


## Plan Alternatives Comparison Chart


### Section 10.4 Mineral Resources – final PC recommendations 6-23-11



Plan Alternative				Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
<b>10.4 Goals</b>						
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<p><b>MR-G1. Long-Term Supply of Mineral Resources.</b> A geographically distributed inventory of mining sites protected from incompatible land uses, permitted and operated to prevent significant environmental impacts and to satisfy long-term demand for mineral resources and construction materials.</p>		<p><b>R</b> <b>Straw</b> <b>Vote</b> <b>7-0</b></p>
				<p><b>COMMENTS: 4-14-11</b>  <b>The Commissioners</b> recommended not adding the RLWG additions as recommended by staff –  <b>C. Faust</b> - are we addressing all mining? (Yes – it is a critical resource for development and you should know where it is and where you are planning on it – timber and ag mining are exempt from SMARA).  <b>C. Faust</b> – there is an understanding in this goal mining is more important than other uses.  <b>TH</b> – state law directs us to protect resources that are valuable.  <b>C. Emad</b> – this is like an airport – protect from incompatible uses.  <b>TH</b> - This is a goal – not a policy.  <b>C. Emad</b> – would this goal override the desires of homeowners surrounding the site?  <b>TH</b> – the intent of state law is try to do as good of inventory of your mineral resources, and the ones that work out as far as compatibility – try to protect, not dominate.  <b>C. Nelson</b> – so that means that you will go around and identify sites and tell people that they can't build there – Yes – overlay zone (see IMX and P2 – right to mine policy).</p> <p><b>Okay as written.</b></p>		
<b>A</b>	<b>B</b>	<b>C</b>		<p><b>MR-G2. In-stream Sand and Gravel Extraction.</b> Continued supplies of in-stream sand and gravel using extraction methods and rates that support threatened or endangered species</p>		<p><b>R</b> <b>Straw</b></p>

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	recovery, protect riparian corridors, and preserve existing river bed elevations.		Vote 7-0
	<p><b>COMMENTS: 4-14-11</b>  <b>C. Emad</b> – I would like to see some reference to CHERT?  <b>C. Krebs</b> – this may be better in a policy not a goal.                      Staff to bring back a policy with some reference to CHERT.  <b>Okay as written.</b></p>		
	<p><b>Comments: 6-16-11</b>                      During the review of MR-G2, the Commission requested that staff return with a policy that includes a reference to CHERT (County of Humboldt Extraction Review Team). Staff is proposing a new policy to address this (old MR-IM4 language) and revisions to MR-IM1 to support the work that CHERT does. The proposed new policy that would support MR-IM4 would read:</p> <p><u><b>MR-PX Scientific Review of In-stream Mining.</b> The County shall maintain the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts.</u></p> <p>The proposed revisions to MR-IM1 would read:</p> <p><b>MR-IM1. Scientific Review of In-stream Mining.</b> The County shall <del>maintain and support</del> contract with the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts. <u>CHERT and other related in-stream mining regulatory program cost shall be subject to full cost recovery billing procedures according to the County of Humboldt’s adopted fee schedules.</u></p> <p>PC Discussion:  <b>C. Faust</b> – where is CHERT? Why aren’t they here tonight? (KG gave an overview of what they are doing). They are under contract to the County created by the Board.  <b>Straw vote:</b>  <b>All support as written by staff.</b></p>		R Straw Vote 5-0

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<b>10.4 Policies</b>						
A	B	C	D	<b>MR-P1. Production and Conservation.</b> Encourage the production and conservation of minerals, while preserving to the maximum extent feasible the values relating to recreation, watershed, wildlife, <u>timber management and agriculture, range and forage</u> , science, and aesthetic enjoyment.	Leg, QJ S-1 	M Straw Vote 7-0
				<b>COMMENTS: 4-14-11</b> The Commission recommends revisions suggested by the Resource Lands Working Group (RLWG) <u>All support the revisions.</u>		
A	B			<b>MR-P2 Right to Mine</b> Discretionary projects <u>within 600 1000 feet in the vicinity</u> of vested and permitted surface mining extraction sites or <u>a minimum of 300 feet</u> along existing haul routes shall be required to record a notice of the right to mine against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations.	QJ IM-2, IM-4	M Straw Vote 5-0
				<b>COMMENTS: 4-14-11</b> TH - This could be included in a real estate disclosure ordinance, could be both. C. Disiere – are you talking about recordation within the 600 foot area? TH - yes. If a discretionary project were applied. (example - subdivision, airport easements, etc.) C. Disiere – I could support both of those. K. Girard – we can't require recordation for the transfer of property. <b>(disclosure)</b> C. Emad – given that the objective of that policy is to let homeowners know, I think the 600 feet radius is way too short. We have had people come in way over a mile. C. Disiere – MR-S7, working lands group used some good language, 1000 feet radius included. C. Faust – I agree with staff regarding the haul routes, but why 600 feet? K. Girard – under SMARA – we are required to provide notice within 600 feet. In urban areas, it could be a high notice cost. C. Masten – usually when you are extracting, it usually in a rural area that is on a small		

