited model of slope instability potential.

Based on the existing steep but stable cut slope at the site, SHN makes an initial recommendation limiting the steepness of the finished cut slope faces to no steeper than $0.5:1$. To further decrease instability risk, we also recommend creating horizontal benches of 12 feet in width, with 50 foot vertical spacing between the benches. This arrangement will provide an overall finished cut slope of $0.71:1$ (H:V).

SHN recommends that, following every 50 of vertical excavation, or upon encountering any large zones of significantly harder or weaker rock materials than those currently exposed, the cut slope face exposure be reviewed by an engineering geologist or geotechnical engineer to re-assess the appropriateness of this recommended cut slope configuration. These re-assessments should

allow for revisions in the initial design of the finished slope gradient. If competent rock is consistently encountered, the overall slope gradient might be steepened, and if large zones of weaker rock materials are encountered, the overall gradient could require flattening.

Due to local variations in rock mass strength, localized slope failures are possible and should be anticipated. The planned geometry of the excavation will create temporary excavation benches insloped at about 3 percent, with materials excavated and pushed from away to an insloped base loading area (effectively, a basin) at the lowest elevation of the quarry. Any rock materials that may be dislodged from a slope failure in the finished cut slope will be 'caught' by one of the excavation benches, or will be 'caught' by the insloped loading basin at the bottom. As a result, consequences to offsite areas from any finished slope failure should remain negligible. The site's rock materials, below any overburden soils, appear devoid of significant potential for fine sediment production, and the insloped loading basin at the bottom of the quarry will act as trap for any sediments that are generated.

Erosion/Sedimentation Prevention Prescriptions

General guidelines for erosion control, as presented in the Humboldt County grading ordinance (June 2002 version), are presented in Appendix A. These guidelines present a broad set of management practices to mitigate erosion potential, and serve as a framework from which to apply the site-specific recommendations that follow.

- **Surface Drainage:** The site currently slopes to the west, north, and east, with surface drainage directed toward Baker Creek. Excavation of the rock material will likely produce sediment available for erosional transport away from the disturbed site area. Offsite transport of sediment needs to be prevented. During operations, we recommend that a silt fence or haybale sediment transport barrier (see the schematic detail figures in Appendix B) be constructed at the location. This barrier should be maintained until completion of the mine operations, and should prevent erosional transport of sediment away from the operation area. The barrier should be constructed so that concentrated surface water flows during heavy rains (rivulets) cannot penetrate it without being dissipated in flow energy, and without the water being filtered through the silt fence or haybale barrier.
- **Preservation of Existing Vegetation:** Retention of the abundant existing vegetation outside the operation area is recommended to mitigate erosion and sediment transport potential.
- **Perimeter Protection:** A perimeter protection barrier to stop erosional sediments from leaving the residence site is recommended above for the operational phase of the project. Once quarrying has ceased, the perimeter protection can be removed. If the project is completed during the rainy season (in March, for example) we recommend the barrier be left in place until at least April 30, to allow vegetation to become more fully established, and in case any unanticipated erosional events occur.
- **Revegetation:** In areas of disturbed soils outside the immediate quarry area, re-establish site vegetation as soon as possible.
- **Schedule:** The north coast's dry season is typically between April 15th and October 15th. The Perimeter Protection recommended above should suffice to prevent sediment transport away from the work area in both dry and rainy seasons. However, following October 15th, as an extra precaution, any areas of disturbed or fill soils over 6 inches in depth and greater than

100 square feet (10-foot by 10-foot area) shall be specifically protected from erosion by shaping the ground surface so that concentrated surface flows do not encounter or cross them, and by providing localized haybale or silt fencing. Following construction, finish-graded bare soil areas can be protected by seeding, mulching, or rocking. Except for landscaping topsoils, landscaping fills to remain should be compacted by wheel rolling or other means to reduce their erosivity.

- **Soil Stockpiles:** We have listed estimated amounts of spoils related to the proposed project. However, should it be necessary to stockpile excess soil on-site, place it within the sediment-protected area that is not likely to result in off-site sedimentation. It is prudent to separate topsoils from subsoils; the topsoils can be re-used onsite for landscaping. If likely to be subject to rain or high winds, cover stockpiles with plastic sheeting (Visqueen®, for example) at least 6 mils thick. Plastic sheeting needs to be well anchored to resist high winds. If stockpiles are to be present through the rainy season, surround the pile with silt or haybale fencing about 5 feet from the toe of the pile.
- **Dust Control:** All operation areas and access roads shall be treated and maintained as necessary to minimize the generation of dust that may blow off site. The most common method of dust control during construction activities is through periodic application of water.
- **Monitoring:** Once all erosion and sediment control measures are established on site, a qualified professional must check the measures to verify conformance with the recommendations. We recommend these checks be made upon completion of the perimeter barrier and prior to site grading; as requested by the owner/builder during construction to review performance of the system and make additional recommendations; and upon completion of the residence and landscaping. All erosion and sediment control measures must be periodically inspected throughout the duration of the project by the owner/builder or their representative, especially during the first rainy season following operations and during significant rainstorm events. If the erosion and sediment control measures are not functioning properly, the owner must immediately contact a qualified professional so that appropriate modifications can be made. If modifications to the recommendations are necessary, notification of changes must be provided to the Humboldt County Building Department. It is the property owner's responsibility (or their designee) to make certain that these inspections are completed.
- **Final Report:** A final report must be provided to the building department upon completion of the project to ensure that the erosion and sediment control measures were in conformance with the recommendations. This report can be prepared following completion of the residence and landscaping.

