

CALIFORNIA COASTAL COMMISSION

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Commission Action:	

STAFF REPORT: REGULAR CALENDAR

APPLICATION NO.: **1-95-49**

APPLICANT: **RESERVATION RANCH
 (STEVEN WESTBROOK)**

PROJECT LOCATION: Ranch Gravel Bar within the lower Smith River, Del Norte County, APN 103-10-01.

PROJECT DESCRIPTION: Seasonally extract, stockpile, screen, and crush up to 80,000 cubic yards of river run gravel per year for five years.

Extraction area: 9± acres
 Plan designation: RCA-1, General Resource Conservation Area.
 Zoning: RCA-2(r) and (e), Designated Resource Conservation Area, riparian and estuary.

LOCAL APPROVALS RECEIVED: County Use Permit No. 9043C.

OTHER APPROVALS REQUIRED: California Department of Fish and Game annual 1603 Streambed Alteration Agreement, State Lands Commission review, and U.S. Army Corps of Engineers Section 404 permit.

SUBSTANTIVE FILE DOCUMENTS: Smith River Gravel Study, California Department of Water Resources, Jan 1974.

STAFF NOTE: The proposed development is located within the banks of the Smith River and within the Commission's retained coastal development permit jurisdiction. Thus, the standard of review for the permit application is the Coastal Act.

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SUMMARY OF STAFF RECOMMENDATION: Staff recommends approval with conditions. The conditions are necessary to make the project consistent with the Sections 30231, 30233, and 30240 of the Coastal Act by: (a) minimizing alteration of the Smith River, (b) maintaining the biological productivity and quality of coastal waters and wetlands, and (c) protecting fisheries, wildlife, and environmentally sensitive, riparian habitat areas located over a portion of the Ranch Gravel Bar and along the banks of the Smith River.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will be in conformity with the provisions of the Del Norte County LCP, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions. See attached.

III. Special Conditions.

1. State Lands Commission Review.

PRIOR TO THE ISSUANCE of the coastal development permit, the applicant shall submit to the Executive Director a copy of a new or modified mineral lease agreement (PRC 7192) from the State Lands Commission which authorizes the removal of up to 80,000 cubic yards per year from the Ranch Bar.

2. Annual Administrative Approval to Continue Operations.

COMMENCING WITH THE 1996 EXTRACTION SEASON, PRIOR TO THE START OF SEASONAL GRAVEL EXTRACTION OPERATIONS, the applicant shall submit for the review and approval of the Executive Director an annual report that contains: (1) a copy of an approved annual use permit from Del Norte County for the coming gravel extraction season, (2) a copy of an approved annual 1603 Streambed Alteration Agreement from the California Department of Fish and Game for the coming gravel extraction season, (3) a copy of any necessary permit approval from U.S. Army Corps of Engineers for the coming gravel extraction season, (4) a copy of a renewed mineral lease agreement from the State Lands Commission for gravel extraction operations that take place after November 9, 1998, and (5) a copy of an annual volumetric/environmental assessment which provides the following information: (a) engineering data (prepared by a California Registered Engineer or a qualified Hydrologist or Geologist) that includes a

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set of dated, standardized, scaled, and surveyed, cross-sections and longitudinal-sections depicting existing grade elevations and configurations of the gravel bar and the extraction area, (b) the longitudinal (parallel to the river) bisections of the extraction area, with the first bisection showing the extraction area at the end of the prior extraction season (October/November) and the second bisection showing the extraction area in the Spring or Summer for the upcoming season; (c) an updated aerial photograph of the project area shown at a scale of 1 inch equals 600 feet or better taken in February or later of the applicable year, (d) an analysis of the amount and configuration of the replenished gravel material within the approved gravel extraction site, and (e) an analysis of any changes or impacts upon the habitat values and geomorphology of the river in the area surrounding the project site since the previous year. The Executive Director shall approve the report if the report adequately provides the required information and if the proposed gravel extraction for the coming season is consistent with the terms and conditions of this permit, including the requirement of Condition No. 3 regarding seasonal extraction limits. The applicant shall not commence gravel extraction operations for the season until the Executive Director has approved the annual report in writing.

3. Annual Extraction Limits.

The applicant shall extract no more than 80,000 cubic yards of gravel per year, or the amount of available gravel, whichever is the lesser amount in any given year. The "amount of available gravel" is the amount of gravel that can be taken from the approved gravel extraction area using a skimming operation that leaves the final surface elevation of the bar above the low water level of the river with a slope of 2 percent or greater that drains towards the main channel of the river and/or a trenching operation that has been approved by the California Department of Fish and Game in its annual 1603 Streambed Alteration Agreement.

4. Annual Extraction Season.

Extraction shall only be performed during the period from August 10 through October 15 unless the Executive Director, after consultation with the California Department of Fish and Game, determines that an additional period of extraction will not adversely affect fisheries and extends the seasonal limit for that particular year.

5. Expiration Date.

The permit shall expire on February 1, 2001, and shall not be subject to a time extension. Continued gravel extraction operations after the expiration date shall require a new coastal development permit.

6. Resource Protection.

No sand or gravel materials shall be removed from the live waters of the river. No equipment shall operate within, and no material shall encroach

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upon, the live waters of the river. Gravel extraction operations shall not disturb or remove any vegetation located on the banks of the river. Gravel extraction operations shall not disturb or remove any environmentally sensitive, riparian or wetland vegetation on the gravel bar as mapped and identified in Exhibit 5. Gravel extraction operations shall be conducted within the approved gravel extraction area as directed by the California Department of Fish and Game.

7. Permit Amendment.

Any proposal to take more than the maximum permitted 80,000 cubic yards of materials, to take more than the amount of available gravel, to increase the size of the approved gravel extraction area, to take gravel from locations not authorized by the terms and conditions of this permit, or to make other significant changes to the proposed operation shall require an amendment to this permit.

IV. Findings and Declarations.**1. Project and Site Description.**

The applicant proposes to seasonally remove, stockpile, screen, and crush up to 80,000 cubic yards of river run sand and gravel per year for a period of 5 years from a 9± acre portion of the 50± acre Ranch Gravel Bar. The Ranch Bar is located in the bed of the lower Smith River in Del Norte County. See Exhibits No. 1 through No. 5.

The Ranch Bar is one of five gravel bars that are located within the coastal zone along the lower reaches of the Smith River. The lower Smith River flows through a broad alluvial floodplain that is extensively used for agriculture. From bank to bank, the river is about 900 to 1,300 feet wide in the area of the Ranch Bar. The exposed surface area of the gravel bar varies greatly over the course of the year, depending on the water levels of the Smith River. During the summer and early fall months when the river has low flow conditions, the river is generally confined to its main channel, which is about 300 feet wide along this section of the river. During this same period of time, the exposed surface area of the Ranch Bar can be as wide as 1,000 feet and as long 2,500 feet. In addition, the size of the exposed surface area of the Ranch Bar varies from hour to hour as the bar is subject to tidal action. During the summer, a 4± acre portion of the proposed 9± acre gravel extraction area is subject to tidal action. See Exhibit No. 5.

The proposed gravel extraction area is about 250 feet wide at its upstream end, about 1,300 feet long, and about 150 wide at its downstream end. Access to the extraction site on the gravel bar is via an unimproved gravel road that ascends the north bank of the river. The north and south banks of the river are about 10 feet above the surface elevation of the gravel bar. The north bank of the river is covered with a broken line of fairly mature riparian vegetation. The south bank of the river is mostly covered with grass and dune lands that are owned by the State of California and managed by the California Department of Parks and Recreation. See Exhibits No. 4 and 5.

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Recent volumetric assessments from Gerald LaRue, the applicant's hydrologist, indicate that 90,000 to 100,000 cubic yards of gravel is available within the portion of the proposed gravel extraction area that could be mined using a skimming operation that avoids the upstream point of the bar and the active river channel, and which would provide for a 2 percent slope towards the channel. If a trenching operation is allowed by the California Department of Fish and Game, then an additional 40,000 to 50,000 cubic yards of gravel could be available for harvest. See Exhibit No. 7.

The proposed gravel extraction area was the subject of a botanical investigation prepared in August of 1994 by Botanica Northwest Associates.

Among other things, the investigation noted that the bar is scoured by winter and spring waters during hydrologic years of normal rainfall. This scouring action results in vegetation on many gravel bars that is characterized by mostly herbaceous species and scattered young willows. Low river flows over the past decade, however, have allowed minor stands of riparian vegetation to become temporarily established over portions of gravel bars that are located below the ordinary high water level of the river. These temporary stands of riparian vegetation provide unique habitat values for wildlife. Once established, these stands may be able to persist even when normal flows return. The Ranch Bar has several small stands of woody riparian vegetation and two larger areas of vegetated wetlands that are located below the ordinary high water line and above the mean high tide line. As shown in Exhibit No. 5, the small stands of woody riparian vegetation on the Ranch Bar are noted as "VA" and the vegetated wetlands on the Ranch Bar are noted as "brackish marsh". Staff from the California Department of Fish and Game has indicated that these areas of riparian and wetland vegetation on the Ranch Bar are environmentally sensitive. See Exhibit No. 6. All of these environmentally sensitive areas are located outside the boundaries of the proposed 9± acre gravel extraction area. See Exhibit No. 5.

