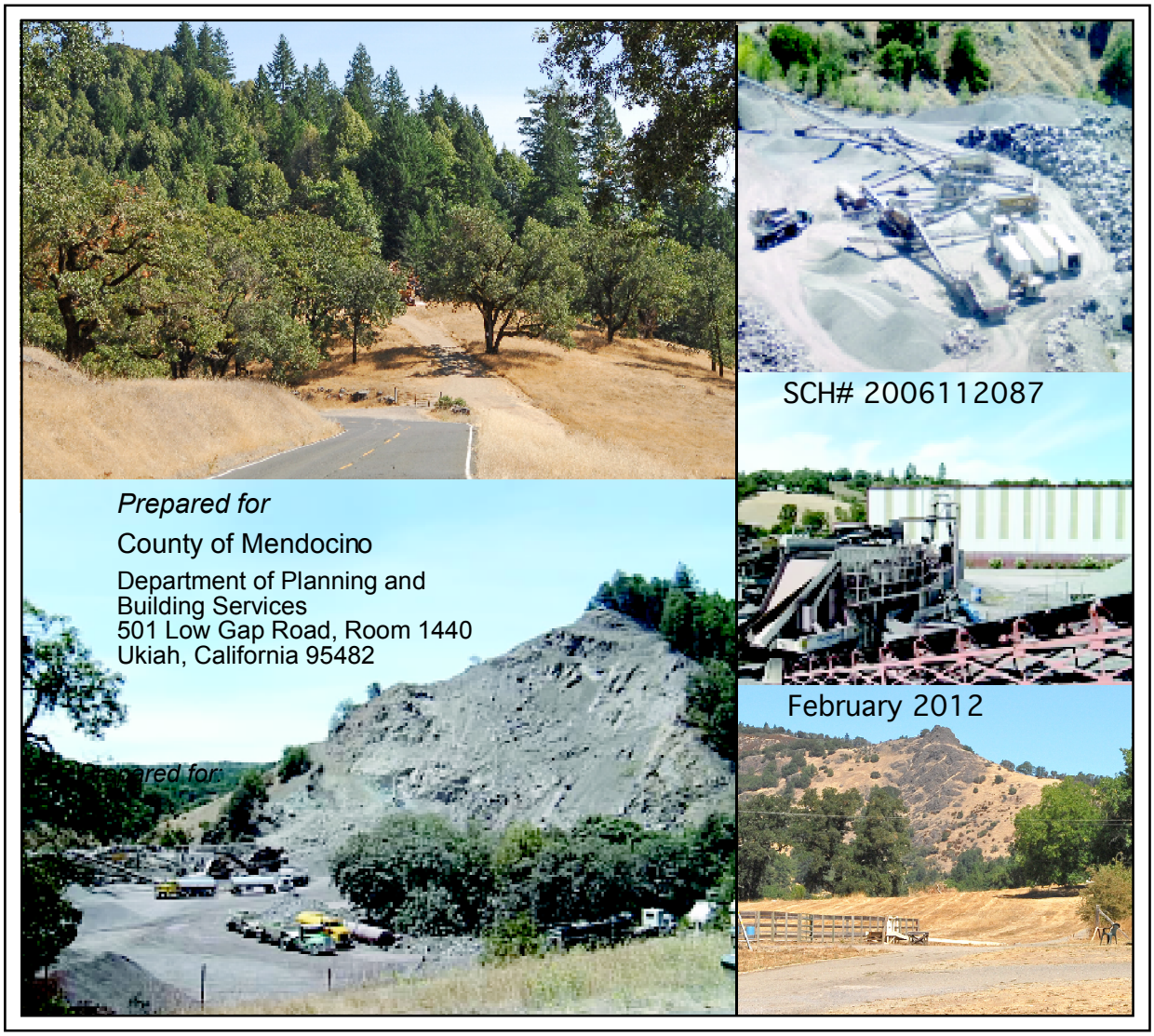
HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN
FINAL ENVIRONMENTAL IMPACT REPORT



Leonard Charles and Associates

HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN

FINAL ENVIRONMENTAL IMPACT REPORT

STATE CLEARINGHOUSE NO. 2006112087

February 2012

Prepared for: **County of Mendocino**
Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, California 95482

Prepared by: **Leonard Charles and Associates**
7 Roble Court
San Anselmo, California 94960
415.454.457

TABLE OF CONTENTS

Chapter 1: Introduction Page 1

Chapter 2: Written Comments and Responses on the DEIR Page 2

Chapter 3: Revisions to the Draft Program EIR Page 433

CHAPTER 1
INTRODUCTION

A. PROJECT DESCRIPTION

The applicant, Northern Aggregates, Inc., seeks County approval of the proposed expansion of the Harris Quarry and construction of an asphalt processing facility at the quarry (hereafter called "the project"). The existing quarry is on the west side of U.S. Route 101 just south of the Ridgewood Grade and Black Bart Drive. The proposed project would expand the existing 11.5-acre quarry to a final size of about 30.6 acres. The project includes adding an asphalt plant, with associated support facilities, at a separate site on the project property, immediately south of Black Bart Drive and about 2,000 feet west of Highway 101. The project also includes a proposed Reclamation Plan that describes how the site will be reclaimed after completion of operations. Finally, the project includes a proposal to amend the County Zoning Ordinance to allow, under certain conditions, aggregate processing facilities at active quarries in the Rangeland zoning district. Specifically, the applicant seeks County approval of the following:

1. Amending the Mendocino County Zoning Code to create a Mineral Processing Combining District (MPCD).

2. Adding an MPCD to a portion of project parcel APN 147-140-07.

3. Rezoning 18 acres of Assessor's Parcel No. 147-140-07 to add a new Mineral Processing Combining District that would allow processing of aggregate for the length of the Use Permit. The applicant has volunteered to include a condition of approval requiring the applicant to submit an application having the MP Combining District removed from the 18-acre site at the end of the Use Permit.

4. Use Permit Renewal/Modification (UR 19-83/2005) to allow:

    - extraction and processing of 200,000 cubic yards (CY) *in situ* per year for a 30-year period

    - production of up to 150,000 tons (58,280 CY) of asphalt per year

    - nighttime operations up to a maximum of 100 nights per year

5. A revised Reclamation Plan that directs how the site will be reclaimed at the end of the use permit.

B. EIR PROCESS AND RESPONSE TO COMMENTS FORMAT

The County of Mendocino prepared a Revised Draft Environmental Impact Report (RDEIR) for the project and circulated it for public review in May 2011. The public review period began on May 20, 2011 and ended on July 21, 2011. Prior to the close of the public review period, the County extended the public review period until September 6, 2011. This Final EIR consists of the Revised Draft EIR, all comments received on the

Revised Draft EIR, responses to those comments, and revisions to the Revised Draft EIR. This Final EIR will be reviewed by the Mendocino County Planning Commission for its adequacy under CEQA and to make a recommendation to the Board of Supervisors (the Board). Once the Board determines that the EIR is adequate, it will certify the Final EIR. After EIR certification, the Board will consider the merits of the proposed project and whether to approve it or one of its alternatives.

This Final EIR provides a thorough analysis of the comments on the Revised Draft EIR and responds to the comments consistent with the requirements of CEQA. Where comments were received that expressed disagreement with the conclusions of the Revised Draft EIR, the responses clearly address the issue by modifying the Revised Draft EIR, providing additional mitigation, or justifying the conclusion that the analysis in the Revised Draft EIR is correct. This approach will allow the Mendocino County Board of Supervisors to make an informed decision on the project.

Chapter 2 contains the comment letters received during the official public review period and responses to the comments contained in those letters. Those comments and responses are followed by a summary of comments delivered at the two public hearings that were held on the adequacy of the Revised Draft EIR. The public hearings were held on June 18, 2011 and July 21, 2011 before the Mendocino County Planning Commission.

Chapter 3 of this report describes the text changes to the Revised Draft EIR needed to complete the Final EIR. These changes were deemed necessary or desirable given certain comments received.

CHAPTER 2
COMMENTS AND RESPONSES ON THE RDEIR

This chapter provides responses to the written and verbal comments received by the County during the public review period. This section begins with a list of the commentors and where their letter and the EIR preparers' response to the comments can be found. Each letter is followed by a response page(s). Each letter's comments and corresponding responses are numbered for easy reference.

A. LIST OF COMMENTERS ON THE REVISED DRAFT EIR

The County received 71 comment letters (plus 3 notification letters from the State Clearinghouse) on the Revised Draft EIR during the public review period. Seven of these letters were from public agencies and 64 were from 55 individuals or representatives of groups. The table below shows the location of the comment letter and the responses to that letter.

Commenter	Date	Comment Page	Response Page
Public Agencies			
1. State Office of Planning and Research	7/06/11	6	14
	7/29/11	8	14
	9/07/11	11	14
2. California Department of Transportation	7/18/11	15	17
3. California Department of Forestry and Fire Protection	6/29/11	18	20
4. California Department of Forestry and Fire Protection	5/25/11	21	22
5. Mendocino County Department of Transportation	7/21/11	23	24
6. Mendocino County Air Quality Management District	5/27/11	25	26
7. Little Lake Fire Protection District	6/23/11	27	28
Interested Parties			
8. Howard F. Wilkins III (Remy, Thomas, Moose & Manley LLP)	7/20/11	29	72
9. Howard F. Wilkins III (Remy, Thomas, Moose & Manley LLP) (second letter)	8/18/11	129	134
10. Richard Grassetti (Grassetti Environmental Consulting)	7/20/11	135	142
11. Richard K. Haygood (TJKM Transportation Consultants)	7/20/11	150	154
12. Paul Miller (MEC)	7/17/11	163	167
13. Matthew O'Connor (OEI)	7/19/11	175	178
14. Tina Wallis (Clement, Fitzpatrick & Kenworthy)	9/06/11	180	182
15. Cathy A. McKeon (Rau and Associates, Inc.)	6/02.11	183	235
16. Jack Magne	6/08/11	240	247
17. Jack Magne (Keep the Code) (second letter)	6/16/11	250	256
18. Jack Magne (third letter)	7/21/11	258	260
19. Patricia Tetzlaff	7/15/11	261	266
20. Patricia Tetzlaff (second letter)	7/13/11	269	271
21. Sheila Jenkins	6/22/11	272	274
22. Robin Goldner	7/10/11	275	277
23. Larry Jenson	7/18/11	278	280
24. John and Roni McFadden	7/01/11	281	284

25. John and Roni McFadden (second letter)	6/27/11	285	289
26. Dori Kramer	6/16/11	290	292
27. Ruth Van Antwerp	6/16/11	293	294
28. Deborah Pruitt	7/19/11	295	297
29. Marvin Trotter	7/20/11	298	299
30. Ann Kelly	7/19/11	300	302
31. Diane Zucker	7/19/11	303	319
32. Karen Walsh	7/19/11	297	319
33. Cynthia Raiser Jeavons	7/20/11	299	319
34. Karen West	7/20/11	300	319
35. Kara McClellan	7/20/11	302	319
36. Charmaine Johnson	7/20/11	303	319
37. Kerry C. Sullivan	7/20/11	305	319
38. Christina and Paul Leinwetter	7/20/11	307	319
39. Lyra Matthews	7/20/11	309	319
40. Gene Wixson	7/20/11	320	321
41. Colette Morris	8/01/11	322	325
42. Carol Cox	7/20/11	326	327
43. Christina Sears	7/20/11	328	333
44. Kathe and Ken Todd	7/20/11	329	333
45. John Wieland	7/20/11	330	333
46. Tamey Sheldon	7/24/11	331	333
47. Susan Henson	6/28/11	332	333
48. Sandra Linn	7/20/11	334	336
49. Dan Hibshman	7/20/11	337	339
50. Marty Wysinger	7/26/11	340	341
51. James Garza	7/19/11	342	345
52. Dot Brovarney	7/19/11	346	348
53. Tracey McNamara and Cora Saxton	7/06/11	349	350
54. Virginia De Vries and Christopher O. Jones	7/17/11	351	352
55. Jenny Burnstad	7/19/11	353	355
56. Stacey Rohrbaugh	7/11/11	356	357
57. Linda Breckenridge	7/11/11	358	359
58. Jerry Wells	8/10/11	360	361
59. Patricia Tetzlaff (petitions)	7/01/11	362	368
60. Matt McKeon	8/25/11	369	371
61. Joseph West	8/28/11	372	373
62. Jack Magne (Keep the Code) (fourth letter)	8/31/11	374	376
63. Norton Heath	8/31/11	377	378
64. Cody Bartholomew	9/04/11	381	383
65. Dennis Slota	9/04/11	384	385
66. Dori Kramer (second letter)	9/06/11	386	387
67. Jack Magne (Keep the Code) (fifth letter)	9/06/11	388	392
68. Randi Dalton	9/06/11	393	411
69. C. Toren Tvelt	8/30/11	412	413
70. Dave and Cathy Ortiz	8/24/11	414	415
71. Anonymous	No date	416	417
72. Mona Dougherty, RWQCB	7/05/11	418	420

Comments Made at Public Hearings
73. Mendocino County Planning Commission Public Hearing 6/15/11 421 425
74. Mendocino County Planning Commission Public Hearing 7/21/11 428 432

B. PREPARERS OF THE RESPONSES TO COMMENTS ON THE REVISED DRAFT EIR

Responses were prepared by the EIR consulting team, including:

Leonard Charles and Associates
Leonard Charles, Ph.D. Project Manager
Lynn Milliman, M.A. Environmental Analyst
Jacoba Charles, M.A. and M.S. Environmental Analyst

Illingworth & Rodkin
Richard B. Rodkin, P.E.
Michael Thill Acoustic Consultant

Bill Popenuck
Bill Popenuck Air Quality Consultant

Questa Engineering
Will Hopkins, C.E.G Engineering Geologist
Chien Wang. M.S. Hydrologic Engineer
Mike Harris Geologist

North Coast Resource Management
Estelle Clifton, R.P.F Botanist and Wetland Consultant
Jennifer Bartolomei Biologist

Crane Transportation Group
Mark Crane, P.E. Traffic Engineer

The report was prepared under the direction of the Mendocino County Department of Planning and Building Services. Roger Mobley is the Chief Planner for the project, and John Speka provided direction.

C. COMMENTS AND RESPONSES ON THE REVISED DRAFT EIR

The following section of this report contains the letters received and responses to those letters. Each letter or group of related letters is followed by a response page(s). Each comment and its corresponding response are numbered.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

July 6, 2011

John Speka
Mendocino County Dept. of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Harris Quarry Use Permit and Reclamation Plan
SCH#: 2006112087

Dear John Speka:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on July 5, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly. 1-1

Please note that Section 21104(c) of the California Public Resources Code states that:

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

RECEIVED
JUL 11 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Document Details Report
State Clearinghouse Data Base

SCH# 2006112087
Project Title Harris Quarry Use Permit and Reclamation Plan
Lead Agency Mendocino County

Type EIR Draft EIR

Description Use Permit Renewal and Reclamation Plan to allow expansion of an existing quarry, extraction of up to 200,000 in-place cubic yards of material per year, production of up to 150,000 tons of asphalt per year from the processed material, nighttime operations that could occur up to 100 nights per year, and an amendment to the County Zoning Ordinance to allow for the asphalt processing to occur. The amendment would entail a rezoning of an 18 acre piece of property adding a newly created "Mineral Processing" combining district (overlay zone).

Lead Agency Contact

Name John Speka
Agency Mendocino County Dept. of Planning and Building Services
Phone 707 463 4281 **Fax**
email
Address 501 Low Gap Road, Room 1440
City Ukiah **State** CA **Zip** 95482

Project Location

County Mendocino
City Willits
Region
Lat / Long 39° 20' 12.8" N / 123° 18' 41.6" W
Cross Streets US Highway 101 and Black Bart Drive
Parcel No. 147-180-007, 008 and 147-140-007
Township 17N **Range** 13W **Section** 9 **Base** MDB&M

Proximity to:

Highways
Airports
Railways
Waterways Forsythe Creek
Schools La Vita Charter School
Land Use Existing quarry would be expanded; processing facilities would be added to an area used as open space.
General Plan: Range Land
Zoning: Rangeland

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 1E; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 1; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission

Date Received 05/20/2011 **Start of Review** 05/20/2011 **End of Review** 07/05/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

Ken Alex
Director

Memorandum

Date: July 29, 2011

To: All Reviewing Agencies

From: Scott Morgan, Director

Re: SCH # 2006112087
Harris Quarry Expansion Project

Pursuant to the attached letter, the Lead Agency has extended the review period for the above referenced project to September 6, 2011 to accommodate the review process. All other project information remains the same. 1-2

cc: John Speka
Mendocino County Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

RECEIVED
AUG 03 2011
BY
PLANNING & BUILDING SERVICES
Ukiah CA 95482

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD · ROOM 1440 · UKIAH · CALIFORNIA · 95482

IGNACIO GONZALEZ, DIRECTOR
Telephone 707-463-4281
FAX 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

RECEIVED
JUL 28 2011
STATE CLEARING HOUSE

July 26, 2011

NOTICE OF COMPLETION AND AVAILABILITY OF REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HARRIS QUARRY EXPANSION (SCH# 2006112087)

Owner/Applicant: Northern Aggregates, Inc. (NAI)

Case Number: Use Permit and Reclamation Plan #UR 19-83/05

Extended Public Review Period: Public review period is extended to September 6, 2011

Mendocino County will be circulating a Revised Draft Environmental Impact Report (DEIR) for the Harris Quarry Expansion Project proposed by Northern Aggregates, Inc. (applicant). The project site is situated on the west side of U.S. Route 101 just south of the Ridgewood Grade between Redwood Valley and Willits (see attached map). The project would expand the existing active quarry from 11.5 acres to 30.6 acres, a proposed expansion of 19.1 acres.

The County issued a Notice of Preparation (NOP) on the original project for this site on November 1, 2006, followed by a Draft EIR circulated for public review in November 2007. Subsequent to the close of the review period but before the Final EIR was completed, the applicant requested that the EIR process be halted while revisions to the project were made in response to comments received on the draft. A second NOP was issued on August 4, 2010, informing the public and reviewing agencies that the applicant had submitted an amended application for a revised project and that a new Draft EIR was to be prepared on this revised project description. This Notice of Availability (NOA) is thereby issued to inform the public that the Revised DEIR has been completed and is now available for review.

The chief differences between the original project and the current project include: 1) the requested Use Permit term is now 30 years instead of an "end of quarry life" term; 2) the concrete facility has been eliminated; 3) the quarry footprint has been reduced to reflect that the current project would be for only 30 years; 4) a number of clarifications and changes have been made to respond to comments received on the original project; and 5) the Reclamation Plan has been revised given these other changes.

The applicant seeks County approval of three actions: (1) a Use Permit Renewal/Modification (UR 19-83/2005) for 30 years to allow expansion of the quarry; extraction of up to 200,000 in-place cubic yards (approximately 258,000 cubic yards processed) of material per year; production of up to 150,000 tons of asphalt per year from the processed material; and nighttime

Appendix C

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #2006112087

Project Title: Harris Quarry Expansion Project
Lead Agency: Mendocino County Planning and Building Services — **Contact Person:** John Speka
Mailing Address: 501 Low Gap Rd, Rm 1440 — **Phone:** 707-463-4281
City: Ukiah — **Zip:** 95482 — **County:** Mendocino

Project Location: County: Mendocino — **City/Nearest Community:** Willits
Cross Streets: Black Bart Trail/Hwy 101 — **Zip Code:** 95490
Longitude/Latitude (degrees, minutes and seconds): 039 ° 20 ' 12.6 " N / 123 ° 18 ' 41.6 " W **Total Acres:** 48
Assessor's Parcel No.: 147-160-08, -13, and 147-140-07 — **Section:** 9 **Twp.:** 17N **Range:** 13W **Base:** Mt Diablo
Within 2 Miles: State Hwy #: _____ — **Waterways:** Forsythe Creek
Airports: _____ — **Railways:** _____ — **Schools:** La Vida Charter School

RECEIVED
MAY 20 2011
STATE CLEARING HOUSE

Document Type:
CEQA: ☐ NOP ☐ Early Cons ☐ Neg Dec ☐ Mit Neg Dec ☑ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) _____ Other: _____
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other: _____

Local Action Type:
☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☑ Rezone ☐ Prezone ☑ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☑ Other: Rec Plan

Development Type:
☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☑ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____
☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☐ Other: _____

Project Issues Discussed in Document:
☑ Aesthetic/Visual ☐ Agricultural Land ☑ Air Quality ☐ Archeological/Historical ☑ Biological Resources ☐ Coastal Zone ☑ Drainage/Absorption ☑ Economic/Jobs
☐ Fiscal ☐ Flood Plain/Flooding ☑ Forest Land/Fire Hazard ☐ Geologic/Seismic ☑ Minerals ☑ Noise ☐ Population/Housing Balance ☐ Public Services/Facilities
☐ Recreation/Parks ☐ Schools/Universities ☐ Septic Systems ☐ Sewer Capacity ☑ Soil Erosion/Compaction/Grading ☐ Solid Waste ☐ Toxic/Hazardous ☑ Traffic/Circulation
☐ Vegetation ☑ Water Quality ☑ Water Supply/Groundwater ☑ Wetland/Riparian ☐ Growth Inducement ☑ Land Use ☐ Cumulative Effects ☐ Other: _____

Present Land Use/Zoning/General Plan Designation:
Rangeland/Rangeland

Project Description: *(please use a separate page if necessary)*
Use Permit Renewal and Reclamation Plan to allow expansion of an existing quarry, extraction of up to 200,000 in-place cubic yards of material per year, production of up to 150,000 tons of asphalt per year from the processed material, nighttime operations that could occur up to 100 nights per year, and an amendment to the County Zoning Ordinance to allow for the asphalt processing to occur. The amendment would entail a rezoning of an 18 acre piece of property adding a newly created "Mineral Processing" combining district (overlay zone).

State Clearinghouse Contact: GM
(916) 445-0613

State Review Began: 5 20 - 2011

SCH COMPLIANCE 7 5 - 2011
Extended Per Lead

Please note State Clearinghouse Number (SCH#) on all Comments

20 06 11 20 87

SCH#: _____

Please forward late comments directly to the Lead Agency

AQMD/APCD 17

(Resources: 5/21)

Project Sent to the following State Agencies

X	Resources		State/Consumer Svcs
	Boating & Waterways		General Services
	Coastal Comm		Cal EPA
	Colorado Rvr Bd		ARB: Airport Projects
X	Conservation		ARB: Transportation Projects
X	Fish & Game # 16	X	ARB: Major Industrial Projects
	Delta Protection Comm		SWRCB: Div. Financial Assist.
X	Cal Fire		SWRCB: Wtr Quality
	Historic Preservation		SWRCB: Wtr Rights
X	Parks & Rec	X	Reg. WQCB # 1
	Central Valley Flood Prot.		Toxic Sub Ctrl-CTC
	Bay Cons & Dev Comm.		Yth/Adlt Corrections
X	DWR		Corrections
	Cal EMA		
X	Resources, Recycling and Recovery		
	Bus Transp Hous		Independent Comm
	Aeronautics		Energy Commission
X	CHP	X	NAHC
X	Caltrans # 1		Public Utilities Comm
	Trans Planning	X	State Lands Comm
	Housing & Com Dev		Tahoe Rgl Plan Agency
	Food & Agriculture		
	Public Health		Conservancy

Other: _____

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

September 7, 2011

John Speka
Mendocino County Dept. of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Harris Quarry Expansion Project
SCH#: 2006112087

Dear John Speka:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 6, 2011, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. 1-3

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

RECEIVED
SEP 13 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Document Details Report
State Clearinghouse Data Base

SCH# 2006112087
Project Title Harris Quarry Expansion Project
Lead Agency Mendocino County

Type EIR Draft EIR

Description NOTE: Extended Review Per Lead

Use Permit Renewal and Reclamation Plan to allow expansion of an existing quarry, extraction of up to 200,000 in-place cubic yards of material per year, production of up to 150,000 tons of asphalt per year from the processed material, nighttime operations that could occur up to 100 nights per year, and an amendment to the County Zoning Ordinance to allow for the asphalt processing to occur. The amendment would entail a rezoning of an 18 acre piece of property adding a newly created "Mineral Processing" combining district (overlay zone).

Lead Agency Contact

Name John Speka
Agency Mendocino County Dept. of Planning and Building Services
Phone 707 463 4281 **Fax**
email
Address 501 Low Gap Road, Room 1440
City Ukiah **State** CA **Zip** 95482

Project Location

County Mendocino
City Willits
Region
Lat / Long 39° 20' 12.8" N / 123° 18' 41.6" W
Cross Streets US Highway 101 and Black Bart Drive
Parcel No. 147-180-007, 008 and 147-140-007
Township 17N **Range** 13W **Section** 9 **Base** MDB&M

Proximity to:

Highways
Airports
Railways
Waterways Forsythe Creek
Schools La Vita Charter School
Land Use Existing quarry would be expanded; processing facilities would be added to an area used as open space.
General Plan: Range Land
Zoning: Rangeland

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 1E; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Resources, Recycling and Recovery; California Highway Patrol; Caltrans, District 1; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Board, Region 1; Native American Heritage Commission; State Lands Commission

Note: Blanks in data fields result from insufficient information provided by lead agency.

Date Received 05/20/2011 *Start of Review* 05/20/2011 *End of Review* 09/06/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

Response to Letter from Scott Morgan, State Clearinghouse

1-1. This is a cover letter that states that the County has complied with State Clearinghouse review requirements for draft environmental documents that are subject to CEQA. No response is required.

1-2 This is a notification of the extension of the comment period. No response is required.

1-3. This is a cover letter that states that the County has complied with State Clearinghouse review requirements for draft environmental documents that are subject to CEQA. No response is required.

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY 711

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BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

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July 18, 2011

1-MEN-101-40.88
Harris Quarry RDEIR
SCH# 2006112087

John Speka
County of Mendocino
Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Mr. Speka,

Thank you for giving us the opportunity to comment on the Revised Draft Environmental Impact Report (RDEIR) for the Harris Quarry Use Permit and Reclamation Plan. The project proposes to expand operations at the existing Harris Quarry, construct and operate new asphalt facilities, and implement a reclamation plan for the site. The project is located adjacent to Route 101, approximately seven miles south of Willits, on assessor's parcel numbers 147-180-07, 147-180-08 & 147-140-07. 2-1

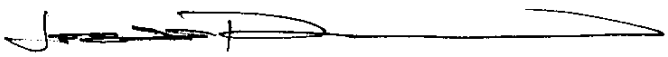
The Department recognizes the importance of this project, and other similar aggregate mining projects, in helping to address California's future infrastructure needs. We have worked closely with the County and the applicants during earlier stages of this project to identify impacts and mitigation measures (please refer to Caltrans letters of correspondence for the Harris Quarry Expansion Project, dated February 13, 2008 and September 3, 2010). We have the following comments:

- The applicant has submitted an application for an encroachment permit to initiate the Permit Engineering Evaluation Report (PEER) for the previously identified mitigation measures for impacts to Route 101. Private parties responsible for the cost of the highway improvements are required to enter into a Highway Improvement Agreement (HIA) with the State. The purpose of the HIA is to establish roles and responsibilities for Caltrans oversight and any required reimbursement for design and constructability reviews of the highway improvements. To date, the access improvements proposed have only been considered on a conceptual level. All improvements proposed to be constructed on Route 101 must conform to State standards. Construction of the proposed improvements to Caltrans standards are expected to adequately mitigate the project's impacts to Route 101. 2-2

- We request to receive a copy of the adopted findings for this project, prior to certification of the EIR. 2-3

Please contact me to receive copies of previous correspondence for this project. We assume that all previous correspondence from Caltrans for State Clearinghouse document number 2006112087 is part of the public record for the project. We look forward to continued collaboration with the County and the applicants as this project progresses. If you have questions or need further assistance, please contact me at the number above.

Sincerely,



Jesse Robertson
Associate Transportation Planner
District 1 Regional & Community Planning

c: Scott Morgan, State Clearinghouse

Response to Letter from Jesse Robertson, California Department of Transportation

2-1. The comment discusses how highway improvements will be constructed per a Highway Improvement Agreement with Caltrans' oversight of the construction. No response is required as no questions regarding the DEIR are asked.

2-2. Caltrans concludes that constructing the highway improvements will adequately mitigate the project's impacts to Highway 101. This confirms the conclusion presented in the RDEIR, so no additional response is required.

2-3. The County will comply with this request for findings. As no question is asked regarding the EIR, no additional response is required.

DEPARTMENT OF FORESTRY AND FIRE PROTECTION
Mendocino Unit
17501 North Highway 101
Willits, CA 95490
(707) 459-7414
Website: www.fire.ca.gov

RECEIVED
JUL 05 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Ref: 5000 Resource Management
Date: June 29, 2011

Mr. John Speka, Planner
Mendocino Co. Dept. of Planning & Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Project Name: Northern Aggregates Inc., Harris Quarry Expansion
Document Type: Revised Draft Environmental Impact Report (RDEIR)
Case #: UR 19-83/2005
State Clearinghouse SCH #2006112087
Owner/Applicant: Northern Aggregates, Inc.

Comments from the Mendocino Unit of the California Dept. of Forestry & Fire Protection (CAL FIRE) for this project:

- **Need for a Timberland Conversion Permit & Timber Harvesting Plan**

  The portion of the project area designated as the quarry expansion area, as well as a portion of the site of the proposed asphalt plant, may constitute "timberland" as defined in Public Resources Code (PRC) 4526. This area may support commercial species as defined in Title 14 California Code of Regulations (CCR) 895.1 "Commercial Species: Groups A & B". For projects proposing a conversion of timberland to an alternate use, the landowner must submit an Application for Timberland Conversion Permit (CAL FIRE form RM-53) to CAL FIRE as per 14 CCR 1103 (Conversion of Timberland). Timber operations shall not be conducted on timberland proposed for conversion to a use other than the growing of timber unless a Timberland Conversion Permit (TCP) has been issued by the Director of CAL FIRE. 3-1

- **Sudden Oak Death**

  The project is located within the Board of Forestry & Fire Protection's declared Sudden Oak Death (SOD) zone of infestation. General information about SOD can be found at www.suddenoakdeath.org . Project activity involving the practices of limbing & felling trees and/or processing of logs may result in the spread of SOD throughout the project area during the period of project implementation. 3-2

- **Oak Woodlands**

  The project may encroach on the oak woodland vegetation type. For purposes of this section, "oak" means a native tree species in the genus *Quercus*, not designated as Group 3-3

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A or Group B commercial species pursuant to regulations adopted by the State Board of Forestry and Fire Protection pursuant to Public Resources Code (PRC) Section 4526, and that is 5 inches or more in diameter at breast height. As part of the determination made pursuant to PRC 21080.1, the county may require that any significant effect to oak woodlands be mitigated by any number of specified oak woodlands mitigation alternatives. [Ref. PRC 21083.4].

- **Comments on specific Revised DEIR document sections:**

Section 4.3 Biological Resources, A. Setting, 1. Vegetation

(a) Proposed Quarry Expansion Area:

This area contains conifer and hardwood species, including tanoak and madrone, and may be subject to the timberland conversion process.

Proposed Asphalt Processing Facility Site

The text specifies that this area is "....vegetated with open grassland and two oak woodland communities, which transition to the Douglas-fir tanoak forest present on the north-facing ridge." This area may also be subject to the timberland conversion process.

Figure 3-3: Ref. Project Location Processing Plan & description on pgs. 61-62

Impact 4.7-A describes completion of a new 1500-ft length access road between the quarry and the asphalt processing facility. The road is described as paralleling Black Bart Drive for most of the length, partially built and graded under a County-issued grading permit, with the portion that remains to be built located in the heavily wooded area northwest of the existing project access at Highway 101. The location of the proposed road appears to contain both oak woodlands & conifer timberland.

Christopher P Rowney, Chief
Mendocino Unit

by: Louis F. Sciocchetti
Division Chief, Forest Practice
Registered Professional Forester #2368

Response to Letter from Christopher P. Rowney, California Department of Forestry and Fire Protection (CAL FIRE)

3-1. This comment provides information about the requirements for a Timberland Conversion Permit (TCP). This information corresponds to the RDEIR discussion of the permit requirements described on pages 194-195 of the RDEIR. As no questions are asked regarding the EIR, no additional response is required.

3-2. This comment provides information about Sudden Oak Death (SOD) and cutting and processing trees on the project site. This information corresponds with the discussion of SOD on page 195 of the RDEIR. As no questions are asked regarding the EIR, no additional response is required.

3-3. The comment provides information on the requirements for mitigation because the project would remove native oaks and thus convert oak woodland. This information corresponds to the discussion of impacts to oaks on pages 192-194 of the RDEIR. On page 193, the RDEIR includes mitigation measures consistent with the requirements of Public Resources Code 21083.4. As no questions are asked regarding the EIR, no additional response is required.

State of California — The Natural Resources Agency

Memorandum

Clear
7/5/11
e

To: Bill Holmes, Chief
Northern Region
Department of Forestry and Fire Protection

Date: May 25, 2011
R13

Attention: Environmental Coordinator
Mendocino Unit

Telephone: (916) 657-0300

From: Department of Forestry and Fire Protection
Allen S. Robertson, Deputy Chief, Environmental Protection



Subject: Environmental Document Review

Project Name: Harris Quarry Expansion Project
SCH #: 2006112087
Document Type: Draft Environmental Impact Report (DEIR)

Potential Area(s) of Concern: Fire Protection?;
Other:
MANDATED DUE DATE: 7/5/2011

The above referenced environmental document was submitted to State Headquarters, Environmental Protection for review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The proposed project, located within your Unit/Program Area, may have an impact upon the Department's fire protection and/or natural resource protection and management responsibilities or require the Department's permits or approval. Your determination of the appropriate level of CAL FIRE involvement with this project is needed. Please review the attached document and address your comments, if any, **to the lead agency** prior to the due date. Your input at this time can be of great value in shaping the project. If your Unit's Environmental Coordinator is not available, please pass on to another staff member in order to meet the mandated deadline. 4-1

Please submit comments directly to the lead agency before the mandated due date with copy to the State Clearinghouse (P.O. Box 3044, Sacramento, CA 95812-3044).

☐ No Comment - explain briefly on the lines below.

Name and Title of Reviewer: Louis Sciocchetti
Phone: (707) 961-1494 Email: Lou.Sciocchetti@fire.ca.gov
Note: Please complete this form and return it, with a copy of any comments, for CAL FIRE's records to: Ken Nehoda or Allen Robertson, Environmental Protection, P.O. Box 944246, Sacramento CA 94244-2460.

Response to Letter from Louis Sciocchetti, California Department of Forestry and Fire Protection (CAL FIRE)

4-1. This Memorandum states that the Department had no comment on the RDEIR. As no questions are asked regarding the RDEIR, no additional response is required.

HOWARD N. DASHIELL
DIRECTOR OF TRANSPORTATION

FUNCTIONS
Administration & Business Services
Airports
County Surveyor
Engineering
Land Improvement
Roads and Bridges
Solid Waste

COUNTY OF MENDOCINO
DEPARTMENT OF TRANSPORTATION
340 LAKE MENDOCINO DRIVE
UKIAH, CALIFORNIA 95482-9432
(707) 463-4363 FAX (707) 463-5474

21 July 2011

TO: Roger Mobley, Supervising Planner
Department of Planning and Building Services

FROM: Tom Peters, Deputy Director TCP
Department of Transportation

SUBJECT: USE PERMIT NO. U19-83-05 (NORTHERN AGGREGRATES)
PROJECT COORDINATOR – JOHN SPEKA

This memorandum is given to make it clear that the Mendocino Department of Transportation (MDOT) recommends approval and renewal of new/existing aggregate sources and roadway material processing plants within Mendocino County. Over the past 25 years or more these facilities have been steadily decreasing in number due to regulatory constraints, formidable permitting requirements, local opposition, and other reasons. 5-1

The scarcity of these local sources, especially hot-mix asphalt has steadily driven up the price of the roadway materials as well as increased the cost of transporting these materials to the job site. On a regular basis MDOT staff has been forced to purchase various asphalt materials from out-of-County sources.

Per County policy, MDOT cannot advocate for specific projects. However, MDOT recommends the approval/renewal of all roadway material source and processing facilities throughout the County that will comply with all the permit and regulatory requirements. A variety of roadway material sources located throughout the County would tremendously help MDOT stretch its scarce maintenance dollars and greatly reduce MDOT diesel emissions.

If you have any questions, please contact me at your convenience.

cc: Howard Dashiell, Director of Transportation
UR 19-83-05

Response to Letter from Tom Peters, County of Mendocino Department of Transportation

5-1. The comment states that the Department recommends approval of the project. No questions are asked regarding the RDEIR, so no additional response is required.

From: Chris Brown
To: John Speka; lcharles@leonardcharlesandassociates.com
Date: 5/27/2011 8:37 AM
Subject: Harris

I just read through the Harris EIR (ok only the AQ section - I don't have that much free time). 6-1

I had only one comment - on page 256 there is a discussion of Crystalline Silica The last sentence of this section is confusing and I would suggest the following clarification -

"Crystalline silica has not been identified as a TAC by the California Air Resources Board and therefore it is not specifically regulated by the MCAQMD. "

The confusion arises because OEHHA has identified it as a TAC, but ARB has not.

Christopher D. Brown AICP
Air Pollution Control Officer
Mendocino County Air Quality Management District
306 E. Gobbi Street
Ukiah, Ca 95482
Ph. (707) 463-4354
Fx. (707) 463-5707
Web www.mendoair.org
Twitter Mendoair

Response to Letter from Christopher D. Brown, Mendocino County Air Quality Management District

6-1. The clarification recommended by the commenter has been made - see Chapter 3 of this Final EIR for the corrected text. This change does not affect the analyses, mitigations, nor conclusions of the RDEIR.

John Speka - Harris Quarry EIR

From: Carl Magann <c5400willitsfire@sbcglobal.net>
To: <spekaj@co.mendocino.ca.us>
Date: 6/23/2011 11:55 AM
Subject: Harris Quarry EIR

Greetings,

All in all the Little Lake Fire Protection District is in favor of the expansion of the quarry which brings a necessary element to Mendocino County. All requirements and or suggestions seem to have been met in the latest EIR. 7-1

However, there is some wording in the current draft which needs to be changed. Comments follow;

On Page 360, section 4.8:

The District includes two stations; the main station on East Commercial Street in Willits and a second station on Baechtel Road in Willits. The main station has two Incident Command System (ICS) Type 1 engines, three (actually only one) Type 3 4-wheel drive engines, and one rescue vehicle. The Baechtel Road station has one Type 1 engine, one Type 3 4-wheel drive engine, one 4,000-gallon water tender, and one 75-foot ladder truck. Volunteers include 13 EMTs, and the rest are First Responders.

We look forward to supporting this project to its completion. If we can be of any further assistance please feel free to contact us.

Carl Magann
Fire Chief, LLFPD

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Response to Letter from Carl Magann, Little Lake Fire Protection District

7-1. The Fire Chief has stated that there is only one Type 3 4-wheel drive engine at the main fire station instead of three as stated on page 315 of the RDEIR (it is noted that the page number included in this comment is actually on page 319 of the RDEIR). The change has been made as requested – see Chapter 3 for the revised text. This change does not affect the analyses, mitigations, or conclusions of the RDEIR.

Remy Thomas
Moose & Manley LLP

455 Capitol Mall, Suite 210
Sacramento, CA 95814

Howard F. Wilkins III
cwilkins@rtmmlaw.com

July 20, 2011

VIA E-MAIL AND FEDERAL EXPRESS

Mendocino County Department of Planning and Building Services
Attn: John Speka, Planner
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Comments on the Revised Draft Environmental Impact Report ("RDEIR") for the Harris Quarry Use Permit and Reclamation Plan Project 8-1

Dear Mr. Speka:

These comments are submitted on behalf of Keep the Code, an unincorporated association of local residents who are concerned about the proposed Harris Quarry Use Permit Project and Reclamation Plan ("Project"). As noted in Keep the Code's prior comment letter, while generally supportive of the current quarry operation, Keep the Code objects to the project's proposed significant adverse impacts resulting from amending the Mendocino County Zoning Ordinance to include a Mineral Processing Combining District that could potentially be overlaid on any land in the County that is zoned rangeland with mineral resources. Keep the Code is also opposed to the dramatically increased annual, seasonal and peak extraction amounts proposed by the project, as well as the inclusion of industrial uses, such as an asphalt batch plant and pavement regrinding facility due to the rural setting of the project and its proximity to residential uses.

The County should not approve the proposed project because it is not consistent with local land uses in that area or the County's General Plan and would result in significant environmental effects that are not disclosed in the RDEIR. This letter details these deficiencies, as well as others, in the RDEIR under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.), and the California Code of Regulations, title 14, Section 15000 et seq. ("CEQA Guidelines"). This letter was prepared with input from Richard Haygood P.E. of TJKM Transportation Consultants, air quality consultant Mr. Paul Miller of MEC, Richard Grassetti M.A. of Grassetti Environmental Consulting, and Matt O'Connor PhD CEG of O'Connor Environmental,

Inc. I have attached letters from these experts illustrating the specific deficiencies identified within the RDEIR. The County must respond separately to each environmental issue raised by these experts on the adequacy of the RDEIR in the Final EIR responses to comments. (CEQA Guidelines, § 15088.)

I. Procedural Matters

A. Inadequate Notice of Availability and Access to Documents Cited in RDEIR

As indicated in my prior letters to the County regarding the *Notice Of Completion And Availability Of Revised Draft Environmental Impact Report For The Harris Quarry Expansion* (SCH# 2006112087) released by the County on May 16, 2011 (hereafter, "May 16, 2011 NOA"), the May 16, 2011 NOA did not comply with CEQA's requirements that the NOA identify where all documents referenced in the RDEIR are available for public review. Public Resources Code section 21092(b)(1) requires that the CEQA notice for an EIR must include "the address where copies of the draft environmental impact report **and all documents referenced in the draft environmental impact report** ... are available for review." (Public Resources Code, § 21092(b)(1) (emphasis added).) Section 15087(c)(5) of the CEQA Guidelines states that a Notice of Availability for an EIR shall disclose the following: 8-2

> The address where copies of the **EIR and all documents referenced in the EIR** will be available for public review. This location shall be readily accessible to the public during the lead agency's normal working hours.

(CEQA Guidelines, § 15087(c)(5) (emphasis added).) County staff and County Counsel have admitted many documents referenced in the RDEIR were not available for review at any of the locations listed in the May 16, 2011 NOA throughout most (if not all) of the comment period. Therefore, the County has failed to proceed in the manner required by law as the May 16, 2011 NOA does not comply with CEQA's statutory requirements. More fundamentally, however, the public, including Keep the Code, has been unable to verify and review many of these documents when preparing its comments on the RDEIR.

B. Inadequate Notice of Public Comment Period and Agencies Consulted.

CEQA requires that EIRs include a list of the state and federal agencies consulted in preparing the document. (Pub. Resources Code, § 21153; CEQA Guidelines, § 15086, subd. (a) (requiring a lead agency to consult with responsible, trustee and any other state, federal and local agencies with jurisdiction by law over the project or which exercise authority over resource that may be affected by the project).) The RDEIR appears to 8-3

indicate that the County did not consult with several federal and state agencies as required under CEQA, including but not limited to United States Fish and Wildlife Service ("USFWS"), the United States Army Corps of Engineers (the "Corps"), and the National Marine Fisheries Service ("NMFS"), and the California Department of Conservation ("DOC"). (See RDEIR, p. 397.) What consultation occurred between these agencies and the County? What dates where these agencies consulted and what were the results of any such consultations?

Was the RDEIR circulated to all federal agencies which have jurisdiction over the project or which exercise authority over resources which may be affected by the project? (See CEQA Guidelines, § 15086.) These agencies include the United States Fish and Wildlife Service ("USFWS"), the United States Army Corps of Engineers (the "Corps"), the Environmental Protection Agency ("EPA") and the National Marine Fisheries Service ("NMFS"). (See RDEIR, p. 6.) Please identify the date when each of these federal agencies were sent a copy of the RDEIR? 8-4

Finally, the CEQAnet database erroneously states the end of the public review and comment period was July 5, 2011, rather than July 21, 2011, the actual deadline. The public and state agencies, therefore, were misinformed of the correct deadline for submission of written comments to the County. Therefore, the County may have received additional comments from the public and agency representatives had they been properly informed of the comment period. The RDEIR should be re-circulated to the public and all required government agencies (including the Federal agencies listed above) as required by CEQA with accurate information on the deadline for public comment and location of documents cited in the RDEIR. 8-5

II. The Project Description Included in the RDEIR is Deficient under CEQA.

An accurate, stable and finite project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. (*See San Joaquin Raptor Rescue Center v. County Of Merced* (2007) 149 Cal.App.4th 645, 655 (*Raptor*); *McQueen v. Board of Directors of the Midpeninsula* (1988) 202 Cal.App.3d 1136, 1143; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 (*County of Inyo*) (an accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR).)] The RDEIR's description of the project omits critical information and fails to meet this standard and therefore must be revised and re-circulated.

First, the RDEIR's project description fails to adequately disclose the status of the Harris Quarry's current operations. The RDEIR states that "in 1990, the permit modification #UM 19-83/90 allowed for a one-time extraction and processing limit of 125,000 cubic yards of rock." (RDEIR, p. 63.) It then goes on to state that "the permit otherwise provides for an annual 75,000 in situ cubic yard extraction rate, which is the 8-6

current annual production rate." (*Ibid.*) These two statements appear contradictory and must be explained to provide the public and decisionmakers with relevant information to assess the project. Does the current permit for the Quarry actually state that the permitted extraction rate is 75,000 in situ cubic yards? When was the in situ extraction rate versus mined material distinction first approved by the County as the method for calculating the permitted mining level for the Project?

The Project Description must disclose the length of the prior and/or current permit, the daily and annual and total extraction limits under the permit, and its expiration date. Without this information, one could assume that the permit only allowed extraction and processing of 125,000 cubic yards of rock and once this amount was mined the permit expired. The RDEIR must also disclose whether the project is currently operating with or without a permit or in excess of permitted operations. 8-7

Keep the Code's prior inquiries indicate that the project is currently operating without a permit. Has any CEQA review been conducted for the current operations at the Quarry? Does the County acknowledge that the Harris Quarry is currently operating without a permit? Has the County imposed any conditions or mitigation on the current operations at the Quarry to protect the environment? If yes, please describe? If no, why not? 8-8

Does the County acknowledge that the current operation of the Harris Quarry without a permit violates SMARA? If not, why? Has the County conferred with Department of Conservation regarding the status of the current Harris Quarry permit? If yes, when and are these consultations documented? 8-9

Please describe the County's policy relating to when unpermitted mining operations are allowed to operate? Did the County enforce this policy with respect to Harris Quarry over the past five years? 8-10

Does the County intend to provide meaningful enforcement mechanisms if it approves a new permit and mining operations continue after the new permit expires? If yes, what enforcement measures are proposed? If not, why? What evidence supports the conclusion that future non-compliance with permitting requirements will be treated differently by the County?

The amount of annual extraction amounts under the prior/current permit must be included in the RDEIR to enable the public and agencies to adequately evaluate the project's baseline. Correspondence in the County's files indicates that the Quarry has exceeded its annual permitted extraction amounts under the prior/current permit. What enforcement actions did the County take in relation to the noted permit violations? What enforcement mechanisms does the County intend to include for the current project to ensure such violations do not occur for the proposed project? 8-11

What evidence supports the assumptions regarding average and maximum daily production rates? What years were used to compute the average and maximum daily production rates used as the baseline in the RDEIR? Were the average and maximum daily production rates used as the baseline in the RDEIR evaluated in the County's prior CEQA analysis of the Harris Quarry? 8-12

How many days did the Harris Quarry operate in 2010? What was the total amount of mined material at the Harris Quarry in 2010? What was the highest amount of mined material on a single day in 2010? 8-13

Have the average and maximum daily production rates for the Harris Quarry ever undergone CEQA review by the County? What average and maximum daily rates were evaluated by the County in prior CEQA review? When were these rates evaluated? What mitigation measures imposed by the County in its prior CEQA review are part of the current project's baseline? What proposed mitigation measures are new? Does current/prior permit provide for daily maximum rates of extraction? Will the new permit provide daily maximum rates of extraction? How will any such maximum rates be enforced? Does the RDEIR's project baseline include information from sites other than the project site (e.g. emissions and truck trips from the applicants wash facility and concrete plant)? If yes, what assumptions were made relating to the use of information from others sites to establish the baseline for the project and project site (e.g. water use; air quality modeling; length of truck trips, number of delivery trucks)? What evidence supports these assumptions? 8-14 8-15 8-16

The project description does not describe the maximum production rate for the proposed asphalt plant. What was the maximum daily production rate used calculate the asphalt plant's daily air quality emissions? Is there a condition of approval that will limit the maximum daily rate to that amount? As noted it Paul Miller comments the asphalt plant appears to be oversized. Please describe the reason for the proposed size of the asphalt plant. Is the applicant willing to commit to not proposing an increase in the asphalt plant production that would be binding throughout the life of the project? If not, the project must evaluate full production at the asphalt plant as part of the cumulative analysis. 8-17 8-18

Second, the proposed Mineral Processing Combining District would allow both asphalt and concrete batch plants at the project site. While a concrete batch plant is currently not proposed as part of the project in the RDEIR, the Applicant has proposed such a use on the site previously. Therefore, such a potential use is foreseeable and should have been analyzed in the RDEIR. Similarly, as discussed in other comments it is foreseeable that the Mineral Processing Combining District would be used at other current and proposed future aggregate sites within the County. Therefore, the Mineral Processing Combining District should have been analyzed at a programmatic level and programmatic mitigation should have been proposed for any potential impacts. 8-19 8-20

These errors are fatal to the adequacy of the RDEIR. Under CEQA, the project refers to the underlying "activity" for which approval is being sought. (CEQA Guidelines, § 15378, subd. (c).) "The entirety of the project must be described, and not some smaller portion of it." (*Raptor, supra*, 149 Cal.App.4th at p. 644, citing *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829-831 [EIR for mining operation failed to include extension of water facilities, obscuring from view an important aspect of the project].) The primary harm caused by "the incessant shifts among different project descriptions" is that the inconsistency confuses the public and commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." (*County of Inyo, supra*, 71 Cal.App.3d at pp. 197-198.) "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives ... ." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.) The RDEIR does not. 8-21

CEQA Guidelines section 15120 states that the RDEIR shall contain all of the information required by sections 15122 through 15131 of the CEQA Guidelines. (CEQA Guidelines, § 15120, subd. (c).) If the information provided in the RDEIR fails to comply with these requirements, then meaningful public review may be precluded to the extent that the RDEIR lacks the basic and essential components of an adequate draft environmental document. (See CEQA Guidelines, § 15088.5, subd. (a)(4); *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal.App.4th 74, 96; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 134 (*Save Our Peninsula Committee*).) As detailed herein, the RDEIR does not meet these requirements and precludes meaningful public review. Under these circumstances, the defects cannot be cured without recirculating a second revised DEIR for public review and comment prior to certification. (*Ibid.*). 8-22

III. The Environmental Baseline Used For the RDEIR Ignores and Understates the Significant Environmental Effects of the Project.