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				<p>road, quiet, very disruptive.</p> <p><b>K. Girard</b> – we would agree with a larger radius (Mary look at wording under S7). CEQA – court case – about disruption along a corridor should be notified.</p> <p><b>C. Faust</b> – S7 issues and P2 are different. The commonality is the issue of how far out the impacts is. I want to know why 600 feet? Where is the nuisance range?</p> <p><b>C. Emad</b> – there are two issues here. For a new project or permit renewed, or buying a property – we should notice. How far do we go to say to people about a possible nuisance in the neighborhood?</p> <p><b>C. Nelson</b> – there are mines all over the county. Rock deposits that aren't mines yet. So the first thing you do is assess.</p> <p><b>TH</b> - P2 – only applies to vested and permitted extraction sites.</p> <p><b>Re-write – bring back with an expanded noticing area</b></p> <p><b>STOP HERE&gt;</b></p>		
				<p><b>COMMENTS: 6-21-11</b></p> <p>The Commission recommended that staff return with an expanded noticing area for both P2 and S7. Staff proposed the following language:</p> <p><b><u>MR-P2 Right to Mine</u></b></p> <p>Discretionary projects <del>within 600</del> <b>1000</b> feet in the vicinity of vested and permitted surface mining extraction sites or along existing haul routes shall be required to record a notice of the right to mine against the property for which a discretionary permit is sought. The notice shall advise owners and subsequent interests in ownership that the existing mining operation has a permitted right to continued mining operations.</p> <p><b><u>Straw vote</u></b></p> <p><b>Unanimous support 5/0</b></p>		
				<p><b>Comments: 6-16-11</b></p> <p>The Commission requested that staff return with revised language for MR-S7 that dealt with both increasing the distance for public notice to landowners and a prescriptive noticing distance for haul roads. Staff recommended revised language for noticing <u>a minimum of 300 feet</u> along proposed local and collector street haul routes. The Commission supported this change for S7 and requested this be added to P2.</p> <p><b>All support as modified.</b></p>		
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>MR-P3. Identify Mineral Deposits.</b> The County shall maintain an inventory of the county's	<b>Prog</b>	<b>R</b>


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				mineral deposits and mining sites.	IM-2	Straw Vote 7-0
				<p><b>COMMENTS: 4-21-11</b>  <b>C. Denver</b> – have we identified the current mines or mines for the future?  <b>TH</b> – we may want to implement the A alternative (IMx) - that would add a program to do it.  <b>C. Nelson</b> – what I would like to see happen, if there are potential mines somewhere, they would be flagged.  <b>TH – IM4</b> – combining zone – overlay that applies to parcels with mines and haul routes. This should be coordinated with the state (IMx).  <b>C. Kreb</b> – P2 only applies to those currently operated or open, but what about potential mining sites?  <b>TH – P2</b> – projects in the vicinity of a mine. Notice. It is unlikely that we would go to that extent for “potential” deposits. Could use overlay combining zone. State law – mineral deposits of statewide significance – we are way down the list for doing a study of mineral deposits.  <u>Straw vote</u>                      Unanimous support 7/0</p>		
A	B			<p><b>MR-P4. Sand and Gravel Extraction and Mean Annual Recruitment.</b> Annual in-stream gravel extraction prescriptions shall be based on maintaining long-term extraction rates below the best available scientific estimate of Mean Annual Recruitment for the affected river segment.</p>	QJ IM-1 	R Straw Vote 7-0
				<p><b>COMMENTS: 4-21-11</b>  <b>C. Disiere</b> – what is mean annual recruitment?  <b>K. Girard</b> –this is a term of art of what the sustainable gravel that is deposited every year – not affecting the bed of the river or channel (flow) – it is arrived at a variety of ways – best estimate is on the Mad. Continuously being refined.  <b>C. Kreb</b> – change word “below” to “do not exceed” – either way is fine.  <b>C. Emad</b> – I would like to have CHERT incorporated into this policy.  <b>TH</b> - See new Px  <u>Straw vote</u></p>		



