



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

860 NORTH BUSH STREET UKIAH CALIFORNIA 95482  
120 WEST FIR STREET FORT BRAGG CALIFORNIA 95437

JULIA KROG, DIRECTOR  
TELEPHONE: 707-234-6650  
FAX: 707-463-5709  
FB PHONE: 707-964-5379  
FB FAX: 707-961-2427  
pbs@mendocinocounty.org  
www.mendocinocounty.org/pbs

April 18, 2022

NOTICE OF PUBLIC HEARING AND AVAILABILITY OF DRAFT MITIGATED NEGATIVE  
DECLARATION FOR PUBLIC REVIEW AND  
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

NOTICE IS HEREBY GIVEN THAT the Mendocino County Planning Commission, at their regular meeting to be held on Thursday, May 19, 2022, at 9:00 a.m., will conduct a public hearing on the following project and Draft Mitigated Negative Declaration at the time listed or as soon thereafter as the item may be heard. This meeting will be conducted virtually and not available for in person public participation in an effort to slow the spread of COVID-19 and pursuant to the recommendation of the Mendocino County Health Officer and the California Department of Industrial Relations. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) or via Telecomment. The telecomment form may be found at: <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas>. The meeting is available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo>.

**CASE#:** U\_2020-0007/REC\_2020-0001

**DATE FILED:** 7/16/2020

**OWNER:** 51110 COVELO LLC

**APPLICANT:** WYLATTI RESOURCE MANAGEMENT

**AGENT:** COMPASS LAND GROUP

**REQUEST:** Major Use Permit and Reclamation Plan for seasonal gravel extraction and reclamation activities on an instream gravel bar, known as the Stewart Bar, located on the Middle Fork of the Eel River. The project will involve the excavation of sand and gravel with a total annual extraction limit of 20,000 cubic yards. The project activities will occur during the summer low-flow season between June 1 and October 30 with an anticipated total of 45 days per year of operation

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**LOCATION:** 1.57± miles southeast of Dos Rios community center, lying on the south side of Hwy. 162 (SH 162, AKA Covelo Rd.), 1.1± miles east of its intersection with Laytonville-Dos Rios Rd. (CR 322), located 1.4± miles east of the confluence of the Middle Fork and the Mainstem of the Eel River, at 51111, 51110, and 50751 Covelo Road, Dos Rios (APNs 035-030-17, -49, -65) AKA Stewart Bar.

**SUPERVISORIAL DISTRICT:** 3

**STAFF PLANNER:** DIRK LARSON

A copy of the Draft Mitigated Negative Declaration, Staff Report and Notice will be available for public review 30 days prior to the hearing at 860 North Bush Street, Ukiah, California, and at 120 West Fir Street, Fort Bragg, California. The staff report, draft mitigated negative declaration, and notice will also be available on the Department of Planning and Building Services website at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

Your comments regarding the above project(s) and/or Draft Mitigated Negative Declaration are invited. Written comments may be submitted by mail to the Department of Planning and Building Services Commission Staff, 860 North Bush Street, Ukiah, California. In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings by sending comments to [pbscommissions@mendocinocounty.org](mailto:pbscommissions@mendocinocounty.org) by May 18, 2022, or orally via telecomment in lieu of personal attendance. All public comment will be made available to the Planning Commission, staff, and the general public as they are received and processed by staff, and can be viewed as attachments to this meeting agenda at <https://www.mendocinocounty.org/government/planning-building-services/meeting-agendas/planning-commission>.

The Planning Commission's action regarding this item shall be final unless appealed to the Board of Supervisors. The last day to file an appeal is the 10th day after the Planning Commission's decision. To file an appeal of the Planning

Commission's decision, a written statement must be filed with the Clerk of the Board with a filing fee prior to the expiration of the above noted appeal period. If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Department of Planning and Building Services or the Planning Commission at, or prior to, the public hearing. All persons are invited to present testimony in this matter.

**AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE.** Mendocino County complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternate formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact the Department of Planning and Building Services by calling 707-234-6650 at least five days prior to the meeting.

Additional information regarding the above noted item may be obtained by calling the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the Planning Commission's decision you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Department of Planning and Building Services.