As addressed above and in Keep the Code's expert comments, major deficiencies exist in the project description and RDEIR description of the current environmental setting. "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." (CEQA Guidelines, §§ 15125, 15126.2, subd. (a).) (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.) According to Guidelines section 15125, subdivision (a): "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation 8-23

is published..." *(Ibid.)* As a result of the RDEIR's inadequate project description, it is very difficult if not impossible to determine the project's baseline as addressed herein.

Significantly, the RDEIR analysis of potential daily impacts is based on estimated baseline production levels for the current operations at the processing facility and is without any factual support in RDEIR. (See e.g., RDEIR, p. 263.) What were the production rates and how many truck trips were used to represent daily baseline emissions in Table 4.6-5. What current mitigation measures or conditions of approval apply to the current operation of the project. Did the County include all these prior mitigation measures, conditions, and requirements when calculating baseline air emissions? How many days during 2010 did the Harris Quarry operate at the levels used to estimate baseline emissions? How many days did it operate at a higher level than baseline assumptions in 2010? How many days did the quarry operate at a lower level than baseline assumptions in 2010? This unsupported baseline also appears to skew the project's air quality impacts by not accounting for the 118 days of significant air quality impacts where currently there are none. How does the RDEIR evaluate and mitigate daily impacts that exceed the RDEIR's impact thresholds on those days when the project does not currently operate? 8-24 8-25 8-26 8-27

The project similarly uses an inaccurate baseline for truck trips. As noted addresses in the comment from Richard Haygood, P.E., of TJKM Transportation Consultants, the baseline for truck trips is not supported by substantial evidence. Consequently, several of the RDEIR's conclusions regarding potential impacts are understated. 8-28

As identified below, the RDEIR fails to provide any baseline information for the certain impact section including but not limited to biological resources, water quality and hydrology. (See CEQA Guidelines, §§ 15151, 15152, 15144 (requiring lead agency to "use its best efforts to find out and disclose all that it reasonably can"); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873-874 (*Friends of the Eel River*)(requiring consideration of historical levels of river diversions and noting that an EIR must demonstrate consideration of significant environmental impacts within the full environmental context and affording the fullest possible protection to the environment).) The RDEIR's approach constitutes an abuse of discretion under CEQA by omitting relevant evidence and precluding informed decision-making and public participation. (*Raptor, supra*, 149 Cal.App.4th at p. 659 ("An omission of baseline assumptions in an environmental impact report (EIR) falls short of the requirement of a good faith effort at full disclosure.") 8-29

While a lead agency has discretion to choose between conflicting expert opinions or differing methodologies in an effort to select an appropriate environmental baseline. The EIR, however, "must set forth any analysis of alternative methodologies early enough in the environmental review process to allow for public comment and response." (*Save Our Peninsula Committee, supra*, 87 Cal.App.4th at p. 120.) As noted above the 8-30

RDEIR does not. Moreover, as in *Save Our Peninsula Committee*, the applicant has an economic incentive to try to establish a high baseline in order to maximize its permit levels. There is no evidence establishing baseline conditions in the RDEIR. Purported evidence of the baseline must be supported by more than "unsubstantiated opinion or narrative." (*Id.* at p. 122.) What efforts has the County made to verify the baseline assumptions contained in the RDEIR for each resource area?

Finally, as explained in a recent Court of Appeal decision on a mining project: 8-31

> The decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d at p. 405.) "The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova, supra*, 40 Cal.4th at p. 442.)
>
> This failure to clearly and conspicuously identify the baseline assumptions for purposes of describing the existing environmental setting further degraded the usefulness of the EIR and contributed to its inadequacy as an informational document. Accordingly, we hold that in any new EIR prepared in connection with this proposed Project, the baseline must not be obscured, but must be plainly identified in the EIR.

(*Raptor, supra*, 149 Cal.App.4th at p. 659 (emphasis added.) The RDEIR fails to meet this standard.

IV. Consideration of the Proposed Project's Effects on Hydrology and Water Quality is Inadequate.

The RDEIR fails to accurately describe and consider the direct and indirect effects of the proposed project on water quality and water supply. Impact 4.2-A of the RDEIR concludes, for example, that the proposed project will result in less-than-significant 8-32

impacts, after mitigation, to water quality. (RDEIR, pp. 146-159.) The RDEIR does not include information natural and current water quality information in its environmental setting and fails to include baseline information on water quality. Moreover, instead of including baseline information on water quality, the RDEIR proposes that the applicant collect the baseline information as mitigation for the project. (RDEIR, p. 156.) After collecting the baseline information, the RDEIR proposes as mitigation that the applicant follow the Regional Water Quality Control Board's (RWQCB) requirements for preparing a SWPPP for the project. (*Ibid.*) Setting aside the fact that this is impermissible deferred mitigation as addressed below, more importantly this is not adequate mitigation because the project may still significantly impact water quality even if a legally adequate SWPPP is proposed and approved. Again, without adequate baseline information, it is impossible to evaluate whether this is the case. The RDEIR recognizes this possibility in Mitigation Measure 4.2-A.3, and proposes to reduced production if the water quality improvements cannot be met. (RDEIR, p. 157.) The RDEIR does no describe how reducing production would result in compliance with water quality objective. This does not meet CEQA's requirements. 8-33

The water quality mitigation is also inadequate because it is based on the expired NPDES General Industrial Permit for Discharges of Storm Water Associated with Industrial Activities (Industrial General Permit) (Order No. 97-03-DWQ). The mitigation must be revised based on the proposed new industrial permit and other objective criteria. (See http://www.swrcb.ca.gov/water_issues/programs/stormwater/industrial.shtml.) 8-34

Second, the County failed to conduct a water supply assessment as required by CEQA. SB 610 requires the preparation of "water supply assessments" as part of the CEQA process. Section 10910 of the Water Code, enacted as part of SB 610, provides that any county that determines that a "project," as defined in Section 10912, is subject to CEQA must comply with the SB 610 requirements. (Wat. Code, § 10910, subd. (a).) The Harris Quarry Expansion is a "project" as defined in Section 10912, because it occupies more than 40 acres of land. (Wat. Code, § 10912, subd. (a)(5); *Center for Biological Diversity v. County of San Bernardino* (2010) 185 Cal.App.4th 866.) This error can only be remedied by recirculating the RDEIR with an adequate water supply assessment. 8-35

Finally, the RDEIR analysis of the project's impacts on groundwater resources is inadequate. The proposed water usage for the expanded quarry appears to be understated. What efforts has the County made to confirm the water usage assumptions contained in the RDEIR? While the Hydrology Chapter indicates there will be adequate water for the project and that the project will not impact groundwater supplies, this conclusion is directly contradicted in the Public Services & Utilities Chapter. Impact 4.8-D indicates that the applicant may need to purchase off-site water as they have in the past. (RDEIR, p. 322.) Ironically, Mitigation Measure 4.8-D.1 requires the quarry to cease operation if the applicant cannot provide 7,200 gallons of water per day. However, 8-36 8-37 8-38

the assumptions for peak water demand only assume the need for 2,400 gallons of water per day. These inconsistencies further demonstrate why CEQA requires an independent water supply assessment as discussed above. The EIR inexplicably fails to identify alternative supplies of water should they prove necessary as requested by the Mendocino County Water Agency. (Mendocino County Water Agency comment letter on NOP for the Harris Quarry Expansion, p. 1.) This failure cannot be remedied without examining the potential environmental impacts of obtaining alternative sources of water. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434 (*Vineyard*).)

In sum, the RDEIR's analysis of the project impacts on water quality and hydrology is incomplete and utterly inadequate. In fact, the RDEIR acknowledges that it does not have sufficient information to evaluate many of the potential impacts. An EIR must consider a worst case analysis scenario of this potentially significant short-term effect resulting from project under CEQA. "CEQA places the burden of environmental investigation on government rather than the public," and an agency "should not be allowed to hide behind its own failure to gather relevant data." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 (*Sundstrom*).) The RDEIR impermissibly fails to establish a proper baseline under CEQA from which to evaluate the proposed project's environmental effects; thus, skewing the entire analysis within the RDEIR. (CEQA Guidelines, § 15063, subd. (d)(2), 15144.) Any conclusion by the County that substantial evidence supports a finding of less-than-significant impacts to the hydrology is therefore not supported by the evidence. (*See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729.)

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V. Consideration of the Proposed Project's Effects on Traffic and Circulation is Inadequate.

As addressed above, the project uses an inaccurate baseline for truck trips. The project's baseline assumptions are not supported by substantial evidence and inconsistent throughout the RDEIR as stated in Mr. Richard K. Haygood's letter dated July 20, 2011. Again, this makes it impossible for the public to intelligently comment on the RDEIR. The Haygood comment letter provides further evidence of this problem explaining how missing information and unsupported assumptions made it difficult for even an experienced traffic engineer to figure out the RDEIR's analysis. (Haygood letter, July 20, 2011.) Mr. Haygood's comments regarding traffic safety, VMT, and unsupported assumptions throughout this chapter must also be addressed.

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The traffic and circulation section also fails to address the project's impacts on traffic on Highway 101 in Willits during peak hours. As the project will increase the number of truck trips on several such intersections which are at level of service "F" or unacceptable service levels within Willits, the project may have a significant impact on

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these intersections. This potentially significant impact must be evaluated and the RDEIR should propose mitigation as required under CEQA, such as limiting the number of truck trips during peak hours.

Finally, it is unclear if the RDEIR followed the "Caltrans Guide for the Preparation of Traffic Studies (Caltrans Guide) in preparing the traffic studies for the project. (See Department of Transportation letter on NOP for Harris Quarry Expansion, September 3, 2010.) Did the all the traffic studies follow the Caltrans Guide? If not, why not? Please also describe how the County has complied with the Caltrans PEER process for the project. The EIR should disclose the heightened requirements of the process. 8-43

Other comments have requested information such as information regarding the timing and number of deliveries, employee trips, etc. This information should also be included in the projects baseline for truck trips as it relates to this section as well as the project's impacts on air quality and energy use. 8-44

VI. The Conclusions in the RDEIR Regarding Impacts to Air Quality Is Inadequate.

In addition to the baseline concerns regarding air quality addressed above, the RDEIR's analysis of air quality impacts has many additional inadequacies. As addressed in Mr. Miller's July 17, 2011 letter, the RDEIR's discussion and assessment of direct air quality emissions from the project is completely deferred until the permitting action by the Mendocino County Air Quality Management District (MCAQMD). (Miller letter, July 17, 2011, p. 1.) This is impermissible under CEQA. 8-45

The RDEIR must also reexamine the project's air quality impacts to evaluate the whether the project's maximum daily emissions from both direct and indirect sources will result in a significant environmental impacts. Currently, the RDEIR only evaluates direct emissions on an annual basis. While this may be consistent with the MCAQMD Significance Criteria, it is not consistent with CEQA requirements. Without assessing direct and indirect emission together, the public and decisionmakers are not apprised of the full environmental consequences of the project. For example, direct and indirect NOx emission for the proposed project are 463.4 lb./day, which is ten times the threshold for NOx. (RDEIR, p. 276.) While the proposed project does acknowledges that 2010 NOx indirect emissions of 179.7 lb./day are significant, it minimizes this effect stating that long-term the effect will be less than significant. (RDEIR, p. 281.) However, when considering direct and indirect emission together, the long-term NOx emissions are still more than triple the level of significance. Nonetheless, the RDEIR does not propose mitigation for this significant impact either short or long-term. If on-site NOx emission mitigation is not feasible the RDEIR should address off-site mitigation opportunities. 8-46 8-47 8-48

The RDEIR must be revised and re-circulated based on an accurate estimate of truck trips to disclose that diesel particulate matter (from diesel engines, including trucks) has the potential to cause cancer and the project will result in a large increase of diesel trucks in the project area. (*Ibid.*) The failure to disclose this significant environmental impact and health risk violates CEQA. (See *Berkeley Keep Jets over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal.App.4th 1344, 1370 [Requiring further analysis because "[a]t the very least, the documents submitted by the public raised substantial questions about the project's effects on the environment and the unknown health risks to the area's residents."] 8-49

Finally, as explain by Mr. Miller, Table 4.6-21 shows that total indirect GHG emissions of the project would be 1,821 CO2 MT per year. This exceeds the threshold (1,200 MT of CO2e/year) identified in Table 4.6-8 for projects other than stationary sources. This is a significant GHG impact of the project that should be identified in the second Revised DEIR. (Miller letter, July 17, 2011, p. 1.) These impacts were not disclosed to the public and this needs to be corrected in compliance with the CEQA by revising and recirculating the RDEIR. 8-50

VII. The RDEIR's Treatment of Cumulative Impacts Is Cursory at Best.

The cumulative impacts analysis contained within the RDEIR does not include the level of detail required by CEQA. The RDEIR has not evaluated the cumulative impacts of "related past, present, and reasonably foreseeable probable future projects" compound or increase the project's environmental impacts. (CEQA Guidelines, § 15355, subd. (a).) Instead, the project has narrowly focused its analysis on possible future projects. (See RDEIR, p. 18.) The County suggests that complying with CEQA cumulative impact requirements would be meaningless here and takes its own approach. However, the County must comply with CEQA requirements for analyzing cumulative impacts. 8-51

Finally, as the County has directed that the cumulative impact analysis in the RDEIR assume that future expansion of the project would have approximately the same footprint as assessed in the original DEIR, the RDEIR states that it assesses the long-term (after the 30-year Use Permit expires) impacts of the project as proposed plus development of the larger quarry footprint as it was identified and assessed in the original Draft EIR. (See RDEIR, p. 98.) However, no meaningful information or analysis is provided in the RDEIR's cumulative analysis to assess cumulative impacts from based on the original footprint. We incorporate by reference our comment letter on the original Draft EIR as well as other comments relating to hydrology, biological resources, and water quality issues associated with the original proposed footprint. These issues must be addressed in the second RDEIR. 8-52 8-53

VIII. Consideration of the Proposed Project's Effects on Plan Consistency and Land Use is Inadequate.

The RDEIR acknowledges that the proposed project, including the Mineral Processing Combining District, is inconsistent with numerous General Plan policies including DE-1, DE-57, DE-85, RM-42, RM-47, and RM-128. (RDEIR, pp. 349-355.) Moreover, the RDEIR consistency determination regarding other General Plan policies is incomplete and/or irrational. Notably, the RDEIR only evaluates the proposed zoning change as it relates to the Project property and fails to evaluate whether the Mineral Processing Combining District would be inconsistent on other Rangeland designated properties in the County with mineral resources. In addition, the proposed Mineral Processing Combining District would allow concrete batch plants, but the RDEIR fails consider any potential impacts from this change. The Mineral Processing Combining District ordinance would allow heavy industrial uses (e.g. manufacturing of asphalt and concrete) on land designated in the General Plan as "RL-Range Lands" and with an R-L zoning designation. As the RDEIR notes the uses permitted under the General Plan for "RL" designated land are limited to: "Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installations." (RDEIR, pp. 350-351.) The RDEIR suggests that asphalt batch plants (and possibly concrete manufacturing plans) appear to be "related to and compatible with" processing and development of natural resources and therefore should be determined to consistent with the present land use designation. Such an interpretation would turn the General Plan on its head. For example, an oil refinery would similarly be related to and compatible with oil and gas drilling operations. This is clearly not consistent with the intent behind this land use category as specified in the General Plan:

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> Intent: The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained- for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.

There are many quarry sites that could request a heavy industrial mineral processing zone overlay. This proposed heavy industrial use zoning for resource lands involves the entire county and is inappropriate and unwanted by the majority of county citizens. Asking residents to accept such heavy industrial zoning changes after they have already made life decisions based on where they live is unfair. Particularly when considering that the zoning code already allows two feasible options: heavy industrial zoning sites (in fact the applicant has a Shell Lane location in Willits for their current cement plant operations), and project specific mineral processing (e.g. asphalt and cement) is allowed on a temporary basis adjacent to a project (like the Willits Bypass). 8-57

Government Code section 65860, subdivision (a) prohibits enactment of a zoning ordinance inconsistent with a County's general plan. (Gov. Code, § 65860, subd. (a); see also *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868, 876.) Section 65860 further states that a zoning ordinance shall be consistent with a city or county general plan only if the various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan. (Gov. Code, § 65860, subd. (a)(2).) 8-58

The RDEIR does not appear to indicate that the applicant has requested a General Plan amendment. Without such an amendment, we fail to see how the County can approve the project. 8-59

IX. The Proposed Mitigation Measures are Inadequate under CEQA.

The County should have included the Mitigation Monitoring and Reporting Program as part of the RDEIR (rather than the Final EIR as the County proposes), to afford the public and responsible agencies with an opportunity to comment on the adequacy of the mitigation measures. (CEQA Guidelines, § 15074, subd. (d), 15097, subd. (a); Pub. Resources Code, § 21081.6.) Instead, the County chooses to release the Program as part of the Final EIR when additional time for public comment is generally not provided. 8-60

The RDEIR's attempt to rely on mitigation measures that "may be" included in future permits issued by the USACOE, CDF, RWQCB and the MCAQMD as a basis for concluding that the project's impacts will be reduced to a less than significant level is not permitted by CEQA. (*Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d 296; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359.) The formulation of mitigation measures cannot be deferred. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).) 8-61

In addition to the problems with the mitigation measure identified above, the RDEIR includes other inadequate mitigation measures are proposed in the RDEIR including:

(1) **4.6-B.1** The applicant shall not emit criteria pollutants beyond the levels described and analyzed in this EIR. The Mendocino County Air Quality Management District (MCAQMD) shall not issue an Authority to Construct and a Permit to Operate if the equipment installed would cause the emission of pollutants that exceed the levels analyzed herein. If the MCAQMD determines that the final list of equipment and/or the proposed hours of operation per day and per year of any of the equipment would exceed the levels assessed in this EIR, then additional CEQA analysis would be required to assess the air quality and health impacts of that final list of equipment and operating hours prior to considering whether to issue the Authority to Construct and a Permit to Operate. 8-62

4.6-B.2 MCAQMD will review the final list of equipment and the analysis in this EIR and add any additional equipment or operation mitigations that the District finds are needed to avoid air quality standard exceedances and conform to all District, State, and Federal air quality standards and requirements.

In short, the RDEIR violates a fundamental principle of CEQA by improperly basing the RDEIR on the presumed success of mitigation measures that have yet to be formulated. Each "public agency is required to comply with CEQA and meet its responsibilities, including evaluating mitigation measures and project alternatives." (*Citizens for Quality Growth v. City of Mt. Shasta, supra*, 198 Cal.App.3d at p. 442, citing CEQA Guidelines, § 15020.) Therefore, the RDEIR cannot defer the formulation of mitigation measures to another state or federal agency to ensure that contamination does not occur.

The RDEIR's mitigation measures are reminiscent of the facts in *Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at p. 307. In that case, the Court of Appeal faulted the respondent county for assuming that various other agencies would be able to devise a means of avoiding potentially significant impacts associated with soil stability, erosion and flooding because there was no certainty that success could be achieved. The agency, therefore, was found to have no basis for finding that the project's impact would be insignificant. (*Id.* at pp. 306-314.) 8-63

As explained in *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2d Dist. 2000) 83 Cal.App.4th 1252 mitigation measures must be "incorporated into the project or required as a condition of project approval in a manner that [would] *ensure their implementation*." (*Id.* at p. 1262 (italics added).) Thus the RDEIR violates CEQA because is written in a manner that makes it impossible to ensure their implementation. (See *ibid.*; see also Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1)). 8-64

(2) **4.4-B.2** Project-generated traffic shall not result in unsafe operational conditions near the project site as determined by the Mendocino County Department of Transportation and Caltrans. To ensure conformance with this performance standard, the following shall be done: 8-65

Again, the RDEIR cannot defer the formulation of mitigation measures to another state or federal agency to ensure that the project's impacts on traffic safety are less than significant. While the mitigation measure states there is a performance standard, the standard is simply the agency's discretionary decision regarding safety, no objective or enforceable criteria are provided.

X. The RDEIR Fails to Consider A Reasonable Range Of Alternatives.

The RDEIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of alternatives." (CEQA Guidelines, § 15126.6; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.) The alternatives must be described in sufficient detail to serve the informational purpose of the report to the governmental body which will act and the public which will respond to the action through the political process. (*City of Rancho Palos Verdes v. City Council* (1976) 59 Cal.App.3d 869, 892.) As explained above, the RDEIR's shifting project description makes it impossible to evaluate the proposed alternatives. 8-66

The RDEIR fails to include several suggested alternatives proposed by comments. CEQA precludes the County from approving the project as proposed because there are feasible alternatives that would substantially lessen the significant environmental effects of the project. (Pub. Resources Code, § 21002.) CEQA does not distinguish between alternatives at single or separate locations. As explained by the Supreme Court in *Laurel Heights v. Regents of the University of California* (1988) 47 Cal.3d 376, 404-406, an EIR is required to explain in detail why various alternatives were deemed infeasible, and should explore the potential to locate the project somewhere other than proposed. 8-67

What efforts were made to locate an alternative site for the project other than contacting the owner of the Blue Ridge Rock Quarry and contacting a realtor about available MLS listing for industrial sites? What efforts were made to locate other possible quarry sites within the County? Who was consulted and when was the search conducted? What information was used to determine potential other quarry sites, or industrial plants sites, particularly those sites that are currently zoned industrial? 8-68

Alterative 6 should consider the possible placement of smaller asphalt (possibly temporary facilities) in both Ukiah and Willits as this would address the RDEIR's concerns that placement of the entire project at any location other than the proposed site 8-69

would increase truck trips. This alternative would also likely reduce the projects significant impacts, including but not limited to air quality impacts and energy use.

In addition, the alternatives analysis is based on an unduly narrow interpretation of the project objectives as addressed in Mr. Grassetti's letter. As further explained in Mr. Grassetti's letter the County's Alternatives analysis must be revised and re-circulated because it does not meet CEQA requirements. In fact, the County's speculative assumptions regarding the Willits bypass alone require recirculation of this analysis. (See also Paul Miller letter addressing assumptions in Alternatives analysis). 8-70

CEQA requires the County, moreover, to prepare a revised DEIR that meaningfully considers the suggested alternatives in detail. (*Friends of the Eel River, supra*, 108 Cal.App.4th at p. 873 (holding that because the discussion of alternatives omitted relevant, crucial information, it subverted the purposes of CEQA and was legally inadequate).) A proper discussion of alternatives should provide sufficient "information to the public to enable it to understand, evaluate, and respond" to the agency's conclusion. Stated differently, the discussion should "contain facts and analysis, not just the agency's bare conclusions or opinions," and should include "meaningful detail." (*Id.* at pp. 404-406.) As explained in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal.App.3d 1167, 1180–1183 (*Goleta I*) assertions that a particular alternative is economically infeasible simply because it would be more expensive or less profitable to the private applicant are not adequate. "In the absence of comparative data and analysis, no meaningful conclusions regarding the feasibility of the alternative could have been reached." (*Id.* at pp. 1180–1181.) The Court of Appeal added that: 8-71

> The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

(*Ibid.*) Because the RDEIR fails to provide substantial evidence supporting a finding of infeasibility for any suggested alternatives and rejects out of hand the possibility of locating the asphalt plants at a separate location, additional analysis is required before the Board may approve the project. (Pub. Resources Code, § 21002; *Sierra Club v. Gilroy City Council* (1990) 220 Cal.App.3d 30, 31.)

XI. Conclusion

We urge the County to weigh seriously the concerns voiced by the Keep the Code. The Board should direct staff to prepare a second revised DEIR to address the deficiencies identified herein and by other commenters. Thank you for the opportunity to 8-72

comment on the RDEIR and for your consideration of the above matters. If the County decides to approve the project and certify the EIR, please send me a copy of the Notice of Determination ("NOD") immediately upon filing. (Pub. Resources Code, §§ 21152; 21167, subd. (f).)

Very truly yours,

Howard F. Wilkins III

Encls.

cc: Richard Haygood
Paul Miller
Richard Grassetti
Matt O'Connor
Keep the Code

REMY, THOMAS, MOOSE and MANLEY, LLP
ATTORNEYS AT LAW

MICHAEL H. REMY
1944 – 2003

TINA A. THOMAS
OF COUNSEL

JAMES G. MOOSE
WHITMAN F. MANLEY
ANDREA K. LEISY
TIFFANY K. WRIGHT
SABRINA V. TELLER
ASHLE T. CROCKER

455 CAPITOL MALL, SUITE 210
SACRAMENTO, CALIFORNIA 95814

Telephone: (916) 443-2745
Facsimile: (916) 443-9017
E-mail: info@rtmmlaw.com
http://www.rtmmlaw.com

JENNIFER S. HOLMAN
MICHELE A. TONG
AMY R. HIGUERA
HOWARD F. WILKINS III
MEGAN M. QUINN
AMANDA R. BERLIN
JASON W. HOLDER
LAURA M. HARRIS
KATHRYN C. COTTER
COURTNEY K. FRIEH
CHRISTOPHER J. BUTCHER

BRIAN J. PLANT
OF COUNSEL

February 14, 2008

VIA E-MAIL AND FEDERAL EXPRESS

Ignacio Gonzalez
Project Planner
County of Mendocino
Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Comments on the Draft Environmental Impact Report ("DEIR") for the Harris Quarry Use Permit Project

Dear Mr. Gonzalez:

These comments are submitted on behalf of Keep the Code, an unincorporated association of local residents who are concerned about the proposed Harris Quarry Use Permit Project ("Project"). While generally supportive of the current quarry operation, Keep the Code objects to the project's proposed significant adverse impacts resulting from the change in the zoning ordinance that would allow industrial uses in rural rangeland zones, dramatically increased annual, seasonal and peak extraction amounts, the proposed lifetime of the quarry (90 years) mining permit, and inclusion of industrial uses, such as an asphalt batch plant, pavement regrinding facility, and cement plant.

The County should not approve the proposed project because it is not consistent with local land uses in that area or the County's General Plan and would result in significant environmental effects that are not disclosed in the DEIR. This letter details these deficiencies, as well as others, in the DEIR under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.), and the California Code of Regulations, title 14, Section 15000 et seq. ("CEQA Guidelines"). This letter was

prepared with input from professional engineer, Gary E. Kruger, P.E., of TJKM Transportation Consultants, Mr. Paul Miller, of MEC, air quality and noise consultant, and Peter R. Baye, Ph.D., a Botanist and Coastal Plant Ecologist. These experts have already submitted letters illustrating the specific deficiencies identified within the DEIR. The County must respond separately to each environmental issue raised by these experts on the adequacy of the DEIR in the Final EIR responses to comments. (CEQA Guidelines, § 15088.)

I. Procedural Matters

A. Inadequate Notice of Public Comment Period and Agencies Consulted.

CEQA requires that EIRs include a list of the state and federal agencies consulted in preparing the document. (Pub. Resources Code, § 21153; CEQA Guidelines, § 15086, subd. (a) (requiring a lead agency to consult with responsible, trustee and any other state, federal and local agencies with jurisdiction by law over the project or which exercise authority over resource that may be affected by the project).) The DEIR appears to indicate that the County did not consult with several federal and state agencies as required under CEQA, including but not limited to United States Fish and Wildlife Service ("USFWS"), the United States Army Corps of Engineers (the "Corps"), and the National Marine Fisheries Service ("NMFS"), the California Department of Fish and Game ("DFG"), and the California Department of Conservation ("DOC"). (See DEIR, p. 361.) What consultation occurred between these agencies and the County? What dates where these agencies consulted and what were the results of any such consultations? The federal agencies must also consult amongst themselves. Does the County have any information on whether any such consultation has taken place in relation to the project? 8-73

Was the DEIR circulated properly to the federal agencies which have jurisdiction over the project *or* which exercise authority over resources which *may* be affected by the project? (See CEQA Guidelines, § 15086.) These agencies include the United States Fish and Wildlife Service ("USFWS"), the United States Army Corps of Engineers (the "Corps"), and the National Marine Fisheries Service ("NMFS"). (See DEIR, p. 34.) CEQA requires the County to consult with these federal agencies. (CEQA Guidelines, § 15086.)

Finally, the CEQAnet database erroneously states the end of the public review and comment period was January 30, 2008, rather than February 15, 2008, the actual deadline. (The CEQAnet printout for the project is attached as Exhibit 1.) The public and state agencies, therefore, were misinformed of the correct deadline for submission of written comments to the County. The DEIR compounds this error by not indicating the comment period deadline. In addition, the County has not does not include information regarding the close of the public comment period on its website. The County may have received additional comments from the public and agency representatives had they been properly informed of the comment period. The DEIR should be recirculated to the public

and all required government agencies (including the Federal agencies listed above) as required by CEQA with accurate information on the deadline for public comment

B. The DEIR Fails to Comply with Government Code Section 7550.

The DEIR does not comply with section 7550 of the California Government Code. That section provides that any written report, such as the DEIR, prepared for or under the direction of a state or local agency, must contain the dollar amounts of all contracts relating to the preparation of the report if the total cost exceeds five thousand dollars. This section requires disclosure regardless of whether the non-agency employees prepared all or part of the report, as long as the total amount of work performed exceeds five thousand dollars. Section 7550 also requires that the contract and subcontract numbers and dollar amounts be contained in a separate section of the report. This information should have been included in the DEIR.

II. The Project Description Included in the DEIR is Deficient under CEQA.

An accurate, stable and finite project description is necessary for an intelligent evaluation of the potential environmental effects of a proposed activity. (See *San Joaquin Raptor Rescue Center v. County Of Merced* (2007) 149 Cal. App. 4th 645, 655 ("Raptor"); *McQueen v. Board of Directors of the Midpeninsula* (1988) 202 Cal.App.3d 1136, 1143; *County of Inyo v. City of Los Angeles* ("*County of Inyo*") (1977) 71 Cal.App.3d 185, 193 (an accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR).)] The DEIR's description of the project omits critical information and fails to meet this standard and therefore must be revised and recirculated.

First, the DEIR's project description fails to disclose the status of the Harris Quarry's current operations. The DEIR states that "in 1990, the permit modification #UM 19-83/90 allowed for a one-time extraction and processing limit of 125,000 cubic yards of rock." (DEIR, p. 6.) It then goes on to state that "the permit otherwise provides for an annual 75,000 cubic yard extraction rate, which is the current annual production rate." (*Ibid.*) These two statements appear contradictory and must be explained to provide the public and decisionmakers with relevant information to assess the project. The Project Description must disclose the length of the prior and/or current permit, the daily and annual and total extraction limits under the permit, and its expiration date. Without this information, one could assume that the permit only allowed extraction and processing of 125,000 cubic yards of rock and once this amount was mined the permit expired. The EIR must also disclose whether the project is currently operating with or without a permit or in excess of permitted operations.

Keep the Code's prior inquiries indicate that the project is currently operating without a permit. (See correspondence attached as Exhibits 2 and 3.) Does the County acknowledge that the Harris Quarry is currently operating without a permit? Does the

County acknowledge that operation of the Harris Quarry without a permit violates SMARA? If not, why? Has the County conferred with Department of Conservation regarding the status of the current Harris Quarry permit? Does the County intend to provide meaningful enforcement mechanisms if it approves a new permit and mining operation continue after the new permit expires? If yes, what enforcement measures are proposed? If not, why?

The amount of annual extraction amounts under the prior/current permit must be included in the DEIR to enable the public and agencies to adequately evaluate the project's baseline. Correspondence in the County's files indicates that the Quarry has exceeded its annual permitted extraction amounts under the prior/current permit. (See correspondence attached as Exhibit 4) What enforcement actions did the County take in relation to the noted permit violations? What enforcement mechanisms does the County intend to include for the current project to ensure such violations do not occur for the proposed project?

Second, the DEIR's project description fails to adequately inform the public and decisionmakers about the proposed project. The Project Description does not include information about proposed changes in the quarry operations. Instead, the DEIR appears to minimize the changes stating: "Truck volumes during normal operating periods will remain similar to the current quarry levels, this being 18 trucks per hour maximum and 5-6 per hour on a normal day." (DEIR, p. 14.) This statement conflicts with an earlier description of the project's truck trips:

> Currently, the applicant operates three trucks (bottom dumps) per day hauling aggregate from the quarry to the wash facility.

(DEIR, p. 7.) Moreover, the reader is forced to search the appendix to the DEIR to find that quarry operations will occur for more days per year than they currently operate and will occur for more hours per day. According to the information contained in the appendix, "average daily production rates will increase from about 1,600 tons per day for 132 days per year up to about 1,800 tons over 250 days per year for nine hours per day." (Appendix F, Air Quality Data, EIR Air Quality Analysis.) What evidence supports the assumptions regarding average and maximum daily production rates? What years were used to compute the average and maximum daily production rates used as the baseline in the DEIR? Were the average and maximum daily production rates used as the baseline in the DEIR evaluated in the County's prior CEQA analysis of the Harris Quarry? Have the average and maximum daily production rates for the Harris Quarry ever undergone CEQA review by the County? What average and maximum daily rates were evaluated by the County in prior CEQA review? When were these rates evaluated? What mitigation measures imposed by the County in its prior CEQA review are part of the current project's baseline? What proposed mitigation measures are new? Does current/prior permit provide for daily maximum rates of extraction? Will the new permit provide daily maximum rates of extraction? How will any such maximum rates be enforced? Does the

DEIR's project baseline include information from sites other than the project site (e.g. emissions and truck trips from the applicants wash facility and concrete plant)? If yes, what assumptions were made relating to the use of information from others sites to establish the baseline for the project and project site (e.g. water use; air quality modeling; length of truck trips, number of delivery trucks)? What evidence supports these assumptions?

The confusion does not stop here as it is unclear the length of the permit analyzed in the DEIR. The project description contained within the DEIR states the applicant requests an "End of Life" time frame for the project. (DEIR, p. 6.) The DEIR then goes on to state "the EIR recommends that the County consider a shorter, defined permit period and/or a permit review process." (DEIR, p. 36.) What time-frame is the EIR evaluating for the permit? How was the time-frame determined? Where is it disclosed?

The EIR appears to evaluate impacts based on a shorter undefined time frame. For example, the Mendocino County Water Agency stated that the EIR should evaluate blasting impacts on wells and springs. (DEIR, Appendix B, p.3.) The County responded that the "project does not increase blasting and would not alter impacts to wells and springs. Future phases of the project where blasting would occur at lower elevations might affect groundwater, but this EIR limits the length of the permit to 20 years, so the future potential impacts can be assessed *if the applicant seeks a future renewal of the permit*." (*Ibid.* (*emphasis added*).) The EIR's discussion of the project, however, contradicts this point:

> Over the life of the project, the applicant proposes to expand the quarry from about 11.5 acres to 46.3 acres (a proposed expansion of about 34.8 acres). The applicant estimates that the proposed mining area contains about 18,270,000 cubic yards (CY) and that it would take at least 90 years to remove this amount of material. As shown in Figures 1.5-1 through 1.5-3, quarry expansion would occur in three phases. In Phase 1, the, mining would expand to the north and west while maintaining the current elevation of the quarry floor (elevation 1,850 feet). Mining includes initial blasting of the rock. The quarry face would be benched with 12-foot wide benches (to allow vehicle access and slope stability); there would be 40-foot vertical cuts (typically cut at a slope of 0.75:1, or 0.75 horizontal extension for every 1 foot of vertical drop) between the benches. It is estimated that the area to be mined in Phase 1 contains about 12 million CY of material. Phase 2 will lower the quarry floor to elevation 1,750 feet. This would result in deepening the excavation on all sides of the quarry, including additional excavation along the south side of the site. Phase 2 has an estimated aggregate reserve of about 5 million CY. Phase 3 will lower the quarry floor to an elevation of 1,650 feet.

(DEIR, p. 27.) The DEIR further states that the reclamation plan proposed for the project states that reclamation will not begin until "2046 at the earliest." (DEIR, p. 27.)

Another example is contained the project's discussion of hydrological impacts, which states:

> The proposed lowering of the quarry floor to an elevation of 1,650 feet would bring the floor to the same channel bottom or thalweg elevation of Forsythe Creek 1,500 feet southwest of the quarry. The proposed quarry bottom would be below the elevation of the thalweg of the ephemeral tributary 1,000 feet to the immediate south of the quarry.

(DEIR, p. 142.)

The proposed mitigation for this impact, however, appears to modify the project description:

> The mitigations ensure that the project would not adversely affect streamflow in Forsythe Creek. If the applicant in future decades seeks to mine to the elevation proposed in this application, additional technical studies would be required to assess subsurface flows beneath the tributary and whether mining below the elevation of the creek would capture any then existing subsurface flows.

(DEIR, p. 144.)

Nonetheless, the DEIR's alternative analysis is based on the 90-year permit. (DEIR, p. 354.) The constant back and forth creates confusion as to what, exactly, the EIR proposes as the project. The shifting project description also makes it impossible for public and decisionmakers to compare the potentially significant environmental effects of the project to the project alternatives. In addition, the DEIR provides insufficient information regarding the proposed asphalt plant stating: "it will be assumed that the new asphalt facility will meet AP-42 emission standards." (DEIR, p. 19.) While precise engineering drawings may not be required, the DEIR should include sufficient information regarding the proposed size of the facility, it maximum throughput, energy use, etc. in order to allow public comment on whether a smaller or more energy efficient design is feasible.

The DEIR's Project Description is also highly inconsistent with respect to quantities of materials excavated and processed at the site as explained in Richard Grassetti's February 2, 2007 letter. The Project Description does not adequately disclose the project's maximum permitted daily and annual production totals for each of the project's operations (e.g. aggregate, concrete, sand, asphalt, recycled materials, etc.). Are there maximum daily and annual permitted levels for each product produced by the project? Without this information it is impossible to properly evaluate the project's

impacts on air quality, health risk, traffic, water supply, and hydrology, among other resources.

These errors are fatal to the adequacy of the DEIR. Under CEQA, the project refers to the underlying "activity" for which approval is being sought. (CEQA Guidelines, § 15378, subd. (c).) "*The entirety of the project must be described, and not some smaller portion of it.*" (*Raptor, supra*, 149 Cal. App. 4th at p. 644, citing *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829-831 [EIR for mining operation failed to include extension of water facilities, obscuring from view an important aspect of the project].) The primary harm caused by "the incessant shifts among different project descriptions" is that the inconsistency confuses the public and commenting agencies, thus vitiating the usefulness of the process "as a vehicle for intelligent public participation." (*County of Inyo, supra*, 71 Cal.App.3d at pp. 197-198.) "[O]nly through an accurate view of the project may the public and interested parties and public agencies balance the proposed project's benefits against its environmental cost, consider appropriate mitigation measures, assess the advantages of terminating the proposal and properly weigh other alternatives ... ." (*City of Santee v. County of San Diego* (1989) 214 Cal.App.3d 1438, 1454.) The DEIR does not.

CEQA Guidelines section 15120 states that the DEIR shall contain all of the information required by sections 15122 through 15131 of the CEQA Guidelines. (CEQA Guidelines, § 15120, subd. (c).) If the information provided in the DEIR fails to comply with these requirements, then meaningful public review may be precluded to the extent that the DEIR lacks the basic and essential components of an adequate draft environmental document. (See CEQA Guidelines, § 15088.5, subd. (a)(4); *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 96; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors* (2001) 87 Cal. App. 4th 99, 134 ("*Save Our Peninsula Committee*").) As detailed herein, the DEIR does not meet these requirements and precludes meaningful public review. Under these circumstances, the defects cannot be cured without recirculating a revised DEIR for public review and comment prior to certification. (*Ibid.*).

III. The Environmental Baseline Used For the DEIR Ignores and Understates the Significant Environmental Effects of the Project.

As addressed above, major deficiencies exist in the project description and DEIR description of the current environmental setting. "Before the impacts of a project can be assessed and mitigation measures considered, an EIR must describe the existing environment. It is only against this baseline that any significant environmental effects can be determined." (CEQA Guidelines, §§ 15125, 15126.2, subd. (a).) (*County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 952.) According to Guidelines section 15125, subdivision (a): "An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time

the notice of preparation is published..." (*Ibid.*) As a result of the DEIR's inadequate project description, it is very difficult if not impossible to determine the project's baseline as addressed herein.

Significantly, the DEIR diminishes its potential daily impacts by analyzing short-term emissions based on the estimated baseline peak daily production levels of the current operations processing facility. (DEIR, p. 226.) This unsupported baseline skews the project's air quality impacts and fails to account for the 118 days of significant air quality impacts where currently there is none. How does the DEIR evaluate and mitigate daily impacts that exceed the DEIR's impact thresholds on those days when the project does not currently operate?

The project similarly uses an inaccurate baseline for truck trips. As noted above "the applicant operates three trucks (bottom dumps) per day hauling aggregate from the quarry to the wash facility." The three truck trips are the appropriate baseline. They are the only truck trips that originate at the project site. Inexplicably, the DEIR states that "Truck volumes during normal operating periods will remain similar to the current quarry levels, this being 18 trucks per hour maximum and 5-6 per hour on a normal day." (DEIR, p. 14.) The use of this baseline is not supported by the evidence. Consequently, several of the DEIR's conclusions regarding potential impacts are understated.

As identified below, the DEIR fails to provide any baseline information for the certain impact section including but not limited to biological resources, water quality and hydrology. (See CEQA Guidelines, §§ 15151, 15152, 15144 (requiring lead agency to "use its best efforts to find out and disclose all that it reasonably can"); *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859, 873-874 ("*Friends of the Eel River*")(requiring consideration of historical levels of river diversions and noting that an EIR must demonstrate consideration of significant environmental impacts within the full environmental context and affording the fullest possible protection to the environment).) The DEIR's approach constitutes an abuse of discretion under CEQA by omitting relevant evidence and precluding informed decision-making and public participation. (*Raptor, supra*, 149 Cal. App. 4th at p. 659 ("An omission of baseline assumptions in an environmental impact report (EIR) falls short of the requirement of a good faith effort at full disclosure.")

While a lead agency has discretion to choose between conflicting expert opinions or differing methodologies in an effort to select an appropriate environmental baseline. The EIR, however, "must set forth any analysis of alternative methodologies early enough in the environmental review process to allow for public comment and response." (*Save Our Peninsula Committee, supra*, 87 Cal. App. 4th at p. 120.) As noted above the DEIR does not. Moreover, as in *Save Our Peninsula Committee*, the applicant has an economic incentive to try to establish a high baseline in order to maximize its permit levels. There is no evidence establishing baseline conditions in the DEIR. Purported evidence of the baseline must be supported by more that than "unsubstantiated opinion or

narrative." (*Id.* at p. 122.) What efforts has the County made to verify the baseline assumptions contained in the DEIR?

Finally, as explained in a recent Court of Appeal decision on a mining project:

> The decision makers and general public should not be forced to sift through obscure minutiae or appendices in order to ferret out the fundamental baseline assumptions that are being used for purposes of the environmental analysis. "An EIR must include detail sufficient to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project." (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d at p. 405.) "*The data in an EIR must not only be sufficient in quantity, it must be presented in a manner calculated to adequately inform the public and decision makers, who may not be previously familiar with the details of the project.*" (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova*, supra, 40 Cal.4th at p. 442.)
>
> *This failure to clearly and conspicuously identify the baseline assumptions for purposes of describing the existing environmental setting further degraded the usefulness of the EIR and contributed to its inadequacy as an informational document.* Accordingly, we hold that in any new EIR prepared in connection with this proposed Project, the baseline must not be obscured, but must be plainly identified in the EIR.

(*Raptor, supra*, 149 Cal. App. 4th at p. 659 (*emphasis added.*) The DEIR fails to meet this standard.

IV. Consideration of the Proposed Project's Effects on Hydrology and Water Quality is Inadequate. 8-74

The DEIR fails to accurately describe and consider the direct and indirect effects of the proposed project on water quality and water supply. Impact 3.2-A of the DEIR concludes, for example, that the proposed project will result in less-than-significant impacts, after mitigation, to water quality. (DEIR, pp. 4.4-11 to 4.4-12.) The DEIR, however, acknowledges that the project's proposed bioretention swale is undersized and states that a "swale design, maintenance and monitoring plan that meets site characteristics and design standards using low impact methodology has not been proposed and is required." (DEIR, p. 133.) The DEIR then states that the larger swale may be considered if there is enough available land but does not evaluate its feasibility. (DEIR, pp. 138-139.) Is the larger swale proposed as mitigation? If the project footprint is reduced would it change the feasibility of larger swale? Without this information it is

impossible to determine whether the proposed mitigation is adequate and to evaluate the project's alternatives.

The problem is exacerbated because the DEIR does not include information natural and current water quality information in its environmental setting and fails to include baseline information on water quality. For, example, anyone commenting on Hydrology and Water Quality section would not discover that Forsythe Creek is an impaired water body unless they read the Biological Impact section. (See DEIR, p. 160.) Moreover, instead of including baseline information on water quality, the DEIR proposes that the applicant collect the baseline information as mitigation for the project. (DEIR, p. 139.) After collecting the baseline information, the DEIR proposes as mitigation that the applicant follow the Regional Water Quality Control Board's (RWQCB) requirements for preparing a SWPPP for the project. (*Ibid.*) Setting aside the fact that this is impermissible deferred mitigation as addressed below, more importantly this is not adequate mitigation because the project may still significantly impact water quality even if a legally adequate SWPPP is proposed and approved. Again, without adequate baseline information, it is impossible to evaluate whether this is the case. The DEIR recognizes this possibility in Mitigation Measure 3.2-A.6, but proposes no substantive requirements. (DEIR, p. 140.) Instead, the DEIR states that additional mitigation may be required by the RWQCB in order to improve the quality of the stormwater leaving the site. (DEIR, p. 136.) This does not meet CEQA's requirements. (See *Citizens for Quality Growth v. City of Mt. Shasta* (1988)198 Cal. App. 3d 433, 442 ("*Citizens for Quality Growth*"), citing CEQA Guidelines, § 15020.) 8-75

The project also uses the wrong threshold criteria for determining the project's water quality impacts on fish and aquatic wildlife. For example, the DEIR states that "turbidity would not exceed baseline conditions by more than the Regional Board allowed 20%, so there should be no adverse impact on water quality as regards fish and aquatic wildlife inhabiting Forsythe Creek or the Russian River." (DEIR, p. 140.) However, the Regional Board's turbidity objectives in the Basin plan state that turbidity "shall not be increased more than 20 percent above *naturally occurring background levels*." (NCRWQCB Basin Plan, p. 3-3.00 (*emphasis added*).) Moreover as explained by Peter R. Baye, Ph.D. in his letter dated February 7, 2008, the DEIR's evaluation of this impact does not specifically relate to steelhead or its habitat, and steelhead impact evaluations do not specifically relate to the range of hydrologic impacts. (Peter R. Baye, Ph.D. ("Baye") Letter, February 7, 2008.) 8-76

As mentioned above, the DEIR also fails to evaluate blasting impacts on water quality as recommended by the Mendocino County Water Agency. (DEIR, Appendix B, p.3.) There is no evidence in the DEIR to support the County's response that the "project does not increase blasting and would not alter impacts to wells and springs. Future phases of the project where blasting would occur at lower elevations *might affect groundwater, but this EIR limits the length of the permit to 20 years, so the future potential impacts can* 8-77

be assessed if the applicant seeks a future renewal of the permit." (Ibid. (*emphasis added*).) As mentioned above, the DEIR's failure to evaluate these impacts is a failure to proceed in the manner required by law. Moreover, evidence exists in the DEIR that the contaminated groundwater would affect the creeks. The DEIR actually specifically states that on site water "would eventually be returned to the creek via groundwater flow." (DEIR, p. 142.)

The DEIR then attempts to mitigate its failure to mitigate its water quality impacts by suggesting the Board consider a shorter permit, so it can reevaluate the projects impacts in the future. (DEIR, p. 135.) As addressed above, the DEIR must evaluate the proposed project. The County cannot piecemeal its analysis of the proposed project's impacts by deferring portions of its analysis to future CEQA review. At minimum any such impacts should be disclosed as significant impacts in the project's cumulative impacts analysis. 8-78

The DEIR discussion on the projects impacts on area streams from the reduction of runoff and recharge is also inadequate. The DEIR states that because the "potential for capture of stream water exists and is not fully understood, this represents a potentially significant impact." (DEIR, p. 143.) As addressed above the project does not attempt to evaluate this impact. Instead, the DEIR purports to change the project description by including a mitigation measure that changes the proposed project's description. This impact is significant and unavailable based on the project description and analysis contained in the DEIR. Therefore, the DEIR must be recirculated with a modified project description or the impact must be changed to significant and unavoidable and mitigated to the extent feasible. 8-79

Finally, the DEIR analysis of the project's impacts on groundwater resources is inadequate The DEIR proposes future monitoring as mitigation but fails to provide adequate performance criteria. The DEIR admits the impact is potentially significant and unavoidable stating: 8-80

> Allowing for rainfall variation, if it is determined that the spring flow has had a statistically significant negative deviation from the baseline condition at any time during the expansion of the quarry, or within five years following the completion of the expansion and reclamation, the applicant shall be financially responsible for providing a reliable supply of water to the impacted beneficial water users who had an on-site well or spring in 2007. This could be done by providing a storage tank and delivered water to the affected homesite.

(DEIR, p. 149.) The proposed mitigation is wholly inadequate. A statement that applicant is "financially responsible for providing a reliable supply of water to the impacted beneficial water users who had an on-site well or spring in 2007" does not mitigate the environmental effects of the project on groundwater resources. An example

of possible mitigation would be establishing groundwater recharge program. Moreover, an estimate of the volume of groundwater in the aquifer is critical to an informed determination of impacts to groundwater, including water supply and risk of contamination. (See *Cadiz Land Co. v. Rail Cycle* (2000) 83 Cal. App. 4th 74, 94 ["[T]he amount of groundwater at stake must be disclosed to the public and government agencies."] In addition, there is no rationale basis for excluding beneficial water users that establish on-site wells or springs effected by the project after 2007.

It should also be noted that this section is difficult for the public and decisionmakers to follow because the DEIR's significance thresholds are combined in the various impact analyses.

In sum, the DEIR's analysis of the project impacts on water quality and hydrology is incomplete and utterly inadequate. In fact, the DEIR acknowledges that it does not have sufficient information to evaluate many of the potential impacts. An EIR must consider a worst case analysis scenario of this potentially significant short-term effect resulting from project under CEQA. "CEQA places the burden of environmental investigation on government rather than the public," and an agency "should not be allowed to hide behind its own failure to gather relevant data." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311 ("*Sundstrom v. County of Mendocino*").) The DEIR impermissibly fails to establish a proper baseline under CEQA from which to evaluate the proposed project's environmental effects; thus, skewing the entire analysis within the DEIR. (CEQA Guidelines, § 15063, subd. (d)(2), 15144.) Any conclusion by the County that substantial evidence supports a finding of less-than-significant impacts to the hydrology is therefore not supported by the evidence. (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729.)