The proposed project is a continuation of an ongoing gravel extraction operation which the Coastal Commission last approved in June of 1990 under Permit No. 1-90-62 for Reservation Ranch. Permit No. 1-90-62 allowed the applicant to take up to 20,000 cubic yards of river run gravel per year for a period of five years and to temporarily stockpile that material above the north bank of the river on the applicant's land. In July of 1993, the Coastal Commission approved a permit amendment which allowed the applicant to establish a temporary screening and crushing operation next to the temporary stockpile and to install a temporary asphalt batch plant containing a double-walled, 2,500 to 3,000 gallon oil storage tank and a computerized heating and mixing unit for creating asphalt. Permit No. 1-90-62, as amended, expired February 1, 1995. The applicant now requests permission to remove up to 80,000 cubic yards of gravel per year, or the amount of available material, whichever is the lesser amount. As was done in the past, the applicant wants to continue to temporarily stockpile, screen, and crush gravel over a one acre area located above the north bank of the river. The proposed screening and crushing operation does not include the use of water for a washing operation. The applicant does not want to re-establish a temporary asphalt batch plant at this time.

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Gravel bar extraction operations on north coast rivers are seasonal operations. The gravel extraction season typically begins sometime after July 1st and runs to about October 15th. This period of time coincides with low water conditions of the river when substantial portions of the gravel bars are exposed and above the live waters of the river.

In the past, the 1603 agreement from the California Department of Fish and Game has allowed the applicant to take gravel from the Ranch Bar using a skimming operation, a trenching operation, or a combination of both operations. The skimming method of gravel extraction is the traditional method of taking gravel from the bars. Gravel removal by skimming occurs outside of the low flow channel of the river. In a skimming operation, the operator skims gravel from the top of the bar in a manner that creates a shallow-sloped plain rising gently back from the river to the landward edge of the bar. Gravel removal equipment includes front-end loaders, scrapers, pushcats, excavators or equivalent equipment. Gravel is transported from the extraction area by dump trucks or off-road trucks and stockpiled on the upland portion of the subject property. After completion of gravel extraction operations, the applicant returns the gravel bar to a smoothly graded condition by sloping the surface of the gravel bar toward the main channel at no less than a two percent grade, and without any pits, potholes, trenches, mounds, or stockpiles to prevent the creation of fish traps.

In a trenching operation, the operator excavates a trench that varies in size and location from year to year, depending on bar conditions and what limitations the operator negotiates with the California Department of Fish and Game. If the trenching method is used, the applicant is required by the Dept. of Fish and Game to construct and maintain a berm along the entire length of the excavation area to prevent turbid water from entering the flowing river. The applicant typically begins excavation on the downstream end of the bermed gravel bar and excavates in an upstream direction that is parallel to the river, with the depth and width of the trench to be determined by the California Department of Fish and Game prior to the start of operations. Trenching operations can be used to: (a) to encourage future gravel recruitment in a particular location, (b) increase the capacity of a low flow channel, (c) create a deep water habitat by the proposed mining, and (d) to help maintain the geomorphology of the gravel bar and the river's banks and channel. After completion of gravel extraction operations, the applicant is required by the Dept. of Fish and Game to allow all sediment to settle in the excavated trench area and to breach the berm in several locations to prevent the creation of fish traps.

Although the past 1603 agreements have allowed the applicant to use a trenching operation, the applicant has not chosen to do so. This is partly because the need to use a trenching operation was not particularly necessary as there is a large volume of accumulated gravel on the Ranch Bar. (The 9± acre extraction site is only a portion of the 50± acre gravel bar.) In addition, the daily tidal influence on the Ranch Bar means that the applicant only has a short time to take gravel before the bar is covered with water. While a berm could be constructed in the inter-tidal area to keep the water at

bay during a trenching operation, the berm would have to be more substantial in size than similar berms on more upstream gravel bars where tidal influence is not a factor.

2. Resource Issues and Regulatory Background.

The Smith River has 12 gravel bars that have been mined on a regular or periodic basis. Five of these bars are within the coastal zone (i.e. downstream and west of the Dr. Fine or Highway 101 Bridge). There has been an on-going, but variable demand for Smith River gravel. The demand peaked a few years ago with completion of the construction of the Pelican Bay Prison in the County. Since then, demand has continued at lower rate because of new residential and commercial development that has been partially induced by population growth in Del Norte County, including the new employees who work at the prison. According to Jay Sarina, a planner at the Del Norte County Community Development Department, the total amount of gravel extraction on the Smith River gravel bars has averaged about 180,000 cubic yards of gravel for the last two years.

The Smith River and its tributaries are ranked among the most significant anadromous fisheries in Northern California. Chinook salmon, Coho salmon and steelhead trout are among the most important species with regard to commercial and sport fisheries. The project area and the lower Smith River are mainly important for the anadromous fish as a migration route to and from the upstream spawning grounds. Only an insignificant amount of spawning occurs in the lower Smith River.

The gravel extraction projects on the Smith River are interrelated in the sense that all of the gravel bars derive their material from the same source; namely the watershed of the Smith River. A report prepared by a Department of Fish & Game Scientific Team examining gravel extraction on the Mad River in Humboldt County describes the interrelationship of gravel mining on a river as follows:

"The gravel resource stored in any reach of a river can be visualized as a bank account. The capital in the account is contained in the bed, and in the bars and banks along the channel. Deposits are made naturally into the account as new gravel is brought in (recruited) from upstream. Natural withdrawals from the account occur as gravel is transported downstream out of the reach by the river. Checks are written on the account as gravel is extracted by man. As with any bank account, if deposits exceed withdrawals, the capital in the account will increase, that is the river will raise its bed (aggrade) and build up the bars. On the other hand, if withdrawals and checks exceed the deposits, the balance in the account will diminish. In the case of a river, this means lowering of the bed (degradation) and widening of the channel."

"The river as a whole can be looked at as a string of serially linked adjacent bank accounts (reaches), whereby the natural withdrawals (outflows) of bed material from each account provide the natural

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deposits (inflows) to the account immediately downstream. Thus, deposits to any downstream account reflect the cumulative effects of all upstream actions. In particular, if upstream reaches intercept most of the natural gravel recruitment (i.e. the cash flow to downstream accounts is reduced), then deposits to reaches farther downstream can only come by reducing the capital in the intervening accounts, i.e., by eroding the bed and banks."

Thus, gravel extraction projects can cumulatively contribute to erosion of the bed and banks of the river, which in turn can erode adjacent riparian habitat areas and prime agricultural farmlands, interfere with fishery resources, undermine bridge supports, and cause other adverse impacts on coastal resources. Besides the cumulative impacts resulting from changes in the geomorphology of the river, other cumulative impacts resulting from poorly sited or managed gravel mining operations include: (a) habitat degradation resulting from access roads, gravel harvesting, and gravel processing operations located within environmentally sensitive habitat areas, (b) interference with recreational boating use of the river, (c) exclusion of public access along the banks of the river, and (d) excessive noise and dust.

Until recently, there had been very little coordinated review of the combined effects of the various gravel mining operations. A gravel mining operation on the river requires the approval of local, State, and federal agencies. Permits granted in the past by the various approving agencies were site specific and granted with little knowledge of the cumulative impacts of gravel mining throughout the lower Smith River.

The initiation of coordinated review for gravel extraction operations on the Smith River began in 1989 under the County's use permit process when the County: (1) required applicants to establish bench marks on or near their bars to be used to determine, over time, changes in the elevation and configuration of the gravel bars and river channels; (2) required applicants to submit annual cross and longitudinal sections of the gravel bars to determine the amount of available material on each gravel bar, as well as the amount of yearly recruitment, (3) established a common February 1st date to annually review/renew all use permits for on-going and proposed gravel extraction operations, and (4) started to issue annually renewable, 5-year, use permits for gravel extraction. The County also began a process of mapping the location of riparian resources along the river using recent aerial photographs. In response, the Coastal Commission also established a 5-year permit with a common February 1st expiration date and an annual administrative review of seasonal mining plans that is similar to Special Condition No. 2 of this permit. As a result of this interagency coordination, information has been gained about the cumulative impacts of the gravel mining operations. At the heart of the strategy is the annual assessment required by the County use permit and Coastal Commission permit which set a yearly limit on the amount of gravel that may be removed in any given year. The particular method and location of extraction is determined by the terms and conditions of the County use permit, the State coastal development permit, and the annual Streambed Alteration Agreement from the California Department of Fish and Game. The

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information that is gained each year helps to identify changes in the location and amount of yearly gravel recruitment, changes in geomorphology of the river (such as its gravel bars, river banks, and river channels), and impacts upon wildlife and fisheries habitats.

Another new development that effects extraction operations on gravel bars is a recent change to the U.S. Army Corps of Engineers Regulatory Program under the Clean Water Act (effective September 24, 1993). The U.S. Army Corps of Engineers (Corps) now takes a more expanded role in the review of instream gravel extraction operations. Previously, the Corps' regulatory review of many instream gravel extraction operations focused mainly on the installation of channel crossings and stockpiling of material on the river bar. The Corps now actively regulates incidental fill related to gravel mining activities.

The combination of the new federal regulatory authority of the Corps, and the standardization and interagency coordination of state and local agency permitting and monitoring requirements, underscore how a comprehensive approach of river management of the Smith River gravel operations may be the only way in which permitted operations will be allowed to continue in the future.

