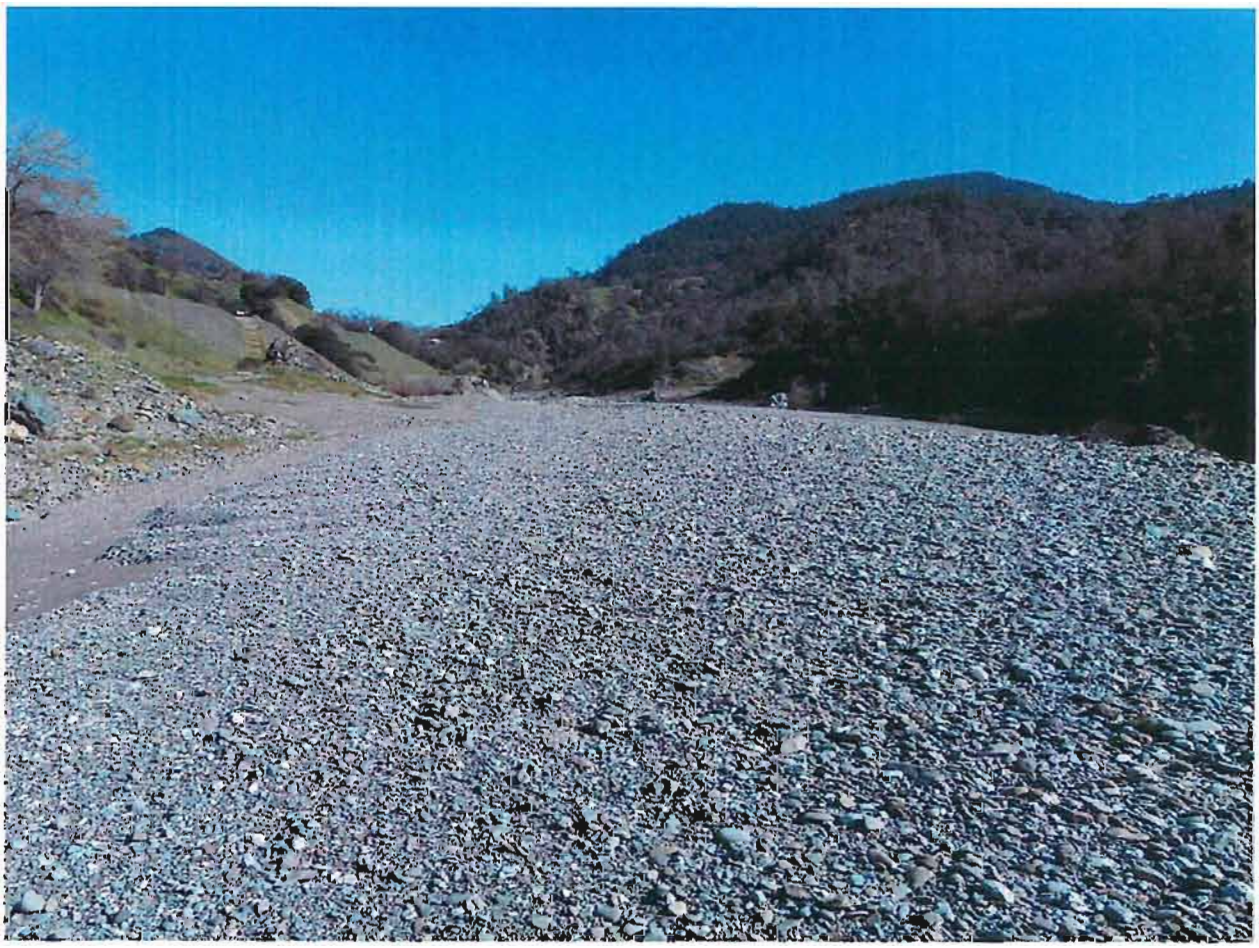
RECLAMATION PLAN; PROJECT DESCRIPTION AND PLAN; RENEWAL APPLICATION FOR MCKENZIE BAR – CALIFORNIA MINE ID#91-23-0033



REVISED APRIL 2015

Mendocino County Planning and Building Services – 860 North Bush Street, Ukiah, CA 95482

INITIAL STUDY/ENVIRONMENTAL CHECKLIST
ADDENDUM TO 2004 NEGATIVE DECLARATION

Addendum Summary

PROJECT NAME:	**McKenzie Bar**	FILE NUMBER:
SITE ADDRESS:	50510 Covelo Road, Dos Rios, CA 95429	APN: 035-030-39
APPLICANT:	Wylatti Resource Management, Inc. Brian K. Hurt, CEO 23601 Cemetery Lane Covelo, CA 95428	PHONE: (707) 983-8135
PROPERTY OWNER:	Garman Family Land Co. LLC 389 N Main St. Willits, CA 95490	Prev. Adopted Negative Declaration(s): **SCH #: 2010109003**

PROJECT DESCRIPTION:
Wylatti Resource Management, Inc. (Owner or Applicant) has applied for a renewal of the Use Permit UR 12-92/2003 and Reclamation Plan for the McKenzie Gravel Bar (McKenzie Bar – CA Mine ID # 91-23-0033), a riverbed gravel extraction operation located approximately one mile upstream from the confluence of the Middle Fork and Mainstem Eel River near Dos Rios in Mendocino County (County) (Mining and Reclamation Plan Attachment C, Sheets 1 and 2). Gravel extraction has occurred on McKenzie Bar since 1977, under several Use Permits and Reclamation Plans and their renewals. The Use Permit and Reclamation Plan Renewal (Project) is proposed to cover a 20-year period, dating from project approval. The proposed Project includes approximately 7.8 acres (Mining and Reclamation Plan, Attachment C, Sheet 1), which comprises the "Project Area" for purposes of California Environmental Quality Act (CEQA).The disturbed area is anticipated to be limited to approximately 4.1 acres, of which 3.4 acres is potentially subject to gravel extraction. The primary areas to be reclaimed are the surface extraction area, two staging areas, and the access road located immediately south of the State Highway (SH) 162 which traverses along the northern canyon of the Middle Fork Eel River at this location (Postmile 16.0). The Reclamation Plan Project consists of three phases:

Phase 1 – Initial Reclamation Stage (beginning of each extraction season)
Reclamation Phase 1 would begin with each extraction season, after the haul road area has dried out enough to be stable enough for seasonal extraction equipment. Phase I would include repairs to road surfacing and installation of a temporary culvert in Cable Creek (seasonally dry during extraction period) to extend the existing permanent haul road segment to the gravel bar, and temporary haul road finish grading across the gravel bar to the extraction area. Phase 1 reclamation activities will take approximately one day each year that extraction activities occur.

Phase 2 – Interim Reclamation Stage (end of each extraction season)
Interim reclamation will occur at the end of each extraction season, and include final grading of the extraction area to address California Department of Fish and Wildlife (DFW) and National Oceanic Atmospheric Administration/ National Marine Fisheries Service (NOAA/NMFS) standards, and cleanup activities on the gravel bar to ensure water quality protection. The interim reclamation activities on the gravel bar will occur at the end of each extraction season, which runs from June 15 to October 15.

All equipment will be removed from the Project Area at the end of each extraction season (by October 15). Best Management Practices (BMPs) will be implemented to ensure prevention of sediment transport and delivery of any residual hydrocarbons from the permanent haul road which will be cross-drained to promote

sheet flow and avoid concentrated streams of storm water before it reaches the watercourse. Periodic review of the BMPs will be made throughout the wet season to assure that they are functioning as intended in accordance with the provisions of the Industrial Stormwater Pollution Prevention Plan (SWPPP). Phase 2 reclamation activities will take approximately one day each year that extraction activities occur.

Phase 3 – Final Reclamation Stage
The final reclamation will consist of the final grading of the gravel bar to conform to the alcove configuration approved by the Resource Agencies for that period of extraction. A final cleanup and equipment removal will be performed. The permanent access road is anticipated to be stabilized with BMPs permanently established along it and in the staging areas. No other activities are deemed necessary, except some occasional maintenance of the haul road surfacing for the landowner's convenient access. Final reclamation is anticipated to take one day.

ENVIRONMENTAL SETTING:

McKenzie Bar is located approximately one mile upstream from the confluence of the Middle Fork and Mainstem Eel River, near the community of Dos Rios in Mendocino County. Located in an unincorporated area of the County, the access to McKenzie Bar is immediately south of the SH 162 (also known as Covelo Road) (mile post marker 16.0). The short access road down to the river bar/extraction area is directly off of Hwy 162 at a wide turnout on the south side of the road, and on north side of the Canyon containing the Middle Fork Eel River. The Project site address is 50510 Covelo Road, Dos Rios, CA, 95429.

The Project Area is located in a rural area of the County, with rural residential development and open space surrounding the site. Existing topography of the site, which consists of the riverbed and associated canyons, is predominated by gentle terrain within the riverbed area, and steep terrain utilized primarily as open space and rangeland on all sides. Elevation of the site is approximately 900 feet above mean sea level (msl).

Existing land uses in the area immediately surrounding the Project Area consist primarily of rangeland, open space and rural residential uses. Three residences are within sight of the Project Area. One is on the Project Property, approximately 0.1 miles to the northwest directly above the riverbed, and one is approximately 0.7 miles to the west, above the riverbed and south of the Middle Fork Eel River and the Covelo Road. The third residence is located approximately 0.5 miles southeast of the Project, between the Middle Fork Eel River and the Covelo Road.

The initial study and staff report for the 2004 renewal of the Use Permit and Reclamation Plan addressed the potential cumulative extraction of as much as 150,000 cubic yards of material over a 10 year period. This renewal application is for a potential cumulative extraction of 160,000 cubic yards over a 20 year period. Therefore, while the requested life of the permit is longer, the total potential cumulative impact is substantially the same volume over a period twice as long. In fact, the extraction volumes are determined by the excess gravel which naturally accumulates and the total extraction will be set on a sustained yield basis and not on some arbitrary volume.

The only other potential environmental effect which is required to be considered under present day standards and which was not considered in the 2003 Initial Study is greenhouse gas emissions. First, since the proposed renewal reduced the extraction amount in any one year to half of the previous potential maximum amount, the potential impact is approximately half of that potentially caused by the prior mining plan.

A similar project, County Case #REC 2-2013, had a specific study conducted to determine if the project would generate greenhouse gases which would reach a threshold of significance. The operation of the same equipment as will be used at the McKenzie Bar for two days resulted in a predicted generation of 3.8 metric tons annually (Illingworth and Rodkin, Letter Report dated May 14, 2013). If 15,000 cubic yards of materials is extracted, it

would take about 46 days of a similar operation, resulting in approximately 87.4 metric tons of emissions.

In another study performed for a gravel extraction operation at the Kunzler Terrace Mine Project in Ukiah (EIR certified in 2010) the production of 250,000 cubic yards per year was estimated to generate 2,056 metric tons annually. Proportioning 15,000 cubic yards of normally permitted maximum production at McKenzie Bar against the predicted amount of GHG's for 250,000 cubic yards would result in 123.4 metric tons per year.

A significant threshold of GHG's was set by the Mendocino County Air Quality Management District (AQMD) at 4,000 metric tons per year for the Kunzler Terrace Mine Project. With the maximum predicted range of GHG's between 87.4 and 123.4 metric tons during an extraction year, the amount is well below a level considered significant by the AQMD. No mitigation is required.

DETERMINATION:

The Project will not result in any new significant adverse impacts to the physical environment or in any increase in the severity of any previously identified potentially significant impacts of the project. There are no substantial changes in the Project or in the mitigation measures included in the 2004 Mitigated Negative Declaration (ND), or the conditions of approval imposed as part of the previous project approvals. The County also has not found substantial changes in circumstances under which the project will be undertaken that would require major revisions of the prior NDs due to the involvement of new significant environmental effects. New information of substantial importance has also not been found. The Project applicant has, however, incorporated into the Project the conditions of approval of the approved Use Permit and Reclamation Plan, as well as recommendations and requirements from resource studies and resource agency consultations. With the incorporation of the mitigation measures identified in this Addendum, Project impacts will remain below less than significant and will be further mitigated below levels identified and approved in 2004 and considered in the 2004 ND.

The proposed Project does not include substantial changes that would result in major modifications to the previously adopted Negative Declaration and the County's past findings. Therefore, the County can make the finding that an Addendum to the 2004 Negative Declaration to be the appropriate environmental document to be prepared for this Project pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; California Code of Regulations, tit. 14, § 15000 et seq. (CEQA Guidelines).).

PUBLIC/RESPONSIBLE/TRUSTEE AGENCY REVIEW:

Although an Addendum prepared pursuant to CEQA does not require circulation for public review and comment, the County has voluntarily decided to circulate this Addendum for a 30-day public review and comment period, and has provided a copy of the Addendum to all responsible and trustee agencies. A copy of the Addendum, the Initial Study, the previously adopted Notice of Determination and Negative Declaration with Mitigation Measures/Conditions of Approval, the various resource agency permits, and related supporting technical studies prepared for the Project are attached, and may also be reviewed at the County as noted below. (See Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15164, 15162, 15105.)

All referenced documentation is available for Public Review at the Mendocino County Planning and Building Services office, located at 860 North Bush Street, Ukiah, CA

McKenzie Gravel Bar

Reclamation Plan 2015

Mendocino County Use Permit – Reclamation Plan

CA Mine ID # 91-23-0033

Lead Agency

Mendocino County Planning and Building Services

860 North Bush Street
Ukiah, CA 95482

Operator

Wylatti Resource Management, Inc.

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May, 2015

TABLE OF CONTENTS

Table Of Contents 1
Attachments 2
1. PROJECT SUMMARY 3
1.1. Project Contact Information 3
1.2. Permit Approvals Required 3
1.3. Summary of Mining Operation 4
2. PURPOSE AND OBJECTIVES 5
2.1. Site Location and Size 5
2.2. Purpose of Plan 5
2.3. Reclamation Objectives 6
2.4. Post-mining Land Use and Reclamation Overview 6
3. Site Description and Environmental Setting 7
3.1. Physical Environment 7
3.2. Geology 7
3.3. Vegetation and Wildlife 7
3.4. Land Use 8
4. Mining Operation 8
4.1. Determination of Annual Extraction 8
4.2. Mining Equipment 8
4.3. Processing Operations 9
4.4. Operating Schedule and Workforce 9
4.5. Utilities and Water Supply 9
4.6. Mine Waste Management 9
4.7. Public Health and Safety 9
5. Reclamation Plan and Practices 10
5.1. Subsequent Use and Impact on Future Mining 10
5.2. Reclamation Goals 10
5.3. Vegetation specifications 11
5.4. Reclamation Schedule and Phasing 11
5.5. Monitoring and Performance Standards 12
5.5.1 Vegetation Performance and Success Criteria 12
5.5.2 Erosion Control Performance and Success Criteria 13
5.5.3 Vegetation Monitoring For Final Reclamation 14
5.5.4 Erosion Control and Bar Recruitment Monitoring 14
5.6. Remedial Measures 14
5.6.1 Vegetation Remedial Measures 14
5.6.2 Structural Erosion Control Remedial Measures 15
5.7. Reporting 15
5.8. Financial Assurances 15
5.8.1 Detailed Cost Estimates 15
5.8.2 Payees 15
5.8.3 Schedule of Releases 15
5.8.4 Initial Detailed Cost Estimate 16
5.8.5 Payees 17
5.8.6 Basis for Costs to Complete Reclamation Actions 17
6. PREPARER'S SIGNATURE 17

ATTACHMENTS

Attachment A	Project Description
Attachment B	Maps- Vicinity Map, Location Map, Mining Ownership Map
Attachment C	Mining and Reclamation Plans
Attachment D	Geotechnical Memorandum
Attachment E	Botanical Report
Attachment F	Permits
Attachment G	End Use Notification
Attachment H	Monitoring Forms
Attachment I	Financial Assurances Estimate
Attachment J	Reclamation Plan Certification
Attachment K	SMARA Checklist
Attachment L	2004 Initial Study
Attachment M	2004 Mitigated Negative Declaration

1. PROJECT SUMMARY

1.1. PROJECT CONTACT INFORMATION

Facility Contact:
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1.2. PERMIT APPROVALS REQUIRED

Permit	Permitting Authority	Timing
Approved Reclamation Plan	Mendocino County Planning Department, OMR	In-process
NPDES, SWPPP	Regional Water Quality Control Board	In-Process
Section 401/404	US Army Corps of Engineers, NOAA/NMFS, RWQCB	File No 2011-00037N; WDID No. 1B11008WNME
Streambed Alteration Agreement	CA Department of Fish and Wildlife	1600-2010-0251-R1
Air Quality Permit	Mendocino Co. Air Quality Management District	Upon Reclamation Plan Approval

1.3. SUMMARY OF MINING OPERATION

MINED MINERAL COMMODITY:	Gravel Bar Rock and Sand
END USE:	Gravel Bar Replenishment
VOLUME	
ESTIMATED AVERAGE ANNUAL PRODUCTION:	15,000 cubic yards (cy) / Year (yr) (10 Extractions in 20 Year Permit Period)
ESTIMATED MAXIMUM ANNUAL PRODUCTION:	20,000 cubic yards (cy) / Year (yr) (Two times in 20 Year Permit Period)
ESTIMATED TOTAL PRODUCTION:	160,000 cy over a 20 year period
PROCESSING:	No onsite processing
PROJECT AREA	
MINE BOUNDARY AREA:	7.8 Acres out of a 126.86 Acre Parcel
PARCEL LEGAL DESCRIPTION (APN 035-030-39):	Section 5, Township 21 North, Range 13 West, Mount Diablo Base and Meridian, Mendocino County, California
TOTAL AREA OF PLANNED DISTURBANCE:	4.1 Acres
TOTAL AREA FOR GRAVEL EXTRACTION:	3.4 Acres
TOTAL AREA TO BE RECLAIMED:	6.5 Acres[1]
MAXIMUM ANTICIPATED DEPTH OF MINING:	15.0 Feet
ELEVATION:	895 to 910± feet above msl (mean sea level)
MAPS:	See Vicinity and Site Maps (Attachment B) See Mining and Reclamation Plans (Attachment C)
Project Schedule	
START UP DATE:	June 2015 (Proposed)
END DATE:	JUNE 2035 (Proposed)
SEASONAL EXTRACTION DATES:	June 15-October 15

[1] Reclamation areas include all areas inside of disturbance limits to allow maintenance of areas above and below roads, which have historically not required maintenance.

2. PURPOSE AND OBJECTIVES

2.1. SITE LOCATION AND SIZE

The project site, known as the McKenzie Gravel Bar (McKenzie Bar, CA Mine ID # 91-23-0033), is located on property owned by Garman Family Land Company, LLC. The property is located in Section 5, Township 21 North, Range 13 West, Mount Diablo Base and Meridian, Mendocino County, California. The full Project Description is included in Attachment A. See Attachment B for the Vicinity Map, Location Map, and Ownership Map & Deed.

McKenzie Bar is located on the Middle Fork Eel River approximately 1.0 miles upstream of the confluence of the Middle Fork and Main stem of the Eel River, near the community of Dos Rios in unincorporated Mendocino County. (Refer to Figure 2 in Attachment B.) The access to McKenzie Bar is immediately southwest of the SH 162 (also known as Covelo Road) at mile post marker 16.00 (Refer to the Mining and Reclamation Plan in Attachment C). The short access road down to the river bar/extraction area is directly off of SH 162 at a wide turnout on the south side of the road, leading to the north side of the Middle Fork Eel River. The Project site address is 50510 Covelo Road, Dos Rios, CA.

Existing land uses in the area immediately surrounding the Project Area consist primarily of rangeland, open space and rural residential uses. Three residences are within sight of the Project Area. One is approximately one-half mile to the southeast directly above the riverbed, one is approximately 0.1 miles to the northwest above the riverbed and adjacent to the Covelo Road and one is approximately 0.7 miles to the west. (Refer to the attached map entitled "McKenzie Bar Location Map" in Attachment B). The residence to the northwest is owned by the Landowners, and is on the same assessor's parcel as the gravel extraction site. There are no additional residences located within a 0.5 mile radius of the site. The abandoned railroad tracks that historically connected Ukiah and Eureka are located on the northwest side of the Main stem Eel River near the town of Dos Rios, approximately one mile westerly of the Project Area.

The existing topography of the project site and surrounding area consists of the riverbed and associated canyons, predominated by gentle terrain within the riverbed area and steep terrain utilized primarily as open space and rangeland. Elevation of the site is approximately 900 feet above mean sea level (msl). Section 1.3 provides an overview of the mining operation.

2.2. PURPOSE OF PLAN

Under SMARA and the County's ordinance, all operators of surface mines must prepare a Reclamation Plan and submit it for lead agency approval (Public Resources Code Section 2770). Substantial deviations from an approved Reclamation Plan may not be undertaken without the lead agency's approval of an amendment to that plan. In the case of McKenzie Bar, the Reclamation Plan approved by Use Permit #Ur 12-92/2003 is still in effect because the Use Permit Application for renewal was submitted prior to the expiration date and the financial assurance mechanism is still in effect. This application for the

renewal of the McKenzie Bar Reclamation Plan proposes to conform to the approved tasks described in the prior-approved Reclamation Plans, with a minor modification.

Mining operations at this site are subject to an approved Reclamation plan, and the Reclamation plan and Use Permits are both subject to review under the California Environmental Quality Act (CEQA). Since there are no significant changes which might increase the potential impact of the project, and no new regulations have been implemented which require analysis for environmental compliance, an Addendum to the previously approved MND (Mitigated Negative Declaration) is deemed to comply with CEQA. For the Use Permit renewal to proceed, the County of Mendocino must approve a Reclamation Plan. All work within this plan and during the life of the permit will adhere to the trustee agency permit requirements. For a full discussion of the mining operations refer to the Project Description in Attachment A.

2.3. Reclamation Objectives

The objective of the Reclamation Plan is to continue to implement responsible and environmentally-sound aggregate removal; preserve sensitive natural resources; minimize aesthetic impacts through site design; implement Reclamation concurrently throughout the life of the McKenzie Bar operation; and reclaim the project for an end use of gravel bar recruitment. The project has been shown to be economically feasible and provide responsible Reclamation that will result in a beneficial end use, in accordance with the requirements of SMARA. Implementation and timing of final reclamation activities will be completed by the project owner/operator within twenty years after the approval of the Reclamation Plan, unless otherwise extended under subsequent Reclamation Plans.

The Applicant's objectives for the Project are to:

- Maintain a local, reliable, and economic source of construction aggregate to serve market demands within Mendocino County and the region.
- Continue operations of a permitted gravel extraction operation that is uniquely situated to provide for local and regional needs.
- Reclaim disturbances from gravel extraction to encourage sustainable aggradation conforming to the natural river geomorphology, to achieve long-term slope stability for the access road, and to protect water quality through the prevention of erosion and sediment transport.
- Apply Reclamation standards under SMARA to areas disturbed by extraction operations within the Project Area and access road.
- Reclaim existing mining disturbance to avoid or eliminate residual hazards to the environment and public health and safety.

2.4. Post-mining Land Use and Reclamation Overview

This Reclamation Plan will reclaim lands that have been affected by extraction operations in the Project Area thereby assuring that additional gravel and sand continues to accumulate on the active bar. Based on historical mining using similar methods, the impact of Reclamation on future mining will assure that

the process is sustainable. The processes and activities that would be implemented to accomplish Reclamation are described in further detail below.

The gravel bar is an open, active bar without topsoil or significant amounts of vegetation. Extraction will typically occur on approximately 3.4 acres of the 5.5 acre bar area on the south bank of the Middle Fork Eel River. Reclamation will apply to areas of this bar disturbed by extraction activities and the associated access/haul road and staging areas. Planning disturbance by the mining activities is estimated to be 4.1 acres, of which only 3.4 acres is actual gravel extraction. The Reclamation Boundary has been intentionally enlarged to 6.5 acres to include areas which are planned to remain undisturbed but are within the exterior perimeter of the area which is disturbed or is planned to be disturbed in the event that maintenance above or below the road is warranted in the future.

Reclamation consists of finish grading the gravel bar after the extraction of sand and gravel has ceased to leave the bar shaped in a configuration satisfactory to the California Department of Fish and Wildlife (DFW, formerly Fish and Game) and National Marine Fisheries Service/National Oceanic and Atmospheric Administration (NMFS/NOAA). The objective is to allow the natural geomorphology of the river to continue to deposit gravel in areas which have been mined and reclaimed to sustain the natural setting.

3.1. Site Description and Environmental SettingPhysical Environment

The physical environment is described in the Project Location/Environmental Settings section of the Project Description, included as Attachment A.

3.2. Geology

The Geology of this site consists of a riverine environment (Middle Fork of Eel River) with gravel beds surrounded by steep terrain. The river at this location is known to have adequate bedloads to support the requested gravel extraction and allow more than 50% of the bedload to transfer further downstream, as recommended by NOAA. A more detailed description of the Geology and Geomorphology in this area is described in the Geotechnical Memorandum included as Attachment D.

3.3. Vegetation and Wildlife

Wildlife

The riverine area of this stretch of the Eel River is known to support species of special concern including Chinook, Coho, Steelhead, Northern Red Legged Frog and Western Pond Turtles. Other areas of the project (staging and access road) do not appear to directly support wildlife species habitat except for food gathering (grasses and brush). A wildlife assessment was previously prepared by Mad River Biologists. This wildlife assessment is referenced in the 2004 Mitigated Negative Declaration, included as Attachment M. This assessment found that although the bar does support potential habitat for the western pond turtle and Northern red-legged frog, the extent of the grading would not likely affect their population in the vicinity. Additionally, all grading will be done in accordance with the DFW and NOAA guidelines to avoid impact to all noted species.

Vegetation

The gravel bar is essentially devoid of vegetation with some vernal species being identified. The staging areas and access road are already disturbed and support minimal vegetation. The hill slopes are dominated by non-native grasses and thistles. There is a small stand of oaks at the northwestern side of the project that will remain undisturbed. There are no plant species of special concern within the mining limits. A more detailed listing of the plants found at the site are listed in the Botanical Report, included in Attachment E.

3.4. LAND USE

The existing land is currently zoned RMR40, Upland Residential with an overlay zoning of FP, Flood Plain. The parcel is currently used for residential use on the upper portion of the property. The project area has historically been used for resource extraction. A more detailed description of the existing and surrounding land uses are included in the Project Location/Environmental Settings portion of the Project Description included as Attachment A.

4.1. MINING OPERATIONDETERMINATION OF ANNUAL EXTRACTION

The McKenzie Gravel Bar has historically been used for seasonal surface gravel mining extraction operations. Historically extraction yield volumes were upwards of 30,000 CY(cubic yards). Because of the evolution of the methods for gravel skimming, with portions of the bar being required to be left in order not to affect the natural geomorphology of the river, recent extraction has only removed 7,000 to 14,000 cubic yards during any harvest season. Subsequent winter flows have restored the bar to its historical condition with no adverse impacts. The application for future operations is limited to an average of 15,000 CY/YR with a maximum of 20,000 CY no more than 2 times during the life of the 20 year permit. The total number of extractions during the 20 year permit period will be limited to 10, resulting in a total maximum extraction of 160,000 CY. The prior permit allowed a maximum of 5 extractions of 30,000 cubic yards, for a total cumulative extraction of 150,000. Extraction volumes will be further limited by the conditions set forth in the USACE 404 and CDFW 1603 permits. The method of mining will be the "gravel bar skimming" method which restricts the mining to the central part of the bar and has prescribed vertical and horizontal setbacks. The operator has determined that a minimum of 3,000 CY need be present to warrant removal of any aggregate.