JULIA KROG, Director of Planning and Building Services



---

**PLANNING COMMISSION STAFF REPORT  
MAJOR USE PERMIT/REC PLAN**

**MAY 19, 2022  
U\_2020-0007/REC\_2020-0001**

---

**SUMMARY**

**OWNER:** 51110 COVELO LLC  
51110 COVELO RD  
DOS RIOS, CA 95429

**APPLICANT:** WYLATTI RESOURCES  
23601 CEMETERY LANE  
COVELO, CA 95428

**AGENT:** COMPASS LAND GROUP  
3140 PEACEKEEPER WAY, SUITE 102  
MCLELLAN, CA 95652

**REQUEST:** Major Use Permit and Reclamation Plan for seasonal gravel extraction and reclamation activities on an instream gravel bar, known as the Stewart Bar, located on the Middle Fork of the Eel River. The project will involve the excavation of sand and gravel with a total annual extraction limit of 20,000 cubic yards for the next 20 years (400,000 cubic yards total). The project activities will occur during the summer low-flow season between June 1 and October 30 with an anticipated total of 45 days per year of operation

**LOCATION:** 1.57± miles southeast of Dos Rios community center, lying on the south side of Hwy. 162 (SH 162, AKA Covelo Rd.), 1.1± miles east of its intersection with Laytonville-Dos Rios Rd. (CR 322), located 1.4± miles east of the confluence of the Middle Fork and the Mainstem of the Eel River, at 51111, 51110, and 50751 Covelo Road, Dos Rios (APNs 035-030-17, -49, -65) AKA Stewart Bar.

**TOTAL ACREAGE:** 12.5± Acres

**GENERAL PLAN:** Remote Residential- 40 acre minimum and Rangeland (RMR40 and RL)

**ZONING:** Upland Residential- 40 acre minimum and Rangeland (UR:40 and RL)

**SUPERVISORIAL DISTRICT:** 3 (Haschak)

**ENVIRONMENTAL DETERMINATION:** Mitigated Negative Declaration

**RECOMMENDATION:** APPROVE WITH CONDITIONS

**STAFF PLANNER:** DIRK LARSON

**BACKGROUND**

**PROJECT DESCRIPTION:** Major Use Permit and Reclamation Plan for seasonal gravel extraction and reclamation activities on an instream gravel bar, known as the Stewart Bar, located on the Middle Fork of the Eel River. The project will involve the excavation of sand and gravel with a total annual extraction limit of 20,000 cubic yards. The project activities will occur during the summer low-flow season between June

1 and October 30 with an anticipated total of 45 days per year of operation. The Use Permit will allow gravel extractions up to 20,000 cubic yards per year for the next 20 years (400,000 cubic yards total).

**APPLICANT'S STATEMENT:** (As provided in the *Reclamation Plan for the Stewart Gravel Bar*)

This Plan has specifically been developed to accomplish the following objectives:

1. Responsibly extract available sand and gravel resources to supply a much-needed local source of construction materials, while giving consideration to values relating to recreation, watershed, and wildlife protection. This is consistent with the State Legislature's finding that the production and development of local mineral resources is vital.
2. Allow for an additional source of in-stream sand and gravel on the Middle Fork Eel River to promote reach-wide planning and coordination between approved extraction sites.
3. Seasonally reclaim extraction areas to leave the gravel bar in a condition that promotes replenishment and minimizes impacts to fish and wildlife resources.

**RELATED APPLICATIONS:**

- **Use Permit # 38-88:** implementation of an instream gravel mining operation of up to 30,000 cubic yards per year for a period of ten (10) years.
- **Use Permit # 38-88/94:** Renewal of reclamation plan for the extraction of up to 30,000 cubic yards for a period of ten (10) years from the Eel River gravel bar.
- **Use Permit # 16-84:** Approved by the Planning Commission on June 7, 1984, allowing for the extraction of up to 25,000 cubic yards of gravel per year for two years.
- **Use Permit # 12-92:** In vicinity of project site and located approximately one-half mile west (downstream) of Stewart Bar, approved by Board of Supervisors on December 14, 1992, for the removal of 30,000 cubic yards of gravel per year for five years.
- **Use Permit # 23-92:** In vicinity of project site and located approximately 1 ½ miles downstream, at the confluence of the Middle Fork Eel River and the main stem of the Eel River, allowing for the removal of 50,000 cubic yards of gravel per year and expired on August 14, 1994.
- **Use Permit #71-77/89:** In vicinity of project site and located at the confluence of the Main Eel River and Middle Fork Eel River, allowing for the removal of 50,000 cubic yards of gravel per year and expires August 14, 1994.