3. Protection of Coastal Waters, Biological Productivity, Water Quality and Environmentally Sensitive Habitat Areas.

The Coastal Act has a number of policies that address the protection of riverine environments from the impacts of gravel mining operations. Coastal Act Section 30233 allows the diking, filling, or dredging of coastal waters, wetlands and estuaries, but only where: (a) there is no feasible, less environmentally damaging alternative, (b) where feasible mitigation measures have been provided to minimize adverse environmental effects, and (c) where the project is limited to one of eight specified uses, such as mineral extraction if not located within an environmentally sensitive area. Coastal Act Section 30231 requires that the biological productivity and the quality of coastal waters be maintained by a variety of means, such as by minimizing the alteration of natural streams and by maintaining natural vegetation buffer areas that protect riparian habitats. Coastal Act Section 30240 requires the protection of environmentally sensitive habitat areas. Lastly, Coastal Act Section 30250(a) requires in applicable part that new development not have significant adverse effects, either individually or cumulatively, on coastal resources.

Depending on the time, place, and manner in which the gravel operations are conducted, the proposed project could have four potential adverse effects on the natural environment of the lower Smith River. These impacts include: (1) changes in the geomorphology of the river, such as alteration of the river bed, river channel, or river banks that could lead to increased bank erosion and changes in the course of the river, (2) impacts on fisheries, (3) impacts on wildlife and environmentally sensitive habitat areas, and (4) impacts on the water quality of the river. These potential impacts and their mitigation are discussed separately in the following four sections:

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a. River Geomorphology.

Allowing degradation of the river bed and erosion of the river banks as a result of gravel mining operations would be contrary to the sections of the Coastal Act noted above. River bank erosion could lead to a loss of biological productivity and a reduction of water quality of coastal waters through increased sedimentation and turbidity, which would be contrary to the intent of Section 30231. River bank erosion could also lead to the destruction of an environmentally sensitive, riparian habitat area on the banks of the river, which would be contrary to the intent of Section 30240.

Impacts to the river geomorphology can occur if the amount of gravel extracted from a particular part of the river exceeds, over time, the amount of gravel deposited at the site through natural recruitment. Bed degradation and river bank erosion can also occur as a result of the manner in which the gravel is extracted. For example, according to a scientific team from the California Department of Fish & Game who examined gravel extraction on the Mad River in Humboldt County, if the gravel bars are skimmed too flat and too close to the low-water surface, then at slightly higher stages the flowing waters of the river will tend to spread across the bars in a braided condition, which reduces the depth of flow and allows the river channel to migrate rapidly and break apart into a number of shallow channels or threads. The braided condition of a stream or river can also occur where aggradation or the build up of material is a problem. Such sites will tend to trap gravel which would otherwise move downstream. Such sites may also trap or impede fish that migrate up and down the river. In addition, the shallowness of a braided stream or river allows the water to quickly heat up, which is not conducive to the cool water conditions that are needed by migratory fish on the Smith River.

According to Don Kelly, the California Department of Fish and Game warden who issues 1603 Streambed Alteration Agreements for the Smith River gravel bars, the upstream point of a gravel bar plays an especially valuable role in maintaining the geomorphology of the river. Leaving the upstream point of the bar alone aids in the annual deposition of sand and gravel on the bar, which in turn, helps to maintain the present geomorphology of the bed, channel, and banks of the river. As the upstream point of the gravel bar rises in elevation from the bed of the river, sediment-carrying waters that flow over the bar in the winter and spring months are slowed by the increasing shallowness of the water and/or slowed by the presence of riparian vegetation that is located at the point of the bar. This slowing action causes some of the sand and gravel that is in suspension to drop behind the vegetation and the upstream point of the bar. The Commission therefore finds that removal of gravel or vegetation from the upstream point of the bar would not be consistent with the Coastal Act as it would tend to encourage changes to the present geomorphology of the gravel bar, which in turn can lead to adverse changes to the river channel and erosion of the river banks.

The applicant proposes to extract a maximum of 80,000 cubic yards of sand and gravel per year from the site for a period of 5 years. As conditioned herein, the yearly amount of the proposed extraction is limited in part by the rate of

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natural gravel replenishment to avoid degradation of the river bed. Consequently, gravel extraction operations cannot occur in any given season until after the County and the Executive Director of the Commission have reviewed and approved an annual volumetric/environmental assessment of the project area.

As conditioned herein, the proposed gravel extraction operations are designed to ensure that the project will not lead to adverse degradation to the bed, channel, or banks of the river. To help ensure that such degradation does not occur, Special Condition No. 3 sets annual extraction limits for the project area so that the applicant cannot extract more than 80,000 cubic yards of gravel per year, or the amount of available gravel, whichever is the lesser amount in any given year. The "amount of available gravel" is defined in this permit as the amount of gravel that can be taken from the approved extraction area using: (a) a trenching method that is approved by the Department of Fish and Game, (b) a skimming operation that is approved by the Department of Fish and Game which leaves the final surface elevation of the bar above the low water level of the river with a slope of 2 percent or greater that drains towards the main channel of the river, or (c) a combination of both methods. Leaving the bar with a prescribed slope will encourage future gravel recruitment and minimize degradation of the river bed, river channel, and river banks.

To ensure that the extraction limits of Special Condition No. 3 are appropriately applied to any changed conditions of the gravel bar each year, Special Condition No. 2 establishes an annual administrative review process to occur prior to each year's extraction operations. In summary, Special Condition No. 2 requires the applicant to submit an annual report for the review and approval of the Executive Director that contains: (a) a copy of all of the necessary permits, approvals, and reviews from local government and other state and federal agencies that are annually required for each season's gravel extractions, and (b) an annual volumetric and environmental assessment of the project site and surrounding area. The Executive Director will approve the report if the report adequately provides the required information and if the proposed gravel extraction for the coming season is consistent with the terms and conditions of this permit, including the seasonal extraction limits established under Special Condition No. 3.

Lastly, the annual volumetric and environmental assessments will also help provide factual data for updating a 21-year-old (1974) gravel replenishment rate study by the California Department of Water Resources for the lower Smith River. That study estimates that the average annual replenishment rate of gravel along the lower Smith River is around 330,000 cubic yards of material per year. There is a need to periodically update that study by establishing the seasonal replenishment rates for every gravel extraction operation on the lower Smith River so as to better manage these renewable extractive resources and to avoid adverse cumulative impacts to coastal resources.

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b. Fisheries.

As noted previously, the Smith River and its tributaries are ranked among the most significant anadromous fisheries in Northern California. Chinook salmon, Coho salmon and steelhead trout are among the most important species. The lower Smith River is important for anadromous fish which use the river as a migration route to and from the upstream spawning grounds. This stretch of the river itself is not a significant fish spawning area.

The previously mentioned Chinook salmon, Coho salmon and steelhead trout that use the Smith River are listed by the California Department of Fish & Game as "species of special concern". No other known species of special concern have been found at the project site. Species of special concern are those species that are legally protected by state or federal endangered species laws, or are under consideration for such protection by state or federal resource agencies.

Seasonal gravel extraction operations on north coast streams and rivers typically occur during the summer and early fall months, in part because extraction operations at this time of the year will not adversely affect fisheries. In addition, gravel extraction operations need to be out of the river bed before the start of the winter rainy season to prevent adverse impacts on fisheries. Leaving the river before the start of the winter rainy season is especially important because runs of the various species of anadromous fish increase in the fall with the rise in river levels and remain at high levels through the early spring.

In its annual 1603 Streambed Alteration Agreements, the California Department of Fish & Game has imposed a seasonal limitation on past gravel extraction operations at this site from August 10th through October 15th to minimize impacts to fisheries. The actual time period for gravel extraction operations on the Smith River can vary from year to year, depending on the low flow conditions of the river. The Commission therefore attaches Special Condition No. 4 which states that extraction shall only be performed from August 10 through October 15 unless the Executive Director extends this time period after determining through consultation with the Department of Fish and Game that the additional period of extraction will not adversely affect fisheries. The Commission also attaches Special Condition No. 6, a resource protection condition, which will also serve to protect fisheries by requiring that: (a) no sand or gravel materials be removed from the live waters of the river, (b) no equipment operate within, and that no material encroach upon, the live waters of the river, (c) gravel extraction operations not disturb or remove any vegetation located on the banks of the river, (d) gravel extraction operations not disturb or remove any environmentally sensitive, riparian or wetland vegetation on the gravel bar as mapped and identified in Exhibit 5, and (e) gravel extraction operations be conducted within the approved gravel extraction area as directed by the California Department of Fish and Game.

The Commission also attaches Special Condition No. 3, which requires in applicable part that the applicant conduct a gravel skimming operation in a manner that will maintain a sloped extraction area, unless otherwise directed

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by the California Department of Fish and Game in its annual 1603 Streambed Alteration Agreement. Special Conditions No. 3, 4, and 6 are necessary in whole or in part to maintain the biological productivity and water quality of coastal waters and wetlands to protect fisheries and wildlife habitat areas in a manner that is consistent with Section 30231 of the Coastal Act.

c. Environmentally Sensitive Habitat.

In general, the riparian vegetation located along the banks of the lower Smith River, and the riparian vegetation and wetlands located on portions of some of the gravel bars, is perhaps the single-most important element for the natural environment in the area. This riparian and wetland vegetation is considered by the Commission to be an environmentally sensitive habitat area. Section 30107.5 of the Coastal Act defines an "environmentally sensitive area" as:

"Any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

This riparian and wetland habitat area provides a rich and diverse habitat for many living organisms, including: (a) insects, (b) invertebrates, (c) amphibians, such as frogs and salamanders, (d) fish, (e) many species of birds which use the area for foraging, nesting and cover, and (f) various species of mammals, such as river otters, mink, deer, raccoon, striped skunk, gray fox, rodents and rabbits which come to the river to browse and forage. In addition, the riparian vegetation along the banks of the river also provides migration routes for wildlife, provides river bank stabilization through root penetration, protects water quality, and provides flood protection.