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				<b>Unanimous support 7/0</b>		
<b>A</b>	<b>B</b>			<b>MR-P5. Over-subscribed River Segments and New Permit Applications.</b> New permit applications for in-stream mining shall not be approved on over-subscribed river segments where the total existing entitled permit extraction volumes, as stated in Conditional Use Permits or Reclamation Plans, exceeds the best available scientific estimate of Mean Annual Recruitment, unless it can be conclusively shown that the current estimate of Mean Annual Recruitment is inaccurate and the river segment is not over-subscribed.	QJ IM-1 	<b>R</b> <b>Straw</b> <b>Vote</b> <b>7-0</b>
				<b>COMMENTS: 4-21-11</b> <b>C. Masten</b> – what happens to the Rivers that they don’t have an operation but could? <b>KG</b> – this policy only applies to rivers that are over prescribed (now only Mad and VanDuzen) – if there is one that has room, they could apply for CUP. <b>C. Masten</b> – what happens if they could and are not utilizing? <b>KG</b> – if you add what vested rights have now, it is over the recruitment figure. <b>Faust</b> – has CHERT looked at Mad, VanDuzen and Eel? (Yes). What about the other creeks? Other small mines, one on Redwood Creek (having trouble getting out of floodway). We may want to limit to what CHERT has reviewed. <b>KG</b> – we would analyze that if we had a new permit. CHERT would do a mean annual recruitment analysis. <b>Straw vote</b> <b>Unanimous support 7/0</b>		
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>MR-P6. New Water Diversion Projects.</b> Evaluate <u>Oppose</u> significant <u>new</u> water diversion projects that reduce the replenishment rate of in-stream gravel, taking into account the impact the projects would have on local mineral supplies in Humboldt County.	QJ IM-1 	<b>M</b> <b>Straw</b> <b>Vote</b> <b>7-0</b>
				<b>COMMENTS: 4-21-11</b> <b>C. Disiere</b> – HBMWD recommends deleting this. We need to review. <b>KG</b> – we should add the word “new”. <b>C. Nelson</b> – we should have no water diversions period. <b>C. Kreb</b> – support the addition of the word “new” in the places. <b>C. Faust</b> – it would take a lot of water (dam) to affect the recruitment rate.		

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	<p><b>C. Emad</b> – I think the issue that C. Nelson raised is important; this may not be the policy.  <b>KG</b> – this is in the water resources element.  <b>C. Matsen</b> – I’m not sure if this answers the question.  <b>KG</b> - You could use the word “prohibit” instead of evaluate.  <b>C. Disiere</b> – when we get to water resources element, doesn’t this have to come into line with this policy?  <b>KG</b> – yes –we would harmonize whatever you land on here with water element. Its not that we don’t have no control, we have limited control over water export.  <b>TH</b> – we don’t want to recommend policy that goes against state law. Dams and diverting water.  <b>C. Masten</b> – it doesn’t preclude us from expressing our intent.  <b>C. Denver</b> – we’re not talking about water, we are talking about gravel. We can regulate that. We want our gravel to come naturally down the river (recommends the use of the word “prohibit”)  <b>C. Kreb</b> – (to County Counsel), can we use the word prohibit?  <b>Carolyn</b> – I would need to research.  <b>Kreb</b> – I don’t have a problem with the word prohibit and if counsel has a problem we will re-review.  <b>All support using the word prohibit – Counsel to review and return.</b></p>		
	<p><b>Comments: 6-16-11</b>                      The Commission was concerned with the legality of their proposed changes to MR-P6 and requested that County Counsel review and return with an opinion of the use of the word “prohibit” for new water division projects. The requested changes read as follows:</p> <p style="padding-left: 40px;"><b>MR-P6. <u>New Water Diversion Projects. Evaluate Prohibit</u> significant <u>new</u> water diversion projects that reduce the replenishment rate of in-stream gravel, taking into account the impact the projects would have on local mineral supplies in Humboldt County.</b></p> <p>Staff suggest the following revision:</p> <p style="padding-left: 40px;"><b>MR-P6. <u>New Water Diversion Projects. Evaluate Prohibit Oppose</u> significant <u>new</u> water diversion projects that reduce the replenishment rate of in-stream gravel, taking into</b></p>		


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	<p>account the impact the projects would have on local mineral supplies in Humboldt County.</p> <p><b>PC Discussion</b>  <b>C. Faust</b> – I don’t think we should use “oppose” (limit the Boards action) – I think we should use “review and revise”.  <b>C. Nelson</b> – I want a stronger word. I don’t want anyone to steal our water – can we use gravel extraction as a way to limit water export?  <b>KG</b> – most of the policies that address water export or diversion is in the water resources section. Should be found there – we could move to water resources.  <b>Carolyn</b> – the original word was “evaluate”. Concerns over the suggested word “prohibit” – I don’t think we can prohibit a federal dam. Softened the word. We are open to other words. Use of the word “oppose” would allow us to try and stop a project.  <b>C. Nelson</b> – you know my positions to diverting water. If we have control over our gravel, this may be a backdoor way of doing it; we can overpower the water stealers. We are on the short end of water law.</p> <p><b>Straw Vote:</b>  <b>C. Disiere</b> – I support “<b>oppose</b>” – and we may want to add this into the water resources element for beneficial uses.  <b>C. Faust</b> – I agree – this should be in the water resources element also.  <b>Staff recommends moving to Water Resources Element.</b>  <b>All support staff recommendation</b></p>		
	<p><b>Comments: 6-23-11</b>                      Commissioners Krebs and Masten supported Counsel’s revise language.</p>		
<p><b>A B</b></p>	<p><del>MR-P7. Reclamation for Alternative Uses. Ensure adverse environmental effects are prevented or mitigated to the fullest extent feasible and that Mined lands subject to SMARA are shall be environmentally restored and reclaimed to a usable condition for the uses allowed by the site’s General Plan and zoning designation. which is readily adaptable for alternative land uses under the General Plan.</del></p>	<p>New recommended version of MR-P7. Previous version would seemingly allow land use</p>	<p><b>M Straw Vote 7-0</b></p>