Pre- and Post-extraction cross sections and profiles will be taken to determine the maximum volume of aggregate present and to confirm the stability of the riverbed in any given year based on the approved permitted extraction methods using the gravel bar skimming method. Current cross sections and profiles are included in the Mining and Reclamation Plans, Attachment C. Mining shall be outside of the wetland jurisdictional areas and avoid removal of vegetation to the extent practical. The method of gravel bar skimming and associated monitoring is described in detail in the Mining Operations section of the Project Description, Attachment A.

4.2. MINING EQUIPMENT

A complete list of mining equipment is included the Mining Operations section of the Project Description, Attachment A. Temporary storage of mining equipment shall be kept in Staging Area #2 as

shown on the Mining and Reclamation Plans, Attachment C. All equipment shall be removed annually after mining ceases and at final reclamation.

4.3. Processing Operations

No processing will take place on the bar. All gravel is clean and will be hauled offsite. Temporary storage of material may continue at the site, as described in more detail in the Mining Operation portion of the Project Description, Attachment A.

4.4. Operating Schedule and Workforce

Extraction will continue to occur seasonally between July 15 and October 15, and the hours of 7 a.m. to 5 p.m., Monday through Friday. No night or weekend operations will occur.

4.5. Utilities and Water Supply

On average, less than 3,000 gallons of water will be used daily while extraction operations are occurring. This water will be pumped from a permitted location near the river and adjacent to the extraction site. The temporary pump will be removed annually and at final reclamation. Wastewater facilities are limited to a port-a-potty that is located in Staging Area #2 which will be installed and removed after the extraction. A more detailed description of the water use, supply and utilities is included in the Water and Utility section of the Project Description, Attachment A.

4.6. Mine Waste Management

No waste is expected from this operation, as the gravel is very clean. No topsoil exists in the mining area so topsoil storage is also not warranted. The only waste would be trash and human waste. A trash receptacle will be provided adjacent to and connected with the Port-a-potty. Removal of wastewater is addressed in Section 4.5 of this document. No hazardous materials will be stored onsite. Any fueling or lubing will be done at Staging Area #2 with the appropriate precautions. A more detailed description of these precautions is included in the Hazardous Materials section of the Project Description, Attachment A.

4.7. Public Health and Safety

Public health and safety concerns are limited to access issues. During bar skimming operations access to and from State Highway 162 will be via a gated and paved access approach that was improved in accordance with the Caltrans Encroachment Permit for such activities[2]. The low volume of trucks is not anticipated to impact the traffic safety on Highway 162. The gate will limit public access during and after extraction. A more detailed discussion of the traffic impacts is included in the Traffic Circulation section of the Project Description, Attachment A, Page 8.

[2] Caltrans Encroachment Permit # 0197-6-RC-0561, December 2, 1997.

5.1. RECLAMATION PLAN AND PRACTICESSUBSEQUENT USE AND IMPACT ON FUTURE MINING

The end use of the property is for Gravel Bar Replenishment. This end use will not preclude future mining of the bar.

5.2. RECLAMATION GOALS

GOALS

The goal of the Reclamation Plan is to reclaim the bar, staging areas and roads to an end use consistent with "Gravel Bar Replenishment" and maintain a stable environment without significant impacts. To accomplish this the staging areas and access road will be stabilized by planting or gravel cover and by implementing erosion control Best Management Practices (BMPs), such as outsloping of roads, and placement of earthen or gravel berms to slow water and reduce sediment transport. The gravel bars will be reclaimed for future Gravel Bar Recruitment by leaving the gravel bar in a graded state that is acceptable to the USACE and CDFW, who determines the appropriate methods of gravel bar skimming so as not to have a significant impact on the biological resources.

GRAVEL BARS

Gravel bars will not be planted as they are naturally devoid of vegetation. Removal of vegetation will be kept to a minimum where practical. The lower edges that may support vegetation near the water will remain undisturbed. All grading will be done in accordance with USACE and CDFW permit requirements. The "Gravel Bar Skimming" method, configured as directed during the annual review by the resource agency team and in accordance with the terms of the permits, Attachment F, will address future recruitment and impacts to species of special concern. Details of this method are included in the Mining Operation portion of the Project Description, Attachment A, and in the Mining and Reclamation Plan, Attachment C.

ACCESS ROAD

The access road is 700 feet in length and is described in detail in the Reclamation Plan portion of the Project Description. Only the upper 450 feet of the access road will remain in place as a permanent access to the gravel bar for future gravel extraction. The lower portion of the road will be graded to conform with the terrain (bar), seeded and mulched. Annually, just prior to extraction, a 12" culvert is installed in Cable Creek. At the end of each year and at final Reclamation, this culvert will be removed and the creek channel restored. All portions of the road below that point will be reshaped to conform to the natural configuration of the surrounding area. Work on Cable Creek shall adhere to the USACE and CDFW permit requirements. A detail of this excavation is included on Sheet 1 of the Mining and Reclamation Plan, Attachment C.

Other work associated with the access road will consist of constructing compacted earthen berms on the upper (permanent) gravel roadway, below the paved access, at 40' – 50' intervals to slow and divert

the water to reduce concentration of runoff and minimize erosion. Once the earthen berms are in place on the upper (450') section the road it will be seeded and mulched. At the top of the road, at the end of the paved access and in front of the existing gated access, hay bales will be placed to slow and divert water away from the seeded area until it is established. A detail of the earthen berms, culvert/channel regrading and hay bale placement along the access road is shown in detail on Sheet 1 of the Reclamation Plan Sheets, Attachment C. The access road and gate will remain in place for future gravel bar extraction. The seed mix for the road is shown in Table 2.

STAGING AREAS

The two staging areas are associated with the project. In both areas, all equipment will be removed. Staging area #1, adjacent to Highway 162 will be covered with a minimum of 4" of gravel and surrounded on the lower end by a minimum 18" high gravel berm to allow stormwater runoff to pond and settle any sediment before the stormwater leaves the area as sheet flow through the gravel berm. Staging area #2 will be reclaimed by removing all equipment, filling any depressions to foster sheet flow drainage and removing the port-a-potty, then seeded and mulched.

5.3. VEGETATION SPECIFICATIONS

The seed mix and application rates for all seeded areas is shown in Table 1. Compacted areas to receive seeding and mulch shall be scarified 3" before seeding. A minimum of 3" of mulch shall be hand placed over the seedbed. Mulching for all areas will be certified clean straw or local native grasses that are weed free. Reclamation areas and details are shown on Sheet 1 of the Mining and Reclamation Plan, Attachment C. Planting shall take place in late fall as indicated in Section 5.4. No irrigation is expected as the seed mix is drought tolerant. Test plots are not considered necessary due to the previous success of this mix on this site and other sites in the area owned by the operator.

Table 2. Seed Mix

Purity	Kind	Germ	HS	TG&HS	Test	% Seed
48.5	Tetraploid Annuyal Ryegrass	90	0	90	10/14	50
19.952	Blando Brome	90	0	90	8/14	20
16.318	Crimson Clover	90	5	85	7/14	25
3.257	Rose Clover	90	0	85	5/14	5

5.4. RECLAMATION SCHEDULE AND PHASING

The following schedule will be followed for Reclamation for the operation (annually and) upon closure:

- Equipment Removal and Finish Bar Grading (1 day): October 10-11
- Place Erosion Control BMPs (Berms and Hay Bales) (1/2 day): October 12
- Remove Temporary Culvert (1/2 day): October 12
- Scarify, Seed and Mulch (1/2 day) – October 13

A more detailed description of the Reclamation activities is included in the Reclamation Plan portion of the Project Description, Attachment A and in Attachment I, Financial Assurances Estimate.

5.5. MONITORING AND PERFORMANCE STANDARDS

The purpose of the monitoring plan is to track vegetation establishment, assess the degree of revegetation success, and provide a basis for adaptive management recommendations. This will be achieved through both quantitative and qualitative monitoring activities. The goal for success is to have all areas self-sustaining for two years without human intervention.

Quantitative monitoring for vegetation will occur twice annually during the mid-growing season (June and July), following seeding, in order to measure the success of revegetation against the performance criteria and final success criteria established in this Reclamation Plan. Quantitative measurements include percent vegetative cover and species richness. Quantitative and qualitative measurements shall be made to assess the adequacy of the erosion control methods.

Qualitative assessment of the following factors will be made during site visits:

- Vegetation establishment with special attention paid to areas lacking vegetation
- Slope stability and erosion
- Formation of seeps and/or gullies
- Invasion of revegetation site by non-native, invasive weeds
- Other pertinent site conditions that may influence plant establishment

A qualified biologist or restoration ecologist will perform the site monitoring.

Bar recruitment is a natural process and is based on specific methods prescribed by the governing agencies. Monitoring will be limited to the surveys as required in the permits.

5.5.1 Vegetation Performance and Success Criteria

Vegetation cover is a good measure of the grassland establishment and correlates with relative density. The operator has had experience with two extraction periods where the revegetation effort has been successful from a visual quantititative perspective. For the final reclamation, more detailed monitoring is required to assure species richness criteria are being met and weed intrusion is acceptably low. Therefore, the percent vegetative cover and species richness will be quantitatively monitored in Years 1 and 2 of the final reclamation effort to evaluate the development of herbaceous vegetation. Herbaceous growth will be measured using circular plots. The percent of cover for grasses is the best quantitative measure for grass density, as it can be almost impossible to measure the density of grasses[3].

The success of Final Reclamation will be evaluated based on the quantitative performance and success criteria summarized below. Final success for the project is achieved only after the final Performance Standards are met following two years without human intervention regardless of the timeframes it takes to achieve that success.

3 (California Conservation, Office of Mine Reclamation, 2003), Page 92

Year 1 Minimum Interim Performance Standard: At the end of Year 1 there shall be 70 percent vegetation cover in seeded areas, either by the grass, forb, and shrub species in the seed mix or by naturally recruited native or naturalized grasses and forbs. If invasive species are found (non-native thistle), see remedial measures in Section 5.6.1. A minimum of 3 grass/forb species shall be present. If this criteria is not met see remedial measures in Section 5.6.1.

Final Success Standard: Final success is 70 percent vegetative cover in the seeded areas with the plant types described above. A minimum of 3 grass/forb species shall be present. Final success standard is met following formal documentation that this requirement is met for two years without human intervention, including eradication efforts, at which time further monitoring is not required. If criteria not met see remedial measures in section 5.6.1.

A summary of the Final Success Standards for vegetation is included in Table 2.

TABLE 2. FINAL VEGETATION SUCCESS STANDARDS -	
Cover[4]	70% cover grasslands (total) per 1.5 ft diameter circular plot estimated visually
Species Richness	3 species of grass/forbs from seed mix per 1.5 ft diameter circular plot.

5.5.2 Erosion Control Performance and Success Criteria

The success criteria for the erosion control BMPs are noted in Table 3. If any of these are not met the areas shall be remediated, as noted in Section 5.6.2. The location of the failure, any observable reason for failure and the appropriate remediation measures taken shall be noted in the annual report. Final success standard is met following two years without human intervention, at which time further monitoring is not required.

TABLE 3. FINAL EROSION CONTROL SUCCESS STANDARDS -	
BERMS	No breaks or overtopping evidences along the entire perimeter of the berms
CONCENTRATED FLOW AREAS	No more than 10 SF of gullying or downward cutting erosion evidenced
SEEDED NON-CONCENTRATED FLOW AREAS	No more than 20 SF of bare earth (without growth or mulch) shall be evident within the seeded/mulched areas.

[4] (Grassland areas include all exposed areas within all planting series excluding areas with overstory from trees or shrubs.)

5.5.3 Vegetation Monitoring For Final Reclamation

Circular plots will be established in the two seeded areas; one on the access road and one on Staging Area #2. The location of the plots shall be determined by using a random plot method. One metal t-posts will be pounded into the ground in the center of the plot. Percent herbaceous vegetative cover (all herbaceous species combined) will be measured in the circular plot using visual methods. Within the same circular plot the species of each identified grass/forbs from the seed mix shall be noted.

Additional photo monitoring of each plot and of each of the areas (bar, staging areas and access roads) in accordance with UC Photo Monitoring Method will also be employed to supplement the quantitative measurements[5]. Monitoring will occur twice during the first year (once just after establishment) and thereafter during peak herbaceous growth periods around June and July. Monitoring will occur for two years or until success criteria are met.

5.5.4 Erosion Control and Bar Recruitment Monitoring

Site visits and reporting to RWQCB will be required as part of the Industrial SWPPP permit to determine the adequacy of the BMPs. This will be supplemented with photos of the site along the access road, in the staging areas and at Cable Creek. Photo documentation will be per the UC Photo Monitoring Method. This reporting will be summarized in the report to OMR to verify the adequacy of the structural erosion control BMPs: earthen berms, gravel berms and channel grading. If erosion control BMPs are not functioning properly, see remedial measures in Section 5.6.2.

Bar recruitment monitoring shall be limited to cross sectional and profile survey of the bar after the bar skimming operation is completed to confirm adherence to the trustee agency permit requirements.

5.6. REMEDIAL MEASURES

5.6.1 Vegetation Remedial Measures

If the percent coverage of vegetation is less than 70 percent coverage in Year 1, then additional soil preparation, resowing of seed in bare areas and remulching by the hand and rake method will be employed. If the cover is still less than 70 percent in Year 2, then adaptive management measures, including additional soil placement, "rain for rent" irrigation, direct transplant of grass plugs, and substitute species will be considered. If the richness of species is deficient, the botanist may suggest replacement species to supplement the variety and to use for reseeding.

If invasive species exceeds 10% of the site, such as non-native thistle, in the reclaimed area, these plants shall be eradicated by use of best available methods : hand removal, cutting or mowing. Because of the proximity to the river, chemical methods are discouraged but may be utilized only if mechanical/hand methods are unsuccessful after the first year and only on the upper slopes and only during non-wind conditions (less than 1 mile/hour).

[5] (University of California, Division of Agricultural and Natural Resources, 2003)

5.6.2 Structural Erosion Control Remedial Measures

The Industrial SWPPP requires frequent monitoring during storm events by the operator to address/modify erosion control BMPs. If failures are found, immediate remedy is needed in the field. Modifications to the BMPs will be performed in compliance with the RWQCB permit. All findings and modifications to the BMPs that are made will be reported to OMR in their annual report. If, by the end of Year 2 the erosion control measures are still failing, the applicant will seek advice from a licensed Civil Engineer for further direction.

5.7. REPORTING

All monitoring results shall be noted on monitoring data sheets that will be developed for the project, similar to the attached Sample Data Monitoring Forms (Attachment H). Any recommended changes in the Reclamation Plan shall be discussed with the Mendocino County Planning Department prior to implementation, excepting the BMPs, which shall be addressed in accordance with the SWPPP permit as required. Select photographs will be included in annual reports to further document monitoring findings. Monitoring findings shall be correlated with identified photos, noted with GPS, such that the findings can be replicated if necessary.

Annual vegetation monitoring reports will be prepared in November for a minimum of two years or until final success is achieved. Milestones reached and problems encountered, including the adaptive management prescriptions being considered and/or implemented will be briefly discussed in each annual report.

5.8. FINANCIAL ASSURANCES

5.8.1 Detailed Cost Estimates

Financial Assurance estimates have been computed and are included in Attachment I. Updated financial assurances will be prepared annually to address changes in the operation that affect the cost of Reclamation and to update unit costs in accordance with SMARA requirements.

5.8.2 Payees

In the event of default by the Operator, the financial assurances will be set up in the name of the County of Mendocino and the OMR. The financial assurances document (bond or CD) will be submitted to Mendocino County within 30 days of approval of the Financial Assurance estimates.

In event of default by the operator, the financial assurances currently are and will continue to be set up in the name of the County of Mendocino and the Office of Mines and Reclamation.

5.8.3 Schedule of Releases

The time frames associated with the Reclamation of each phase is dependent on the actual demand experienced and will be subject to change. It is anticipated that financial releases will be associated with each of the following milestones:

Milestones and Schedule of Releases

Milestone	Release Percentage
• End of Initial Reclamation Planting	50% release
• End of Successful Year 1 monitoring without human intervention	25% release
• End of Final Reclamation Monitoring	25% release

5.8.4 Initial Detailed Cost Estimate

In order to meet the Surface Mining and Reclamation Act (SMARA), a detailed Financial Assurances Estimate was prepared and is Included in Attachment I. The costs to perform the Reclamation have been broken down into the items as required by SMARA below:

A. Backfilling, regrading, slope stability and recontouring.

The bars and lower portions (temporary) of the access roads will be reclaimed as shown in the MRP, Attachment C.

The estimated cost is as follows:

Finish grade gravel bars and lower access roads: $ 1,199

B. Revegetation

When grading disturbs soil (as opposed to the pit/rock surface), grass seed shall be planted each fall between August 15 and October 31 of each year. However, the maximum revegetation would occur at final reclamation.

Estimated Revegation Cost: $ 4,615

C. Drainage, diversion structures, waterways and erosion control.

Earthen berms will be installed annually on the upper haul road and a gravel berm will be placed on the perimeter of Staging Area #1. A small culvert, installed annually, will be removed and the Cable Creek Channel graded to conform with the upstream/downstream channel. Hay bales will be installed on the approach.

Estimated Drainage/erosion control Cost: $ 2,112

D. Stream Protection.

As Noted above all bars will be graded in conformance with the regulatory permits, which are meant to protect the stream. There are no additional costs with this item because it will be accomplished by recontouring under Item "A" and as drainage development in Item "C" above.

E. Building, Structure and Equipment Removal.

This will consist of removal of the port-a-potty and all moving equipment associated with the gravel bar extraction process.

Estimated Equipment Removal Cost: $ 3,144

In summary, the maximum cost of performing items in any given year are estimated to be around $11,070. This amount includes markups for mobilization, supervision, contingencies and county administration. Thus it is recommended that the initial amount of financial assurances required by Section 2773 of SMARA be set at $11,070.

5.8.5 Payees

In the event of default by the operator, the financial assurances will be set up in the name of the County of Mendocino and the Office of Mines and Reclamation.

5.8.6 Basis for Costs to Complete Reclamation Actions

The costs for the Reclamation were based on requirements set forth in the Surface and Mining and Reclamation Financial Assurances Guidelines[6]. The estimate included man and equipment hours and material necessary to complete each phase of the work. The references used in the Financial Assurances estimate is included therein.

6. PREPARER'S SIGNATURE

Prepared by:
Crawford and Associates, Inc.

Cathy A. McKeon
Registered Civil Engineer 51026

5-1-15

A Reclamation Plan Amendment shall be required prior to any substantial revision of this Mining and Reclamation Plan as required by SMARA.

[6] (California State Mining and Geology Board, July 23, 2004)

ATTACHMENT A:

PROJECT DESCRIPTION

I. PROJECT DESCRIPTION

PROJECT OVERVIEW

On or about March 7, 2014, Wylatti Resource Management [1] (Applicant) applied to the County of Mendocino (County) for renewal of the Existing Use Permit and Reclamation Plan for the McKenzie Gravel Bar [2] (McKenzie Bar). The Owners, Garman Family Land Company LLC, signed the application providing authority for the Applicant to proceed. The McKenzie Gravel Bar, as explained in detail below, has historically been used for seasonal surface gravel mining extraction operations. The Project involves consideration of the renewal of the Use Permit (#UR 12-92/2003) and the Reclamation Plan pursuant to the Surface Mining and Reclamation Act (SMARA) (Pub. Resources Code, § 2710 et seq.; Cal. Code Regs., tit. 14, § 3500 et seq.), including the Surface Mining and Land Reclamation Standards [3], the County's Surface Mining and Reclamation Ordinance (Chapter 22.16 [4]), and the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.; Cal. Code Regs., tit. 14, § 15000 et seq. (CEQA Guidelines).). An Addendum to the approved Mitigated Negative Declaration is requested in order to comply with CEQA.

The County is therefore the "lead agency" with the principal responsibility for approving the application for the renewal of the Use Permit and the Reclamation Plan (i.e. the "Project") under CEQA. After considering the Mitigated Negative Declaration (MND) previously prepared and adopted by the County for the McKenzie Gravel Bar operations, and preparing an Initial Study Checklist for the Project, the preparation of an Addendum to the MND is deemed appropriate because the renewal application proposes less impact than the prior application, and it can be shown that the project will be in compliance with, or will fall below the threshold of significance for, any new or modified regulations which occurred since the prior application was approved. (See Pub. Resources Code, § 21166; CEQA Guidelines, §§ 15162, 15164.) The County, as lead agency, must consider the potentially significant adverse environmental effects, if any, of the proposed gravel mining operations and completion of the Reclamation Plan under the CEQA Addendum. With this approach, it is intended that responsible agencies may also rely on the CEQA Addendum for purposes of their discretionary approvals. (CEQA Guidelines, § 15381.) As explained below, the California Department of Fish and Wildlife (DFW) and the North Coast Regional Water Quality Control Board (RWQCB) have been identified as responsible agencies. The California Department of Conservation (DOC), acting through the Office of Mine Reclamation (OMR), is also a responsible agency for purposes of concurring in the approval of the Reclamation Plan. On the Federal level, the US Army Corps of Engineers (ACE) must issue a permit, and consult with the National Marine Fishery Service under NOAA (NMFS).

PROJECT LOCATION/ ENVIRONMENTAL SETTING

[1] McKenzie Bar is owned by Garman Family Land Company LLC.
[2] California Mine ID # 91-23-0033.
[3] http://www.conservation.ca.gov/omr/ab_3098_list/Documents/Statutes%20and%20Regs%20Revised%2010-19-12.pdf
[4] http://library.municode.com/index.aspx?clientId=16484

McKenzie Bar is located on the Middle Fork Eel River approximately 1.0 miles upstream of the confluence of the Middle Fork and Mainstem of the Eel River, near the community of Dos Rios in unincorporated Mendocino County. (Refer to Figure 2 in Attachment B.) The access to McKenzie Bar is immediately southwest of the SH 162 (also known as Covelo Road) at mile post marker 16.00. (Refer to the Mining and Reclamation Plan in Attachment C). The short access road down to the river bar/extraction area is directly off of SH 162 at a wide turnout on the south side of the road, leading to the north side of the Middle Fork Eel River. The Project site address is 50510 Covelo Road, Dos Rios, CA.

Existing land uses in the area immediately surrounding the Project Area consist primarily of rangeland, open space and rural residential uses. Three residences are within sight of the Project Area. One is approximately one-half mile to the southeast directly above the riverbed, one is approximately 0.1 miles to the northwest above the riverbed and adjacent to the Covelo Road and one is approximately 0.7 miles to the west. (Refer to the attached map entitled "McKenzie Bar Location Map" in Attachment B). The residence to the northwest is owned by the Landowners, and is on the same assessor's parcel as the gravel extraction site. There are no additional residences located within a 0.5 mile radius of the site,. The abandoned railroad tracks that historically connected Ukiah and Eureka are located on the northwest side of the Mainstem Eel River near the town of Dos Rios, approximately one mile westerly from the Project Area.

The existing topography of the Project site and surrounding area consists of the riverbed and associated canyons, predominated by gentle terrain within the riverbed area and steep terrain utilized primarily as open space and rangeland. Elevation of the site is approximately 900 feet above mean sea level (msl).

The Reclamation Plan covers approximately 6.5 acres and has a 20-year life span. (See Attachment C). The primary areas to be reclaimed are the surface extraction area and the access road located immediately southwest of the State Highway 162 (SH 162) which traverses along the north side of the Middle Fork Eel River in this sector of the highway.

SUMMARY OF RECLAMATION PLAN

The Reclamation Plan was prepared consistent with the Legislature's intent that the production and conservation of minerals be encouraged, while minimizing adverse environmental effects and considering the values relating to recreation, watershed, wildlife, and aesthetic enjoyment. (Pub. Resources Code, § 2712, subds. (a), (b).) The Reclamation Plan therefore reflects revisions based on input from the County and responsible agencies, and is intended to ensure that the Project Site remains usable and safe for future open space uses following cessation of aggregate extraction.

Specifically, the proposed Reclamation Plan consists of finish grading of the sand and gravel extraction area to leave it shaped in an approved configuration satisfactory to the California Department of Fish and Wildlife (DFW) and National Marine Fisheries Service/National Oceanic and Atmospheric Administration (NMFS/NOAA).

II. PROJECT BACKGROUND

REGULATORY SETTING

State Regulatory Oversight

As noted above, the primary state law governing the conservation and development of mineral resources is the California Surface Mining and Reclamation Act (SMARA) of 1975, as amended. The intent of SMARA is to: 1) assure reclamation of mined lands, 2) encourage production and conservation of minerals, and 3) create and maintain surface mining and reclamation policy (regulations). One of the principal requirements of SMARA is the preparation of a reclamation plan. This plan must be prepared by a mining applicant prior to initiation of mining activities. The California Department of Conservation (DOC) acting through its Office of Mine Reclamation (OMR) has jurisdiction over the Reclamation Plan of each California Mine, as well as requiring annual reports which disclose annual extraction volumes. The Reclamation Plan must be approved by OMR as well as Mendocino County. Mining may also be regulated by local government, which has the authority to prohibit mining pursuant to its general plan and local zoning laws.

The aggregate skimming and extraction operation is also subject to permits from several Resource Agencies. The California Department of Fish and Wildlife (DFW), formerly known as Department of Fish and Game, and the U.S. Army Corps of Engineers (ACE) are the primary resource agencies with jurisdiction. NOAA Fisheries (NMFS or National Marine Fishery Service) is required to consult with ACOE whenever threatened or endangered fish species may be present. The California Regional Water Quality Control Board (RWQCB) requires a Section 401 certification whenever the ACOE has jurisdiction. The U.S. Fish and Wildlife Agency (USFW) also has jurisdiction over the potential effects to rare, threatened or endangered species.

In addition to the 401 Certification which outlines a plan to prevent pollution to waterways and water bodies in California, the RWQCB requires an Industrial SWPPP (Storm Water Pollution Prevention Plan) which sets forth the Best Management Practices (BMP's) which must be followed to prevent pollution to waters of the State. This program requires continual monitoring of BMPs after they are installed and sampling and testing of any surface discharges of stormwater runoff to a waterway, as well as immediate reports of any upsets or pollution incidents from the operation. Annual reports and fees are required for each Industrial SWPPP.

In addition, health and safety of the mine employees is overseen by the U.S. Department of Labor, Mine Safety and Health Administration (MSHA) which annually reviews each mine.

County Regulatory Oversight

Mendocino County requires annual production reports, annual calculation of financial assurances, and consults/reports with resource agencies. Financial assurances to perform reclamation are posted to the County's benefit in the form of a bond, letter of credit, or other approved financial guarantee consistent with SMARA and the County Ordinance.