V. Consideration of the Proposed Project's Effects on Biological Resources is Inadequate.

As detailed by Peter R. Baye, Ph.D. in his letter dated February 7, 2008 the DEIR's conclusions regarding the type, distribution, and abundance of wetlands and wetland habitats of sensitive species are not supported by substantial evidence. (Peter R. Baye, Ph.D. ("Baye") Letter, February 7, 2008.) The DEIR concludes that sensitive plant species and their wetland habitats are absent but the technical reports on which this conclusion is based "clearly report that wetland indicator plant species are reported from the site or biological assessment area." (*Ibid.*) This conclusion is further contradicted by the following statement in the DEIR: "The project includes filling of approximately 1,500 square feet of drainage that may qualify as wetlands under the Corps' jurisdiction." (DEIR, p. 34.) As explained See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 729: "the failure to provide clear and definite analysis of the location, extent and character of wetlands" possibly within project precludes a conclusion that all the environmental impacts of the development project are

8-81

identified and analyzed. (*Ibid.*) This problem is exacerbated by the fact that the County has not consulted with Army Corps as noted above.

In addition, the DEIR fails to assess potentially significant indirect and cumulative impacts to federally listed steelhead, and its designated Critical Habitat, in Forsythe Creek, due to reduction of stream baseflow or groundwater inputs to channel pool habitat, particularly during critical drought conditions. (Baye Letter, February 7, 2008.) This problem is exacerbated by the County's failure to consult with NMFS. Moreover, as Dr. Baye states the DEIR does not reflect, and is inconsistent with, the analysis of hydrology in Section 3.2 as it applies to steelhead habitat quality. (Baye Letter, February 7, 2008.) These inconsistencies make is impossible for the public and government agencies to evaluate and comment on project's water and biological resources impacts. 8-82

The DIER mitigation for loss of oak woodlands is also inadequate and potentially infeasible. As Dr. Baye concludes, even with proposed mitigation, the reclamation plan to replace existing mature oaks with irrigated transplants is not based on substantial evidence. (Baye Letter, February 7, 2008.) As Dr. Baye also points out the mitigation measure requirement that the applicant obtain a Timber Conversion Plan and Timber Harvest Plan permit does not substantively mitigate for biological impacts to forest plant communities. (Baye Letter, February 7, 2008.) Without this biologic evaluation of adverse impacts and substantive mitigation, there is no support for the County's conclusion that this impact is less than significant. 8-83

The CEQA Guidelines are clear that in "marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant." (CEQA Guidelines, § 15064, subd. (g); *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1996) 29 Cal.App.4th 1597, 1607.)

VI. Consideration of the Proposed Project's Effects on Traffic and Circulation is Inadequate.

As addressed above, the project uses an inaccurate baseline for truck trips. The project's baseline assumptions are not supported by substantial evidence and inconsistent throughout the EIR as stated in Mr. Kruger's letter dated January 28, 2008. Again, this makes it impossible for the public to intelligently comment on the EIR. The Kruger comment letter provides further evidence of this problem as he explains in his letter how this affected his ability to comment on the project. (Kruger letter, January 28, 2008, p. 1.) 8-84

As further addressed by Mr. Kruger, the proposed acceleration lane is not long enough, and does not come close to being adequate for the traffic and sight distance 8-85

conditions at the quarry intersection. (Kruger letter, January 28, 2008, p. 3.) The proposed mitigation measures should be supported with appropriate design criteria from the Caltrans Highway Design Manual or by AASHTO in their latest "Green Book." (*Ibid.*) The DEIR must also address any impacts associated with any proposed changes to the acceleration lane (e.g. any additional impacts from construction). Mr. Kruger's comments regarding traffic safety must also be addressed.

The traffic and circulation section also fails to address the project's impacts on traffic on Highway 101 in Willits during peak hours. As the project will increase the number of truck trips on several such intersections which are at level of service "F" or unacceptable service levels within Willits, the project may have a significant impact on these intersections. This potentially significant impact must be evaluated and the DEIR should propose mitigation as required under CEQA, such as limiting the number of truck trips during peak hours. 8-86

Other comments have requested information such as information regarding the timing and number of deliveries, employee trips, etc. This information should also be included in the projects baseline for truck trips as it relates to this section as well as the project's impacts on air quality and energy use. 8-87

VII. The Conclusions in the DEIR Regarding Impacts to Air Quality Is Inadequate.

In addition to the baseline concerns regarding air quality addressed above, the DEIR's analysis of air quality impacts has many additional inadequacies. As addressed in Mr. Millers' February 4, 2008 letter, the DEIR's discussion of particulate matter pollution (DEIR, p. 212) does not adequately disclose the dangers of particulate matter from the project, especially diesel particulate matter. (Miller letter, February 4, 2008, p. 1.) The DEIR must be revised and recirculated to disclose that diesel particulate matter (from diesel engines, including trucks) has the potential to cause cancer and the project will result in a large increase of diesel trucks in the project area. (*Ibid.*) The failure to disclose this significant environmental impact and health risk is violates CEQA. (See *Berkeley Keep Jets over the Bay Committee v. Board of Port Commissioners* (2001) 91 Cal. App. 4th 1344, 1370 [Requiring further analysis because "[a]t the very least, the documents submitted by the public raised substantial questions about the project's effects on the environment and the unknown health risks to the area's residents."] 8-88

The DEIR must also revise its discussion of the MCAQMD Significance Criteria and reevaluate the project's air quality impacts as explained in the Miller letter. (Miller letter, p. 3.). As explain by Mr. Miller, Table 3.6-13 (DEIR, p. 239) demonstrates significant air quality impacts from the project emissions of CO, VOCs, PM10 and PM2.5. (Miller letter, February 4, 2008, p. 3.) These impacts were not disclosed to the public and this needs to be corrected in compliance with the CEQA. In fact, the Dryer

Stack for the proposed asphalt alone exceeds the MCAQMD Significance Criteria for PM10, PM2.5, CO, and NOx. (See Table. 3.6-9, p. 235)

The DEIR's PM2.5 and threshold is not rationally related to its health effects or air quality standards. The Draft EIR states that the MCAQMD does not have significant thresholds for PM2.5, therefore, the thresholds for PM10 are used as surrogates. The DEIR fails to explain any rationale basis for use of this surrogate. In fact, the use of the surrogate is in fact meaningless because PM2.5 is a component of PM10 emissions. The more severe health risks and environmental effects associated with PM2.5 emission is precisely the reason that the separate standards were established. Given that the California and National Ambient Air Quality Standards are significantly lower for PM2.5 as a result of these consequences, the threshold lacks any possible justification. The County must provide a rationale basis for establishing the PM2.5 threshold. The County use of California Ambient Air Quality Standards (CAAQS) for CO emissions also fails to provide any rationale analysis.

Finally, the DEIR fails to address air quality impacts from construction of the plant facilities, berms, and roads in its impact analysis. The DEIR must analysis the whole of the project as addressed above. These construction impacts of the project should also be addressed in other areas of the project, including but not limited to any impacts to water quality and circulation.

VIII. The DEIR's Treatment of Cumulative Impacts Is Cursory at Best.

8-89

The cumulative impacts analysis contained within the DEIR is throughout the DEIR does not include the level of detail required by CEQA. The DEIR has not evaluated the cumulative impacts of "related past, present, and reasonably foreseeable probable future projects" compound or increase the project's environmental impacts. (CEQA Guidelines, § 15355, subd. (a).) Instead, the project has narrowly focused its analysis on possible future projects. (See DEIR, p. 42.)

The project's cumulative impacts discussion of Global Warming impacts is particularly problematic in light of the fact the DEIR estimates as much as 5,150 tons of Green House Gas (GHG) emissions will be emitted by the project. The DEIR further acknowledges that this impact is potentially significant. Nonetheless, the DEIR makes no effort to evaluate this adverse impact. It is likely this figure should be revised to include additional GHG emissions due to the inadequacies of the baseline assumptions.

While the County should be commended for addressing the climate change issue in the DEIR, because of the failure to properly evaluate and mitigate global warming impacts, the County should not approve this Project, because the County's analysis violates CEQA. The County has failed to address the significance of the Project's contribution to cumulative global warming impacts, particularly in light of the applicant's request for a "life of quarry" (90 year) permit, and therefore does not require any specific

mitigation measures to address those impacts. Because any increase in emissions will make it more difficult for the State to achieve the greenhouse gas reductions required by Assembly Bill 32, and this Project standing alone will produce a large, quantifiable increase in annual greenhouse gas emissions, the DEIR must evaluate global warming impacts and *discuss* feasible alternatives and mitigation measures to avoid or reduce those impacts.

The Intergovernmental Panel on Climate Change of the United Nations recently published its finding that overwhelming evidence establishes that global warming is occurring and is caused by human activity. (Climate Change 2007: The Physical Science Basis, Summary For Policymakers, Fourth Assessment Report of the IPCC, February 2007.) With respect to impacts in the state, the California Climate Change Center reports that temperatures are expected to rise 4.7 to 10.5F by the end of the century. (Amy Lynd Luers, Daniel R. Cayanet et al., Our Changing Climate: Assessing the Risks to California (July 2006) at p. 2.) These increases would have serious consequences, including substantial loss of snow-pack, an increase of as much as 55% in the risk of large wildfires, and reductions in the quality and quantity of agricultural products. (*Ibid.*) Additionally, the report predicts increased stress on the State's vital resources and natural landscapes. (*Ibid.*)

Assembly Bill 32, the California Global Warming Solutions Act of 2006, codified at Health and Safety Code Section 38500, et seq. ("AB 32") demonstrates that the Legislature recognizes the serious threats that global warming poses to California. To combat these threats, AB 32 requires reduction of the State's GHG emissions to 1990 levels by 2020. (Health & Safety Code § 38550.) This emissions cap is equal to a 25% reduction from current levels. (See 9/27/2006 Press Release from the Office of the Governor, available at http://gov.ca.gov/index.php?/print-version/press-release/4111.)

CEQA and its implementing Guidelines provide that in any of the following situations, a finding must be made that the project may have a significant effect on the environment:

> (1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
>
> (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
>
> (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly

(Public Resources Code § 21083(b); see also CEQA Guidelines, § 15065.)

As part of the analysis carried out in an EIR, the agency must formulate mitigation measures and examine alternatives to the proposed project. CEQA mandates that public agencies refrain from approving projects with significant environmental effects if there are feasible alternatives or mitigation measures that can substantially lessen or avoid those effects. (Pub. Resources Code § 21081; see also *Mountain Lion Foundation v. Fish and Game Commission* (1997) 16 CalApp.4th 105, 134.) As the Court of Appeal concluded in *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720 [internal quotation omitted]):

> [O]ne of the most important environmental lessons evident from past experience is that environmental damage often occurs incrementally from a variety of small sources. These sources appear insignificant, assuming threatening dimensions only when considered in light of the other sources with which they interact. Perhaps the best example is air pollution, where thousands of relatively small sources of pollution cause a serious environmental health problem. CEQA has responded to this problem of incremental environmental degradation by requiring analysis of cumulative impacts.

(*Ibid.*)

Quantifying the GHG emissions resulting from the Project, the DEIR estimates that operation of the Project will produce 5,150 tons per year. (DEIR, p. 263.) It is unclear how the project reaches this estimate when the project annual CO2 emissions alone are estimated at 6,422 tons. It does not take into account GHGs other than carbon dioxide, such as nitrous oxides. Moreover, the mitigation measures are insufficient and in many cases unenforceable or meaningless. For example, requiring the applicant when replacing diesel mobile equipment to purchase new equipment meeting CARB emissions requirements is meaningless. In fact, this is not mitigation at all. Instead the DEIR should require the applicant to replace existing equipment that does not meet these current standards.

The proposed mitigation to "encourage solar panels," is illusory and unenforceable. The DEIR should require mitigation that requires the applicant actually use solar electric panels, solar hot water collectors, and/or other sustainable and renewable energy sources that meet project energy requirements and substantially reduce GHG emissions to help meet State requirements. In the alternative, the applicant should be required to purchase its electric power from renewable energy sources.

The purposed mitigation to "if available, use clean alternative fuels," is again illusory and unenforceable. The applicant should be required to use generators only if the electric power grid fails, and only using best available technology and fuels that produce the least CHG emissions. Similar requirements could be required for other equipment.

The DEIR fails to provide any analysis of how the proposed mitigation would reduce the project's potentially significant impacts to a less than significant level. (See DEIR, p. 264.) The DEIR conclusively determines the proposed project's contribution to cumulative GHGs would be less than significant stating that it would be considered consistent with AB 32. Given AB 32's requirement 25% reduction from GHG current levels, substantial evidence does not support this conclusion. The DEIR must determine whether the proposed project would be significant after the proposed mitigation is implemented and that determination must be supported by substantial evidence. (See CEQA Guidelines, §§ 15064, subd. (i)(1) ("the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable"), 15065, subd. (c) (mandatory finding for "cumulatively considerable" incremental effect); *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 120 ("the lead agency shall consider whether the cumulative impact is significant and whether the proposed project's incremental effects are cumulatively considerable").) If the containment levels are unknown over time, the DEIR lacks substantial evidence supporting its conclusion that cumulative impacts to air quality are less than significant. (See also CEQA Guidelines, § 15130, subd. (b).).

It should be noted that the mitigation proposed above would also potentially reduced the projects significant air quality impacts. Again, the lack of information regarding the proposed "modern state-of-the-art facility" makes it impossible to evaluate whether more energy efficient design is feasible or additional mitigation is feasible.

Finally, to the extent the DEIR purports to limit the project length or modify the project description to address the inadequacies contained in the DEIR, the cumulative impact section must address those aspects of the project that have been proposed by the applicant and not adequately addressed in other sections of the DEIR.

IX. Consideration of the Proposed Project's Effects on Plan Consistency and Land Use is Inadequate.

Granting a variance to the project or adoption of the proposed new Mineral Processing Combining District would conflict with the County's General Plan. As stated in the DEIR, the proposed new zoning district would conflict with Land Use Element, Agriculture Policy 1h: 8-90

> Policy 1h. New nonagricultural classifications shall not be assigned to prime agricultural lands or prime rangelands (as defined by County ordinances) unless all of the following findings, supported by substantial evidence in the record, can be made by the decisionmaking body:
>
> i. The subject parcel or parcels have already been rendered substantially unusable for agricultural purposes by virtue of

> encroaching adjacent nonagricultural uses. Nonagricultural uses of the subject parcel shall only be allowed as an extension of adjacent non-agricultural uses.
>
> ii. Use of the site will not impair agricultural activities in the project area.
>
> iii. There is no land which is zoned commercial, residential or industrial where the project can be reasonably located.
>
> iv. The site location is in conformance with all applicable elements of the County General Plan, and the decision is in the public interest.
>
> **Inconsistent.** The processing site contains soils that appear to meet the criteria for being considered "prime rangeland." **Per this policy, nonagricultural classifications cannot be assigned unless the four conditions can be met, and they cannot since the site has not been rendered unusable for grazing plus there might be other sites designated industrial where the facilities could be located.**
>
> Similar inconsistencies could occur at other sites if the new combining district is adopted.

(DEIR, pp. 309-310 (**emphasis added**).)

The DEIR further indicates that the project may conflict with the follow General Plant policies: Forestry Policy 1d, Mineral Resources Policy 2d, and Open Space and Conservation Element Policy 7. Moreover, there is little or no evidence supporting most of the conclusions reached in this section. For example, the DEIR determines that the proposed project is consistent with Range Lands general plan designation for this site without any explanation or evidence. (DEIR, p. 312.)

As addressed previously, many of the DEIR's impact conclusions are understated or not supported by substantial evidence. In some cases the possible impact are just completely ignored Many of the problems identified in this letter and by other commenters demonstrate that the conclusions reached in this section are not supported by substantial evidence including but not limited to the projects impacts on air quality, energy, fisheries, forestry, natural areas, vegetation and wildlife.

Government Code section 65860, subdivision (a) prohibits enactment of a zoning ordinance inconsistent with a County's general plan. (Gov. Code, § 65860, subd. (a); see also *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal. App. 4th 868, 876.) Section 65860 further states that a zoning ordinance shall be consistent with a city or county general plan only if the various land uses authorized by the ordinance are compatible with the *objectives, policies, general land uses, and programs specified in the plan*. (Gov. Code, § 65860, subd. (a)(2).) While perhaps the County chose not analysis

its General Plan objectives, general land uses, and programs because it realized the project was inconsistent with the General Plan, we still feel the need to note that the DEIR's analysis is incomplete.

Finally, as the County is also undoubtedly aware variances must also be consistent with the General Plan. (*Neighborhood Action Group v. County of Calaveras* (1984) 156 Cal. App. 3d 1176, 1184 ("[There] is no agency discretion to promulgate a regulation which is inconsistent with the governing statute.")

The DEIR does not appear to indicate that the applicant has requested a General Plan amendment. Without such an amendment, we fail to see how the County can approve the project. Please direct us to any authority that allows the County to approve a project inconsistent with the General Plan. Alternatively, please identify any entitlements sought by the applicant requesting a General Plan amendment. We request that the County provide us with a copy any such applications pursuant the California Public Records Act.

X. The DEIR Omits Any Discussion of the Energy Impacts Resulting from the Proposed Project.

The DEIR admits that the proposed project will use "extensive amounts of electricity, diesel fuel, and gasoline," yet the DEIR inexplicably omits any discussion regarding the project's energy efficiency. (DEIR, p. 305.) In order to assure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful and unnecessary consumption of energy. (CEQA Guidelines, Appendix F.) The DEIR must describe feasible measures which could minimize significant adverse impacts, including inefficient and unnecessary consumption of energy. (CEQA Guidelines, § 15126.4, subd. (a)(1); see also *id.* at subd. (a)(1)(C) ("[e]nergy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant"); CEQA Guidelines, Appendix F (Energy Conservation). The DEIR cursorily addresses this issue by stating the given high energy costs it is anticipated would use energy efficient equipment. The only energy use quantified by DEIR is for the diesel generator which the applicant estimates will use up to 3,200 gallons of diesel per day. The DEIR does not discuss possible uses of alternative energy resources or analyze whether alternative sites for the project would allow for uses of such alternative energy resources. This is not adequate under CEQA. The proposed mitigation in this comment letter relating to GHG emissions is applicable here also. 8-91

Appendix F provides that "[a]lternatives should be compared in terms of overall energy consumption and in terms of reducing wasteful, inefficient and unnecessary consumption of energy." (CEQA Guidelines, Appendix F, subd. (II)(E).) The DEIR is devoid of this information. The County should prepare a revised DEIR that includes this

information and compares the energy impacts of the proposed project with the alternatives and proposes feasible mitigation; thus avoiding a wasteful and unnecessary consumption of energy. What analysis has been done to consider how the project could reduce its diesel consumption?

For example if the project reduces its diesel consumption (e.g. by eliminating the diesel generator, improving energy efficiency for the equipment used at the site, replacing older haul trucks, and/or using alternative energy sources to power portions of the project) it would also reduce fuel delivery trucks trips. This would mitigate the projects impacts on air quality and circulation also. Has the County conducted any analysis to determine whether the project could reduce energy use. If yes, when was the analysis performed and what were the results? If not, why?

XI. The Proposed Mitigation Measures are Inadequate under CEQA.

The County should have included the Mitigation Monitoring and Reporting Program as part of the DEIR (rather than the Final EIR as the County proposes), to afford the public and responsible agencies with an opportunity to comment on the adequacy of the mitigation measures. (CEQA Guidelines, § 15074, subd. (d), 15097, subd. (a); Pub. Resources Code, § 21081.6.) Instead, the County chooses to release the Program as part of the Final EIR when additional time for public comment is generally not provided. (DEIR, p. 1-5.) 8-92

The DEIR's attempt to rely on mitigation measures that "may be" included in future permits issued by the USACOE, CDF, RWQCB and the MCAQMD as a basis for concluding that the project's impacts will be reduced to a less than significant level is not permitted by CEQA. (*Sundstrom v. County of Mendocino, supra,* 202 Cal.App.3d 296; *Quail Botanical Gardens Foundation, Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1604; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359.) The formulation of mitigation measures cannot be deferred. (CEQA Guidelines, § 15126.4, subd. (a)(1)(B).)

In addition to the problems with the mitigation measure identified above, the DEIR includes other inadequate mitigation measures are proposed in the DEIR including:

(1) 3.6-B.1 - The applicant shall not emit criteria pollutants beyond the levels described and analyzed in this EIR. The Mendocino County Air Quality Management District (MCAQMD) shall not issue an Authority to Construct and a Permit to Operate if the equipment installed would cause the emission of pollutants that exceed the levels analyzed herein. If the MCAQMD determines that the final list of equipment and/or the proposed hours of operation per day and per year of any of the equipment would exceed the levels assessed in this EIR, then additional CEQA analysis would be required to assess the air quality and health impacts of that final list of equipment and operating hours prior to considering whether to issue the Authority to Construct and a Permit to

Operate. MCAQMD will review the final list of equipment and the analysis in this EIR and add any additional equipment or operation mitigations that the District finds are needed to avoid air quality standard exceedances and conform with all District, State, and Federal air quality standards and requirements.

In short, the DEIR violates a fundamental principle of CEQA by improperly basing the DEIR on the presumed success of mitigation measures that have yet to be formulated. Each "public agency is required to comply with CEQA and meet its responsibilities, including evaluating mitigation measures and project alternatives." (*Citizens for Quality Growth v. City of Mt. Shasta, supra*, 198 Cal. App. 3d at p. 442, citing CEQA Guidelines, § 15020.) Therefore, the DEIR cannot defer the formulation of mitigation measures to another state or federal agency to ensure that contamination does not occur.

The DEIR's mitigation measures are reminiscent of the facts in *Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at p. 307. In that case, the Court of Appeal faulted the respondent county for assuming that various other agencies would be able to devise a means of avoiding potentially significant impacts associated with soil stability, erosion and flooding because there was no certainty that success could be achieved. The agency, therefore, was found to have no basis for finding that the project's impact would be insignificant. (*Id.* at pp. 306-314.)

As explained in *Federation of Hillside and Canyon Associations v. City of Los Angeles* (2d Dist. 2000) 83 Cal. App. 4th 1252 mitigation measures must be "incorporated into the project or required as a condition of project approval in a manner that [would] *ensure their implementation*." (*Id.* at p. 1262 (*italics added*).) Thus DEIR violates CEQA because is written in a manner that makes it impossible to *ensure their implementation*. (See *ibid.*; see also Pub. Resources Code, § 21081, subd. (a)(1); CEQA Guidelines, § 15091, subd. (a)(1)).

As such, the following additional mitigation measures should be included in the Final EIR and adopted as conditions of approval to avoid or significantly reduce the otherwise significant water quality impacts: This same deficiency is found in all of the project's proposed air quality mitigation.

(2) **3.2-D.2** - Reduce project water consumption to the degree feasible by implementing 'best management practices' such as use of concrete admixtures and utilizing wastewater and detention pond water recycling to reduce the amount of water required. Some admixtures can reduce water content used in concrete by 30%. Recycling of aggregate wash water and use of water stored in sedimentation ponds can be used to reduce groundwater use, provided the water meets ASTM requirement (DEIR, p. 149.)

Requiring the general implementation of BMPs is not an adequate performance standard under CEQA. Even if specific mitigation measures were not identifiable or

feasible for the proposed project (and they are), the EIR must specify realistic performance standards that would mitigate the significant effect of the project. (See *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011,1028 ("agency can commit itself to eventually devising measures that will satisfy specific performance criteria articulated at the time of project approval").)

CEQA also requires that a mitigation monitoring and reporting program be prepared and adopted prior to the County adopting findings for the project. Waiting until construction begins is not adequate under CEQA. (Pub. Resources Code, § 21081.6.)

(3) **3.3-D.1** Prior to conducting any work within the stream channel, the applicant shall apply to the U.S. Army Corps of Engineers for a wetland delineation and permit coverage for filling in the 290-foot long drainage. The applicant shall abide by any conditions required by the Army Corps.

3.3-D.2 Prior to conducting any work within the stream channel,, the applicant shall obtain a Streambed Alteration Agreement from the California Department of Fish and Game (DFG) and Water Quality Certification from the Regional Water Quality Control Board for filling in the drainage, and abide by all conditions set forth in that agreement.

Again, the DEIR cannot defer the formulation of mitigation measures to another state or federal agency to ensure that the project's impacts on timberland, water quality, air quality, wetlands or watercourses are less than significant.

XII. The DEIR Fails to Consider A Reasonable Range Of Alternatives.

The revised DEIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of alternatives." (CEQA Guidelines, § 15126.6; *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566.) The alternatives must be described in sufficient detail to serve the informational purpose of the report to the governmental body which will act and the public which will respond to the action through the political process. (*City of Rancho Palos Verdes v. City Council* (1976) 59 Cal.App.3d 869, 892.) As explained above, the DEIR's shifting project description makes it impossible to evaluate the proposed alternatives. 8-93

The DEIR also violates CEQA by failing to include several suggested alternatives proposed by comments. (DEIR, p. 349.) The DEIR incorrectly dismisses these comments stating: CEQA does not require that the alternatives analysis assess separate locations for various components of a proposed project. (*Ibid.*) Please provide any authority for this statement.

CEQA precludes the County from approving the project as proposed because there are feasible alternatives that would substantially lessen the significant environmental

effects of the project. (Pub. Resources Code, § 21002.) CEQA does not distinguish between alternatives at single or separate locations. As explained by the Supreme Court in *Laurel Heights v. Regents of the University of California* (1988) 47 Cal.3d 376, 404-406, an EIR is required to explain in detail why various alternatives were deemed infeasible, and should explore the potential to locate the project somewhere other than proposed.

What efforts were made to locate an alternative site for the project other than contacting the owner of the Blue Ridge Rock Quarry and contacting a realtor about available MLS listing for industrial sites? What efforts were made to locate other possible quarry sites within the County? Who was consulted and when was the search conducted? What information was used to determine potential other quarry sites, or industrial plants sites, particularly those sites that are currently zoned industrial?

Alterative 8 should consider the placement of smaller asphalt and cement plants (possibly temporary facilities) in both Ukiah and Willits as this would address the DEIR's concerns that placement of the entire project at any location other than the proposed site would increase truck trips. This alternative would also likely reduce the projects significant impacts, including but not limited to air quality impacts and energy use.

CEQA requires the County, moreover, to prepare a revised DEIR that meaningfully considers the suggested alternatives in detail. (*Friends of the Eel River, supra*, 108 Cal.App.4th at p. 873 (holding that because the discussion of alternatives omitted relevant, crucial information, it subverted the purposes of CEQA and was legally inadequate).) A proper discussion of alternatives should provide sufficient "information to the public to enable it to understand, evaluate, and respond" to the agency's conclusion. Stated differently, the discussion should "contain facts and analysis, not just the agency's bare conclusions or opinions," and should include "meaningful detail." (*Id.* at pp. 404-406.) As explained in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 197 Cal. App. 3d 1167, 1180–1183 (*Goleta I*) assertions that a particular alternative is economically infeasible simply because it would be more expensive or less profitable to the private applicant are not adequate. "In the absence of comparative data and analysis, no meaningful conclusions regarding the feasibility of the alternative could have been reached." (*Id.* at pp. 1180–1181.) The Court of Appeal added that:

> The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project.

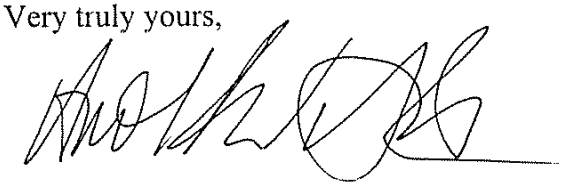
(*Ibid.*) Because the DEIR fails to provide substantial evidence supporting a finding of infeasibility for any suggested alternatives and rejects out of hand the possibility of locating the concrete and asphalt plants at separate locations, additional analysis is

required before the Board may approve the project. (Pub. Resources Code, § 21002; *Sierra Club v. Gilroy City Council* (1990) 220 Cal.App.3d 30, 31.)

XIII. Conclusion

We urge the County to weigh seriously the concerns voiced by the Keep the Code. The Board of Supervisors should view the DEIR for what it is - the beginnings of a baseline for the project applicant. The Board should direct staff to prepare a revised DEIR to address the deficiencies identified herein and by other commenters. Thank you for the opportunity to comment on the DEIR and for your consideration of the above matters. If the County decides to approve the project and certify the EIR, please send me a copy of the Notice of Determination ("NOD") immediately upon filing. (Pub. Resources Code, §§ 21152; 21167, subd. (f).)

Very truly yours,



Howard F. Wilkins IIII

Encls.

cc: Gary E. Kruger, P.E.,
Paul Miller
Peter R. Baye, Ph.D.
Keep the Code

Response to Letter from Howard Wilkins III (Remy Thomas Moose & Manly LLP)

8-1. The introductory comments state how the commenter's clients are opposed to the project, that the County should not approve the project, and that the EIR inadequately discloses significant environmental effects. As specific comments to support the commenter's claims are presented after these introductory comments, response to the general claims will not be made except to state that the commenter is incorrect that the RDEIR is inadequate. The RDEIR meets all CEQA requirements to objectively describe the possible significant impacts of the proposed project, identify feasible mitigation measures when warranted, and compare the project to alternatives that would reduce the significant impacts. The RDEIR addresses the concerns that this commenter expressed about the original project and the original DEIR as the analyses in the RDEIR included recommendations made by the commenter and answered uncertainties the commenter noted in his original letter. Detailed responses to specific claims and questions are presented below in response to the commenter's specific comments.

8-2. Upon the request of the project applicant (see Comment 14-1 later in this FEIR), the County extended the public review period for an additional 45 days and made available all documents cited in the RDEIR either as hard copies (at the offices of the Department of Planning and Building Services) or as a list of electronic links to certain documents (i.e., websites where they are readily accessible to the public at any time). This extension of the public review period and providing the documents or electronic addresses where all cited documents could be found address the claimed inadequate noticing included in this comment.

While no additional response is required, we believe that the comment was incorrect and that this extension of the review period plus the compilation of documents and electronic links is not required by CEQA. We believe that this comment is a misinterpretation of the intent of CEQA. The comment refers to one sentence in the Public Resources Code stating that the County needs to provide the address where all documents "referenced" in the draft environmental impact report are available for review. It then cites CEQA Guidelines Section 15087(c)(5) that states that the County will provide the address where all documents referenced in the EIR will be available for public review and readily accessible during the lead agency's normal working hours. However, the commenter ignores the subsequent sections in the CEQA Guidelines that specifically address what documents are considered "referenced" and need to be made available for public review.

CEQA Guidelines Section 15148 titled "Citation" states:

Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR. The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports, which were used as the basis for any statements in the EIR.

The Guidelines then go on to describe documents that are incorporated by reference. Section 15150 (Incorporation by Reference) states:

(a) An EIR or Negative Declaration may incorporate by reference all or portions of another document which is a matter of public record or is generally available to the public. Where all or part of another document is incorporated by reference, the incorporated language shall be considered to be set forth in full as part of the text of the EIR or Negative Declaration.

(b) Where part of another document is incorporated by reference, such other document shall be made available to the public for inspection at a public place or public building. The EIR or Negative Declaration shall state where the incorporated documents will be available for inspection. At a minimum, the incorporated document shall be made available to the public in an office of the Lead Agency in the county where the project would be carried out or in one or more public buildings such as county offices or public libraries if the Lead Agency does not have an office in the county.

(c) Where an EIR or Negative Declaration uses incorporation by reference, the incorporated part of the referenced document shall be briefly summarized where possible or briefly described if the data or information cannot be summarized. The relationship between the incorporated part of the referenced document and the EIR shall be described.

These two sections are where the CEQA Guidelines provide specific guidance about what documents need to be made available for public review and what documents do not. It does not state that documents that are cited as footnotes or, particularly, all documents listed in the EIR's Bibliography need to be made available for public review. EIR preparers have historically not been required to make all cited documents available to the Lead Agency. This point is further clarified in the Continuing Education of the Bar's (CEB's) handbook, *Practice Under the California Environmental Quality Act* (Stephen L. Kostka and Michael H. Zischke, Second Edition, January 2011 Update). Under Section 9.18 of that handbook, it states:

The requirement that the EIR public review notice indicate the address where copies of the EIR and all "referenced" documents are available has also led to some confusion. This notice requirement should be read together with 14 Cal Code Regs §15150(b), which requires that documents incorporated by reference in an EIR be made available for inspection. See also 14 Cal Code Regs §15087(c)(5). The requirement should not be interpreted to apply to documents that are cited in an EIR under 14 Cal Code Regs §15148, because there is no requirement that such documents be made available for public inspection. See El Morro Community Ass'n v. California Dep't of Parks & Recreation (2004) 112 CA4th 1341, 1354 n5, 19 CR3d 445.

Given that the CEQA Guidelines explicitly state the requirements for "cited" and "referenced" documents, if the commenter were correct, then the code and

guidelines would be internally inconsistent. We believe that they are consistent as does the *Practice Under the California Environmental Quality Act*.

In conclusion, we believe the commenter is incorrect. Nevertheless, the documents or document electronic addresses have been available during the 45-day public review extension,

Finally, we would note that during this additional 45-day review period, 11 additional comment letters were received - none were from public agencies nor technical experts representing the commenter's client or other technical experts.

8-3. The commenter is incorrect in stating that the cited Code and Guidelines Sections require the EIR to provide a list of agencies consulted with. Rather the cited Sections state that the Lead Agency will consult with Responsible, Trustee, and other agencies and individuals. Contrary to what the commenter states, the Sections do not require that the EIR contain the list of contacted agencies and individuals. That said, the Notice of Preparation that included the notification of where and when the EIR scoping meeting would be held was sent to the State Clearinghouse who has the responsibility of forwarding the NOP to pertinent State agencies. The County also sent the NOP and an invitation to attend the public agency scoping meeting held August 17, 2010 to 39 agencies, including the U.S. Fish and Wildlife Service, NOAA-Fisheries, Army Corps of Engineers, Bureau of Land Management, California Department of Fish and Game (CDFG), the RWQCB, and California Department of Conservation. The only State agency to attend that scoping meeting was the Department of Fish and Game (CDFG). All these agencies were previously requested to comment on the original DEIR, so they were all well aware of this project. Previously, the EIR preparers and County staff met with CDFG staff during the public review period for the original DEIR to develop more distinct mitigation measures to offset impacts to wetlands and oak woodlands. The applicant's engineer subsequently worked with CDFG staff to develop the off-site wetland mitigations. We would note that neither CDFG, U.S. Fish and Wildlife Service, NOAA-Fisheries, or Army Corps of Engineers submitted a comment letter on the RDEIR.

8-4. The RDEIR was circulated to the United States Fish and Wildlife Service (USFWS), the Army Corps of Engineers (ACOE), and the National Marine Fisheries Service (NMFS) and was not returned with comments from any of these agencies. Referral of the project to the Environmental Protection Agency (EPA), as overseer of any ACOE analysis regarding the filling of wetlands and/or point source discharges to waterways, was considered by the County to be redundant. A copy of the RDEIR was otherwise sent to the remaining federal agencies on May 20, 2011.

8-5. The public review period was extended at the request of the applicant during the July 21, 2011 meeting of the County Planning Commission. See Comment 14-1. The comment period was thereby extended from July 21 to September 6, 2011 at that time and noticed accordingly.

8-6. The actual full paragraph in the project description passage referenced in this comment reads as follows:

Current Use Permit #UR 19-83/95 applies to the existing quarry, which has been in use since the mid-1920s. In 1990, the permit modification #UM 19-83/90 allowed for a one-time extraction increase and a one-time increased processing limit of 125,000 cubic yards of rock, but this modification expired in 1995. The permit provides for an annual 75,000 in situ *(i.e., the volume of rock as measured in place in the quarry wall or floor) cubic yard extraction rate, which is the current annual production rate.*

The passage is accurate in stating that the modification approved in 1990 allowed for the one time extraction increase, otherwise the permit at that time allowed for 50,000 cy to be extracted on an annual basis. As stated, that permit expired in 1995, at which time a use permit and reclamation plan renewal (#UR 19-83/95) was processed and approved on January 16, 1997, allowing for up to 75,000 cy to be taken per year. That particular permit expired on January 26, 2007. However, the Quarry continues to have permission to operate under that same permit while the subject project application is being processed. County policy has and continues to allow uses subject to renewal as long as applicants demonstrate good faith efforts in going through the renewal process. In this case, the renewal was applied for in 2005, well in advance of the expiration date for #UR 19-83/95.

Regarding the second portion of the comment, the project description is technically incorrect in stating that an extraction rate of 75,000 *in situ* cubic yards is allowed per the current entitlement under which the quarry continues to operate. The actual language of the permit limits production to 75,000 cubic yards without specifying whether that meant 75,000 cy *in situ* or after initial processing. The applicant has historically mined the site as if the permit condition meant 75,000 cy in situ. As described on page 97 of the RDEIR, this production rate was used as the baseline for assessing project impacts. This issue has been clarified in revised RDEIR text shown in Chapter 3.

8-7. Much of this comment has been addressed in the previous response. Daily extraction records are not kept nor have they ever been required of the applicant for past entitlements. Instead, annual reporting has been an ongoing condition of the permit. Annual allowed extraction volumes since the January 2007 expiration have remained at 75,000 cy. The operator was assessed an administrative penalty for over-extraction that occurred in 2007 and 2008. Otherwise, overall annual extraction averages have remained within the allowable limits.

8-8. The operation has been allowed to continue under the conditions imposed by the expired permit. This is consistent with County policy which allows uses subject to renewal to continue as long as applicants have demonstrated good faith efforts in obtaining the necessary entitlements.

8-9. The County has kept the Department of Conservation Office of Mine Reclamation (OMR) informed of the permitting status throughout the process. Annual

inspection reports are submitted to OMR including updates on the operation's renewal status and overall SMARA compliance.

8-10. See Responses 8-8 and 8-9 regarding these same questions. The Mitigation Monitoring and Reporting Program identifies responsibility for mitigation monitoring. The County will follow ongoing procedures for enforcement of Use Permit Conditions. The questions asked in Comments 8-7 to 8-10 refer to historical issues or have to do with County recording and enforcement processes. These issues do not address or affect the environmental setting for the RDEIR. The RDEIR addresses the physical impacts on the environment resulting from a proposed project compared to a baseline quarry operation that extracts and processes 75,000 cy *in situ* of rock per year.

8-11. Annual extraction figures are considered proprietary information and are not made available for public review. That said, the applicant has voluntarily provided extraction rates – see Comment 14-2. The operator was assessed an administrative penalty for overextraction that occurred in 2007 and 2008. Otherwise, extraction volumes have remained within the allowable limits.

8-12. The average and maximum production rates were provided by the applicant and reviewed and approved for EIR use by the County. These rates, which are a percentage of the maximum allowed annual production rate, are consistent with peak and average rates provided by other quarry operators (again as percentage of the total allowed production for those quarries) whose nearby quarries have had EIRs prepared (see the Blue Rock Quarry EIR and the Canyon Rock Quarry EIR cited in the RDEIR). The main use in the RDEIR of these production rates is to calculate trip generation. The traffic analysis for the original project DEIR also used average and maximum production rates when assessing impacts. Traffic impacts were assessed for a peak July day and peak October day, which is the same peak period as was assessed in the RDEIR. These rates are considered accurate for purposes of the EIR analyses, and the commenter has provided no data to show that they are incorrect, so no revision of the RDEIR is required.

8-13. Extraction rates are not monitored by the County on a daily basis. As for daily and/or annual extraction totals, see Response 8-7. See Response 8-12 that describes how average and maximum production rates were calculated.

8-14. Extraction rates are not monitored by the County on a daily basis. The Negative Declaration prepared for the 1990 Use Permit Modification assessed average daily rates of 20.6 loads per day and maximum of 24 trips per hour. See Response 8-12 that describes how average and maximum production rates were calculated.

8-15. The RDEIR describes the baseline production rate for the quarry. See Comment 14-2 regarding this baseline issue. How the baseline relates to former conditions of approval is not an issue for this EIR, neither are the mitigations imposed in the 1997 approval of the 1995 Use Permit Renewal. That said, in reviewing the 36 adopted Conditions of Approval, it appears that all conditions apply to the current operation of the quarry. The Notice of Determination and the Mitigated Negative

Declaration for that 1995 Use Permit Renewal are on file for public review at the offices of the County Planning and Building Services Department. A discussion of this historic approval process is not needed to provide a description of the proposed project or the environmental baseline used to determine project impacts. Finally, the RDEIR contains numerous new, revised, and/or more detailed mitigation measures than were required for the quarry when its Use Permit was renewed in 1997.

8-16. The project does not include daily maximum production limits for the quarry. Maximum extraction would be limited by the hours of operation (see page 69 of the RDEIR). The asphalt plant would be limited to a maximum of 3,000 tons per day and 150,000 tons per year (see page 80 of the RDEIR). The EIR assumes that these maximums will be included as a Condition of Approval (if not, then additional CEQA analysis would be required). It is assumed that production greater than these rates would result in penalties to the operator. The County would be responsible for monitoring and enforcing the maximum production rates. Also, please see Response 8-18 below regarding this issue.

8-17. The comment is incorrect. The proposed maximum daily and annual production rates for the proposed asphalt facility were included in the description of that facility on page 80 of the RDEIR. As described on page 80 of the RDEIR, the annual asphalt production would not exceed 150,000 tons per year, and not more than 3,000 tons per day. The proposed maximum daily and annual asphalt production rates were used for the emission calculations. These production rates are listed on each of the emission calculation sheets for the asphalt facility that are included in Appendix D of the RDEIR.

8-18. As described in the previous two responses, the EIR establishes maximum production rates. The applicant has provided the following additional response. "It is assumed that this comment is referencing the ability to run the asphalt plant at 300 tons/hour every day of the year which would far exceed the annual 150,000 ton annual output. Although the plant output capacity can provide this output, this output is theoretical and based on peak plant performance. It is much more likely that the actual maximum output of a '300 ton/hour' plant would only produce 250 tons/hour. More importantly, construction demands fluctuate significantly throughout the year. That being said, the size of the plant was selected to meet the peak demand during the peak season. This would occur infrequently. During the bulk of the year, this plant would operate at much lower output levels, and significantly less during the off-peak season. This is evident based on the requested overall annual production limit cited in the project description. Limiting the plant output to meet an average production rate spread over the entire year would not meet the goals of the project, as the applicant would then not be able to meet the peak construction demand periods, when asphalt is most needed." To address the concern, the applicant suggests the following condition of approval:

The applicant is limited to asphalt production of 300 tons/hour with a total maximum total annual output of 150,000 tons/year. The plant scales shall be managed by a certified weigh master. Submittal of the annual asphalt concrete

tonnage produced will be submitted to the County Planning Department annually, on July 1st of each year.

This condition has been added to the RDEIR text – see Chapter 3.

8-19. The applicant purposely removed this element from the project. It is accurate that if the site is rezoned that a concrete plant could be proposed in the future. That proposal would require amendment to the Use Permit, which would trigger a CEQA review of that new project. Given that the applicant withdrew this less controversial project component (as compared to the proposed asphalt facility), the County considered future development of a concrete plant at this site as speculative for EIR purposes.

That said, if one were to include a concrete plant as a possible future project for the purpose of assessing cumulative impacts, it would not generate any new or more substantial cumulative impacts than identified in the RDEIR. Given the total aggregate production limit for the project, a concrete plant would process some of the aggregate that would otherwise be sold as unprocessed aggregate. The concrete plant would therefore generate trips that would replace trips hauling asphalt or aggregate (as was assessed in the RDEIR). The concrete plant would not generate more noise than the asphalt plant and would not result in any increased noise impacts. A review of the original DEIR (Table 3.6-9) that included analysis of the concrete plant, shows that the concrete plant would generate less than 1% of project-generated emissions for all criteria pollutants except carbon dioxide, where it would generate approximately 1.5% of total project emissions. The concrete plant also would not have been a substantial contributor of toxic air contaminants.

The concrete plant would be expected to be developed on the site where the asphalt plant is proposed, so it would not result in any additional biological, cultural resource, geologic, or hydrologic impact. The facility could be visible from Black Bart Drive, but it would not be expected to significantly increase what is already identified as a significant and unavoidable impact. In summary, a future concrete plant would not result in any new or more substantial cumulative impacts. The original project DEIR, which included analysis of a concrete plant as part of the project, found that all project and cumulative impacts other than the four visual impacts would be less than significant. This would remain the conclusion (with the addition of the one new significant air quality impact identified in the RDEIR) if a concrete plant were not considered speculative and if it was included as a project to be assessed for cumulative impacts in the current RDEIR. The RDEIR was not required to assess this speculative future project. However, even if it had, as described above, the analysis would not have identified any new or more substantial cumulative impacts than identified in the RDEIR. As such, no revision of the RDEIR is warranted.

8-20. The impact of developing processing facilities at other quarries was assessed in the RDEIR. The commenter is referred to pages 338 to 343 of the RDEIR. There is a complete listing of the potentially significant impacts of those possible future projects to the degree that impacts can be predicted without knowing

where or when a facility might be proposed or what type of facility. As stated on page 342 of the RDEIR, because these future projects are speculative, specific impact assessments and corresponding mitigations, as warranted, would need to be done at the time an application for such a facility was filed with the County. This conclusion is also true for any possible future quarries in other locations in the County. Such projects are speculative, and assessment would be done at the time a project application is filed. The RDEIR assessed these speculative impacts to the level the potential for their occurrence allows. The commenter has provided no data that shows the analysis was incorrect. On these bases, no revision of the RDEIR is required.

8-21. The comment is incorrect. As described in the previous responses to his comments on the setting, the setting was accurately described in the RDEIR. The commenter, while asking questions about historic uses on the site and how analysis assumptions were developed, has not provided any data to show there are inaccuracies in the setting description. The commenter has presented no example of any "shifting" in the project description. The RDEIR meets all the requirements set forth in CEQA Guidelines §§15122 to 15131. As such the RDEIR does not need to be revised and recirculated.

8-22. As noted above in Response 8-21, the commenter is incorrect. The environmental setting meets all CEQA requirements. As the commenter does not provide an example of his claim in this comment, no additional response is possible.

8-23. As explained in Responses 8-6 through 8-22, the RDEIR provides a thorough description of the project and the environmental setting. There is no "shifting" of either the project description or the setting. In his previous comments, the commenter has not accurately identified an instance of a shifting project description, an inadequate description of the project setting, or a mitigation measure that is not consistent with CEQA requirements.

8-24. The annual baseline production rate used for the air quality analysis was 75,000 cubic yards *in situ* (refer to the discussion of Existing Operations in Section 3.2 of the RDEIR). The baseline average daily production rate of the processing plant at the quarry used for the air quality analysis was 217 tons per hour, and this was assumed to occur for 121 days per year, 6 hours per day. This average production rate is based on the information provided in Table 3-2 of the RDEIR.

Daily baseline emissions from truck trips were calculated using an average of 42 trucks per day accessing the quarry, or 84 truck trips. Thirty-three (33) of the trucks were assumed to be haul trucks, with the remaining 9 trucks being delivery trucks. This information was based on the data in Table 5 of the *Updated Supplemental Traffic Impact Analysis for the Harris Quarry* (Wtrans, January, 2010 – in Appendix C of the RDEIR) and the truck trip calculations contained in Appendix C of that report (the Appendix is on file for public review at the offices of the County Department of Planning and Building Services). The 42 daily trucks were for an average July day of a year with the baseline quantity of 75,000 cubic yards *in situ* mined. The average day data for July in Table 5 was

considered to be representative of the average daily truck traffic over the entire year since, as indicated in Table 1 of the Wtrans traffic report, monthly aggregate production for July was estimated to be 9.4% of the total annual production. As shown in Table 1 of that report, some months have higher percentages of production, while some months have lower percentages of production. However, if aggregate production were uniformly spread out over all months, the average monthly percent production would be about 8.5%. Thus, use of average daily truck traffic based on 9.4% of the annual production was considered a reasonable estimate of the average daily truck traffic.

8-25. The current operation remains covered by the conditions of the previously approved use permit #UR 19-83/95. In reviewing the 36 approved Conditions of Approval, it appears that all conditions apply to the current operation of the quarry. The Harris Quarry currently uses water for dust suppression purposes. During processing, water is added using sprinklers to increase the moisture content of the aggregate and limit dust during crushing and screening. Each stacker conveyor has a water mist system to control dust. Water for dust suppression is also sprayed by a water truck on the haul roads, quarry floor, and stockpiles. These emission reduction methods were included when calculating the baseline air emissions.

8-26. As discussed in Response 8-24, the baseline average daily production rate of the processing plant at the quarry was 217 tons per hour. This production rate is an average, which by definition means that there are some days with higher production rates and some days with lower production rates. It is worth noting that for a given total annual level of production, operation of the processing equipment at production rates lower than the average would result in lower emissions, but these emissions would occur for more days out of the year. Conversely, operation of the processing equipment at higher rates than the average production rate would result in higher emissions, but these emissions would occur for fewer days per year than use of the average production rate would indicate.

8-27. It is unclear what the basis for the 118 days per year of significant air quality impacts referenced by the commenter is. There are no supporting calculations showing where this number came from or what assumptions it was based on. Nor is there any other reference to this number in other parts of this comment letter.

However, assuming that the commenter is referring to the situation where the proposed quarry would operate for more days per year than the existing quarry, and therefore there would be some days when the proposed project's emissions would occur when the existing quarry would not be operated, this is indeed likely to happen. In this case the proposed project's daily emissions should be compared directly to the MCAQMD daily significance thresholds, rather than using the difference in emissions between the proposed project and existing quarry baseline emissions. Table 4.6-13 in the RDEIR provides daily emissions for the existing quarry baseline conditions and the proposed project's emissions, and the applicable MCAQMD significance threshold for daily emissions from

indirect sources. As can be seen in the table, the only pollutant where the proposed project's daily emissions would exceed the MCAQMD threshold is for NOx emissions in 2010, which is identified as exceeding the threshold. This impact was discussed in Impact 4.6-C and identified as a significant and unavoidable impact. As discussed under Impact 4.6-C, the NOx emissions are primarily from haul trucks associated with the project and would exceed the significance threshold during early years of the project. State and Federal regulations require substantial reductions in NOx emission for new diesel-fueled trucks, with even greater reductions for future model year trucks. As older trucks are replaced with newer trucks, overall truck fleet emissions are decreased. During the later years of the project NOx emissions would decrease to levels below the daily significance threshold. One possible mitigation measure to reduce NOx emissions during the early years of the project would be to require the use of newer model year trucks. However, since the trucks hauling project materials are not owned or controlled by the project applicant, this type of mitigation is not feasible. Thus, this impact was identified as significant and unavoidable.

8-28. See Response 11-1 to this comment.

8-29. This is a general comment regarding the commenter's opinion that the environmental setting is inadequate. However, the commenter provides no example of that inadequacy in this comment, so no additional response is required. That said, the EIR preparers examined the full environmental context when assessing impacts. This included examining all areas of possible impact that this commenter and others who submitted comments on the original DEIR made.