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				conversion through the reclamation process. QJ 	
			<p><b>COMMENTS: 4-21-11</b></p> <p><b>C. Emad</b> – The WLRG is concerned with the addition of the word commercial.</p> <p><b>TH</b> – we chose not to use because of public works.</p> <p><b>Girard</b> – look at what mining that is regulated from SMARA. The RLWG are contending that some are not regulated by SMARA like ranch mining onsite – we would want ag and timber mining reclaimed for ag and timber, but not necessary because our plan and zone recognize these uses as accessory.</p> <p><b>C. Emad</b> – I would like to insert commercial.</p> <p><b>C. Faust</b> – the zone designations for lands not covered by SMARA would be ag and timber?</p> <p><b>KG</b> – you can take a little bit of gravel and not be subject to SMARA.</p> <p><b>C. Faust</b> – this policy addresses those that we give a permit.</p> <p><b>KG</b> – this applies to all SMARA regulated lands. (gave revised language)</p> <p><b>C. Faust</b> – you would apply the policy when used for commercial purposes. Staff doesn't support the use of the word "commercial" because that is not how it is addressed in SMARA . They regulate non-commercial activities.</p> <p><b>C. Faust</b> – is it possible to do significant environmental damage for activities not regulated by SMARA.?</p> <p><b>KG</b> – it depends. We don't believe that ag and timber quarries do damage. They are complimentary to the land use. Did not want to catch them in this net.</p> <p><b>C. Faust</b> - What happens when it becomes a smaller scale ranchette? What happens to these sites – are they reclaimed?</p> <p><b>KG</b> - No – there could be an issue there but not significant.</p> <p><b>All approve the director's language.</b></p>		
		D	<b>MR-P7. Reclamation for Alternative Uses.</b> Ensure adverse environmental effects are prevented	(2533.3)	D



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				or mitigated to the fullest extent feasible and that mined lands are reclaimed to a usable condition, which is readily adaptable for alternative land uses under the General Plan.	QJ 	
				COMMENTS:		
A	B		D	<b>MR-P8. Future Development Planning.</b> Plan future development such that it will not interfere with the utilization of identified mineral deposits.	Leg 	R
				COMMENTS:		
A	B	C	D	<b>MR-P9. Location of Mineral Haul Routes.</b> <del>Require Design new</del> mineral haul routes to avoid incompatible areas such as landslides, highly erodible soils, residential areas, and schools, when feasible.	QJ	M Straw Vote 5-0
				<p><b>COMMENTS: 4-21-11</b></p> <p><b>C. Nelson</b> - RLWG wanted the word "New" inserted in the title, and "design" – I support their wording.</p> <p><b>KG</b> – this is applied to new haul routes. this policy is an existing policy designed to avoid houses in particular. "Require" is stronger, but is qualified at the end with "when feasible" .</p> <p><b>C. Nelson</b> – old ranch roads are not well designed – they may use.</p> <p><b>KG</b> – it wouldn't apply to an old road on an existing mine. Only new mines. You would favor a policy to have them re-design new roads. All mines have to be re-permitted. Haul routes for any mines receive new permits need to upgrade new standards.</p> <p><b>C. Nelson</b> – I want you to write that to require this.</p> <p><b>C. Disiere</b> – I want to know the impacts to this if they had to upgrade.</p> <p><b>KG</b> – CUP expire every 15 years. A lot of law that protects vested rights. This policy is worded for a new site with a new haul route.</p> <p><b>Staff to return to re-write as rec by C. Nelson.</b></p> <p><b>C. Faust</b> – the word 'when feasible" is a slippery slope. It should be through an engineering lens. Not economic. Not the principle factor.</p>		


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			<p><b>COMMENTS: 6-16-11</b>                      Concerns were raised with the wording of MR-P9 when design improvements are required for mineral haul roads. There was confusion on whether this policy would apply to existing permitted roads when new permitting conditions are required or only for new mineral haul routes for new mines. Staff proposes revised language in order to clarify that this is for new roads and only applies during the design phases of the project.</p> <p>Staff recommended the following revised language:  <b>MR-P9. Location of Mineral Haul Routes.</b> <del>Require Design new</del> mineral haul routes to avoid incompatible areas such as landslides, highly erodible soils, residential areas, and schools, when feasible.</p> <p><b>PC Discussion</b>  <b>C. Nelson</b> – why did we limit this to Mineral Resources? Why not just “haul road ” and get timber resources in there?  <b>TH</b> – we don’t regulate timber harvesting but we (the County) do regulate mining operations.</p> <p><b>All support revised wording</b></p>		
A B			<p><b>MR-P10. Maintenance of Mineral Haul Routes.</b> <del>Haul routes involving the county public road system shall be suitable for truck traffic and maintained in satisfactory condition.</del> Permits for mining operations shall <del>be conditioned to</del> ensure that County road standards are met and <del>for</del> <del>pay for their proportional share of maintenance costs as determined by the Department of Public Works, if and when a funding mechanism is established, and the roads are maintained in a satisfactory condition.</del></p>	<p><b>QJ</b>  <b>IM-6</b> (see newly proposed IM-6)</p>	
			<p><b>COMMENTS: 4-21-11</b>  <b>C. Emad</b> –I am fine with this until we got to the last sentence. “Funding” what does that mean?  <b>County Counsel</b> – I would ask that you continue the discussion on P10 and IM6 so I can research the court case surrounding this.</p> <p><b>Staff to return.</b></p>		