Summary of Regulatory Oversight

The following is a list of the permits and approvals required for ongoing gravel operations at the Site:

- Reclamation Plan Approval – County of Mendocino and OMR
- Streambed Alteration Agreement – California Department of Fish and Wildlife
- Section 404 Permit or Nationwide Permit (NWP) – ACE with mandatory consultation from NOAA/NMFS
- Section 401 Certification – RWQCB
- Industrial SWPPP – RWQCB

HISTORICAL USE OF THE SITE

Surface mining operations have occurred on the McKenzie Bar since the 1975. Historically, extraction occurred at several locations along the north side of the Middle Fork Eel River, which covered approximately 5 acres of the gravel bar. Gravel bar skimming was the primary method of aggregate extraction at the McKenzie bar until 2011. In 2011, the operators of the McKenzie Bar were required to use the " shallow alcove mining" or "alcove skimming" method of aggregate extraction.[5] In the winter of 2011-2012 the alcove was overtopped and resulted in a braiding configuration of the river. The braided configuration remains today. For that reason, it was determined by DFW and NMFS that the shallow alcove configuration was not suitable for this particular bar. In 2013, mining again occurred using the traditional bar skimming configuration. It was limited to the central portion of the bar south of Cable Creek and yielded approximately 7,000 cubic yards of material. Subsequent winter flows restored the bar to its historical configuration with no adverse effects.

McKenzie Bar primarily produces river rock suitable for use in construction aggregate products and concrete products. Mining activities occurred seasonally, typically between June 15 and October 15 each year.

Historical permitted extraction levels were established at 30,000 cubic yards per year of extraction since 1975. More recently (2004-2014), extraction volumes were reduced to between approximately 7,000 and 15,000 cubic yards during any single extraction. Extraction can take place no more frequently than 5 years out of the 10 year period by the terms of the Use Permit. Since the renewal is for 20 years, the proposed number of extractions is 10 years out of the 20 year renewal period. Under SMARA and the County's Ordinance an approved Reclamation Plan is required in order to continue extraction activities. (Public Resources Code Section 2770; Mendocino County Code Chapter 22.16).

III. MINING OPERATIONS

In order to demonstrate conformance with the SMARA, and to inform various responsible agencies with discretionary actions, this section describes the aggregate extraction operations that will be

[5] The "Alcove Method" is a NOAA preferred method of river rock extraction, which consists of "skimming" the top layers of rock from the riverbed within an approved area to result in a mined configuration which will not trap fish or result in braiding of the watercourse.

conducted for McKenzie Bar. The total area of the bar available for extraction is approximately3.4 acres, alongside the Middle Fork Eel River. As explained above, historic extraction levels were identified as being up to 30,000 cubic yards per year. Because of the evolution of the methods for gravel skimming, with portions of the bar being required to be left in order not to affect the natural geomorphology of the river, recent extraction has only removed 7,000 to 14,000 cubic yards during any harvest season. The application is for future operations to average no more than 15,000 cubic yards per extraction season, with a maximum of 20,000 cubic yards no more than 2 times during the 20 year life of the Use Permit. Thus the renewal application is for approximately half of the maximum permitted in the past, and extraction will continue to occur seasonally between June 15 and October 15, and the hours of 7 a.m. to 5 p.m., Monday through Saturday. No night or Sunday operations will occur.

Gravel extraction at the site will be consistent with the historically used "Gravel Bar Skimming Method," which reflects the methodology of "skimming" gravel from selected areas of the riverbed in a sloped configuration which avoids creating holes or channels, and is done by using excavators, loaders, and haul trucks. Extraction will consist of creating a shallow excavation that slopes towards a buffer zone alongside the river, that protects the upper one third of the bar from any disturbance, is irregular in shape and conforms to the low-flow channel geometry of the adjacent Middle Fork of the Eel River. In addition, no work will be done in the Cable Creek channel across the bar where pools and other habitat exists seasonally. A seasonal culvert will be placed in Cable Creek at the temporary crossing of the access road.

Consistent with previous NOAA and DFW direction, the operator will base extraction on a two foot vertical offset and a 10-foot horizontal offset, to active disturbance from wheels or tracks alongside the low flow channel in the Middle Fork Eel. The DFW permit does allow the operator to extend equipment buckets into the buffer to flatten berms and fill in holes, providing a smooth transition to the river which will not trap fish. The extraction configuration will extend at a minimum slope of 2% to near the landward edge of the active bar, then will be graded up at approximately 2H:1V (two feet horizontally for every vertical foot of rise) to "daylight" from the bar skimming configuration at the landward edge of the active gravel bar. The upstream bar above Cable Creek and the downstream portion of the bar will be left undisturbed to create a location in the central portion of the bar which can be harvested and which will replenish without causing the low flow channel to braid or otherwise degrade. The outer edge of the bar skimming area, adjacent to the low-flow channel buffer, will have an elevation approximately two feet above the low-flow water surface elevation of the Main Stem Eel River, and this feature is intended to allow inundation of the shallow extraction during elevated winter flows, thus forming a low-velocity backwater habitat and allowing the bedload to recruit again in the area.

The Operator will extract gravel from approximately the central one-third of bar only for the foreseeable operations. No river crossing is proposed or necessary. The proposed buffer along the edge of the active mining area will prevent any contact with the stream water and immediately adjacent habitat.This approach to the mining of the bar has been planned in order to clearly avoid any potential adverse impacts to rare, threatened or endangered aquatic species, including salmonid species known to occur at various times of year in the Eel River System. Extraction will be limited to the aggraded

portion of the bar, utilizing horizontal and vertical offsets for buffers from the low-flow channel. No extraction would occur from the upper 30-35 percent of the primary bar in order to protect bar stability. The downstream 25% or more of the bar will not normally be mined, unless an unusally deep deposit occurs in this area which may cause erosion of the banks or other adverse effect to the river itself.

No processing of materials will occur on site, although some temporary storage may continue at the area adjacent to Hwy 162, identified as "Existing Staging Area #1" on the Mining and Reclamation Plan. This area is approximately 80 feet in elevation above the gravel bar and approximately 500 feet northeast of the gravel bar. This temporary storage is done in order to enter the gravel bar and extract the materials in as short a time-frame as possible. Then the bar can be reclaimed for the winter and the access road decommissioned for a minimal impact to the site. As convenient, the temporarily stockpiled extracted materials will be hauled to an established aggregate processing plant at mile post marker 2.2 on Hwy 162 (formerly County Use Permit # UR 5-72/2002; Rezoned Heavy Industrial (I2) in 2010), approximately 14 miles from the McKenzie Bar, where processing and storage will be conducted. Gravel processing is a permitted use in the I2 zoning. No overburden is on the active gravel bar and none accumulates with this method of extraction. Mining activities are seasonally limited to occur no more frequently than 10 times in 20 years, between June 15 and October 15 each year, and is dependent on sufficient accumulation of materials moving through the river system during large annual flow events.

Determination of Annual Extraction

The Operator's extraction operations at the McKenzie Bar would be recruitment based. Each spring after elevated winter flows have subsided, monitoring cross-sections of the low-flow channel and adjacent active gravel bar would be re-surveyed to evaluate the Project Site's hydrology and the aggregate extraction potential of the bar, based on deposition of transported sediments. A minimum of approximately 3,000 cubic yards of accumulated substrate would need to be present in the extraction area of the McKenzie Bar for the operator to commence with extraction activities in that season. The Operator may also elect to leave the bar inactive for the season, based upon economic or other factors. The previously established cross-sections are monumented by permanent, paired benchmarks at their endpoints on both sides of the Middle Fork Eel River's channel. The channel geometry within the wetted channel, including the thalweg, would also be surveyed within each monitoring cross-section.

For each monitoring cross-section, the spring profiles will be superimposed with the previous year's post-extraction (fall) profiles. This comparison determines the locations and quantities of gravel recruitment to the McKenzie Bar as a result of the previous winter's high-flow sediment transport events, as well as any changes to the bar's morphology and channel configuration through the bar. The cross-section profile comparison provides the basis for estimating the amount of gravel available for extraction and the delineation of proposed extraction configuration for the summer-fall extraction season. In addition, aerial or land-based photos would be used to provide a current view of the proposed gravel accumulation and configuration for that season. Cross-sections shall be spaced closely enough to accurately determine the amount of gravel recruitment, as well as to monitor the thalweg elevation of the low-flow channel. Cross-sections shall be plotted on an accurate plan of the site with the cross-section reference points and locations of the ground-based photographs clearly identified.

These data (the superimposed cross-sections on the plan, with photos locations and cross-section reference points) are submitted to ACOE, NMFS (NOAA Fisheries), DFW, and Mendocino County Planning Department for agency approval prior to commencing with the planned gravel extraction for the season.

After a season's extraction activities are completed, the monitoring cross-sections will be resurveyed and a longitudinal profile of the channel thalweg would be surveyed to detect any hydrological changes to the Middle Fork Eel River. In the past, survey data used to define the longitudinal profile has typically been gathered from several hundred feet downstream of the mined bar area, and extends upstream to a couple hundred feet above Cable Creek. Past survey data suggests that this site and the adjacent Middle Fork channel have a stable configuration as would be predicted by the existing bedrock control on the Mainstem Eel River channel, located downstream from the mining area.

WATER

On average, less than 3,000 gallons of water will be used each day for dust suppression during extraction and hauling activities. This amount is consistent with past historic water use for this gravel bar mining operation. Water will be pumped from a permitted location near the river, adjacent to the extraction area. DFW and RWQCB have jurisdiction over the pump site and pump capacity. Water will be pumped utilizing a small pump with a screened suction consistent with DFW requirements. All heavy equipment will be located within the extraction area or along the haul road, and outside the established buffer areas so will not impact water quality.

UTILITIES

Wastewater facilities will be limited to a portable toilet for the operators' use during the extraction season. The portable facility will be located at the bottom of the access road in Staging #2,shown on the Mining and Reclamation Plan in Attachment C. The portable toilet will be properly maintained and cleaned, and will be removed at the end of each extraction period. The portable toilet will be installed in a depression which is lined with an impermeable plastic liner to contain any potential spills from accidental causes or vandalism. Other precautions will be made to make the unit as stable as possible by tiedowns or weights fixed to the unit. The procedures for caring for this facility will be included in the Industrial SWPPP and will have a weekly documented review as part of the SWPPP monitoring procedures. The unit will be about 600 feet in from a gate at the State Highway, which will be locked when no employees are at the site. This will discourage the casual passer-by from even seeing the unit. No electric or other utilities will be required at the site because no lighting or telephone service will be used on the gravel bar.

HAZARDOUS MATERIALS

No hazardous materials will be stored onsite. Onsite equipment will consist of a track-mounted excavator and/or a rubber-tired, front-end loader, and haul trucks. Lubrication and fueling of the extraction equipment will be performed by pick-up truck mounted diesel tanks and hand operated lubrication equipment, and will occur at Staging Area #2, which is located on a terrace above the gravel bar. No fueling or lubricating will be done on the gravel bar. All haul trucks will be fueled and lubricated offsite at a maintenance facility owned by the operator.

TRAFFIC/CIRCULATION

Extraction activities in the Project Area will generate onsite and offsite traffic associated with haul trucks and employee cars and light trucks. Haul traffic to and from the site will be on Hwy162/Covelo Road, primarily west to the Longvale Processing Plant, which is approximately 14 miles west of the Project Area. Employee traffic is anticipated to come from both Covelo to the east and from Hwy 101 to the west via the SH 162/Covelo Road. It is anticipated that extracted material will typically be hauled from the site at a rate of approximately 20-24 truckloads per day during the season, or 40-48 trip-ends per day, yielding 7,000 to 15,000 cubic yards. For a peak year, which may happen a maximum of twice in 20 years and amount to 20,000 cubic yards, the number of truck trips will be double the average (i.e. up to 48 trips per day).

HOURS OF OPERATION AND EMPLOYEES

Extraction activities are seasonally limited to between June 15 and October 15 of each year. Operations will occur during the daylight hours of 7:00 a.m. to 5:00 p.m., Monday through Saturday. An average of three employees will be working onsite. Employees will generally consist of equipment operators. Truck drivers will be traversing the haul road to and from the extraction site.

IV. RECLAMATION PLAN SUMMARY

The Reclamation Plan is the Applicant's plan to reclaim lands that have been affected by extraction operations in the Project Area and, thereby, assure that they are useable and safe for future open space uses consistent with the County Code and SMARA. The processes and activities that would be implemented to accomplish reclamation are identified below.

The gravel bar is an open, active bar without topsoil or significant amounts of vegetation. Extraction will occur within the limits of the 3.4 acre bar on the north bank of the Middle Fork Eel River, and reclamation will apply to this bar and the associated access/haul road. (Refer to Figure 2, Attachment B, and the Plan View of the Reclamation Plan, Attachment C). Typically, due to setbacks and physical constraints, extraction will occur over an area of approximately 2 acres or less within the 3.4 acre area of the bar; however, the reclamation plan applies to an area of approximately 6.5 acres because it includes the access road, the existing staging area on the terrace west of Cable Creek, and the existing staging area alongside Hwy 162.

Reclamation will include one-half day of final grading of the bar skimming area after extraction takes place using a small dozer (Cat D5). This process is expected to take approximately 4 hours, and will be conducted during the hours aggregate extraction would occur (7 a.m. to 5 p.m., Monday through Saturday). The most frequent interval when the bar will be reclaimed will be once each year after the conclusion of extraction operations (which are permitted to occur between June 15 and October 15). There will likely be some years when there is not enough gravel to warrant the expense of mining it, or the economy will not be suitable, so while the most frequent period would be once each year for this one-day activity, there is the potential for it to occur less frequently than once each year. In addition, the number of extractions is limited to 10 during the 20 year period of the Reclamation Plan.

The other reclamation activity will be to regrade the existing access road and water-bar it once each year for seasonal drainage which will not cause erosion or sediment transport to the bar. It is estimated that the regrading and water-bar operation will take about a half day. An excavator and a grader will need approximately one-half (½) of a day to prepare the road. The disturbed surfaces with exposed soil at the staging areas and at the access road will be straw mulched, using a couple of laborers, and a pickup truck and trailer for approximately one-half day. The maintenance will occur each year there is extraction during the life of the Reclamation Plan.

Upon completion of the season, approximately a half day's work will be necessary with an excavator and a couple of laborers to remove the temporary culvert in Cable Creek to provide an unobstructed channel for winter flows. The culvert is backfilled with clean sandy gravel from the gravel bar, so a clean channel is left after the culvert is removed. There will be no sediment which could enter the water course from this area.

The proposed Reclamation Plan includes conformance with DFW and NMFS/NOAA standards for final reclaimed areas, including:

1. The top one-third of the bar shall be left undisturbed. The distance from the point of the bar to the beginning of the grading shall vary depending on the requirement of DFW. The concept is to leave a naturally armored "wedge" of bar at the point to assure that the low-flow channel is confined to its "natural" width and location along the northeast side of the bar.

2. Upon completion of the grading for reclamation of the skimmed extraction area and haul road, the surface shall be reclaimed to a smoothly graded condition such that no depressions or lumps more than one-half foot higher or lower than the planned grading plane are left.

3. Equipment shall not be allowed on the "wedge" at the point of the bar nor in the 10 foot wide buffer alongside the low flow channel. Haul road widths shall not exceed 20 feet and shall be located at the toe of the natural slope; that is, at a location farthest from the flowing water.

4. Access road maintenance to assure no adverse impacts to water quality. The existing access road is approximately 700 feet in length and consists of a 450 foot long permanent ramp and approximately 250 feet of seasonal haul road from SH 162 to the extraction area. The access road has a gravel surface over the permanent portion and is out-sloped to promote sheet flow dissipation of rainfall. Seasonal water-bars are placed at close intervals to prevent a significant accumulation of stormwater runoff. The runoff is diverted at each waterbar to sheet flow down the slope below the access road in a manner which does not create erosion or sediment transport.

5. The access/haul road will provide permanent access from SH 162 to the extraction area near the river. The intersection of the permanent haul road with SH 162 was completed through a Caltrans Encroachment Permit. Permanent reclamation of roadway will be limited to the approximately 450-foot long permanent portion of the haul road that accesses the edge of the Rowland Bar from the Covelo Road.

SUMMARY OF THE RECLAMATION PLAN

INTERIM RECLAMATION STAGE (END OF EACH EXTRACTION SEASON)

Interim reclamation will occur at the end of each extraction season, and include final surface grading of the gravel skimming area to address DFW and NMFS concerns, and cleanup activities on the gravel bar to address water quality concerns. The interim reclamation activities will occur at the end of each extraction season, which runs from June 15 to October 15.

All equipment will be removed from the Project Area at the end of each extraction season (by October 15). BMP's will be in place to assure removal of sediment and any residual hydrocarbons, if any, from the permanent haul road surface by storm water transport before it reaches the watercourse. Periodic review of the BMP's will be made throughout the wet season to assure that they are functioning as intended in accordance with the provisions of the Industrial SWPPP.

FINAL RECLAMATION STAGE

The final reclamation will consist of the final grading of the gravel bar to conform to the configuration approved by the Resource Agencies for the final period of extraction in the approved term of the Reclamation Plan. A final cleanup and equipment removal will be done. The temporary culvert will be removed from Cable Creek. The permanent access road is anticipated to be stabilized with BMP's permanently established on its surface. These include water-bars and strawmulching. Revegetation will occur in the existing staging area. No other activities are deemed necessary, except some occasional maintenance of the haul road surfacing for the landowner's convenient access.

REQUIRED ELEMENTS OF A RECLAMATION PLAN

A legally adequate Reclamation Plan must include the following elements (Pub. Resources Code § 2772)

- The name and address of the surface mining operator and the names and addresses of any persons designated by the operator as an agent for the service of process.
- The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.
- The proposed dates for the initiation and termination of surface mining operation.
- The maximum anticipated depth of the surface mining operation.
- The size and legal description of the lands that will be affected by the surface mining operation, a map that includes the boundaries and topographic details of the lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, the lands, the location of all

proposed access roads to be constructed in conducting the surface mining operation, and the names and addresses of the owners of all surface interests and mineral interests in the lands.

- A description of, and a plan for, the type of surface mining to be employed, and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

- A description of the proposed use or potential uses of the mined lands after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

- A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including both of the following:

    - A description of the manner in which contaminants will be controlled, and mining waste will be disposed.

    - A description of the manner in which affected streambed channels and streambanks will be rehabilitated to a condition minimizing erosion and sedimentation will occur.

- An assessment of the effect of implementation of the reclamation plan on future mining in the area.

- A statement that the person submitting the reclamation plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

- Any other information which the lead agency may require by ordinance.

The parent document entitled "McKenzie Bar – Reclamation Plan 2014" is found in the preceding part of this document. The text and the thirteen attachments contain the specifics enumerated above.

ANNUAL REPORTS/PERMIT REVIEW ACTIVITIES

The anticipated annual reports and permit reviews include:

- Mendocino County – Review Reclamation Plan Conditions at Site after each extraction season, Yield Reports, and Cross-Sections;

- OMR – Annual Yield Reports; Intermittent Reclamation Plan Conditions at Site;

- RWQCB- Annual Reports for Industrial SWPPP; Review of Cross-Sections and Profile after each extraction season and compare with pre-extraction cross-sections and profile taken during the spring of the next extraction, for establishment of extraction configuration.

- DFW- Review of Cross-Sections and Profile after each extraction season and compare with pre-extraction cross-sections and profile taken during the spring of the next extraction, for establishment of extraction configuration; and
- NMFS - Review of Cross-Sections and Profile after each extraction season and compare with pre-extraction cross-sections and profile taken during the spring of the next extraction, for establishment of extraction configuration.

Prepared by: Rau and Associates, Inc.

George C. Rau

4-14-2015

George C. Rau
Registered Civil Engineer 21,908
Expires 9-30-2015

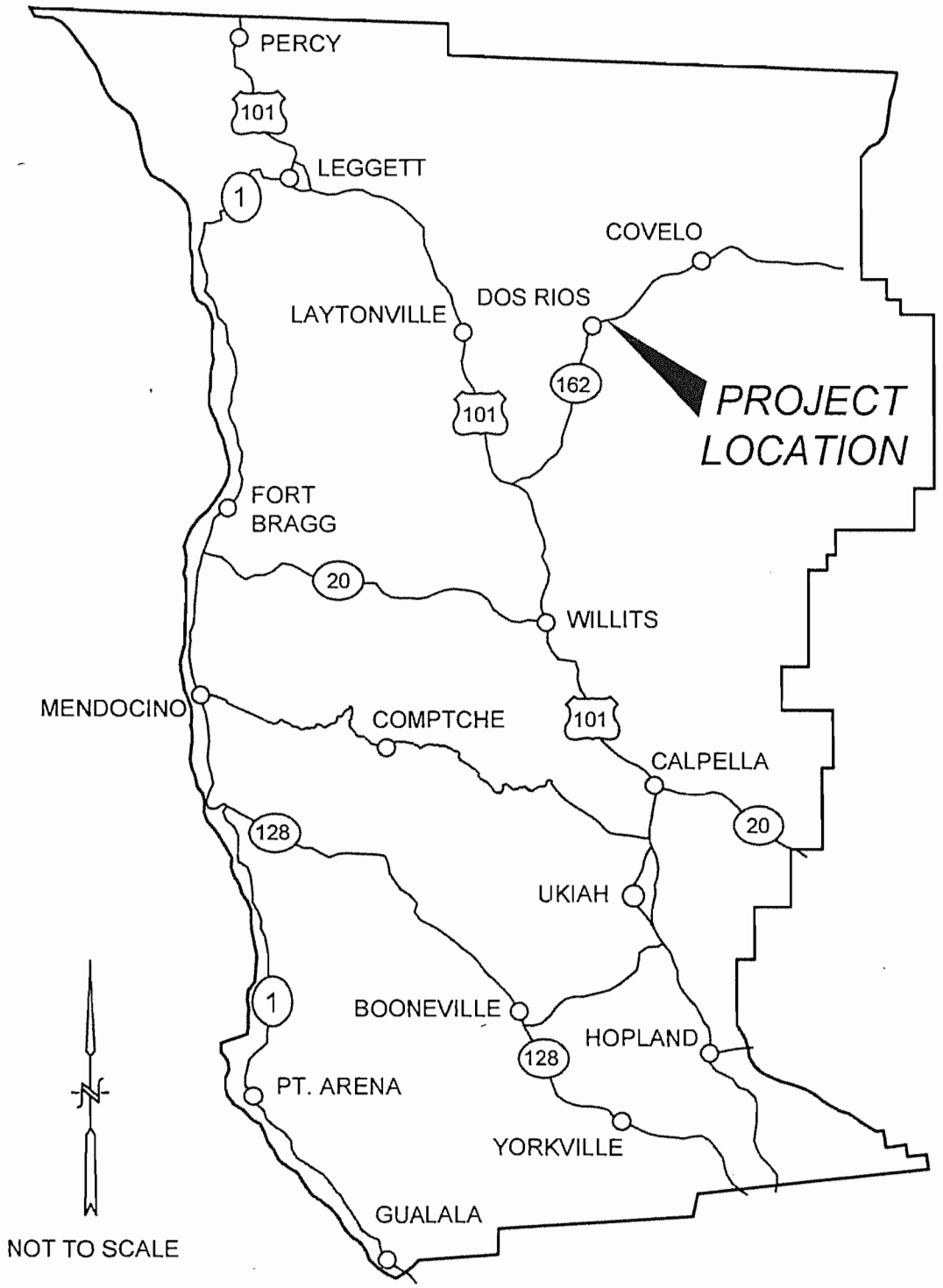
Date

Attachment B – Maps – Vicinity Map, Location Map, McKenzie Bar Ownership Map and Deed (6 Pages)

Attachment C – Mining and Reclamation Plan and Profiles (2 Sheets)

ATTACHMENT B:

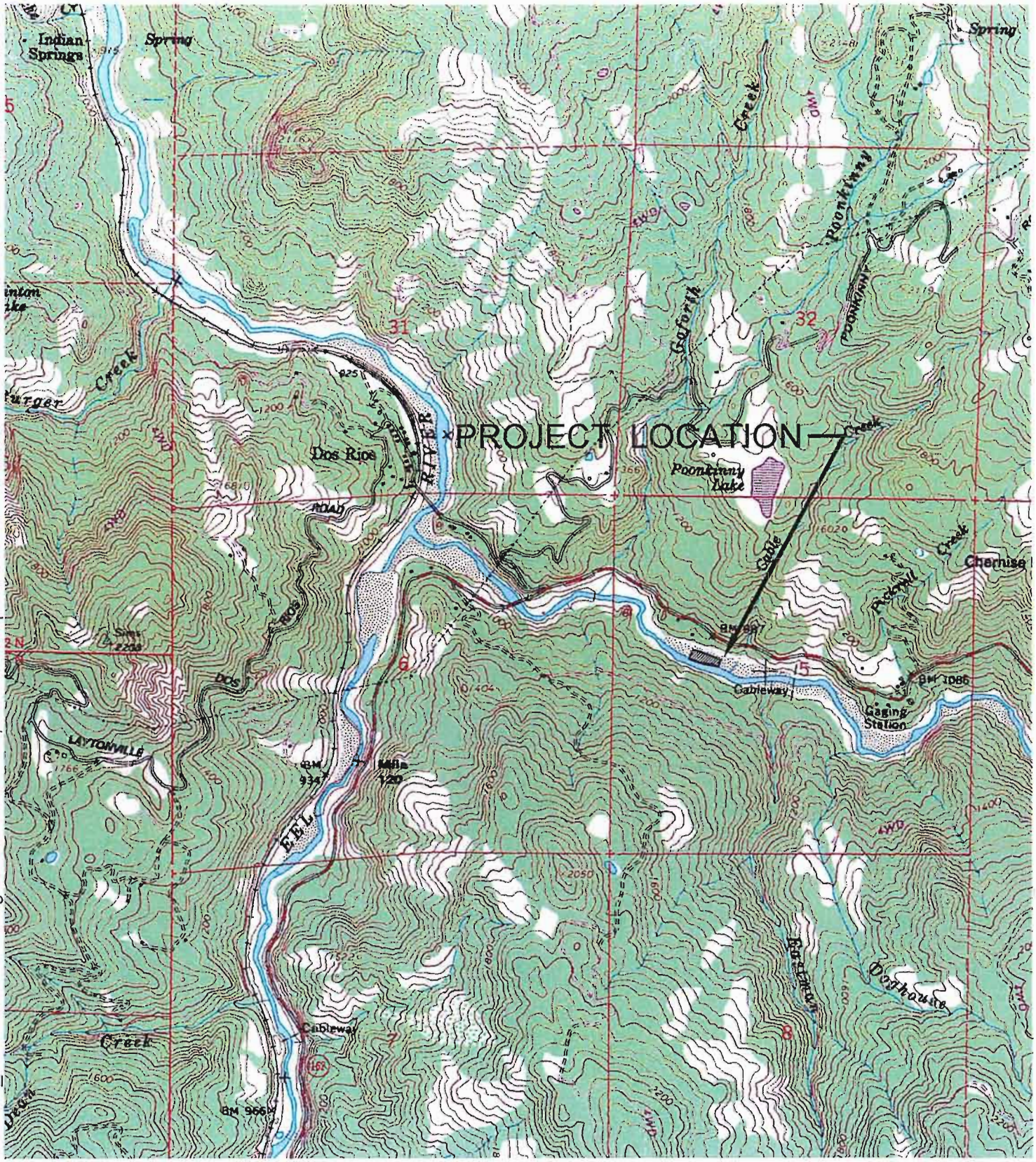
MAPS – VICINITY MAP, LOCATION MAP, DEED, MINING OWNERSHIP MAP



VICINITY MAP

Reclamation Plan
McKenzie Gravel Bar
Highway 162, PM 16.0
Dos Rios, CA
February 2014
FIGURE 1