No "special status species" (apart from the fish species previously mentioned) have been found at the site. However, the riparian vegetation along the banks of the river may offer suitable habitat for a state listed endangered species, such as the willow flycatcher, and four "species of special concern," such as the black-shouldered kite, Cooper's hawk, yellow warbler and yellow-breasted chat.

In addition, upstream from the bar, exists a nesting area for a colony of bank swallows, Riparia riparia located on the opposite bank of the river on State of California lands managed by the California Department of Parks and Recreation. The bank swallow is a migratory species which is listed by the State of California as threatened. The bank swallow is sensitive to the noise and dust associated with gravel operations during its nesting period, which runs from May 1st to August 1st. As indicated in Exhibit No. 4, the swallow nesting area is about 1,000 feet from the proposed gravel extraction and processing site. Staff from the California Department of Fish and Game have determined that the previous gravel extraction operation did not have any adverse impacts on this colony of bank swallows. Since the continued gravel extraction operation that is the subject of this permit is located in the same site as the previous operation, no adverse impacts to the swallows are anticipated.

The proposed project will not affect the riparian vegetation on the banks of the river. However, other environmentally sensitive habitat is located near the gravel extraction site. A botanical investigation of the gravel bar and project area was conducted in August of 1994 by Botanica Northwest Associates. The investigation identified and mapped several small areas of woody riparian vegetation located on the gravel bar below the ordinary high water level and above the mean high tide line near the upstream point of the bar. The dominant species of woody riparian vegetation are: arroyo willow (*Salix lasioloipsis*), Sitka willow (*Salix sitchensis*), red alder (*Alnus rubra*), and black cottonwood (*Populus balsamifera* ssp *trichocarpa*). These trees range from 6 to 10 feet in height. The canopy is moderately dense, ranging from 50% to 80% cover. The understory vegetation below the riparian vegetation is dense and dominated by annual grasses and herbs. The woody riparian vegetation is noted as "VA" in Exhibit No. 5.

The investigation also identified and mapped two larger areas of vegetated wetlands located on the gravel bar below the ordinary high water level and above the mean high tide line. The dominant species of the wetlands are: salt rush (*Juncus lesueurii*), soft rush (*Juncus effusus*), silverweed (*Potentilla anserina*), spikerush (*Eleocharis macrostachya*), and slough sedge (*Carex obnupta*). The wetland areas are noted as "brackish marsh" in Exhibit No. 5.

Otherwise, the balance of the gravel bar, including the proposed gravel extraction area, is sparsely to densely vegetated, primarily by seasonal herbaceous species, such as smilo grass (*Piptatherum miliaceum*), white sweetclover (*Melilotus alba*), Klamathweed (*Hypericum perforatum*), dog fennel (*Anthemis cotula*), Queen Anne's land (*Daucus carota*), and English plantain (*Plantago lanceolata*).

Staff from the California Department of Fish and Game indicate that woody riparian vegetation and vegetated wetlands as mapped and identified in the botanical investigation are considered to be environmentally sensitive. See Exhibit No. 6. However, none of these environmentally sensitive areas are located within the proposed 9± acre gravel extraction area.

d. Water Quality.

The project's crushing and screening operations will result in localized silt. However, the water quality of the Smith River will be protected since the processing site for screening and crushing is at least 800 feet from the live waters of the Smith River and since the project does not include a washing operation.

If properly managed, the proposed gravel extraction operation itself should not adversely affect the river's water quality. However, excessive or sloppy gravel extraction operations could adversely impact water quality, and ultimately the biological productivity and fishery resources of the river. For example, pushing gravel materials into the water could degrade water quality and biological productivity by increasing the turbidity of the water.

RESERVATION RANCH (STEVEN WESTBROOK)

Similarly, allowing muddy water to enter the river due to inappropriate gravel trenching operations could create similar impacts. To prevent such occurrences, the Commission attaches Special Condition No. 6 which requires that: (a) no sand or gravel materials be removed from the live waters of the river, (b) no equipment operate within, and no material encroach upon, the live waters of the river, (c) gravel extraction operations not disturb or remove any vegetation located on the banks of the river, (d) gravel extraction operations not disturb or remove any environmentally sensitive, riparian or wetland vegetation on the gravel bar as shown in Exhibit No. 5, and (e) gravel extraction operations be conducted within the approved gravel extraction area as directed by the California Department of Fish and Game.

e. Conclusion on Consistency with Sections 30233, 30231, 30240, and 30250(a).

As described above, the project has been conditioned to: (a) minimize alteration of the Smith River, (b) maintain the biological productivity and quality of coastal waters and wetlands, and (c) protect fisheries, wildlife, and environmentally sensitive, riparian habitat areas located within or along the banks of the Smith River. Therefore, the Commission finds the project is consistent with Sections 30231, 30233, and 30250(a) of the Coastal Act.

4. Alternatives.

Coastal Act Section 30233 also requires that for a dredging or fill project to be approved, there must be no feasible less environmentally damaging alternative. A total of four possible alternatives have been identified, including: (1) the no project alternative, (2) substituting crushed rock from rock quarry operations in lieu of sand and gravel products, (3) obtaining sand and gravel from alluvial deposits in the Smith River floodplain, and (4) modifying the proposed project. As explained below, each of these alternatives has problems that make them infeasible and/or more environmentally damaging than the proposed project.

a. The No Project Alternative.

The no project alternative means that no gravel extraction would occur at the site. Without extraction from this site, an equivalent amount of sand and gravel would have to be obtained from other sources to meet the region's need for cement and concrete for the construction of roads, buildings, and other development. Increasing production from other river bar extraction operations would have environmental impacts similar to or greater than the proposed project. The proposed project is located in an area where gravel has historically accumulated and has historically been mined. Mining in many other parts of the river where gravel does not accumulate could lead to changes in geomorphology of the river which in turn, could cause a variety of adverse impacts such as increased sedimentation, the undermining of bridge supports, and river bank erosion, resulting in the loss of environmentally sensitive, riparian and wetland habitat areas and/or the loss of prime agricultural lands. The Commission therefore finds that the no project

alternative is not a less environmentally damaging alternative to the project as conditioned.

b. Substituting Crushed Rock from Rock Quarry Operations in lieu of Sand and Gravel Products.

Gravel excavation from the river could be avoided if an equivalent amount of crushed rock products from upland quarry operations could be substituted for sand and gravel products. However, there are few rock quarries in nearby areas where it would be economically feasible to obtain sufficient material.

For example, the applicant owns a rock quarry about 3 to 4 miles north of the Ranch Bar near Lopez Creek (in the coastal zone). However, that rock quarry is almost exhausted and there is not enough material to meet the applicant's needs. The Sheve Quarry in Hiouchi (not in the coastal zone) has about 100,000 cubic yards of available rock which could be extracted before the quarry is exhausted. The Sheve Quarry currently mines about 30,000 cubic yards of material per year. Thus, this quarry has a limited supply of available rock which, at the current rates of extraction, could be exhausted in the next 3 to 4 years. A number of the timber companies in the County have small rock quarries. However, all of this rock is used by the timber companies for their own purposes and none of it is available for sale on the open market.

The only other remaining rock quarry operation in the County is the Starry Ranch Quarry off Elk Valley Road near Crescent City (not in the coastal zone). Although this quarry is the largest rock quarry in the County, exact figures as to the amount of available rock still remaining in the quarry were not available to staff at the time that this staff report was prepared. However, whether or not this quarry might be able to provide a sufficient amount of crushed rock, the rock produced is different than that produced from in-stream gravel mining operations, and serves a different market. Crushed quarry rock has sharp edges. Screened river run gravel has smooth edges. Since each of these materials has different physical characteristics, these materials are not totally interchangeable. Thus, the Commission finds that substituting crushed rock from the quarry in lieu of river run gravel is not a feasible alternative. Finally, creating a new rock quarry would result in far more environmental impacts than the proposed in-stream gravel mining operation, even if the eventual reclamation of the quarry were taken into account. A large amount of grading is needed to both establish a quarry and re-contour the land for reclamation of an exhausted rock quarry operation; whereas, only a small amount of grading is needed each year to re-contour a gravel bar at the end of the gravel extraction season. Rock quarry operations inevitably require the removal of significant vegetation, whereas, vegetation will not be affected by the proposed in-stream gravel mining operation. It is also more difficult to find a new use for a reclaimed rock quarry; whereas, this is not an issue with gravel bars. The Commission therefore finds that substituting crushed rock from a rock quarry in lieu of river run gravel is not a less environmentally damaging alternative.

c. Obtaining Sand and Gravel from Alluvial Deposits.

Gravel excavation from the river could be avoided if an equivalent amount of sand and gravel could be obtained from other alluvial deposits in the flood plain of the lower Smith River but not within the river channel. The floodplain of the lower Smith River is underlain by substantial amounts of sand and gravel deposited over thousands of years. However, taking gravel from these alluvial deposits would create its own environmental impacts. Almost all of the lower Smith River floodplain is devoted to uses related to agricultural production. Converting productive coastal agricultural lands to gravel extraction or other uses would not be consistent with Coastal Act policies which call for the protection of agricultural lands. In addition, most of the remaining undeveloped areas of the lower Smith River floodplain is covered with riparian and other environmentally sensitive habitats. Extracting gravel from such areas would result in far more impact to environmentally sensitive habitat areas than extraction at the project site as conditioned by the permit.