**SITE CHARACTERISTICS:** The Project site is located approximately 7 miles southwest of Covelo and about 1 mile southeast of Dos Rios. The location where gravel extraction will take place is comprised of a gravel bar on the Middle Fork Eel River. While the gravel bar is located within the Middle Fork Eel River, it is generally dry and exposed during the summer months. During periods of high flows during the winter and early spring, water may flow through over the gravel bar. The topography of the Project site ranges in elevation. The access road off SR 162 is at approximately 1,033 feet in elevation with a steep drop in elevation to river access. The gravel bar where gravel extraction will take place is relatively flat at approximately 909 feet in elevation across the bar. The access road is surrounded by mixed oak-foothill pine woodlands, interspersed with annual grassland and manzanita. The gravel bar itself is barren, with little to no vegetation present. The Project site has been used for gravel extraction activities under Use Permit # 38-88 and Use Permit # 38-88/94 as shown under Related Applications above.

**SURROUNDING LAND USE AND ZONING:**

	GENERAL PLAN	ZONING	LOT SIZES	USES
<b>NORTH</b>	RMR 40 (Remote Residential)	UR-40 (Upland Residential)	36.7± and 93± acres	Residential/ Rangeland
<b>EAST</b>	RL 160 (Rangeland)	RL:160 (Rangeland)	140± acres	Residential/ Rangeland
<b>SOUTH</b>	R-L 160 (Rangeland)	RL:160 (Rangeland)	40± acres	Residential/ Rangeland
<b>WEST</b>	R-L 160 (Rangeland)	RL:160 (Rangeland)	245± acres	Residential/ Rangeland

**PUBLIC SERVICES:**

Access: Private driveway from Covelo Road/SR 162  
 Fire District: CalFire  
 Water District: NONE  
 Sewer District: NONE  
 School District: NONE

**AGENCY COMMENTS:** On August 24, 2020, project referrals were sent to the following responsible or trustee agencies with jurisdiction over the Project. Their required related permits, if any, are listed below. Their submitted recommended conditions of approval are contained in Exhibit A of the attached resolution. A summary of the submitted agency comments are listed below. Any comment that would trigger a project modification or denial are discussed in full as key issues in the following section.

REFERRAL AGENCIES	RELATED PERMIT	COMMENT	DATE
Air Quality Management District		No Response	
Archaeological Commission	None	Comment	November 10, 2021
	No cultural, historical or archaeological sites observed. MCC 22.12.090 – Discovery Clause shall be adhered to.		
County Assessor Office		No Comment	August 28, 2020
Building Division-Ukiah		No Comment	August 25, 2020
Department of Transportation (DOT)		No Comment	August 28, 2020
Environmental Health (land Use)		No Response	
CALFIRE (Prevention)		No Comment	August 27, 2020
CALFIRE (Resource Management)		No Response	
California Div. of Mine Reclamation		No Comment	July 23, 2020
California Dept. of Fish & Wildlife		No Response	
California Native Plant Society		No Response	
California Highway Patrol		No Response	
California Dept. of Transportation (CALTRANS)	Encroachment Permit	Comment	September 4, 2020
	Valid encroachment permit required. Traffic control permit during hauling operations. Any damage to state highway will require repair at applicant cost. A pre-submittal meeting prior to encroachment application required.		
Regional Water Quality Control Board		No Response	
Regional Water Quality Control		No Response	
NOAA Fisheries		No Response	
U.S. Dept. of Fish and Wildlife		No Response	
Army Corp. of Engineers		No Response	
U.S. Natural resources Conservation		No Response	
Cloverdale Rancheria		No Response	
Redwood Valley Rancheria		No Response	
Sherwood Valley Band of Pomo Indians		No Response	