Z:\R14012\Drawings\R14012_VICINITY-MAP.dwg Plot Date: Mar 04, 2014 at 2:13pm



RAU AND ASSOCIATES INC.
CIVIL ENGINEERS · LAND SURVEYORS
100 NORTH PINE STREET· (707) 462-6536 · UKIAH, CA 95482

N

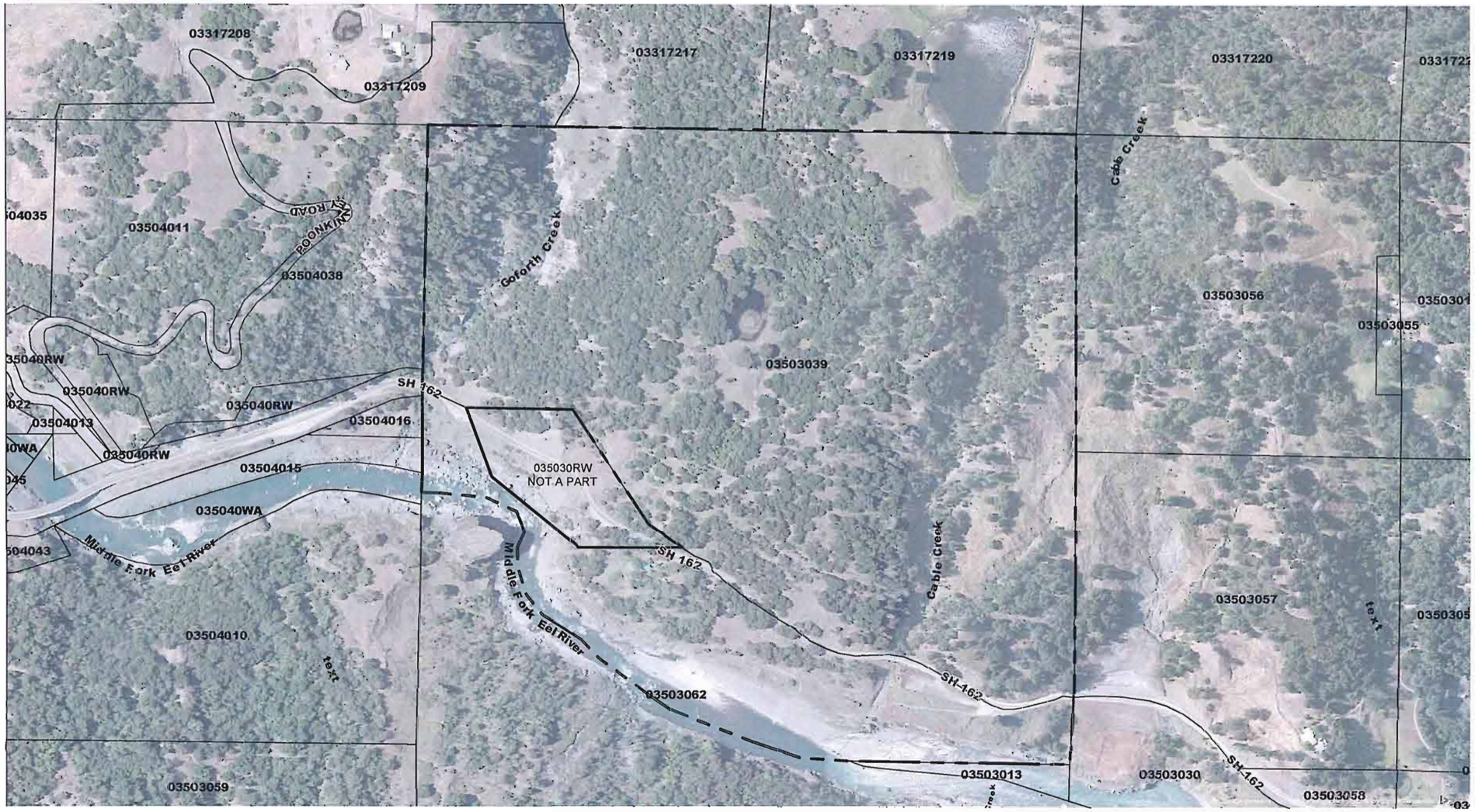
0 2000 4000 Feet

LOCATION MAP
Reclamation Plan
McKenzie Gravel Bar
Highway 162, PM 16.0
Dos Rios, CA

February 2014 R14012

FIGURE 2

Xrefs:
Path: Z:\R14012\Drawings\R14012_LOCATION-MAP.dwg Plot Date: Mar 04, 2014 at 2:36pm



Note: Property lines are approximate
Data Source: Mendocino County
Aerial Photo: Microsoft Bing

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Z:\R14012\DRAWINGS\R14012_OWNERSHIP_MAP.DWG

0 200 400 800 Feet
Scale: 1"=400'

McKenzie Bar
CA Mine ID# 91-23-0033
Ownership Map
APN: 035-030-39
Garman Family Land Company, LLC
50510 Covelo Road
Dos Rios, CA, CA

April 14, 2015

Figure 3

2012-15831
Recorded at the request of:
JAMES F KING
10/24/2012 02:43 PM
Fee: $19.00 Pgs: 1 of 3

OFFICIAL RECORDS
Susan M. Ranochak - Clerk-Recorder
Mendocino County, CA

WHEN RECORDED MAIL TO:

James F. King
Attorney at Law
MANNON, KING & JOHNSON
Post Office Box 419
Ukiah, CA 95482

MAIL TAX STATEMENTS TO:

Beda Garman
Garman Family Land Co LLC
389 N. Main Street
Willits, CA 95490

DOCUMENTARY TRANSFER TAX $ -0-

___ Computed on the consideration or value of property conveyed; OR
___ Computed on the consideration or value less liens or encumbrances remaining at time of sale.
Revenue and Tax Code §11930
The undersigned declares Grantors are the members of the LLC
Signature of Declarant or Agent determining tax

	PAID
X	PCO FILED
	Exempt

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Beda H. Garman and Sharon A. Garman, Trustees of The Beda H. Garman and Sharon A. Garman 2001 Revocable Trust dated March 8, 2001, Grantors, hereby grant to Garman Family Land Company LLC, Grantee, all of Grantors' interest in the real property in the unincorporated area of Mendocino County, State of California, Mendocino County Assessor's Parcel No. 035-030-39, commonly known as 50510 Covelo Road, Dos Rios, and more particularly described as follows:

Legal description attached hereto, marked Exhibit A and incorporated herein by reference.

APN: 035-030-39

Dated: October 24, 2012

Beda H. Garman

Dated: October 24, 2012

Sharon A. Garman

ACKNOWLEDGMENT

State of California

County of Mendocino

On October 24, 2012, before me, Susie Dean, Notary Public, personally appeared Beda H. Garman and Sharon A. Garman, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are subscribed to the within instrument and acknowledged to me that ~~he~~/~~she~~/they executed the same in ~~his~~/~~her~~/their authorized capacity(ies), and that by ~~his~~/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

SUSIE DEAN
Commission # 1892833
Notary Public - California
Mendocino County
My Comm Expires Jun 17, 2014

EXHIBIT A

DESCRIPTION

The land referred to herein is situated in the State of California, County of Mendocino, and is described as follows:

LOTS 3 AND 4 AND ALL THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 5 LYING NORTH OF THE CENTER LINE OF THE MIDDLE FORK OF THE EEL RIVER, SAVING AND EXCEPTING THAT PORTION USED BY THE COUNTY OF MENDOCINO AS A ROAD, ALL IN TOWNSHIP 21 NORTH, RANGE 13 WEST, MOUNT DIABLO BASE AND MERIDIAN. ALSO EXCEPTING THAT PORTION DESCRIBED IN THE DEED RECORDED MARCH 21, 1916 IN BOOK 140 OF DEEDS, PAGE 471, MENDOCINO COUNTY RECORDS. ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO THE COUNTY OF MENDOCINO IN THE DEED RECORDED NOVEMBER 13, 1958 IN BOOK 496 OFFICIAL RECORDS, PAGE 360, MENDOCINO COUNTY RECORDS.

A.P.N. 35-030-39

ATTACHMENT C:

MINING AND RECLAMATION PLANS

APN: 035-030-39

CABLE CREEK

STATE HWY 162

(E) STAGING AREA #2

(E) STAGING AREA #1

PLACE 18" HIGH GRAVEL BERM ON LOWER END OF STAGING AREA #1

SEE DETAIL 2
12" HDPE CULVERT (TEMPORARY)

SEE DETAIL 1
PLACE EARTHEN BERMS SEED AND STRAW TO PAVEMENT

TEMPORARY ACCESS, GRADE TO CONFORM TO EXISTING GROUND

SECTION 1": 0+00.00

SECTION 2": 0+00.00

(E) ACCESS ROAD

PAVED APPROACH (E)

(E) BERM ALONG SOUTH SIDE OF ACCESS ROAD

PLACE HAY BALES BEFORE GATE

12' GATE (E)

SECTION 1": 1+00.00

SECTION 2": 2+50.00

SECTION 1": 4+00.00

MIDDLE FORK EEL RIVER

SYMBOL LEGEND

APPROXIMATE PROPERTY LINE		
EXISTING GRAVEL EXTRACTION AREA	(3.4 ACRES)	
RECLAMATION BOUNDARY	(6.5 ACRES)	
MINE BOUNDARY	(7.8 ACRES)	
EDGE OF WATER		
EXISTING CONTOURS		
DISTURBED AREA	(4.1 ACRES)	
ACCESS ROAD		

In areas of dense vegetation, areas obscured by tall objects and deep shadows, and areas outside of polygon defined by aerial control points accuracy of the map may deviate from accepted accuracy standards

MAP COMPILED AND PREPARED FROM AERIAL PHOTOGRAPHS
dated:1-14-12

PoinT Co.
Photogrammetric Services
Fair Oaks, California
(916) 536-0487

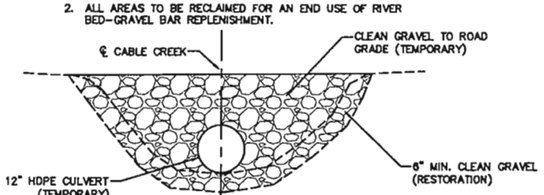
RECLAMATION NOTES

STAGING AREA 2:
- SEED AND STRAW MULCH
- AREA= 7,215 SF OR 0.17 ACRES

- TOTAL AREA RECLAIMED UNDER THIS MRP = 4.1 ACRES

NOTE:

1. SEE TEXT PORTION OF RECLAMATION PLAN FOR ADDITIONAL PLANTING INFORMATION.
2. ALL AREAS TO BE RECLAIMED FOR AN END USE OF RIVER BED-GRAVEL BAR REPLENISHMENT.

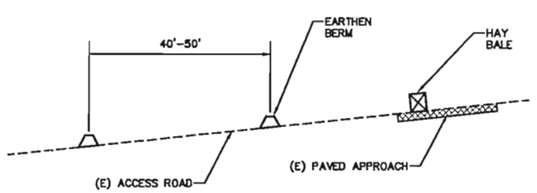


DETAIL 2-CABLE CREEK RESTORATION

SWWPPD AND BMP NOTES

NOTES:

1. TOPSOIL STOCKPILES SHALL BE STABILIZED BY RE-VEGETATION WITH THE APPLICATION OF SEED AND STRAW MULCH.
2. NON-ACTIVE BULK SOIL STOCKPILES SHALL BE COVERED DURING THE RAINY SEASON, PER BMP WM-3.
3. AGGREGATE STOCKPILES, CONTAINING NO FINES, ARE NOT REQUIRED TO BE COVERED.



DETAIL 1-ACCESS ROAD RESTORATION

BASIS OF BEARINGS:

BETWEEN HPGN POINT DH 6327 AT MP 11.44 AND HPGN D CA 01 HIGHWAY 162. COMBINED SCALE FACTOR IS 0.99990392 AS PUBLISHED BY HPGN POINT 162 MEN 4.07 DH 6327, EPOCH DATE 2007, THETA ANGLE 0°52'22".

PUBLISHED COORDS DATA SPC:

HPGN DH 6327
N=2,372,514.94
E=6183039.43

HPGN D CA 01 HF
N=2386282.94
E=6190988.56

GPS OBS NAVD 1988
U 1063 EL=990.1 FT

PROJECT CONTROL
SURVEY POINT #49
N: 2,387,722.1420
E: 6,184,688.3520
ELEV: 1001.84
APPROXIMATELY 2,000 FEET WEST OF ENTRANCE ALONG HWY 162, SOUTH SIDE OF ROAD.

PHOTOGRAPHY: JAN. 2012

0 60 120
SCALE IN FEET

BY:	REVISION	DATE	COMPUTED NO. SERVER
MAW	ADD STAGING AREA #2/REV ACRES	2/19/15	PATH:
			FILE:
			PSMEN:
			ASSP:
			ASMEN:

DRAWING: MINING & RECLAMATION PLAN
SITE PLAN

PROJECT: MCKENZIE GRAVEL BAR

RAU AND ASSOCIATES INC.
CIVIL ENGINEERS · LAND SURVEYORS
100 NORTH PINE STREET · (707) 462-4338 · UKIAH, CA 95482

OWNER: GARMAN FAMILY LAND CO. LLC.

LOCATION: 50510 COVELO ROAD
DOS RIOS, CA

DATE:	MARCH 2014
SCALE:	AS SHOWN
DRAWN:	JCJ
CHECKED:	GCR
JOB NO.	R14012
SHEET	1 of 2 SHEETS

Xrefs:
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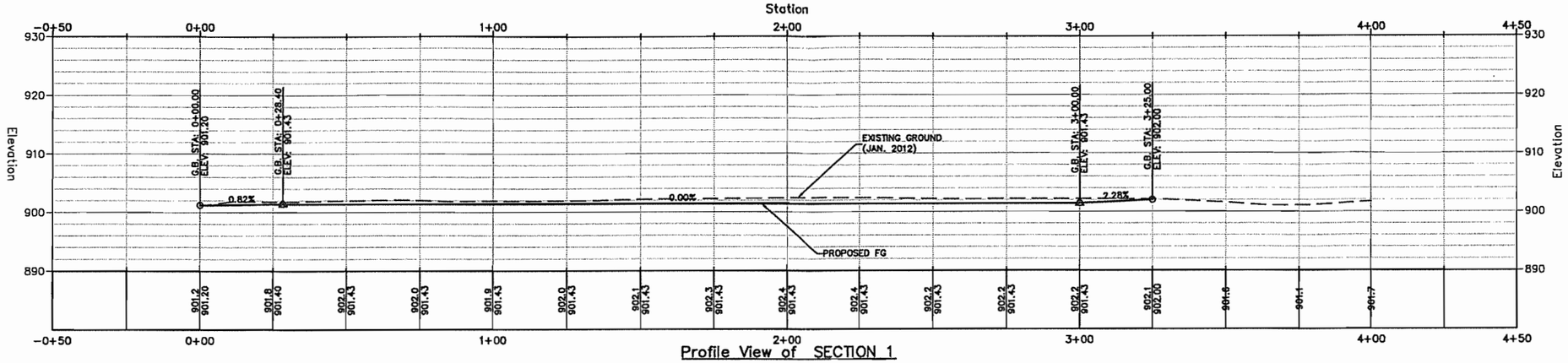
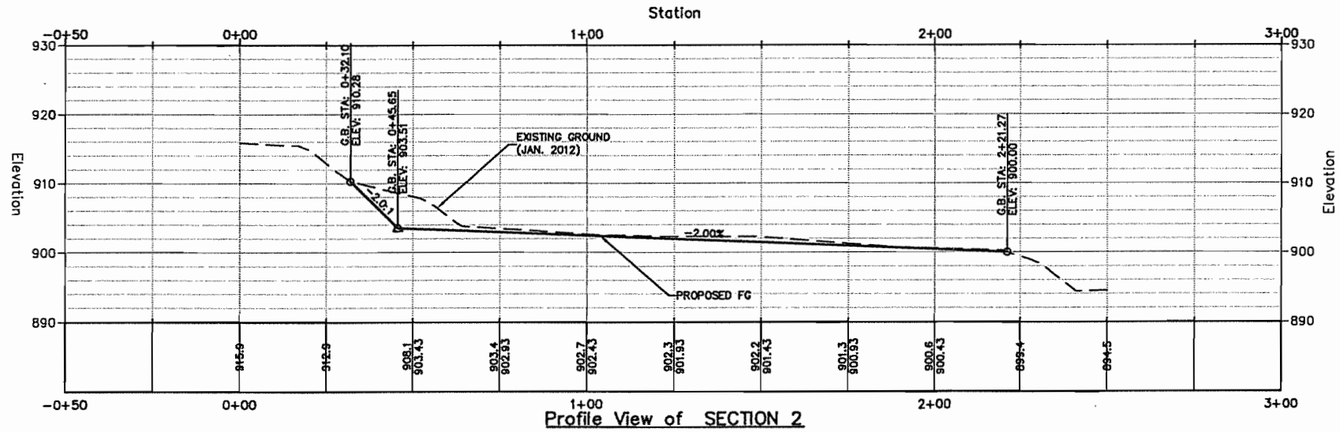


Profile View of SECTION 1



Profile View of SECTION 2

REVISION	DATE	BY:
ADD STAGING AREA #2/REV ACRES	2/18/15	MAW

COMPUTER NO. SERVER:
PATH:
FILE:
PSWIN:
ASVP:
MSWIN:

DRAWING: MINING & RECLAMATION PLAN
CROSS SECTIONS AND NOTES

PROJECT: MCKENZIE GRAVEL BAR

RAU AND ASSOCIATES INC.
CIVIL ENGINEERS · LAND SURVEYORS
100 NORTH PINE STREET (707) 462-4338 UKIAH, CA 95482

OWNER: GARMAN FAMILY LAND CO. LLC.

LOCATION: 50510 COVELO ROAD
DOS RIOS, CA

DATE:	MARCH 2014
SCALE:	AS SHOWN
DRAWN:	JCJ
CHECKED:	GCR
JOB NO.	R14012
SHEET	2 of 2 SHEETS

Xrefs:
Path: Z:\R14012\Drawings\R14012 Mining Reclamation Plan.dwg Plot Date: Feb 23, 2015 at 5:00pm

ATTACHMENT D:

GEOTECHNICAL MEMORANDUM

1.1. GEOLOGY TECHNICAL MEMORANDUM

The 30 by 60 minute Covelo quadrangle map[1] was used in order to determine the major geologic formations in this area. The map shows that the site lies on top of a Central Franciscan Belt complex comprised of a Mélange matrix (mm) formation, which can date back to between the Tertiary and Upper Jurassic period. This formation is characterized as being a chaotic mixture of rocks held together by an argillite-matrix. The matrix can locally contain blocks of greenstone, radiolarian chert, blue schist, amphibolite, greywacke, limestone, serpentinite, and ultramafic rocks. According to the map, this area contains outcrops of greenstone.

According to the USDA Soil Survey Report[2],[3] the site is located in the Xerofluvents-Riverwash soil complex. The complex is comprised of 50 percent of the Xerofluvents soil and 35 percent Riverwash. The rest of the soil consists of minor constituents. Slopes in this region range from 0-2 percent and the landscape is characterized as "Flood Plains" for the Xerofluvents and "Channel" for the Riverwash. Both soil types originate from a parent material consisting of alluvium. Anecdotal accounts from managers of the Longvale Plant which processed gravel from this bar for asphalt concrete and other aggregate products indicate that the materials are hard and durable and contain little silt plus clay fraction (Klee, Pinches, personal communications).

The USGS, in cooperation with the California Department of Water Resources conducted intense studies of the watershed above Dos Rios on the Middle Fork Eel when a large reservoir was being planned for the Round Valley area in the 1960's and early 1970's. The bedload and suspended load was sampled over a period between 1956 and 1968 to predict the amount of sediment which would become trapped in the reservoir over a 100 year period. It was found that, at Dos Rios, approximately 43% clay and 34% silt was suspended load because of the natural turbulence flume caused by the narrow canyon upstream of Dos Rios, while 23% of the total load moved along as bedload consisting of sand, gravel and cobbles[4] (Reference 4). This explains why the deposited bedload is so clean and contains minimal amounts of silt and clay particles. Approximately half of the total sediment load arrives at the confluence of Black Butte Creek and the Middle Fork Eel River about 23 miles upstream and then travels on down to Dos Rios. This long transport distance accounts for the downstream reduction in particle size by attrition, disintegration by atmospheric weathering, and decomposition by chemical reaction (Reference 4), and provides an explanation for the durable sand and gravel materials found at the McKenzie Bar.

It was also found that a long-term average of 1,980,000 tons of suspended load plus bedload arrives at Dos Rios annually from the 745 square miles watershed area above it[4]. A thorough discussion of the

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[1] Jayco, A.S., M.C. Blake, Jr., R.J. McLaughlin, H.N. Ohlin, S.D. Ellen, and Harvey Kelsey, Reconnaissance Geologic Map of the Covelo 30-By 60-Minute Quadrangle, Northern California, U. S. Geological Survey Map MF-2001, 1989.

[2] _____, "Soil Survey of Mendocino County, Eastern Part, and Trinity County, Southwestern Part, California" ; United States Department of Agriculture, Soil Conservation Service; January,1991; Pages 110-111.

[3] Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at http://websoilsurvey.nrcs.usda.gov/. Accessed [2/8/13].

[4] Knott, J. M., "Sedimentation in the Middle Fork Eel River Basin, California", USGS Water Resources Division Open File Report, June 11, 1971.

cumulative impacts from gravel extraction has been provided in the Biological Assessment by Ross Taylor Associates in their study for a nearby project at the Rowland Bar about 1 mile downstream[5]. This study quoted information from Brown (Ref. 6) which shows that approximately 240,000 cubic yards of bedload is transported past the McKenzie Bar on an average year. The cumulative maximum extraction allowed by the permits at McKenzie Bar and the Rowland Bar approximately one mile downstream will be 70,000 cubic yards. Practical limitations of recruitment and bar configurations will limit maximum extractions to around 60,000 cubic yard based upon historical reporting. Even at 70,000 cubic yards extraction, the amount of bedload moving past the two bars is approximately 70% of the average annual amount. The NOAA guidelines for gravel extraction recommend that cumulative extraction should not exceed 50% of the coarse sediment passing through the system[6].

[5] Ross Taylor and Associates. *Biological Assessment for Southern Oregon-Northern California Coasts Coho Salmon.* Biological Assessment, McKinleyville: Ross Taylor and Associates, 2013.

[6] NOAA Fisheries. *Sediment Removal From Freshwater Salmonid Habitat.* Sediment Removal Guidelines, NOAA Fisheries - Southwest Region, 2004, Page 58

ATTACHMENT E:

BOTANICAL REPORT

Special Status Plant and Natural Community Report

McKenzie Bar
Dos Rios, Mendocino County, California
(Referred to as Assessor Parcel Numbers 035-030-62)

Prepared for:

Grist Creek Aggregate LLC
PO Box 575
Covelo, CA 94528

Prepared by:

Estelle P. Clifton
North Coast Resource Management
P.O. Box 435 Calpella, CA 95418
Phone: (707) 485-7211, Fax: (707) 485-8962

February 2013

Table of Contents

Section		Page
I.	**Special Status Species Report**	**1**
	Summary	2
	1. Introduction/Project Description	2
	Figure I – Vicinity Map	3
	2. Survey Methodology	4
	3. Results and Discussion	4
	4. Conclusion	5
	5. Report Author	6
	6. References	6
II.	**Definitions for Special Status Plant Species**	**9**
	Table I - Special Status Plant Species Scoping List	**11**
	Table II - Plant Species Identified Within the Study Area	**13**
III.	**Survey Map**	**16**

Section I

Special Status Plant and Natural Community Report

Summary

North Coast Resource Management conducted a special status plant species and plant community survey at the approximately 12 acre Study Area located in the river bed of Middle Fork Eel River approximately 1.5 miles up stream from Dos Rios, California. During the site surveys no special status plant species were identified within the study area. This report outlines the habitats present within the study area, the special status plant species considered to have a high to moderate potential for existing within the study area, and the species and plant communities identified during the floristic survey.

1. Introduction/Project description:

Grist Creek Aggregates, LLC plans to extract gravel from the river bar south of State Highway 162 along the bank of Middle Fork Eel River, California (referred to as APNs 035-030-62) located within a portion of Sections 5, T21N, R13W, MDB&M, and within the Dos Rios 7.5' USGS Quadrangle.

North Coast Resource Management (NCRM) was hired to conduct a floristic survey to assess the property for the potential presence of special status plant species and plant communities that would need to be avoided, so as to prevent any impacts during planned gravel mining operations.

The study area (see Vicinity Map Figure I) is located within the interior north coast range; its elevation ranges from between approximately 270 meters to 300 meters above sea level. The study area is located directly adjacent to Middle Fork Eel River.