The Wakefield Ranch near Fort Dick (not in the coastal zone) has an open gravel pit in the floodplain of the lower Smith River. However, the ranch only has about 280,000 cubic yards of remaining gravel. This amount of material may not be sufficient to meet the applicant's needs over the lifespan of this project, particularly if the replenishment rate on Ranch Bar allows the applicant to take the maximum amount of gravel proposed each year (80,000 cubic yards/year). Therefore, mining gravel from the Wakefield Ranch may not be a feasible substitute for the applicant's proposed in-stream mining operation. The Commission therefore finds that substituting gravel extracted from alluvial deposits in floodplain of the lower Smith River is not a feasible alternative.

d. Modifying the Proposed Project. As Conditioned.

Various modifications to the proposed project as conditioned could be proposed in an attempt to reduce the environmental effects. One such modification would be to mine in different areas on the bar, in addition to or in lieu of, the approved gravel extraction site. However, this modification is not likely to result in less impacts than the project authorized herein since portions of the area that are outside of the approved gravel extraction area support environmentally sensitive habitat area and excavating from the upstream point of the bar, which the applicant does not propose to do, would lead to changes in the geomorphology of the river as discussed previously.

Another modification to the project would be to mine only a portion of the approved extraction area. The project has been designed to provide a variety of mining options, so that annual conditions can be assessed based on the site specific conditions of any given year. Reducing the number of mining areas will reduce the flexibility provided by the project as conditioned to assign the coming season's gravel mining to the areas with the least impact to the geomorphology of the river or riverine ecosystem. Consequently, more environmental impact is likely to result. No other feasible modification to

RESERVATION RANCH (STEVEN WESTBROOK)

the proposed extraction scheme has been identified. The Commission therefore finds that modifying the proposed gravel extraction area in any other way, other than as conditioned, would not create an environmentally less damaging alternative.

5. Permissible Use For Dredging of Coastal Waters.

Gravel extraction within a river bed is a form of dredging within a wetland. Coastal Act Section 30233, states in part, that the diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be allowed for only certain limited purposes. Section 30233(a)(6) allows dredging for mineral extraction, except in environmentally sensitive areas. As discussed and conditioned herein, no part of the project will be conducted within an environmentally sensitive area. The Commission therefore finds that the project is a permissible use under Section 30233(a)(6) of the Coastal Act.

6. Public Access.

The project is located between the first public road (Fred Haight Drive) and the sea (the Smith River is considered to be an arm of the sea in this area). Coastal Act Section 30210 requires that maximum public access opportunities be provided when consistent with public safety, private property rights, and natural resource protection. Coastal Act Section 30211 requires that development not interfere with the public's right of access to the sea where acquired through use. Coastal Act Section 30212 requires that public access from the nearest public roadway to the shoreline and along the coast be provided in new development projects, except in certain instances, as when adequate access exists nearby. In applying Sections 30210, 30211, and 30212, the Commission is limited by the need to show that any denial of a permit application based on those sections, or any decision to grant a permit subject to special conditions requiring public access, is necessary to avoid or offset a project's adverse impact on existing or potential public access.

There is no evidence of historic public access use within the project area. Furthermore, gravel extraction operations have been occurring at the site for many years. The continued extraction of gravel as authorized by this permit will not create any new demand for public access or otherwise create any additional burdens on public access than have existed in the past.

Therefore, the Commission finds that the proposed project does not have any adverse effect on public access that warrants requiring public access, and that the project as proposed without new public access is consistent with Sections 30210 and 30212.

The Commission notes that four shoreline access points presently exist within the coastal zone and the lower Smith River (i.e. downstream and west of the Dr. Fine or Highway 101 Bridge. From west to east, these access points are located at: (1) the southerly end of the Mouth of the Smith River Road, (2) the Ship-a-Shore resort, (3) the southerly end of Sarina Road, (4) and the County-owned, Smith River fishing access point access from the Bailey Bar.

1-95-49

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Page 19

The proposed project is located about one mile west of the southerly end of Sarina Road. See Exhibit No. 3.

7. Coastal Recreation.

Coastal Act Section 30220 states in applicable part the coastal areas suited for water-oriented recreational activities shall be protected for such uses.

The lower Smith River has significant recreational boat traffic during the gravel extraction season. The project will not obstruct existing recreational boat traffic since the gravel extraction operations, as conditioned, are not allowed within the live waters of the river, and since removal of the gravel will not require crossing the river. To ensure that the project's operations are kept out of the live waters of river, the Commission attaches Special Condition No. 6, which requires in applicable part that no equipment shall operate within, and no material shall encroach upon, the live waters of the river channel existing at the time of operations.

8. State Lands Commission Review.

Section 30601.5 of the Coastal Act provides in applicable part, that if an applicant is not the owner of a fee interest in the property, the applicant must demonstrate a legal right, interest, or entitlement to use the property in the manner proposed. Therefore, if there are any questions with regard to the ownership of the property, the applicant is required to provide evidence that the applicant has the legal right to use the property for the purpose proposed.

The project is located in the bed of the Smith River, a navigable river, where the State of California holds a fee interest over lands and waters generally located below the ordinary high water mark of the river as they last naturally existed. In addition, the entire river between the ordinary high water marks may be subject to a public trust easement. Any such interest and easement are under the jurisdiction of the State Lands Commission.

The applicant currently has a valid mineral lease agreement (PRC 7192) with the State Lands Commission. The agreement was approved by the State Lands Commission on November 9, 1993. The agreement runs for a period of five years and will expire on November 9, 1998 if the applicant does not exercise his option to renew the agreement for another five years. The agreement, however, only allows the applicant to take a maximum of 20,000 cubic yards of sand and gravel products per year. Since this permit would allow the applicant to take up to 80,000 cubic yards of material per year, or the amount of available material, whichever is the lesser amount, the existing agreement with the State Lands Commission needs to be modified or revised to reflect the increase in the amount of material that may be removed on a yearly basis. The Commission therefore attaches Special Condition No. 1 which requires the applicant to submit a revised or modified agreement from the State Lands Commission for the review and approval of the Executive Director prior to issuance of the permit. In addition, since the agreement will expire on

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November 9, 1998 (which is before the February 1, 2001 expiration date of this permit), the Commission includes a requirement in Special Condition No. 2, the condition requiring Executive Director approval of annual mining plans, that the applicant submit a copy of a renewed agreement from the State Lands Commission for gravel extraction operations to be conducted after November 9, 1998. The Commission attaches these special conditions to the approved permit to ensure that the applicant has obtained all the necessary property rights to carry out the project, consistent with Section 30601.5 of the Coastal Act.

9. Department of Fish and Game Review.

The project requires an annual 1603 Streambed Alteration Agreement from the California Department of Fish and Game. To ensure that the project area reviewed by the Department of Fish and Game is the same project area that was reviewed under this permit by the Commission, and to ensure that the requested amount of gravel extraction does not exceed the seasonal extraction limits established under Special Condition No. 3, the Commission requires as part of Special Condition No. 2 that prior to commencing each gravel extraction season, the applicant submit a copy of a 1603 agreement from the Department of Fish and Game that is valid for that season.

10. U.S. Army Corps of Engineers Review.

The project is within and adjacent to a navigable waterway and is subject to review by the U.S. Army Corps of Engineers (Corps). Pursuant to the Federal Coastal Zone Management Act, any permit issued by a federal agency for activities that affect the coastal zone must be consistent with the coastal zone management program for that state. Under agreements between the Coastal Commission and the U.S. Army Corps of Engineers, the Corps will not issue a permit until the Coastal Commission approves a federal consistency certification for the project or approves a permit. To ensure that the project ultimately approved by the Corps is the same as the project authorized herein, the Commission requires as part of Special Condition No. 2 that prior to commencing each gravel extraction season, the applicant demonstrate that it has all necessary permits from the U.S. Army Corps of Engineers for the proposed gravel extraction to be performed that season. See Exhibit No. 8.

11. Permit Expiration.

As noted in the "Resource Issues and Regulatory Background" finding of this report, regulation of gravel mining operations along the Smith River has been evolving over the last few years and is likely to continue to evolve in the future. The U.S. Army Corps of Engineers has recently been given greater regulatory authority over instream gravel extraction operations and is currently developing the approach the agency will take to exercise its new authority. An interagency instream gravel mining committee at the State level is developing new monitoring standards. Therefore, to enable the Commission to review future mining at the applicant's site in light of the new information and changed circumstances that may develop over the next few years, the Commission attaches Special Condition No. 5, which states that the permit shall expire on February 1, 2001.

The Commission notes that it may be necessary for the applicant to amend this authorization even before expiration of the permit on February 1, 2001. The Smith River is a dynamic environment that can change dramatically in the course of a single winter due to extreme high water flows. Standard Condition No. 3 requires that the project adhere to the project plans submitted with the application, as modified by the conditions of the permit. In the event that changes in the riverine environment necessitate changes to the extraction area and/or reclamation plans for the project, such changes will require further review by the Commission. In addition, Special Condition No. 7 requires that any proposal to take more than the maximum permitted 80,000 cubic yards of materials, to take more than the amount of available gravel, to increase the size of the project area, or to change any of the conditions of this permit shall require an amendment to this permit.

12. Del Norte County LCP.

The proposed gravel extraction project is located within the Commission's retained coastal development permit jurisdiction. Therefore, the standard of review that the Commission is applying in its consideration of the application is the Coastal Act. Nonetheless, the project is also consistent with Del Norte County's Local Coastal Program.

The County has rezoned the land and water areas located immediately adjacent to and within the bed of the lower Smith River from RCA-1 to RCA-2(r) and (e), meaning Designated Resource Conservation Area, riparian and estuary.