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	<p><b>Comments: 6-16-11</b>                      Concerns were raised about the legality of imposing fee on vehicle use. Staff recommends the following revised language for <b>MR-P10</b> (No need to change IM6) :</p> <p><b>MR-P10. Maintenance of Mineral Haul Routes.</b> <del>Haul routes involving the county public road system shall be suitable for truck traffic and maintained in satisfactory condition. Permits for mining operations shall be conditioned to ensure that County road standards are met and for pay for their proportional share of maintenance costs as determined by the Department of Public Works, if and when a funding mechanism is established.</del> <u>the roads are maintained in a satisfactory condition.</u></p> <p><b>PC Discussion:</b>  <u>All support as revised by staff.</u></p>			
A B	<p><b>MR-P11. Permit Conditions to Reduce Impacts.</b> Permit conditions for mineral extraction operations shall address allowable dust and noise levels, hours of operation, fencing, traffic, access, setbacks, and other performance standards necessary to <del>minimize reduce</del> <u>to less than significant</u> environmental impacts <del>development land use.</del></p>	<p>QJ S-1 </p>	<p>M Straw Vote 4-3</p>	
	<p><b>COMMENTS: 4-21-11</b>  <b>C. Faust</b> – Healthy Humboldt submitted a language change to this – I don’t know if people have a problem to this. Read into the record.  <b>KG</b> – that is a term from CEQA – this could preclude the jurisdiction from making a statement of overriding consideration. Sometimes the benefits of the project outweigh the impacts. Make it clear that you don’t want to consider this.  <b>C. Emad</b> – when we have projects before the PC, given the location and isolation that we are in this county, we require gravel extraction. If we put something this draconian in it could affect our economy. I couldn’t support unless we could override.  <b>Disiere</b> – support as written  <b>Emad</b> – support as written  <b>Faust</b> – I don’t see the language from HH as precluding the county from adopting an overriding consideration statement. I do see them requiring environmental consideration.  <b>Faust</b> – I prefer the language from HH</p>			

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	<p><b>Masten</b> – support HH language  <b>Nelson</b> – staff language  <b>Kreb</b> – HH language  <b>Gearheart</b> – HH based upon C. Faust’s persuasion.</p> <p><u>Straw vote</u>  <b>Commissioners Disiere, Emad, and Nelson supported P11 as originally written by staff</b>  <b>Commissioners Faust, Kreb, Masten and Gearheart supported the recommendation by Healthy Humboldt 3/4</b></p>				
B	<p><del><b>MR-P12. Off-Channel Terrace Mining.</b> Off-channel commercial terrace mining of sand and gravel deposits on lands planned for agriculture (AG and AE) shall be conditioned to restore pre-mining agricultural productivity through prompt reclamation of disturbed areas.</del></p>			<p>QJ </p>	D
	<p><b>COMMENTS: 4-21-11</b></p> <p><b>C. Kreb</b> – streams in Humboldt County are highly erodable streams. When you get a high streamflow when you allow this, it rips out all the riparian and changes the stream channel. A lot of habitat damage. Expensive to reclaim. I can only support the A language.</p> <p><b>C. Disiere</b> – WLRG recommendations – would like to hear from staff.</p> <p><b>TH</b> – there is a lot of lands on terrace flats that are alluvial plains and have very good farmlands, may not be classified as prime. Subtle difference there – prime designation may not be in place and you will miss the important lands that John LaBoteaux mentions.</p> <p><b>C. Faust</b> – I prefer A –</p> <p><b>C. Nelson</b> – I recommend that we use the WL groups A version but strike out the words “prime”</p> <p><b>C. Kreb</b> – I want A the way it is written by staff.</p> <p><b>TH</b> – C. Kreb is correct when discussing the riparian area – it is affected. We don’t have many of this type of activity. Log deck and processing.</p> <p><b>C. Faust</b> –(regarding John LaBoyteaux’s recommendations for saving the prime alluvial lands) – in that circumstance, were these lands planned for agriculture or for forestry?</p> <p><b>C. Faust</b> – I would support Alternative A as proposed by staff.</p> <p><u>Straw Vote:</u>  <b>All support Alternative A as proposed by staff except C. Nelson, who supports the Resource</b></p>				