8-30. The comment states that the RDEIR did not include a list or an analysis of alternative methodologies presented by conflicting expert opinions. However, the EIR preparers were not presented with any "alternative methodologies" during the public review period of the NOP or at the EIR scoping meetings. If the commenter is referring to his previous comments regarding his questions regarding baseline conditions, this comment letter as well as the letters from technical consultants hired by the commenter's client that ask questions and perhaps pose alternative conclusions are only now available to the EIR preparers. It would be more than difficult to foresee these questions and recommendations at the time the RDEIR was prepared and published. That said, we have provided specific responses in this FEIR to all questions, recommendations, and comments made by the commenter and other commenters.

8-31. The comment is incorrect. The two cases that he cites in this comment are not, as he states, cases regarding mining projects. The first involved a major biomedical research facility that the University of California proposed to be relocated to another site in the City of San Francisco, and the other involved a huge community plan to establish a new community in Sacramento County. In both cases, the projects were very complex and the EIRs correspondingly long and complex. The Harris Quarry Expansion RDEIR is on a relatively discrete

project in a relatively unpopulated area. The setting was not complex and has been fully and clearly described in the RDEIR. We have provided specific responses to specific comments and examples that the commenter has made regarding the setting used in the RDEIR.

8-32. It is correct that the RDEIR requires the collection of baseline water quality data for runoff leaving the quarry and the processing facility site. This data will then be used to determine whether future runoff from the project site would cause any violation of all applicable water quality standards. The amounts of the various criteria pollutants in the existing runoff are not critical to understanding project impacts or what potential mitigations will be needed to comply with all requirements established in the NPDES Permit Requirements for the Industrial General Permit. For example, it does not matter whether the pH of runoff water is currently 6.5 or 7.2. What matters is whether the runoff from the proposed project is within the range allowed under the Basin Plan, and whether effluent quantities meet the RWQCB NPDES Permit Requirements for the Industrial General Permit. Baseline water quality data collected prior to construction of the project is not necessary to determine whether the proposed project would result in unacceptable water quality conditions in site runoff.

No comparison of pre-and post-project effluent quantities is required by the current Industrial Permit. The current quarry and future project both are subject to same "not-to-exceed" effluent guidelines. The following is from Order No. 97-03-DWQ:

B. EFFLUENT LIMITATIONS:
1. Storm water discharges from facilities subject to storm water effluent limitation guidelines in Federal regulations (40 CFR-4-Subchapter N) shall not exceed the specified effluent limitations.
2. Storm water discharges and authorized non-storm water discharges regulated by this General Permit shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.
3. Facility operators covered by this General Permit must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants.
Development and implementation of an SWPPP that complies with the requirements in Section A of the General Permit and that includes BMPs that achieve BAT/BCT constitutes compliance with this requirement.

The commenter is incorrect that the RDEIR does not provide data about existing water quality. On pages 137 to 138 the RDEIR describes existing BMPs used to maintain water quality at the quarry. The RDEIR notes that runoff from the quarry is captured on the quarry floor and does not drain off site. It is for this reason as well as risk of accessing the channel below the quarry, that the applicant has not been required in the past to conduct water quality sampling. The commenter is also incorrect in stating that the RDEIR impermissibly delays mitigation. The RDEIR clearly states a performance standard that the applicant

shall not cause or contribute to a violation of any applicable water quality standard and comply with all requirements established in the NPDES Permit Requirements for the Industrial General Permit. The RDEIR then goes on to list four pages of explicit actions required to meet this standard. These mitigations are intended to minimize erosion in all disturbed area; treat any pollutants generated by motor vehicles on the processing pad prior to release from the site; and capturing any pollutants that escape from fueling or asphalt operations before they can leave the site. Given EIR-recommended mitigations, it is expected that the project would not result in violation of any applicable water quality standard. The required water quality monitoring will ensure that this standard is met and, though not expected, BMPs or operating conditions can be revised if subsequent monitoring indicates that additional actions are warranted.

The RDEIR accurately describes potentially significant impacts to surface water quality and provides mitigation measures needed to meet performance standards and applicable permit requirements that the State has determined are needed to adequately protect water quality. The CEQA Guidelines state that a project could have a significant impact on water quality if it would result in a violation of waste discharge requirements. The project would not result in any violations of water discharge requirements given the mitigation measures recommended in the RDEIR. The commenter has provided no information that this analysis is incorrect or that water quality violations would occur. On these bases, no revision of the RDEIR is required.

8-33. It is expected that required water quality standards would be met. The inclusion of the condition that the County would have the ability to reduce production was included to make sure that it was clear that the County has this authority in the case that additional changes recommended in the sediment control plan by the RWQCB and/or the County could not or would not be made. This provision is needed because the actual construction of the large fill proposed for the asphalt plant site could result in more erosion than planned at the current preliminary design level, and additional or revised erosion control measures may be needed. It is standard for EIRs to contain mitigations that allow for changes in erosion control and similar pollution prevention plans to adapt to the final design and to the actual conditions that occur when improvements are built. We would note that the California Department of Fish and Game has not submitted any comments regarding the EIR's assessment of water quality. The RWQCB (see Letter 72) submitted a comment that the bio-swale design needed to be revised, but otherwise provided no comments in the water quality analysis of the RDEIR. The commenter has not provided any information that would indicate that the EIR analysis of water quality is incorrect nor any recommendations for additional mitigation. No revision of the RDEIR is warranted based on this comment.

8-34. As of the end of 2011, the NPDES General Industrial Permit (Order No. 97-03-DWQ) is still currently the enforced permit. There does exist a Draft 2011 Industrial General Permit; however, this has not been adopted and is subject to revision before final adoption (personal communication, Leo Cosentini, SWRCB, 9/6/2011). The SWRCB recommended that the EIR should address compliance with the adopted permit.

8-35. The County does not believe that SB 610 applies to the subject project so it was not prepared for the RDEIR. Nevertheless, the applicant opted to prepare a Water Supply Assessment. It is presented at the end of the responses to this comment letter. This WSA was peer reviewed (the peer review follows the WSA) and found to be professionally prepared and acceptable to be included in this Final EIR. To summarize the WSA, it concludes that there is adequate water to serve the project except (perhaps) for a period in the single severely dry year. The WSA concludes that mitigations already included in the RDEIR would address any potential water shortage that might occur in this worst case year. The peer review confirmed that these are accurate conclusions. This is the same conclusion that the RDEIR reached. Therefore, no revision of the RDEIR conclusions or mitigations are required,

8-36. Water use rates were provided by the applicant following discussions with the manufacturer of the wash plant (for plant water replacement requirements) and based on the applicant's experience for dust control and moisture conditioning of aggregate. The applicant projected a water demand of about 9.1 acre feet per year (afy). The County deemed these figures accurate and directed they be used in preparing the EIR. The EIR preparers are currently preparing an EIR for the expansion of the Mark West Quarry in Sonoma County, which contains an existing wash plant. We compared the water demand projections for the two quarries and found that the projections for the wash plant demand were identical. Overall, the Mark West Quarry would use more water for dust control because it contains substantially more disturbed area and unpaved access roads. Adjusting the dust control water demand for what Harris Quarry projects, the water demand for Harris Quarry would be about 85% of the demand projected for Mark West Quarry. The applicant states that the remaining 15% difference is due to the Harris Quarry requiring less water for moisturizing the type of rock it mines. The proposed water consumption appears consistent with the water demand projected for this other quarry. The commenter has provided no information to support his claim that the water usage assumptions are understated. The water demand described in the EIR provides a solid basis for assessing impacts to groundwater resources. No revision of the RDEIR analysis, conclusions, or mitigation are required.

8-37. The comment is incorrect. The discussion on page 322 of the RDEIR contains the same conclusions as are presented in Section 4.2 (Hydrology). The discussion on page 322 specifically states: *It is expected that the well would meet all project demands.* This is the same conclusions presented in Section 4.2 However, as stated on page 322, there is always the possibility that under prolonged severe drought year conditions that the well would not provide sufficient water (see the WSA that follows the responses to this commenter). To address such unexpected, but possible events, the RDEIR contains a mitigation to ensure that adequate dust control is maintained at the quarry to avoid air pollution impacts. Contrary to what the commenter states, this mitigation does not indicate a need for the applicant to purchase off-site water. The applicant has the option of such purchase as it has done in the past. However, as stated in the RDEIR, this water would only be needed in times of a severe drought year,

and off-site water likely would be unavailable under those regional conditions. The RDEIR accurately describes water availability and mitigation that could be needed in times of prolonged drought. No revision of the RDEIR is needed.

8-38. The commenter is incorrect in stating that the RDEIR states that there is a peak water demand of 2,400 gallons of water per day. The commenter is directed to page 164 of the RDEIR where it states water demand for dust control ranges from a peak of 7,200 gallons of water per day to a minimum of 2,400 gallons per day. Mitigation Measure 4.8-D.1 is consistent with this described water demand. Contrary to what the commenter states, there is no shift in the water demand projections. The commenter has provided no data to show that the water assessment that was peer reviewed for use in the RDEIR is inaccurate or needs to be redone (also see the WSA that was prepared consistent with the commenter's request). As such, no revision of the RDEIR is required. The RDEIR does note that the applicant could seek to purchase water from off-site sources during a prolonged drought. There is no requirement to identify "alternative sources of water" because if there is inadequate water available from on-site wells or purchasing from off-site sources, this project would need to be reduced or terminate production. This is quite different from a residential development where if water is not available, additional sources may need to be developed (since it is not feasible to "shut down" a residential development). It is also noted that the County Water Agency has been merged into the County Department of Planning and Building Services who oversaw preparation of this EIR. The Department of Planning and Building Services has concluded that the staff of the former Water Agency incorrectly identified this as an issue that needed to be addressed in the EIR. The commenter has not provided data to counter the conclusion in the RDEIR that there is adequate groundwater to meet predicted demand for normal years or show that an alternate water source would be required for normal years. In the case of a severe drought year, the project like most residents and businesses would be affected, and it is possible that production would need to be reduced or terminated for the remainder of the drought as required in Mitigation Measure 4.8-D.1. The RDEIR and the WSA accurately describes the availability of water to serve the project availability and mitigation that could be needed in times of prolonged drought. No additional studies are needed to explore alternate sources of water, since the project would be curtailed if there is inadequate water. No revision of the RDEIR is needed.

8-39. The comment is incorrect. As described in the previous responses, the EIR analysis of hydrologic and water quality impacts was thorough and accurate. There is sufficient information to identify impacts and develop mitigation measures that ensure that impacts would be reduced to a less than significant level. The EIR does precisely what the commenter states – it assesses impacts from a worst case scenario of full project operation. There has been absolutely no attempt to "hide" any fact or possible impact. The commenter cites the well known Sundstrom case. In that case, the County included mitigations to conduct studies to identify what the possible impacts would be and then to develop mitigations for those impacts. This is far from what is presented in this RDEIR. The "study" the commenter refers to is to develop water quality information in order to revise the specific mitigations that are incorporated into this RDEIR if

runoff water quality does not meet permit requirements, and this situation is not expected to occur. The RDEIR includes no mitigations to "study" the environment or project to identify whether there would be any new impact. All potential impacts are identified and mitigation measures proposed as warranted. As noted in the previous responses, the commenter has failed to provide any evidence that the description of the setting or the analysis of impacts is inaccurate. As such, no revision of the RDEIR is required.

8-40. The comment is incorrect. As noted in Response 8-39, the environmental setting was correctly identified in the RDEIR. The recommended mitigation measures would reduce impacts to water quality and hydrology to a less than significant level. The commenter's comments referring to hydrology and water quality provide no examples of an inaccurate description of the setting. The analysis of the potential impacts given this setting are complete and accurate, and the mitigations are detailed and specific to the impact. The conclusions that the mitigations would reduce the impact to a less-than-significant level remain accurate. No revision of the RDEIR is needed.

8-41. This is a general comment regarding the baseline used for truck trips. Responses to the commenter's specific comments on traffic are presented below along with the responses to Comment Letter 11.

8-42. The RDEIR did not provide an evaluation of intersections in the City of Willits. The County determined that such an analysis was not warranted, and the City of Willits did not request this analysis after its review of the original DEIR or in responding to the NOP for the RDEIR. Strictly from the perspective of adding traffic, the Harris Quarry will directly add truck trips to congested intersections in the City of Willits. However, truck trips within the City of Willits are a function of the future need for aggregates at various construction sites in and beyond the City that result in through truck trips on Highway 101 and State Route 20. In addition haul truck trips from the Harris Quarry to various construction sites would displace other haul truck trips from another quarry and will likely not alter the total truck traffic within Willits. Further, only 10 truck trips from the Harris Quarry site are expected to occur during the evening commute period (4 inbound and 6 outbound) in the peak month of October as shown in Table 7 of Appendix C of the RDEIR. With 35 percent of trips assumed to be to and from the north of the Harris Quarry, 3 to 4 peak hour truck trips would be generated during October, and this minimal increase in traffic volumes can reasonably be expected to have a less-than-significant impact on existing traffic operation. For these reasons level of service assessments were not made for intersections within the City of Willits. It should be further noted that the Harris Quarry routinely provides aggregate to Northern Aggregate's concrete plant located in the southern portion of the City of Willits. The demand for aggregates to make concrete (PCC) is a function of the demand for concrete from that plant and not the amount of aggregates produced by the project. The location of the cement plant and the project site will not result in increased truck trips at key intersections in the City of Willits and will therefore not result in an impact.

8-43. The cited guidelines were followed.

8-44. See the earlier responses to the questions asked by the commenter about the project setting and assumptions used.

8-45. The comment about deferral of mitigation is an incorrect reading of the impact and mitigation. See subsequent Response 8-62 to this same comment.

8-46. The air quality analysis relied upon the MCAQMD-recommended CEQA Criteria and GHG Pollutant Thresholds (CEQA thresholds). These CEQA thresholds were discussed in an October 7, 2010 Memorandum from the MCAQMD to Planning Agencies and Planning Consultants[1] along with a copy of the recommended CEQA thresholds.[2] As stated in Appendix G of the CEQA Guidelines, "Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations[3]", where the referenced determinations are the required CEQA determinations of significance."

The air quality analysis evaluated the potential for significant air quality impacts from both direct and indirect sources. Tables 4.6-12 and 4.6-13 provide project related direct and indirect emissions, respectively, and comparison of these emissions with the appropriate direct source and indirect source CEQA significance thresholds.

The MCAQMD CEQA thresholds list separate significance criteria for operational-related direct and indirect sources. Indirect source significance thresholds are based on average daily emissions, in pounds per day, from project-related indirect sources such as passenger vehicles and heavy-duty haul trucks, while the direct source significance thresholds are based on maximum annual emissions, in tons per year. As discussed in the MCAQMD October 7, 2010 memo, the indirect source thresholds were based on the District's Indirect Source Rule (Reg 1 1-130[i1]) which sets a higher standard than the Bay Area Air Quality Management District's CEQA thresholds for ROG and NOx emissions, and that these thresholds should be used for "indirect operational emissions" (vehicle trips). For stationary source (direct source) emissions, the "MCAQMD has higher allowable emissions from stationary sources because local air quality meets all Federal Standards (particularly Ozone). The BAAQMD standards for NOx and ROG were directly based on the Federal standards for permitting in the BAAQMD. Projects in MCAQMD should use the NOx and ROG figures for MCAQMD (40 tpy)". The analysis of air quality impacts is consistent with CEQA requirements, and no revision of the RDEIR is necessary.

8-47. As discussed in Response 8-46, the MCAQMD has established separate CEQA significance thresholds for direct and indirect sources. The air quality analysis followed a methodology and used significance thresholds recommended by the MCAQMD for determination of significance, where direct and indirect source emissions are evaluated separately. However, in order to provide complete

[1] http://www.co.mendocino.ca.us/aqmd/pdf_files/CEQA102010.pdf
[2] http://www.co.mendocino.ca.us/aqmd/pdf_files/MCAQMDCEQARecomendations.pdf
[3] http://ceres.ca.gov/ceqa/guidelines/Appendix_G.html

information and for informational purposes the RDEIR did provide the total combined direct and indirect source average daily and maximum annual emissions. These emissions are specifically identified in Table 4.6-9 (RDEIR p. 276) for the daily emissions and Table 4.6-10 (RDEIR, p. 277) for the annual emissions.

With respect to the 2010 NOx emissions, the RDEIR concluded that the indirect NOx emissions due to the project alone exceed the MCAQMD significance threshold and is considered a significant and unavoidable impact (RDEIR, page 281), not a less than significant impact as the commenter indicated. The analysis of NOx emissions was accurately prepared, and no revision of the RDEIR is required.

8-48. As discussed in the Responses 8-46 and 8-47, the MCAQMD recommends evaluating direct and indirect impacts separately and provides CEQA significance thresholds that are used for evaluating the significance of direct and indirect source emissions. Indirect NOx emissions for 2010 from the proposed project were identified as being a significant impact. These emissions would be predominantly due to heavy duty diesel haul trucks when traveling off site. As discussed in the RDEIR, since haul truck trips generated by the proposed project are independently generated by the quarry and asphalt plant's clients and the applicant does not have control over these trucks, mitigation of NOx emissions from these trucks is not feasible. As importantly (as discussed on page 281 of the RDEIR), on a regional basis the indirect emissions of NOx would not increase due to the overall reduction in vehicle miles travelled. Therefore, no mitigation is actually required to address any actual impact to air quality. The impact is significant solely because the MCAQMD threshold does not consider regionwide effects but solely effects from trucks hauling aggregate from the project. The RDEIR accurately describes indirect NOx emissions. No mitigation is provided as there are no feasible mitigations.

8-49. See Responses 8-12 and 11-1 regarding how truck trip estimates were developed. The commenter has not provided any data that would show that these estimates are not adequate for the purposes of the EIR analysis of traffic and air quality impacts.

The RDEIR identified diesel particulate matter (DPM) as a toxic air contaminant and that DPM has the potential to cause cancer (see RDEIR, pages 253 to 255 for the discussion of DPM). Additionally, a health risk assessment was conducted as part of the air quality analysis. In addition to other toxic air contaminants that would be emitted from the proposed project, the potential for DPM to cause increased cancer risks in the project area was assessed. As described on p. 283 of the RDEIR, "the State of California has declared diesel particulate matter (DPM) in diesel exhaust as a carcinogenic TAC, as well as having non-cancer health effects. As such, DPM emissions from the exhaust of the stationary and mobile equipment were included in the risk evaluation. Additionally, DPM emissions from haul trucks traveling on-site and along Highway 101 in the project vicinity were included." Potential increases in truck DPM emissions and increased cancer risks due to increased truck trips

associated with the proposed project were specifically identified, defined and evaluated. The results of the health risk assessment (RDEIR, page 288, Table 4.6-16), which included evaluation of the project's on-site and off-site DPM emissions, showed that potential cancer risks from the proposed project would be less than the MCAQMD significance threshold of an increase in cancer risk of greater than 10 cases in a million people. The RDEIR contains a thorough and accurate assessment of DPM and other toxics and their impact on health. No revision of this analysis in the RDEIR is required.

8-50. The total indirect GHG emissions from the proposed project are 2,007 short tons per year (tons/year), or 1,821 metric tons of CO2 equivalents per year (MT CO2e/year). As shown in Table 4.6-6 the total indirect CO2 baseline emissions associated with existing conditions are 706 tons/year. The net increase of indirect CO2e emissions from the proposed project is 1,301 tons/year, or 1,180 MT CO2e/year.

As shown in Table 4.6-8 of the RDEIR, the MCAQMD significance threshold for GHGs for projects other than stationary sources (i.e., indirect sources) is 1,100 MT CO2e/year, not 1,200 MT CO2e/year as referenced in the comment. Since indirect emissions associated with the proposed project would have a net increase of 1,180 MT CO2e/year, these emissions would be greater than the significance threshold for indirect sources. As described under Impact 4.6-I (pages 297 to 299 of the RDEIR), the project would have a potentially significant impact regarding conflict with plans and regulations that address GHG emissions.

When calculating GHG emissions for the proposed project, several State and CARB regulatory requirements that have been recently adopted were not accounted for. For mobile sources these regulations include the CARB Low Carbon Fuel Standard (LCFS), which calls for a reduction of at least 10% in the carbon intensity of California's transportation fuels by 2020, and the "Pavley" regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The Pavley regulations will reduce GHG emissions from passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016. In addition to GHG requirements affecting mobile sources, Senate Bill 2 of the First Extraordinary Session (Simitian, SB 2 (1x)), which requires California energy providers to buy 33 percent of their energy from clean, renewable energy sources by 2020, was signed into law on April 12, 2011. In 2010, 15.9 percent of PG&E's energy load was provided by renewable energy sources[4]. GHG emissions from PG&E generated electricity with the increased renewal energy source requirements will further reduce GHG emissions from the proposed project. Incorporating the above regulatory requirements into the proposed project's estimated GHG emissions would reduce the emissions to levels below the significance levels for indirect sources.

As importantly, the project would result in a decrease in regional VMT (see pages 281 and 296 of the RDEIR as well as Responses 8-48, 10-8, 10-9, and 11-7). As

[4] California Public Utilities Commission, 2011. *Renewables Portfolio Standard, Quarterly Report, 2nd Quarter 2011*.

such, it is expected that on a regionwide basis there would be no increase in indirect emissions. Finally, Mitigation Measure 4.6-I.1 would reduce indirect emissions by more than 80 MT CO2e/year, which would reduce project-generated emissions to below the MCAQMD significance threshold.

This additional discussion of indirect GHG emissions will be added to the RDEIR text to provide additional information regarding the impact – see Chapter 3 for the revised text. This additional discussion would not result in a new impact, increase the severity of any impact, require a new mitigation, nor change the conclusions about impact significance.

8-51. The commenter is incorrect. The RDEIR does assess the cumulative impacts of possible future mining of the site in each pertinent impact section of the EIR. The cumulative impact analysis in the RDEIR explicitly addressed the potential cumulative impacts of mining the original footprint that was assessed in the original DEIR and determined whether the current proposed project would make a cumulatively considerable contribution to those cumulative impacts. As stated on page 98 of the RDEIR, there are no other projects that the County identified for use in the "list of projects" approach to the cumulative impact analysis. The EIR assessed the local cumulative impacts from the past and foreseeable future mining and use of the project site, even though the applicant has no stated interest in mining the site after the termination of the proposed Use Permit. Potential regional impacts were based on Caltrans traffic projections, and noise and air quality cumulative impact assessments also used these projections, consistent with the second CEQA approach to cumulative impacts to use planning documents describing regional impacts. The RDEIR provides a detailed assessment of the possible cumulative impacts and whether the project would make s significant contribution to these impacts. The commenter does not provide any specific examples of the purported inadequacy of any of these analyses or suggest additional analyses that should be done, so no additional response is required.

The RDEIR did not use the approach of assessing the project per buildout under the County's new General Plan as the County felt that this approach would be less useful than the one selected for use in the RDEIR. However, as discussed below, if that approach had been used, the project would have been found to have a less-than-cumulatively considerable contribution to significant impacts resulting from development under the General Plan.

The EIR prepared for the County General Plan[5] identified 11 significant impacts from future development under that plan and 8 significant cumulative impacts where development allowed under the plan would make a cumulatively considerable contribution. These significant impacts are listed below along with a discussion of whether the project would make a cumulatively considerable contribution to any of these impacts.

[5] PMC, *County of Mendocino General Plan Update Draft EIR, 2008.*

Short-Term Emissions from Grading and Construction
Impact 4.3.2 Subsequent land use activities associated with implementation of the proposed General Plan may result in short-term emissions generated by construction and demolition activities that would affect local air quality and could result in health and nuisance-type impacts in the immediate vicinity of individual construction sites as well as contribute to particulate matter and regional ozone impacts. This is considered a significant impact to air quality.

Dust emissions from grading and mining will be controlled so that visible dust does not leave the site. The project would make a less-than-cumulatively-considerable contribution to this impact.

Operational Air Pollutants
Impact 4.3.3 Negative air quality impacts associated with long-term emissions from projected growth over the planning horizon of the General Plan Update may result in violations of ambient air quality standards or create significant nuisance impacts (e.g., wood smoke). This is considered a significant impact.

The air quality analysis prepared for the RDEIR concludes that the project would not result in any significant cumulative impacts on air quality. The significant impact regarding NOx would not be significant when viewed at the regional level envisioned by the General Plan. In fact, the project would be expected to reduce regional emission of criteria air pollutants. The project would make a less-than-cumulatively-considerable contribution to this impact.

Exposure to Toxic Air Contaminants
Impact 4.3.4 Subsequent land use activities associated with implementation of the proposed General Plan Update may result in projects that would include sources of toxic air contaminants which may affect surrounding land uses and/or place sensitive land uses near existing sources toxic air contaminants.

The air quality analysis prepared for the RDEIR showed that the project would not result in significant releases of Air Toxic Contaminants. On a regional basis, meeting regional demand from a modern asphalt facility would be expected to reduce emission of TACs from older plants currently meeting that demand. The project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Regional Air Quality Impacts
Impact 5.0.3 Subsequent land use activities associated with implementation of the proposed General Plan along with existing, approved, proposed, and reasonably foreseeable development in the county would contribute to regional air quality impacts.

As stated above, project-generated pollution emissions would be less than significant and on a regional basis would be expected to reduce some emissions.

The project would make a less-than-cumulatively-considerable contribution to this impact.

Regional GHG Emissions Impacts
Impact 5.0.4 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in the cumulative increase of greenhouse gases including CO2 emitted into the atmosphere.

The air quality analysis prepared for the RDEIR concluded that the project would emit GHGs, but the amount would be less than the Mendocino County AQMD threshold for significance. The RDEIR recommends GHG emission mitigations to ensure project compliance with pertinent GHG plans and regulations. The project therefore would make a less-than-cumulatively-considerable contribution to this impact.

Regional Impacts of Global Climate Change
Impact 5.0.5 The impacts of global climate change would cumulatively result in the potential decrease in water supply, increase in air pollutants, and increase in health hazards. The contribution of the proposed General Plan Update to this impact is considered cumulatively considerable.

As noted above, the project would make a less-than-cumulatively-considerable contribution to global climate change, air pollution, and water availability. The project would make a less-than-cumulatively-considerable contribution to future health hazards or other changes caused by global climate change.

Impacts to Sensitive Biotic Communities
Impact 4.4.2 Subsequent land use activities and growth under the proposed General Plan Update could have a substantial adverse effect on wetlands, riparian, or other sensitive biotic community or native habitat within the county.

The project plus recommended highway widening would require filling of less then 0.05 acre of wetlands and 1,400 square feet of waters of the U.S. Mitigation measures included in the project and the RDEIR would replace these wetlands and enhance other wetland and stream resources. The impact to sensitive wetland habitat would be reduced to a less than significant level. Mitigation measures are also recommended for mitigating the loss of 117 native oaks and oak woodland, and these mitigations would reduce the impact to that resource to a less than significant level. Given recommended mitigation measures, the project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Biological Resource Impacts
Impact 5.0.6 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development, would substantially

contribute to cumulative impacts associated with significant effects to special-status plant and wildlife species, sensitive natural communities, and movement corridors.

As described above, impacts to sensitive habitats and communities would be reduced to a less than significant level. The project would not affect special status species on the site. Water quality and other recommended mitigations would reduce the impact to special status fish in Forsythe Creek and downstream to a less than significant level. The project would have a less than significant impact on wildlife movement. As such, the project would make a less-than-cumulatively-considerable contribution to this impact.

Groundwater Level Overdraft
Impact 4.8.4 Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for water from groundwater sources and could thus result in overdraft.

The hydrologic assessments done for the RDEIR plus the Water Supply Assessment added to this FEIR show that the project has adequate groundwater resources beneath the applicant's property to meet project demand (except for the single most severe drought year) without affecting neighboring wells or springs. The RDEIR includes measures to curtail operations or otherwise reduce water demand at the site under those conditions. The project would not result in an overdraft of the local aquifer. The project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Groundwater Decline and Recharge Impacts
Impact 5.0.13 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the region, would contribute to the drawdown of underlying aquifers and decreased recharge in the North Coastal Basin.

See the discussion above regarding adequate water and how the project would not result in a permanent drawdown of the aquifer. The project would include additional impermeable surface, but the effect on this large property which is otherwise in a natural state or a quarry that detains runoff on site (where it can percolate into the aquifer) is a less than significant impact. The project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Traffic Noise Impacts
Impact 5.0.16 Subsequent land use activities associated with implementation of the proposed General Plan Update, along with existing, approved, proposed, and reasonably foreseeable development in the region, could result in increased traffic noise conflicts. This is considered a cumulatively considerable impact.

The project would not cause significant traffic noise on Black Bart Drive or Highway 101. Therefore, the project would make a less-than-cumulatively-considerable contribution to this impact.

Increased Demand for Fire Protection and Emergency Medical Services
Impact 4.12.1.1 Subsequent land use activities associated with implementation of the proposed General Plan Update may increase the demand for fire protection and emergency medical services and facilities.

The project would potentially increase calls for fire and emergency service response. However, components of the project (such as the 210,000-gallon water storage tank that would be available for firefighting on the site and in the surrounding area) and mitigation measures recommended in the RDEIR reduce all impacts regarding fire and emergency medical providers to a less than significant level. Therefore, the project would make a less-than-cumulatively-considerable contribution to this impact.

Increased Demand for Law Enforcement Services
Impact 4.12.2.1 Subsequent land use activities associated with implementation of the proposed General Plan Update may result in increased demand for law enforcement services, potentially resulting in the need for additional law enforcement personnel and related facilities.

Given the nature of the project, it is not expected that the project would result in a significant increase in calls for police service, and the impact was found to be less than significant. Therefore, the project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Increase in Demand for Fire Protection and Emergency Medical Services
Impact 5.0.18 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would demand for fire protection and emergency medical services.

See the discussion above regarding impacts to fire protection and emergency medical suppliers. The project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Demand for Law Enforcement Services
Impact 5.0.19 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the county, would contribute to the cumulative demand for additional law enforcement services and facilities.

See the discussion above regarding impacts to police services. The project would make a less-than-cumulatively-considerable contribution to this impact.

Level of Service Impacts
Impact 4.13.1 Subsequent land use activities in the county could result in additional traffic on area highways, which could exceed level of service standards Implementation of the proposed General Plan Update would contribute to this impact.

The project would not result in unacceptable levels of service on Highway 101 under cumulative conditions. The project would make a less-than-cumulatively-considerable contribution to this impact.

Cumulative Traffic Impacts
Impact 5.0.22 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, and reasonably foreseeable development in the county, would result in cumulative traffic impacts on area highways.

The traffic analysis in the RDEIR shows that the project would have less than significant impacts on Highway 101. The project would make a less-than-cumulatively-considerable contribution to this impact.

Increased Demand for Water Supplies and Services
Impact 4.14.1.1 Subsequent land use activities associated with implementation of the proposed General Plan Update could require additional water supplies, storage capacity, and treatment and conveyance facilities to adequately serve subsequent development.

The project will be served by on-site wells. It would not have any effect on municipal water systems. The project would make no contribution to this impact.

Cumulative Water Service Impacts
Impact 5.0.23 Subsequent land use activities associated with implementation of the proposed General Plan Update, in combination with existing, approved, proposed, or reasonably foreseeable development in the North Coastal Basin, may contribute to the cumulative demand for water supplies and associated facilities.

The project will be served by on-site wells. It would not have any effect on municipal water systems. The project would make no contribution to this impact.

To summarize, the project would not make a cumulatively considerable contribution to any of the plan and cumulative significant impacts identified for future development under the County's new General Plan. This analysis shows that there are no new significant cumulative impacts or substantially increased cumulative impacts beyond those already identified in the RDEIR.

8-52. The commenter is incorrect. The cumulative impact analysis in the RDEIR explicitly addressed the potential cumulative impacts of mining the original footprint that was assessed in the original DEIR and determined whether the current proposed project would make a cumulatively considerable contribution to

those cumulative impacts. Again, the commenter has provided no specific examples of inaccuracies or inadequacies, and no additional response is required.

8-53. As noted in the previous two responses, a full assessment of the possible cumulative impacts of mining the remainder of the site was presented in each pertinent resource section of the RDEIR. Section 2.2 of the RDEIR (see pages 12-15) describes the changes that were made to the original DEIR and where these changes could be found in the RDEIR. We would also note that Section 1.3 of the RDEIR (see pages 3-4) cites CEQA when stating that old comments on the original DEIR would not be responded to and that new comments needed to be submitted that were pertinent to the project addressed in the RDEIR. The commenter submitted a 25-page comment letter on the original DEIR, which he requested be "incorporated by reference" to address his concerns regarding cumulative impacts(though it was not attached to this comment letter). He has provided no specificity about what cumulative impacts concern him given the new information and analyses presented in the RDEIR. We believe that all issues relevant to understanding the cumulative impacts for the purposes of determining their potential cumulative significance and whether the project would make a cumulatively-considerable-contribution to those impacts have been presented in the RDEIR, and any specific concerns about those impacts have been responded to in this FEIR. We have reviewed the commenter's letter submitted on the original DEIR and concluded that all the issues raised about the comments on the original project have been addressed by 1) the revised project; 2) the revision of the EIR analysis to incorporate recommendations made by the commenter and other commenters: 3) revision of the setting and analysis to clarify questions raised by the commenter and other commenters; 4) a thorough analysis of the proposed project in the RDEIR; 5) a discussion of the cumulative setting that could include additional mining of the quarry, though the applicant has stated they have no interest in conducting expanded mining of the site; and 6) a discussion of whether the project would make a cumulatively-considerable contribution to the possible significant cumulative impacts. That said, to ensure legal compliance, the lengthy letter was included above and is responded to beginning at Response 8-73.

8-54. The consistency analysis is provided to assist the County in making its determinations about plan consistency. The consistency analysis would generally apply to all Range Lands where the combining district zoning might be sought. The potential consistencies and inconsistencies would apply to other properties, details of specific consistencies would be speculative without knowing what, if any, other quarry owners would seek this new zoning. As importantly, and as described on page 96 of the RDEIR, the County would need to approve any future rezoning to this district after reviewing a CEQA review of the rezoning and can deny such a rezoning if it has unacceptable environmental consequences. The consistency analysis provided in the RDEIR complies with CEQA requirements for such analyses, and no additional analysis or revision of the RDEIR are warranted.

8-55. See previous Response 8-54 as well as Responses 8-19 and 8-20 regarding the potential of future concrete facilities. The consistency of potential concrete plants at other locations with the general plan would be the same as asphalt plants, in fact, the impacts of concrete plants are less. Again, such facilities would be allowed only after CEQA review and County decision that such facilities would not have significant environmental consequences. The consistency analysis provided in the RDEIR complies with CEQA requirements for such analyses, and no additional analysis or revision of the RDEIR are warranted.

8-56. The EIR preparers believe the commenter has incorrectly interpreted the cited text. The general types of land use allowed include processing and development of natural resources. The cited section states that general issues include "uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installations." This seems to mean that other uses that could be compatible with the listed uses may be allowed. It does not state that each of these listed uses must be compatible with each of the others, as frequently they are not (e.g., development of natural resources is typically not consistent with conservation or recreation and utility installation).

As the DEIR states, consistency with the General Plan and zoning are a legal issue that will be determined by the County Board of Supervisors. The DEIR provides an analysis of potential consistency, but it is the County Board of Supervisors that will make the final determination of consistency with the General Plan.

8-57. The commenter is incorrect. As described on pages 330-345 of the RDEIR, there are three active quarries that could be developed with processing facilities and only one that is of a size and in location where there is the potential for such a rezoning. The Project Alternatives section of the RDEIR assesses alternatives, including a temporary or permanent facility at another location.

8-58. This is a general statement about the requirement of zoning to be consistent with the County's General Plan. This consistency is a legal requirement, and the County Board of Supervisors must make this finding of consistency before adopting a Zoning Code amendment adding a new zoning district.

8-59. Regarding consistency of the proposed Combining District with the General Plan, the RDEIR provides a consistency analysis in the Plan Consistency section of the document. This section identifies both consistency and inconsistency with various General Plan policies. Virtually no specific planning action is typically found to be consistent with the specific language of each General Plan policy. As the court case cited on page 350 of the RDEIR states, a general plan must try to accomplish a wide range of competing interests, and the County must determine whether a project would be "In harmony" with the policies. The RDEIR analysis states that the proposed Combining District is consistent with many General Plan policies including the general uses allowed under the Range Lands land use category as set out in Policy DE-17. However, this analysis points out that the final determination of consistency will be made by the Board of

Supervisors as a part of the Board's consideration of adopting the amendment creating the Combining District. Based on the consistency analysis presented, the County determined that no General Plan Amendment is necessary.

8-60. CEQA does not require that the Mitigation Monitoring and Reporting Program (MMRP) be included in the Draft EIR. Because mitigations may be revised based on comments received on the Draft EIR, many jurisdictions, including the County of Mendocino, include the MMRP as part of the Final MMRP or as a separate document that accompanies the Final EIR. The MMRP will be available for public review and comment prior to the Board of Supervisors consideration of EIR certification.

8-61. The comment does not include any specific examples of the mitigation measures the commenter references. The RDEIR provides specific mitigation measures to address project-generated significant impacts. For some impacts the Responsible Agency may require additional or revised components of mitigation measures (e.g., see Comment Letter 72). To indicate that this standard permitting process is akin to a "future study" is incorrect. The cited Sundstrom case forbids a mitigation measure that requires a study to determine if there would be a significant impact and then to determine appropriate mitigation measures. The mitigation measures included in the RDEIR do not include any requirements for future studies. Each mitigation measure requires conformance with defined performance standards and describes how those standards will or can be met.

8-62. In critiquing these two air quality mitigation measures, the commenter ignores the fact that the analysis of the impact found that the impact would be less-than-significant. The analysis was based on the equipment proposed for use by the applicant. The discussion concluded that if different equipment than what was proposed (and assessed in the RDEIR) was included in the final list submitted to the County AQMD when it sought the Authority to Construct and the Permit to Operate and the emission levels of that equipment exceeded what was assessed in the RDEIR, then additional CEQA analysis would be required. The RDEIR determined that the equipment proposed for used would have a less-than-significant impact. The two mitigations simply clarify existing legal requirements, that is, if there is a change to a project after EIR certification but prior to operation that would cause unforeseen or more significant impacts than were assessed in the EIR that additional CEQA analysis is required. If that were to occur, qualified experts would need to prepare the additional CEQA analysis, and it would undergo CEQA-required public review. The commenter is incorrect in concluding that mitigation measures for this proposed project were deferred to the AQMD.

8-63. Please see Responses 8-61 and 8-62. The RDEIR includes distinct performance standards. It does not require future studies of impacts nor defer mitigation for significant impacts to studies done by other agencies. The RDEIR contains quite specific and detailed measures to address the project's significant impacts.

8-64. The commenter is incorrect. The RDEIR clearly identifies what mitigations must be implemented to reduce potentially significant impacts to a less than significant

level. The MMRP will describe the implementation and monitoring requirements, and the Findings and Conditions of Approval that the Board of Supervisors must adopt will describe how the final mitigation measures will mitigate (or not) the identified impacts.

8-65. The commenter is incorrect. What the commenter does not state is that Mitigation Measure 4.4-B.1 contains five specific measures to reduce the safety risk. The mitigation the commenter cites was added to make sure that these measures are adequate and/or that conditions do not change to increase the risk, since definitively quantifying traffic hazard is difficult. If that monitoring indicates that the recommended safety measures are not adequate and there remains a safety hazard, then the cited mitigation measure requires that the County limit project operations or require construction of a partial or full highway interchange at the intersection. This is an adequate mitigation measure and does not need revision in order to mitigate the impact.

8-66. The commenter is incorrect. As stated in earlier responses to the commenter's opinion that the EIR project description is "shifting," this is not the case, and the commenter has not shown any data or evidence to show otherwise. The lengthy alternatives analysis meets CEQA requirements of comparing feasible project alternatives to the proposed project to determine if one or more of these alternatives would reduce or eliminate significantly project impacts.

8-67. The commenter is incorrect. The RDEIR assessed seven project alternatives. The RDEIR clearly explains the potential for segmenting the project and developing an asphalt plant on an alternate site (see pages 384-388 of the RDEIR). It clearly states that if the County were to determine that an asphalt plant should be developed elsewhere, then it could approve one of several project alternatives that did not include an on-site asphalt plant. The applicant would then need to determine whether it wished to purchase or lease one of the alternative sites identified in the RDEIR or other sites as they become available and pursue approvals for an asphalt plant at that site.

8-68. The staff of the County Building and Planning Department were queried. In addition, LCA has been preparing EIRs in Mendocino County since 1978 (29 CEQA documents prepared in the County, including CEQA documents for all incorporated cities and the County) and recently completed the EIR for the Ukiah Valley Area Plan and is quite familiar with the County and potential sites for industrial development. No efforts were made to identify potential other quarry sites as such a study was not deemed necessary by the County to assess the impacts of the proposed project. Finally, the individuals and groups opposed to the project have not identified other alternate sites. More importantly, the RDEIR clearly states that if the County finds that the impacts of allowing an asphalt plant at this site are significant and unacceptable, then it can approve a project alternative that does not include an on-site asphalt plant.

8-69. As suggested, the RDEIR does address the alternative of a temporary plant in the Highway 101 right-of-way (see page 388). Again, the County could approve

a project alternative that does not include an onsite asphalt plant and a temporary plant could be applied for.

8-70. Please see the responses to Mr. Grassetti's letter (Comment Letter 10) where responses to these opinions are provided. Based on those responses, the alternatives analysis does not need to be revised nor recirculated. Also, the RDEIR assumptions about the Willits Bypass are correct (see Response 10-7).

8-71. The comment is inaccurate. The RDEIR provides a detailed analysis of seven project alternatives. The commenter has not identified any new alternatives not considered in the RDEIR. The RDEIR identifies a project alternative that is environmentally superior to the proposed project. The alternatives analysis is fully consistent with CEQA; the commenter has not provided any factual evidence to show that it is not, and it neither needs to be revised nor does the RDEIR need to be recirculated because of the project alternatives analysis. The RDEIR fully meets the core rationale for CEQA – to provide decisionmakers and the public with sufficient information on project impacts, mitigation measures, and project alternatives to make an informed decision about the project and its alternatives.

8-72. In earlier comments, the commenter has stated that the project description is "shifting;" assumptions used for analyses were not explained or incorrect; certain impact analyses were incorrect; certain mitigation measures might not be successful or enforced; and the assessment of project alternatives was incorrect. To each of these comments, we have provided specific responses to explain how the analyses were prepared; how impact determinations were arrived at and mitigations developed; and how the project alternatives analysis provided a clear comparison of impacts for seven alternatives. We believe that the RDEIR fully meets CEQA requirements. The original DEIR, the hearings held on that DEIR, the RDEIR, the comments submitted on the RDEIR, the FEIR, and the subsequent hearings on the FEIR and the project merits have provided and will continue to provide substantive information that will be used to inform the decisionmakers when they decide whether to approve the project or one of its alternatives. The commenter as well as other commenters have not provided new information that would result in the need to substantively alter the impact analyses, the mitigations, or the conclusions of the RDEIR. It is understood that the commenter may disagree with some of these analyses and the conclusions, and these disagreements are presented in this FEIR for the decisionmakers to review and consider. If a new RDEIR was prepared, it would essentially be the same as this RDEIR – no substantively different information or analyses would be included, and recirculation of yet another iteration of the EIR is neither warranted nor required.

The following are responses to the commenter's comment letter submitted on the original DEIR in February 2007, which he has incorporated by reference as regards deficiencies in the original DEIR that could affect the cumulative impact analysis included in the RDEIR.

8-73. The first seven pages (Sections I and II) are comments on procedural matters and on the project description. These comments do not apply to the current project nor the cumulative impact analysis. No response is needed to these comments as they deal with a different project and a different project description. Section III includes comments on the environmental baseline that was used for the original analyses. These comments do not apply to this project as a revised environmental baseline was developed and presented in the RDEIR.

8-74. The bio-retention facility has been redesigned to meet current project requirements. It would potentially need to be expanded or redesigned at the time a new application is submitted to conduct future mining. The project would have been terminated by this date, so the project would make a less-than-cumulatively-considerable contribution to any water quality impacts from future mining.

8-75. The issue of the lack of baseline water quality information is the same issue raised in the commenter's new letter (see Response 8-32). In addition, by the time future mining occurred, there would be extensive baseline water quality data available.

8-76. Issues concerning hydrologic threshold criteria refer to the original project impacts. Additional water quality requirements would be required at the time a new use permit is applied for. The project would have been terminated by this date, so the project would make a less-than-cumulatively-considerable contribution to any water quality impacts from future mining.

8-77. Blasting impacts on water quality were assessed in the RDEIR.

8-78. The requested permit timeframe has been shortened, and the comment no longer applies.

8-79. The RDEIR contains an analysis of project impacts on stream water flow and found it to be less than significant. The cumulative impact is discussed on page 172 of the RDEIR and was found to be less than significant.

8-80. The RDEIR contains a completely revised and expanded assessment of impacts to groundwater resources, and the impact is less than significant. The cumulative impact could be significant and would need to be addressed further at the time a new use permit is sought. However, as described on page 173 of the RDEIR, the project would make a less-than-cumulatively-considerable contribution to that potential, cumulative impact.

8-81. The wetland inventory was completely redone for the RDEIR. Future mining of the site would not affect additional wetlands beyond those impacted by the project.

9-82. The discussion of the impact to the Forsythe Creek fishery was expanded and revisited in the RDEIR. The impact would be less than significant for the revised project. Future mining could affect water quality and salmonids (see page 198 of

the RDEIR), but the project would make a less-than-cumulatively-considerable contribution to this possibly significant cumulative impact. That impact would be further assessed at the time a new use permit application was filed.

8-83. The loss of oak woodlands was revised in the RDEIR and additional mitigation was provided. The impacts would not be substantially greater for cumulative mining as the footprint would not expand substantially. It is expected that similar mitigation for oak loss would be required at the time of the subsequent CEQA review. In any case, the project would make a less-than-cumulatively-considerable contribution to that cumulative impact.

8-84. As mentioned above, the baseline has been redefined in the RDEIR, and comments on the baseline used in the original DEIR do not apply.

8-85. The proposed highway improvements meet all Caltrans requirements, and CalTrans has stated that the improvements would reduce project and cumulative impacts to the highway to a less than significant level.

8-86. See Response 8-42 to this same comment.

8-87. All this information has been provided in the RDEIR for the revised project.

8-88. The RDEIR contains a full assessment of air quality impacts for the revised project, and this analysis was done using MCAQMD guidelines and significance thresholds. It also contains an analysis of the cumulative impacts (pages 295-301 of the RDEIR). As the project would be complete prior to any future mining, emissions from the project would not combine with future emissions generated by future mining. The project would make no contribution to any cumulative air quality impacts regarding criteria air pollutants or toxic air contaminants.

8-89. The cumulative impact analysis was revised for the RDEIR. It includes analysis of GHG impacts on climate change (see pages 295-300 of the RDEIR).

8-90. The issue of consistency of the new zoning district with the County General Plan has been revised previously by the commenter – please see Responses 8-56 to 8-59 above. The RDEIR assesses the long-term impacts of adding such a district.

8-91. Energy use for the revised project, including cumulative energy use impacts, is presented on pages 345-347 of the RDEIR.

8-92. Mitigation measures were revised to address the revised project as well as comments received on the original DEIR. Mitigation measures that would be required for any future mining of the site would be developed based on existing local and regional conditions occurring when that future application is submitted. In addition, these questions have no bearing on the adequacy of the RDEIR cumulative impact analysis.

8-93. These comments on project alternatives are similar to those raised in earlier comments from this commenter – see Responses 8-66 to 8-71. In addition, these questions have no bearing on the adequacy of the RDEIR cumulative impact analysis.

HYDROFOCUS INC.

Solutions for Land and Water Resources

January 11, 2012

Ms. Tina Wallis
Clement, Fitzpatrick & Kenworthy
3333 Mendocino Avenue, Suite 200
Santa Rosa, CA 95403

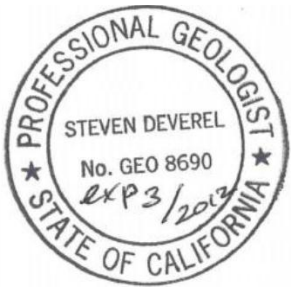
Subject: Final Draft Water supply Assessment for the proposed Harris Quarry Expansion

Dear Ms. Wallis,

Please find attached the subject document. The objective of this Water Supply Assessment is to determine whether existing water supplies meet the projected water demand of the proposed Harris Quarry expansion. We utilized historical rainfall, runoff, and temperature data and modeling to estimate water supplies and demands for typical, single dry, and multiple dry years.

The results of our comparison of groundwater recharge estimates and future demand indicated that the water supply is sufficient to meet demand in all years except the single severely dry year when projected future demand exceeds supply by about 50-percent. However, accounting for spatial uncertainty in contributing area, precipitation and temperature indicated that there may be adequate recharge even in the severe drought conditions to supply adequate water for the proposed project. During the most severe drought conditions, if groundwater supplies are unable to meet full demand we understand that the applicant will reduce water use by using lignin, modifying the processing/washing operation schedule to concentrate on wetter season conditions, or reduce production rates as appropriate so that there will be adequate water during extremely dry years.

Sincerely,



Steven Deverel, Ph.D., P.G.
Principal Hydrologist

John Fio
Principal Hydrologist

2827 Spafford Street
Davis, CA
530-759-2484
Fax 530-756-2687
www.hydrofocus.com

Water Supply Assessment

Proposed Harris Quarry Expansion

Summary of Findings

The objective of this Water Supply Assessment is to determine whether existing water supplies meet the projected water demand of the proposed Harris Quarry expansion. The assessment documents project water supplies and demands for typical, single dry, and multiple dry years. We utilized historical rainfall, runoff, and temperature data for the following periods to represent the three year types.

Typical Year: Average conditions for the period 1961 through 2011(water years 1961-2011).

Single Dry Year: 1977.

Multiple Dry Years: 1988 through 1992.

The planned water source is groundwater from the applicant's well. The well extracts water from fractures in the surrounding bedrock aquifer. The fractured rock allows ready infiltration of rainfall and surface water, but the volume of water stored in the fractures, the rate of recharge, and groundwater-flow directions are difficult to quantify. Several springs are located north and west of the planned pumping well, but water levels and aquifer test results suggested that the water tapped by wells and springs in the area have limited connection if any at all. Annual recharge is considered available as discharge from springs and wells during and following the rainy season, but the carry over between years as groundwater storage is probably small.

HydroFocus employed soil moisture budget modeling to estimate monthly groundwater recharge to the bedrock aquifer during the period 1961-2011. The comparison between the most conservative groundwater recharge estimates and future demand indicated that the water supply is sufficient to meet demand in all years except possibly the single dry year represented by 1977. In this severely dry year, projected future demand may exceed supply by about 50-percent (997,800 gallons, or 3.06 acre-feet). During these most severe drought conditions, if groundwater supplies are unable to meet full demand the applicant will reduce water use by using lignin, modifying the processing/washing operation schedule to concentrate on wetter season conditions, or reduce production rates as appropriate so that there will be adequate water during extremely dry years. Less conservative supply estimates and an analysis of data uncertainty suggest that recharge could be greater, indicating that groundwater may be adequate to supply the proposed project even in extremely dry years.

