EUREKA READY MIX CONCRETE CO., INC. ERM

EUREKA SAND & GRAVEL

1955 Hilfiker Ave.
Eureka, Ca. 95501

March 12, 2007

Mr. Michael Wheeler
Senior Planner
Planning Department
County of Humboldt
3015 H Street
Eureka, California 95501

Re: Humboldt County General Plan Update, Preliminary Hearing Draft
Chapter 16. Mineral Resources

Dear Mr. Wheeler:

Eureka Ready Mix Concrete Company, Inc. appreciates the opportunity to provide comment towards the balanced development of the Mineral Resources Section of the General Plan. Our company operates several permitted in-stream surface mines and processing sites within Humboldt County and supplies construction grade aggregate products throughout the North Coast Region. We support a majority of the proposed Mineral Resource policies, standards and implementation measures of the Preliminary Hearing Draft and believe that a balance of environmental protection, community consideration and economic interest is provided for in the document. We hope that we can be of assistance to County Staff during the remainder of this process and look forward to working with staff in completing the Mineral Resource Section of the General Plan update.

General Comments

The following comments are in response to the Chapter 16. Mineral Resources Element of the Humboldt County General Plan Update, Preliminary Hearing Draft, dated February 14, 2007:

Eureka Ready Mix supports the Preferred Alternative and the additional policies, standards and implementation measures proposed to reduce conflicts with neighboring communities and provide for orderly future development through the proper zoning and improvements to project notification procedures. Our comment to the Draft General Plan Update is specific to items that require further clarification, and where we believe that amendment is necessary to strengthen or better define the specific standard or implementation measure.

It is our understanding, through communication with staff, that the preferred alternative is contained within Sections 16.3, 16.4 and 16.5 and included in the Alternative Comparison Chart as "Alternative B". Eureka Ready Mix is in general support of Alternative B as written; however it would be extremely helpful if the alternative were clearly presented in the preliminary hearing draft. It would also be helpful to include the existing General Plan and policies within the Alternatives Comparison Chart so that the reader can determine how Alternative B differs from existing General Plan Policies.

It took a fair amount of study of the Preliminary Draft to determine the exact content of the preferred alternative. The initial confusion was caused by the Staff Recommendation section which contains several differing standards and implementation measures than those listed in Sections 16.3, 16.4 and 16.5 and the Alternative Comparison Chart.

If Alternative B is the alternative recommended by staff, please resolve the disparity between Staff Recommendations (pages 16-12 and 16-13), The Alternatives Comparison Chart (pages 16-17 through 16-23) and Sections 16.3, 16.4 and 16.5.

ERM supports MR-P2 and MR-P8 to reduce mine and community conflict and MR-P15, providing the development of a "Right to Mine" notification. These policies provide protection for the mining sites and communities surrounding known resources and reduce conflicts associated with future development.

SPCIFIC COMMENTS

16.3 Goals and Policies: ERM supports the Goals, MR-G1 and Policies, MR-P1 through MR-P4, MR-P6 through MR-P9, MR-P11 and MR-P15.

16.4 Standards: ERM supports Standards MR-S1 through MR-S4, MR-S6 and MR-S7.

Page 16-5, Standard MR-S3, ERM supports the implementation of a mineral resource combining zone and urges the County to consider the addition of language to eliminate the legal non-conforming use status of historic or long-term upland processing sites that would be located within the Mineral Resource zone. The Shasta County General Plan contains a Mineral Resource zoning chapter that may provide guidance.

Page 16-5, Standard MR-S4, ERM supports the continued utilization of the Conditional Use Permit process for authorization of mine sites.

16.5 Implementation Measures: ERM supports Implementation Measures MR-IM1 through MR-IM3 and MR-IM5.

Page 16-5, MR-IM1, ERM is in support of continuing the Conditional Use Permit process in conjunction with the mine and community conflict reduction measures proposed by this plan update.

Page 16-5, MR-IM2, ERM is in support of MR-IM2 utilizing the mapping of mine sites and planned development areas surrounding mine sites for the future protection and utilization of mineral resources.

Page 16-5, MR-IM3, Hearing Notice, Eureka Ready Mix supports the hearing notification process for mining operations over an expanded area as provided in the measure. ERM requests that the County consider extending the same expanded area concept of notification to mine operators when community development is proposed within the same expanded sphere of influence of mining operations. This will complete an essential feedback loop that will provide the opportunity of protection for both the mine operator and the surrounding community.