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				<b>Lands Working Group version of A; leaves out "prime" and make just agricultural land. 6/1</b>		
<b>A</b>				<b>MR-P12. Off-Channel Terrace Mining.</b> Off-channel commercial terrace mining of sand and gravel deposits on lands planned for agriculture (AG and AE) is prohibited.		<b>R Straw Vote 6-1</b>
				<b>COMMENTS: see comments for Alternative B.</b>		
	<b>C</b>			<b>MR-P12. Off-Channel Terrace Mining.</b> Off-channel commercial terrace mining of sand and gravel deposits on lands planned for agriculture (AG and AE) shall be conditioned to restore pre-mining agricultural productivity through prompt reclamation of disturbed areas <u>or create permanent wetland or open water features. These features shall be designed to provide sustained habitat values and avoid the potential for active channel capture and impacts to groundwater resources.</u>	Would allow terrace mining conversion of agricultural land to open water or wetlands.	<b>D</b>
		<b>D</b>		<b>2533.5 Residual Hazards.</b> Ensure elimination of residual hazards to public health and safety.		<b>D</b>
				<b>COMMENTS:</b>		
		<b>D</b>		<b>2533.6 Community Character.</b> Prevent the disruption of community character in siting and planning mineral resource extraction operations.		<b>D</b>
				<b>COMMENTS:</b>		
		<b>D</b>		<b>2533.10 Bank Protection.</b> (1) Maintain necessary public or private roads, (2) protect principal structures in danger from erosion, (3) protect lands designated "agriculture-exclusive" from erosion.		<b>D</b>

Plan Alternative				Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
				COMMENTS:		
			D	<b>2533.12 On-Site Extraction and Use</b> The operation of borrow pits on Resource Production Lands (timber, agriculture) for non-commercial purposes shall be considered a principle use necessary to maintain the primary use of the land.	(see standard S-5)	D
				COMMENTS:		
			D	<b>2533.13 Subdivision for Mineral Extraction</b> The subdivision to create parcels which are for the primary purpose of providing road and construction material shall be consistent with this Plan.	(see standard S-6)	D
				COMMENTS:		
<b>10.4 Standards</b>						
A	B	C	D	<b>MR-S1. Surface Mining Standards.</b> Surface mining operations shall conform to standards contained in Surface Mining and Reclamation Act Ordinance, Title III, Division 9, County Ordinance #1373 as amended.	QJ 	R
				COMMENTS: 4-21-11 all support as written.		
A	B	C	D	<b>MR-S2. Timberland Conversion.</b> Timberland conversion as a consequence of surface mining activities shall meet the requirements of the California Forest Practices Act <a href="#">and the Timberlands Productivity Act.</a>	QJ 	M Straw Vote 7-0
				COMMENTS: 4-21-11 Staff supports the RLWG changes to add "and the Timberlands Productivity Act" at the end.		

Plan Alternative				Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
				<p><b>C. Faust</b> – what is the effect of adding these words?  <b>TH</b> – you have to adhere with the compatible uses under TPZ. May have to do rezone and conversion dependent on the size of the site. Beyond support services for the primary use of the land.  <b>All support as modified staff.</b></p>		
<b>A</b>	<b>B</b>			<p><b>MR-S3. Permitted Land Use Designations.</b> SMARA mining operations shall be conditionally permitted in all land use and zoning designations.</p>	<p>QJ  </p>	<b>R</b>
				<p><b>COMMENTS: 4-21-11 all support as written.</b></p>		
	<b>B</b>	<b>C</b>		<p><b>MR-S4. Reclamation-Permit Plan Requirements.</b> Reclamation of conditionally permitted mining operations may be ministerially approved if consistent with the Conditional Use Permit, CEQA evaluation, and approved Reclamation Plan.</p>	<b>Min</b>	<b>M Straw Vote 7-0</b>
				<p><b>COMMENTS: 4-21-11  Change the title to include “Plan” – no new permit.  All support this change.</b></p>		
	<b>B</b>	<b>C</b>	<b>D</b>	<p><b>MR-S5. Forest and Agricultural Borrow Pits.</b> Borrow pits to support farming activities and timber road construction and maintenance operations shall be considered a principally permitted use when operated within SMARA exemption parameters, a grading permit is secured and the activity is otherwise consistent with this Chapter.</p>	<b>Min</b>	<b>R</b>
				<p><b>COMMENTS:</b></p>		
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<p><b>MR-S6. Subdivision for Mineral Production.</b> Subdivisions shall be allowed to create parcels dedicated exclusively to the production of mineral resources.</p>	<b>QJ</b>	<b>R</b>
				<p><b>COMMENTS:</b></p>		
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<p><b>MR-S7. Hearing Notification.</b> For discretionary decisions associated with SMARA mining operations, public notice shall be provided to landowners within <del>600</del> <u>1000</u> feet of the mining</p>	<b>QJ</b>	<b>M Straw</b>