## KEY ISSUES

### **1. General Plan and Zoning Consistency:**

General Plan Consistency: The 2009 County General Plan designates the project site as Rangeland (R-L) and Remote Residential (RMR). Both the R-L land use designation, through General Plan Policy DE-17, and RMR land use designation, through Policy DE-15, allow for the “development of natural resources”. Since mineral resources are considered a natural resource, as identified in the General Plan Conservation Resources Element (p. 4-21), the project would be consistent with the General Plan. General Plan Mineral Resources Policy RM-65, provides that environmental protection is a high priority during mineral extraction and associated processing operations, and in site reclamation and recovery of mineral resources is not allowed when the County finds that adverse environmental impacts outweigh the public benefit. The project has been evaluated as to its impact to the environment through a CEQA Initial Study/Mitigated Negative Declaration (IS/MND). With implementation of mitigation measures, as shown below, provided in the IS/MND would reduce all project impacts to the physical environment to a less than significant level. Therefore the project would be in compliance with Policy RM-65.

Zoning Consistency: Mining and processing activities are defined under Mendocino County Code of Ordinance Chapter 20.036, Extractive Use Types and include the mining of gravel bars among other uses. The project site is zoned as UR 40 (Upland Residential) and RL (Rangeland), Extractive Use Types are allowed in both the Upland Residential and Rangeland zoning districts with approval of a Major Use Permit. Requirements for a reclamation plan can be met per Section 22.16.060 of the Mendocino County Code with approval of the project.

### **2. Consistency with Surface Mining and Reclamation:**

Pursuant to Public Resources Code Section 2772. As contained in SMARA as well as Chapter 22.16 of the Mendocino County Code (Surface Mining and Reclamation Ordinance) require reclamation plan approval for all new mines as well as existing mining operations. Per Public Resources Code Section 2772.1(a)(1) as contained in SMARA statues, the project was routed for review to the California Department of Conservation Division of Mine and Reclamation (DMR) on July 22, 2020. No comments were received from The State (DMR) on the proposed project.

### **3. Environmental Protection:**

A CEQA Initial Study/Mitigated Negative Declaration (IS/MND) was completed for the project. The Notice of Availability (NOA), Notice of Completion and Draft IS/MND was posted on the County's Public Notices webpage under SCH Number 2022010056 - Notice of Availability (U\_2020-0007/REC\_2020-0001). The 30-day public review period was from January 6, 2022 to February 4, 2022. One public comment letter was received by the County from Caltrans on February 3, 2022. The letter did not include any comments on the adequacy of the Draft IS/MND. However, the letter did request that the County condition the project to provide proof of a valid Caltrans encroachment permit as the project access is from a state highway (SR 162). Caltrans also requested a pre-submittal meeting between the County and Caltrans prior to submittal of an encroachment permit application. The project has been conditioned to include these requests. No other public comment letters were received by the County on the Draft IS/MND.

Significant impacts and mitigation measures identified in the Draft IS/MND are shown below. With implementation of the identified mitigation measures, all impacts would be reduced to a less than significant level thus resulting in a Mitigated Negative Declaration environmental determination.

### **Mitigation Measures Incorporated into the Project to Avoid Significant Effects: Biological Resources**

**BIO-1: Western Pond Turtle.** The following are avoidance and minimization measures required in order to avoid and minimize potential impacts to western pond turtle:

- Immediately prior to the start of work, a qualified biologist shall conduct a survey to determine the presence or absence of western pond turtles. If western pond turtles are observed where they could be potentially impacted by Project activities, as determined by the onsite biologist, then work shall not be conducted within 100 feet of the sighting until the turtle(s) have left the Project site or a qualified biologist has relocated the turtle(s) immediately outside of the Project site.
- If turtle eggs are uncovered during construction activities, then all work shall stop within a 25-foot radius of the nest and the qualified biologist should be notified immediately. The 25-foot buffer should be marked with identifiable markers that do not consist of fencing or materials that might block the migration of young turtles to the water or attract predators to the nest site. No work will be allowed within the 25-foot buffer until the turtle eggs have hatched or the nest fails.
- All portions of the Project site that could result in inadvertently trapping turtles, such as open pits, trenches, and dewatered areas will be covered and/or exclusion fencing will be installed to prevent turtles from entering these areas.