Page 16-6, Implementation Measures, MR-IM4 – Development Consultant. Within the Implementation Measure a definition of "large surface mineral deposits" is needed. Please provide clarification so that the public, the regulated community and the regulator are not left to argue over the term. (Staff may wish to consider an acreage and or volume component in providing clarification of "large surface mineral deposit").

Project complexity should be a primary consideration in hire of a Development Consultant, not just project size. Consultant hire should be considered on a project by project basis, after an assessment of size and complexity of a project is completed.

In the past, large or complex projects that required an EIR were subject to an applicant agreement with the County for the preparation of environmental document. The Planning Department has the ability to request a consultant to develop the SMARA or CEQA documents. However, applicant involvement must be allowed throughout the project development and consultant selection process. It is the County's responsibility to produce a defensible environmental document. However, involving the applicant, (the funding component of the project) within the consultant selection process would be supportable. The applicant relationship with the project demands consideration in the decisions and contractual obligations related to his or her project.

Page 16-6, MR-IM5 Combining Zone: ERM supports the implementation of a mineral resource combining zone and urges the County to consider the addition of language to eliminate the legal non-conforming use status of upland processing sites located within the combining zone.

Section 16.6 Staff Analysis and Alternatives

Page 16-7, Construction Minerals: The second paragraph states support and need for suitable construction aggregate materials for a variety of projects, and notes that new material sources are in demand. The statement "There are few locations of high quality rock necessary for rip rap and jetty construction." may be more accurately stated as follows: "There are few *currently permitted sources* of high quality rock *suitable* for rip rap and jetty construction." There may be numerous sources of quality rock in Humboldt County, but the sources have not been identified or considered for permitting due to economic/market and environmental factors.

Page 16-7, Final sentence, in reference to Construction Minerals, the statement, "Importation of these materials would raise costs and negatively impact the development and maintenance within the County." Would be clarified by stating "Should local sources of construction aggregate be no longer available, the importation of these materials would raise the costs and negatively impact project development and infrastructure maintenance within the County."

Page 16-9, Definition of MAR, Management Strategy, See CHERT provided explanation of MAR attached as Exhibit A. Contact Mr. Randy Klein of CHERT for further information.

Page 16-10, Endangered Species Act Consultation. Consider the following changes to clarify the section: ~~"Due to annual changes in stream flows, and in sediment transport and deposition within stream channels,~~ tThe LOP creates a framework, describing project design features, mitigation and monitoring and requiring ~~the~~ applicants to consult with CHERT prior to submitting applications to the Corps. The Corps, in their *project* review *and authorization* process ~~confers~~ *consults* with NOAA Fisheries and the U.S. Fish and Wildlife Service (USFWS) *pursuant to Section 7 of the* Endangered Species Act. The ESA Section 7 consultation addresses *known threatened and endangered species and their critical habitat,* such as salmonids and the western snowy plover, *and considers project and cumulative effects. Through the consultation process, the services generate Reasonable and Prudent Measures and, project Terms and Conditions that may be implemented to reduce or eliminate impacts to threatened and endangered species and their critical habitat.* ~~The USFWS and NOAA Fisheries recommend conditions to be placed on the Corps permit fro protection of these species.~~

Page 16-11, First Paragraph: Paragraph should be moved to the section titled "Annual Review", located on Page 16-9.

Page 16-11, Mean Annual Recruitment: See alternative definition of MAR by CHERT attached as Exhibit A.

Page 16-12, Terrace Mining: The section appears to remove terrace mining from the County's toolbox of construction material sources. Alluvial terrace mining has not been

a necessary source of aggregate in Humboldt County and will more than likely not be tapped as a resource unless significant restriction of other existing high grade aggregate sources occurs. There are many different methods of terrace mining, not all methods create significant environmental damage or scarring of the landscape. It is agreed that in-stream gravel mining, being a somewhat renewable source, is preferable to terrace mining, however, it is not in the best interest of the County to cast aside terrace mining because it "can have" significant environmental consequences.

Case studies and projects that make the news are generally due to some kind of failure and significant environmental effect. What are seldom reported upon are the successful projects where the intended economic and environmental goals are achieved. There are many creative mining strategies that can be implemented to protect environmental resources and allow for the responsible utilization of mineral resources. We urge the County to keep its options open with respect to future resource extraction methodologies. There may be unanticipated changes in regional growth or new environmental considerations that result in the alteration of regional mining methods and resource availability, so why remove a viable option from serious future consideration? It was not that many years ago that the same negative view was attributed to the in-stream gravel mining industry, but through appropriate oversight, scientifically supportable extraction methodologies and cooperative agency and operator involvement, a responsible and environmentally sensitive resource extraction plan has been developed for in-stream mining in Humboldt County.