1.0.0 Introduction

1.1.0 Background

Effective January 1, 2002, Senate Bills 610 and 221 (SB 610 and SB 221) amended state law to improve the link between water supply availability information and certain land use decisions made by cities and counties. SB 610 and SB 221 are companion measures which seek to promote more collaborative planning between local water suppliers and cities and counties. The statute requires a lead agency to consider detailed water availability information prior to making a decision on the development application for a project. The statute also requires that this information be included in the administrative record that serves as the evidentiary basis for the lead agency's approval decision on these projects.

Under Senate Bill 610 (SB 610), water supply assessments (WSA) must be furnished to local governments for inclusion in documentation for certain projects (as defined in Water Code 10912 [a]) subject to the California Environmental Quality Act (CEQA). The WSA is required to include an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts.

This report describes the WSA for the proposed Harris Quarry expansion located in Willits, California. Project details and an assessment of potential environmental impacts are provided in "*Harris Quarry Use Permit and Reclamation Plan, Revised Draft Environmental Impact Report*" (RDEIR).[1] The objective of this WSA is to determine whether the groundwater supply meets the projected water demand of the proposed project, in addition to existing and planned future uses. The WSA is required to document project water supplies and demands for typical, single dry, and multiple dry years during a 20-year projection. Because the quarry permit renewal/modification is for 30-years, this WSA addresses the water supplies and demands for a 30-year projection. A brief description of the Harris Quarry expansion is provided below in **Section 1.2**, followed in **Section 1.3** by a discussion of SB 610's applicability to the project. The water supply is documented in **Section 2** and **Section 3**, and the demand for water is summarized in **Section 4**. **Section 5** and **Section 6** document dry year supply and demand, respectively. **Section 7** is the Water Supply Assessment and includes the Determination of Sufficiency.

1.2.0 Project Description

Harris Quarry is located in Mendocino County, and occupies approximately 11 acres between the southwest side of Highway 101 and the north side of Forsythe Creek (**Figure 1**). The proposed project would expand the quarry floor approximately 30.6 acres to the west and relocate the Willits washing plant to the quarry site. Currently, the quarry operators (Northern Aggregates, Inc. – NAI) have utilized self-supplied water from wells and springs to process aggregate and suppress dust, but the proposed

[1] Leonard Charles and Associates, May 2011

project will rely solely on the applicant's well for the water supply (Harris Quarry Production Well, referred to as "Well 1").

As a result of the proposed expansion and washing plant operation relocation, water use is expected to increase from its current level of 1,313,500 gallons per year (4.03 acre-feet per year) to 2,957,800 gallons per year (9.08 acre-feet per year) – a net annual increase of about 5 acre-feet per year (125-percent net increase). The RDEIR concluded the applicant's well provides an adequate water supply to meet projected demand, and the proposed increase will not significantly affect neighboring wells or springs. Nevertheless, the applicant has formulated plans to reduce their water consumption if necessary by using lignin to suppress dust from the quarry floor[2], modify the operation schedule, or reduce production to reduce water consumption as appropriate.

1.3.0 SB 610 Applicability

1.3.1 Is the project subject to CEQA?

The application is a "project" and is subject to CEQA because it requests discretionary approvals that may result in a direct physical change in the environment.

1.3.2 Is it a "project" as defined by the water code?

SB 610 and SB 221 are companion measures requiring detailed water availability information to include in the administrative record for applications that meet specific criteria. In this situation, SB 610 defines a project[3] as one that demands an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.[4] Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to the CEQA.

1.3.3 Has an assessment already been prepared that includes this project?

There are no prior WSA's that include the Harris Quarry expansion.

1.3.4 Is there an adopted Urban Water Management Plan?

A foundational document for compliance with both SB 610 and SB 221 is the Urban Water Management Plan (UWMP). As the name implies, UWMP's are prepared by California's urban water suppliers to support their long-term resource planning and ensure adequate water supplies are available to meet existing and future water demands over a 20-year planning horizon considering normal, dry, and multiple dry years.

There is no urban water supplier or public water system responsible for supplying water in the vicinity of the site, and therefore there is no UWMP that applies to the project and no domestic water suppliers

[2] Lignin is a natural timber by product that can be used as a dust suppressant; the applicant has requested that they be allowed to use either water or lignin for dust control.
[3] Both CEQA and SB 610 define "project", however, they define this word differently. Please compare Water Code section 10912(a) to Public Resources Code section 21065.
[4] A 500 dwelling unit project is generally acknowledged as requiring 150 to 250 acre-feet per year of water – approximately 48.9 to 81.5 million gallons per year.

whose service area includes the project site (**Figure 2**). The City of Willits, which is the closest urban area, is located almost 4 miles north of the quarry site. Other documented water agencies are located similarly distant: Pine Mountain Mutual Water (about 4 miles northeast of the quarry), Ridgewood Water System (almost 2 miles southeast of the quarry), and Redwood Valley County Water District (almost 10 miles southeast of the site). The Local Agency Formation Commission of Mendocino County (LAFCO) indicates there are no plans for public water supply in the vicinity of the Harris Quarry site.

Because no UWMP is available, this WSA assessment must therefore be prepared using information from other sources and reports. Thus, the current and proposed future demand for water must be obtained from existing and proposed Harris Quarry requirements reported in the RDEIR (Table 3-2 in the RDEIR).

1.3.5 What information should be included in the assessment?

The WSA is required to include an identification of existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project and water received in prior years pursuant to those entitlements, rights, and contracts. However, water is self-supplied because there is no public water supply for the project. This WSA is still required and is required to discuss a projected 20-year water supply available during normal, single dry, and multiple dry water years. Because the water supply is groundwater, there are also additional special documenting requirements (see **Section 2.2** below), and the WSA must determine whether the available supply meets the proposed project's water demand and whether it is sufficient for existing and planned future uses.

2.0.0 Document Wholesale Water Supply

Because there is no urban or public water retailer in the area, and groundwater will be supplied entirely by the applicant's well, there is no wholesale water supply to document.

3.0.0 Document Supply

The current water source is self-supplied groundwater from a well and spring; the planned water source is self-supplied groundwater from the well only. In terms of water rights, this usage falls under the category of a correlative right that automatically accrues to landowners overlying a "percolating" groundwater resource such as occurs at the quarry and its surrounding areas.[5] Correlative groundwater rights are not quantified, and all overlying landowners have an equal (correlative) right to use the available yield of the groundwater system[6] (Bachman and others, 2005). All water rights in California are

[5] Percolating groundwater occurs broadly in alluvial groundwater basins and upland, fractured-rock groundwater systems. It is distinct from groundwater flowing in known and definite channels that are typically closely associated with streams.

[6] Bachman, S., C. Hauge, R. McGlothlin, K. Neese, T. Parker, A. Saracino and S. Slater, "*California groundwater management, 2nd edition,*" Groundwater Resources Association of California, Sacramento, CA, 2005.

further subject to the restriction that the use of water be reasonable and beneficial. Use of groundwater for processing aggregate and incidental dust control meets that standard.

3.1.0 Existing and Projected Supply

The actual and projected water supply was obtained from Table 3-2 of the RDEIR and is summarized in **Table 1** below. Existing annual water use has been 1,313,500 gallons per year (4.03 acre-feet per year); the projected annual water use is 2,957,800 gallons per year (9.08 acre-feet per year). The projected water use will be the same each year of the 30-year permitting period.

Table 1. Existing and Projected Annual Water Received in Normal Years, in gallons.

Water Supply Sources	Existing	Proposed 30-year Supply
Wholesale	0	0
Groundwater	1,313,500	2,957,800
Local Surface Water	0	0
Transfers	0	0
Exchanges	0	0
Reclaimed	0	0
Other	0	0
TOTAL	**1,313,500**	2,957,800

3.2.0 Groundwater Supply

Current water supply sources include groundwater extracted from below the project site and groundwater discharged from the California Division of Forestry (CDF) spring; however, the project applicant plans to rely solely on site groundwater from Well 1. Special requirements are needed because the project supply is groundwater, and because there is no UWMP which would provide the required groundwater details, this WSA must also include the following information.

- Description of the groundwater basin proposed to supply the water, including information as to whether the basin has been adjudicated and/or identified as over drafted or projected to become over drafted under present conditions.

- The amount and location of groundwater pumped for the past five years from the basin based on reasonably available information.

- The amount and location of self-supplied groundwater projected to be pumped from the applicant's well based on reasonably available information including, but not necessarily limited to, historic use records.

- An analysis of sufficiency of groundwater from the basin from which the project will be supplied to meet the projected water demand of the proposed project.

3.2.1 Groundwater Basin Information

Harris Quarry is located within the Forsythe Creek Watershed (**Figure 1**). Forsythe Creek is a tributary of the Russian River and flows to the southwest of the quarry area; a tributary of Forsythe Creek runs directly south of the active quarry site. The quarry site is not located within a California Department of Water Resources (DWR) defined groundwater basin, but is located in the area between two defined basins – Little Lake Valley (Basin Number 1-13) and Ukiah Valley Groundwater (Basin Number 1-52).[7] The rocks in this area form hydrologic boundaries adjacent to the Little Lake Valley and the Ukiah Valley basins. Because the quarry is not located in a defined basin, the area does not have a groundwater management plan nor has it been identified as over drafted or projected to become over drafted under present conditions. However, groundwater in the area is known to be limited to local rock fracturing and consequently considered generally scarce; wells in fractured rock usually have a low production rate (less than 5 gallons per minute) and small capacity to store water. The following sections briefly discuss the geology and hydrologic characteristics of the water bearing rocks that supply water to wells in the area and estimated monthly recharge that potentially contributes groundwater to Well 1.

3.2.2 Water-Bearing Rock Zone Characteristics

Harris Quarry is located in the Coast Range Geomorphic Province, south of a north-south trending structural depression that roughly follows the Maacama fault zone. Exposed Franciscan Formation exists in the quarry area and its surroundings; Franciscan greenstone beneath the quarry, highly weathered and fractured Franciscan sedimentary and meta-sedimentary rock north of the quarry (where Well 1 is located), and undifferentiated Franciscan rock west and south of the quarry. The relationships between land surface topography, surficial geology, and well and spring locations is shown in **Figure 3** (modified Figure 4.2-2 from the RDEIR). A few minor faults have been identified within the quarry area, and percolating groundwater is thought to move and accumulate in the open joints associated with the sheared and fractured rocks along faults. This type of groundwater system is characterized conceptually as a fractured bedrock aquifer with smaller, intermixed perched aquifers. The perched aquifers are found in surface soils overlaying weathered bedrock, and they are often seasonal and variably located throughout the area (RDEIR).

In the vicinity of Well 1, the bedrock zone is formed by highly weathered, fractured, and sheared greenstone of the Franciscan Formation. The greenstone exposed at the active quarry face is reportedly "intensely fractured" (fracture spacing ranging from 0.1 to 0.3 feet) to "slightly fractured" (fracture spacing ranging from 1 to 3 feet). Many of these fractures are reportedly filled with calcite or quartz.[8]

The RDEIR reports that the occurrence of groundwater within the fractured bedrock is variable. The fractured rock allows ready infiltration of rainfall and surface water, but the volume of water stored in the fractures, the rate of recharge, and groundwater-flow directions are difficult to quantify. Unproductive zones are locally present where faulting fractures do not appear to be interconnected with other water-bearing fractures. Furthermore, the fault planes provide lateral boundaries that likely inhibit flow through the fault and direct flow within the fractures. Several springs are located north and

[7] California Department of Water Resources, "*Groundwater Basins in California*," Bulletin 118, 2004.
[8] Blackburn Consulting, Inc."*Engineering Geology and Geohazards Report, Harris Quarry, Willits, California,"* 2004.

west of the quarry in an area mapped as having fractured bedrock, but water levels and aquifer test results suggest that the water tapped by these individual wells and springs have limited connections – if connected at all.

The aquifer tests at the quarry, most recently conducted in 2009 (LSCE, 2010)[9], evaluated impacts of pumping from Well 1 on surrounding wells and springs. Although well water levels and spring flows generally declined during the test, LSCE concluded that the declines were seasonal and the data did not indicate any of the declines were attributable to the well pumping. LSCE analyzed the aquifer test results and estimated the physical properties of the aquifer and concluded that groundwater in the fractures generally behaved as confined. Their analysis indicated that the aquifer could be represented locally by transmissivity and storativity values of 530 gpd/ft and 0.001, respectively. LSCE compared their results with an earlier test conducted in 2007 (Rau, 2007)[10] and concluded there are seasonal variations in the drawdown and recovery of the pumping well.

Although the locally fractured rock apparently allows recharge to rapidly infiltrate, the volume of water storage available within the fracture network is assumed relatively small. This assumption is consistent with LSCE's (2010) low storativity estimate and the RDEIR which characterized the area as water short noting that residents west of the quarry truck water in during the summer and fall of low rainfall years. Annual recharge is therefore available as discharge from springs and extraction wells during and following the rainy season, but the carry over between years as groundwater storage is probably small.

3.2.3 Recharge

Infiltrated rainfall less the water consumed by plants results in groundwater recharge to the rocks that provide water to wells and springs in the quarry area. HydroFocus employed a Soil Moisture Budget (SMB) accounting model[11] to estimate monthly groundwater recharge during the period October 1960 through September 2011 (water years 1961-2011). Details on model input data sets, SMB accounting methods, and modeling results are provided in **Appendix A**. Because of uncertainty in the area that recharges to the water-bearing rocks tapped by Well 1, the SMB model was employed to estimate recharge in the three water budget areas shown in **Figure 4**.

(1) The largest water budget area is delineated by the upper Forsythe Creek watershed, which is an approximately 1,700 acre tributary drainage area to Forsythe Creek that includes both the quarry site and Well 1. This water budget area is substantially greater than the area that probably contributes recharge to Well 1. Recharge occurring in this area can also discharge from springs and other existing extraction wells. The recharge estimate for this budget area may be useful for determining the

[9] Luhdorff and Scalmanini, "*Potential Impacts of Increased Groundwater Pumping to Supply Proposed Harris Quarry Expansion,*" November 19, 2010.
[10] Rau and Associates, "*Well Test for Quarry/Processing Plant Environmental Review at Harris Quarry South of Willits*," 2007.
[11] Phillips, S. P., S. N. Hamlin, and E. B. Yates, "*Geohydrology, water quality, and estimation of ground-water recharge in San Francisco, California, 1987-92,*" Water-Resources Investigations Report 93-4019, U. S. Geological Survey, Sacramento, CA, 1993.

sufficiency of groundwater to supply the quarry and other uses conceivably affected by quarry operations.

(2) A second water budget area is delineated by the quarry property [the area identified as "*Harris Quarry and Dutra Properties*" in Figure 2 "Location of Wells and Springs Monitored during Harris Quarry Aquifer Test" in LSCE (2010)]. About 15-percent of the area is located outside the Forsythe Creek watershed and was excluded from the water budget calculation. Similarly, almost an additional 4-percent of the area was located outside the upper Forsythe Creek watershed budget area and was therefore also excluded from the water budget calculation. As explained in the RDEIR, for CEQA purposes allowable groundwater use is considered equal to the long-term average natural rainfall recharge to the groundwater body that occurs within the parcel in question. This budget area therefore provides a relatively conservative estimate of recharge that is potentially available to Well 1 and allowable for CEQA purposes (i.e., the simulated volume of recharge will be smaller than for the entire property area).

(3) A third water budget subarea is delineated by a general overlapping between the upper Forsythe Creek watershed, the quarry property boundary, surface geology, soil and land use cover, and the area within approximately 0.5-mile of Well 1 [the 0.5-mile radius represents an approximation of the contributing area for Well 1 based on LSCE's (2010) 180-day peak-season drawdown simulation]. **Figure 4** shows the general overlap of these areas and the resulting third water budget area. No springs or pumping wells exist in the area other than Well 1, and this area may be a reasonable representation of the area that contributes recharge to Well 1. Accordingly, comparisons between annual recharge in this area to projected quarry water use estimates the sufficiency of Well 1 as a supply source for the quarry.

Simulated historical recharge for these three water budget subareas is summarized below in **Table 2** for average (1961-2011), dry year (1977), and multiple dry years (1988-1992). On average, annual historical recharge in the upper Forsythe Creek watershed was over 300 million gallons per year (over 900 acre-feet per year). In the other two water budget areas (the quarry property boundary and estimated contributing area to Well 1), the simulated annual historical recharge was more than 92 and 28 million gallons per year, respectively (about 280 and 86 acre-feet per year). Annual recharge decreases during dry years, with the greatest decline occurring in the severe drought year of 1977 (a decline in recharge of approximately 90 percent or more).

Table 2. Simulated annual recharge for three water budget subareas (million gallons per year).

Subarea	Year Type		
	Normal	Dry	Multiple Dry
	1961-2011 average	1977	1988-1992 average
Upper creek watershed	317	12.9	138
Quarry property	92.4	1.96	40.0
Contributing area	28.2	3.86	13.7

The values in **Table 2** represent the most reliable estimates based on the best estimates for model input parameter values. However, there is uncertainty in the simulated recharge rates reported in **Table 2** due to model input parameters that are imprecisely known. **Appendix A** includes sensitivity test results that assess the uncertainty in simulated recharge for the three budget areas.

3.2.4 Groundwater Use

This WSA is required to document the amount and location of groundwater pumped from the basin for the past 5-years based on reasonably available information. Additionally, the WSA is required to document the amount and location of groundwater projected to be pumped for the project.

For the past 5-years, the quarry has presumably relied on 1,313,500 gallons per year (4.03 acre-feet per year) of groundwater from well Well 1 and the CDF spring (existing water use reported in the RDEIR). The locations of this well and spring are shown on **Figure 4**. Most of the area surrounding the quarry is zoned by the County as Range Land, and is retained for livestock grazing, ranching, residential (clustering or one dwelling per 160 acres), agriculture, forestry, cottage industries, natural resource development, recreation, and utility installations. Land and water use therefore have probably not changed substantially in the past 5 years.

HydroFocus estimated average, total annual water use for the upper Forsythe Creek watershed budget area. Most of the demand for water is met with groundwater either pumped from wells or collected from springs. Based on existing land uses, estimated existing groundwater use for this budget area is about 67.4 million gallons per year (207 acre-feet per year). Existing on-site groundwater use by the quarry is reported in the RDEIR to be 1,313,500 gallons per year (4.03 acre-feet per year), and existing off-site water demand in the upper Forsythe Creek budget area is estimated to be approximately 66 million gallons per year (203 acre-feet per year).[12] Based on the estimated recharge rates in **Table 2**, groundwater is sufficient to meet water demand in the Forsythe Creek budget area in most years. During extremely dry years, the quarry may be required to use lignin, modify the processing/washing operation schedule to concentrate on wetter season conditions, or reduce production rates as appropriate to match the supply available for their use.

Other than the proposed quarry expansion, there are no planned water use increases in the near future. The Local Agency Formation Commission of Mendocino County (LAFCO) indicated there are no proposals for annexations within a 2 mile radius of the quarry site (Frank McMichael, personal communication, January 5, 2012). The County of Mendocino Planning & Building Services Department

[12] HydroFocus estimated off-site water demand for existing parcels based on a map of known water sources within two miles of Well 1 prepared by Rau and Associates and reproduced for this WSA as **Figure 5**. The map indicates 144 parcels exist in the watershed budget area having an average area of 11 acres each. Unit demand rates for single family dwellings utilized by the Ukiah Valley Water Supply Assessment (500 gallons per day, which is equivalent to 0.56 acre-feet per year) were used to estimate indoor water use for residences located on these parcels. Maximum potential outdoor water use was estimated using the maximum ETo assuming all outdoor demand was irrigated grass. The area of applied water was estimated using the average percent irrigated area visually estimated from aerial photographs (3-percent).

identified three projects requiring EIRs: Harris Quarry, Garden's Gate, and Kunzler Terrace Mine. Both the Garden's Gate and Kunzler Terrace Mine sites are located on the outskirts of Ukiah, and are therefore outside the area potentially influenced by pumping from Well 1. Hence, all of the increase in planned future groundwater use in the water budget area is attributed to the proposed pumping increase from Well 1. Total planned future groundwater use is 69.1 million gallons per year (212 acre-feet per year) assuming projected quarry water use is 2,957,800 gallons per year (9.08 acre-feet) and future off-site water use does not change from existing conditions at 66 million gallons per year (203 acre-feet per year). Based on the estimated recharge rates in **Table 2,** groundwater is sufficient to meet this use in most years. During extremely dry years, the quarry may be required to use lignin, modify the processing/washing operation schedule to concentrate on wetter season conditions, or reduce production rates as appropriate to match the supply available for their use.

4.0.0 Document Demand

Because all water used is groundwater, existing and planned future demand was described previously in **Section 3.2.4** above. The demands for the three water budget areas are repeated and summarized below in **Table 3**.

Table 3. Existing and Planned Demand for Water for three water budget areas, in million gallons per year.

Sector	Watershed area		Quarry property		Well recharge area	
	Existing	Planned	Existing	Planned	Existing	Planned
On-site	1.3135	2.9578	1.3135	2.9578	1.3135	2.9578
Off-site						
Indoor	26.3	26.3	0	0	0	0
Outdoor	39.8	39.8	0	0	0	0
Total	67.4	69.1	1.3135	2.9578	1.3135	2.9578

5.0 Document Dry Year Supply

Annual groundwater supply was based on estimated historical annual recharge (**Appendix A**). The historical record includes single dry (1977) and multiple-dry (1988-1992) years. We utilized simulated recharge for the water budget area delineated by the quarry property in **Table 2** to represent dry year(s) supply because it provides (1) a quantitative estimate of allowable groundwater supply for CEQA purposes; and, (2) the simulated recharge rate is smaller than the other two budget areas and therefore provides the most conservative dry-year supply estimate. The single dry year (1977) and multiple dry year (1988-1992 average) supply for the quarry property budget area is 1.96 and 40.0 million gallons per year, respectively.

6.0 Document Dry Year Demand

For this WSA, we assumed total demand does not change appreciably during dry years and water use is identical to what is reported in **Table 3**. During dry years, the demand for outdoor water use likely decreases as private well owners increase water use efficiency and limit outdoor water uses in an attempt to preserve water in storage. Using average year demand to represent demand in dry years is therefore conservative in that it likely over-estimates the actual demand during the dry years.

7.0 Analysis of Sufficiency

The objective of the WSA is to determine whether existing water supplies meet the projected water demand of the proposed Harris Quarry expansion. The assessment is required to document project water supplies and demands for typical, single dry, and multiple dry years during a 20-year projection. We utilized historical rainfall, runoff, and temperature data for the following periods to represent the three year types.

Typical Year: Average conditions for the period 1961 through 2011(water years 1961-2011).

Single Dry Year: 1977.

Multiple Dry Years: 1988 through 1992.

Table 4 summarizes estimated water supply, represented by simulated groundwater recharge, and proposed demand for normal, single dry, and multiple dry years. The most conservative supply estimates indicate there is adequate water to meet existing demand. The most conservative supply estimates are also adequate to meet proposed future demand except possibly in the single dry year, when demand exceeds supply by about 50-percent (997,800 gallons, or 3.06 acre-feet). However, the applicant's project description indicates they will reduce water use by using lignin, modifying the processing/washing operation schedule to concentrate on wetter season conditions, or reduce production rates as appropriate so that there will be adequate water during extremely dry years.

Table 4. Comparisons between estimated water supply and future demand[a] for the water budget area that contributes recharge to Well 1 (in million gallons per year).

		Normal (1961-2011 average)	Single dry (1977)	Dry (1988-1992 average)
Existing	Supply	28.2	1.96[b]	13.7
	Demand	1.3135	1.3135	1.3135
Projected	Supply	28.2	1.96[a]	13.7
	Demand	2.9578	2.9578	2.9578

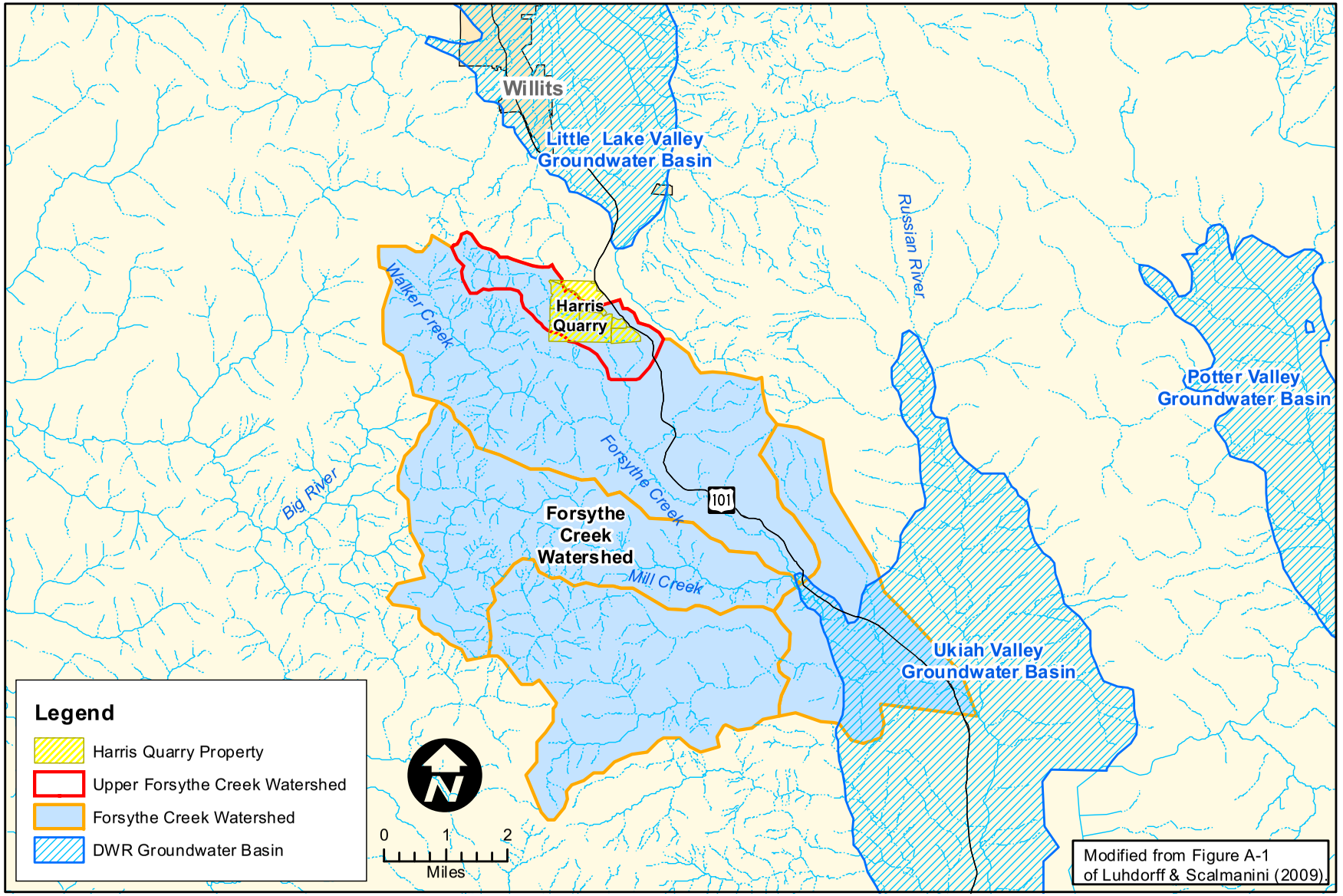
a: Quarry water use is the sole demand in the water budget area.

b: Recharge for property boundary budget area used instead of the contributing area to Well 1 because it is the lowest recharge rate of all three budget areas considered.

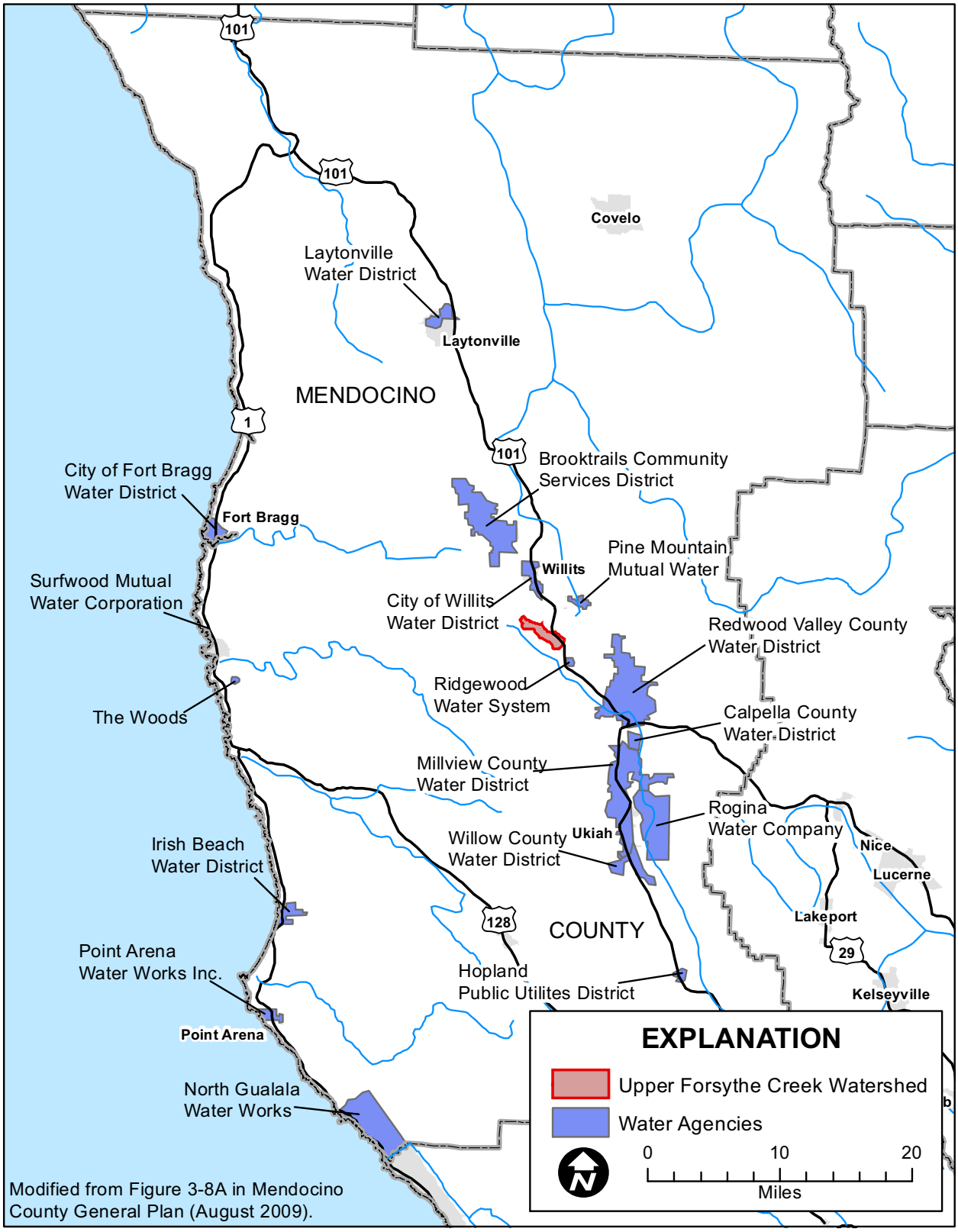
This analysis of sufficiency is conservative in that it utilizes the lowest simulated recharge values to estimate the quarry water supply. For example, in **Table 4** the estimated single dry year water supply is based on results from the quarry budget area rather than the budget area that is estimated to contribute recharge to Well 1. As described in **Appendix A**, the single dry year recharge for the contributing area to Well 1 is substantially greater (3.86 million gallons), and suggests a dry year supply that is sufficient to meet the water demand of the proposed project. Similarly, uncertainty in simulated recharge values as affected by spatially variable precipitation and temperature can also influence the analysis of sufficiency.

Specifically, the sensitivity test results reported in **Appendix A** suggest that rainfall and temperature data from a climate station located closer to the quarry reveal that single dry year recharge is about one-half an inch greater than represented by the supply numbers in **Table 4**, which translates into an increase in estimated dry year supply from 1.96 to 10.6 million gallons. Hence, it is possible that adequate recharge occurs even in the severe drought conditions to supply adequate water for the proposed project[13].

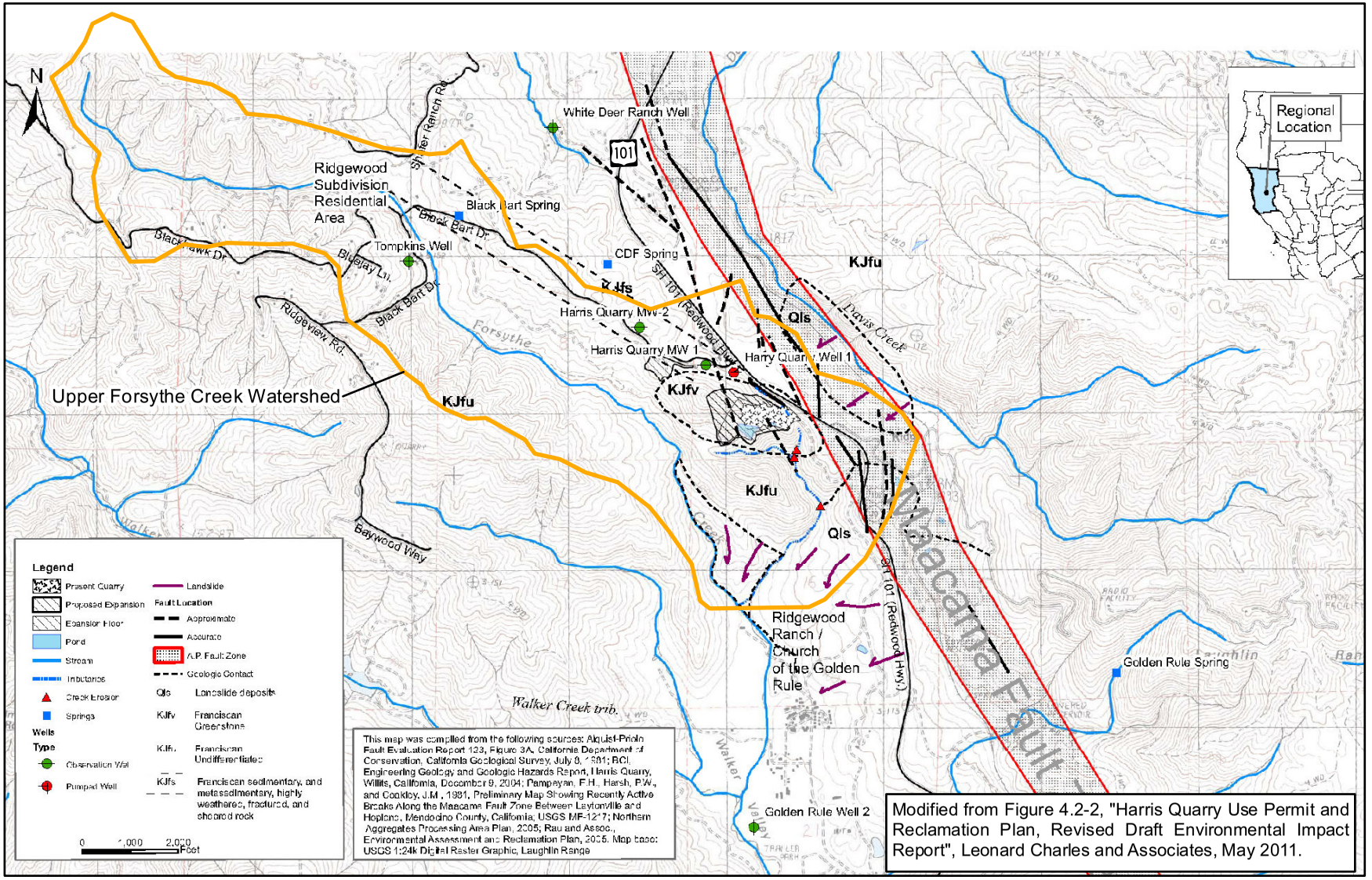
[13] It is noteworthy that the data from this climate station (Willits Howard) was incomplete and it was necessary use a regression relation to estimate values for periods of missing record. The available data indicated yearly rainfall was about 10 % greater than the Willits 1 NE station that was used to generate the results shown in Table 4. The station is located near Willits about 5.5 miles north of the quarry and has a period of record beginning in 1960. The Willits Howard RS is located closer to the quarry than Willits 1 NE (about one mile north of the quarry), but its period of record is much shorter relative to Willits 1 NE (daily rainfall data was not available until October 1985, and daily temperature data did not begin until November 2009). As a result, 54-percent of the monthly rainfall data and 96-percent of the monthly temperature data had to be synthesized using a correlation to complete the 51-year analysis (333 and 589 of the 612 total values had to be synthesized, respectively).



HYDROFOCUS INC Solutions for Land and Water Resources	Location of Harris Quarry.	Figure 1
PROJECT: 5581	DATE: 1/4/2012	



HYDROFOCUS INC. Solutions for Land and Water Resources	Location of Water Agencies in Mendocino County.	Figure 2
PROJECT: 5581	DATE: 1/3/2012	



Modified from Figure 4.2-2, "Harris Quarry Use Permit and Reclamation Plan, Revised Draft Environmental Impact Report", Leonard Charles and Associates, May 2011.

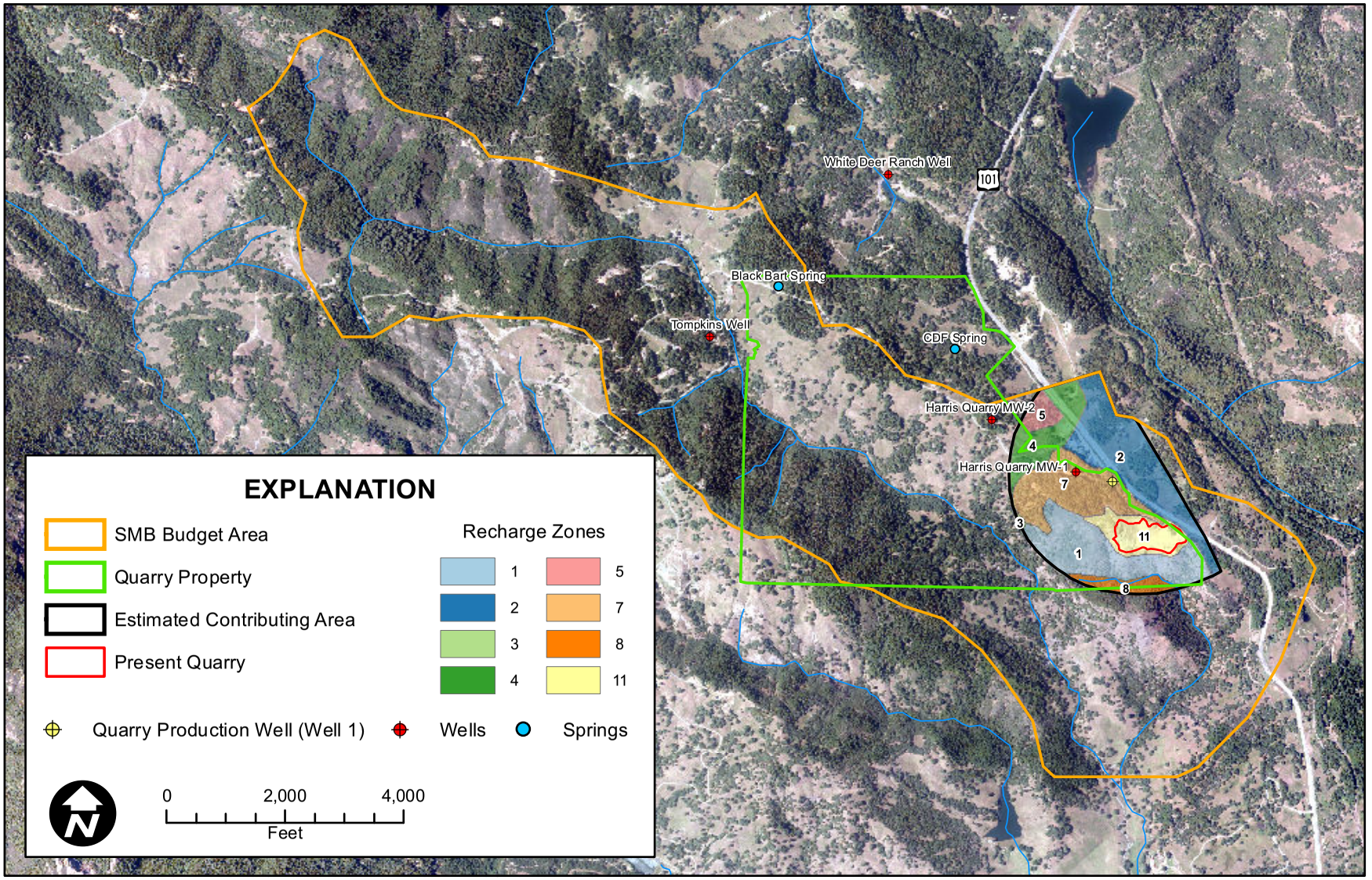
HYDROFOCUS INC
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Surficial Geology, Topography, and Well and Spring Locations in the Vicinity of Harris Quarry.

Figure 3

PROJECT: 5581

DATE: 1/6/2012



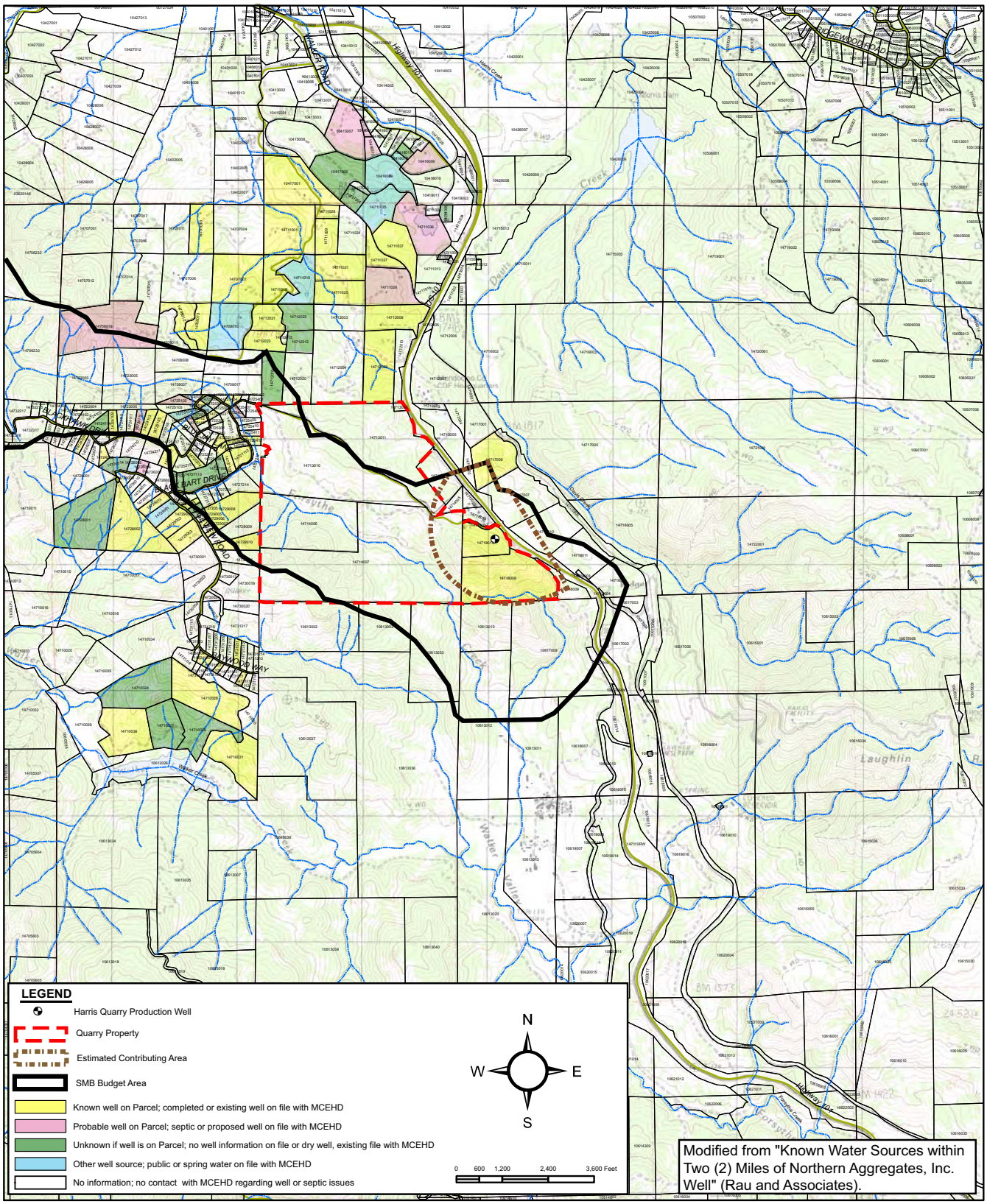
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Boundaries of Three Water Budget Analysis Areas.

Figure 4

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DATE: 1/6/2012



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Known Water Sources and Water Budget Areas in the Harris Quarry Vicinity

Figure 5

PROJECT: 5581

DATE: 1/6/2012

Technical Memorandum

Subject: ***Peer Review of Water Supply Assessment for the Harris Quarry Expansion***

Prepared for: Leonard Charles / LCA

Prepared by: Mark Woyshner, MScEng

Document review: Barry Hecht, CHg, CEG

Date: February 6, 2012



Summary

Balance Hydrologics (Balance) conducted a peer review of the Final Draft Water Supply Assessment (WSA) for the Proposed Harris Quarry Expansion (HydroFocus, January 11, 2012) to evaluate whether it contained sufficient and accurate information for inclusion in the Final EIR being prepared for the quarry expansion. Basic data for the WSA was provided in an aquifer test report titled Potential Impacts of Increased Groundwater Pumping to Supply Proposed Harris Quarry Expansion (Luhdorff and Scalmanini, November 19, 2010), which was also peer reviewed. The both reports were found to be concise, well written technical documents that provide sufficient information and analysis to support the conclusion of the WSA. Balance concurs with this conclusion that there are sufficient groundwater resources to serve the project except for possibly during a severely dry year when the applicant may need to reduce water use.

Background

Section 10910 of the California Water Code (as revised by Senate Bill 610, or SB610) requires the preparation of a Water Supply Assessment (WSA) for a project subject to the California Environmental Quality Act (CEQA) to address the increased water use over existing conditions. Per Section 10912(a) of the California Water Code, projects required to prepare a WSA are those that propose any one or a combination of the following:

1. A proposed residential development of more than 500 dwelling units;
2. A proposed shopping center or other business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space;
3. A proposed commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
4. A proposed hotel or motel, or both, having more than 500 rooms;
5. A proposed industrial, manufacturing, or processing plant or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area;
6. A mixed-use project that includes one or more of the projects specified in this subdivision; and
7. A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

A WSA is required for the Harris Quarry expansion project because it is an industrial and processing site occupying more than 40 acres and subject to the CEQA review process.

This memorandum provides a peer review of the WSA for the proposed Harris Quarry expansion project (HydroFocus, January 11, 2012), including Appendix A: Simulated Groundwater Recharge, and the following supporting documents:

1. Potential impacts of increased groundwater pumping to supply proposed Harris Quarry expansion (Luhdorff & Scalmanini Consulting Engineers, November 19, 2010); and,
2. Well Test for Quarry/Processing Plant Environmental Review at Harris Quarry South of Willits (Rau and Associates. 2007).

California Water Code Section 10910(4)(d) requires a discussion of existing water supply entitlements, water rights, or water service contracts relevant to the public water system(s) that would (or may) supply water to the project. Also, Section 10910(2)(f) requires that "If a water supply for a proposed project includes groundwater, the following additional information shall be included in the water supply assessment:

1. a review of any information contained in the Urban Water Management Plan (UWMP) relevant to the identified water supply for the proposed project; and
2. a description of any groundwater basin or basins from which the proposed project will be supplied."

The WSA for the proposed Harris Quarry expansion project identified the following applicability of these requirements:

- The project applicant plans to rely solely on site groundwater from Well #1 (Section 3.2.0). This usage falls under the category of a correlative right that automatically accrues to landowners overlying a "percolating" groundwater resource such as occurs at the quarry and its surrounding areas (Section 3.0.0).
- There is no urban water supplier or public water system responsible for supplying water in the vicinity of the site, and therefore there is no UWMP that applies to the project and no domestic water suppliers whose service area includes the project site (Section 1.3.4).
- The quarry site is not located within a California Department of Water Resources defined groundwater basin... the area does not have a groundwater management plan nor has it been identified as overdrafted or projected to become over drafted under present conditions... groundwater in the area is known to be limited to local rock fracturing and consequently considered generally scarce (Section 3.2.1).

Hydrologic Setting

Included for context in the memo is the location map (Figure 1) and the geology, topography, and well and spring location map (Figure 3) from the WAS. Harris Quarry is located immediately west of U.S. Route 101 ("Highway 101") near the top of the Ridgewood Grade (at mile marker 40.77), about 4 miles south of Willits, California. It is situated along the southwestern edge of a steep sided, northwest-trending ridge. The regional geology consists of complexly folded, faulted, sheared and altered bedrock (Franciscan Complex), comprised of a variety of rock types, predominately sandstone, shale, chert and conglomerate with hard, resistant meta-volcanic (greenstone) and meta-sedimentary (metagraywacke) rock in the project vicinity (DEIR Section 4.1). The quarry mines greenstone for aggregate (see attached Figure 3).

Groundwater at the site is primarily in bedrock fractures, and is encountered periodically in open fractures during quarrying. Groundwater flow is related to fractures, faults, joints, bedding surfaces and other structural features in the bedrock. In addition, surface colluvial soils and zones of weathered bedrock can contain some local, seasonal, and often perched groundwater. The Franciscan Complex is a complexly folded, faulted and fractured sequence of rock materials. The Franciscan has experienced a long history of tectonic movement along the boundary of the Pacific and North American tectonic plates. The nearby Maacama fault, located 0.3 miles to the east, generally follows a trough created by weakened rocks; it has deformed an area around the fault that includes the Harris Quarry site. Fault lineaments of the Maacama Fault Zone cross the subject property. Fault and fracture features can act as water barriers, creating high groundwater on one side of the fault or fracture and depressed groundwater on the opposite side of the fault trace. In addition, the more pervasively sheared and fractured rock along faults often provides the open joints where downward percolating groundwater can move and accumulate. Springs are typically common along such fault zones, where fault movement has offset or disrupted subsurface pathways of groundwater movement. (DEIR Section 5)

General Comments and Recommendations

The WSA is a concise, well written technical document, and generally easy to understand for a professional in a hydrologic or related field. The WSA assessed projected water availability during normal conditions (1961-2011 average), a single severely dry year (1977), and multiple dry years (1988-1992) and concluded that the water supply is sufficient to meet demand for the proposed quarry expansion project in all years except possibly the single severely dry year represented by 1977. This conclusion was based on a reasonable assumption that the proposed water source (onsite Well #1) draws water from a fractured bedrock aquifer with limited groundwater storage, requiring recharge each year from rainfall. This assumption eliminates potential water supply contributions from any groundwater storage 'carry-over' from the previous year(s), a conservative assumption minimizing initial water availability. The conclusions of the WSA are accurate and Balance concurs with them.