Additional Services--Plan and Specification Review

During the design phase, it is important that communications between the operator and SHN be maintained to optimize compatibility between the design and subsurface conditions.

We have assumed, in preparing our recommendations, that we will be retained to review those portions of the plans and specifications that pertain to the construction or finished cut slopes. If we are not provided this opportunity for review of the plans and specifications, our recommendations could be misinterpreted.

Limitations

The analyses, conclusions, and recommendations contained in this report are based on site conditions that we observed at the time of our investigation, data from our subsurface explorations and laboratory tests, our current understanding of proposed project elements, and on our experience with similar projects in similar geotechnical environments. We have assumed that the information obtained from our limited subsurface explorations is representative of subsurface conditions throughout the site. In order to confirm this assumption, a representative of our firm must observe and evaluate actual subsurface conditions encountered during project operations.

Subsurface conditions may differ from those disclosed by our limited investigations. If differing conditions are encountered during construction, our firm should be notified immediately so that we can reevaluate the applicability of our conclusions and recommendations. Such an evaluation may result in reconsidered and/or amended recommendations. If the scope of the proposed operation changes from that described in this report, our recommendations should also be reviewed.

Our firm has prepared this report for your exclusive use on this project in substantial accordance with the generally accepted geotechnical engineering practice as it exists in the site area at the time of our study, including time and budget constraints. No warranty is expressed or implied.

If there is a substantial lapse of time between the submission of our report and the start of work at the site, or if conditions have changed due to natural causes or construction operations at or adjacent to the site, we should review our report to determine the applicability of the conclusions and recommendations considering the changed conditions and time lapse. This report is applicable only to the project and site studied.

The field and laboratory work were conducted to investigate the site characteristics specifically addressed by this report. Assumptions about other site characteristics, such as hazardous materials contamination, or environmentally sensitive or culturally significant areas, should not be made from this report.

References

California Department of Conservation, (2004) "Barnum Timber Company Baker Creek Quarry Mining and Reclamation Plan, Briceland - Thorne Road" dated February 20, 2004.

County of Humboldt, Building Department, (2003) Application for Surface Mining Permit, dated January 9, 2004.

North Coast Air Quality Management District, (2003) "Air District Comments, Initial Study for Barnum Timber Co. CUP-03-13", dated September 23, 2003.



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Reference: 004255

October 13, 2004

Mr. Ray Wilcox
Wilcox Enterprises, Inc.
P.O. Box 186
Whitethorn, CA 95589

Subject: Summary of Investigation into the Possible Presence of Asbestos Bearing Rocks at the Baker Creek Quarry

Dear Mr. Wilcox:

On September 30, 2004, SHN Consulting Engineers & Geologists, Inc. (SHN) conducted a site investigation at the Baker Creek Quarry near Whitethorn, California, in an effort to determine the potential for naturally occurring asbestos at the site. In order to obtain a permit to begin operations at the quarry, the North Coast Unified Air Quality Management District (NCUAQMD) requires that a registered professional geologist determine whether the project is located within a mapped ultramafic rock unit, and whether this unit is likely to contain asbestos. The California Air Resources Board identifies 6 different types of asbestos as toxic air contaminants: chrysotile, crocidolite, amosite, fibrous tremolite, fibrous actinolite, and fibrous anthophyllite. No more than 5% of any of these minerals may be present in aggregate material.

Although the quarry site is not located in an area identified on the State Geologic Map (Redding 2° Sheet) as containing ultramafic rock, the Baker Creek Quarry is located on a large block of greenstone belonging to the Coastal Belt of the Franciscan Complex. Typical Coastal Belt terrane includes rootless blocks of sandstone and the occasional mafic rock enveloped in a highly sheared argillite matrix. Greenstone is a generic name for a metamorphosed ultramafic rock with a greenish hue; this coloring results from various amounts of chlorite, actinolite, or epidote. Though greenstone may contain asbestos minerals, we did not find any evidence of asbestos on site. Asbestos is most commonly associated with serpentinite, which, like greenstone, is a metamorphosed ultramafic rock. Serpentinite is not commonly found in Coastal Belt rocks, and was not encountered at the quarry.

We conclude that the potential for naturally occurring asbestos at the quarry is low. However, we cannot completely dismiss the possibility that asbestos-bearing rocks exist below the surface, or could be encountered during future excavations. Therefore, we recommend SHN geologists periodically conduct site visits as the quarry is operated to confirm or refute the absence of potential asbestos bearing rocks. If asbestos were to be encountered, the NCUAQMD would be duly notified.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

Tom A. Stephens, R.G.
Geosciences Director
441-8855

TAS:sjt