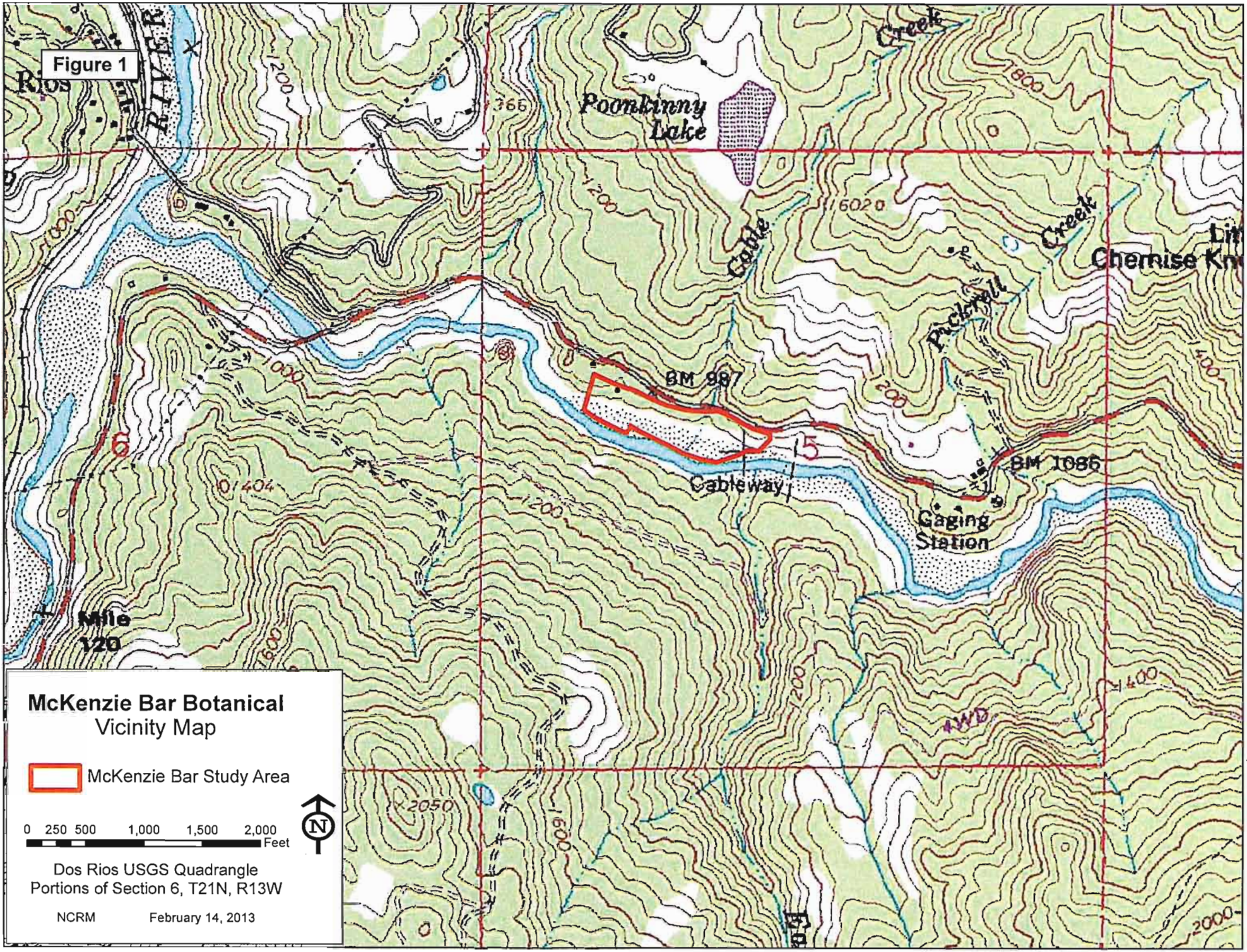
Figure 1
Rios
RIVER
Poonkinny Lake
Creek
Cable
Creek
Pickrell
Chemise Kn
BM 987
BM 1086
Cableway
Gaging Station
Mile 120
McKenzie Bar Botanical
Vicinity Map
McKenzie Bar Study Area
0 250 500 1,000 1,500 2,000 Feet
N
Dos Rios USGS Quadrangle
Portions of Section 6, T21N, R13W
NCRM
February 14, 2013

2. Survey Methodology

Site Surveys were conducted on May10th 2012 and July 20th, 2012 by NCRM botanist Estelle P. Clifton, for a total of 3 one person survey hours. Surveying methods were based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFG 2009). Survey efforts focused on identifying special status plant species and plant communities within the study area. A seasonally appropriate and floristic survey was performed.

A special status plant species scoping list (refer to Section II, Table I) was constructed based on the *California Native Plant Society* (CNPS 2012) electric inventory of Rare or Endangered Vascular Plants and the *California Natural Diversity Database* (CNDDB 2012). Both data bases were queried for species that could or are known to occur within the Dos Rios 7.5' USGS quadrangle and the eight surrounding quadrangles (Covelo West, Covelo East, Laytonville, Iron Peak, Jamison Ridge, Brushy Mountain, Longvale, Willis Ridge). CNPS "List 4" plant species were not listed in the scoping list but were considered and surveyed for. For definitions regarding the listing of special status plant species included in the scoping list refer to Section II-Definitions for Special Status Plant Species.

All plant species located during the surveys were identified to the lowest taxonomic level necessary to determine the presence of special status plant species. *The Jepson Manual: Higher Plants of California* (Hickman 1996) was used to determine the taxonomic nomenclature. A complete list of the plant species observed during the site visits is included in Section II, Table II.

A Manual of California Vegetation (Sawyer & Keeler-Wolf 1995 & 2009) and the *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986) were used to classify and describe representative plant communities present.

3. Results and Discussion

Based on the presence of suitable habitat, which includes the ecological features of: soils type, water availability, elevation, plant distribution/range and plant associations, the following 6 special status plant species (listed in the scoping list) were considered to have a moderate to high potential of being present within the study area. All of these plants were surveyed for in the field:

> *Hesperolinon adenophyllum* (glandular western flax), *Horkelia tenuiloba* (Thin-lobed horkelia), *Limnanthes bakeri* (Baker's meadowfoam), *Navarretia leucocephala* ssp. *Bakeri* (Few-flowered navarretia), *Lupinus milo-bakeri* (Milo Baker's lupine), and *Viburnum ellipticum* (Oval-leaved viburnum).

No special status plant species were found on the property during the site surveys.

Within the study area, three habitats were mapped (Section III – survey map).

Figure II – summer 2012 image of the grassland located on the hill and gravel and vernal species located on the lower terrace

The low terrace is primarily an un-vegetated gravel bar but, within this area numerous vernal species were identified. These vernal communities were found to correlate to the Schoenoplectus acutus Alliance – Hardstem bulrush marsh (G5S4) and the Eleocharis sp. Alliance – Spike rush marsh (G4S4) (Sawyer & Keeler-Wolf 2009).

The hill slopes are dominated by non-native grasses and thistles and at the northwestern side of the Study Area is a stand of *Quercus* (*lobata, wislizeni*) Alliance – Mixed oak forest (G4S4) (Sawyer & Keeler-Wolf 2009).

4. Conclusion

In conclusion, after research and subsequent field work, no listed plants were found on the property.

5. Report Author

Estelle P. Clifton
B.S. Forestry, Humboldt State University, Arcata, Ca. 2005 and B.A. Culture Ecology and Sustainable Community, New College of California, San Francisco, Ca. 2001, as well as, completion of Plant Taxonomy while at HSU in 2004. She has over nine years experience studying the flora and habitat types of the Pacific North West and has been conducting floristic surveys, habitat assessments and wetland/riparian delineations in Mendocino, Sonoma, Napa, and Lake Counties for seven years.

6. References

California Code Regulations, title 14, chapter 3, § 15380 et seq.

California Department of Fish and Game (CDFG), California Natural Diversity Data Base (CNDDB), Rarefind 3 database program, Updated May 2012 & January 2013. The Resource Agency, State of California. Sacramento, CA.

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California Department of Fish and Game. 2010. List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, California Department of Fish and Game. Sacramento, CA.

California Native Plant Society (CNPS). 2012. Inventory of Rare and Endangered Plants. California Native Plant Society. Sacramento, CA. Accessed May 2012 and January 20132 from http://cnps.site.aplus.net/cgi-bin/inv/inventory.cgi

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Holland, R.F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California.* Sacramento, CA: California Department of Fish and Game.

Sawyer, J.O. & Keeler-Wolf, T. 1995. *A Manual of California Vegetation.* Sacramento, CA.

Sawyer, J.O, T. Keeler-Wolf, and J. M. Evens. 2009. A Manual of California vegetation, 2nd Edition. California Native Plant Society, Sacramento, CA.

Section II

Definitions for Special Status Plant Species

Table I
Special Status Plant Species Scoping List

Table II
Plant Species Identified Within the Study Area

Definitions for Special Status Plant Species Included in the Scoping List

- Species listed or proposed for listing as threatened or endangered under the federal Endangered Species Act

- Species that are candidates for possible future listing as threatened or endangered under the federal Endangered Species Act

- Species listed or proposed for listing by the State of California as threatened or endangered under the California Endangered Species Act

- CNPS list 1A species (plants presumed extinct in California)
- CNPS list 1B (plants rare, threatened or endangered in California)
- CNPS list 2 species (plants rare threatened or endangered in California but more common else where)
- CNPS list 3 and list 4 species (plants with limited distribution but need more information and are on a review or watch list

  The CNPS Threat Code extensions and their meanings:
  The classification system created by California Native Plant Society helps distinguish between rarity, endangerment, and distribution.
  0.1 – Seriously threatened in California (high degree/immediacy of threat)
  0.2 – Fairly threatened in California (moderate degree/immediacy of threat)
  0.3 – Not very threatened in California (low degree/immediacy of threats or no current threats known)

- Plants that are not on a specific list but have recognized regional or local interest and qualify for protection

State Ranking

The state rank (S-rank) is assigned much the same way as the global rank, except state ranks in California often also contain a threat designation attached to the S-rank.

S1 = Less than 6 EOs OR less than 1,000 individuals OR less than 2,000 acres
S1.1 = very threatened
S1.2 = threatened
S1.3 = no current threats known
S2 = 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres
S2.1 = very threatened

S2.2 = threatened
S2.3 = no current threats known
S3 = 21-80 EOs or 3,000-10,000 individuals OR 10,000-50,000 acres
S3.1 = very threatened
S3.2 = threatened
S3.3 = no current threats known
S4 = Apparently secure within California; this rank is clearly lower than S3 but factors exist to cause some concern; i.e., there is some threat, or somewhat narrow habitat. NO THREAT RANK.
S5 = Demonstrably secure to ineradicable in California. NO THREAT RANK.

Global Ranking

The Global rank (G-rank) is a reflection of the overall condition of an element throughout its global range.

G1 = Less than 6 viable element occurrences (Eos) OR less than 1,000 individuals OR less than 2,000 acres.
G2 = 6-20 EOs OR 1,000-3,000 individuals OR 2,000-10,000 acres.
G3 = 21-80 EOs OR 3,000-10,000 individuals OR 10,000-50,000 acres.
G4 = Apparently secure; this rank is clearly lower than G3 but factors exist to cause some concern; i.e., there is some threat, or somewhat narrow habitat.
G5 = Population or stand demonstrably secure to ineradicable due to being commonly found in the world.

Other Symbols

GH All sites are historical; the element has not been seen for at least 20 years, but suitable habitat still exists (SH = All California sites are historical)
GX All sites are extirpated; this element is extinct in the wild (SX = All California sites are extirpated).
GXC Extinct in the wild; exists in cultivation
G1Q The element is very rare, but there are taxonomic questions associated with it.
T Rank applies to a subspecies or variety. With the subspecies, the G-rank reflects the condition of the entire species, where the T-rank reflects the global situation of just the subspecies or variety.
By adding a ? to the rank: e.g., S2? This represents more certainty than S2S3, but less than S2.

Table I
Special Status Plant Species Scoping List

Scientific Name Common Name	Status	Associated Habitat	Blooming period	Habitat In plan Area
Alisma gramineum Narrow-leaved water-plantain	CNPS; 2.2 S1S2 G5	Marshes and swamps (assorted shallow freshwater) 390 - 1800 meters	June-August	No
Anisocarpus scabridus Scabrid alpine tarplant	CNPS; 1B.3 S2S3 G2G3	Upper montane coniferous forest (metamorphic rock) 1650-2300m	July- August	No
Arctostaphylos canescens ssp. sonomensis Sonoma manzanita	CNPS; 1B.2 S2.1 G3G4T2	Chaparral, lower montane coniferous forest/ sometimes serpentinite; 180 - 1675 meters	January-June	No
Brasenia schreberi Watershield	CNPS; 2.3 S2 G5	Marshes and Swamps/ freshwater; 30-2200 meters	June - September	No
Calystegia collina ssp. tridactylosa Three-fingered Morning Glory	CNPS; 1B.2 S1.2 G4T1	Chaparral Cismontane woodland / serpentinite, rocky gravelly, openings 0-600 meters	April-June	Yes
Hesperolinon adenophyllum glandular western flax	CNPS; 1B.2 S2.3 G2	Chaparral, cismontane woodland, valley and foothill grassland/ usually serpentinite; 150 - 1315 meters	May-August	Yes
Horkelia tenuiloba Thin-lobed horkelia	CNPS; 1B.2 S2.2 G2	broadleafed upland forest, chaparral, valley and foothill grasslands/ mesic openings, sandy 50 - 500 meters	May-July	Yes
Limnanthes bakeri Baker's meadowfoam	CNPS; 1B.1 State; Rare S1.1 G1	Meadows, Marshes and Swamps (freshwater), Valley and foothill grassland (vernally mesic), Vernal pools; 175 - 910 meters	April-May	Yes
Lupinus milo-bakeri Milo Baker's lupine	CNPS; 1B.1 S1.1 G1Q State; Threatened	Cismontane woodland (often along roadsides), Valley and foothill grassland; 395 - 430 meters	June-September	Yes
Navarretia leucocephala ssp.	CNPS; 1B.1 S2	Cismontane woodland, lower montane coniferous	April-July	Yes

bakeri Few-flowered navarretia	G4T2	forest, meadows and seeps, valley and foothill grassland, vernal pools/ mesic; 5 - 1740 meters		
Piperia candida White-flowered Rein Orchid	CNPS; 1B.2 S2 G3?	Broadleafed upland forest, lower montane coniferous forest, north coast coniferous forest/ sometimes serpentinite 30-1310 meters	(Mar) May-September	No
Pleuropogon hooverianus North Coast semaphore grass	CNPS; 1B.1 S2 G2 State; Threatened	Broadleaved upland forest, meadows and seeps, North Coast coniferous forest/ open areas, mesic 10 - 671 meters	April-June	No
Potamogeton epihydrus Nuttall's pondweed	CNPS; 2.2 S2.2? G5	Marshes and swamps (assorted shallow freshwater); 369 - 2172 meters	July-September	No
Sanguisorba officinalis Great burnet	CNPS; 2.2 S2.2 G5?	Bogs and fens, broadleafed upland forest, meadows, marshes and swamps, North Coast coniferous forest, Riparian forest/ often serpentinite 60 - 1400 meters	July-October	No
Sidalcea oregana ssp. *hydrophila* Marsh checkerbloom	CNPS; 1B.2 S2? G5T2?	Meadows and seeps, riparian scrub/ mesic; 1100 - 2300 meters	July-August	No
Viburnum ellipticum Oval-leaved viburnum	CNPS; 2.3 S2.3 G5	Chaparral, cismontane woodland, lower montane coniferous forest; 215 - 1400 meters	May-June	Yes

Table II
Plant Species Identified Within the Study Area

f=mixed oak forest; t=lower terrace; h= grassland hill-slope; x=habitat not recorded

Family	Scientific Name	Common Name	Habitat
SPHENOPHYTA - Horesetails			
Equisetaceae - Horsetail Family			
	Equisetum arvense	Common horsetail	t
ANTHOPHYTA			
Anacardiaceae			
	Toxicodendron diversilobum	Poison oak	x
Apiaceae			
	Torilis sp.	Hedge-Parsley	x
Asteraceae			
	Baccharis douglasii	Marsh baccharis	t
	Baccharis pilularis	Coyote Brush	h
	Carduus pycnocephalus	Italian thistle	x
	Centaurea solstitialis	Yellow starthistle	h
	Lasthenia californica	California Goldfields	x
	Xanthium strumarium	Cocklebur	t
Brassicaceae			
	Brassica sp.	Mustard	x
Ericaceae			
	Arctostaphylos manzanita ssp. manzanita	Manzanita	h
Fabaceae			
	Lotus corniculatus	Birdfoot trefoil	t
	Medicago sp.	Bur clover	x
	Melilotus sp.	Yellow Sweetclover	x,t
	Trifolium hirtum	Rose Clover	x
	Trifolium incarnatum	Crimson Clover	h
	Vicia sp.	Vetch	x
Fagaceae			
	Quercus lobata	Valley Oak	f
	Quercus wislizeni	Interior Live Oak	f
Geraniaceae			
	Erodium sp.	Stork's-bill	x
Lamiaceae			
	Mentha pulegium	Pennyroyal	t
Lauraceae			
	Umbellularia californica	California Bay	f
Linaceae			
	Linum sp.	Flax	x
Polygalaceae			
	Rumex sp.	Dock	t
Primulaceae			
	Anagallis arvensis	Scarlet Pimpernel	t
Rosaceae			
	Cercocarpus betuloides	Mountain mahogany	h

Potentilla sp.	Cinquefoil	t
Salicaceae		
Populus sp.	Fremont Cottonwood	t
Salix sp.	Willow	t
Scrophulariaceae		
Verbascum blattaria	Moth mullein	t
Veronica sp.	Brooklime speedwell	t
MONOCOTYLEDONES - The Monocots		
Alismataceae		
Alisma plantago-aquatica	Water plantain	t
Cyperaceae		
Cyperus acutus	Hardstem bulrush	t
Cyperus eragrostis	Nut-grass	t
Juncaceae		
Juncus bolanderi	Bolander's Rush	t
Juncus phaeocephalus	Rush	t
Lemnaceae		
Lemna sp.	Duckweed	t
Liliaceae		
Calochortus amabilis	Globe Lily	x
Poaceae		
Avena sp.	Oat grass	x
Briza maxima	Big Quakinggrass	x
Bromus diandrus	ripgut grass	x
Cynosurus echinatus	Hedgehog Dogtail	x
Dactylis glomerata	Orchard Grass	t
Festuca arundinaceae (*Schedonorus arundinaceae*)	Tall Fescue	x,t
Hordeum sp.	Barley	x,h
Lolium sp.	Ryegrass	x
Phalaris sp.	Canary Grass	x
Polypogon sp.	Beard Grass	t
Typhaceae		
Typha latifolia	Broad-leaved Cattail	t

Section III

Survey Map

ATTACHMENT F:

PERMITS

RECEIVED JAN 2 9 2015

State of California - Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Northern Region
619 2nd Street, Eureka, CA 95501
(707) 441-2075
http://www.wildlife.ca.gov

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

April 8, 2013

Mr. Brian K. Hurt
Wylatti Resource Management Company, Inc.
Post Office Box 575
Covelo, California 95428

Subject: Amendment #2 of Lake or Streambed Alteration Agreement Notification No. 1600-2010-0251-R1; Gravel Mining on the Middle Fork Eel River, Mendocino County

Dear Mr. Hurt:

The Department of Fish and Wildlife (CDFW) has received your request to amend Lake or Streambed Alteration Agreement 1600-2010-0251-R1 (Agreement) and the required fee in the amount of $168.00 for a minor amendment. Your request to amend the Agreement includes: a) reinstate measures 2.24 and 2.25 in Agreement 1600-2010-0257-R1 and b) delete measures 1a, 1b and 1c in Amendment #1 for Agreement 1600-2010-0251-R1.

DFG hereby agrees to amend the agreement with the addition of the following conditions:

1. Measures 2.24 and 2.25 in Agreement 1600-2010-0251-R1 are hereby reinstated. Measures 1a, 1b, and 1c in Amendment #1 for Agreement 1600-2010-0251-R1are hereby voided.

2. Measure 2.26 in Agreement 1600-2010-0251 is hereby replaced with the following new condition: A minimum 10-foot equipment exclusion buffer, as measured from the water's edge to where equipment is positioned on the gravel bar, shall be maintained. Equipment tires and/or tracks shall not encroach into the 10-foot buffer; however equipment buckets may extend into the buffer for purposes of flattening berms, filling-in holes and forming a smooth horizontal surface that minimizes the risk of trapping fish during receding stream flows.

3. All other conditions in the Agreement remain in effect unless otherwise noted herein.

Please sign and return one copy of this letter to acknowledge the amendment. Copies of the Agreement and this amendment/extension must be readily available at project worksites and must be presented when requested by a Department representative or agency with inspection authority

If you have any questions regarding this letter, please contact Mr. Rick Macedo, Staff Environmental Scientist at (707) 928-4369 or at [redacted]

Sincerely,

Tony LaBanca
Senior Environmental Scientist
Coastal Conservation Planning

ACKNOWLEDGEMENT

I hereby agree to the above-referenced amendment.

Print Name: Mel Goodwin Date: 4/16/2013

Signature: Mel Goodwin

cc: Mr. Mel Goodwin
Wylatti Resource Management
23601 Cemetery Lane
Covelo, California 95428
[redacted]

cc: Rick Macedo, Wesley Stokes
[redacted]

CALIFORNIA DEPARTMENT OF FISH AND GAME
NORTHERN REGION
601 LOCUST STREET
REDDING, CALIFORNIA 96001

RECEIVED
SEP 2 3 2010
D. F. G. – EUREKA

LAKE OR STREAMBED ALTERATION AGREEMENT
NOTIFICATION NO. 1600-2010-0251-R1
Middle Fork Eel River
2 Encroachments

Mr. Brian K. Hurt representing Wylatti Resource Management Co., Inc.
MCKENZIE BAR GRAVEL EXTRACTION AND CABLE CREEK TEMP. CROSSING

This Lake or Streambed Alteration Agreement (Agreement) is entered into between the California Department of Fish and Game (DFG) and Mr. Brian K. Hurt (Permittee) representing Wylatti Resources Management Company, Inc.

RECITALS

WHEREAS, pursuant to Fish and Game Code (FGC) section 1602, Permittee notified DFG on June17, 2010 that Permittee intends to complete the project described herein.

WHEREAS, pursuant to FGC section 1602, DFG has determined that the project could substantially adversely affect existing fish or wildlife resources and has included measures in the Agreement necessary to protect those resources.

WHEREAS, Permittee has reviewed the Agreement and accepts its terms and conditions, including the measures to protect fish and wildlife resources.

NOW THEREFORE, Permittee agrees to complete the project in accordance with the Agreement.

PROJECT LOCATION

The project is located on Cable Creek and the Middle Fork Eel River, thence Eel River, thence the Pacific Ocean in the County of Mendocino, State of California; Section 5, Township 21N, Range 13W; Mount Diablo Base and Meridian, in the Dos Rios 7.5-minute quadrangle, U.S. Geological Survey (USGS) map.

PROJECT DESCRIPTION

The project involves two encroachments: a) extraction of up to 30,000 cubic-yards of gravel per year from the dry bar known as the McKenzie Bar and b) installation of a temporary culvert crossing on Cable Creek. No large trees will be removed as a result of the proposed project.

PROJECT IMPACTS

Existing fish or wildlife resources the project could substantially adversely affect include: steelhead (*Oncorhynchus mykiss*), Chinook salmon (*O. tshawytscha*), foothill yellow-legged frog (*Rana boylii*) and other aquatic and riparian species.

The adverse effects the project could have on the fish or wildlife resources identified above include: direct and/or incidental take, impede up- and/or down-stream migration, damage to spawning and/or rearing habitat and potential cumulative impacts.

MEASURES TO PROTECT FISH AND WILDLIFE RESOURCES

1. Administrative Measures

Permittee shall meet each administrative requirement described below.

1.1 Documentation at Project Site. Permittee shall make the Agreement, any extensions and amendments to the Agreement, and all related notification materials and California Environmental Quality Act (CEQA) documents, readily available at the project site at all times and shall be presented to DFG personnel, or personnel from another state, federal, or local agency upon request.

1.2 Providing Agreement to Persons at Project Site. Permittee shall provide copies of the Agreement and any extensions and amendments to the Agreement to all persons who will be working on the project at the project site on behalf of Permittee, including but not limited to contractors, subcontractors, inspectors, and monitors.

1.3 Notification of Conflicting Provisions. Permittee shall notify DFG if Permittee determines or learns that a provision in the Agreement might conflict with a provision imposed on the project by another local, state, or federal agency. In that event, DFG shall contact Permittee to resolve any conflict.

1.4 Project Site Entry. Permittee agrees that DFG personnel may enter the project site at any time to verify compliance with the Agreement.

2. Avoidance and Minimization Measures

To avoid or minimize adverse impacts to fish and wildlife resources identified above, Permittee shall implement each measure listed below.

2.1 Except where otherwise stipulated in this Agreement, all work shall be in accordance with the forms, work plans, conditions in Mendocino County Use

Permit No. UR 12-92/2003, maps and drawings submitted with Notification No. 1600-2010-0251, as modified or amended on August 3, 2010.

2.2 This agreement pertains to two encroachments on Cable Creek and the Middle Fork Eel River at 50510 Highway 162 (APN 035-030-39).

2.3 All work within the bed, bank and channel shall be confined to the period June 15 through October 15 of each year.

2.4 No fill material shall be placed within a stream except as specified in this Agreement.

2.5 All heavy equipment (including parts i.e.; buckets) that will be entering the channel of a watercourse shall be free of materials deleterious to aquatic life including oil, grease, hydraulic fluid, soil and other debris. Cleaning of equipment shall take place outside of the channel and prior to entering the water.

2.6 Any equipment or vehicles driven and/or operated within or adjacent to the stream channel shall be checked and maintained in a manner which prevents materials that, if introduced to water, could be deleterious to aquatic life, wildlife, or riparian habitat.

2.7 Disturbance or removal of vegetation shall not exceed the minimum necessary to complete operations. The disturbed portions of any stream channel or lake margin within the high water mark of the stream or lake shall be restored to as near their original condition as possible. Restoration shall include re-vegetation of areas stripped or exposed by project activities. Slash pack, rock, or other erosion protection suitable to DFG shall be placed in areas where vegetation cannot reasonably be expected to become reestablished.

2.8 Adequate and effective erosion and siltation control measures shall be used to prevent sediment or turbid or silt-laden water from entering streams. Where needed, the Permittee shall use native vegetation or other treatments including native slash, jute netting, straw wattles, and geotextiles to protect and stabilize soils.

2.9 All bare mineral soil exposed in conjunction with crossing construction, deconstruction, maintenance or repair, shall be treated for erosion prior to the onset of precipitation capable of generating run-off 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. Erosion control shall consist of at least 2 to 4 inches of certified weed-free straw mulch and 100 lbs/acre equivalent barley seed for native mixes. No annual (Italian) ryegrass (*Lolium multiflorum*) shall be used.

2.10 Encroachments and associated structures, fills, and other exposed soils shall be armored as needed to protect fill, abutments, and the stream channel and banks from erosion.

2.11 All large woody debris (LWD) excavated during crossing construction or deconstruction shall be used on site or at other locations throughout the property for streambed and bank stabilization or erosion control. LWD shall be sufficiently anchored or keyed-in to resist movement during high flows and placed in a manner that prevents undercutting of streambanks.

2.12 The Permittee shall provide site maintenance including, but not limited to, re-applying erosion control to minimize surface erosion and ensuring drainage structures, streambeds and banks remain sufficiently armored and/or stable.

2.13 Structures and associated materials not designed to withstand high seasonal flows shall be removed to areas above the ordinary high water mark before such flows occur or the end of the yearly work period, whichever comes first.

2.14 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 (i.e., absorbent blankets, sheet barriers or other materials) as needed to prevent soil and water contamination.

2.15 All activities performed in the field which involve the use of petroleum or oil based substances shall employ absorbent material designated for spill containment and clean up activity on site for use in case of accidental spill. Clean-up of all spills shall begin immediately. The Permittee shall immediately notify the State Office of Emergency Services at 1-800-852-7550. DFG shall be notified by the Permittee and consulted regarding clean-up procedures.

2.16 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 Waters of the State. When operations are completed, any excess materials or debris shall be removed from the work area. (Not applicable to material installed pernanently or temporarily as part of the project activities).

2.17 Upon DFG determination that turbidity/siltation levels resulting from project related activities constitute a threat to aquatic life, activities associated with the turbidity/siltation, shall be halted until effective Department approved control devices are installed, or abatement procedures are initiated.

SITE-SPECIFIC CONDITONS:

Cable Creek Stream Crossing:

2.18 The proposed temporary crossing on Cable Creek shall include a culvert or span bridge. If a temporary culvert crossing is installed, culverts and outfall structures shall be aligned with the stream with the bottom set at or slightly below the natural streambed elevation to the maximum extent feasible so as not to preclude upstream or downstream passage of aquatic animals.