Groundwater recharge was estimated for a 51-year period of record (1961-2011) utilizing monthly soil moisture budget (water balance) calculations, a method commonly applied in hydrologic investigations going back to the 1950's. The technical approach and reasoning supporting the assumptions and selection of model parameters are reasonable and verifiable, and the sensitivity analysis[1] included in the recharge model predictions (Section 4 of Appendix A) provides boundaries on the results – estimated best and worst case scenarios – which accounts for data limitations and minor differences regarding the basis for parameter selection. It is instructive to look at the worst-case scenario (Table A-6 of Appendix A) in addition to Table 4 of the WSA when evaluating water supply sufficiency relative to the projected demand of 2.96 million gallons per year. For comparative purposes, units common to Table 4 are presented in the following table.

[1] A sensitivity analysis is a valuable inclusion to any modeling exercise that provides credence to the results but unfortunately is often omitted in many reports.

Table A-6 of WSA Appendix A revised for comparison to WSA Table 4.

Rainfall Condition	Groundwater Recharge Estimate		
	Conservative	Worst Case	Best Case
	(million gallons per year)		
Upper creek watershed (1,702 acres)			
Long-term average (1961-2011)	317	260	403
Extreme drought year (1977)	12.9	7.74	39.8
Multi-year drought average (1988-1992)	138	97.4	255
Quarry property (528 acres)			
Long-term average (1961-2011)	92.4	76.5	117
Extreme drought year (1977)	1.96	0.22	10.7
Multi-year drought average (1988-1992)	40.0	28.1	73.4
Well #1 contributing area (196 acres)			
Long-term average (1961-2011)	28.2	24.5	35.9
Extreme drought year (1977)	3.86	2.90	6.04
Multi-year drought average (1988-1992)	13.8	11.0	22.9

The worst case estimate supports the WSA conclusion that the water supply is sufficient to meet demand for the proposed quarry expansion project in all years except possibly the single severely dry year represented by 1977. In addition, as a rough estimate of cumulative water supply sufficiency, Section 3.2.4 of the WSA evaluates the cumulative groundwater demand of off-site wells within 2 miles of the quarry well at 69.1 million gallons per year (including the demand from the quarry well) and compares it to the groundwater recharge to the upper creek watershed area. Worst case estimate for the upper creek watershed area supports the WSA cumulative effect conclusion that the water supply is sufficient to meet demand for the proposed quarry expansion project in most years except for severely dry years.

Based on these conservative estimates of groundwater recharge, it seems reasonable for planning purposes to anticipate quarry operations to reduce groundwater use demand during extremely dry years, as is proposed in the WSA.

Information on water supply Well #1 and the aquifer from which it draws groundwater are presented in the cited report "*Potential impacts of increased groundwater pumping to supply proposed Harris Quarry expansion*" (LSCE, 2010), and were used as a basis for the WSA. The LSCE 2010 report is a well-written technical document that includes the following information: a) existing and proposed water demand and water supply sources for the quarry, b) an analysis of the results of a 7-day constant-rate pumping test conducted at Well #1 during September 2009, c) an analysis of the results of a 72-hour constant-rate pumping test at Well #1 that was previously conducted during March 2007 by Rau and Associates, and d) simulations of projected groundwater drawdown from pumping Well #1 for the proposed project conditions. The LSCE 2010 report provides comprehensive analyses of the aquifer from the perspective of pumping Well #1. Groundwater studies generally include analyses of multiple independent lines of evidences and the LSCE 2010 report applies three lines of reasoning: 1) a physical understanding of the geology, aquifers and flow of water; 2) an account of historical groundwater use; and 3) drawdown modeling predictions. A fourth line of reasoning commonly employed but not included in the LSCE 2010 study is an analysis of the chemical composition of surface waters

and groundwater sources (wells and springs). An analysis of the ionic signatures and any unique constituents can identify similarities and differences ('fingerprint') between water sources and provide additional supporting information to characterize the aquifer captured by the water supply well. This approach is particularly useful when characterizing groundwater flow in a fractured bedrock aquifer, which (as qualified in the LSCE 2010 report) is typically unlike flow in porous media (as in an alluvial groundwater basin), and thus compromises the applicability of techniques for analyzing and simulating groundwater drawdown and flow. However, such an analysis is not necessary, and the LSCE 2010 report provides a reasonable basis for assumptions made in the WSA.

Specific Comments and Suggestions for Clarification

The WSA uses a soil-moisture budget approach to calculate monthly recharge to groundwater. Details of the recharge modeling are presented in Appendix A of the WSA. The modeling is appropriately documented but it would have been additionally helpful (particularly to the lay or short-of-time reader) to include an illustration summarizing the components and data sources for the model that would precede Figure A-2. Similarly, a companion table (or figure) that summarizes the monthly results for each water-balance component (rainfall, runoff, actual evapotranspiration, soil moisture, and recharge) would have been equally helpful for easy understanding, though not required for a technical analysis of the issues.[2]

The sensitivity analysis illustrates the importance of on-site (or near-site) rainfall data and the related uncertainty. The closest station to the site has significantly higher rainfall but the period of record is short. If a synthesized record for this site is used – monthly totals correlated to the station with the longest record – then the simulated recharge increased 26 percent. Rainfall data was shown to have the highest level of uncertainty. The modeled results are, therefore, a conservative estimate of recharge.

Evapotranspiration also has a relatively high level of uncertainty. There are various techniques of estimating evapotranspiration. The WSA soil-moisture budget model used the Blaney-Criddle method for estimating Potential Evapotranspiration (PET), which is based on mean air temperature data and the percentage of annual daylight hours for each month. The Actual Evapotranspiration (AET) was calculated from PET with the soil available water content for a given root zone.[3] This method is a well establish (since the 1950's) and requires soil survey data and professional judgment for selection of coefficients. Reference Evapotranspiration (ETo) is similar to PET but uses the modified Penman method (in California), which is based on measurements of solar radiation, wind speed, air temperature and relative humidity at a reference site of well-watered actively growing closely clipped grass that is completely shading the soil. ETo is converted to PET with a vegetation-specific coefficient. Data from ETo station throughout California are available from the California Irrigation Management Information System (CIMIS). The WSA-simulated ETo was considerably less than CIMIS published values for the region, which was partially accounted for in the WSA from locally lower air temperatures (p. A-6). In addition, though, the dry and sometimes windy[4] Northern California inland valley climate would also account for high ETo values, not measured with the Blaney-Criddle method. The lower estimated evapotranspiration would potentially provide more water for recharge. Plant coefficients were adjusted in the sensitivity analysis to

[2] A monthly water balance table for each of the three modeling scenarios would clarify how rain was proportioned, and accompanying graphs could be included (with months across the x-axis and inches on the y-axis).
[3] Actual evapotranspiration is said to equal potential evapotranspiration when there is ample water.
[4] Early growing-season afternoon winds are common, caused by the temperature difference from the cooler coast to the warmer inland valleys. Rising warmed air over the inland valleys draws in air from the coast, generating afternoon winds.

show an 18 percent decrease in recharge, and an adjustment to root depths showed a 3 percent decrease in recharge. Similarly, adjusting the soil's available water content by 0.03 inches per inch showed an 11 percent different in recharge. The worst case recharge estimate (noted above) accounted for higher evapotranspiration, and thus a conservative estimation of recharge.

Plant roots would tend to promote groundwater recharge, particularly in wooded areas where roots are larger and extend deeper. The effect of this recharge mechanism was not assessed, rendering the modeled estimate more conservative.

Simulated runoff estimates were based on Natural Resources Conservation Service rainfall-runoff relationships, which are considered to be an approximation requiring verification with on-site runoff observations and/or regional stream gaging data. Runoff was appropriately verified with gaging records from Willits Creek above Lake Emily (USGS station ID 11472160), a basin of similar size to the upper Forsythe Creek watershed, located 8 miles to the north of the study area. The report discussion would have benefitted from more comparative information for this basin in terms of geology, soil types, and vegetation cover to illustrate its applicability, and to perhaps better explain the difference in reported runoff as a percent of rainfall. The runoff information provided, however, is sufficient to assess recharge estimates.

The WSA assumes that recharge to the fractured bedrock aquifer will be available for pumping by the water supply Well #1. Examples of recharge are identified in the data presented in the aquifer test report (LSCE, 2010). It correctly interprets the drawdown data during the March 2007 pumping test as wet-season recharge (vertical leakage), which was not detected in the dry-season pumping test data collected during September 2009. In addition, precipitation occurring on October 12-15 and 19, 2009 during the recovery phase of the pumping test was also detected in the monitored wells as a water level rise. The recharge event, though, did not compromise the analysis of the recovery data from the pumping well.

The WSA estimated area of recharge contributing to Well 1 (reported as 196 acres) was based on the LSCE 2010 simulation for 120-day peak operating season (p. 16 and Figure 18). The estimated contributing area to Well #1 was based on a) the theory of flow in porous media applied to pumping data at Well #1, b) an assumption that the Maacama Fault Zone in an impermeable boundary, and c) professional judgment by experienced hydrogeologists. It is reasonable to apply a relatively high uncertainty to this estimate of recharge area. The following reported site observations and hydrogeologic understanding provide a relative context to this estimate:

- The drawdown modeling results in the LSCE 2010 report should be viewed, at best, as a general indicator, a schematic or cartoon of a possible trend related to pumping Well #1, simply because groundwater flow in fractured bedrock and faulted terrain is complex, and applying theory based on flow in porous media is an over-simplification.
- MW-1 is located 633 feet (0.12 miles) northwest from Well 1, and MW-2 about 2,285 feet (0.43 miles) northwest from Well 1. Neither monitoring well showed a drawdown effect from pumping Well #1 for 7 days at 15 gallons per minute (LSCE, 2010, p. 8; Figures 4 and 5). However flow from the CDF spring, located 2/3 of a mile northwest from Well #1, declined only during the first day of pumping Well #1 but then recovered while the well continued to pump (LSCE, 2010, p. 9; Figure 9). This drawdown response illustrates the complex nature of flow in the fractured bedrock aquifer.

- After the first day of pumping Well #1 at 15 gallons per minute, the drawdown data indicated a lower permeability boundary likely due to a change in lithology or a fault. The distance to the permeability boundary was estimated to be in the range of 400 to 1,260 feet from the well. Small faults are mapped about 400 feet from the well in the easterly and westerly directions, and the Maacama Fault Zone is about 900 feet east from the well. (LSCE, 2010, p. 13). In addition, "...there appears to be an impermeable 'dam' in the rock formation lying downslope from the tested well. This supposition is evidenced by a 500-foot deep dry well which was drilled near the scale shack. There was no well log..." (Rau and Associates, 2007, p. 1).
- It is generally understood that groundwater tends to flow along faults with limited flow across them, and wells located near strike-slip faults, such as the Maacama Fault Zone, often draw on deeper groundwater flowing vertically along the fault zone. This potential deeper source of groundwater supply to Well #1 would not have been accounted for in the WAS, which is a conservative approach similar to the exclusion of potential water supply contributions from any groundwater storage 'carry-over' from the previous year(s).

Finally – as a thought to provide context for interpretation of the WSA results prior to final reclamation – judiciously reclaiming the quarry to enhance recharge can increase the volume of recharge entering the ground, particularly during very dry years, when little water recharges through the thick soils in this region, but runoff from hardened or rock surfaces can be directed into basins or other locations where dry-year recharge can be doubled or tripled. This 'drought-year premium' can be an important positive element in planning for any quarry where recharge during the driest years may limit sustainability, and should generally be encouraged in reclamation planning.

Remy Thomas
Moose & Manley LLP

455 Capitol Mall, Suite 210
Sacramento, CA 95814

M E M O R A N D U M

TO: Mendocino County Board of Supervisors and Planning Commission

FROM: Chip Wilkins

DATE: August 18, 2011

RE: Proposed Mineral Processing Combining District

RECEIVED
AUG 19 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

I am writing this memo on behalf of my client Keep The Code, an unincorporated association of local residents concerned about the Harris Quarry Use Permit Project and Reclamation Plan ("Project") proposal to amend the Mendocino County Inland Zoning Code to include a Mineral Processing Combining District. Keep The Code's concerns regarding the proposed new District are twofold. First, the Revised Draft Environmental Impact Report ("RDEIR") for the Project fails to include a programmatic analysis of the environmental impacts that could potentially result from the new District. Second, the RDEIR's suggested findings regarding the proposed District's consistency with the County General Plan would provide a basis for concluding that manufacturing of products associated with metallic and nonmetallic materials, geothermal development, oil and gas is permissible under the County General plan on land with Range, Agricultural, and Forest Lands designations – over 90% of all privately owned land in the County. As discussed below, such a result not only turns the County General Plan on its head, it is also unlikely to withstand judicial scrutiny. Therefore, we request that the Board consider and deny the proposed legislative change to the Zoning Code prior to continuing environmental review for the Project for these reasons as more fully discussed below. 9-1 9-2

The proposed Mineral Processing Combining District would specifically allow heavy industrial/manufacturing uses on land designated in the General Plan as "RL-Range Lands" with an R-L zoning designation. Currently, such uses are prohibited on parcels with a Range Land general plan and zoning designation. Extractive and processing uses are allowed with a special use permit, but not industrial or manufacturing uses. Nonetheless, the RDEIR suggests that changing the County's Zoning Code to allow these heavy industrial/ manufacturing uses should be determined to consistent with the present General Plan "RL-Range Lands" land use designation because it appears that such uses are "related to and compatible with" processing and development of natural resources. Such an interpretation of the General Plan is illogical for many reasons, several of which are discussed herein. 9-3

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First, the RDEIR's suggestion that "processing of aggregate to prepare asphalt appears to be a use that is compatible with 'processing and development of natural resources'" ignores the full text of the land use description and fails to acknowledge that the proposed ordinance would allow for the **manufacturing** of asphalt and concrete. The full text of the general uses permitted in the **Land Use Category: RL-Range Lands** in the General Plan provides: 9-4

> General Uses: Residential uses, agricultural uses, forestry, cottage industries, residential clustering, **uses determined to be related to and compatible with *ranching, conservation,* processing and development of natural resources, *recreation, utility installations***.
>
> (Mendocino County General Plan, Policy DE-17 (emphasis added).)

If the full text of the provision is read in context for a proposed use to be consistent with the General Plan, Policy DE-17, it would also need to be related to and compatible with ranching, conservation, recreation, and utility installations, not just the processing and development of natural resources. This makes sense. Otherwise, industrial and manufacturing uses including but not limited to uses such as oil refineries, geothermal plants, concrete manufacturing, and textile mills could be consistent with a General Plan land use designation of Range Lands. For example, an oil refinery could be related to and compatible with oil and gas development and consistent with the General Plan land use. In fact, the project currently proposes to amend Section 20.036.010 of the Zoning Code, which specifically references "oil and gas drilling rigs," as discussed on page 4 herein.

Moreover, the RDEIR's proposed interpretation is clearly inconsistent with the intent behind the **RL-Range Lands** land use designation as specified in the General Plan:

> Intent: The Range Lands classification is intended to be applied to lands which are suited for and are appropriately retained- for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The **policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.**
>
> (Mendocino County General Plan, Policy DE-17 (emphasis added).)

Furthermore, the RDEIR proposed interpretation would apply equally to all lands with an agricultural and forestry land use designation as the exact same language exists in the

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General Plan descriptions for all three land use designations. The General Plan provides in relevant part:

> **Land Use Category: AG-Agricultural Lands.**
>
> General Uses: Residential uses, farmworker housing, agricultural uses, processing and sale of agricultural products, cottage industries, residential clustering, **uses determined to be related to and compatible with** agriculture, conservation, **processing and development of natural resources**, utility installations.
>
> (Mendocino County General Plan, Policy DE-16 (emphasis added).)
>
> **Land Use Category: FL-Forest Lands.**
>
> General Uses: Residential uses, forestry, timber processing, agricultural uses, cottage industries, residential clustering, **uses determined to be related to and compatible with** forestry, conservation, **processing, and development of natural resources**, recreation, utility installations.
>
> (Mendocino County General Plan, Policy DE-18 (emphasis added).)

Therefore, based on the RDEIR's proposed consistency analysis, oil refineries, geothermal plants, concrete manufacturing, textile mills and other manufacturing related development of natural resources (e.g. oil, natural gas, geothermal, minerals, heavy metals, plant and animal products) could be consistent with a General Plan land use designations of Agricultural, Forest and Range Lands. Again, this would mean that under the County General Plan heavy industrial and manufacturing uses could be permitted on more than 90% of the private property in the County.

Second, it is undisputed that asphalt and concrete batch plants are manufacturing uses, not essential mineral processing uses and therefore are not permitted under the current and proposed definition of mining and processing uses in the Zoning Code. (Mendocino County Inland Zoning Code, § 20.036.010.) The Zoning Code specifically includes asphalt and concrete batch plants as "general industrial" uses. (Mendocino County Inland Zoning Code, § 20.028.015.) The proposed changes to Section 20.036.010 of the Zoning Code does not change this result, which will still only permit "essential processing" in relation to mining and processing uses:

> The mining and processing use type refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic materials, geothermal development, oil or gas together with ***essential processing*** of only nonmetallic mineral products. Except where conducted within a Mineral Processing

> Combining District, and subject to the requirement for a major use permit, all such processing shall be of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project (except that portable screening and crushing equipment need not be related to a specific construction project). The sale of additional materials may he allowed for other off-site uses where such materials do not exceed ten percent (10%) of that volume specified for the primary construction project. **Typical places or uses include** borrow pits, gravel bars, rock quarries, **oil and gas drilling rigs,** or portable crushing, screening, washing, **and mixing plants.** (Ord. No. 3639 (part), adopted 1987)

(RDEIR, Appendix A (emphasis added).)

Thus even with the proposed change to Section 20.036.010, the Zoning Code would be internally inconsistent if asphalt or concrete plants were permitted on parcels with Range Land zoning as they are not essential processing and could be carried out on other property with the appropriate industrial land use designation and zoning.

Third, the RDEIR acknowledges the Mineral Processing Combining District is inconsistent with numerous General Plan policies including DE-1, DE-57, DE-85, RM-42, RM-47, and RM-128. (RDEIR, pp. 349-355.) Moreover, the RDEIR consistency determination regarding other General Plan policies is incomplete and/or irrational. Notably, the RDEIR only evaluates the proposed zoning change as it relates to the Project property and fails to evaluate whether the Mineral Processing Combining District would be inconsistent on other Rangeland designated properties in the County with mineral resources. In addition, the proposed Mineral Processing Combining District would allow concrete batch plants, but the RDEIR fails to consider any potential impacts from this change for proposed project or at a programmatic level. If the County doesn't believe that such a use is foreseeable as part of the proposed project or at any other property within the County why is the County proposing to change the Zoning Code for this purpose? The California Environmental Quality Act ("CEQA") does not allow the County to avoid analyzing any potential impacts associated with changing its Zoning Code to allow concrete plants in Rangeland zoned properties by labeling any such proposed uses as too speculative to evaluate. Simply put, CEQA requires a programmatic analysis of the proposed change.

Finally, if the County determined no other properties would likely use the Combining District zoning as stated in the RDEIR, then changing the land use designation for the Project property would be more appropriate rather than amending the County's Zoning Code to include the proposed Mineral Processing Combining District. That said, it is a reasonably foreseeable event that there are quarry sites that could request a heavy industrial mineral processing zone overlay. Therefore this likely event should be evaluated in a recirculated RDEIR if the County believes the proposed Mineral Processing Combining District should be adopted. As discussed above, this proposed heavy industrial use zoning for resource lands involves the entire county. The Zoning Code already allows two feasible options: heavy

industrial zoning sites (in fact the applicant has a Shell Lane location in Willits for their current cement plant operations), and project specific mineral processing (e.g. asphalt and cement) is allowed on a temporary basis adjacent to a project (like the proposed Willits Bypass).

In conclusion, the RDEIR does not appear to indicate that the applicant has requested a General Plan amendment. Without such an amendment, we fail to see how the County can approve the project. As noted in my comment letter on behalf of Keep The Code dated July 20, 2011 regarding the RDEIR for the Project, while generally supportive of the current quarry operation, Keep The Code objects to the project's proposed significant adverse environmental impacts that will result from the proposed Mineral Processing Combining District. Therefore, we request the Board consider and reject the proposed Mineral Processing Combining District prior to the applicant completing an EIR or environmental review under the CEQA. (See Las Lomas Land Co., LLC v. City of Los Angeles (2009) 177 Cal. App. 4th 837 [Holding there is no mandatory duty under the CEQA to complete and consider an EIR before rejecting a project. If an agency at any time decides not to proceed with a project, CEQA is inapplicable from that time forward.].) Considering this issue now would potentially save the applicant, the County and the public from wasting time and resources; and would provide the Board with an opportunity to give updated direction to the applicant and staff what project should be considered at this time. As noted above the quarry operation does not need a new zoning designation. The proposed new Mineral Processing Combining District should be decided on its own merits as a "stand alone" issue.

* * *

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Response to Second Letter from Howard Wilkins III (Remy Thomas Moose & Manly LLP)

9-1. The comment is inaccurate. The RDEIR does provide a programmatic discussion of the potential range of impacts that could result from approval of amending the Zoning Code. See pages 338 through 343 of the RDEIR.

9-2. The comment is inaccurate. The proposed zoning would allow asphalt and/or concrete facilities with a Use Permit only at permitted quarries to allow processing of material from those quarries. It would not allow processing facilities in Range Lands that did not have a permitted quarry.

9-3. The commenter is correct that the EIR preparers did not find that such uses would be inconsistent with the Range Land use classification as described in the General Plan since it appears that an asphalt plant that processed aggregate produced at the adjacent quarry could be viewed "as related to and compatible with" processing of natural resources. The commenter disagrees and presents data to support his claim. It is not the role of the EIR to make the final consistency finding. As described in previous responses on this same issue, including from the commenter (Responses 8-54 to 8-59), the County Board of Supervisors will determine project consistency with the General Plan. The County Department of Planning and Building Services did not require a General Plan Amendment because the Department did not find the proposal inconsistent with the General Plan.

9-4. The EIR preparers believe the commenter has incorrectly interpreted the cited text. The general types of land use allowed include processing and development of natural resources. The cited section states that general issues include "uses determined to be related to and compatible with ranching, conservation, processing and development of natural resources, recreation, utility installations." This appears to mean that other uses that could be compatible with the listed uses may be allowed. It does not state that each of these listed uses must be compatible with each other use, as frequently they are not (e.g., development of natural resources and conservation, or recreation and utility installation).

As the DEIR states, consistency with the General Plan and zoning are a legal issue that will be determined by the County Board of Supervisors. The DEIR provides an analysis of potential consistency, but it is the County who will make the final determination of consistency with the General Plan.

Howard Wilkins
Remy, Thomas, Moose & Manley
455 Capitol Mall, Suite 210
Sacramento, CA 95814

July 20, 2011

Subject: Comments on the Revised Draft Environmental Impact Report for the Harris Quarry Use Permit Project

Dear Mr. Wilkins;

As you know, Grassetti Environmental Consulting (GECo) has been retained by a coalition of Mendocino County citizens (Keep The Code) to review the Revised Draft Environmental Impact Report (RDEIR) and relevant background documentation for the Harris Quarry Use Permit Project (the Project) with respect to technical adequacy and compliance with California Environmental Quality Act (CEQA) requirements. We previously submitted comments to Mendocino County regarding the 2008 DEIR for this Project, which we understand will be part of the administrative record for this RDEIR. This letter presents the results of our review of the RDEIR.

Our review indicates that the RDEIR has substantial deficiencies as summarized below:

Inappropriate Project Objectives

The Project objectives have been provided by the applicant and apparently not vetted by the County. CEQA (Guidelines Section 15124) requires that the lead agency, as the entity responsible for implementing the CEQA process, vet the Project objectives for compliance with CEQA. One of the primary concerns with Project objectives is that they not be so restrictively construed so as to preclude meaningful consideration of alternatives. The Project objectives listed on pp. 64 and 65 of the RDEIR are too narrowly defined to allow adequate and meaningful consideration of alternatives. As defined, these objectives would limit acceptable alternatives that meet all of the Project's objectives to the Project itself, which would be an impermissibly narrow range. In addition, the "Objectives" include argument for the economic benefits of the Project that is entirely inappropriate for this section. Similarly, this section includes a litany of unsupported argument regarding "benefits" of the Project that have no relationship to the proposed objectives. The County should broaden the Project objectives such that other alternatives are feasible. In addition, the applicant's argument discussion is deleted. We suggest replacing the current Project objectives with something along the lines of the following:

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1) Provide a long-term source of aggregate to inland areas of Mendocino County in the Ukiah-to-Willits region.

2) Locate the quarry so as to minimize environmental impacts, including visual quality, air quality, traffic, health risks, hydrology, and cultural resources.

3) Provide adequate asphalt facilities to serve these regions, located so as to minimize the facility's environmental impacts.

To the extent that the Project Objectives are tied to a regional need for aggregate products and/or economic benefits associated with that need, a factual discussion and supported analysis of the need for the Project should be included in the Project Objectives. Any such discussion must include consideration of the pending application for aggregate processing facilities, including an asphalt batch plant, at the Longvale site on Covelo Road by Grist Creek Aggregates. As well as the failure of the Willits Bypass Project to gain the U.S. Army Corps of Engineers 404 permit, which has resulted in the delay, if not loss, of State funding (discussed further below). Given those two factors, is there a need for this Project in the County. If there's no need, then it is unclear that the County can find Overriding Considerations that are required for Project approval. 10-5 10-6

Feasible alternatives should be reevaluated in light of these revised CEQA-compliant objectives and updated supply/demand conditions.

Inappropriate Consideration of Proposed Willits Bypass

All references to the Willits Bypass Project should clearly state that the Bypass Project has an impasse with the U.S. Army Corps of Engineers regarding the 404 permit and consequently the California Transportation Commission in November 2010 deferred approval of funding for the Bypass Project until February 2012. Therefore the Willits Bypass Project is "speculative", as defined by CEQA Guidelines. Please note that, in determining environmental effects of a project or alternative, only reasonably foreseeable impacts should be addressed. "A change that is speculative or unlikely to occur is not reasonably foreseeable." (CEQA Guidelines, Section 15064(d)(3)). 10-7

Interestingly, the RDEIR acknowledges the speculative nature of the Willits Bypass on p. 80, when discussing the asphalt facility, stating, "Since government budgeting and spending largely determines the material demand, estimating the long-term demands becomes speculative." Given that government funding decision on the Willits Bypass has been deferred, assuming that the Harris Quarry Use Permit Project materials would be used locally by the Bypass Project also seems speculative.

Therefore the Willits Bypass should not be considered in determining impacts of either the project or alternatives. As described below, the air quality analyses of each of the alternatives must be reevaluated and corrected to address this factual condition.

Failure to Adequately Evaluate Alternatives

In addition to the problems associated with the inappropriately restrictive Project purpose and need, we have noted the following general issues in the document's assessment of alternatives: 10-8

- The RDEIR claims, and its alternatives analyses assume, that alternatives would have secondary effects of requiring expansions at other quarries. Given that the

Willits Bypass Project appears to be deferred at best, any assumption of substantially increased aggregate demand is speculative and factually unsupported. In addition, the proposed Grist Creek sand and gravel mine, as well as the recently approve Kunzler Terrace Mine, should require reevaluation of the supply side of this equation.

- The Project and Alternatives air quality analyses all assume that the materials from the Project would be used locally, presumably primarily in the unpermitted and unfunded Willits Bypass Project. This assumption erroneously skews the impact assessments as follows: 10-9
    - The RDEIR assumes "benefits" of the Project over the alternatives in terms of air quality that are completely dependent on the vast majority of the Project's aggregate and asphalt products being used in the Willits Bypass. These "benefits" are then converted to adverse air quality impacts of the various alternatives when compared to the Project.
    - Given the status of the Willits Bypass Project, and the limited local demand for aggregate absent the Bypass Project, the Project and Alternatives analyses should be reevaluated using the more likely assumption that much of the material would be hauled to more distant locales. 10-10
    - If the Bypass were to be eventually constructed, there is no guarantee that the proposed Project would receive the contract to supply needed aggregate or asphalt over the three to four year construction period. It is quite possible that such demand may be met from a lower cost but more distant existing quarry, resulting in the need to export Harris Quarry rock and asphalt outside of the local area. The Project and Alternative VMT and air quality analyses should be augmented to address this possibility. 10-11
- Alternatives should be reevaluated in light of the potential export of materials from the area resulting from the tripling of average annual mined materials compared with existing conditions.
- Comparison of alternatives should be reevaluated in light of the need to revise Project objectives. 10-12

More specifically, nearly all of the Alternatives air pollution "analyses" state that emissions from the alternatives would be substantially greater than with the Project. This seems to rely on assumptions of local demand, the major portion of which would be generated by the Willits Bypass. Absent that Project, there is no evidence provided in the RDEIR that the alternatives would have a greater air quality impact than the Project. This "analysis" relies on speculative consideration of indirect impacts associated with a reduced or eliminated Project. In addition, the RDEIR is often vague with respect to what it is actually comparing; for example, on p. 362, the RDEIR states, "As shown on Figure 5.2-1, the increased [project] production...will result in a reduction in VMT because the Harris Quarry is closer to major population centers...". It does not say what 10-13 10-14

this reduction would occur with reference to. Certainly not existing conditions. Probably not compared to continued operation of the quarry at 75,000 cy/year. There's zero factual evidence provided to support this repeated assertion of reduced VMT in the RDEIR. It appears to rely on a series of assumptions, presumably including the speculative Willits Bypass.

Further, the RDEIR fails to provide evidence that there will be sufficient long-term aggregate product demand within the Highway 101 corridor of Mendocino County to support the increase in supply that would be provided by the proposed Project, Grist Creek Aggregate project, Kunzler Terrace Mine, and other pending supplies. Even if the Willits Bypass were to go forward, it would only constitute a 3 to 5-year increase in regional aggregate demand. However, the EIR assumes local demand (and therefore reduced VMT) for the entire life of the project. Absent any evidence of long-term demand for cumulative production of the Project and other approved and proposed facilities in the local area, the RDEIR should evaluate the likelihood (and potential impact to VMT) of the excess production of aggregate products (over local demand) being transported south to the larger demand centers in Sonoma County. Alternately, development of the Project could cause a shift in transport from the other quarries currently serving the area to more distant markets, thereby just shifting VMTs rather than actually reducing them. Would this total VMT exceed existing VMTs and/or VMTs of the reduced-production alternatives? Would emissions of air pollutants and greenhouse gases of the Project then exceed those of the reduced-production alternatives? Please reevaluate these issues in light of realistic worst-case scenarios rather than using the CEQA-impermissible best-case scenario. 10-15 10-16

Similarly, on p. 371 (Alternative 3), the RDEIR speculates that "regional emissions of pollutants and greenhouse gases would be worse because of the increased VMT and since the Project includes a contemporary asphalt facility with more air quality controls than older facilities in the region." Again, this is an unsupported assertion that fails to include any factual evaluation of asphalt facilities or consideration that, if there is, in fact, substantial additional demand, new facilities might be built at other quarries in the area. Further, it repeats the unsupported assumption regarding VMTs addressed earlier in this letter. 10-17

Unsupported assumptions are inappropriate for an RDEIR analysis. The RDEIR should be revised to either provide factual evidence supporting its assumptions or state that the alternatives that have no- or reduced- operations would reduce air pollution compared with the proposed Project. Further, the RDEIR should consider that, if the Harris Quarry were to expand as proposed, other regional quarries currently serving the Willits-Ukiah areas may have to truck their material farther to market, potentially offsetting any regional air quality benefits attributable to the Project. 10-18 10-19

Several of the Alternatives have been artificially manipulated to increase their relative impacts in other ways. Most extreme is the arbitrary removal of the deceleration lanes and acceleration lane from the reduced-project and no-asphalt plant alternatives (see, for example Alternatives 3 and 6). Given that the RDEIR traffic analysis says that those 10-20

facilities are "warranted" under current conditions, then it is entirely inappropriate to eliminate then from those alternatives. Please revise those alternatives to include all "warranted" lane reconfigurations on US 101.

The evaluations of each of the alternatives' compliance with Project objectives should be re-evaluated once those objectives have been revised to be CEQA compliant. 10-21

Project Description Issues

The RDEIR (p. 65) states, "County records indicate that actual quarry extraction... averaged ...approximately 75,000 cu. yds." Yet the previous DEIR indicated an extraction rate of around 180,000 cu. yds[1]. What has been the peak annual extraction rate in the past 5 years? CEQA requires that baseline conditions be those conditions in effect at the time of RDEIR preparation (*Sunnyvale West v. City of Sunnyvale, December 2010*). Therefore the 2010 quarrying rate at the existing quarry should be used as the baseline. 10-22

The RDEIR (p. 65) also states that the one-time exception annual permitted production from the existing facility is 125,000 cu. yds., yet a few pages earlier the RDEIR tells us that the one-time exception expired in 1995. If so, why is it referenced as an "existing operation"? The RDEIR should identify the peak annual extraction rate in the past 5 years? CEQA requires that baseline conditions be those conditions in effect at the time of EIR preparation (*Sunnyvale West v. City of Sunnyvale, December 2010*). Therefore the 2010 quarrying rate or an average of the past few years should be used as the baseline.

The discussion of trucking on p. 172 is unclear. How many daily truck trips would occur, on average, on a summer day with and without the Project? How can a tripling of daily extraction result in "Truck volumes during normal operation periods...remain[ing] similar to the current quarry levels", with only a few "peak day" exceptions (RDEIR p. 72)? It seems infeasible to triple the extraction rates while only increasing "normal operations" hourly trips from 5-6 currently to 8 trips with the Project. Please explain. 10-23

Table 3-2 shows aggregate processing rates increasing from current rates of 200-250 tons/hour to post-project rates of 300-400 tons/hour. Again, this seems inconsistent with both the tripling of annual extraction rates and the minimal truck traffic increases discussed above. 10-24

Inadequate Treatment of Countywide Zoning Change

The document asserts that current owners of other quarries have no intent to develop asphalt/concrete plants at their sites, and therefore the Project would have less-than-significant growth-inducing impacts (RDEIR p. 17). However other active quarries could easily be sold and, because the zoning runs with the land, not the owner, the Project's Countywide zoning change could lead to development of materials processing facilities at other quarry sites in the County. Therefore, the RDEIR should include a basic 10-25

[1] The RDEIR's traffic consultant (Kruger, January 28, 2008), identified rates of quarrying over a 5-day work-week over a year resulting in a total existing quarrying of 187,500 cy/year, far in excess of permitted quantities. An average of 6 trucks/hour over a 10-hour day, 5 days/week, at the RDEIR's assumed truck capacity of 15 cy/truck equals approximately 181,000 cy of quarrying annually.

environmental impact assessment of possible materials processing facilities at these sites. In addition, the RDEIR should note that materials processing impacts associated with other future facilities may occur as a result of the proposed zoning change. This affects the adequacy of the cumulative impacts and growth-inducing impacts sections, as well as the general impacts discussion.

Unsupported Transportation Assumptions

The Traffic analysis conclusions that the Project would reduce traffic compared with existing conditions are unsupported, particularly given the tripling of production at the quarry, the unaccounted-for need to import substantial quantities of rock material for use in the manufacturing of asphalt and concrete, and traffic associated with the proposed asphalt plant and asphalt crushing/recycling. 10-26

Absent any evidence, the RDEIR assumes that all of the Project's materials would be used locally, near the site, and not exported. It is unclear how a tripled production would all be used locally, especially given that the Willits Bypass is speculative, at best.

Inaccurate Setting/Baseline Assumptions Used for Comparison with Future Impacts

The RDEIR's air quality assessment states, "Reduction in VMT will result in overall net reduction in greenhouse gases in the County from transportation sources" (RDEIR p. 297). This uses the wrong baseline. As discussed previously, CEQA requires a baseline of existing conditions. A tripling of mining and trucking operations compared to existing conditions would increase, not decrease, emissions. Please revise and reconsider the significance of this impact. 10-27

Other Issues

- The Project would increase nighttime quarrying from fewer than 20 days per year to up to 100 nights/year, yet the RDEIR finds no significant increased noise impact from night-time operations. The current decibel level of noise from the quarry during the night is zero. With up to 100 nights of operations the decibel levels would be expected to increase significantly from the baseline. This potential significant impact should be reevaluated, including analysis of repeated single-event noise impacts. 10-28
- Some mitigation measures appear to include deferred studies that are inappropriate in CEQA documents, in some cases, confuse monitoring with actually mitigating. 10-29
- The RDEIR traffic section should evaluate increased road wear as a result of the Project. 10-30
- The RDEIR noise analysis is based on County noise standards as a threshold of significance. This threshold may or may not be adequate (see *Berkeley Keep Jets Over the Bay v. Board of Port Commissioners* decision). Please provide evidence that those thresholds have been effective in eliminating actual noise impacts (evidenced by complaints) on nearby sensitive receptors. 10-31

The net effect of all of the above-referenced issues is a RDEIR that fails to adequately identify the Project purpose and need and certain impacts. Equally problematic, the RDEIR presents a skewed assessment of the relative impacts of alternatives, particularly with respect to air quality. This document therefore fails to serve its CEQA-mandated purposes of informing the public and decision-makers of the actual impacts of the Project, fairly evaluating alternatives in light of the Project, and proposing mitigation for significant impacts. As such, it should be revised and recirculated for public review. 10-32

We look forward to working with the Keep The Code to assure that the RDEIR meets all CEQA requirements. Please feel free to contact me at (510) 849-2354 if you have questions or comments on this letter.

Sincerely;



Richard Grassetti
Principal
Grassetti Environmental Consulting

Response to Letter from Richard Grassetti (Grassetti Environmental Consulting)

10-1. The comment is incorrect. It is standard for the project applicant to provide what the applicant's objectives are in proposing the project. The County is not proposing this project, and, therefore, does not have any objectives regarding the project. The County accepted these objectives as part of the project application. More importantly, regardless of the commenter's opinion about what the objectives should be, the objectives did not limit what alternatives were addressed in the RDEIR. The RDEIR assesses the proposed project plus seven project alternatives, which is more than are included in most EIRs.

10-2. The comment is inaccurate. The CEQA Guidelines do not state that the only project alternative that can be approved is one that meets all the applicant's objectives. We refer the commenter to CEQA Guidelines Section 15126(b) wherein it states that the purpose of the alternatives analysis is to identify alternatives that avoid or substantially reduce the project's significant effects even if it would impede the attainment of the project objectives.

10-3. Again, the objectives are provided by the project applicant – they are not County objectives as the County is not the applicant. The CEQA Guidelines do not limit what the applicant can include as his/her objectives. More to the point, the commenter does not show how this expression of the applicant's objectives has any bearing on the EIR analysis. The revision of the applicant's objectives are not required to address any impact, mitigation, or project alternative. As such, no revision of the RDEIR is required.

10-4. The commenter's opinion about what the applicant's objectives should be are noted for the record. The commenter's objectives are more suitable for a County general plan or area plan where the County is attempting to identify locations that should be zoned for certain uses. This RDEIR is on a specific project proposal on a specific site. It is not a planning exercise in identifying the ideal location for specific types of land use. The commenter does not give an example in this comment about how such general objectives would result in new project alternatives not assessed in the RDEIR. As such, no revisions of the objectives or RDEIR are needed.

10-5. The commenter assumes that the RDEIR assesses the project and/or alternatives based on the applicant's statement that the project meets a regional need for aggregate. It does not. The RDEIR assesses the environmental impacts of the proposed project. It assesses project alternatives to determine to what level they reduce the project's potentially significant impacts. The actual future need for aggregate and how it could be supplied is not an issue for the RDEIR. The CEQA Guidelines do not require the RDEIR to analyze the need for a product that an applicant proposes to provide. As such, no revision of the RDEIR is needed. In addition, regarding the need for the products, the commenter is referred to Comment Letter 5 from the County Department of Transportation, which states that the aggregate and asphalt from the project are needed local commodities.

10-6. Again, the RDEIR is not required to show there is a need for what the project proposes to produce. The commenter incorrectly identifies the "need" for the project's products as the only factor the County could consider if it approves the project and needs to adopt a Statement of Overriding Considerations. There are a number of factors that CEQA Guidelines Section 15093(a) states are to be considered, namely *CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determine whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."*

Again, the commenter has not provided any suggestions regarding what additional alternatives should be assessed, so no revision of the RDEIR is required.

10-7. This comment is inaccurate. According to Phil Dow, the Director of the Mendocino Council of Governments, Phase 1 of the Willits Bypass project has been fully programmed as a project by the State and $164 million have been allocated to construct Phase 1. The project has been delayed as the Army Corps needs to approve a 404 Permit, but the permitting process is proceeding. MCOG expects the project and all approvals will be complete by February 2012 with the project being funded by July and construction beginning in the autumn of 2012.[6] This bypass project is a reasonably foreseeable project as stated in the RDEIR. The County, recognizing this, required the RDEIR to contain traffic analyses for various timelines with and without the bypass to ensure a full analysis in the case that the project was not built, but it currently remains scheduled for construction. Given that the bypass remains a reasonably foreseeable project, no revision of the RDEIR regarding this project is required.

The County specifically directed the RDEIR preparers to include traffic analyses with and without the Willits Bypass (see page 215 of the RDEIR). Traffic impacts were identified for scenarios that included or excluded the bypass. The traffic work done for the project alternatives to show vehicle miles traveled did not assume demand from the Willits Bypass (see Response 11-7 regarding the VMT analysis).

10-8. As described in Response 10-7 above, the analysis of alternatives including the Willits Bypass remains accurate and is not speculative. The Kunzler Terrace Mine was included in the alternative traffic analysis (see Table 5.2-1). Also, see the revision to that Table included in Response 11-7. The Grist Creek project (also known as the Longvale site) on Highway 162 was not a foreseeable project at the time the RDEIR was prepared. It is currently an incomplete application that seeks to resume aggregate processing on that site. The application does not list what facilities or equipment would be included, but the previous use

[6] Phil Dow. Personal communication, 9/28/11.

permit for the site included an asphalt facility and a concrete plant. Though the application has been submitted, the County has requested additional information from the applicant, and that information has not yet been supplied. Once the application is accepted as complete, a CEQA analysis will be conducted prior to the County considering the merits of the project.

Though not required, an analysis was performed by Wtrans and peer reviewed by the EIR traffic engineer to determine the resulting VMT if the Harris Quarry asphalt plant were replaced with one having an equal production capacity at the Longvale site. The Longvale site is located approximately 10 miles north of the City of Willits on SR 162 and approximately two miles easterly of US 101. The VMT associated with providing asphalt to Mendocino County with a plant located at the Harris Quarry site is projected to be 648,120 miles traveled annually. The same sized plant located at the Longvale site would result in 659,718 miles traveled annually to provide asphalt to Mendocino County, or an increase of 11,598 miles annually. Table 1 summarizes the trips and vehicle miles traveled from the various asphalt plants with and without the Harris and Longvale plants. The Longvale site is located further from the principal centers of population than the Harris Quarry site and would therefore be expected to result in longer trips to provide asphalt and higher VMT. VMT calculations are provided in Enclosure A of Comment Letter 15 below.

Table 1
Vehicle Miles Traveled Comparison

Asphalt Plant	Base		Harris Plant		Longvale Plant	
	Trips	VMT	Trips	VMT	Trips	VMT
Harris	0	0	2,644	85,621	0	0
Ford Gravel	7,499	284,767	5,444	183,063	5,420	176,041
Ten Mile	1,718	71,146	1,815	61,089	1,808	66,720
Syar Healdsburg	2,501	445,239	1,816	318,347	1,805	295,720
Longvale	0	0	0	0	2,721	121,238
Total	**11,718**	**801,152**	**11,719**	**648,120**	**11,754**	**659,718**

It should be noted that the VMT calculations for asphalt do not include trips to haul aggregate to the asphalt plants. See Response 11-7 for more information on VMT. The haul trips made from quarries to asphalt plants are considered to be included in the VMT calculations for aggregates. It is also logical to conclude that asphalt plants located at or near quarry sites that provide raw materials will result in shorter haul trips and contribute less to overall VMT.

10-9. The comment is incorrect that the RDEIR states that products produced by the project would primarily be used for constructing the Willits Bypass. The products would be used throughout the central portion (and perhaps further) of the County. It is to be noted that the proposed project is not for a temporary asphalt facility just to meet the demand of the Willits Bypass. Based on the analysis of VMT for the project and the alternatives, the RDEIR correctly concluded that the project

would have fewer air quality impacts than five of the project alternatives. There was no attempt to "skew" information since the EIR preparers have no stake in whether the project is approved or not. The comparison of the alternatives does note that among the disadvantages of several of the alternatives would be the increase in VMT with corresponding air quality ramifications. However, the RDEIR did not identify these effects as a new impact of the alternatives or an impact that increased sufficiently to become a significant and unavoidable adverse impact not already identified for the proposed project.

The analysis of traffic and air quality effects of the project alternatives was done per County specifications and based on what remains likely consumers of aggregate and asphalt. No revision of the alternatives analysis of the RDEIR is required.

In these first nine comments and subsequent comments, the commenter is suggesting that the alternatives analysis was skewed to make the project look like the only or best alternative. He states that the analysis of the alternatives as regards traffic and air quality should be redone because the Willits Bypass may not be built, there is currently a lower demand for aggregate and asphalt, and/or that the Willits Bypass might be served by a more distant source. The commenter overlooks that on page 388, the RDEIR concludes that of the seven feasible alternatives, the RDEIR rates the Project as Proposed as the least environmentally superior. This would remain the RDEIR conclusion even if we concurred (which we do not – see the following two responses) with the commenter's suggestions.

10-10. See Responses 10-7 to 10-9 regarding the status of the Willits Bypass in the environmental analysis. The VMT analysis does not include meeting the demand from constructing the Willits Bypass. See Response 11-7 for more information on VMT. Regarding reduced general demand, again, the commenter confuses the responsibility of the RDEIR. The RDEIR assesses a project's impacts on the environment not whether there is a consumer demand for what the applicant proposes to produce. In the same manner, the demand for the products does not affect the analysis nor the comparison of project alternatives. While the need for the project may be considered by the County when determining the merits of the project, it is not the EIR's responsibility to identify or quantify that demand. As such, no revision of the RDEIR is required.

10-11. See Response 10-7 about how the RDEIR assessed traffic impacts with and without the Willits Bypass and Response 10-9 regarding predicted markets for the products. It is possible as the commenter states that another asphalt plant and/or quarry could supply all or most of the demand for the bypass. However, it is unlikely that more distant sources would be less expensive. In any case, the VMT analysis did not include demand from the Willits Bypass because it is a short-term project.

10-12. See earlier Responses 10-3 and 10-4 regarding the commenter's concern about the project objectives. As noted previously, the objectives did not drive the identification of alternatives nor their environmental ranking. The commenter has

not suggested a new alternative other than the idea that perhaps the material for the Willits Bypass would be supplied by some out-of-County source. This is not an alternative to the project; it is simply a possibility that could affect the project's profitability.

10-13. The comment is inaccurate. The RDEIR analysis of air quality impacts for the alternatives does not state that air quality impacts would be increased "significantly." It does say they would be increased for five of the alternatives but not "significantly." The comment is also incorrect in stating that the analysis was based on speculation. As noted above in Responses 10-7 to 10-9, the analysis is based on countywide demand from customers, but not for the Willits Bypass. The commenter has not provided any information that there will not be an ongoing demand for aggregate and asphalt in the County, regardless of when the Willits Bypass is built. The project's central location would be expected to reduce the VMT, especially for asphalt, given that, as the County Department of Transportation notes they frequently need to purchase asphalt from out-of-County sources. See Response 11-7 for more information on VMT. On these bases, the analysis and conclusions regarding increased VMT for five of the project alternatives remain accurate, and no revision of the RDEIR is required.

10-14. As discussed on page 381 of the RDEIR, the alternative that includes the existing production limits for the quarry (Alternative 6) would possibly increase VMT because the demand for aggregate would need to be supplied by more distant sources for the Willits area and north and for asphalt for much of the County (as this is frequently supplied by out-of-County sources). If the commenter is making the point that Alternative 6 is superior to the project as proposed, this is the same conclusion reached in the RDEIR (see page 388 where this alternative is identified as the environmentally superior alternative of all alternatives that are not a "no project" alternative).

10-15. As noted in previous comments on this same subject, it is not the role of the EIR to identify future aggregate or asphalt demand and whether it can be met by other sources. The reduction in VMT over the long term is due to the centralized location of the site and the reduced need to import asphalt from out-of-County sources. See Response 11-7 for more information on VMT.

10-16. It would be quite speculative to think that aggregate or asphalt from the project would be directed to the main population centers in the area in Sonoma County as there are supplies of both aggregate and asphalt that are much nearer those centers than the project site, and the materials would be less expensive from those nearer businesses. It is also speculative that there would be any substantial demand to Lake, Trinity, or Humboldt that could not be met by nearer sources. There is no evidence to indicate that any substantial quantities of materials from the project would be shipped out of the County. In fact, imports from out of the County will continue. This speculative analysis is not needed for the RDEIR. As noted previously, even if the commenter's assumptions were used, it would not change the conclusions about or ranking of the project alternatives.

10-17. It is not an assumption that the existing asphalt plant north of Ukiah is an old plant lacking modern Best Available Control Techniques. The plant was installed in the 1950s. It is true that new asphalt facilities if they were built elsewhere would likely be required by the MCAQMD to have similar emission controls. However, such facilities are speculative at this point.

10-18. See Responses 10-15 to 10-17 regarding what the commenter terms unsupported assumptions. As the RDEIR states on page 364, it is possible that some of the assumptions used to develop the VMT comparison could be incorrect, however, there would remain some increase in the VMT for Alternatives 1, 2, 3, 4, and 6. See Response 11-7 for more information on VMT. One could develop a set of assumptions that might change this conclusion. If one assumed, as the commenter suggests, that 1) there is little demand for project-produced materials so they would be trucked out of County; and 2) asphalt could be produced at new asphalt facilities at other quarries in the County, one could possibly find that the project as proposed generated more VMT than the no project or reduced production alternatives. Such a scenario is very speculative and much less likely to reflect probable future conditions. More importantly, as noted in several previous comments, it would not change the conclusions regarding the environmentally superior alternative or the ranking of alternatives presented in the RDEIR.

10-19. The VMT analysis presented in Table 5.2-1 assumes travel from all quarries and asphalt facilities in the County to meet County demand. Also see previous Response 10-8. See Response 11-7 for more information on the assessment of VMT for the project alternatives analysis.