The RCA-2(r) designation applies to the riparian plant community that is found on the banks of the river. Except for nature study, fish and wildlife management, and other minor development, gravel extraction operations are not allowed within an RCA-2(r) area because these areas are considered to be environmentally sensitive.

The RCA-2(e) designation applies to the gravel bars that are located within the bed of the lower Smith River. Subject to obtaining a County use permit, Section 21.11A.040(D) of the County's coastal Zoning Ordinance allows gravel extraction operations within a RCA-2(e) zone where: (a) the proposed operations are in accordance with the provisions of the Coastal Element of the County's General Plan, (b) there is no feasible less environmentally damaging alternative, and (c) feasible mitigation measures have been provided to minimize adverse environmental effects.

The provisions of the County's Coastal Element of its General Plan (i.e. Extraction Policies No. 6, 10, and 12 of the LUP) prohibit gravel extraction operations in areas where the operations would significantly bar, alter, or destroy wildlife habitat and fisheries. In so doing, the provisions also recognize that alterations of natural river channels through straightening, widening, or deepening can have adverse impacts on the habitat qualities of estuarine systems. Thus, proposed gravel extraction operations that are likely to result in changes to the geomorphology of the river are also likely to result in adverse impacts on environmentally sensitive habitat areas that

are associated with the river. As conditioned herein, this permit is consistent with County policy to prohibit gravel extraction operations over the upstream point of a gravel bar. As previously discussed, there are no feasible less environmentally damaging alternatives to the proposed project and feasible mitigation measures have been attached as special conditions of approval. In its action to approve the use permit for the project, Del Norte County found that the proposed project was consistent with the Del Norte County LCP. The Commission concurs with this determination.

13. California Environmental Quality Act (CEQA).

Section 13096 of the California Code of Regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

The proposed project has been conditioned in order to be found consistent with the policies of the Coastal Act that restrict the filling and dredging of coastal waters and require the protection of the biological productivity of coastal waters. Mitigation measures, including requirements that: (1) limit the location and manner of extraction to avoid adverse impacts to migratory fish, (2) limit the location and manner of extraction to minimize changes in the river's geomorphology, (3) limit the location and manner of extraction to minimize interference with recreational boat traffic on the river, and (4) call for the preparation of annual volumetric assessments and environmental surveys of any changed conditions in the river and its habitat values to be reviewed by the Commission and other agencies to minimize cumulative impacts to coastal resources. As conditioned, there are no feasible alternatives or feasible mitigation measures available, beyond those required, which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act and to conform to CEQA.

ATTACHMENT A

Standard Conditions

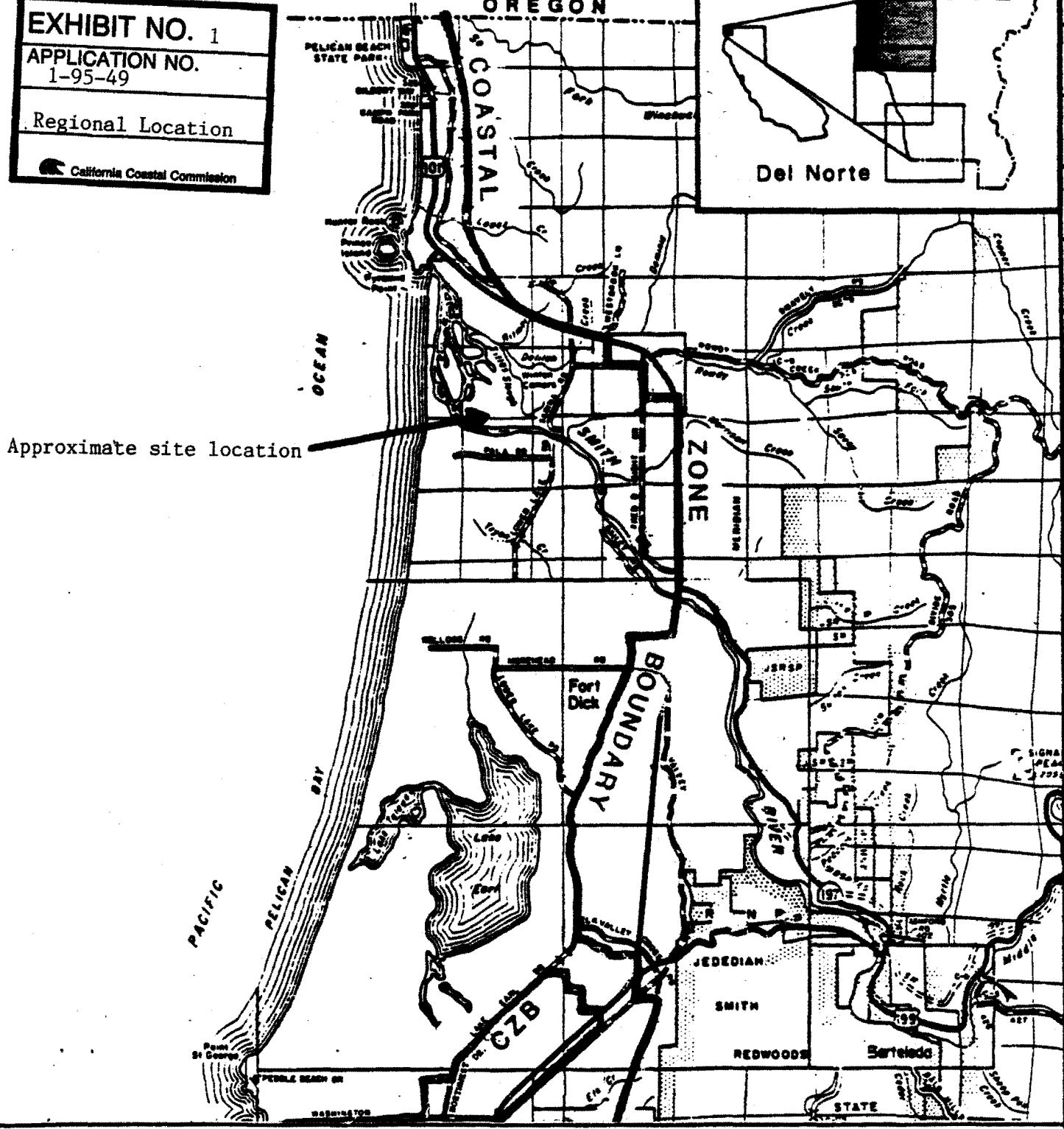
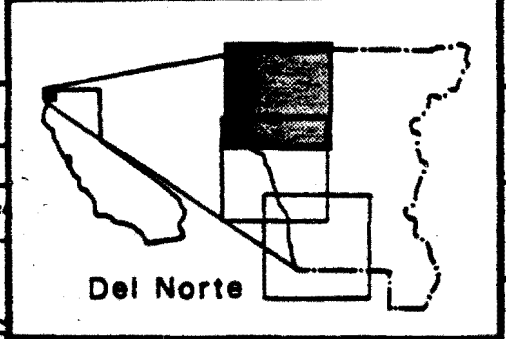
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent of interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