Plan Alternative	Section 10.4 Mineral Resources			Staff Remarks/ Implementation	Position R,M,D
	operation or 1,500 feet from any associated processing plant, and <u>a minimum of 300 feet</u> along proposed local and collector street haul routes. Similarly, for discretionary projects within <del>600</del> <u>1000</u> feet of mining operations, notice shall be provided to the mine owners.				Vote 5-0
	<p><b>COMMENTS: 4-21-11</b>  <b>C. Disiere</b> – should we revise the distance for noticing?  <b>Staff</b> – we were going to suggest 1000 feet in place of the 600 (also would change in P2).  <b>C. Disiere</b> – what about the noise factors?  <b>KG</b> – we think we will be subjecting permits to a judgment call that may reset the clock to the noticing phase – therefore need prescriptive rules.  <b>C. Disiere</b> – I support 1000 feet.  <b>C. Faust</b> – what about the haul routes?  <b>KG</b> - The practice is to take it out the haul route to the main road for adjacent properties.  <b>TH</b> – this is a little prescriptive for a General Plan. Maybe 300 feet on either side of the haul route.  <b>C. Faust</b> – we want to make sure that those that will be affected have the ability to provide testimony. I would prefer that there is some standard along the haul routes. Include renters. How do you let renters know?  <b>KG</b> – it is not uncommon to specify landowners and renters. Haul roads can be very long. Can be really expensive. Could be overkill.  <b>Faust</b> – I would like to see staff bring back recommended language.                      Break.</p>				
	<p><b>Comments: 6-16-11</b>                      The Commission requested that staff return with revised language for both increasing the distance for public notice to landowners and a prescriptive noticing distance for haul roads. Staff recommended the following revised language:  <b>MR-S7. Hearing Notification.</b> For discretionary decisions associated with SMARA mining operations, public notice shall be provided to landowners within <del>600</del> <u>1000</u> feet of the mining operation or 1,500 feet from any associated processing plant, and <u>a minimum of 300 feet</u> along proposed local and collector street haul routes. Similarly, for discretionary projects within <del>600</del> <u>1000</u> feet of mining operations, notice shall be provided to the mine owners.  <b>PC Discussion:</b></p>				

Plan Alternative			Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
			<p><b>C. Faust</b> – why in S7 you only require a 300 feet along haul routes and 1000 feet in P2?  <b>KG</b> – we should add the same language to P2 - 300 feet  <b>All support as modified staff.</b></p>		
<b>13.6 Implementation Measures</b>					
A	B		<p><b>MR-IM1 Scientific Review of In-stream Mining.</b> The County shall <del>maintain and support contract</del> with the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts. <u>CHERT and other related in-stream mining regulatory program cost shall be subject to full cost recovery billing procedures according to the County of Humboldt’s adopted fee schedules.</u></p>	Prog	M Straw Vote 5-0
			<p><b>COMMENTS: 6-16-11</b>                      During the review of MR-G2, the Commission requested that staff return with a policy that includes a reference to CHERT (County of Humboldt Extraction Review Team). Staff is proposing a new policy to address this (old MR-IM4 language) and revisions to MR-IM1 to support the work that CHERT does which reads:</p> <p style="padding-left: 40px;"><b>MR-IM1 Scientific Review of In-stream Mining.</b> The County shall <del>maintain and support contract</del> with the County of Humboldt Extraction Review Team (CHERT) to advise the County on in-stream mining methods, extraction volumes and environmental impacts. <u>CHERT and other related in-stream mining regulatory program cost shall be subject to full cost recovery billing procedures according to the County of Humboldt’s adopted fee schedules.</u></p> <p><u>Straw vote</u>  <b>Unanimous support of revisions to IM1 5/0</b></p>		
A	B		<p><b>MR-IM2. Mapping of Mineral Deposits and Mine Sites.</b> The County shall maintain GIS maps of the county's known mineral deposits and mining sites.</p>	Prog	R Straw Vote 7-0
			<p><b>COMMENTS: 4-21-11 (see discussion under IMx)</b>  <b>All support as written.</b></p>		