2.19 In a flowing stream, temporary crossing fill shall only be composed of clean, durable, screened rock and a culvert or a combination of such rock, filter fabric, sound logs and green slash, and straw. These materials shall cause no siltation. Above this fill, a fractured rock or native soil cap may be installed to provide a compacted road surface. The cap's thickness and soil content shall not exceed the minimum necessary to provide for adequate compaction. No soil from the cap shall come in contact with the stream channel.

2.20 Approaches to temporary crossings shall be rocked, treated with native slash or weed-free straw or otherwise stabilized as needed to avoid discharging sediment.

2.21 Equipment shall not operate in a live (flowing) stream or wetted channel except as may be necessary to construct and remove in-stream structures to catch and contain water (i.e. cofferdams) to divert stream flow and isolate the work site, or as otherwise specifically provided for in this Agreement.

2.22 Where flowing water is present during operations:

a) Cofferdams shall be installed to divert stream flow and isolate and dewater the work site, and to catch any sediment-laden water and minimize sediment transport downstream. Cofferdams shall be constructed of non-polluting materials including sand bags, rock, and/or plastic tarps. Mineral soil shall not be used in the construction of cofferdams.

b) Flowing water shall be cleanly bypassed and/or prevented from entering the work area through pumping or gravity flow, and cleanly returned to the stream below the work area. Flow diversions shall be done in a manner that shall prevent pollution and/or siltation and provides flows to downstream reaches.

c) The Responsible Party shall remove any turbid water and sediment present in the work area prior to restoring water flow through the project site, and place them in a location where they cannot enter the Waters of the State.

2.23 Post-project restoration of the site shall include re-establishing the bank to its natural configuration. Sufficiently-sized rock shall be installed at the toe of both banks to minimize bank erosion during high winter flows.

Gravel Extraction:

2.24 To maintain hydraulic function of the gravel bar and the maintenance of channel confinement and pool development and overall channel complexity, the upstream-most one-quarter of the gravel bar, at minimum, shall be off-limits for gravel extraction and other disturbances. When designating the upstream-most no-extraction boundary, the entire gravel bar's length shall be measured longitudinally from the upstream-most point to the downstream-most point above the water surface elevation of the adjacent stream (i.e.,. the dry gravel bar).

2.25 Gravel extraction shall begin at minimum two feet above the low-water surface elevation of the adjacent River section and taper away from the River at two percent slope or greater. The water surface elevation measurement shall occur sometime during the permitted work window. A minimum slope of two percent, as measured from the river toward the stream bank, shall be maintained throughout the extraction area. All gravel bar areas shall be left void of pockets or holes that could trap fish during receding flows.

replaced 4.8.13

2.26 A minimum 10-foot no operations buffer shall exist from the water's edge to where equipment operations occur.

2.27 Gravel may be temporarily stockpiled in the dry stream channel during extraction. Stockpiles shall be managed to minimize water and wind erosion. All gravel stockpiles in the dry stream channel must be permanently removed by October 15.

2.28 Gravel stockpiles shall not encroach upon existing riparian vegetation or newly created riparian buffer areas. Stockpile areas shall be prevented from encroaching upon or burying riparian vegetation by k-rail or other effective measure.

3. Reporting Measures

Permittee shall meet each reporting requirement described below.

3.1 Permittee shall notify the Department, in writing, at least five (5) days prior to initiation of construction (project) activities and at least five (5) days prior to completion of construction (project) activities. Notification shall be faxed to the Department at (707) 441-2021, Attn: Rick Macedo, Staff Environmental Scientist, or via e-mail at rmacedo@dfg.ca.gov.

CONTACT INFORMATION

Any communication that Permittee or DFG submits to the other shall be in writing and any communication or documentation shall be delivered to the address below by U.S. mail, fax, or email, or to such other address as Permittee or DFG specifies by written notice to the other.

To Permittee:

Mr. Brian K. Hurt
Wylatti Resource Management Co., Inc.
Post Office Box 575
Covelo, California 95428
Office Phone: 707-489-1463
FAX: 707-983-8185
E-Mail: wylatti@willitsonline.com

To DFG:

Department of Fish and Game
Region 1
619 Second Street
Eureka, California 95501
Attn: Lake and Streambed Alteration Program – Laurie Harnsberger
Notification #1600-2010-0251-R1
Fax: 441-2021
Email: lharnsberger@dfg.ca.gov

LIABILITY

Permittee shall be solely liable for any violations of the Agreement, whether committed by Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents or contractors and subcontractors, to complete the project or any activity related to it that the Agreement authorizes.

This Agreement does not constitute DFG's endorsement of, or require Permittee to proceed with the project. The decision to proceed with the project is Permittee's alone.

SUSPENSION AND REVOCATION

DFG may suspend or revoke in its entirety the Agreement if it determines that Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, is not in compliance with the Agreement.

Before DFG suspends or revokes the Agreement, it shall provide Permittee written notice by certified or registered mail that it intends to suspend or revoke. The notice shall state the reason(s) for the proposed suspension or revocation, provide Permittee an opportunity to correct any deficiency before DFG suspends or revokes the Agreement, and include instructions to Permittee, if necessary, including but not limited to a directive to immediately cease the specific activity or activities that caused DFG to issue the notice.

ENFORCEMENT

Nothing in the Agreement precludes DFG from pursuing an enforcement action against Permittee instead of, or in addition to, suspending or revoking the Agreement.

Nothing in the Agreement limits or otherwise affects DFG's enforcement authority or that of its enforcement personnel.

OTHER LEGAL OBLIGATIONS

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from obtaining any other permits or authorizations that might be required under other federal, state, or local laws or regulations before beginning the project or an activity related to it.

This Agreement does not relieve Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, from complying with other applicable statutes in the FGC including, but not limited to, FGC sections 2050 et seq. (threatened and endangered species), 3503 (bird nests and eggs), 3503.5 (birds of prey), 5650 (water pollution), 5652 (refuse disposal into water), 5901 (fish passage), 5937 (sufficient water for fish), and 5948 (obstruction of stream).

Nothing in the Agreement authorizes Permittee or any person acting on behalf of Permittee, including its officers, employees, representatives, agents, or contractors and subcontractors, to trespass.

AMENDMENT

DFG may amend the Agreement at any time during its term if DFG determines the amendment is necessary to protect an existing fish or wildlife resource.

Permittee may amend the Agreement at any time during its term, provided the amendment is mutually agreed to in writing by DFG and Permittee. To request an amendment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the

corresponding amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

TRANSFER AND ASSIGNMENT

This Agreement may not be transferred or assigned to another entity, and any purported transfer or assignment of the Agreement to another entity shall not be valid or effective, unless the transfer or assignment is requested by Permittee in writing, as specified below, and thereafter DFG approves the transfer or assignment in writing.

The transfer or assignment of the Agreement to another entity shall constitute a minor amendment, and therefore to request a transfer or assignment, Permittee shall submit to DFG a completed DFG "Request to Amend Lake or Streambed Alteration" form and include with the completed form payment of the minor amendment fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5).

EXTENSIONS

In accordance with FGC section 1605(b), Permittee may request one extension of the Agreement, provided the request is made prior to the expiration of the Agreement's term. To request an extension, Permittee shall submit to DFG a completed DFG "Request to Extend Lake or Streambed Alteration" form and include with the completed form payment of the extension fee identified in DFG's current fee schedule (see Cal. Code Regs., tit. 14, § 699.5). DFG shall process the extension request in accordance with FGC 1605(b) through (e).

If Permittee fails to submit a request to extend the Agreement prior to its expiration, Permittee must submit a new notification and notification fee before beginning or continuing the project the Agreement covers (Fish & G. Code, § 1605, subd. (f)).

EFFECTIVE DATE

The Agreement becomes effective on the date of DFG's signature, which shall be: 1) after Permittee's signature; 2) after DFG complies with all applicable requirements under the California Environmental Quality Act (CEQA); and 3) after payment of the applicable FGC section 711.4 filing fee listed at http://www.dfg.ca.gov/habcon/ceqa/ceqa_changes.html.

TERM

This Agreement shall expire five years after the date the Agreement is fully executed, unless it is terminated or extended before then. All provisions in the Agreement shall remain in force throughout its term. Permittee shall remain responsible for implementing any provisions specified herein to protect fish and wildlife resources after the Agreement expires or is terminated, as FGC section 1605(a)(2) requires.

EXHIBITS

None

AUTHORITY

If the person signing the Agreement (signatory) is doing so as a representative of Permittee, the signatory hereby acknowledges that he or she is doing so on Permittee's behalf and represents and warrants that he or she has the authority to legally bind Permittee to the provisions herein.

AUTHORIZATION

This Agreement authorizes only the project described herein. If Permittee begins or completes a project different from the project the Agreement authorizes, Permittee may be subject to civil or criminal prosecution for failing to notify DFG in accordance with FGC section 1602.

CONCURRENCE

The undersigned accepts and agrees to comply with all provisions contained herein.

FOR BRIAN K. HURT

Wylatti Resource Management Co., Inc.

Name Brian K Hurt
Title President

9/21/10
Date

FOR DEPARTMENT OF FISH AND GAME

William Condon
Name
Acting Environmental Program Manager

9/28/10
Date

Prepared by: Rick Macedo
Staff Environmental Scientist
9-16-10

California Regional Water Quality Control Board
North Coast Region
Geoffrey M. Hales, Chairman

www.waterboards.ca.gov/northcoast
5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403
Phone: (877) 721-9203 (toll free) • Office: (707) 576-2220 • FAX: (707) 523-0135

Linda S. Adams
Acting Secretary for Environmental Protection

Edmund G. Brown, Jr.,
Governor

June 2, 2011

In the Matter of

Water Quality Certification

for the

GARMAN PROPERTY – MIDDLE FORK EEL RIVER AGGREGATE EXTRACTION AT MCKENZIE BAR
WDID No. 1B11008WNME

APPLICANT:	Bud and Sharon Garman
RECEIVING WATER:	Cable Creek and Middle Fork Eel River
HYDROLOGIC UNIT:	Eden Valley Hydrologic Subarea No. 111.71
COUNTY:	Mendocino
FILE NAME:	Garman, Bud & Sharon – McKenzie Bar Gravel Extraction, Middle Fork Eel River

BY THE EXECUTIVE OFFICER:

1. On January 19, 2011, Bud and Sharon Garman (collectively Applicant) filed an application for water quality certification (certification) under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with gravel (river-run aggregate) extraction operations on the Middle Fork River at the McKenzie Bar near Dos Rios. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on May 3, 2011, and posted information describing the project on the Regional Water Board's website. We did not receive any public comments on this project.

2. The Applicant's aggregate extraction operations (project) are located on the Middle Fork Eel River approximately one-mile east of Dos Rios near the confluence of Cable Creek. Aggregate extraction operations within this reach of the Middle Fork Eel River have been ongoing since at least 1976. The total area of gravel bar that is affected by the Applicant's aggregate extraction activities covers approximately 4.6 acres. The area affected by project activities is relatively free of riparian vegetation due to frequent scouring by high river flows.

3. The Applicant's extraction activities involve annual extraction of up to 30,000 cubic yards of river-run aggregate. The actual amount of aggregate extracted each year is based on an annual site-specific evaluation of the gravel bar conditions and seasonal aggregate replenishment. Aggregate removal activities are expected to continue annually following authorization by other local, state, and federal permits.

4. The Applicant may use a variety of heavy equipment including dozers, excavators, front-end loaders, scrapers, and dump trucks to remove the aggregate material from gravel bars and to transport the material to offsite stockpile areas. Up to 8,000 cubic yards may be stockpiled at an adjacent upland area along Highway 162. The project does not include any onsite aggregate processing activities.

5. A temporary culverted stream crossing is typically installed in Cable Creek to provide access to the extraction area. After the Applicant has removed the aggregate to the approved extraction design lines and grades, the Applicant is required to re-grade the extraction area as necessary to leave no depressions or berms that may potentially trap fish or cause impacts to surrounding habitats. When the final surfaces of the site are graded for seasonal reclamation, the Applicant may remove the temporary crossing and leave the bank-full channel area to the natural reclamation process, which occurs during the high flow events of the following winter. The aggregate extraction activities shall be confined to the period of July 15 to October 15.

6. On March 4, 2004, the County of Mendocino, as the lead California Environmental Quality Act agency, approved a use permit renewal and certified a Mitigated Negative Declaration for the Applicant's aggregate extraction operations. The Regional Water Board has considered the environmental document and any proposed changes incorporated into the project or required as a condition of approval to avoid significant effects to the environment. The Applicant is required to implement mitigation and impact avoidance measures during the aggregate extraction processes including: maintaining vertical and horizontal offset from the live channel to ensure low-flow channel confinement; maintaining sufficient water depth for fish, minimizing impacts to water quality and riparian vegetation; limiting aggregate extraction activities to the period of July 15 to October 15; and, annual cross-sectional measurements are required in order to maintain and monitor a sustained yield method of aggregate extraction.

7. The Applicant has applied for authorization from the United States Army Corps of Engineers to perform the project under Individual Permit, pursuant to Clean Water Act, section 404. The Applicant has obtained a Lake or Streambed Alteration Agreement (1600-2010-0251-R1) from the California Department of Fish and Game (DFG). DFG determined that the project will not have a significant effect on the environment and filed a Notice of Determination (SCH No. 2010109003) on October 4, 2010.

8. The Middle Fork Eel River Technical Total Maximum Daily Loads (TMDL) for sediment and temperature was established in 2003 by the United States Environmental Protection Agency in accordance with section 303(d) of the Clean Water Act, because the State of California determined that the water quality standards for the Middle Fork Eel River are exceeded due to excessive sediment and temperature. Roads and bank erosion are identified as sources contributing to the sediment impairment. In addition, activities that impact the riparian zone and reduce riparian vegetation are identified as sources contributing to increased stream temperatures. The primary adverse impacts associated with excessive temperature and sediment in the Middle Fork Eel River pertain to cold freshwater habitat, primarily anadromous salmonid habitat. Activities authorized by this certification will require implementation of Best Management Practices (BMPs) for sediment and turbidity control at temporary stream crossings and implementation of impact avoidance measures as described above. Accordingly, the project is consistent with, and implements portions of the Middle Fork Eel River TMDL.

9. The Middle Fork Eel River from the boundary between Sections 4 and 5, T21N/R13W, to the confluence with the main Eel River at Dos Rios is designated as a recreational reach under both federal and California Wild and Scenic Rivers Acts. These acts require preservation of the river's free-flowing condition; anadromous and resident fisheries; and outstanding geologic, wildlife, flora and fauna, historic and cultural, visual, recreational, and water quality values. Recreational segments are generally developed, with parallel roads, bridges, and structures. All activities normally associated with public lands are permitted subject to the protection of free flowing conditions and outstanding values. Implementation of the Applicant's aggregate extraction operations would not affect the free-flowing condition of the Eel River and would not affect the extraordinary values for which the segment was listed.

10. The federal antidegradation policy requires that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified based on specific findings. The Regional Water Board's Basin Plan implements, and incorporates by reference, both the State and federal antidegradation policies. This Order is consistent with applicable federal and State antidegradation policies, as it does not authorize the discharge of increased concentrations of pollutants or increased volumes of treated wastewater.

11. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill

Discharges That Have Received State Water Quality Certification," which requires compliance with all conditions of this water quality certification.

Receiving Water:	Middle Fork Eel River in the Eden Valley Hydrologic Subarea No. 111.71
Filled or Excavated Area:	Area Temporarily Impacted: 4.6 acres of stream channel Area Permanently Impacted: None
Total Linear Impacts:	Length Temporarily Impacted: None Length Permanently Impacted: None
Dredge Volume:	None
Latitude/Longitude:	39.7088 N/123.3374 W

Accordingly, based on its independent review of the record, the Regional Water Board certifies that the Bud and Sharon Garman, Middle Fork Eel River Gravel Extraction Operations at McKenzie Bar Project (WDID No. 1B11008WNME), as described in the application, will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that the Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.

2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.

3. This certification is conditioned upon total payment of any fee required under title 23, California Code of Regulations, section 2200, and owed by the Applicant.

4. A base fee has already been paid and no additional base fee is required during the term of this Order. Prior to initiating any aggregate mining project, the Applicant shall submit a volume based fee in an amount determined in accordance with the fee schedule contained in California Code of Regulations, Division 3, Chapter 9, Article 1, section 2200(a)(3). The volume based fee payment (check payable to the State Water Resources Control Board) shall be accompanied by a transmittal letter

that includes the WDID Number for this Order, the applicable aggregate mining season (year), the volume of aggregate that will be removed during the applicable aggregate mining season, and the volume of aggregate that was mined during the previous aggregate mining season. If/when the actual volume of aggregate mined is less than the amount the Applicant used to calculate the previously paid fee; a corresponding fee credit shall be applied to the total fee that is owed prior to additional mining during the following aggregate mining season or mining event. If/when the actual volume of aggregate mined was more than the amount the Applicant used to calculate the previously paid fee; a corresponding fee debit shall be applied to the fees that are owed prior to additional mining during the following aggregate mining season or mining event. Any fee debit amounts owed from a completed mining event shall be added to the applicable fee balance and included with the annual fee for the following season or mining event. If/when an Applicant owes additional fees for aggregate that has already been mined, and mining will not occur during the following mining season, the Applicant shall submit by August 1 of the following year, a transmittal letter indicating that no extraction will occur during the identified extraction season and the balance owed to cover any fee debit that resulted following the previous mining event. Failure to submit the applicable fee and any additional fee (debit fee) prior to the start of any subsequent aggregate mining activities is a violation of this Order.

5. The Regional Water Board shall be notified annually at least five working days (working days are Monday – Friday) prior to the commencement of ground disturbing activities, with details regarding the schedule for aggregate mining activities, in order to allow staff to be present onsite during gravel extraction operations, and to answer any public inquiries that may arise regarding the project.

6. Discharges shall not cause or threaten to cause pollution, contamination, or nuisance as defined in CWC Section 13050.

7. Discharges shall not adversely impact human health or the environment or the beneficial uses of water set out in the Basin Plan.

8. Discharges are authorized only where they do not cause or contribute to a violation or exceedence of applicable water quality standards, prohibitions, or policies in the Basin Plan, and are controlled through implementation of appropriate design and management measures for prevention and minimization of waste discharges.

9. Discharge of process wastewater or solids from aggregate washing activities to surface waters is prohibited.

10. Activities shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels.

11. The activities shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.

12. Fueling, lubrication, maintenance, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to surface waters or ground water. At no time shall the discharger use vehicles or equipment that leaks any substance that might impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of the bed, channel, and bank of any waters of the State.

13. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State. When operations are completed, any excess material or debris shall be removed from the work area.

14. Permanent haul roads shall follow existing routes to the extent possible. Temporary haul roads shall avoid sensitive areas such as wetlands and riparian vegetation to the extent possible.

15. BMPs for sediment and turbidity control shall be implemented and in place prior to and during each season's extraction activities, and as necessary after extraction activities are completed each season in order to ensure that no silt or sediment enters surface waters.

16. Upon completion of annual aggregate extraction activities, the gravel bar shall be left in a condition that is free-draining and free of depressions in order to reduce impacts to fish and wildlife species, unless a different configuration of the gravel bar is authorized by the ACOE.

17. All activities and BMPs shall be implemented according to the submitted application and the conditions in this certification.

18. A copy of this Order and the application documents submitted by the Applicant for this certification shall be provided to all contractors and subcontractors conducting the work, and shall be in their possession at the work site.

19. All project work shall be conducted as described in this Order and in the application submitted by the Applicant. If the Regional Water Board is not notified of a significant alteration to the project, it will be considered a violation of this Order, and the Applicant may be subject to Regional Water Board enforcement actions.

20. Prior to implementing any change to the project that may have a significant or material effect on the findings, conclusions, or conditions of this Order, the Applicant shall obtain the written approval of the Regional Water Board Executive Officer.

21. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.

22. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted and approved pursuant to the Porter-Cologne Water Quality Control Act or Section 303 of the Clean Water Act.

23. The Applicant shall provide Regional Water Board staff access to the project site to document compliance with this certification.

24. In the event of any violation or threatened violation of the conditions of this certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this certification. In response to a suspected violation of any condition of this certification, the Regional Water Board may require the holder of any federal permit or license subject to this certification to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this certification, the Regional Water Board may add to or modify the conditions of this certification as appropriate to ensure compliance.

25. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board at the above address.

    To discharge dredged or fill material under this Order, the successor-in-interest must send to the Regional Water Board Executive Officer a written request for transfer of the Order. The request must contain the requesting entity's full legal name, the state of incorporation if a corporation, and the address and telephone number of the person(s) responsible for contact with the Regional Water Board. The request must

also describe any changes to the project proposed by the successor-in-interest or confirm that the successor-in-interest intends to implement the project as described in this Order.

26. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited to and all proposed mitigation being completed in strict compliance with the Applicant's project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Region (Basin Plan).

27. The authorization of this certification for any dredge and fill activities expires on November 15, 2015. Conditions and monitoring requirements outlined in this certification are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

If you have any questions or comments please call Dean Prat at (707) 576-2801.

for Catherine Kuhlman
Executive Officer

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Original to: Bud and Sharon Garman, 389 N Main Street, Willits, CA 95490

cc: Mr. Brian Hurt, Wylatty Resource Management, P.O. Box 575, Covelo, CA 95428

Electronic Copies to: U.S. Army Corps of Engineers, District Engineer, 601 Startare Drive, Box 14, Eureka, CA 95501
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions, 1455 Market Street, San Francisco, CA 94103-1398

DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS
1455 MARKET STREET
SAN FRANCISCO, CALIFORNIA 94103-1398

REPLY TO
ATTENTION OF

SEP 27 2011

Regulatory Division

SUBJECT: File Number 2011-00037N

Mr. Brian K. Hurt
Wylatti Resource Management
P.O. Box 575
Covelo, California 95428

Dear Mr. Hurt:

This letter is written in response to your submittal of January 18, 2011, and revised plan specifications, submitted via email on September 12, 2011, on behalf of Bud and Sharon Garman, concerning Department of the Army authorization to excavate up to approximately 30,000 cubic yards (CY), likely four to five thousand CY this 2011 season, from the Middle Fork Eel River, jurisdictional waters of the U.S., for the purpose of the McKenzie Bar Gravel Excavation project, located approximately 400 feet downstream of the confluence with Cable Creek, adjacent to 51050 State Highway 162, Dos Rios, Mendocino County, California (APN: 035-030-39, Lat: 39.711 N, Lon: 123.342 W).

Construction details consist of dry river bar gravel excavation below Cable Creek, 1 foot (ft) above the wetted stream channel, below the plane of the ordinary high water mark, to mine gravel for commercial use. The NMFS improved design includes a much larger head-of-bar buffer and an alcove shaped excavation at the downstream end of the bar in a denuded area minimizing the need for the removal of vegetation. Willow removal will be limited to one or two trees distant enough from the water so as not to have any effect on shading or temperature. Up to 30,000 cubic yards may be mined over a six (6) day period in the summer, prior to the onset of winter storm events (by October 15), when water levels are lowest and the bar is dry. A 40 ft buffer will be established from the wetted stream channel, except at the downstream end of the channel to facilitate draining of the excavation area. A temporary culvert crossing on Cable Creek would be installed for truck access. A 12-inch culvert pipe and gravel would be placed temporarily in the creek bed, approximately 12ft wide x 20ft long, and hay bales would be used to prevent sedimentation. Project construction would be performed in general accordance with the drawings titled, "Mackenzie Bar Survey, Pre Extraction Survey Aerial Exhibit," sheet C-1, dated September 5, 2011, with plan overlay and associated cross sections.

Enclosed is a map showing the extent and location of waters of the U.S., labeled "Preliminary Jurisdictional Determination, McKenzie Bar Gravel Excavation, File Number 2011-00037N," initialed and dated September 26, 2011. We have based this preliminary jurisdictional determination on the current conditions on the site. A change in those conditions may also change the extent of our jurisdiction. This preliminary jurisdictional determination issued

pursuant to the Regulatory Guidance Letter, RGL 08-02, can be used only to determine that wetlands or other water bodies that exist on your project site may be jurisdictional waters of the United States under Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

Based on a review of the information you submitted your project qualifies for authorization under Department of the Army Nationwide Permit (NWP) 44 for *Mining Activities* (72 Fed. Reg. 11,092; Mar. 12, 2007), pursuant to Section 404 of the Clean Water Act (33 U.S.C. Section 1344). See Enclosure 1.

The project must be in compliance with the General Conditions cited in Enclosure 2 for this Nationwide Permit authorization to remain valid. Non-compliance with any condition could result in the suspension, modification or revocation of the authorization for your project, thereby requiring you to obtain an Individual Permit from the Corps. This Nationwide Permit authorization does not obviate the need to obtain other State or local approvals required by law.

This verification is valid until the NWP is modified, reissued, or revoked. All of the existing NWPs are scheduled to be modified, reissued, or revoked prior to March 18, 2012. It is incumbent upon you to remain informed of changes to the NWPs. We will issue a public notice when the NWPs are reissued. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have twelve (12) months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Upon completion of the project and all associated mitigation requirements, you shall sign and return the Certification of Compliance, Enclosure 3, verifying that you have complied with the terms and conditions of the permit.

This authorization will not be effective until you have obtained a Section 401 water quality certification from the North Coast Regional Water Quality Control Board (RWQCB). If the RWQCB fails to act on a valid request for certification within two (2) months after receipt of a complete application, the Corps will presume a waiver of water quality certification has been obtained. You shall submit a copy of the certification to the Corps prior to the commencement of work.

To ensure compliance with this Nationwide Permit authorization, the following special conditions shall be implemented:

1. Nationwide Permit General Condition 17 (see Enclosure 2) stipulates that project authorization under a nationwide permit does not allow for the incidental take of any federally-listed species in the absences of a biological opinion with incidental take provisions. As the principal federal lead agency for this project, the Corps initiated informal consultation with the National Marine Fisheries Service (NMFS) to address

project related impacts to listed species, pursuant to Section 7(a) of the Endangered Species Act of 1873, as amended (16 U.S.C. Section 1531 *et seq.*). By letter of September 21, 2011 (Enclosure 4), NMFS concurred with the determination that the project is not likely to adversely affect Northern California steelhead DPS, Central Valley steelhead DPS, Southern Oregon/Northern California Coasts coho salmon ESU, California Coastal Chinook salmon ESU, nor designated critical habitat or Essential Fish Habitat beyond a minimal nature. This concurrence was premised, in part, on project work restrictions outlined in the enclosed NMFS response letter. Those restrictions are incorporated as special conditions to the Nationwide Permit authorization, in addition to those below, for your project to ensure that unauthorized incidental take of species and loss of critical habitat does not occur.

2. All temporary impacts shall be restored at least to preconstruction condition, and only native riparian species may be used for replanting.

3. Authorization under this Corps permit is conditional upon your adherence to the project description and plans as submitted. Deviation from this may be interpreted as a violation of the permit. Please contact the Corps if there are any modifications to the project.

4. No fill impacts other than the temporary culvert are authorized by this nationwide permit. Maintenance and debris clearance must not involve the placement of "fill material," defined as "any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body" (33 CFR 323.2(e)).

5. If any additional federally protected species are found, work in habitat supporting the species shall not continue until the Corps completes consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries pursuant to Section 7 of the Endangered Species Act, as amended. The Corps shall notify the applicant, in writing when work may commence.

6. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

7. Construction fencing or flagging shall be used to keep construction crews and equipment from straying outside the specified project area.

8. All work occurring below the plane of ordinary high water of the affected creek should be confined to the low-flow period of June 15 to October 15 to minimize downstream sedimentation and to avoid the principal migratory period for threatened steelhead.

9. No stream relocation or dewatering shall be permitted unless Nationwide Permit 33 authorization from the Corps is obtained.

10. Any construction debris entering waters of the United States shall be immediately removed. All material and debris generated during project construction shall be hauled off-site and disposed of at a suitable upland location.

11. All staging, maintenance, and storage of construction equipment shall be performed in a manner to preclude any direct or indirect discharge of fuel, oil, or other petroleum products into waters of the United States.

12. All construction work shall incorporate appropriate best management practices (BMPs); including the implementation of erosion and sedimentation control strategies to prevent sediment from entering waters of the United States.

Should you have any questions regarding this matter, please call Justin Yee of our Regulatory Division at (415) 503-6788, or email Justin.J.Yee@usace.army.mil. Please address all correspondence to the Regulatory Division and refer to the File Number at the head of this letter. If you would like to provide comments on our permit review process, please complete the Customer Survey Form available through the Forms and Contacts Block on our website: www.spn.usace.army.mil/regulatory/

Sincerely,

for Jane M. Hicks
Chief, Regulatory Division

Enclosures

Copies furnished (w/o enclosures):

US NMFS, Tom Daugherty, Santa Rosa, CA
CA DFG, Rick Macedo, Yountville, CA
CA RWQCB, Santa Rosa, CA

ATTACHMENT G:

END USE NOTIFICATION

GEORGE C. RAU, P.E.
PRESIDENT

RAU AND ASSOCIATES INC.
CIVIL ENGINEERS • LAND SURVEYORS

February 13, 2015

Brian Hurt, CEO
Wylatti Resource Management, Inc. (Operator)
P.O. Box 575
Covelo, CA 95428

Job Number R14012

RE: RECLAMATION PLAN END USES FOR THE MCKENZIE BAR; PORTION OF APN 035-030-39; STATE MINE ID # 91-23-0033

Dear Mr. Hurt:

Attached is Mining and Reclamation Plan for the McKenzie Bar located at 50510 Covelo Road. The Reclamation Plan goals are to reestablish the Quarry with an end use of "Riverbed-Gravel Bar Replenishment".

The State Mining and Reclamation Act (SMARA) regulations require that the end use be acknowledged by the property owners and the mine operator. Please sign this letter as an acknowledgement that you have been notified of the end use. If you have any questions regarding these plans or this acknowledgement, please feel free to contact me at the above number.

Thank you for your assistance.

Very truly yours,

George C. Rau

George C. Rau

I, as the representative of the operator with responsibilities in the property being reclaimed under SMARA for the McKenzie Bar located on a portion of APN 035-030-39, have been duly notified of the end uses for this facility, as noted above.

2-18-15

Brian K. Hurt, CEO
Wylatti Resource Management, Inc. Date

GEORGE C. RAU, P.E.
PRESIDENT

RAU AND ASSOCIATES INC.
CIVIL ENGINEERS - LAND SURVEYORS

March 4, 2015

Garman Family Land Company LLC
389 North Main Street
Willits, CA 95590

Job Number R14012

RE: RECLAMATION PLAN APPLICATION FOR MCKENZIE BAR NEAR DOS RIOS; PORTION OF APN 035-030-39; 50510 COVELO ROAD, DOS RIOS; STATE MINE ID # 91-23-0033

Dear Garman Family Land Company:

Enclosed please find an acknowledgement for property owners to sign stating that they understand the end use of the quarry. For the McKenzie Bar it will be "River-Bed Gravel Bar Replenishment". The attached plan shows the general mining configuration, which is very similar to the mining configuration in the past. It is established to capture sediment as the river rises seasonally after each mining incident.

The State Mining and Reclamation Act (SMARA) regulations require that the end use be acknowledged by the property owners. Please sign this letter as an acknowledgement that you have been notified of the end use. If you have any questions regarding these plans or this acknowledgement, please feel free to contact me at (707) 462-6536.

Thank you for your assistance.

Very truly yours,

George C. Rau

George C. Rau

As the owners of the property being reclaimed under SMARA for the McKenzie Bar located on a portion of APN 035-030-39, we have been duly notified of the end uses for this facility, as noted above.
Garman Family Land Company, LLC

Sharon Ann Garman 03-09-2015

Beda Garman Date

Beda Garman

ATTACHMENT H:

MONITORING FORMS

APPENDIX I
SAMPLE MONITORING FORMS

EROSION AND SEDIMENTATION MONITORING
(Note location of problem areas on a site map)

NAME _____ DATE _____

SITE # _____ PHASE _____

DESCRIPTION OF LOCATION _____

_____

INLET PROTECTION

_____ Installed _____ Operating correctly _____ Needs repair

Comments: _____

_____

CHECK DAMS and WATER BARS

_____ Installed _____ Operating correctly _____ Additional dams/bars

_____ Undermined _____ Short circuited _____ Blown out

_____ Remove sediment

Comments: _____

_____

DRAINAGE SWALES

_____ Installed _____ Operating correctly _____ Undermined

_____ Short circuited _____ Blown out _____ Remove sediment

Comments: _____

_____

SURFACE MULCH (NATIVE OR STRAW)

_____ Type _____ Operating correctly _____ Additional mulch req'd

Comments: _____

_____

SLOPE INSTABILITY

_____ Pre-existing _____ Evidence of sliding/failure cracks

Comments: _____

_____

SURFACE EROSION

_____ Sheet _____ Piled debris _____ Rilling

_____ Gully (2-6") _____ Large Gully (6"+)

Comments: _____

_____

QUALITATIVE DESCRIPTIONS OF SOIL SURFACE STATUS (Table A-1)

_____ Size of area _____ Score

Comments: _____

_____

TABLE A-1
QUALITATIVE DESCRIPTIONS OF SOIL SURFACE STATUS

CLASS 1: No soil loss or erosion; topsoil layer intact, well-dispersed accumulation of litter from past year's growth plus smaller amounts of older litter.

CLASS 2: Soil movement slight and difficult to recognize; small deposits of soil in form of fans or cones at end of small gullies or fills, or as accumulations back of plant crowns or behind litter, litter not well dispersed or no accumulation from past year's growth obvious.

CLASS 3: Soil movement or loss more noticeable; topsoil loss evident, with some plants on pedestals or in hummocks; rill marks evident, poorly dispersed litter and bare spots not protected by litter.

CLASS 4: Soil movement and loss readily recognizable; topsoil remnants with vertical sides and exposed plant roots, roots frequently exposed, litter in relatively small amounts and washed into erosion protected patches.

CLASS 5: Advanced erosion; active gullies, steep sidewalls on active gullies; well-developed erosion pavement on gravelly soils, litter mostly washed away.

Stoddart et al. 1975

VEGETATION MONITORING, SAMPLE DATA SHEET

Name _____ Date _____ Site # _____

Plot Size _____ Plot Number _____ Photo # _____

Treatment Received (i.e., type of mulch, resoiled?) _____

Plot Data: Total Plant Cover _____ Percent Bare Ground _____

Percent Litter _____ Percent Exposed Gravel or Cobble _____

Taxa:

Shrubs	Percent Cover	Number (density)	Height/Vigor

Herbs	Percent Cover	Number (density)	Height/Vigor

Notes:

ATTACHMENT I:

FINANCIAL ASSURANCES ESTIMATES

Financial Assurance Cost Estimate

McKenzie Bar – Gravel Extraction

Dos Rios, Mendocino County, CA

CA Mine ID# 91-23-0033
Reclamation Plan #xx xx-xx/xxx

Prepared By:

RAU AND ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS
100 NORTH PINE STREET - P.O. BOX M - UKIAH, CA 95482 - (707) 462-6536

Job No. R14012

Revised: February, 2015

I. PRIMARY RECLAMATION ACTIVITIES

Description of Task: Reclamation after each Extraction will include the following;

The extraction process is done to rough grade using an excavator and grade setter in order to remain in compliance with the resource agency permits, so only minor grading is required at the end of the extraction process. One half-day of final grading of the extraction area after extraction takes place, using a D-5 dozer, which is already onsite for the extraction operation. The most frequent interval when the bar will be reclaimed will be once each year. There will likely be some years when there is not enough gravel to warrant the expense of mining, or the economy will not be suitable for this one day activity.

One half-day of winterizing the access road, installing water diversion berms, removing the temporary culvert at Cable Creek and seeding and mulching disturbed areas on the access road will be done once each year at the most frequent interval. The winterizing will take place along the full length of the access road from Cable Creek to the edge of the paved approach at SH 162. The dozer and three laborers with a pickup and trailer for hauling straw mulch are required.

The access road is bermed on the outside and is drained at 40 to 50 foot intervals by installing earth berms across the road to collect the runoff at each segment of access road and discharging the runoff collected at each cross- berm through the side-berm and onto the slope where the amount of water is small enough to dissipate without causing any erosion.

At the top, where runoff tends to accumulate from rainfall on the paved access, straw bales are placed in a line to capture the runoff and divert it over the side before it can become concentrated into a stream. By capturing a significant part of the runoff and diverting it while the velocity is still low on the relatively flat road approach to the State Highway, it prevents erosion from occurring at the first earth berm diversion.

After completion of the diversion berms, the whole roadbed and berms are seeded and straw mulched for soil stabilization. This method has been used during three or four extractions and has functioned as planned with a vigorous growth of grass occurring and stabilizing the soil.

For the final reclamation, the same procedure will be followed. The access road will be abandoned in place. Drainage will function over the long term without erosion with the diversion berms installed and with the whole roadbed seeded and mulched. This has been demonstrated in the past when the bar has been inactive for a number of years between extractions. The final reclamation will require monitoring and reporting of the success of the vegetation coverage, as well as weed maintenance of the planted areas to assure that the success criteria are met.

In Staging Area #1, the area is surfaced with gravel and has been stable for decades. A gravel berm is left in place around the edge of the staging area where storm-water drains and ponds temporarily before dissipating through the gravel to sheet flow slowly away. The gravel berm has been in place for many years and functions as planned without maintenance.

In Staging Area #2, the roadbed is surfaced with gravel and the slope is approximately 5%. The road portion is cross-sloped to sheet flow onto the flat area where staging takes place. The flat staging area is approximately 200 feet by 30 feet and slopes at approximately 5% to 10%. It is seeded and straw mulched each year that extraction takes place in the same manner as the access road is done.

	Reclamation Activities	Methods	Production Rate	Size of Task
1.	Grade and shape extraction area	Dozer	3 acre/day	1.5 acres
2.	Winterize access road	Excavator, labor	1500 lf/day	500 lf
3.	Seed and Mulch Disturbed Areas	Pickup w/trailer, labor	1 acre/day	1/3 acre

A. Equipment

	Item	Quantity	$/hour	Total $/hour	Total Hours	Total Cost
1	Cat D5C Dozer	1	$54.52	$54.52	4	$218.08
2	Cat 320 Excavator	1	$86.48	$86.48	4	$345.92
3	3/4 Ton P/U with Trailer	1	$27.33	$27.33	8	$218.64
Total Equipment Cost (rounded to nearest $1)						**$783**

B. Labor

	Laborer	Quantity	$/hour	Total $/hour	Total Hours	Total Cost
1	Dozer Operator	1	$84.57	$84.57	4	$338.28
2	Excavator Operator	1	$88.86	$88.86	4	$355.44
3	Laborer	3	$47.27	$141.81	8	$1,134.48
Total Labor Cost (rounded to nearest $1)						**$1,828**

C. Materials

	Item	Quantity	Unit	Unit Cost	Total Cost
1	Quick Cover Mix	50	lbs	$1.62	$81.00
2	Straw Mulch	30	bales	$10.00	$300.00
Total Materials Cost (rounded to nearest $1)					**$381**

Quick Cover Erosion Control Mix consists of 50% Tetraploid Annual Ryegrass, 20% Blando Brome, 25% Crimson Clover, and 5% Rose Clover.

D. Direct Cost for Primary Reclamation Activities

Equipment Cost + Labor Cost + Materials Cost = **$ 2,992**

II. PLANT STRUCTURES AND EQUIPMENT REMOVAL

Description of Task: No equipment to dismantle.

Methods to be Used: Not applicable.

A. Equipment

	Item	Quantity	$/hour	Total $/hour	Total Hours	Total Cost
1	Low Bed Transport	1	$58.67	$58.67	8	$469.36
Total Equipment Cost for this Task (rounded to nearest $1):						**$469**

B. Labor

	Laborer	Quantity	$/hour	Total $/hour	Total Hours	Total Cost
1	Low Bed Driver	1	$54.07	$54.07	32	$1,730.24
Total Labor Cost for this Task (rounded to nearest $1):						**$1,730**

C. Direct Cost for this Task:

Equipment Cost + Labor Cost = **$2,199**

III. MAINTENANCE & MONITORING

Description of Task: No vegetation monitoring is required.

	Item	$/Hr	Hrs/Year	# Years	Total Hours	Total Cost
1	Restoration Ecologist/ Botanist	$85.00	10	3	30	$2,550
Total Monitoring Cost (rounded to nearest $1):						**$2,550**

IV. SUMMARY OF COSTS

Total of all Primary Reclamation Activities Costs	$2,992
Total of all Plant Structures & Equipment Removal Costs	$2,199
Total of all Monitoring Costs	$2,550
Total of Direct Costs	**$7,741**
Supervision (5%)	$387
Profit and Overhead (10%)	$774
Contingencies (10%)	$774
Mobilization (5%)	$387
Total of Indirect Costs	**$2,322**
Total of Direct Costs + Indirect Costs	**$10,063**
County Administration Fee (10%)	$1,006
Total Estimated Reclamation Costs (Direct Costs + Indirect Costs + Admin)	**$11,070**

Sources:

1. *California Department of Transportation Division of Construction, "Labor Surcharge and Equipment Rental Rates," Effective April 1, 2014 through March 31, 2015.*
2. *General Prevailing Wage Determination Made By The Director Of Industrial Relations Pursuant To California Labor Code, Issue Date August 22, 2014.*

ATTACHMENT J:

RECLAMATION PLAN CERTIFICATION

RECLAMATION PLAN CERTIFICATIONS

Monitoring

Pursuant to CCR Section 2273 (a), the success of reclamation will be monitored for three years, or until performance standards are met, provided that, during the last two years, there has been no human intervention, including, for example, irrigation, fertilization, or weeding. Remedial measures will be implemented as necessary to achieve the performance standards.

LEAD AGENCY CERTIFICATION

I, the undersigned, hereby certify that this reclamation plan complies with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of the Division 2 of Title 14 of the California Code of Regulations, and with the requirements of the Surface Mining and Reclamation Act, Sections 2710 et seq.

Signed this _____day of _____, 20__

_____
Planning Director

STATEMENT OF RESPONSIBILITIES

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of the Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act, Sections 2710 et seq. and with modifications requested by the administering agency as conditions of approval.

Signed this _____day of _____, 20__

_____
Mine Operator or Operator's Agent

ATTACHMENT K:

SMARA CHECKLIST

SURFACE MINING AND RECLAMATION ACT OF 1975
ARTICLE 1. GENERAL PROVISIONS. SECTION 2710 et seq.
ARTICLE 2. DEFINITIONS. SECTION 2725 et seq.
ARTICLE 3. DISTRICT COMMITTEES. SECTION 2740 - 2741.
ARTICLE 4. STATE POLICY FOR THE RECLAMATION OF MINED LANDS. SECTION 2755 et seq.
ARTICLE 5. RECLAMATION PLANS AND THE CONDUCT OF SURFACE MINING OPERATIONS. SECTION 2770 et seq., as amended
CCR TITLE 14 (REGISTER 85, NO. 18-5-4-85)
CHAPTER 8. MINING AND GEOLOGY
SUBCHAPTER 1. STATE MINING AND GEOLOGY BOARD
ARTICLE 1. SURFACE MINING AND RECLAMATION PRACTICE. SECTION 3500 et seq.
ARTICLE 9. RECLAMATION STANDARDS. SECTION 3700 et seq.

PROJECT:	WYLATTI RESOURCE MANAGEMENT, INC. – MCKENZIE BAR
LEAD AGENCY:	MENDOCINO COUNTY
CHECKLIST PREPARATION BY:	GEORGE C. RAU
DATE:	February 24, 2015

Mining Operation and Closure

YES	*REF SECTION/APPENDIX*	NO	N/A		
X	Resource Agency Permit			SMARA 2770.5	100-year flood, CalTrans contact.
X	Reclamation Plan, §1.1			SMARA 2772 (c) (1)	Name and address of operator/agent.
X	Reclamation Plan, §1.3			SMARA 2772 (c) (2)	Quantity & type of minerals to be mined.
X	Reclamation Plan, §1.3			SMARA 2772 (c) (3)	Initiation and termination date.
X	Reclamation Plan, §1.3			SMARA 2772 (c) (4)	Maximum anticipated depth of mining.
X	Application, Reclamation Plan, and Att B, C and D			SMARA 2772 (c) (5)	Description, including map with boundaries, topographic details, geology, streams, roads, utilities
X	Application, Reclamation Plan, §1.3 and 5.8.3			SMARA 2772 (c) (6)	Mining plan and time schedule for reclamation (concurrent or phased reclamation).
X	Reclamation Plan, §5.1			SMARA 2772 (c) (9)	Impact of reclamation on future mining.
X	Reclamation Plan, Att J			SMARA 2772 (c)(10)	Applicant statement accepting responsibility for reclamation per the reclamation plan.
X	Reclamation Plan, Att I			SMARA 2773.1	Performance (financial) assurances.
X	Reclamation Plan, §4.7			CCR 3502 (b) (2)	Public health and safety (exposure).
X	Reclamation Plan, §4.7 – Access Road			CCR 3713 (b)	All portals, shafts, tunnels, or openings, gated or protected from public entry, but preserve access for wildlife.
X	Reclamation Plan§4.2, Att A			CCR 3502 (b) (5)	Disposition of old equipment.
X	Reclamation Plan, §4.2 & 4.6			CCR 3709 (a)	Equipment stored in designated area and waste disposed of according to ordinance.
X	Reclamation Plan, §4.6– Rolling stock only			CCR 3709 (b)	Structures and equipment dismantled and removed.
X	Reclamation Plan, §4.5 – Temporary Pump			CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with law.

End Land Use

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, §1.3 & 2.4			SMARA 2772 (c) (7)	Description of proposed subsequent use or potential land use.

X	Reclamation Plan, §2.4			SMARA 2772 (c) (7)	Description of reclamation measures adequate for proposed end use.
X	Reclamation Plan, §5.5.2 & Att C			CCR 3704 (e)	Final landforms conform with surrounding topography or end use.
			X	CCR 3707 (a)	Return prime ag to prime ag, unless exempted.
			X	CCR 3707 (c)	Productivity rates equal pre-project or similar site for two consecutive years. Rates set forth in plan.
			X	CCR 3708	Other ag capable of sustaining crops of area.
X	Reclamation Plan, Att C, F and M			CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.

Geotechnical Requirements

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, Att A, C and D			CCR 3502 (b) (3)	Slopes: critical gradient, consider physical properties and landscaping.
X	Reclamation Plan, Att A, C and D §1.1			CCR 3704 (f)	Cut slopes have minimum factor of safety for end use and conform with surrounding topography.
X	Reclamation Plan, §5.2			CCR 3502 (b) (4)	Fill materials in conformance with current engineering technology.
			X	CCR 3704 (a)	For urban use, fill compacted in accordance with UBC or local grading ordinance.
			X	CCR 3704 (b)	For resource conservation, compact to standard for that end use.
X	Reclamation Plan §5.2			CCR 3704 (d)	Final reclamation fill slopes not exceed 2:1, except when engineering and revegetation analysis allow.
			X	CCR 3704 (e)	Final landforms of fills conform with surrounding topography or end use.

Hydrology and Water Quality

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan – SWPPP (PENDING)			CCR 3710 (a)	Surface and groundwater protected in accordance with Porter-Cologne and Clean Water Acts (RWQCB/SWRCB).
X	Reclamation Plan, Att C, F and M			CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.

Hydrology and Water Quality (cont'd)

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, Att F			CCR 3706 (b)	Water quality, recharge, and groundwater storage shall not be diminished, except as allowed by plan.
X	Reclamation Plan - SWPPP (PENDING)			CCR 3503 (b) (2)	Prevent siltation of groundwater recharge areas.
X	Reclamation Plan, §1.1 – SWPPP (PENDING)			SMARA 2773 (a)	Water quality monitoring plan specific to property.
	No drill holes, monitoring or water wells		X	CCR 3713 (a)	Drill holes, water wells, monitoring wells abandoned in accordance with laws.
X	Reclamation Plan, §5.5.2 and Att A, C and D.			CCR 3503 (e)	Erosion and drainage (grading to drain to natural courses or interior basins).
X	Reclamation Plan, §5.2, Att A, C and F			SMARA 2772(c)(8)(b)	Rehabilitation of streambanks/beds to minimize erosion.
X	Reclamation Plan, §5.2, Att A, C & F			CCR 3502 (b) (6)	Temporary stream and water diversions shown.
X	Reclamation Plan, §5.2, 5.5.2 and Att A and C.			CCR 3503 (a) (3)	Erosion control facilities (dikes, ditches, etc.) as necessary.
X	SWPPP (PENDING)			CCR 3706 (c)	Erosion and sedimentation controlled during all phases as per RWQCB/SWRCB.
	No settling ponds or processing onsite		X	CCR 3503 (b) (1)	Settling ponds (sedimentation and water quality).
X	Reclamation Plan, §5.2, 5.5.2 and Att A and C. SWPPP (PENDING)			CCR 3706 (d)	Surface runoff and drainage controlled and methods designed for not less than 20 year/1 hour intensity storm event.
X	Reclamation Plan, §5.2, 5.5.2 and Att A and C. SWPPP (PENDING)			CCR 3706 (e)	Altered drainages shall not cause increased erosion or sedimentation.
X	Reclamation Plan, §5.2, 5.5.2 and Att A and C. SWPPP (PENDING)			SMARA 2773 (a)	Sediment and erosion control monitoring plan specific to property.
	None but described in Reclamation Plan, §4.6 and Att A.		X	CCR 3503 (d)	Disposal of mine waste and overburden (stable--no natural drainage restrictions without suitable provisions for diversion).
X	Reclamation Plan, §4.6 and Att A			SMARA 2772(c)(8)(a)	Description of contaminant control and mine waste disposal.
	N/A but described in Reclamation Plan, §4.6 and Att A		X	CCR 3503 (a) (2)	Overburden stockpiles managed to minimize water and wind erosion.
	N/A but described in Reclamation Plan, §4.6 & Att A		X	CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.
	N/A but described in Reclamation Plan, §4.3, 4.6 and 5.2 and Att A.		X	CCR 3711 (e)	Topsoil redistributed in stable site and consistent thickness.
	N/A but described in Reclamation Plan, §4.6 & Att A.		X	CCR 3712	Waste and tailings, and waste disposal governed by SWRCB (Article 7, Chapter 15, Title 23, CCR).

In Stream Mining

YES	REF SECTION/APPENDIX	NO	N/A		
X	Resource Agency Permits (Pending)			CCR 3710 (b)	In-stream in accordance with DFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.
X	Reclamation Plan, § 5.2, Att A, C, and F			CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, aerial photos.
	Reclamation Plan, § 5.2, 5.5.2 & Att A, C, and F – temporary culvert		X	CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.
	Reclamation Plan, § 5.2, 5.5.2 & Att A, C, and F, temporary culvert		X	CCR 3706 (g)	All temporary diversions eventually removed and affected lands reclaimed.

Environmental Setting and Protection of Fish and Wildlife Habitat

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, §3 & Attachments A, D and E.			CCR 3502 (b) (1)	Environmental setting and impact of reclamation on surrounding land uses. (Identify sensitive species, wildlife habitat, sensitive natural communities, e.g., wetlands, riparian zones, etc.)
X	Reclamation Plan, §5.2, 5.5.1 and 5.5.3 & Att E.			CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.
X	Reclamation Plan, §5.2, Att E, F and M			CCR 3503 (c)	Protection of fish and wildlife habitat (all reasonable measures).
X	Reclamation Plan, §3.3 and Att E, F and M			CCR 3703 (a)	Sensitive species conserved or mitigated.
X	Reclamation Plan, §3.3 and Att E, F and M			CCR 3703 (b)	Wildlife habitat at least as good as pre-project, if approved end use is habitat.
X	Reclamation Plan, §4.1, Att A - Avoided			CCR 3703 (c)	Wetlands avoided or mitigated at 1:1 minimum.
	N/A but described in Reclamation Plan, §4.6 and Att A.		X	CCR 3704 (g)	Piles or dumps not placed in wetlands without mitigation.
X	Reclamation Plan, §4.1, Att A, F and M.			CCR 3706 (a)	Mining and reclamation to protect downstream beneficial uses.
X	Reclamation Plan, §5.2, Att A & F			CCR 3706 (f)	Stream diversions constructed in accordance with DFG 1603, EPA 404, Sec. 10 Rivers and Harbors.
X	Reclamation Plan, §5.2, Att A & F			CCR 3706 (g)	All temporary diversions eventually removed. (Restore wildlife habitat).
X	Reclamation Plan, §2.2, Att A and F			CCR 3710 (a)	Surface and groundwater protected.
X	Reclamation Plan, §2.2, 5.2, 5.5.4 Att A and F			CCR 3710 (b)	In-stream in accordance with DFG 1600, EPA 404, and Sec. 10 Rivers and Harbors.
X	Reclamation Plan, §2.2, 5.2, 5.5.4 Att A, C and F			CCR 3710 (c)	In-stream channel elevations and bank erosion evaluated annually using extraction quantities, cross-sections, aerial photos.

X	Reclamation Plan, §2.2, 5.2, 5.5.4 Att A, C and F			CCR 3710 (d)	In-stream not cause fish impacts according to DFG 1600.