A B C D E F G H I J K L M N O

EXHIBIT NO. 1
APPLICATION NO.
 1-95-49

Regional Location

California Coastal Commission



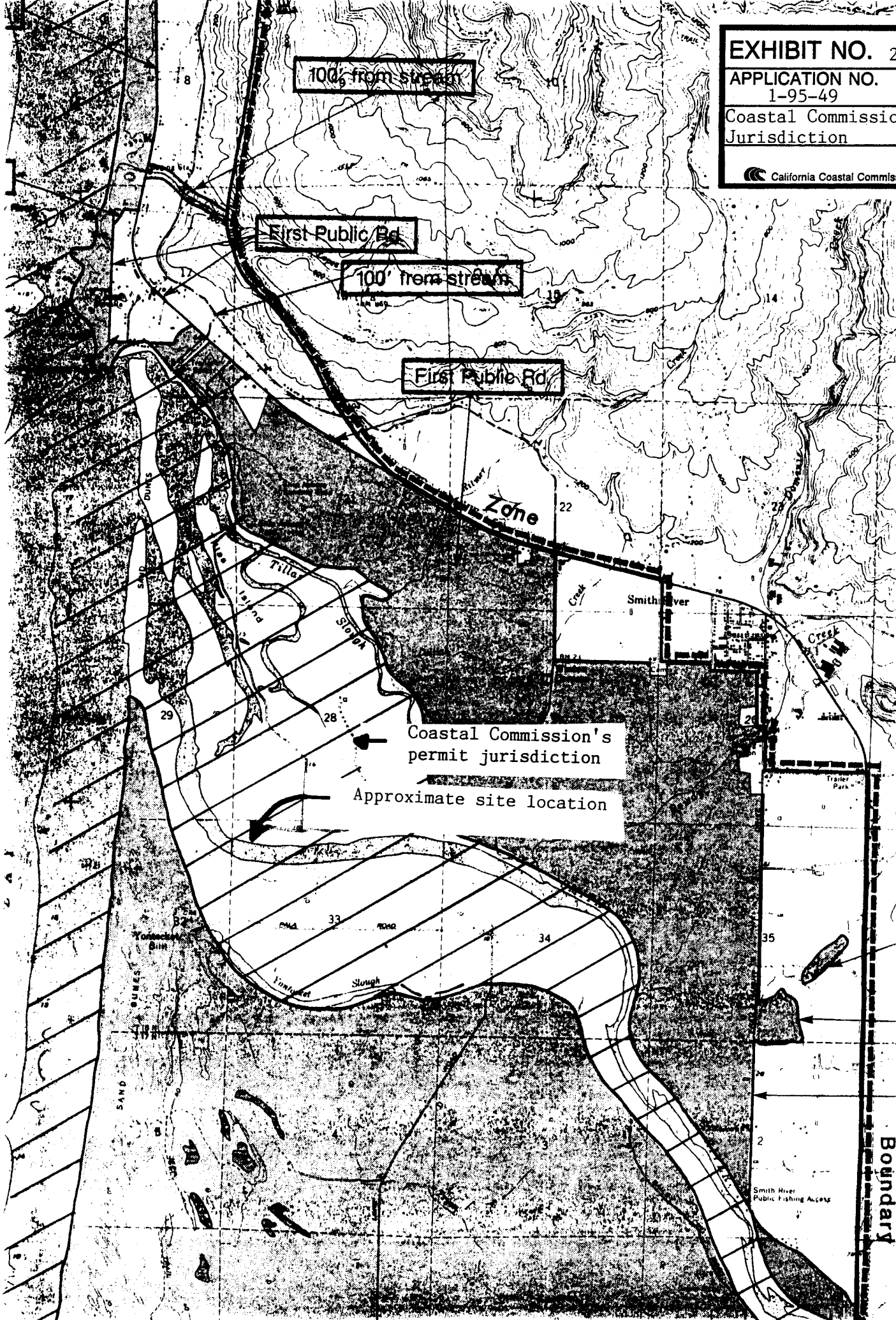
Approximate site location

California Coastal Commission

LOCATION MAP



EXHIBIT NO. 2
APPLICATION NO.
1-95-49
Coastal Commission
Jurisdiction
California Coastal Commission



100' from stream

First Public Rd

100' from stream

First Public Rd

Zone

Smith River

Coastal Commission's
permit jurisdiction

Approximate site location

Tranter Park

SAND BUNES

Slough

Smith River
Public Fishing Access

Boundary

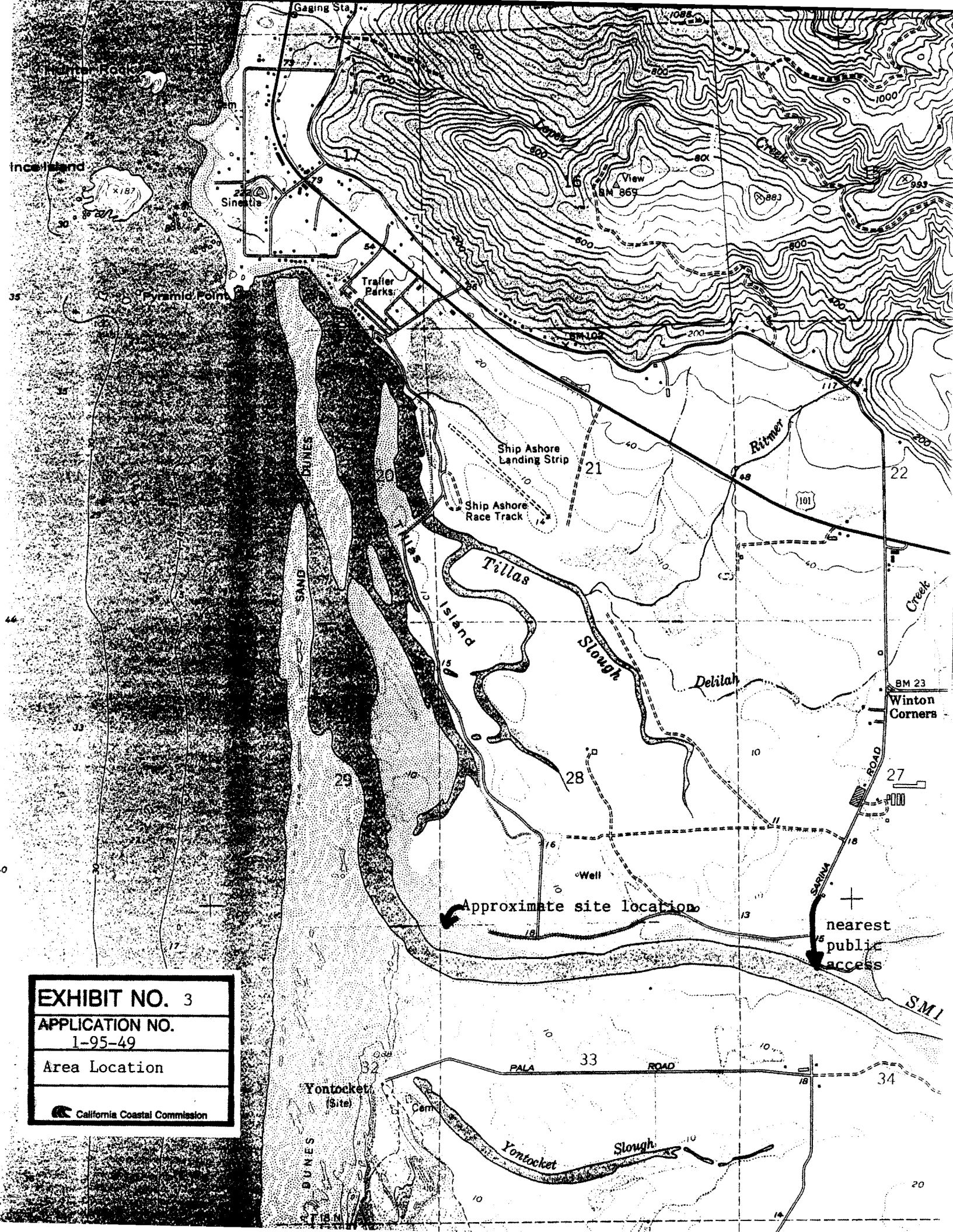


EXHIBIT NO. 3

APPLICATION NO.
1-95-49

Area Location

California Coastal Commission

Harvest Proposal

RANCH BAR

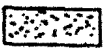
Location of Cross-Sections &
Longitudinal Section


Located approximately 3.5 miles
North west of Smith River

LEGEND


Current Survey —————

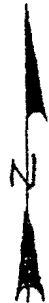
Previous Survey - - - - -

Removed 

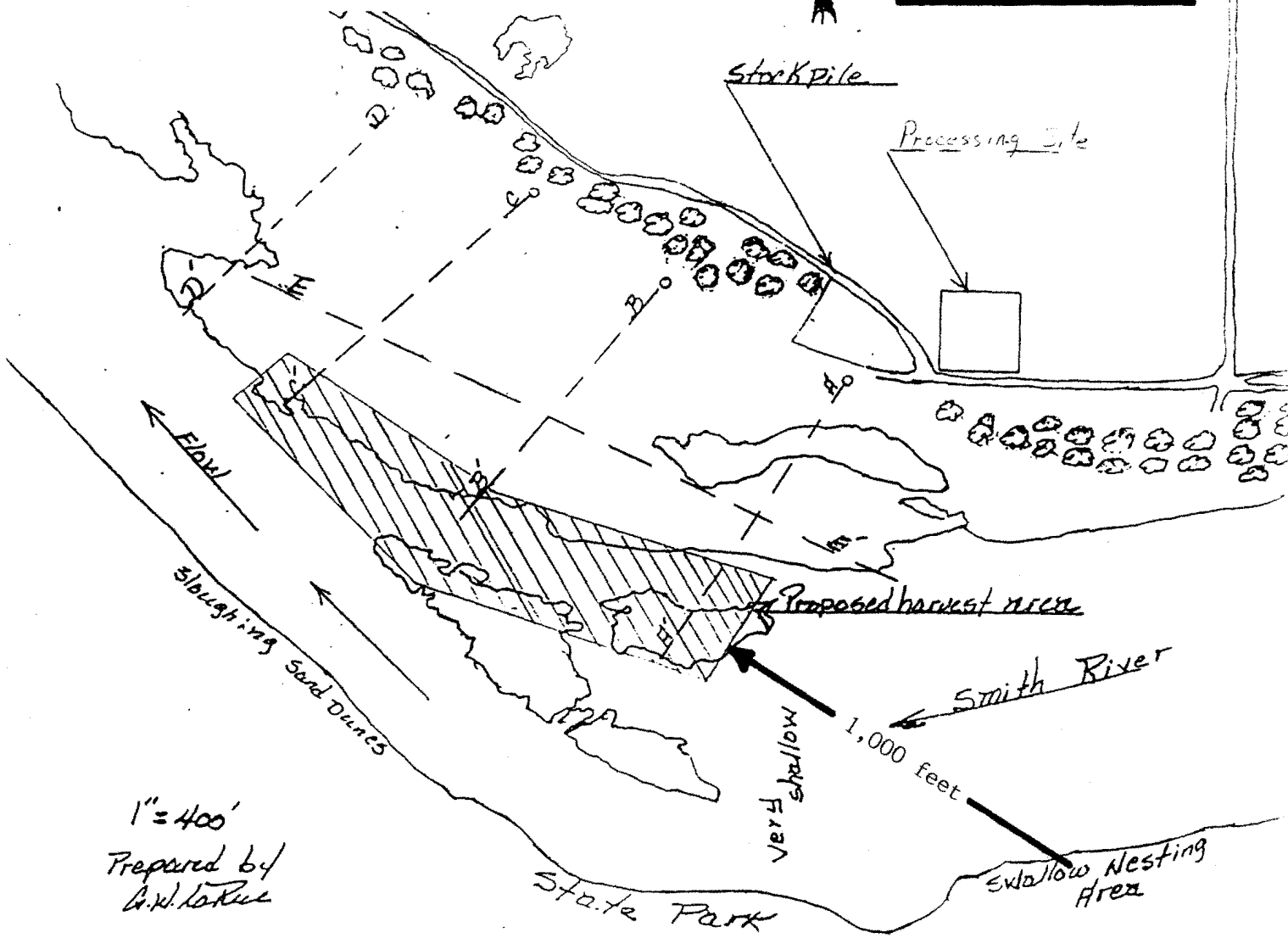
Deposited 

Water Surface ▽

EXHIBIT NO. 4
APPLICATION NO. 1-95-49
Site plan and the proposed extraction area
 California Coastal Commission