10-20. The point of a project alternatives analysis is to provide a range of alternatives to allow an understanding of the different levels of impact that would result from various configurations including alternatives that do not include the EIR-recommended US 101 improvements. As is stated in the RDEIR, Alternative 3 would substantially increase traffic safety impacts, and this was identified as a new significant and unavoidable impact for that alternative. It is possible, if not likely, that if the County approved this alternative it would require the highway improvements rather than add this impact to the other significant and unavoidable impacts. Alternative 6 maintains existing conditions. It does not increase traffic safety hazards and highway improvements are not needed to mitigate a project-generated impact. That said, the County is free to impose conditions to improve the highway when considering the merits of the proposed use permit renewal.

10-21. As stated in previous responses, the commenter has an incorrect understanding of the role of who is responsible for objectives, plus he has not presented any data that shows that the objectives included in the RDEIR affect any of the analyses in the RDEIR. No new analysis of alternatives is required.

10-22. The peak extraction rate within the past five years twice exceeded the 75,000 cubic yard volumes allowed for under the existing permit (with associated violation fines assessed by the County). If we had used the excessive figure

reported as the baseline, impacts would be less than reported in the RDEIR. The County chose to use the 5 year average (2006-2010) average, which was approximately the 75,000 cubic yard *in situ* maximum production level. This 75,000 cubic yard *in situ* production level was correctly used as the baseline for environmental review purposes.

10-23. See Response 11-3 to this same comment.

10-24. The increase in production rate is needed to meet peak demand and does not affect overall truck traffic generation. The RDEIR assesses truck trip generation for normal and peak days.

10-25. The requested list of the range of possible impacts that could be expected at other quarries is presented on pages 340 to 342 of the RDEIR. The RDEIR assesses the impacts on other quarries precisely because, as the commenter notes, the new zoning district would allow future processing at quarries meeting the proposed zoning district requirements.

10-26. The commenter is incorrect. Nowhere does the RDEIR state that the project would reduce truck traffic. If the commenter is referring to the VMT analysis in the project alternatives section, then he is correct that the project would reduce the vehicle miles travelled to provide customers in the County with aggregate and asphalt. While it may be somewhat counterintuitive, the project would increase truck traffic in and out of the site. However, because there is a finite demand for these materials, supplies from Harris Quarry would replace trips from more distant quarries and asphalt facilities. Therefore, the number of miles travelled in a year would be reduced. As noted in previous responses to this commenter, the VMT analysis in the project alternatives section does not include supplying the construction of the Willits Bypass. Please also see Responses 11-7 and 11-9 regarding the VMT issue.

10-27. Please see Response 10-26 above. The analysis of greenhouse gas on pages 294 to 297 did assess impacts on existing conditions. The project alternatives section assessed changes in VMT if the project was approved. Again, the project would reduce existing VMT due to its central location. In fact, the VMT analysis included in the assessment of alternatives is conservative in that it does not attempt to calculate the further decrease in VMT for the Harris Quarry project needing to haul aggregate less than a mile to the asphalt facility. Because it would reduce the current VMT, it would, as correctly stated in the RDEIR, reduce emission of greenhouse gases from haul trucks. This is different than the analysis of all greenhouse gas emissions presented on pages 294 to 297. The RDEIR does not state that the project would result in an overall decrease in GHG emissions. Please also see Responses 11-7 and 11-9 regarding the VMT issue.

10-28. The commenter provides no scientific support for his claim that the project would have a significant nighttime noise impact. The commenter is referred to pages 236 to 241 for an analysis of noise, including nighttime noise, impacts. The noise analysis was done by well-known and respected acoustic consultants and done consistent with guidelines for examining noise impacts, including potential

repeated single-event sources. The commenter is correct that by using the standard significance criteria for assessing noise impacts, the project would have a less-than-significant nighttime noise impact. The commenter has provided no data to show why this analysis is inadequate, and a new study is not warranted.

10-29. This is a general comment. The commenter is incorrect, but because he provides no examples, no additional response is possible. The RDEIR contains no recommendations for what are defined as "future studies."

10-30. A study on road wear was not requested by Caltrans, the County Department of Transportation, or any other agency or individual during the NOP review period or in the review of this RDEIR, the present comment being the one exception. There is no CEQA Guidelines criterion for road wear. Given that and the fact that responsible agencies concerned with roads did not require it, such a study is not warranted for this RDEIR. We would further note that because the project would reduce the VMT for aggregate and asphalt transport, it would reduce road wear on a countywide basis.

10-31. The County as Lead Agency approved the significance criteria used in the RDEIR. The commenter has not provided any data to show these criteria are inadequate. The RDEIR is not required to show the effect of the County adoption of these standards on other sensitive receptors spread throughout the County. On a countywide basis, these effects were addressed in the EIR certified for the new County General Plan.

10-32. We believe that the commenter is incorrect in his conclusions. As the previous responses have shown: 1) it is not the County's or EIR preparers' responsibility to provide project objectives; 2) the analysis of the alternatives and the effects on VMT and air quality are correct and not skewed; and 3) the commenter misses the point that even if his recommendations about how to identify objectives and assess alternatives were accurate, the conclusions of the EIR regarding the ranking of the alternatives would be exactly the same as listed in the RDEIR. The commenter has provided no grounds for additional analysis, and the RDEIR does not need to be recirculated.

TJKM

Vision That Moves Your Community

Transportation Consultants

July 20, 2011

Mr. Howard F. Wilkins III
Remy, Thomas, Moose & Manley
455 Capitol Mall, Suite 210
Sacramento, CA 95814

Subject: Peer Review, Traffic and Circulation Element, Harris Quarry Revised DEIR

Dear Mr. Wilkins:

Keep the Code has contracted with TJKM Transportation Consultants to prepare a peer review of the Traffic and Circulation Element of the Harris Quarry Expansion Revised Draft Environmental Impact Report (DEIR). I have completed the review and have the following comments.

The section on existing traffic volumes on page 203 indicates that turn movement counts conducted in June 2006 are presented in Appendix C, but those count results are not included. Appendix C also fails to present the extrapolated turning movement volumes used in the intersection level of service (LOS) analyses. Without this missing data, the reader cannot confirm the accuracy of either the volume adjustments made to the June counts to reflect the peak months of July (for Highway 101) and October (for quarry production), or the extrapolation of traffic growth from year 2006 counts to analysis years 2010, 2014 and 2030, and thereby assess the reliability of the resulting LOS calculations. 11-1

Furthermore, the assumed straight-line extrapolation of traffic growth from year 2006 counts to year 2010 volumes, based on projected traffic growth of 50 percent over the 20-year period from 2006 to 2025, does not appear to provide an accurate representation of baseline conditions in effect at the time of EIR preparation (i.e. year 2010) for the study intersections on Highway 101. The assumed growth rate of 2.5 percent per year results in use of traffic volumes increased by 10 percent from year 2006 counts in the baseline year 2010 LOS analyses. However, a comparison of the annual "Traffic Volumes on the California State Highway System" provided by the Caltrans Traffic Data Branch (www.dot.ca.gov/hq/traffops/saferesr/trafdata/) indicates that Highway 101 volumes in the project vicinity almost certainly decreased between 2006 and 2010, consistent with prevailing economic conditions. The peak-month average daily traffic volume south of the closest Caltrans count location at the Willits south city limit (postmile 45.167) was 19,700 vehicles per day (vpd) in 2006 and 2007, but decreased to 15,800 vpd in 2008 and 15,400 vpd in 2009. Although the 2010 Caltrans traffic volumes were not available as of the preparation of this letter, only a modest increase, if any, from 2009 volumes would be expected based on prevailing economic conditions, and 2010 volumes were probably still significantly lower than 2006 levels, let alone the additional ten percent used in the LOS analysis. Note that no LOS analysis using the 2006 count data without adjustment is presented in the Revised DEIR. This is the case despite the footnote on page 203 regarding the 2006 counts, which states: "These counts remain suitable for the traffic analysis because there have been no substantive changes in quarry operations and no substantive new development in the area served by Black Bart Drive."

The various sections in the Revised DEIR describing Minimum Acceptable Standards are somewhat contradictory and very confusing to a reader attempting to determine the basis for a finding of a significant impact. For example, the section regarding Caltrans standards on page 206 states that "where operation is already below LOS C, the existing measure of effectiveness should be maintained. For public road intersections [e.g. at Black Bart Drive], this means that the existing 11-2

Pleasanton
3875 Hopyard Road
Suite 200
Pleasanton, CA
94588-8526
925.463.0611
925.463.3690 fax

Fresno
516 W. Shaw Avenue
Suite 200
Fresno, CA
93704-2515
559.325.7530
559.221.4940 fax

Sacramento
980 Ninth Street
16th Floor
Sacramento, CA
95814-2736
916.449.9095

Santa Rosa
1400 N. Dutton Avenue,
Suite 21
Santa Rosa, CA
95401-4643
707.575.5800
707.575.5888 fax

tjkm@tjkm.com
www.tjkm.com

control delay should be maintained. Under this criterion, *any* increase in delay would therefore result in a significant impact." The tables in Section 4.4 show the LOS and delay results for the Black Bart Drive and project driveway stop sign controlled approach to Highway 101. Comparing Table 4.4-2 with Table 4.4-8 for the 11:00 AM to Noon period shows operations already at LOS D with delay increasing from 25.5 to 27.6 seconds on Black Bart Drive, but no project impact is identified, which appears to be an oversight based on the Caltrans criterion as described. However, page 14 of Appendix C further elaborates the standards based on discussion with Caltrans staff, as follows: "...the standard is to be applied to the overall average intersection delay, not that associated with any single movement or approach." Unfortunately, such overall average intersection delay results are not presented in any tables in Section 4.4 or Appendix C. To further add to the confusion, page 14 of Appendix C also includes the following statement: "While Caltrans standards apply to the study intersection of US 101/Black Bart Drive, both the overall average intersection delay and the delay on the worst approach were considered to provide a conservative analysis." The conundrum resulting from this mix of statements makes it nearly impossible for even an experienced professional to discern the applicable criteria for a significant LOS impact.

The trip generation analysis for the Base Permit and Project scenarios presented in Section 4.4 does not support certain statements made in the Project Description Section 3.2 of the Revised DEIR. The project description text on page 72 describes "normal" operating periods and operations as 5-6 trucks per hour on a "normal day" for the current quarry, with 8 trucks per hour leaving the site anticipated with the project "on average during normal operations." No specific definition of "normal" operations or time periods is given to provide context for these asserted truck trip projections, which are not consistent with the other, much higher calculations of project truck trips used in the detailed traffic analysis. Without further definition, these assertions about "normal" operations are not meaningful, and potentially misleading to the reader in regard to the project's generation of additional truck traffic in the vicinity of the site. 11-3

Mitigation Measure 4.4-B.1 includes an acceleration lane for left turns departing from the project site onto northbound Highway 101, which would extend through and north of the Black Bart Drive intersection. However, the portion of this acceleration lane between the project driveway and Black Bart Drive would also serve as the northbound left-turn lane for turns onto Black Bart Drive. This configuration presents an area of conflict between vehicles turning left at Black Bart Drive and slow-moving trucks in the lower portion of the uphill acceleration lane, as acknowledged on page 222 of the DEIR. The result would be several different potential evasive maneuvers with problematic safety issues: 11-4

- Northbound vehicle attempting left turn pulls into lane behind slow-moving truck, requiring rapid deceleration from fast-lane speed. With the truck in front, visibility between the left-turning driver and oncoming southbound traffic will be obscured.
- Northbound vehicle attempting left turn pulls into lane ahead of slow-moving truck, potentially requiring rapid deceleration depending on the remaining distance in front of the truck before reaching the intersection. The slow-moving truck must choose between avoiding the left-turning vehicle by pulling into the fast lane before reaching sufficient speed, or slowing and potentially stopping until the vehicle ahead makes the turn and then proceeding to use the remaining portion of the acceleration lane, which will not be long enough to reach adequate speed before merging into the fast lane.
- Northbound vehicle attempting left turn is stopped waiting for a gap in southbound traffic, when an accelerating truck approaches from behind. The problematic options for the slow-moving truck are the same as described in the immediately preceding bullet point.

The Revised DEIR downplays these circumstances by stating that the observed frequency of left turns onto Black Bart Drive and trucks turning left out of the quarry, the presence of both vehicle movements in the median lane would be a rare occurrence, and that 97 percent of vehicles turning left onto Black Bart Drive would not experience conflicts with trucks during the peak hours in July and October. However, the remaining percentage of vehicles still represents the likelihood that such conflicts and the resulting potentially hazardous maneuvers described above would occur several times every day during peak traffic seasons. The DEIR does not cite the methodology used to calculate that 97 percent of vehicles turning left at Black Bart Drive would not experience conflicts with trucks turning left from the quarry. 11-5

The Willits Bypass project is no longer funded, and both the future availability of funding and the construction schedule appear speculative at this time. The Revised DEIR traffic analysis assumed that the Willits Bypass construction would start in 2012 and be completed in 2016 (page 204). Without the Willits Bypass, the significance after mitigation of bad weather safety Impact 4.4-D at the project access driveway requires revision. Mitigation Measure 4.4-D.1 on page 223 states that once the Willits Bypass is constructed, northbound truck drivers wanting to turn left into the quarry during periods of reduced visibility will be required to proceed north to the first Bypass interchange and use the ramps to reverse direction and access the project via a right turn from the north. The subsequent paragraph on impact significance after mitigation states that there remains some hazard of drivers turning left into the project until the Willits Bypass is constructed. Given the uncertainty about construction of the Willits Bypass, additional mitigation should be identified for this safety impact; otherwise, a significant safety impact should be determined. 11-6

The vehicle miles traveled (VMT) data in Table 5.2-1 on page 363 of the Revised DEIR presents several discrepancies that must be addressed with further explanation or correction:

- Under Base Permit, the annual trip amount shown for Harris Quarry Aggregate is 3,719. However, using 93,000 cubic yards per year hauled from the project site and an average truck capacity of 16 cubic yards, as described under "Existing Permit Conditions" in Appendix C, the total annual trips would be 5,812. 11-7
- Under Project, the annual trip amount shown for the Harris Quarry Aggregate is 7,550. However, using 258,000 cubic yards per year to be hauled from the project site, and average truck capacities of 20 cubic yards for aggregate trucked to the Willits concrete plant and 16 cubic yards for other aggregate material and AC, as described under "Project Trip Generation" in Appendix C, the total annual trips would be 15,660. 11-8
- Under Project plus Near Term Cumulative, the annual trip amount shown for Harris Quarry is 9,420. This increase of nearly 1,900 trips, or 25 percent, over the Project annual trips does not make any sense, given that total Quarry Aggregate annual trips are assumed to remain constant at 38,940 while the new Kunzler Quarry north of Ukiah is shown as absorbing 7,845 of those trips. A more reasonable outcome with the addition of the Kunzler Quarry would appear to be a reduction of annual trips at the Harris Quarry and other quarries where an increase was also shown; this would be consistent with the outcome described for the Harris Quarry Project, which showed the annual trips being reduced at all other quarries listed compared to the Base Permit scenario. 11-9

These discrepancies raise significant questions as to the reliability of the model used to calculate the VMT results presented in the Revised DEIR.

Alternative 3 – Quarry Only and Alternative 6 – Reduced Production both assume that the traffic safety improvements on Highway 101 required with the proposed project would not be made under these alternatives. Alternative 3, which would result in approximately the same number of trucks entering and exiting the site as the proposed project, is described on page 371 as having substantially increased traffic safety hazards because of the lack of Highway 101 improvements. As 11-10

described on page 380, Alternative 6 would generate the same amount of traffic as the current base conditions, which is a reduction of trips from the proposed project, and the continuation of existing safety hazards would not be an impact.

The assumption that Highway 101 improvements would not be made with these Alternatives does not provide a reasonable basis for comparison of their traffic impacts with the proposed project. Existing Observed Safety Concerns with the current Highway 101 roadway configuration are described starting on page 207. The section on Acceleration and Deceleration Lanes on page 208 states that the following are warranted under current base permit conditions: northbound left-turn deceleration lane for turns into the quarry, southbound deceleration lane for right turns into the quarry and northbound acceleration lane for left turns out of the quarry. A permit renewal is necessary for the quarry to continue operating at current base permit levels of production, which coincides with Alternative 6, and the conditions of that permit renewal and thereby the description of Alternative 6 should include the warranted Highway 101 improvements. Similarly, approval of Alternative 3 would clearly require Highway 101 improvements similar to the mitigation measures for the proposed project, including the three acceleration/deceleration lanes already mentioned plus a southbound acceleration taper for right turns out of the quarry. Using this reasonable basis of comparison, traffic safety impacts for Alternatives 3 and 6 would be very similar to the proposed project.

This concludes my review of the Revised DEIR. Thank you for the opportunity to provide input on this project.

Very truly yours,

Richard K. Haygood

Richard K. Haygood, P.E.
Senior Associate

Response to Letter from Richard K. Haygood (TJKM)

11-1. The RDEIR inaccurately stated that the 2006 traffic counts were included in Appendix C. To reduce report length, they were removed from that appendix prior to publication and the citation to Appendix C was not caught and removed. The RDEIR should have stated that the counts were In Appendix E of the original DEIR, which is on file for public review at the offices of the County Department of Planning and Building Services. This correction to the text has been made in Chapter 3 of this FEIR. That said, the intersection service level evaluations for the year 2010, 2030 and 2040 presented in the Revised DEIR are based upon the 2006 traffic volume data factored upwards based upon growth projections published by Caltrans District 1 of 1.5%. A review of the initial data and the adjustment factors together with historical traffic volume data, also published by Caltrans, for U.S. 101 in the vicinity of the Harris Quarry shows that the projections for projected traffic volumes for the years 2010, 2030 and 2040 are overestimated. The consequences of this overestimation of traffic volumes results in higher vehicular delay and lower service levels than will likely occur in the future, making the analysis that was performed for the RDEIR conservative. If the analysis were based on lower growth rates, as the commenter suggests, lower projected future traffic volumes would result on U.S. 101 translating to reduced potential project impacts. The traffic engineers agree that the economy has had an impact on traffic volumes on roadways throughout the nation and state. The analysis in the RDEIR is accurate and needs no revision. As Comment Letter 2 from Caltrans states, the EIR–recommended mitigation measures reduce impacts to U.S. 101 to a less-than-significant level.

11-2. It is true that with increased production at the Harris Quarry delay on the Black Bart Drive approach would be expected to increase by an average of 2.1 seconds during the 11 a.m. to noon hour in July if the existing geometric conditions were maintained. However, since implementation of the recommended mitigation measures will improve service to LOS C conditions with an average delay of only 17.3 seconds, the impact is less-than-significant. The evaluations and conclusions presented in the Revised DEIR are clear as presented in Appendix C.

11-3. The use of "normal" operating periods was intended to provide a sense of the number of truck trips that will likely occur mid-week on average, outside of the July and October peaks used in the detailed analysis. The "normal" operating periods typically are expected to occur in the months of May, June, August, and September (and even less during the winter and early spring months). It is recognized that the number of truck trips to and from the quarry will vary depending upon the need for aggregates on any particular day. Some days will have higher or lower than average demand. Also, there will typically be fewer truck trips to and from the quarry than used to assess worst case conditions during peak travel on Highway 101 in July and October during peak production occurs. In any case, the trips for the peak periods are the ones used to assess actual project impacts.

11-4. The applicant's and the EIR traffic engineers agree that this configuration, like many intersection configurations, presents the opportunity for potential conflict points. However, they feel that the potential conflicts would be reduced when compared to existing conditions, and the proposed configuration represents an improvement.

The recommended highway improvements will allow drivers entering and exiting the Harris Quarry site to accelerate and decelerate outside the through lanes on US 101. Vehicles, primarily loaded trucks, can accelerate to nearly the same speed as through traffic prior to merging into the traffic stream. This reduces the delay to vehicles exiting the site, as drivers only have to contend with one direction of traffic flow on the mainline at one time. The acceleration and deceleration lanes reduce the potential for rear-end collisions by providing a refuge area for vehicles that are accelerating, decelerating, or waiting to turn. The northbound acceleration lane will extend well beyond the intersection of Black Bart Drive and provide the added benefit of allowing drivers turning left onto US 101 from Black Bart Drive to accelerate prior to their merge. The northbound acceleration lane also permits drivers turning left from Black Bart Drive to contend with vehicles moving in only one direction at a time while making the left turn movement onto U.S. 101. This improvement will reduce delay and improve overall levels of service (and safety) to motorists on Black Bart Drive compared to existing conditions.

It should also be noted that in all cases, the levels of service for the minor vehicle movements at the Black Bart Drive intersection and the Harris Quarry approach improve with the mitigation measures in place when compared with existing conditions. Improved service levels and reduced delay for the minor movements at intersections are direct indications that drivers will find it easier to make turn movements into and out of Black Bart Drive. Presented below are responses to specific concerns raised by the commenter.

Northbound vehicle attempting left turn pulls into lane behind slow-moving truck, requiring rapid deceleration from fast-lane speed. With the truck in front, visibility between the left-turning driver and oncoming southbound traffic will be obscured. A driver pulling in behind a slower moving vehicle will need to decelerate. However, as there is adequate sight distance along U.S. 101, a rapid deceleration would not be necessary for a prudent driver. The prudent motorist can see well in advance that there is a truck entering the left-turn lane and can decelerate at a comfortable rate to merge into the left-turn lane without an abrupt speed change.

A driver behind a large truck, on any roadway, can be obscured to opposing traffic. However, a prudent driver following close behind is still required to yield to oncoming traffic before turning left. The prudent driver will slow or stop in the left turn lane waiting for the leading truck to increase the distance separating them and increasing the sight lines to opposing traffic. Having waited until opposing traffic is clear, the turn can then be completed safely.

In addition, this risk should be compared to the existing situation where a northbound driver wanting to enter the left-turn pocket for Black Bart Drive could encounter a slow-moving, accelerating truck in the northbound through lane at or before the left-turn pocket. That driver either needs to slow to pull in behind the accelerating truck or speed up and pull into the left-turn pocket in front of the truck. The increase in risk of accident over existing conditions is slight if any.

Northbound vehicle attempting left turn pulls into the lane ahead of slow-moving truck, potentially requiring rapid deceleration depending on the remaining distance in front of the truck before reaching the intersection. The slow-moving truck must choose between avoiding the left-turning vehicle by pulling into the fast lane before reaching sufficient speed, or slowing and potentially stopping until the vehicle ahead makes the turn and then proceeding to use the remaining portion of the acceleration lane, which will not be long enough to reach adequate speed before merging into the fast lane.

The conditions described are possible; however, the possibility remains very low. Potential conflicts are reduced as both accelerating vehicles and decelerating vehicles are traveling in the same direction. Vehicles turning left from the Harris Quarry site will be traveling slowly as they begin accelerating prior to merging. Should there be a vehicle waiting to turn left into Black Bart Drive the driver of the accelerating vehicle leaving the Harris Quarry site will be traveling slowly and have sufficient reaction time to slow or stop to avoid a collision. Also, the ability to see potentially conflicting vehicles is essential to completing maneuvers safely. There is more than adequate sight distance to permit drivers to clearly see the other vehicle and adjust their speed or delay their turn to avoid a conflict. The slowed or stopped truck will have lost some of the distance needed to accelerate, but this condition will be no worse than existing operations, and the probability of the confluence of these multiple events is very low.

Again, this risk should be compared to the existing situation where a northbound driver wanting to enter the left-turn pocket for Black Bart Drive could encounter a slow-moving, accelerating truck in the northbound through lane at or before the left-turn pocket. That driver either needs to slow to pull in behind the accelerating truck or speed up and pull into the left-turn pocket in front of the truck. The increase in risk of accident over existing conditions is slight if any.

Northbound vehicle attempting left turn is stopped waiting for a gap in southbound traffic, when an accelerating truck approaches from behind. The problematic options for the slow-moving truck are the same as described in the immediately preceding bullet point.

The slow or stopped truck will have lost some of the acceleration distance; however, a shorter acceleration lane is better than the existing conditions and the probability as stated in the RDEIR of the confluence of these multiple events is very low (less than 3 percent for peak periods). Further, responding to the conditions described is well within the capabilities of drivers who operate trucks.

11-5. As noted above, the confluence of multiple events would occur less than 3 percent of the time, and the situation would be better than existing conditions. Also, this 3% confluence applies to the worst case traffic conditions during peak July and October days; for other periods it would be much less. The lane warrant calculations for acceleration lanes and tapers are provided in Appendix G or the Updated Supplemental Traffic Impact Study (Appendix C of the Revised DEIR). The calculations do not show the probability of a potential conflict in the shared left-turn/acceleration lane as it was imbedded in the work sheet that was used and does not show in the printouts. They have been separated out and are shown in the two sheets presented after responses to this letter. The Opposing Volume is the southbound movement on Highway 101, the left turns are the turns being made onto Black Bart Drive and the Advancing Volume are the trucks using the acceleration lane. Note that the factored truck volumes are a worse case scenario that assumes that the trucks leaving the quarry will be traveling at 65 MPH. The model was run for the 2040 July and October numbers for the 11-Noon hour and in both cases the probability is below 3 percent. This overestimates the potential impacts of this project, and that a more realistic evaluation would use the un-factored truck volumes and truck speeds of around 35 MPH. Using non-exaggerated volumes and speed would reveal a much lower probability of potential conflicts.

A key element of the proposed acceleration and deceleration lanes is the ability of motorists to see other vehicles and to have sufficient time to react. This sight distance is called “Decision Sight Distance” and the available sight distance exceeds the 1,050 feet needed for speeds of 65 mph on Highway 101.

11-6. The comment is inaccurate regarding the status of the Willits Bypass project; see previous Response 10-7 about the status of this project. This is a planned project. It is accurate that there would remain some risk until the bypass is completed (which is likely to be in 2014 if construction begins in 2012 as estimated). However, as is stated in the conclusions regarding this impact on page 223, the overall reduction in safety hazards outweigh this hazard that would occur until the bypass is constructed.

11-7. Vehicle miles traveled (VMT) is the measure of the total miles traveled by residents, customers, employees or delivery of goods to and from a source or location. VMT serves as a measure of the broader potential impacts of vehicle travel on an areawide circulation system and correspondingly relates to fuel consumption and vehicle emissions that include green house gases.

The VMT calculations done for the DEIR showed that truck trips from the Harris Quarry will likely be lower than projected by just dividing the total production potential by the average capacity of haul trucks. The VMT calculations are based upon a fixed demand for aggregates in the County and uniform production costs between quarries. Holding demand and production costs constant, travel time to deliver aggregates becomes the variable that determines which quarry will likely provide a portion of aggregates to the various population centers. The sum of the aggregate demand projected to population centers results in the likely number of truck trips from that quarry. This analysis indicates that with the Harris Quarry

and all other aggregate production sites running at capacity, the share that the Harris Quarry site would need to produce is likely to be less than the project's allowable maximum production. This results in a different number of haul trips to quarries than obtained by simply dividing the production by the capacity of haul trucks. This is explained in more detail below. Nevertheless, the RDEIR assesses a worst case of the project operating at maximum production levels.

The demand for aggregates is a function of population and will increase over time with population. This relationship is recognized in Section 8.3 of the *Background Report for the Mendocino County General Plan Update*. From day to day, month to month, and year to year there will be variations depending upon the locations of major projects; however, over time the demand for aggregates will follow population patterns in the County. Specific projects such as the Willits Bypass are not included in the VMT evaluation as projects of this type change from year to year and do not represent average conditions. For these reasons VMT is calculated on an average annual basis. The total demand for aggregates and asphalt is expected to be met by a combination of quarries, mines, and asphalt plants currently operating within Mendocino County and the neighboring Counties of Humboldt, Lake and Sonoma.

Using the Mendocino County General Plan Update Growth Projections for incorporated cities and adjacent environs, population centers or sub-areas were identified and the distance from the operating quarries to the center of each sub-area was determined. Standard gravitational model theory indicates that the portion of total project trips to a sub-area is proportional to the population of the sub-area and inversely proportional to the square of the total trip distance. Using this methodology, quarries that are closer to population centers will provide more aggregate or asphalt to those centers and correspondingly fewer trips to population centers of equal size that are further away. Likewise, larger population centers will have a greater demand potential than smaller centers and will attract more trips from all available sources. Application of this theory indicates that for two quarries or plants of equal size, the one that is closest to a population center will provide more material to that center than one further away. The number of trips and VMT from each quarry and asphalt plant to each population center fulfilling the demand for aggregate and asphalt within the County can then be calculated.

VMT would be expected to increase as the population of Mendocino County increases, resulting in an increase in the demand for aggregate and asphalt. If production levels of aggregate and asphalt within Mendocino County remain constant and the demand increases, the shortfall will be filled increasingly by out-of-county sources. Trips made from out-of-county sources have greater travel distances and result in higher VMT overall. Conversely, the expansion of the Harris Quarry together with asphalt production would result in fewer VMT in the future as a greater portion of the total demand will be met by local quarries and asphalt plants within Mendocino County and less from out-of-county sources.

11-8. See Response 11-7 above. The results of the VMT analysis are that the Harris Quarry will likely not achieve peak production when considering available

capacity of all other sources of aggregate producing aggregates for use in Mendocino County. As stated previously, regardless of this fact, the RDEIR assesses a worst case of the project operating at maximum production levels.

11-9. A review of the calculations revealed a formatting error that resulted in a higher number of trips to and from the Harris Quarry than are actually expected (see Response 11-7). Corrections have been made to Table 5.2-1 of the RDEIR; the revised version is provided below. As seen in the table, the addition of the Kunzler Quarry will result in the redistribution of trips providing aggregates to Mendocino County and will reduce the total vehicle miles traveled by trucks delivering aggregates by 213,190 vehicle miles traveled per year. This revised table is incorporated into the EIR – see Chapter 3. The reduction in VMT now totals 366,712 vehicle miles traveled per year instead of 1,084,440 as shown in the original table. The table was used to assess and compare the impacts of the project against the project alternatives. In those cases where the project or project alternative was reported as reducing the VMT, no change is needed for this discussion. The reduction will be less than assumed, but the discussions were based on a qualitative discussion of a VMT reduction and did not cite actual quantitative VMT reductions. This is because the EIR preparers are aware that such modeling is based on certain assumptions that may need to be revised (as is the case). As is stated on page 365 of the RDEIR, "This VMT analysis is based on several modeling assumptions. It is possible that the reductions on VMT could be less (or more) than described here. However, the modeling does indicate that the project would result in at least some reduction in VMT. Therefore, it is concluded that for Alternative 1, if the project were not approved, there would be an increase in VMT, especially by trucks hauling asphalt." This statement remains accurate, and no changes need to be made to the alternatives analysis except to replace Table 5.2-1.

Revised Table 5.2-1

Vehicle Miles Traveled Summary

Quarry *Aggregate VMT*	Base Permit		Project		Project plus Near Term Cumulative		Change In VMT
	Annual Trips	Annual VMT	Annual Trips	Annual VMT	Annual Trips	Annual VMT	
Harris	3,719	98,761	7,550	225,263	4,494	175,631	76,870
Davis Pit	3,721	322,636	3,579	318,899	2,889	282,894	-39,742
Keithly Ranch	4,959	415,506	4,747	401,631	3,847	366,318	-49,188
DNA River	1,240	145,695	1,209	144,970	972	127,656	-18,039
Cooks Humboldt	992	133,202	973	129,297	774	98,123	-35,079
Ford Gravel	9,920	287,671	8,096	236,262	7,597	271,745	-15,926
Ten Mile	2,480	75,480	2,018	58,816	1,459	38,935	-36,545
Pieta	2,481	109,033	2,058	89,771	1,605	75,623	-33,410
Layton Rock	2,480	69,650	2,088	47,997	1,761	29,530	-40,120
Cooks Valley	2,480	329,488	2,420	319,171	1,925	243,918	-85,570
Wisley Ranch	744	25,178	591	19,419	422	12,982	12,196
Coal Mine	1,241	108,060	1,199	104,864	954	80,090	-27,970
Syar Healdsburg	2,449	326,041	2,412	319,551	1,942	280,657	-45,384
Kunzler	0	0	0	0	8,341	149,109	149,109
Total	***38,936***	***2,446,401***	***38,940***	***2,415,911***	***38,982***	***2,233,211***	***-213,190***
Plant (AC VMT)							
Harris	0	0	2,644	85,621	2,644	85,621	85,621
Granite	7,499	284,767	5,444	183,063	5,444	183,063	-101,704
Baxman	1,718	71,146	1,815	61,089	1,815	61,089	-10,057
BoDean/Syar (Santa Rosa)	2,501	445,239	1,816	318,347	1,816	318,347	-126,892
Total	***11,718***	***801,152***	***11,719***	***648,120***	***11,719***	***648,120***	***-153,032***
Project Total	***50,654***	***3,247,553***	***50,659***	***3,064,031***	***50,701***	***2,136,113***	***-366,222***

Note: VMT = Vehicle miles traveled

11-10. See Response 10-20 to this same comment.

Conflict Probability

Study Location	Southbound U.S. 101 Black Bart
Study Scenario	Future 2040
Study Period	July 11-Noon

INPUT			
Advancing Volume	Va	32	
Opposing Volume	Vo	1259	
Left Turn Volume	Vl	22	
Speed	MPH	65	MPH
Lanes	2 or 4	4	Lanes

Required Critical Headway	Gc	6	Seconds
Time to Make Turn	T1	4	Seconds
Time to Clear	Te	1.9	Seconds
Time of Wait	Tw	14.45215	Seconds
Mean Headway	Ta	112.5	Seconds
Mean Arrival Rate	λ	22	Vehicles/Hour
Mean Service Rate	μ	819.7632	Vehicles/Hour
Threshold Probability	ρo	0.03	
Probability	$\rho \iota$	0.026837	

Probability Exceeds Threshold	**NO**

Conflict Probability

Study Location	Southbound U.S. 101 Black Bart
Study Scenario	Future 2040
Study Period	October 11-Noon

INPUT			
Advancing Volume	Va	44	
Opposing Volume	Vo	983	
Left Turn Volume	Vl	22	
Speed	MPH	65	MPH
Lanes	2 or 4	4	Lanes

Required Critical Headway	Gc	6	Seconds
Time to Make Turn	T1	4	Seconds
Time to Clear	Te	1.9	Seconds
Time of Wait	Tw	9.185865	Seconds
Mean Headway	Ta	81.81818	Seconds
Mean Arrival Rate	λ	22	Vehicles/Hour
Mean Service Rate	μ	848.7277	Vehicles/Hour
Threshold Probability	ρo	0.03	
Probability	ρt	0.025921	

Probability Exceeds Threshold	**NO**

MEC

Howard F. Wilkins III
Remy, Thomas, Moose & Manley
455 Capitol Mall, Suite 210
Sacramento, CA 95814

July 17, 2011

Subject: Comments on the Revised Draft Environmental Impact Report for the Harris Quarry Use Permit Project

Dear Mr. Wilkins;

Miller Environmental Consultants (MEC) provided comments on February 4, 2008 on the previous air quality and noise analyses. We understand that those comments are not directly addressed in the Revised Draft EIR, however the updated analyses "may have" taken into consideration some of the earlier comments.

Air Quality Comments on the Revised Draft EIR

1. The project will burn large amounts of diesel fuel, which will result in the emissions of diesel particulate matter.

At the 300-ton per hour rate the Asphalt Plant would consume approximately 547 gallons of diesel fuel per hour. 12-1

> "In 1998, California identified diesel exhaust particulate matter (PM) as a toxic air contaminant based on its potential to cause cancer, premature death, and other health problems. Diesel engines also contribute to California's fine particulate matter (PM 2.5) air quality problems. Those most vulnerable are children whose lungs are still developing and the elderly who may have other serious health problems."

The overall concern for health is a key reason why Keep the Code would like the project to be modified. Key modifications to reduce diesel particulate matter and other toxic air pollutants would be to eliminate the Asphalt Plant from the project and to use more electricity on the site as opposed to diesel generators.

2. The analysis of Greenhouse Gas Emission (GHG) should indicate that Indirect Sources are Significant because they exceed the 1,100 MT CO2e/year threshold. 12-2

Table 4.6-21 shows that total indirect GHG emissions of the project would be 1,821 CO2 MT per year. This exceeds the threshold (1,200 MT of CO2e/year) identified in Table 4.6-8 for projects other than stationary sources. **This is a significant GHG impact of the project that should be identified in the Revised Draft EIR.**

3. Strict controls will be needed on the Asphalt Plant as the Revised EIR has its operation limited to 10 hours per day and operations averaging only about 1 day per week. 12-3

The Asphalt Plant seems to be dramatically oversized. It will be able to produce 300 tons per hour (see page 79 of Revised Draft EIR) but production would not exceed 150,000 tons per year (see page 80 of Revised Draft EIR). If operations ~~are~~were 10 hours per day, ~~that~~ then there would be a full operational production rate of 3,000 tons per day. This would limit full production to only 50 days per year, or about 1 day of operation per week. How w~~W~~ill these limits be enforced? The 300 tons per hour matches the quarry ~~revised~~ increased extraction limits, so it appears that the asphalt plant could theoretically use all the quarry output and operate much more frequently than an average of one day per week. Operational limits on peak production, and cumulative production of asphalt is critically important to determine air pollutants. It is not clear in the Revised Draft EIR how the asphalt plant capacity will be limited. Please explain.

4. Some Air Quality Mitigation Measures rely upon future studies and CEQA review that may not be appropriate.

Mitigation Measures 4.6-B.1, 4.6-E.1, 4.6-E.2, and 4.6-F.1 all rely upon additional impact assessment and a somewhat undefined "additional CEQA review "prior to issuing MCAQMD permits". Who will conduct the additional studies? Will they be available to the public? Who will conduct the additional CEQA review? Can we be guaranteed that the public will be made aware of "additional CEQA review"? 12-4

5. Will there be a commitment on the applicant's part to comply with Mitigation Measure 4.6-I.1 (page 298 of the Revised Draft EIR)?

This is a laundry list of "recommended measures" – will they actually be required to mitigation GHG emissions? It would be reassuring if the applicant would adopt portions of Mitigation Measure 4.6-I.1 as part of the project prior to finalizing the EIR. 12-5

6. For this project, NOx levels are from the combustion of diesel fuel and are a direct indicator of diesel particulate matter which has been shown to increase cancer risk. 12-6

The significant NOx impact from increased operations and a new on-site source (Asphalt Plant) will negate improvements in air quality that would otherwise occur through requirements for better fuel and engines to reduce diesel particulate matter. The proposed project would eliminate any local improvements from statewide efforts to reduce diesel particulate matter emissions.

12-7

7. All the modeling seems to be based on questionable meteorological data that does not address the site-specific characteristics of the project site. According to the Air Quality Appendix, all of the meteorological data was collected in the area, but not at the project site. This data is probably only generally representative of the area and not representative of the specifics of the project geography, including the north-south valley to the southwest of the project site, Walker Valley, which will act as a conduit for air pollutants if the project is developed. The Revised DEIR Air Quality chapter does not mention any skepticism about the meteorological data that was used for the modeling of dispersions of criteria pollutants, odors, and toxic air contaminants in the Health Risk Assessment. The Air Quality Appendix is clearer about the meteorological data that was used, but in reading the description, one has to wonder about the quality of the data in addition to the concern that it was collected several miles from the project site.

Using appropriate meteorological data is critical to dispersion modeling. It is not clear that appropriate meteorological data was used. Again, the Air Quality Chapter says nothing about the quality or location of meteorological data that was used in the modeling in the Revised DEIR. It turns out that the monitoring

station is 4.7 miles away from the Harris Quarry and there is no discussion in the DEIR about the site-specific meteorology at the Harris Quarry. Why is the data from another location 4.7 miles away relevant given the unique terrain at the Harris Quarry and the populated Walker V~~-~~valley to the southwest that is the location of the Ridgewood Ranch community, Golden Rule Mobile Home Park and La Vida School? Is the data appropriate? Figure 1 from the Revised DEIR Appendix shows the wind patterns that were relied upon in the Revised DEIR. In the north-south Walker V~~-~~valley to the southwest of the project site, is such a wind pattern possible? It would seem that the wind pattern would follow the valley more often to the north and south – especially under calm conditions. Here is what the Revised DEIR Appendix says about the modeling:

> "Meteorological data from a monitoring station in Willits for February 1, 2004 to January 31, 2005 were used with the ISCST3 model. This monitoring station was located at the former Apex/Remco chrome plating facility in Willits. It was operated in accordance with U.S. EPA protocols between April 2003 and July 2005 (a description of the meteorological data collection is at the end of this appendix). Rural dispersion coefficients were selected because the area consists of open space and lightly developed land uses. The Willits meteorological monitoring site is about 4.7 miles northwest of the concrete/asphalt plant and is the closest meteorological monitoring station to the project area.[1] A wind rose illustrating prevailing wind speeds and directions during February 1, 2004 to January 31, 2005 is included in the description of the meteorological data at the end of this appendix.
>
> Footnote /1/ The MCAQMD operates a meteorological monitoring station in Willits; however, the data collection and quality assurance has not always been performed in accordance with U.S. Environmental Protection Agency protocols. At the suggestion of Dean Wolbach, Air Pollution Control Officer of the MCAQMD, Impact Sciences, Inc. contacted the Environmental Health Investigations Branch (EHIB) of Department of Health Services. In June 2004, EHIB released a public health assessment (PHA) of the former AbexlRemco Hydraulic Corporation chrome plating facility in Willits. The PHA relied on dispersion modeling conducted by the U.S. Public Health Service, Agency for Toxic Substances and Disease Registry, using the MCAQMD meteorological data. As an alternative to obtaining the model-ready meteorological data from ATSDR, DHS indicated that Precise Environmental Consultants, a consultant for Remco, may have a copy of the data used in the PHA. David Suder of Precise Environmental Consultants told Impact Sciences, Inc. that better meteorological data, collected at the Remco site in Willits and reviewed in accordance with USEPA protocols, were available, but not in a format for dispersion modeling. (The PHA also indicates that the MCAQMD data used in that assessment had data inconsistencies.) Mr. Suder provided the meteorological data in a model-ready format. Although the data extended from April 2003 to July 2005, Mr. Suder suggested using the data for the 12-month period from February 1, 2004 to January 31, 2005, due to errors in the data collection or excessive missing data in other portions of the monitoring period."

From the above discussion in the Revised DEIR Appendix, it is unclear how good the meteorology data is that was used in the Revised DEIR and a bigger question is whether the 1-year of data that was collected miles from the project site is really representative of the range of meteorological conditions that will be experienced at the Harris Quarry. Furthermore, the elevation of the Willits meteorological monitoring site is 1,391 feet, whereas the elevation of the proposed asphalt plant site is about 2,200 feet. This elevation difference is compounded by the fact that the proposed asphalt plant site is located on the highest ridge in the area, whereas the Willits meteorological monitoring site is in the Little Lake Valley. These site locations have substantially different geographical characteristics in regard to wind exposure, intensity and direction.

The site-specific wind characteristics of the proposed asphalt plant are critical to understanding the dispersant pattern of air-bourn pollutants. This critically important site-specific climatological information and analysis should be available for public review and comment.

8. The Revised Draft EIR does not provide substantial evidence that the facility would be centrally located and reduce future NOx emissions.

12-8

The idea that the facility is centrally located and therefore actually will improve air quality (by reducing overall Vehicle Miles Travelled related to aggregate deliveries) should be removed from the analysis in the Revised Draft EIR. This concept is based on a brief memo from W-Trans in Appendix B of the Revised Draft EIR. The W-Trans memo explains that their analysis is based on holding aggregate demand and trips at a constant level. The W-Trans memo does not explain how they have determined which quarries will deliver aggregate in the future to which locations. While we acknowledge that location is important, the W-Trans analysis does not consider competitive business practices.

According to the W-Trans analysis (Table 8A), Harris Quarry and Kunzler Quarry will be the main quarries increasing deliveries and VMT and almost all the other quarries will have ~~less~~ fewer deliveries. This simplistic analysis is nothing more than a simplistic analysis that holds total deliveries constant and expects other quarries will just proportionally reduce their operations. We do not understand why the other quarries would not strive for geographic diversity by cutting prices and increasing their delivery miles – thus increasing total VMT for the total aggregate delivery system.

MEC agrees with the June 16, 2011 letter by Keep the Code to the Commissioners:

- If we leave the "Willits Bypass" issue out of the equation, there is no certainty where a project may develop. If a construction project in the county requires asphalt, then there would be emission of air pollutants, and green house gasses, and consumption of diesel fuel... but not necessarily an increase as a result of this Alternative 6. There is no "central location." The emissions may or may not increase, and to make such an assertion is insupportable and speculative.

Sincerely,

Paul Miller

Paul Miller
Air Quality Specialist

cc: Keep The Code

Response to Letter from Paul Miller (MEC)

12-1. The concern regarding diesel particulates is noted for the record. As described in Impact 4.6-I, project-generated DPM emissions would not cause a significant health risk. Additional PG&E-supplied electricity beyond that proposed by the applicant is not available at the site due to inadequate transmission line capacity. The RDEIR assesses project alternatives that exclude the asphalt plant.

12-2. Please see Response 8-50 regarding this same comment.

12-3. Please see Response 8-18 regarding this same comment regarding how operational limits will be imposed and enforced.

12-4. Please see Response 8-62 regarding this issue.

12-5. The items are not a "laundry list." The cited mitigation measure states that at least all the listed items in the mitigation measure will be conducted.

12-6. The comment is accurate. However, the EIR cannot measure project impacts using a projected future condition as the baseline. The RDEIR calculates and assesses project impacts as required by CEQA.

12-7. Site-specific meteorological data sufficient for use with air quality dispersion models were not available for the Harris Quarry site or from other nearby locations in the vicinity of the project site. In order to calculate long term pollutant concentrations, such as annual averages, for use in calculating potential cancer risks due to long term exposures, air quality dispersion models require sequential hourly meteorological data. The meteorological data used for modeling includes hourly values for wind speed, wind direction, ambient temperature, atmospheric stability, and atmospheric mixing heights.

The closest location to the project site where meteorological monitoring has been conducted that includes the requisite meteorological parameters for dispersion modeling on an hourly basis was the monitoring station in Willits. The Willits monitoring station was located near South Main Street, between Franklin Avenue and Walnut Street, at an elevation of about 1,400 feet. This monitoring station is about 4.7 miles northwest of the project site. Elevations at the project site range from about 1,850 feet at the quarry site to about 2,200 feet at the location of the proposed asphalt plant.

Based on the Willits monitoring site location and its surrounding area, meteorological data from this station was considered generally representative of conditions in the region. Since site-specific meteorological data were not available these data were used in the RDEIR dispersion modeling to estimate pollutant concentrations and calculate health risks in the project area. While there would be some variation in meteorological conditions between the Willits site and the project site due to differences in elevation and local topography, for dispersion modeling purposes the Willits data was considered to be reasonably representative of the range of meteorological conditions encountered at the

project site. Due to the higher elevation of the project site compared to Willits, wind speeds at the project site are expected to be greater than winds in Willits.

In order to evaluate the representativeness of the Willits meteorological data with respect to the Harris Quarry site and to assess whether these data weret appropriate for use in the RDEIR's dispersion modeling of potential health related impacts from the project, additional meteorological was developed for the Harris Quarry site for this FEIR by Lakes Environmental[7] based on a high resolution meteorological model designed to analyze the horizontal and vertical structure of the atmosphere. Lakes Environmental used the wind fields and other data produced by the MM5 model (5th generation Mesoscale Model) to produce a set of surface-based hourly meteorological data, including wind speed and wind direction, for the Harris Quarry site location for the same year as the Willits meteorological data (2004) used for the RDEIR dispersion modeling.

The MM5 model is a widely used three-dimensional numerical prognostic meteorology model developed by Pennsylvania State University and the U. S. National Center for Atmospheric Research (NCAR). The model is a limited-area, non-hydrostatic, terrain following sigma-coordinate model designed to simulate or predict mesoscale and regional-scale atmospheric circulation by solving for the full set of physical and thermodynamic equations which govern atmospheric motions[8]. The model uses objective analysis to process observed data at weather stations and output them to a regular grid. Using the gridded MM5 data and a specific site location, surface meteorological data are developed by creating a pseudo meteorological station and extracting the data from the grid cell that contains the site location.

Surface meteorological data derived from MM5 data has been used for air dispersion modeling when other meteorological data are not available. In California, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has prepared MM5 derived surface meteorological data for a number of locations within the San Joaquin Valley where there are no airports with data available for modeling. These meteorological data sets are allowed for use in dispersion modeling for health risk assessment when other data are not available.

Using MM5 data from 2004 and the location of the Harris Quarry, Lakes Environmental developed a set of hourly surface meteorological data for 2004 in the National Weather Service SAMSON format. This data included hourly wind speed and wind direction data. The wind speed and direction data were then used for comparison with the Willits meteorological data for 2004 to assess the reasonableness of the Willits data for use in dispersion modeling for the health risk assessment presented in the RDEIR.

One of the basic methods of graphically presenting the wind conditions, direction and speed, over a period of time at a specific location is through use of a wind rose. The wind rose gives a succinct view of how wind speed and direction are

[7] http://www.weblakes.com/

[8] Grell, G.; Dudhia, J.; Stauffer, D. *A Description of the Fifth-Generation Penn State/NCAR Mesoscale Model (MM5)*, National Center for Atmospheric Research, Boulder CO., 1994.

typically distributed at a particular location. Figures 1 and 2 below show wind roses for the 2004 Willits meteorological data and the MM5 derived surface meteorological data for the Harris Quarry site, respectively, during the daytime hours 6 a.m. to 6 p.m. This time period is representative of the conditions when project operations would occur and was also used in the dispersion modeling. The wind directions shown in the wind roses are for the direction that the wind is coming from.

As can be seen in the figures, both wind roses exhibit similar characteristics with the predominant winds from the west through northwest. The Willits data shows the predominant wind direction from the west being much more pronounced than the Harris data. Overall, the Harris data shows a shift in the wind direction from the west to the west-northwest, with the winds being more distributed between the west and northwest than the Willits data. Average wind speeds during the daytime hours at the Willits site and from the Harris data are 6.6 mph and 7.4 mph, respectively, with maximum wind speeds of 19.2 mph and 24.6 mph for Willits and Harris data, respectively. Annual average wind speeds for all hours of the day are 5.1 mph for the Willits site and 7.2 mph for the Harris data.

Based on the comparison of the Willits meteorological data and the MM5 derived data for the Harris Quarry site, several general observations can be made. First, the general pattern of winds is similar between the two sites, with the predominant winds at the Harris site being more distributed between the west and northwest than those observed in Willits. Second, the Harris Quarry site is, on average, expected to experience higher wind speeds than the Willits meteorological data would indicate. The effects of these differences between the Willits and Harris data on the results of the RDEIR air dispersion modeling and associated health risks are discussed below.