There are numerous untapped hard rock sources in Humboldt County. It is the permitting of sources that is sometimes difficult. This does not mean that rock sources do not exist. Instead of stating that upland rock quarries are limited, the County should state that there are a limited number of permitted hard rock sources. With this said the County should work to identify or inventory available upland rock resources and establish development protections that will allow for the future use of the upland rock sources. There may be information currently available to the County, or to the California Geologic Survey to make this happen.

Page 16-12&13, Staff Recommendation: As we understand, the preferred alternative is contained within Sections 16.3, 16.4, 16.5 and as Alternative B in the Alternatives Comparison Chart. The content of the Staff Recommendations portion of Section 16.6 does not match the preferred alternative. Staff should revise the Recommendations to reflect the content of the preferred alternative, or clarify the intent of the Staff Recommendations.

Summary

With the understanding that Alternative B is contained in Sections 16.3, 16.4, 16.5, ERM supports the proposed update of Chapter 16., Mineral Resources and the provisions of the Preferred Alternative with some minor revision to: MR-S3 in order to provide added protection for upland processing sites, and to MR-IM4 regarding the conditions of hire of a development consultant for large and/or complex projects.

We are hopeful that our comments and suggestions are of assistance to County Staff during the continuing refinement of the General Plan update process. We look forward to working with you in this effort. Should you wish to discuss any of the comments in this letter, please contact our office.

Sincerely,

Paul Kraus

Paul Kraus
Regulatory Manager
(707) 822-1796

Pk/bs
CC: Mr. Rob McLaughlin

EXHIBIT A

MEAN ANNUAL RECRUITMENT (MAR) AS AN EXTRACTION STRATEGY

While the volume of gravel transported ("recruited") past a specific point on a river within a specific time period is unpredictable and can vary tremendously from year-to-year, the long term annual average volume provides an essential tool for managing cumulative effects from gravel extraction. We call this value the "mean annual recruitment", or MAR. It can be estimated by several techniques that vary in accuracy. Generalized methods are briefly described below in order of increasing accuracy (for a more thorough discussion, see Collins and Dunne, 1990):

Regional sediment yield: this method applies an estimate of regional sediment yield (usually expressed in tons per unit area per year) to a local area within the region. Unless the regional value is expressed in terms of bedload (as opposed to total or suspended load), the method requires conversion (by using an assumed ratio of bedload to total or suspended load). In addition, within-region geologic variability can confound the estimate for the subject area, as can scale differences (the ratio of suspended to bedload typically increases with basin size).

Within-basin sediment yield: this method transposes unit sediment yields from an area within the subject basin (where it has been established from detailed sediment budget studies) to another point within the basin, usually by simply scaling to basin size. As with regional estimates, conversions may be necessary depending of the nature of the yield estimate used, although geologic variability may be lower. Scale differences may also apply, but probably to a lesser degree than with regional yields.

Reach-level conversions: this method uses measured suspended sediment transport relations for a certain reach and applies a conversion factor (the ratio of bedload to suspended load) to estimate bedload yield, assuming a long term gaging record is available. Accuracy of the estimate depends on the accuracy of the conversion factor used, with the most accurate results derived at locations that actually have overlapping bedload and suspended load measurements. Commonly used conversions assume bedload is between 5 and 10% of suspended load, with 20% a typical upper limit.

Sediment budget: a sediment budget relies on both sediment yield estimates (discussed above) and long-term historical topographic and other information (e.g., topographic maps, cross sections, bridge construction drawings, historical photos, etc.). Where available, sediment accumulation rates behind dams and/or actual measurements of sediment transport substantially improve accuracy. This method is preferred if sufficient data are available because it is the most comprehensive method and allows crosschecking of results to evaluate accuracy (Collins and Dunne, 1990; County of Humboldt, 1993).

Using MAR as a basis for determining appropriate extraction strategies is a robust method for ensuring or evaluating sustainability. Although different terms are used to describe this recruitment-based approach, it has been used to develop sustainable extraction strategies in a number of locations in the western US (Collins and Dunne, 1990; Collins, 1992; County of Humboldt, 1993). It applies the basic concept of the river continuum in avoiding cumulative effects by ensuring that extraction volumes remain low enough to leave sufficient gravel in the river to maintain channel integrity (alluvial structure). Risk (to bridges, salmonid habitat, and other issues dependent on alluvial structural integrity) will generally increase with an increasing percentage of MAR extracted.