TO
SARINA
Road



1" = 400'
Prepared by
G.W. Tolue

1996 Project Area

Post-It™ brand fax transmittal memo 7671 # of pages 1

To Jim Muth	From Karen Kovach
Co. CA Coastal Comm.	Co. DFG
Sup. Reservation Ranch	Phone # 8-538-5789
Fax (415) 904 5400	Fax (707) 445-6664

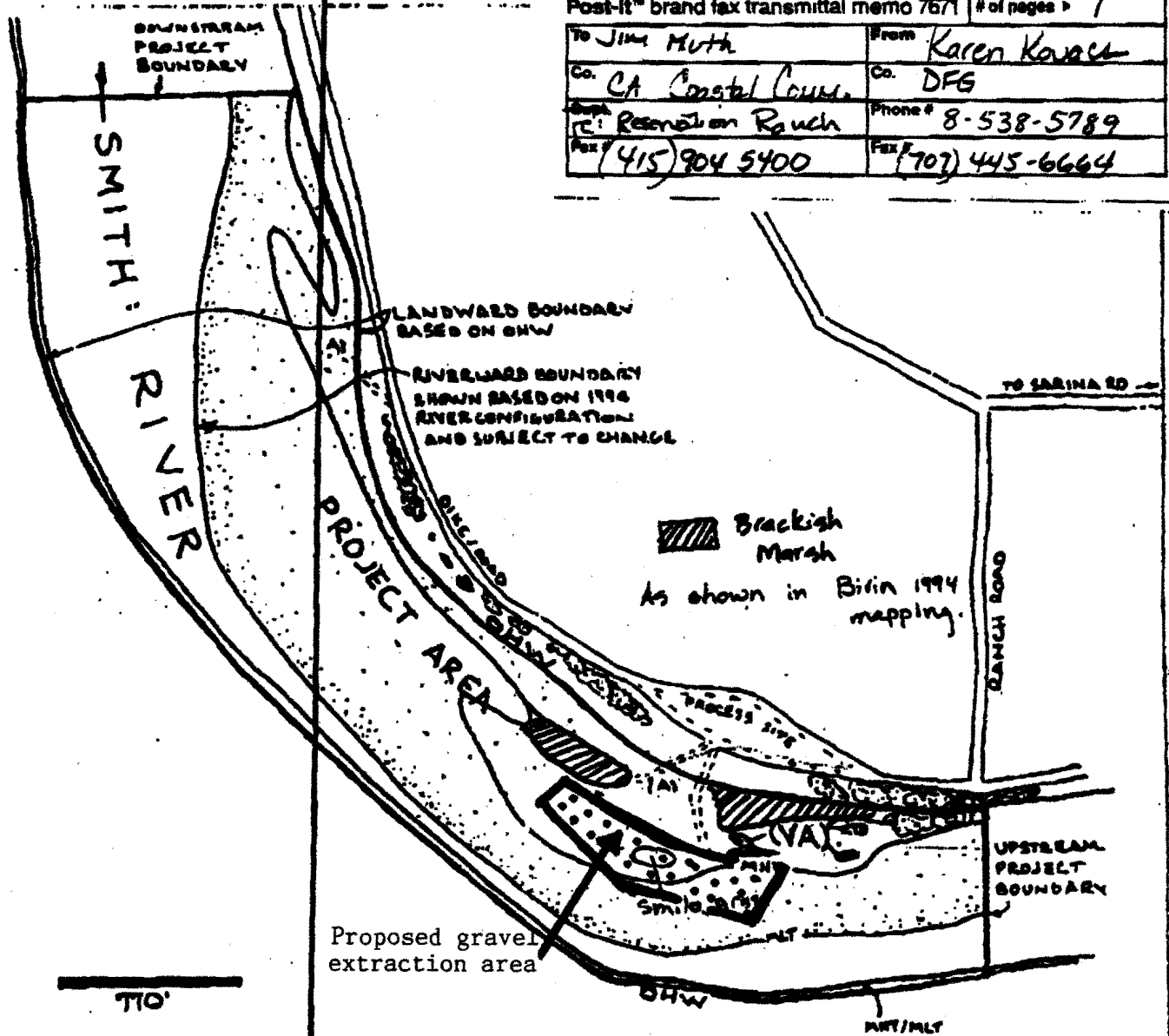


EXHIBIT NO. 5
APPLICATION NO.
 1-95-49
 Location of ESHA's
 and proposed
 extraction area
 California Coastal Commission

Jurisdictional Wetland Delineation

Notes:

- JURISDICTIONAL WETLAND BOUNDARY COINCIDES WITH THE ORDINARY HIGH WATER LINE (OHW).
- (VA) VEGETATED AREA OF MODERATE-AGED VEGETATION.

APPLICANT: RESERVATION RANCH
AT: RANCH BAR, SMITH RIVER, RIVER HILL.
 SEC. 28, 29, 32 & 33, T18N, R1W, N.H.
NEAR: SMITH RIVER
COUNTY: DEL NORTE **STATE:** CA
SHEET 3 **DATE 8-10-94**

RECEIVED
AUG 12 1996
CALIFORNIA COASTAL COMMISSION

State of California

Memorandum

To: Mr. Jim Muth
California Coastal Commission
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219

Date: August 12, 1996

From: Department of Fish and Game

Subject: Reservation Ranch - CDP# 1-95-49, Smith River, Del Norte County

The Department of Fish and Game has reviewed the wetlands investigation prepared for the applicant by Botanica Northwest for Karen Theiss & Associates (August 1994).

I am assuming that site conditions remain the same today as mapped in 1994. That being the case, the areas identified as woody vegetation as well as the mapped freshwater wetlands would be considered environmentally sensitive habitat areas. It does appear however, that the applicant's activities (i.e. gravel extraction and use of haul roads) are located outside these areas and should not pose any potential impacts.

Should you have any questions, please give me a call at (707) 441-5789.

Karen Kovacs

Karen Kovacs
Associate Wildlife Biologist

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To <i>Jim Muth</i>	From <i>K. KOVACS</i>	
Co. <i>CA Coastal Comm</i>	Co. <i>Fish + Game</i>	
Dept. <i>No. Coastal Area</i>	Phone # <i>(815) 338-5789</i>	
Fax # <i>(415) 904-5400</i>	Fax # <i>(707) 445-6664</i>	

EXHIBIT NO. 6
APPLICATION NO. 1-95-49
Fish & Game comment letter
California Coastal Commission

**GERALD LARUE
HYDROLOGIST
19921 WHALESHEAD ROAD, BROOKINGS, OR 97415 541-469-9669
November 16, 1995**

Ernie Silva
Manager
Reservation Ranch
P.O. Box 75
Smith River, CA 95567

Dear Mr. Silva:

In response to your request, I have calculated the total volume of sand and gravel available for removal from the Ranch Bar on the Smith River.

There is a total of 90,000 to 100,000 cubic yards available for skimming from the surface. This can be accomplished without encroaching on the high portion, of the bar, at the upstream end.


There has been a gradual deposition of sand and gravel along the left (west) edge of the bar. This deposition is causing the flow to move to the left bank which is undercutting the sand dunes causing them to slip into the river. If trenching was to be allowed, this impact could be reduced or eliminated. A trench, which would begin just downstream from the riffle at the head of the bar, and extend for 1,000 to 1,500 feet in a downstream direction, would yield another 40,000 to 50,000 cubic yards.

The combined total from surface removal and trenching would provide 130,000 to 150,000 cubic yards.

Sincerely,



Gerald LaRue
Hydrologist

EXHIBIT NO. 7
APPLICATION NO. 1-95-49
Hydrologist's comment letter
 California Coastal Commission



DEPARTMENT OF THE ARMY
SAN FRANCISCO DISTRICT, CORPS OF ENGINEERS
211 MAIN STREET
SAN FRANCISCO, CALIFORNIA 94105-1905

REPLY TO
ATTENTION OF:

Regulatory Branch

March 9, 1995

Subject: File Number 21489N55

MAR 12 1995

Rising Sun Enterprises
1864 Myrtle Avenue
Eureka, California 95501

Dear Gentlemen:

This is to notify you that we have received the application you prepared for Reservation Ranch, Inc. to obtain a Section 404 authorization for their gravel mining operations on the Smith River. Our initial review of the application indicates the operation meets the requirements for grandfathering under 33 CFR 232.2(4)(iii). The operation is hereby authorized to continue until August 25, 1996 or until we have completed processing the application and a decision is made on the request for a permit.

The determination that the operation meets the requirements for grandfathering was made in reliance on the information provided by the applicant. We may reevaluate our decision on this authorization if the information provided in support of the application proves to be false, incomplete, or inaccurate. If you have any questions please contact Bob Smith of our office at (415)744-3324 extension 234.

Sincerely,

for Calvin C. Fong
Chief, Regulatory Branch

EXHIBIT NO. 8
APPLICATION NO. 1-95-49
U.S. Army Corps of Engineers comment letter
California Coastal Commission