Resoiling and Revegetation

YES	REF SECTION/APPENDIX	NO	N/A		
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3503 (f)	Resoiling (fine material on top plus mulches).
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3704 (c)	Mine waste stockpiled to facilitate phased reclamation and separate from growth media.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3711 (a)	All salvageable topsoil removed. Topsoil and vegetation removal not process mining by more than one year.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3711 (b)	Topsoil resources mapped prior to stripping, location of stockpiles on map. Topsoil and growth media in separate stockpiles.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3711 (c)	Soil salvage and phases set forth in plan, minimize disturbance, designed to achieve revegetation success.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3707 (b)	Segregate and replace topsoil by horizon in prime agricultural soils.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3711 (d)	Topsoiling phased ASAP. Stockpiles not be disturbed until needed. Stockpiles clearly identified and planted with vegetation or otherwise protected.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3711 (e)	Topsoil redistributed in stable site and consistent thickness. Harbors.
X	Reclamation Plan §5.2 & Att C - no stripping,			CCR 3705 (d)	Roads stripped of roadbase materials, resoiled and revegetated, unless exempted.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3705 (e)	Soil altered or other than native topsoil, required soil analysis. Amend if necessary.
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3503 (f)	Resoiling (fine material on top plus mulches).
	N/A but described in Reclamation Plan, §4.3, 4.6 and Att A		X	CCR 3707 (d)	Fertilizers and amendments not contaminate water.
X	Reclamation Plan, §5.2			CCR 3503 (g)	Revegetation and plant survival (use available research).
X	Reclamation Plan, §4.1 and Att A.			CCR 3503 (a) (1)	Removal of vegetation and overburden preceding mining kept to a minimum.
X	Reclamation Plan, §5.2, 5.3 and 5.5, Att A and C.			SMARA 2773 (a)	Revegetation plan specific to property. Monitoring plan.
X	Reclamation Plan, §5.2, 5.3 and 5.5, Att A and C.			CCR 3705 (a)	Vegetative cover, suitable to end use, self-sustaining. Baseline studies documenting cover, density and species richness.
	N/A but described in Reclamation Plan, §5.3		X	CCR 3705 (b)	Test plots if success has not been proven previously.
	N/A but described in Reclamation Plan, §5.3		X	CCR 3705 (c)	Decompaction of site.
X	Reclamation Plan, N/A but described in Reclamation Plan, §1.1			CCR 3705 (d)	Roads stripped of roadbase materials, resoiled and revegetated, unless exempted.

Resoiling and Revegetation (cont)

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, §5.2 – gated access			CCR 3705 (f)	Temporary access not bladed. Barriers installed.
X	Reclamation Plan, §5.3			CCR 3705 (g)	Use native plant species, unless exotic species meet end use.
X	Reclamation Plan, §5.3, 5.4			CCR 3705 (h)	Plant during correct season.
X	Reclamation Plan, §5.3, 5.4 and 5.5			CCR 3705 (i)	Erosion control and irrigation, when necessary.
	N/A but described in Reclamation Plan, §5.3		X	CCR 3705 (j)	If irrigated, demonstrate self-sustaining without for two-year minimum.
X	Reclamation Plan, §5.3			CCR 3705 (k)	Weeds managed.
X	Reclamation Plan, §5.3 – mulching			CCR 3705 (l)	Plant protection measures, fencing, caging.
X	Reclamation Plan, §5.5			CCR 3705 (m)	Success quantified by cover, density and species-richness. Standards proposed in plan. Sample method set forth in plan and sample size provide 80 percent confidence level, as minimum.

Administrative Requirements

YES	REF SECTION/APPENDIX	NO	N/A		
X	Reclamation Plan, §5.5 and 6			SMARA 2774 (b)	Annual inspection.
X	Reclamation Plan Text			SMARA 2776	All mining operations since 1/1/76 included in reclamation plan.
	N/A but described in Reclamation Plan		X	SMARA 2777	Amended reclamation plans required prior to substantial deviations to approved plans.
	No Heap Leaching Proposed		X	PRC 21151.7	EIR required for cyanide heap leaching.

NOTES:

Most, if not all, items marked N/A will likely need to be explained in the project submittals.

ATTACHMENT L:

2004 INITIAL STUDY

Case#: UL 12-92/9./2003 Date: 1/25/2004 Prepared By: JE

INITIAL STUDY ENVIRONMENTAL CHECKLIST

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
1. EARTH:					
A. Unstable earth conditions or changes in geologic substructures.			☑	☐	☐
B. Disruptions, displacements, compaction, or overcovering of the soil.	☐	☐	☑	☐	☐
C. Change in topography or ground surface relief features.	☐	☐	☑	☐	☐
D. The destruction, covering, or modification of any unique geologic or physical features.	☑	☐	☐	☐	☐
E. Any increase in wind or water erosion of soils, either on or off the site.	☐	☐	☑	☐	☐
F. Changes in deposition or erosion of beach sands, or changes in siltation, deposition, or erosion that may modify the channel of a river, stream, inlet, or bay?	☐	☐	☑	☐	☐
G. Exposure of people or property to geologic hazards such as earthquakes, ground failure, or other hazards.	☑	☐	☐	☐	☐
2. AIR:					
A. Substantial air emissions or deterioration of ambient air quality.	☐	☑	☐	☐	☐
B. The creation of objectionable odors.	☑	☐	☐	☐	☐
C. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	☑	☐	☐	☐	☐
3. WATER:					
A. Changes in currents, or the course of water movements, in either fresh or marine waters.	☐	☐	☑	☐	☐
B. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.	☐	☐	☑	☐	☐
C. Alterations to the course of flow of flood waters.	☐	☑	☑	☐	☐
D. Change in the amount of surface water in any water body.	☑	☐	☐	☐	☐
E. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity.	☑	☐	☐	☐	☐

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
F. Alteration of the direction or rate of flow of ground water.	☒	☐	☐	☐	☐
G. Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations.	☒	☐	☐	☐	☐
H. Substantial reduction in the amount of water otherwise available for public water supplies.	☒	☐	☐	☐	☐
I. Exposure of people or property to water related hazards such as flooding or tsunamis.	☒	☐	☐	☐	☐
4. PLANT LIFE:					
A. Change in the diversity of species, or number of any species of plants including trees, shrubs, grass, crops, and aquatic plants.	☒	☐	☐	☐	☐
B. Reduction of the numbers of any unique, rare, or endangered species of plants.	☒	☐	☐	☐	☐
C. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species.	☒	☐	☐	☐	☐
D. Reduction in acreage of any agricultural crop.	☒	☐	☐	☐	☐
5. ANIMAL LIFE:					
A. Change in the diversity of species, or number of any species of animals including birds, land animals, reptiles, fish, shellfish, insects, and benthic organisms.	☐	☐	☒	☐	☐
B. Reduction in the number of any unique, rare, or endangered species of animals.	☐	☐	☒	☐	☐
C. Introduction of new species of animals into an area, or in a barrier to the migration or movement of animals.	☒	☐	☐	☐	☐
D. Deterioration of existing fish or wildlife habitat.	☐	☐	☒	☐	☐
6. NOISE:					
A. Increases in existing noise levels.		✓			
B. Exposure of people to severe noise levels.	☐	☒	☐	☐	☐

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
7. LIGHT AND GLARE:					
A. Production of new light and glare.	☒	☐	☐	☐	☐
8. LAND USE:					
A. Substantial alteration of the present or planned land use of a given area.	☒	☐	☐	☐	☐
9. NATURAL RESOURCES:					
A. Increase in the rate of use of any natural resources.	☐	☐	☒	☐	☐
10. POPULATION:					
A. Alterations in the location, distribution, density, or growth rate of human populations.	☒	☐	☐	☐	☐
11. HOUSING:					
A. Will the proposal affect existing housing or create a demand for new housing?	☒	☐	☐	☐	☐
12. TRANSPORTATION/ CIRCULATION:					
A. Generation of substantial additional vehicular movement?	☐	☒	☐	☐	☐
B. Effects on existing parking facilities, or demand for new parking?	☐	☒	☐	☐	☐
C. Substantial impact upon existing transportation systems?	☐	☒	☐	☐	☐
D. Alterations to present patterns of circulation or movement of people and/or goods?	☒	☐	☐	☐	☐
E. Alterations to waterborne, rail, or air traffic?	☒	☐	☐	☐	☐
F. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians.	☒	☐	☐	☐	☐
13. PUBLIC SERVICES:					
A. Will the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:					
Fire protection?		☒	☐	☐	☐
Police protection?	☒	☐	☐	☐	☐
Schools?	☒	☐	☐	☐	☐
Parks and other recreational facilities?	☒	☐	☐	☐	☐
Maintenance of public facilities, and roads?	☒	☐	☐	☐	☐
Other governmental services?	☒	☐	☐	☐	☐

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
14. ENERGY:					
A. Use of substantial amounts of fuel or energy?	☒	☐	☐	☐	☐
B. Substantial increase in demand upon existing sources of energy, or require the development of new energy sources?	☒	☐	☐	☐	☐
15. UTILITIES:					
A. Will the project result in a need for new systems or substantial alterations to the following:					
Potable water?	☒	☐	☐	☐	☐
Sewerage?	☒	☐	☐	☐	☐
Energy or information transmission lines?	☒	☐	☐	☐	☐
16. HUMAN HEALTH:					
A. Creation of any health hazard or potential health hazard?	☒	☐	☐	☐	☐
B. Exposure of people to any existing health hazards?	☒	☐	☐	☐	☐
C. A risk of an explosion or the release of hazardous substances (including oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions.	☒	☐	☐	☐	☐
D. Possible interference with an emergency response plan or evacuation plan.	☐	☐	☐	☐	☐
17. AESTHETICS:					
A. Obstruction of any scenic vista or view open to the public, or create an aesthetically offensive site open to public view?	☐	☒	☐	☐	☐
18. RECREATION:					
A. Impact upon the quality or quantity of existing recreational opportunities?	☐	☒	☐	☐	☐
19. CULTURAL RESOURCES:					
A. Alteration or destruction of a prehistoric or historic archaeological site?	☐	☒	☐	☐	☐
B. Adverse physical or aesthetic effects to a prehistoric or historic building or structure?	☒	☐	☐	☐	☐

Will the project result in the following environmental effects:	No	Yes			
		Not Significant	Significant Unless It is Mitigated	Significant - No Apparent Mitigation	Cumulative
C. Cause a physical change that would affect the unique ethnic cultural values?	☐	☑	☐	☐	☐
D. Restrict existing religious or sacred uses within the potential impact area?	☑	☐	☐	☐	☐

Section III	Responses to Environmental Checklist.
	For a discussion of each of the environmental effects listed in the Environmental Checklist along with related goals and policies of the General Plan, see the Environmental Review section of the attached staff report.

Section IV	Mandatory Findings of Significance.
	A. As discussed in the preceding sections, the project ☐does ☐does not have the potential to significantly degrade the quality of the environment, including effects on animals or plants, or to eliminate historic or prehistoric sites. B. As discussed in the preceding sections, both short-term and long-term environmental effects associated with the project will be ☐significant ☐will be less than significant. C. When impacts associated with the project are considered alone or in combination with other impacts, the project-related impacts are ☐significant ☐insignificant. D. The above discussions ☐do ☐do not identify any substantial adverse impacts to people as a result of the project.

Section V	Determination.
	On the basis of this initial evaluation, it has been determined that: ☐ The proposed project will not have a significant effect on the environment, and it is recommended that a NEGATIVE DECLARATION be adopted. ☐ Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, it is recommended that a NEGATIVE DECLARATION be adopted. ☐ The proposed project may have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

ATTACHMENT M:

2004 MITIGATED NEGATIVE DECLARATION

2004-E0026
Recorded at the request of
BUD GARMAN & SONS CONSTRUCTION
03/23/2004 08:28A
Fee: 0.00 No of Pages: 0

OFFICIAL RECORDS
Marsha A Wharff, Clerk-Recorder
Mendocino County, CA

FILING REQUESTED BY
County of Mendocino
Planning & Building Services Dept
501 Low Gap Road, Room 1440
Ukiah, CA 95482

AND WHEN FILED MAIL TO
County of Mendocino
Planning & Building Services Dept
501 Low Gap Road, Room 1440
Ukiah, CA 95482

NOTICE OF DETERMINATION

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

☑ Mendocino County Clerk
501 Low Gap Road, Room 1020
Ukiah, CA 95482

Subject: Filing of Notice of Determination in compliance with Section 21108 and 21152 of the Public Resources code.

Project Title:
CASE#: UR 12-92/2003
DATE FILED: 9/11/2003
OWNER: BUD & SHARON GARMAN

State clearing House Number (If Submitted to Clearing House)	Contact Person	Area Code/Number/Extension
	James Essig	707-463-4281

Project Location:
Approximately 1 mile east of Dos Rios, on the south side of Highway 162, along the north side of Middle Fork Eel River at confluence of Cable Creek, located at 50510 Covelo Road; AP# 035-030-39.

Project Description:
Use Permit and Reclamation Plan Renewal to allow in stream extraction of up to 30,000 cubic yards of gravel per year for 25 years, from the Middle Fork of the Eel River and storage of up to 8,000 cubic yards of gravel along Highway 162.

This is to advise that the County of Mendocino has approved the above-described project on March 4, 2004 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were a condition of the project approval.
4. A Statement of Overriding Considerations was not adopted.

This is to certify that the Negative Declaration and record of project approval is available to the general public at 501 Low Gap Road, Room 1440, Ukiah.

Date of Filing MAR 2 3 2004

Signature

POSTED FROM MAR 23 2004 TO: 4/21/2004 dlm

COUNTY OF MENDOCINO
ENVIRONMENTAL REVIEW GUIDELINES
NEGATIVE DECLARATION

I. DESCRIPTION OF PROJECT.

DATE: March 4, 2004

CASE#: UR 12-92/2003
DATE FILED: 9/11/2003
OWNER: BUD & SHARON GARMAN
REQUEST: Use Permit and Reclamation Plan Renewal to allow in stream extraction of up to 30,000 cubic yards of gravel per year for 25 years, from the Middle Fork of the Eel River and storage of up to 8,000 cubic yards of gravel along Highway 162.
LOCATION: Approximately 1 mile east of Dos Rios, on the south side of Highway 162, along the north side of Middle Fork Eel River at confluence of Cable Creek, located at 50510 Covelo Road; AP# 035-030-39.
PROJECT COORDINATOR: James Essig

II. DETERMINATION.

In accordance with Mendocino County's procedures for compliance with the California Environmental Quality Act (CEQA), the County has conducted an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. On the basis of that study, it has been determined that:

> Although the project, as proposed, could have had a significant effect on the environment, there will not be a significant effect in this case because mitigation measures required for the project will reduce potentially significant effects to a less than significant level, therefore, a NEGATIVE DECLARATION is adopted.

The attached Initial Study and staff report incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project.

CALIFORNIA DEPARTMENT OF FISH AND GAME

CERTIFICATE OF FEE EXEMPTION

De Minimis Impact Finding

Project Title/Location (include county):

County of Mendocino. Approximately 1 mile east of Dos Rios, on the south side of Highway 162, along the north side of Middle Fork Eel River at confluence of Cable Creek, located at 50510 Covelo Road; AP# 035-030-39.

Project Description:

CASE#: UR 12-92/2003
DATE FILED: 9/11/2003
OWNER: BUD & SHARON GARMAN
REQUEST: Use Permit and Reclamation Plan Renewal to allow in stream extraction of up to 30,000 cubic yards of gravel per year for 25 years, from the Middle Fork of the Eel River and storage of up to 8,000 cubic yards of gravel along Highway 162.
PROJECT COORDINATOR: James Essig

Finding of Exemption (attach as necessary):

The Planning Commission finds that an initial study has been conducted evaluating the potential for adverse impacts and when considering the record as a whole there is no evidence before the Commission that the proposed project will have potential for an adverse effect on wildlife resources or the habitat upon which the wildlife depends. Therefore, the Commission rebuts the presumption set forth in subdivision (d) of Section 753.5.

Certification:

I hereby certify that the public agency has made the above finding that the project will not individually or cumulatively have an adverse effect on wildlife resources as defined in Section 711.2 of the Fish and Game Code.

(Planning Official)

Title: Chief Planner
Lead Agency: Mendocino County
Date: _____

MENDOCINO COUNTY PLANNING COMMISSION
DRAFT MINUTES
MARCH 4, 2004

4D. UR 12-92/2003 – GARMAN – East of Dos Rios

Request: Use Permit and Reclamation Plan Renewal to allow in stream extraction of up to 30,000 cubic yards of gravel per year for 25 years, from the Middle Fork of the Eel River and storage of up to 8,000 cubic yards of gravel along Highway 162.

Mr. Lynch reviewed the staff report and correspondence in support of the application, noting the statement that the site has only been mined twice since 1977. He advised that staff is providing two options for the renewal term, but that extraction rates per year and for the term of the permit would be the same in either case.

No one was present to represent the application.

The public hearing was declared open and subsequently closed when no one came forward to address the Commission.

Mr. Lynch responded to questions from Commissioners. Commissioners expressed general agreement with Option 2, providing for the longer term.

Upon motion by Commissioner Calvert, seconded by Commissioner Edwards and carried by the following roll call vote, IT IS ORDERED that the Planning Commission adopts a Negative Declaration and approves UR 12-92/2003 making the following findings and subject to the following conditions of approval. The Commission further directs that staff calculate the correct monitoring fee in Condition Number 7 based upon the current fee schedule and the extended term of the permit:

Environmental Findings: The Planning Commission finds that no significant environmental impacts would result from the proposed project that cannot be adequately mitigated through the conditions of approval; therefore, a Negative Declaration is adopted.

General Plan Consistency Finding: As discussed under pertinent sections of the staff report, the proposed project is consistent with applicable goals and policies of the General Plan as subject to the conditions of approval.

Department of Fish and Game Findings: Although the Department of Fish and Game recommended that this project be subject to the $1,275.00 Fish and Game fee, because this project is a renewal of an existing operation and the use permit has been renewed once before, the Planning Commission finds no new significant environmental impacts rebutting the presumption set forth in subdivision (d) of Section 753.5. Therefore, the "de minimis" finding can be made for this project.

Project Findings: The Planning Commission approves #UR 12-92/2003 subject to the following conditions of approval further finding:

1. That adequate utilities, access roads, drainage and other necessary facilities have been or are being provided. Access to the site is via an existing haul road running southwest to the project site from State Highway 162.

2. That the proposed use will not constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the county. Through implementation of all of the recommended conditions of approval, no such detrimental impacts are anticipated.

3. That such use preserves the integrity of the zoning district. The proposed use is consistent with the zoning of the project site and the surrounding area.

CONDITIONS OF APPROVAL:

A. Conditions which must be met prior to use and/or occupancy and for the duration of this permit:

1. This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Mendocino County Department of Planning and Building Services. Said fee of $25.00 shall be made payable to the Mendocino County Clerk and submitted to the Department of Planning and Building Services prior to March 19, 2004. If the project is appealed, the payment will be held by the Department of Planning and Building Services until the appeal is decided. Depending the outcome of the appeal, the payment will either be filed with the County Clerk (if project is approved) or returned to the payer (if project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void.

2. A maximum of 30,000 cubic yards of material may be removed during any designated extraction year, restricted to a maximum of five years of extraction within a ten year period. Gravel extraction shall begin two feet above the pre-extraction cross-section water level with a smooth 2% upward slope toward the bank. Equipment shall not be operated within ten (10) feet of the water's edge for wildlife and habitat protection. No gravel shall be extracted from the upper portion of the bar, upstream of Cable Creek, inorder to protect the gravel bar shape and function. The applicant shall maintain existing cross-sections and add 3 temporary cross-sections between existing cross-section 3 and 4 to more accurately calculate replenishment rates. Further, the applicant shall annually survey a longitudinal profile along the thalweg extending through the project area and containing all cross-sections and be detailed enough to establish pool-riffle sequences. (Should this option be preferred, Condition Number A-8 would need to be modified to ten years)

3. That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

4. The applicant shall obtain all permits required by, and comply with, all conditions established by an agencies having jurisdiction including the Army Corps of Engineers, the California Department of Fish and Game, the Regional Water Quality Control Board, and the Mendocino County Air Quality Management District. Proof of all such authorization(s) shall be submitted to the Department of Planning and Building Services prior to issuance of this use permit.

5. Prior to the commencement of gravel removal operations, the applicant shall submit to the Department of Planning and Building Services an accurate plan of the site on which reference points for required cross sections and photographs are clearly plotted.

6. Prior to the commencement of gravel removal operations each year, the applicant shall submit to the Department of Planning and Building Services the following:

   a. Aerial or land based photos of the site taken in such a manner to show clearly the full extent of the removal area, any stockpiling or processing area, and reference to the stream or other predominant natural features in the area. Photos shall include some method for comparison of scale and shall be of size (no smaller than 3" by 3") and quality acceptable to the Department of Planning and Building Services. Accompanying such photos shall be a copy of the site plan which includes the designation of the points from where photos where taken and the direction the camera was pointing, keyed to each photograph.

   b. Accurate cross sections shall be taken at the bridge and across the gravel bar(s), a minimum of one taken at the upstream end of the bar and one taken at the downstream end of the bar. The cross sections shall show the existing water level, the gravel bar and the channel banks. Cross sections shall be related to some permanent reference points above the ten year flood plain sufficient to enable future cross sections to be made at approximately the same locations, and references to a common point of elevation. A description of the location of the end points of each cross section should be given. The description should be clear enough that the Department of Planning and Building Services can locate the end points. A photograph of each end point shall also be submitted. Accompanying the cross sections shall be a copy of the site plan on which the reference points for the cross sections are plotted. A copy of all field notes shall be submitted with each cross section drawing. The cross sections and accompanying information must be of a quality acceptable to the Department of Planning and Building Services.

   c. The photograph and cross section information in (a) and (b) above shall be submitted in a form which will enable accurate annual comparisons. Each submittal sheet shall indicate the date the photographs or cross sections were taken and be signed by the person doing the measurement.

7. The applicant shall submit a mining inspection and monitoring fee of $2,600.00 ~~$1,050.00~~ to the Department of Planning and Building Services within 30 days of permit issuance.

8. This permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the permittee to make use of this permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. This permit shall expire on March 4, 2014 ~~2009~~. The applicant has sole responsibility for renewing this permit before the expiration date listed above. The County will not provide a notice prior to the expiration date.

9. That the requirements set forth in a letter from the Department of Fish and Game dated January 21, 1998, be adhered to. Said letter is on file in the Department of Planning and Building Services.

B. Conditions which must be complied with for the duration of this permit:

1. Annually, prior to June, the applicant shall supply to the Department of Planning and Building Services an accounting of the quantities and types of materials extracted and/or processed from each location that season. The accounting report shall indicate the dates on which the specified volumes were removed, the method used to calculate the volume figures and the signature of the person responsible for completing the report. Such report shall be submitted even if no material was removed that season.

2. Following winter flows, prior to the next season's operations, the applicant shall submit to the Department of Planning and Building Services, Mendocino County Water Agency, Mendocino County Department of Transportation and Caltrans-Division of Structures new photographs and cross sections in the same locations as originally taken. The Department of Planning and Building Services shall annually review this information and contact other agencies involved with regulation of the mining activities. If any problems regarding the mining activity are found, the permit shall be forwarded to the Planning Commission for review and approval or modification prior to any mining activities that season.

3. The applicant shall comply with all regulations of the Mendocino Air Quality Management District, including obtaining any required additional permits necessary for the site of this application.

~~4. That there be no signing allowed for the operation.~~

5. That the applicant shall grant access to the property during hours of operation to permit County representatives or any consultants hired by the County for inspection, enforcement, or monitoring activities deemed desirable by the County. The applicant shall designate an individual who is to be available at all times for purposes of supplying information deemed necessary by the authorized County representatives in connection with such work during working hours.

6. That the applicant return the site to as close to its natural state as possible upon completion of the project, including a revegetation program if necessary.

Reclamation shall also include the removal and revegetation of the existing haul/access road.

7. Prior to the issuance of yearly streambed alteration permits (1603), the Department of Fish and Game should review the gravel operation and determine the amount of gravel replenished subsequent to previous extraction. If the Department of Fish and Game determines that inadequate recovery has occurred, they should notify the Department of Planning and Building Services. Upon notification, the Department of Planning and Building Services shall limit the contractor to less extraction activity or halt any extraction for the season.

8. Noise levels created by the operation as measured at the nearest residence other than that of the mine owner or operator shall not exceed 55 dBA Ldn.

9. That the hours of operation be limited to between 8:00 a.m. and 6:00 p.m. on weekdays and Saturdays. There shall be no earth moving or transportation activities on Sundays.

10. This permit is issued without a legal determination having been made upon the number, size or shape of parcels encompassed within the permit described boundaries. Should, at any time, a legal determination be made that the number, size or shape of parcels within the permit described boundaries are different than that which is legally required by this permit, this permit shall become null and void.

11. This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:

    a. That such permit was obtained or extended by fraud.

    b. That one or more of the conditions upon which such permit was granted have been violated.

    c. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

    Any such revocation shall proceed as specified in Title 20 of the Mendocino County Code.

12. The Department of Planning and Building Services shall be notified in writing upon termination of each seasons work so that the visual impacts of this operation can be evaluated for compatibility with the "Wild and Scenic" aspects of the Eel River.

13. No material shall be placed into or where it may pass into any stream or watercourse in quantities which would be deleterious to fish, wildlife or other beneficial uses.

14. The applicant shall endeavor to protect and maintain as much vegetation on the site as possible, removing only as much as required to conduct the operation.

15. There shall be no on-site fuel storage in association with this project.

16a. The applicant shall provide Mendocino County with a cash or surety bond or other acceptable form of financial assurance for the reclamation plan mitigation measures. The bond shall be available to both the County of Mendocino and the Department of Conservation. Any withdrawals made by the County or Department of Conservation for reclamation shall be redeposited by the applicant within 30 days of notification.

The bond amount shall be calculated based on a cost estimate submitted by the applicant and approved by both County staff and the Department of Conservation for the approved reclamation procedures. The bond shall be established and in place within six (6) months of project approval. Each year, following annual site inspection, the bond amount shall be adjusted to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan.

The security bond is not set up to replace the applicant's responsibility for reclamation or mitigation, but to assure funding for the reclamation plan and mitigation measures. Should the applicant fail to perform or operate within all the requirements of the approved reclamation plan, the County or Department of Conservation will follow the procedures outlined in Section 2773.1 and 2774.1 of the Surface Mining and Reclamation Act (SMARA), regarding the encashment of the bond and applicable administrative penalties, to bring the applicant into compliance. The requirements for the bond will terminate when the approved reclamation plan and mitigation measures have been completed.

16b. Implementation and Verification. The financial assurance shall name both the County and the Department of Conservation as payees per the requirements of AB 3551. The amount will be based on an estimate of reclamation cost provided by the applicant and subject to review by both County staff and Counsel and the Department of Conservation. The financial assurance will be reviewed on an annual basis for adequacy and shall be released when the approved project, mitigation measures and final reclamation plan activities have been completed.

17. All non-turbo charged equipment shall have approved spark arrestors installed and shall carry "ABC" type fire extinguisher(s).

18. That there be no signing allowed for the operation other than those directional or warning signs required by the Department of Transportation.

19. The access roads shall be maintained during operating season and winterized at the completion of each season by grading and ditching as necessary to minimize winter erosion and stream sedimentation.

20. No washing, crushing, screening, stockpiling or plant operations shall occur within the stream's high-flow channel.

21. At the close of each season, prior to winter rains, temporary culverts shall be removed to an area not subject to flooding, and the bar shall be left void of

pockets or holes and shall have a uniform slope of 2 percent upward away from the stream thalweg.

If the 2 percent slope intersects the river channel bank at its upper edge, any resulting cut slope shall be left in a stable condition.

22. The applicant shall stockpile all material above the Ordinary High Water (OHW) mark as determined by the FEMA Flood Insurance Rate Map for the area or survey performed by a Licensed Land Surveyor/Civil Engineer which determines the OHW.

23. All mining activities shall be done in conformance with recommendations contained within the Wildlife Assessment, prepared by Mad River Biologists, dated June 1, 1998.

AYES: Nelson, Barth, Lipmanson, Edwards, Calvert, McCowen
NOES: None
ABSENT: Little