**BIO-2: Anadromous Fish Species.** The operator/contractor shall avoid impacts to anadromous fishes (Chinook salmon and Steelhead) and their habitat by avoiding in-water work. This will be done by commencing Project activities when there is no flowing or ponded water within the Biological Survey Area (BSA) and concluding Project activities within Middle Fork Eel River before flows increase again the following fall/winter. To avoid potential impacts to anadromous fish species and their critical habitat, the following are recommended avoidance and minimization measures:

- Extraction activities shall only occur during daylight hours to allow “noise refugia” and time for fish to migrate out of or past the area of Project noise occurrence.
- Channel disturbance shall be kept to a minimum during construction activities within the channel and only occur within designated areas. Silt fencing should be installed to delineate a 50-foot buffer between all construction activities and the active wetted channel at all times.
- Extraction shall maintain an undisturbed head buffer that shall begin at the upstream end of the primary extraction area and extend downstream for a distance equaling approximately 30 to 35 percent of the total length of the exposed bars to protect bar stability as recommended in National Oceanic and Atmospheric Administration (NOAA) Fisheries’ sediment removal guidelines. All bare mineral soil exposed in conjunction with road construction that leads to the affected stream shall be treated for erosion prior to the onset of precipitation capable of generating runoff or the end of the yearly work period, whichever comes first. Restoration shall include using native slash or seeding and mulching of all bare mineral soil exposed in conjunction with encroachment work. No known invasive grass seed shall be used, such as annual or perennial ryegrass (*Festuca perennis*).
- The Project proponent shall provide site maintenance including, but not limited to, reapplying erosion control to minimize surface erosion and ensuring drainage structures, streambeds, and banks remain sufficiently armored and stable.
- Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high-water mark (OHWM) before such flows occur or the end of the yearly work period, whichever comes first.
- Refueling of equipment and vehicles and storing, adding, or draining lubricants, coolants, or hydraulic fluids shall not take place within or adjacent to any stream. All such fluids and containers shall be disposed of properly. Heavy equipment parked within or adjacent to the stream shall use drip pans or other devices (e.g., absorbent blankets, sheet barriers, or other materials) as needed to prevent soil and water contamination.
- All activities performed in the field that involve the use of petroleum- or oil-based substances shall employ absorbent material designated for spill containment and cleanup activity onsite for use in case of accidental spills. Cleanup of all spills shall begin

immediately. The California Department of Fish and Wildlife (CDFW) shall be notified by the Project proponent and consulted regarding clean-up procedures.

- No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from construction work, or associated activity of whatever nature shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into the stream. When operations are completed, any excess materials or debris shall be removed from the work area.
- All traffic and equipment staging should be limited to the existing access road and designated staging areas.
- The excavation site shall be recontoured following extraction activities each season to prevent the entrapment or entrainment of wildlife in open trenches or borrow pits.

**BIO-3: Foothill Yellow-Legged Frog (FYLF).** Under state regulations, a candidate threatened species receives the same protections as listed species until the final determination is made on its status. Although there is no potential for FYLF to occur within the BSA when it is dry, in an abundance of caution the contractor shall implement the following mitigations in an effort to avoid and minimize impacts to this species:

- Construction within Middle Fork Eel River shall commence when there is no flowing or ponded water within the BSA and shall conclude before the river begins to flow through the BSA again the following fall/winter.
- If flowing or ponded water is present within the BSA, a qualified biologist shall conduct a preconstruction survey within 72 hours prior to the start of construction to determine the absence/presence of FYLF. If at any point FYLF are found within the Project site, CDFW shall be consulted. Construction activities shall not commence until the contractor has received written verification from CDFW that the Project can continue.
- Only wildlife-friendly, 100-percent biodegradable erosion control products that will not entrap or harm wildlife shall be used. Erosion control products shall not contain synthetic (e.g., plastic or nylon) netting. Photodegradable synthetic products are not considered biodegradable.