Plan Alternative				Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
A				<p><b>MR-IMx. Pursue Mapping of Mineral Deposits.</b> The County shall coordinate with the State Mining and Geology Board to initiate the Mineral Land Classification process to identify lands in Humboldt County that contain economically significant mineral deposits.</p>		D
				<p><b>COMMENTS: 4-21-11</b>  <b>C. Gearheart</b> – IM2 is what we do now, and IMx is what is spoken to in state law but hasn't happened here in Humboldt County. Why can't we just merge these two.  <b>TH</b> – we do have the mineral deposits mapped. IMX is a new program with the state.  <b>KG</b> – it just a matter of priority and cost – need to get the attention of the state. I don't think we rank well. Very comprehensive program that would take a lot of staff time.  <b>C. Nelson</b> – are these sites that are being mined?  <b>TH</b> - IM2 would be those mapped and mined and even idle sites. We just wouldn't map deposits. Only idle and active mine sites.  <b>C. Nelson</b> – how would this happen for notification?  <b>KG</b> – we will bring back a policy on notification for right to mine – new transactions. This policy would support it.</p>		
A	B	C	D	<p><b>MR-IM3. Development Consultant.</b> The County <del>shall have</del> <u>has</u> the right to hire a consulting firm of its choosing qualified in <u>surface</u> mining and reclamation practices to advise the County when surface mineral deposits <del>of five acres or more</del> are proposed for development <del>and or</del> when an environmental impact report (EIR) is required. This should include, but is not limited to, EIR preparation, mitigation measures, and reclamation plans. The consultant's fees should be paid via reimbursements from the mine developers. <del>Hiring of the consultant shall be conditioned upon entry into an agreement with the applicant. The applicant shall be provided with a list of potential consultants.</del></p>	QJ	M Straw Vote 5-0
				<p><b>COMMENTS: 4-21-11</b>  <b>KG</b> – this is what we do now. State law allows the jurisdictions to prepare or hire a consultant to prepare an EIR and charge applicant. This IM would allow us to have consultations when needed.  <b>C. Faust</b> – it seems to me that the county already can and does hire a consultant for an EIR – why are you inserting this here?  <b>KG</b> - This IM doesn't limit to EIR, other studies as needed.  <b>C. Faust</b> – this “and” limits to when an EIR is required.  <b>C. Emad</b> – I think that the last two sentences need to be revised.</p>		

Plan Alternative	Section 10.4 Mineral Resources			Staff Remarks/ Implementation	Position R,M,D
			<p>KG – we will revise and bring back.</p>		
			<p><b>COMMENTS: 6-16-11</b>                      The Commission recommended revising the language in order to clarify when a consultant can be hired by the County for preparing an EIR or mining study for projects. State law currently allows jurisdictions the ability to hire consultants to prepare an EIR and charge the applicant. This IM would allow the County to hire consultants when needed to do other studies in conjunction with mining operations (such as mean annual recruitment study). Staff proposes deleting the last two sentences. Staff recommends the following revised language:</p> <p><b>MR-IM3. Development Consultant.</b> The County <del>shall have</del> <u>has</u> the right to hire a consulting firm of its choosing qualified in <del>surface</del> mining and reclamation practices to advise the County when surface mineral deposits <del>of five acres or more</del> are proposed for development <del>and or</del> when an environmental impact report (EIR) is required. This should include, but is not limited to, EIR preparation, mitigation measures, and reclamation plans. The consultant's fees should be paid via reimbursements from the mine developers. <del>Hiring of the consultant shall be conditioned upon entry into an agreement with the applicant. The applicant shall be provided with a list of potential consultants.</del></p> <p>All support proposed changes.</p>		
A B			<p><b>MR-IM4. Combining Zone.</b> Establish a mineral resources (MR) combining zone to facilitate implementation of the County's regulations for surface mining, conservation, and reclamation. The purpose of the MR combining zone is to ensure compatibility of adjacent uses. The MR combining zone shall be applied to parcels with permitted surface mining operations and to parcels within <del>600</del> <u>1000</u> feet of permitted surface mining extraction sites and <u>along</u> existing haul routes on local and collector streets.</p>	Leg, QJ	M Straw Vote 7-0

Plan Alternative			Section 10.4 Mineral Resources	Staff Remarks/ Implementation	Position R,M,D
			<p><b>COMMENTS: 4-21-11</b>  <b>C. Disiere</b> – was concerned with how this overlay would be implemented (is this for existing projects?). Also, back to 600 feet. I just want to be clear as to what this would look like.  <b>TH</b> – 1000 feet would fix with other actions. This is just a preliminary action in the area.                      “There’s a mine here and be aware of that” – compatibility                      What do you hope to accomplish with the overlay.                      Planning of compatible uses in that vicinity.  <b>All support the changes proposed by staff.</b></p>		
A	B		<p><b>MR-IM5. Coordination with the Air Quality Management District.</b> The County shall coordinate with the North Coast Unified Air Quality Management District during discretionary review of proposed mining operations in ultramafic rock areas with naturally occurring asbestos to develop asbestos control plans for the duration of quarrying activities.</p>	<b>QJ</b>	<b>R</b>
			<p><b>COMMENTS:</b></p>		
A	B		<p><b>MR-IM6. Fees to Offset Road Use by Vehicles Transporting Mineral Products.</b> The County shall research and establish haul road charges by ordinance to address impacts by gravel operations, consistent with state fee or assessment law.</p>	<b>Prog</b>	<b>R</b>
			<p><b>COMMENTS: 4-21-11</b>  <b>Will return when counsel finishes her research.</b></p>		
			<p><b>COMMENTS: 6-16-11</b>  <b>Counsel determined that IM6 is acceptable as written.</b>  <b>All support as written.</b></p>		