**BIO 4: Waters of the United States.** If activities occur within the OHWM and/or result in fill or discharge to any waters of the U.S that include but are not limited to intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, vernal pools, or natural ponds, then the following will need to be obtained:

- Prior to any discharge or fill material into Waters of the U.S, authorization under a Nationwide Permit or Individual Permit shall be obtained from the U.S. Army Corps of Engineers (USACE). For fill requiring a Corps permit, a water quality certification from the Regional Water Quality Control Board (RWQCB; Clean Water Act §401) shall also be obtained prior to discharge of dredged or fill material.
- Prior to any activities that would obstruct the flow of or alter the bed, channel, or bank of any perennial, intermittent, or ephemeral creeks, notification of streambed alteration shall be submitted to the CDFW, and, if required, a Lake and Streambed Alteration Agreement (§1602) shall be obtained.

**BIO-5: Migratory Birds and Raptors.** To avoid impacts to avian species protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code (CFGC) the following are required avoidance and minimization measures for migratory birds and raptors:

- Project activities including site grubbing and vegetation removal shall be initiated outside of the bird nesting season (February 1 through August 31).
- If Project activities cannot be initiated outside of the bird nesting season, then the following will occur:
  - A qualified biologist will conduct a preconstruction survey within 250 feet of the BSA, where accessible, within 7 days prior to the start of Project activities.

- If an active nest (i.e., containing egg[s] or young) is observed within the BSA or in an area adjacent to the BSA where impacts could occur, then a species protection buffer will be established. The species protection buffer will be defined by the qualified biologist based on the species, nest type, and tolerance to disturbance. Construction activity shall be prohibited within the buffer zones until the young have fledged or the nest fails as determined by a qualified biologist. Nests shall be monitored by a qualified biologist once per week and a report submitted to the California Environmental Quality Act (CEQA) lead agency weekly.

**BIO 6: Environmental Awareness Training.** Contractual requirements shall include a requirement for tail-gate training by the Project's designated qualified biologist. All employees involved in Project activities and environmental specialists will attend a mandatory Environmental Awareness Training prior to any site disturbances. The program will address proper implementation of minimization and avoidance measures contained herein including, but not limited to:

- Avoiding inadvertent animal trapping.
- Site maintenance.
- Controlling invasive species.
- Handling leaks and spills.
- Fencing environmentally sensitive areas.
- Cultural resources training to inform construction personnel of the types of cultural resources they may encounter, the laws protecting those resources, and the standard protocols to be implemented.
- Hazardous materials response.

### Cultural Resources

**CUL-1: Cultural or Archaeological Resource Discovery.** All extraction and reclamation plans shall include the following.

If buried materials are encountered, all soil disturbing work should be halted within 60 feet of any discovery. An archaeologist who meets the Secretary of the Interior's Standards for Archaeology must be contacted and the requirements under 36 Code of Federal Regulations (CFR) 800.13 followed. Work should not commence in the vicinity of the inadvertent discovery until a qualified archaeologist completes a significance evaluation of the find(s) pursuant to Section 106 of the National Historic Preservation Act (36 CFR 60.4).

The following actions are promulgated in the CEQA Guidelines Section 15064.5(d) and pertain to the discovery of human remains. If human remains are encountered, excavation or disturbance of the location must be halted in the vicinity of the find, and the county coroner contacted. If the coroner determines the remains are Native American, the coroner will contact the Native American Heritage Commission (NAHC). The NAHC will identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent makes recommendations regarding the treatment of the remains with appropriate dignity.

### Geology and Soils

**GEO-1: Paleontological Resources.** If paleontological resources are encountered during Project activities and no paleontological monitor is present, all ground-disturbing activities within 50 feet of the find shall be redirected to other areas until a qualified paleontologist (as determined by the Project's qualified cultural resource professional) can be contacted to evaluate the find and make recommendations. If determined significant pursuant to CEQA and Project activities cannot avoid the paleontological resources, a paleontological evaluation and monitoring plan shall be implemented.

Adverse impacts to significant paleontological resources shall be mitigated, which may include monitoring, data recovery and analysis, a final report, and the curation of all fossil

material to a paleontological repository, museum, or academic institution, as appropriate. Upon completion of Project ground-disturbing activities, a report documenting methods, findings, and recommendations shall be prepared and submitted to the paleontological repository.

### Hazards and Hazardous Materials

- HAZ-1: Spill Prevention Plan.** Prior to site disturbance, prepare a spill response plan to address the appropriate methods for containing accidental spills of toxic materials (e.g., engine oils). This plan shall be submitted to the County for approval prior to any Project operations.
- HAZ-2: Fire Safety Procedures.** The operator/contractor shall implement the following fire prevention procedures to reduce the potential risk of fire ignitions during construction:
- No work shall occur on red-flag days declared by the weather service for Mendocino County.
  - Earthmoving and portable equipment with internal combustion engines shall be equipped with a spark arrestor to reduce the potential for igniting a wildland fire.
  - Appropriate fire suppression equipment shall be maintained and available at the Project Site.
  - Flammable materials shall be removed to a distance of 10 feet from any equipment that is either operating, a significant heat source, or that could produce a spark, fire, or flame.
  - The access road shall be maintained in a state such that it is free of vegetation during times of activity.
  - Construction personnel shall be trained in fire safe work practices (e.g., smoking in enclosed spaces or parking in designated parking locations), use of fire suppression equipment, and procedures to follow in the event of a fire, including use of emergency radios provided by the County.

### Hydrology and Water Quality

- HYD-1:** This Project is subject to the National Pollution Discharge Elimination System (NPDES) requirements, and coverage under the State General Industrial Permit, as adopted by the State Water Resources Control Board (SWRCB). A copy of the Notice of Intent (NOI) filed with the SWRCB, as well as the Waste Discharge Identification Number issued by that agency, must be submitted to the Mendocino County Planning and Building Services.
- HYD-2** During operation activities, all vehicles and equipment utilized onsite will be regularly inspected and maintained per manufacturers' recommendations to minimize the potential for leaks.
- HYD-3** Prior to mining or reclamation activities as authorized by this approval, the Project proponent shall submit to the respective agency the necessary application(s) for any approvals and/or permits from the: (a) SWRCB, and (b) California RWQCB, North Coast Region. Upon issuance of the requisite approvals or permits, copies shall be furnished to the Mendocino County Planning and Building Services for incorporation into the approved surface mining and reclamation plan in accordance with the provisions of the Surface Mining and Reclamation Act of 1975. Should no approvals and/or permits be required from the referenced agencies, written evidence documenting this fact shall be furnished to the Mendocino County Planning and Building Services.
- HYD-4** Prior to commencement of mining activities as authorized by this approval, the Project proponent shall prepare and obtain approval of a Spill Prevention Control and Countermeasures Response Plan from the Mendocino County Public Health Services Department/Environmental Health Division and the California Department of Water Resources, for review and approval by those agencies.

**RECOMMENDATION**

By resolution, adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and grant the Major Use Permit U\_2020-0007 and approve the Reclamation Plan REC\_2020-0001, as proposed by the applicant, based on the facts and findings and subject to the conditions of approval in Exhibit A.

4/15/22  
DATE

  
DIRK LARSON  
PLANNER II

Appeal Period: 10 Days  
Appeal Fee: \$2620.00

**ATTACHMENTS:**

- A. Location Map
- B. Aerial Map
- C. Adjacent Owner Map
- D. Zoning Map
- E. General Plan Map
- F. Fire Hazards Map
- G. Flood Zone
- H. Wetlands
- I. Farmland Map
- J. Williamson Contract Lands Map
- K. Soils Map
- L. Reclamation Plan for the Stewart Gavel Bar
- M. Mitigation and Monitoring Reporting Program - Stewart Gravel Bar Use Permit And Reclamation Plan

**RESOLUTION AND CONDITIONS OF APPROVAL (Exhibit A):**

**[MITIGATED NEGATIVE DECLARATION ] Initial Study available online at:**  
[www.mendocinocounty.org/pbs](http://www.mendocinocounty.org/pbs)