The transport and dispersion of pollutants in the atmosphere is governed by a number of factors, one of which is the wind speed. In Gaussian dispersion models, such as the one used for the RDEIR modeling, the pollutant concentration at a downwind location from an emission source is inversely proportional to the wind speed[9,10]. That is, as the wind speed decreases the concentration increases. Or conversely, for a given level of emissions from a source, the downwind concentration at a specific location will decease as the wind speed increases. Therefore, when considering that the wind speeds used in the dispersion modeling based on the Willits data are likely lower than may occur at the project site the predicted concentrations from the RDEIR dispersion modeling are likely overestimated due to use of lower than actual wind speeds.

In addition to the effect of wind speeds on pollutant concentrations, the location of receptors relative to the emission source and the frequency of winds that would transport emissions towards the receptor must be considered. In the RDEIR, the dispersion modeling for the health risk assessment evaluated

[9] D. Bruce Turner. *Workbook of Atmospheric Dispersion*, U. S. EPA, 1970.
[10] U.S. EPA. *User's Guide for the Industrial Source Complex (ISC3) Dispersion Models, Volume II – Description of Model Algorithms*. September 1995.

Figure 1: Willits, CA Wind Rose – Daytime Hours (6 a.m. – 6 p.m.

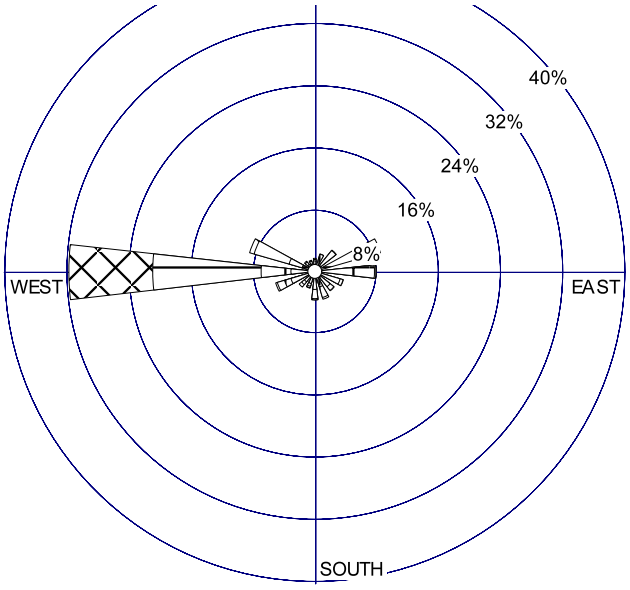
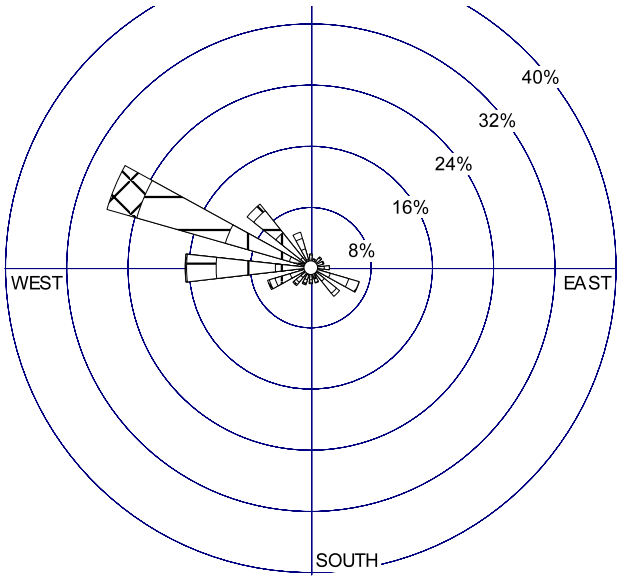


Figure 2: Harris Quarry MM5 Data Wind Rose – Daytime Hours (6 a.m. – 6 p.m.)



pollutant concentrations at locations of sensitive receptors. These included the residences off of Black Bart Drive to the west of the project; sensitive receptors to the south of the project site, which include the Church of the Golden Rule and the Golden Rule Mobile Village, and La Vida School; the CAL FIRE station north of the project site on the east side of Highway 101; and the commercial/residential area on the west side of Highway 101 near Black Bart Drive. In order for the Black Bart Drive residential receptors to be affected by emissions from the Harris Quarry, the winds would come from the east-southeast through southeast. Winds from the north-northeast through the north would transport project emissions towards the receptors south of the project (Church of Golden Rule, Golden Rule Mobile Village, and La Vida School), and winds from the south-southeast through south would transport project emissions towards the CAL FIRE station and the commercial/residential area adjacent to Highway 101 at Black Bart Drive. The RDEIR identified that the maximum health risks would occur at the receptors in the commercial/residential area adjacent to Highway 101 at Black Bart Drive. These receptors are closest to the project site.

To evaluate what effects the use of the Willits meteorological data may have on modeled concentrations in areas of sensitive receptors when compared to use of site specific project data, the MM5 derived Harris meteorological data was used as a surrogate for actual site specific measured data. This allows for reasonable conclusions to be drawn as to the appropriateness of the Willits data used in the RDEIR dispersion modeling and assess whether use of site specific monitoring would likely change the findings of the RDEIR.

For both the Willits data and the MM5 Harris data, the frequency of occurrence of winds, by time of day, along with the average wind speed, for each of the sixteen cardinal wind directions were calculated. Table 2 below summarizes the wind direction frequency and average wind speed during the daytime hours (6 a.m. to 6 p.m.) for both sites.

Table 2: Summary of Willits and Harris MM5 Wind Statistics For Winds Affecting Sensitive Receptors

Receptors	Wind Directions Affecting Area (deg)	Willits Wind Data[1]		Harris MM5 Wind Data[1]	
		Wind Direction Frequency (%)	Average Wind Speed (mph)	Wind Direction Frequency (%)	Average Wind Speed (mph)
Golden Rule[2]	NNE – N	1.4	3.8	3.1	6.0
Black Bart Residences	ESE – SE	3.6	3.1	5.6	8.8
Hwy 101/Black Bart Dr.[3]	SSE – S	3.7	4.2	2.3	5.9
CAL FIRE Station	SSE - S	3.7	4.2	2.3	5.9

[1] Wind data for daytime period between 6 a.m. and 6 p.m.
[2] Includes the Church of the Golden Rule, Golden Rule Mobile Village, and La Vida School
[3] Location of maximum health risks identified in RDEIR.

Using the data in Table 2 above the potential effects on the RDEIR dispersion modeling from use of the Willits meteorological data can be evaluated. While there are factors other than wind speed and direction that affect the transport and

dispersion of pollutant plumes, such as atmospheric stability, temperature, and the mixing depth of the atmosphere, wind speed and wind direction play a primary role in determining what a resulting concentration will be. As discussed above, a change in wind speed will directly change the concentration. If the wind speed increases, the resulting concentration decreases. For a receptor to be affected by an emission source the winds need to be blowing in the direction of the receptor from the source in order to transport the pollutants to the receptor. An increase in the frequency of winds in the direction of a receptor from a source indicates that the long term average concentration will also increase. The actual magnitude of the increase will depend on the individual hourly wind directions and the geometric relationship between the source and receptor.

Based on the information in Table 2, the RDEIR modeled concentrations at the CAL FIRE station and the commercial/residential area along Highway 101 near Black Bart Drive using the Willits meteorological data are likely overestimated since the frequency of wind in the direction of these receptors is higher for the Willits data compared to the Harris MM5 data, resulting in fewer hours of the year winds that the project could affect the receptors. Additionally, the wind speeds from the Harris MM5 data are greater than those used for the modeling with the Willits data, which would decrease the modeled concentrations. Since the highest health risks reported in the RDEIR were for the commercial/residential area along Highway 101 near Black Bart Drive, use of site specific meteorological data would likely result in lower concentrations and health risks. Thus, the maximum health risks for the project are likely lower than those reported in the RDEIR.

For receptors in the residential area of Black Bart Drive, modeled concentrations using the Willits meteorological data and associated health risks would likely be similar or lower if site specific meteorological data were used. Although there is an increase in the frequency of wind towards these receptors (5.6% for the Harris MM5 data compared to 3.6% for the Willits data), there is a substantial increase in the wind speeds associated with the winds towards the receptors in the Harris MM5 data (8.8 mph for the Harris MM5 data compared to 3.1 mph for the Willits data), resulting in decreased concentrations. Therefore, the health risks for these receptors would likely remain the same or decrease if site specific meteorological data were used. The health risks reported in the RDEIR associated with these receptors was well below the MCAQMD health risk significance threshold.

Modeled concentrations and associated health risks reported in the RDEIR for the receptors located south of the project site (Church of the Golden Rule, Golden Rule mobile Village, and La Vida School) were likely underestimated from use of the Willits meteorological data in the dispersion modeling. As shown in Table 2, the frequency of winds towards these receptors is 1.4% for the Willits data compared to 3.1% for the Harris MM5 data. This indicates that emissions from the project would likely affect these receptors more frequently if site specific meteorological data were used. The average wind speed for the Harris MM5 data for winds affecting these receptors is greater than the average wind speed for the Willits data (6.0 mph for the Harris MM5 data compared to 3.8 mph for the

Willits data). The increased wind speed at the project site would act to decrease the average concentrations. However, due to the magnitude of the increased frequency of winds towards these receptors, it is likely that the average annual concentrations and associated health risks based on use of the Willits data would increase from what was reported in the RDEIR. Based on scaling of the wind frequency and speed data, it is estimated that the annual concentrations could increase by 30% to 50%.

In the RDEIR the increased cancer risks for persons at the Church of the Golden Rule from the proposed project for 30 years of operation were calculated as 0.02 cases per million people, and 0.04 cases per million people for the Golden Rule Mobile Village. For operation of the proposed project for 70 years, the increased cancer risks would be 0.14 per million for the Church of the Golden Rule and 0.17 per million for the Golden Rule Mobile Village. The MCAQMD threshold of significance for increased cancer risk from a project is 10 cases per million.

The primary reason that the risks are low in area south of the quarry is due to the distance between the quarry and the receptors, about one mile or more. While meteorological conditions and the frequency of wind towards sensitive receptors obviously plays a part in the concentrations that these receptors will be exposed to, the degree of pollutant dispersion over the range of a mile is the predominant factor that results in very low pollutant concentrations and associated health risks.

In order for increased cancer risks from the proposed project to be considered significant in the area south of the quarry, they would have to be 60 to 250 times higher (6,000% to 25,000% higher) than those estimated in the RDEIR. The possible underestimation of annual pollutant concentrations due to use of the Willits meteorological data for the dispersion modeling in the RDEIR would not change the RDEIR conclusion that potential health risks effects at the Church of the Golden Rule or the Golden Rule Mobile Village would be considerably lower than the MCAQMD health risk significance thresholds.

Overall, based on review and comparison of the Willits meteorological data and surface meteorological data developed for the Harris Quarry site using the MM5 model, the Willits data appears to be reasonably representative of meteorological conditions at the Harris Quarry site. However, as may be expected due to elevation differences and the effects of local topography, there are variations between the Willits data and the MM5-derived Harris data. In particular, the Harris data shows a consistent increase in wind speed compared to the Willits data. The Harris data also shows a wider variation in the wind directions from the predominant wind direction (north through northeast) than the Willits data. From an air quality dispersion modeling perspective, given that actual site specific measured meteorological data are not available for the Harris Quarry site, use of the Willits meteorological data for the modeling conducted in support of the health risk evaluation in the RDEIR is both reasonable and appropriate. Use of site specific meteorological data for modeling would not substantially change the results from those presented in the RDEIR. Use of such data would

not result in a new impact, substantially increase the severity of the reported impact, require additional mitigation, or alter the conclusions in the RDEIR.

12-8. Please see Response 11-7 regarding the issue of VMT and aggregate supply and demand. As stated in the RDEIR, the project would reduce regional VMT. The VMT analysis does not include providing aggregate or asphalt for the Willits Bypass project. There are no grounds for removing the discussion of VMT from the RDEIR.

July 19, 2011

TO: Chip Wilkins
Remy, Thomas, Moose & Manley, LLP
455 Capitol Mall, Suite 210
Sacramento, CA 95814

FROM:
Matthew O'Connor, PhD, CEG #2449
Principal Geomorphologist/Hydrologist
President, O'Connor Environmental, Inc.



Subject: Comments on Harris Quarry Permit and Reclamation Plan-Revised Draft Environmental Impact Report (SCH# 2006112087)

Introduction

I have reviewed the aforementioned document, including selected supporting documents[1], and am offering comments pertaining to geologic conditions and slope stability at the site of the proposed asphalt processing facility. I have conducted this review as a consultant to Keep The Code, from which I am receiving compensation. I am well-qualified to offer these comments owing to my academic and professional training, and my experience in the geomorphology of the northern California Coast Range. I have a PhD in Forest Hydrology from the University of Washington (1994), as well as an MS in Wildland Resource Science from University of California, Berkeley (1986), and a BS in Environmental Earth Science from Stanford University (1981). I have been practicing as a private consultant since 1993, and have been practicing in northern California over ten years. I have worked on numerous projects evaluating hydrologic, geologic and geomorphic conditions for projects in northern California as Principal Geomorphologist/Hydrologist and President of O'Connor Environmental, Inc.

Summary

It is my opinion that slope stability hazards associated with the proposed grading and drainage plans for the asphalt processing facility (APF) have not been adequately evaluated in the Revised Draft EIR (RDEIR). Although Mitigations 4.1-B.1 and 4.1-B.2 implicitly acknowledge potential slope stability hazards associated with construction of the APF and provide for substantial additional geologic assessments in the project design phase, the RDEIR does not clearly identify and describe these potential hazards. I believe that it may be appropriate for some of these studies to be completed prior to project approval in order that the environmental review process is more fully informed regarding potential slope stability hazards. Specific comments, observations from the RDEIR, and supplemental information follow. 13-1

[1] Blackburn Consulting, Inc. (2005) "Geotechnical Report on Processing Facilities Pad". Unpublished report prepared for Northern Aggregates, Inc. 8 pages plus 3 figures and appendix.

Geologic Characterization of Asphalt Processing Facility

The geologic studies acknowledge the nearby Maacama Fault Zone, an active fault with maximum moment magnitude of 7.4 (RDEIR p.103). The Blackburn geotechnical report identified previously mapped, large, complex rock slides and earthflows south of the existing quarry site (see RDEIR Fig 4.2-2), apparently based on their review of published geologic maps. The RDEIR (p. 105) states "...the asphalt processing facility is proposed for an area of unknown subsurface conditions. The area is mapped as Franciscan and much of the Franciscan bedrock in the region consists of cohesive blocks of rock in a tectonically sheared mélange of weaker sandstone and/or shale." In the RDEIR, the description of groundwater conditions notes that "[S]everal springs are present to the north and west of the quarry area, in an area mapped as having intensely fractured sedimentary and meta-sedimentary bedrock"(p. 108). Blackburn's geotechnical report identified a "shallow, earthflow slump with serpentine material" (Blackburn Consulting, p.2), approximately 300 ft long and 100 ft wide located under the proposed APF extending under the proposed fill slope on the southwest edge of the APF. Exploratory trenches TP-1 and TP-2 suggested that the depth of the earth material associated with the slump was about 9 ft, below which depths the earth materials were harder and resisted excavation. Blackburn Consulting did not, however, provide any evaluation of stability of slopes below the proposed APF that will be subject to additional loads owing to grading and fills for the APF site. This geologic hazard is implicitly recognized by Mitigation 4.1-B.2-2 (RDEIR Table 2-2). Finally, all drainage from the APF is to be routed through a bio-swale resulting in concentrated and increased runoff to the small channel and slopes below the APF (RDEIR Fig. 3-7), adding to potential instability down-slope of the APF caused by accelerated erosion of the channel and/or soil saturation. The diversion of runoff to a new location on this slope west of the APF poses a substantial potential hazard because these earth materials are sensitive to increases in soil moisture.

13-2

13-3

The potential for unrecognized slope stability hazards below (west) of the APF is substantial. In a study of the Forsythe Creek watershed[2], I conducted aerial photo reconnaissance mapping of the area to identify hillslopes comprised of complex rock slides and earthflows. I used Mendocino County R.C.D. aerial photo stereo-pairs of color photos at 1 inch to 2,000 ft scale from March 2004, supplemented by limited field observations. These complex features contain numerous overlapping features of different ages and activities such that mapping discrete features is difficult. The APF site lies on the upper margin of one such map unit, which is widely distributed in the Forsythe Creek watershed. Areas within these complex rock slides and earthflows lower on the hill slope tend to have greater instability. Based on these observations and interpretations, there is potential for substantial stability hazards on the slopes below the APF.

13-4

[2] Bioengineering Associates (2006) Forsythe Creek Watershed Assessment. Prepared for the Mendocino County Resource Conservation District and Coyote Valley Tribe.

Conclusion

The RDEIR does not ignore potential slope stability problems associated with grading, cuts and fills necessary for the APF. It implicitly acknowledges that potential hazards do exist as demonstrated by Mitigation 4.1-B.2. However, the RDEIR tends to obscure the degree of hazard that exists. The presence of an earthflow near the center of the APF site noted in Blackburn's report is not mentioned in the RDEIR. In addition, the evaluations of the geomorphology and stability of the APF site rely on published maps to characterize the slopes adjacent to and below the APF. Although there is a relatively detailed geotechnical assessment of the APF site, I could not find any substantial reconnaissance or other evaluation describing slope conditions below (west) of the APF site in the RDEIR or its supporting documents. Given the extent of complex rock slides and earthflows I observed in this area in my previous study of Forsythe Creek, the presence of an earthflow on the APF site, the loading of slopes that will occur as the result of grading and fills for the APF, and the addition of runoff to these slopes from APF bio-swale drainage, I believe that the RDEIR has not sufficiently described potential geologic impacts of the project that create a substantial slope stability hazard. 13-5

Response to Letter from Matthew O'Connor (OEI)

13-1. Blackburn Consulting, Inc. (BCI) conducted an updated site review on September I5, 2011 to review the current slope conditions at the asphalt facility site given the concerns raised in this comment letter. Their September 2005 study of that site concluded the following:

"Scattered outcrops of hard, metavolcanic rock are exposed along the steep (natural) slopes west and south of the site, with some outcrops of serpentinized metavolcanic and/or metasedimentary, rocks. Some of the serpentinized rock occurs as blocks of resistant rock within a soft. clay-rich matrix. We observed a shallow, earthflow slump within serpentine materials at the southwest side of the site; we show the limits of this slump at Figure 2.

With the exception of the shallow slump. the natural slopes appear stable with no evidence of deep-seated landsliding. Based all our observations of existing cults in the area. the native (weathered rock) materials typically stand at slope gradients of I: I or steeper without significant erosion or failures."

Based on those observations, they conducted subsurface exploration and testing at the site, including the area of the shallow slump. The geotechnical report contains specific recommendations for site grading, rock excavation, fill placement, slope construction, treatment of the shallow earthflow, subdrainage and erosion control. Those recommendations were incorporated into the project plans prepared by Rau & Associates. The slope conditions they noted on September 19, 2011, including the limits of the shallow earth flow slump, are essentially unchanged from those observed in 2005.

The geotechnical report recommends keyways at the toe of all fills exceeding 5 feet in height. The minimum keyway width is 10 feet (20 feet for fills exceeding 20 feet in height) with a minimum depth of 3 feet into rock as determined by BCI. This meets or exceeds typical construction practice for fill slopes in the north coast area and is consistent with dozens of slope designs, including many successful highway embankments and landslide repair slopes, that BCI principal doing the analysis has conducted in his 36 years of geologic/engineering work. This design applies the imposed fill loads to the underlying stable rock (hence the rock keys) and not to shallow, potentially unstable material on native slopes beyond the site.

The EIR Geotechnical subconsultants (Questa Engineering) concur with this statement and note that while the existence of a shallow earthflow slump in the area of the asphalt plant was not explicitly stated in the RDEIR, a potential for unstable earth materials in the asphalt plant area was clearly noted. Mitigation Measure 4.1-B.2 would further serve to address any slope stability issues. This includes supplemental slope stability analysis to provide for the long-term stability of the fillslope.

In a response to the comments from OEI, BCI has indicated that the September 2005 report was intended as a design level geotechnical investigation and

provides specific recommendations for fill construction and cut slopes, including in the earthflow slump area at the southwest edge of the proposed asphalt plant site. As such, the mitigation measures shall be re-written – see Response 15-2.

13-2. The slopes west of the fill were reviewed and considered by Blackburn Consulting and included in the project design insofar as they will impact, or be impacted by, the project. The project plans address these slopes by incorporating specific geotechnical recommendations for site grading, excavation, fill placement, slope construction, subdrainage and erosion control. The one shallow earthflow affected by the project will be mitigated during site grading.

13-3. The runoff from the asphalt plant site would enter a swale that drains southwest towards Forsythe Creek. This swale does not travel east near the proposed fill. At its nearest point the swale is over 360 feet from the toe of the fillslope, and it drains away from the fillslope (see Figure 3-7 of the RDEIR). The additional runoff conveyed to this swale would not be substantial. More importantly, the swale is not near the fillslope, and runoff in this swale would have no effect on the stability of the fillslope.

13-4. This information is noted for the record. As described in the previous three responses, the fillslope has been designed to be stable in this landscape. With EIR-recommended mitigations, the impact regarding slope stability, including under seismic conditions, would be less than significant.

13-5. See Response 13-2 to this same issue. The commenter is incorrect in stating that the RDEIR did not sufficiently addressed project geologic impacts. The potential impacts were assessed by a qualified geotechnical consulting firm (Blackburn Consulting, Inc.), the project plans were developed consistent with their recommendations, and the Blackburn Consulting reports and the project plans were peer reviewed by the Certified Engineering Geologist and Registered Geologist of Questa Engineering, Inc. who were technical subconsultants for the RDEIR. The RDEIR recommended additional mitigations, including supplemental slope stability analysis to provide long-term stability. There is no evidence that a project constructed consistent with the project plans and the EIR-recommended mitigations would have more significant impacts than addressed in the RDEIR. However, it is recognized that the commenter may still disagree, which would constitute a disagreement among experts.

LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY
INCORPORATED
3333 MENDOCINO AVENUE, SUITE 200
SANTA ROSA, CALIFORNIA 95403
FAX: 707 546-1360

TELEPHONE: (707) 523-1181

TINA WALLIS
E-MAIL: TWALLIS@CFK.COM

September 6, 2011

VIA EMAIL:
spekaj@co.mendocino.ca.us

John Speka
Mendocino County Planning Department
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Re: *Harris Quarry*

Dear John:

The purpose of this letter is to provide the applicant's comments on Recirculated Draft EIR (RDEIR) for the proposed Harris Quarry Project. The proposed project consists of amending the Mendocino County Zoning Code to create a "Mineral Processing Zoning Overlay District;" adding the MP overlay to 18 acres the property where the project will occur; a thirty-year use permit allowing extraction of up to 200,000 cubic yards of material per year, production of up to 150,000 tons of asphalt per year, and nighttime operations of up to 100 nights per year; and a revised reclamation plan ("Project"). These comments are submitted in addition to Rau and Associates, Inc.'s September 2, 2011 letter and all attachments thereto.

Document Availability

The law firm of Remy, Thomas and Moose submitted a letter dated June 30, 2011 to Mendocino County ("County") alleging that all documents referenced in the RDEIR were not made available to the public. While the applicant disagrees with the allegations set forth in this letter, in an abundance of caution, the applicant worked with County staff to verify that all legally required documents were available to any member of the public at the County's Planning Department, during normal business hours. 14-1

Baseline

The County received comments alleging that the baseline for the project is not clear. The baseline is the extraction amount authorized by the operator's use permit or 75,000 cubic yards per year, because the applicant has physically extracted at least this amount in past years. This baseline was chosen because actual extraction rates exceeded what the permit allowed. California courts acknowledge that aggregate business fluctuates and that operators may be selling previously mined materials, but not mining in response to fluctuating economic 14-2

conditions.[1] Harris Quarry's average extraction levels from 1996-2010 is 85,624 cubic yards per year,[2] which is higher than the baseline used in the former DEIR and current RDEIR. Since the first DEIR was circulated, the California Supreme Court has clarified that, under normal circumstance, the baseline is the existing physical condition at the time the Notice of Preparation is prepared and not a hypothetical situation where an activity is authorized by a permit, but not actually undertaken.[3] The Notice of Preparation for the proposed project was issued on November 1, 2006 and the extraction level for 2006 was 126,991 cubic yards, which again, is higher than the 75,000 cubic yards per year used as the baseline in the DEIR and the RDEIR. Mendocino County could have chosen a higher baseline – the higher average extraction rate of 85,624 cubic yards per year or the 2006 extraction rate of 126,991 cubic yards, but in light of the law's recognition for the economic fluctuations in the aggregate industry, the County chose to use the more conservative amount of what the permit allowed or 75,000 cubic yards per year.

Mitigation Measure 4.4-B.2 (Traffic/Interchange)[4]

The applicant requests that two portions of this mitigation measure be deleted. The first because there is no substantial evidence that this portion of the measure will reduce any alleged impact to the environment, in fact, there is evidence showing that this portion of the measure is not necessary as is set forth in Rau and Associates' September 2, 2011 letter. Thus, the applicant requests that it not be required to fund and conduct traffic studies every July and October for the next thirty years because the RDEIR used a 1.5% growth rate for traffic on Highway 101, which is much higher than CalTrans' actual traffic growth volumes on Highway 101.[5] 14-3

The applicant requests that a second portion of this mitigation measure, requiring construction of an interchange at Black Bart Drive and Highway 101 within three years and payment of a "fair share" contribution to the interchange because the proposed traffic mitigations are adequate to mitigate any impacts to Highway 101 through 2040.[6] 14-4

Thank you for your courtesy in this matter. Please feel free to call me at 707-523-1181, if you have any questions.

Very truly yours,

TINA WALLIS

TW/pd

[1] *Hansen Brothers Enterprises, Inc. v. Board of Supervisors of Nevada County* (1996) 12 Cal.4th 533.
[2] Northern Aggregates Letter to dated April 22, 2008; addressed to Mendocino County.
[3] *Communities for Better Environment v. South Coast Air Quality Management District* (2010) 48 Cal.4th 310.
[4] RDEIR p. 220-221.
[5] W-Trans Letter dated September 2, 2011, p. 6. (This is an attachment to Rau and Associates, Inc.'s September 2, 2011 Letter to Nash Gonzales, the Planning Director for Mendocino County.)
[6] W-Trans Letter dated September 2, 2011, p. 6.

Response to Letter from Tina Wallis (Clement, Fitzpatrick & Kenworthy)

14-1. This information is noted for the record. Also, please see Response 8-2.

14-2. This information is noted for the record.

14-3. Please see Response 15-14 to this request.

14-4. Please see Response 15-14 to this request.

GEORGE C. RAU, P.E.
PRESIDENT
JAVIER J. RAU
VICE PRESIDENT
ROGER VINCENT, P.E.
CATHY A. McKEON, P.E.

RAU AND ASSOCIATES INC.
CIVIL ENGINEERS • LAND SURVEYORS

September 2, 2011

Nash Gonzales
Planning Director
Mendocino County Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Job Number R04056

RE: HARRIS QUARRY – UR 19-83/2005
COMMENTS ON RDEIR DATED MAY 2011 & PUBLIC COMMENTS RECIEVED
CLEARINGHOUSE # 2006112087

Dear Mr. Gonzales:

We are in receipt of the RDEIR for the above noted projects and have received and heard comments from the public up to the writing of this letter. In response, we have the following comments on behalf of our clients, Northern Aggregates. Addtionally we have attached response letters from Wtrans regarding traffic related concerns (September 2, 2011) and from Blackburn Consulting Inc (BCI) regarding geotechnical concerns (July 18, 2011). These comments are attached for your reference as Attachment A and Attachment B, respectively. The comments provided in the attached letters are summarized in the response below for completeness but should be considered separately as comments as well. The applicant is asking that specific mitigation measures be modified or removed based on the substantial evidence provided in this letter because these mitigation measures are not necessary to minimize, avoid or reduce impacts.

A. COMMENTS ON DEIR

Geology and Soils

Please refer to Attachment B, Letter Response from BCI.

1. *Page 110, Section 4.1-A.7; References January 2010 Reclamation Plan as current Reclamation Plan.* 15-1

    a. Current Reclamation Plan is accurately referenced in footnote, and should be referenced in text as November 2011.

2. *Page 110. Section 4.1-A.8; References BCI March 28, 2005, noting that the report required a design level report be prepared for final design.* 15-2

    a. As noted by BCI, a design level report was prepared in September of 2005. The plans that are on file with the County have been prepared in accordance with those recommendations. No further analysis should be required.

3. *Page 115; Section 4.1A; References the current Grading Plan being dated January 2010.* 15-3

a. The most current Grading Plan for the quarry submitted for the RDEIR was dated November 2010 and should be correctly referenced in the text.

4. *Page116, Section 4.1-A.1 and MM 4.1-A.1; This mitigation measure requires that the applicant have a slope stability analysis prepared annually by a geotechnical engineer and cites specific Factor of Safety (FOS).* 15-4

    a. As noted by BCI, the reference to the low FOS was due to isolated areas of wedge failure. The overall slope design is considered stable. The applicant requests that the requirement to review the slope be modified to reference review in accordance with the current Mine Safety and Health Administration (MSHA) requirements as the quarry progresses and that a final slope stability analysis be performed prior to 150 ft of the final face, as recommended by BCI.

5. *Page 117, Section 4.1-B; References the need for a "design level geotechnical study" and cites the depth of fill at the processing pad as 75' feet.* 15-5

    a. As noted by BCI, the depth of Fill (depth of finished grade above existing grade at any point) is 40' not 75'. As noted above, a design level geotechnical study was prepared by BCI in September 2005.

6. *Page 118, Section 4.1-B.2; This Mitgatigation Measure requires the design level geotechnical study, requires a slope stability analysis for slopes steeper than 2:1, slide and settlement analysis and makes specific recommendations regarding design features for slope stability.* 15-6

    a. As noted above, this study has been done and submitted for the DEIR. The grading design, including fill, incorporated the recommendations of the design level geotechnical report (BCI, September 2005). The applicant requests that the requirement to perform additional analysis be removed, and that adherence to the design level geotechnical report (BCI, September 2005) be referenced in lieu of this requirement.

7. *Page 121-122, Section 4.1-D.2, D.3, D.4 and D.5 and D.6: These mitigation measures require a design level geotechnical report, requires slope stability analysis, makes recommendations regarding slope stabilization and requires an erosion control plan for the access road (Haul road to the processing site and access road at the tank).* 15-7

    a. Per BCI Response, Attachment B, a design level report was prepared by BCI and submitted for the RDEIR. This report fulfills these requirements. No additional reports or analysis are necessary or required.
    b. An Erosion Control Plan was prepared by RAU and submitted for the access road and processing site (Sheet P-8, November 2010). This plan is included as Attachment C to this letter. Reference to this plan should be made in the RDEIR. Specific construction erosion control BMPs include:
        i. Fiber Rolls
        ii. Cover of all exposed soils on road and pad with gravel
        iii. Check dams on channels
        iv. Line channels (rock or turf reinforcing mats)
        v. Seeded slopes
        vi. Silt Fences
        vii. Concrete Washouts

    This erosion control plan will be the basis for the Construction SWPPP for the access road and the processing site once the project is approved and prior to construction in accordance with the RWQCB General Construction Permit.

Hydrology and Water Quality

8. *Page 158, Section 4.2-A.5; This mitigation measure requires that all runoff be directed to culverts/ditches to convey the runoff to the quarry floor.* 15-8

    a. As noted by BCI, outsloped benches are more desirable than insloped benches, as currently designed, and confirms that the design as proposed will adequately address the runoff. The applicant requests that this requirement be removed.

9. *Page 158-159; Section 4.2-A.6; This mitigation measure requires that all ditch flow along access roads shall not exceed 100 feet in length.* 15-9

    a. This requirement seems to be more in line with the general requirement for roads that are outsloped without an inboard ditch (logging and agricultural roads) but is not applicable for roads that have inboard ditches. The access road between the quarry and the Highway Access actually has to have a ditches on either side. The access road between the Highway Access and the processing site must have an inboard ditch on the uphill side to capture uphill runoff to prevent ice buildup during the winter. No locations along the haul road are appropriate for elimination of an inboard roadside ditch, so the full length of the haul road would be subjected to this requirement. Currently there are 5 culverts proposed- this requirement would result in approximately 20 more culverts for a road that is only ½ mile long. For the portion of road between the Highway access and the quarry, this would result in significantly shorter time for stormwater to be conveyed in vegetated or rock lined swales, as opposed to culverts, which is contrary to current BMPs practice for water quality. Based on these reasons, the applicant requests that this mitigation measure remove the last sentence restricting maximum flow length between culverts to 100'.

Biological and Botanical Resources

10. *Page 186, Section 4.3-/A.1 & B.1; These mitigation measures require that a biological and botanical study be performed prior to the onset of grading and thereafter every three years for the life of the quarry.* 15-10

    a. The RDEIR did not find (i) any special status species, plant or animal, on the site; (ii) that current activity and noise levels are a limiting factor for most sensitive and common wildlife species to potentially roost or nest in the project area; (iii) there was no suitable habitat to support potentially occurring sensitive species; (iv) "the potentially available habitat that may be lost is mostly of marginal quality…" and; (v) "…no special status (plant) species or sensitive resources were located or are expected to be impacted by the proposed project…". The RDEIR goes on, however, to suggest that such a habitat (plant or animal) may be developed in the future while the project is occurring to justify the subsequent studies. These studies will result in additional costs of $3,000/study. The statement made could be true of any project, and yet no such requirement, to our knowledge, has ever been imposed on other like developments, particularly where there is no evidence of special or common wildlife species being present; no suitable habitat for special species; and the existing noise and activity levels detract from using the project the project site as a habitat. There are other developments that have no expiration and no requirement for any future study. It is highly unlikely that more species (plant or animal) will develop habitats as the project progresses. Based on the fact that there are no species found and no supporting evidence that there will ever be, is no need for further study – botanical or biological. Based on the above the applicant requests that the mitigation measures be withdrawn.

11. *Page 187, Section 4.3-B; The RDEIR includes a statement that "the project would generate increased demand for water, which would reduce stream flows, thereby adversely affecting salmonids."* 15-11

    a. The preceding statement is not consistent with the findings of the water study. The Water Study (Page 10) noted that there is no evidence that the water use from the well impacted the nearby wells or springs and suggested that the groundwater flows is likely to the northeast, away from Forsythe Creek. If any reduction in water is experienced it would be due to the capture of the water falling on the quarry face/floor which is retained. This water would eventually infiltrate and resupply the water to the watershed. Section 4.2-B (page 162) notes that "the change in the discharge is of a magnitude that would not affect the receiving channels or flows in the creek" and that there is no significant impact.

12. *Page 200, Section 4.3-K.1; This mitigation measure for the wetland reconstruction requires that applicant have a botanist prepare a 3-year baseline data survey and report and subsequent annual reports for a minimum of 7 years and a conservation easement.* 15-12

    a. Construction of the wetlands will require permits from two different agencies (RWQCB and ACOE). The survey/reporting requirements will be defined in these permits. The applicant would prefer that the mitigation measure simply state that the design and studies be performed in accordance with the jurisdictional agency requirements. The applicant is opposed to any conservation easement and specifically requests that this requirement be removed.

Traffic and Circulation

Please refer to Attachment A, Letter Response from Wtrans, Inc.

13. *Page 219. section 4.4-B.1; Mitigation measure requires a 400 foot long southbound deceleration lane.* 15-13

    a. Wtrans notes that the 200' long deceleration lane, as designed, exceeds the warrants and that further lengthening the deceleration lane is unwarranted and that lengthening the deceleration lane is not recommended. The applicant requests that the referenced mitigation measure be modified to reference a 200 foot long southbound deceleration lane.

14. *Page 220, 4.4-B.2; Mitigation measure requires that the applicant provide monitoring every two years during July and October, and that if the County and Caltrans agrees, based on this monitoring, that improvements are warranted, the applicant will be responsible for paying their "fair share" of the improvements for an interchange.* 15-14

    a. Wtrans response notes that the study is extremely conservative in the estimate of the highway volumes and also notes that all of the Highway Improvements being proposed fully mitigate the project impacts, as indicated by the LOS findings. Cost for Biannual count/monitoring is $3850/year, or almost $60,000 over the 30 year life of the quarry. The requirement to do future studies without a nexus (and study proof to the contrary) is again, onerous and unfair. Although the applicant does not feel that the monitoring is warranted they are willing to accept monitoring near the end of the project (2035) and again at 2040 to inform Caltrans if a future interchange is warranted. However, as noted below, they are opposed to any further "future" improvements.
    b. This portion of Highway 101 is designated "expressway" which, by definition, is designed for at grade intersections with limited access. In discussion with Caltrans, they noted that interchanges are typically regional improvements and as such are funded regionally. Additionally, Wtrans noted that the cost of an interchange can be upwards of $24-36 million and require several years (10+) of environmental review and design. This was

confirmed by Caltrans. The determination of fair share is typically through the AB 1600 process, which designates Development Impact Fees. This process alone is a lengthy process that requires specific studies, accounting practices and a Capital Improvement Plan. The condition requiring fair share contribution to improvements that are to be constructed within 3 years, is simply not feasible. The applicant is funding 100% of the current improvements that will contribute to improved conditions at the Black Bart Road intersection. The cost of these improvements is estimated to be $1,000,000, which is the applicant's "fair share" contributions. Wtrans and the RDEIR note that these improvements will result in acceptable levels of service at both intersections. Based on the above information, the applicant requests that the requirement to contribute to an interchange be withdrawn.

15. *Mitigation measure also requires sufficient R/W be retained at the intersection to provide for an interchange.* 15-15

    a. Wtrans notes that the condition to require R/W retention for some undersigned, unknown interchange improvements that are not yet required is "excessive". Since there is no current nexus for an interchange, R/W retention should not be required. Additionally, the retention of R/W would be problematic, as the release of R/W (as is shown on the Highway Improvement Plans) is required to keep the restricted access opening in the R/W to a single opening, which was a requirement by Caltrans. The applicant requests that R/W retention be removed as a mitigation measure.

16. *Page 223, Section 4.4-C; This section suggests that if nighttime construction exceeds 5 days/year that the applicant install temporary night time lighting.* 15-16

    a. Mitigation Measure 4.4-B.2 requires that a lighted flashing beacon and Truck Warning Sign be placed 925 feet north and south of the project access. This sign gives adequate warning that trucks could be entering traffic. The applicant requests that this mitigation measure be withdrawn.

17. *Page 223, 4.4-D; Mitigation measure to address foggy conditions requires the painting of the back of the truck warning sign (installed per condition 4.4-C) and requires the applicant to prohibit movements if the signs cannot be seen and to educate the drivers on alternate routes for right turn movements.* 15-17

    a. As noted by Wtrans, the mitigation measure is unenforceable and as written places undue liability on the applicant. The California Vehicle Code addresses the responsibility for each driver to drive in a safe and prudent manner given the existing conditions. These types of conditions prevail everywhere on every highway. The installation of the flashing signs under 4.4-C will additionally help the drivers along the highway to be warned of potential truck traffic. The applicant is willing to paint the back of the sign and prepare pamphlets or a sign so that the truck drivers can make informed decisions regarding alternative routes during foggy conditions.

Air Quality

18. *Page 280-282, Section 4.6-C; The RDEIR states that the increased truck traffic from the project would result "indirect NOX emissions level that exceeds the threshold" but notes that the overall regional effect is that the project lowers the emissions because of the reduction in the regional truck traffic based on the Vehicle Miles Travelled (VMT) Study. The RDEIR then goes on to state that the increase in NOX is then an unavoidable significant impact.* 15-18

    a. This finding is misleading at best. The VMT study for the project clearly demonstrates that regionally the project will REDUCE the vehicle miles travelled significantly on an annual basis. The VMT study uses the population centers and the plant locations as the

criteria for the vehicle miles travelled and does not consider large construction projects (Willits bypass) nor does it account for the interplant hauls. If the interplant hauls (between the asphalt plant and the source of the rock) were considered this mileage reduction would be much higher. For example, the current source of all aggregate for Granite is a quarry just outside of Lakeport on Highway 175. The round trip for this aggregate from the source to the asphalt plant is 70 miles for every load of asphalt! It is unclear why the author cannot account for a reduction in the regional NOX. This is a significant benefit of the project and should not be considered an unavoidable impact. The applicant request that the County find that there is significant impact and that the overall regional impact is beneficial.

19. *Page 298, Section 4.6-I; The RDEIR states that the reduction in the VMT would result in an overall net reduction in the Greeen House Gas Emissions in the County and that reduction in emissions is one of the goals of AB32. The RDEIR then goes on to state that "never the less, the GHG emissions from the project may make it difficult for the state to reach AB32 targets and thus conflict with State Policy … and is a potentially significant impact.* 15-19

    a. As noted above this project would REDUCE the GHG. It is not clear why the author will not allow the regional impact to be considered. The statement that the project would make it difficult to reach the State GHG target is without merit.

Aesthetics

20. *Page 309, Section 4.7-A.1; The RDEIR includes a revised daytime simulation with the plant relocated, fencing, immature trees and stockpiles and notes that although the impacts are significantly less than was the case for the original project, it remains a significant and unavoidable impact.* 15-20

    a. The revised simulation (Figure 4.7.2) is a view that a driver will experience in one direction (eastbound), for less than 15 seconds (travelling 35 MPH on stretch of road approximately 700 feet long). Before and after that the driver cannot see any portion of the plant or processing site. Most of the plant is screened by the fence, the stockpiles or trees. The RDEIR is vague on what criteria it is using for this impact. It does not seem reasonable that this view, for such a short period would be considered a significant impact. The applicant request that the County make the finding that the impact is considered less than significant based on the revised view and the limited time frames that a driver is subject to this view.

21. *Page 310, Section 4.7-B; The RDEIR then states that "lowering of the ridge and the change in views along the skyline would adversely affect views from the ranch and that this is considered a significant and unavoidable impact".* 15-21

    a. Based on the view that is provided, the overall impact to the viewshed is less than 1/2% of the overall viewshed from that vantage point. Again, the RDEIR is vague on what criteria being used to determine this impact. It does not seem reasonable that this view, which impacts a very small portion of the viewshed would be considered a significant impact. The applicant request that the County make the finding that the impact is considered less than significant based on the minimal portion of the viewshed that is affected.

22. *Page 311, Section 4.7-C; The RDEIR includes figure 4.7.4 which is the night time photo simulation based on the original project layout and finds that the impact to the night views in the area would be a significant unavoidable impact.* 15-22

    a. Since the publication of the RDEIR, the applicant has requested that the simulation be revised to reflect the revised site plan. This simulation was revised and is included as Attachment D. As can be seen in Attachment D, the nighttime views of the processing

plant will be screened by the fence and the stockpiles and will have a low level of lighting. Again, this view is available for less than 15 seconds to a driver heading east on Blackbart Road (see discussion on item 21). The applicant requests that the County make the finding that the impact is considered less than significant based on the revised night time view and the limited time frames that a driver is subject to this view.

We have also received various comments from the public and agencies up to this date and would like to make the following comments regarding these comments:

B. RESPONSE TO COMMENTS:

The original comments in this letter are paraphrased in italics with the response following:

Geology and Soils

23. *Comment: What are the ramifications of not being able to meet the Factor of Safety Criteria for the quarry or processing site.* 15-23

    a. As noted by BCI, and above in comments regarding Geology and Soil of the RDEIR, all portions of the design were based on "design level" reports. The designs are compliant with the recommendations in these reports and are considered stable designs by the project geologist. See comments 2, 4, 5, 6, and 7 above.

24. *Comment: Concerned that the 75' fill will not be stable and requested that the applicant be required to provide a bond in perpetuity to address potential spill related to failure during an earthquake and requests that the fill be removed upon completion.*

    a. As noted in BCI response, Attachment B, the fill is only 40' at it's deepest. The fill was designed in accordance with the design level recommendations and is considered stable by the geologist.
    b. Regarding the bond, the applicant is required to submit a bond for the reclamation of the site to be in place during the life of the project; any additional bonding is neither required nor necessary.
    c. The applicant would also be opposed to removal of the fill as there would be no reason for the removal and it would serve as a landing for ranch purposes.

Hydrology and Water Quality

25. *Comment: Would like a 3rd party oversight on the water usage and to condition the project to not exceed the volumes indicated.*

    a. The project water study prepared by Ludhorff and Scalmanini (November 19, 2011) noted that the test results indicate that the increased pumping of the project well will not have any measurable effect on any nearby wells or springs. This condition is not necessary to satisfy any known impacts.

Traffic and Circulation

Please refer to Attachment A, Letter Response from Wtrans, Inc.

26. *Comment: Concerned about the "tricky" movements necessary in the northbound acceleration lane.*

    a. As noted in Wtrans response, Attachment A, shared deceleration-acceleration lanes are common throughout the nation, including locations on Highway 101. These are common in areas where the intersections are close together. According to Wtrans, there is more

than adequate sight distance between a truck proceeding north from the Harris intersection and the Black Bart intersection to adjust movements and slow or stop when necessary for a car stopped at the intersection of Black Bart Drive. Likewise there is adequate sight distance for a vehicle entering the center lane from the freeway to do the same. It should also be noted that the proposed center lane will benefit the users of Blackbart Drive in that it allows them more storage space to get out of the fast lane to turn left and also allows them a safe haven and acceleration lane in the northbound direction.

27. *Concern: Foggy conditions will result in insufficient visibility at the project driveway.*

    a. See discussion Item 17 above.

28. *Comment: Gaps are not sufficient to allow trucks to enter/leave Highway 101.*

    a. As noted by Wtrans, Attachment A, gaps in the traffic stream are a critical component of a Level of Service (LOS) analysis and determining the LOS. This LOS analysis was completed as part of the Traffic Study by Wtrans. The study found that there are adequate gaps in the traffic stream with the proposed improvements.

29. *Comment: Questioned whether the proposed project with the Highway improvements is better than the existing baseline condition.*

    a. As noted in Wtrans response, Attachment A, the proposed highway improvements are significant. A comparison of the LOS of the base condition versus the LOS of the proposed condition show that both intersections function better in all cases. Improved service levels and reduced delays for the minor movements at intersections are direct indications that drivers will find it easier to make turn movement into and out of Black Bart Drive as well as the quarry. A full discussion of the improvements and the benefits of these improvements are cited in the Wtrans response.

30. *Comment: Concern about the potential conflicts with shared northbound acceleration lane and left-turn lane at Black Bart Road.*

    a. See discussion in Item #26 above.

31. *Comment: Concerned that the Vehicle Miles Travelled (VMT) Study may not accurately reflect the mileage of trucks and that the Willits project may skew these results.*

    a. As noted in Wtrans response, Attachment A, the VMT analysis measures the vehicle miles travelled by residents, customers, employees and delivery of good based on the population centers and market supplies within Mendocino County. Specific projects such as the Willits Bypass are not a function of the analysis. The VMT study clearly shows that there is a net decrease of vehicle miles travelled for aggregate and asphalt products annually (183,500 VMT). This reduction would result in a significant benefit if you considered the impact over the life of the project, even if you didn't consider the population growth rate. With population growth the reduction in the VMT (benefit) would only increase.

    b. The reduction in VMT noted does not account for the interplant haul from the source of aggregate to the AC plant. As noted above, Granite Construction currently uses the Highway 175 quarry just outside of Lakeport as it's sole source of asphalt concrete aggregate source. This is a 70 mile round trip per truck load of AC just to deliver the aggregate to the plant that is not accounted for. The mileage to account for this "inter-plant" haul would be in addition to those noted in the VMT.

c. Attached is a summary by Caltrans of Caltrans projects that have been constructed between 2005 and 2010 in Mendocino County and their respective aggregate sources. This list is included as Attachment E and shows that, for the sources of rock that are known, approximately 108,000 Tons, or 80% of the source of aggregate used in the projects came from out-of-county sources, including Syar in Healdsburg, Highway 175 in Lakeport and Cooks Valley in Humboldt County. This figure is conservative as the given percentage assumes that the unknown sources are in-county sources which are likely not true.
d. Attachment F is a flyer that is produced by CALCIMA (California Construction and Industrial Material Association). This flyer provides factual data on the impacts of hauling on construction and the benefits of reducing the truck haul by even 15 miles.

32. *Comment: Concerned that the truck off-tracking may cheat into the opposing lane.*

a. Per Wtrans response, Attachment A, the current design provides for adequate room for off-tracking and will not result in adjacent lane encroachment. See Enclosure A of Attachment A.

33. *Comments: Offers that the currently zoned AC site at Longvale should be considered as an alternative site.*

a. Please reference Attachments G and H showing the Longvale Grist Creek Aggregates site and the Harris Processing site, respectively.
b. The Longvale site is more remote that the Harris site and has no aggregate source. As noted by Wtrans in their response, a revised VMT analysis, including the Longvale site as an Asphalt plant (same capacity as Harris), shows that this site would increase the VMT by 22,716 miles travelled due to it's more remote site.
c. If an Asphalt Plant were placed at this location, the likely source of aggregate is unknown. Although the same developer was considering extraction in Covelo, that application has been withdrawn and any future applications are speculative. It is likely that the source will not be at the plant site, as gravel extractions in the rivers generally have more environmental impacts than other sites and are much more difficult to obtain approval for.
d. The Harris Quarry site has far fewer residences within a mile radius than the Longvale site. The Harris Quarry has about 3 residences within a one mile radius, 2 of which are near the 1 mile mark. Conversely, the Longvale site has approximately 17 homes within a one mile radius.
e. There are 65 parcels that are within the 1 mile radius of the Harris quarry, over 30% of the acerage within this 1 mile radius are either publicly owned or are owned by the applicant or under the control of the applicant. Conversely, within a 1 mile radius of the Longvale site there are 68 parcels of which less than 1% of the acreage within this radius is owned by public entities or owned/or are under control of the applicant.
f. The Harris Quarry Asphalt Processing site is located approximately 800 feet upslope and away from Forsythe Creek. Conversely, the Longvale site is located adjacent to and within the 100 year flood plain of Outlet Creek and is centered at the confluence of an unnamed tributary and Outlet Creek.
g. The applicant has spoken with MAQMD personnel and was verbally advised that this AC plant site would need to undergo the same rigorous CEQA process that the Harris Quarry is experiencing. Based on this and the above reasons, there is no evidence that this site is environmentally superior to the project site or that it is even a more viable project site than the Harris quarry site and therefore the applicant request that this not be considered as an Alternative.

34. *Comment: Notes that the Willits Bypass is unlikely to be constructed and would be concerned that it is being used to justify the project.*

a. In discussions with Dave Kelley, Caltrans Project Manager for the Willits Bypass project, he stated that the project is moving forward and is tentatively slated for construction in summer of 2012.
b. The Willits Bypass project is not being used to justify the project. The inclusion of the project for traffic study purposes was to verify that the traffic conditions were not significantly impacted by the Willits project.
c. Far more aggregate/AC will be needed throughout Mendocino County in the next 30 years for maintenance repairs and other construction projects than will be needed for the Willits Bypass.

35. *Comment: Noted that there was a fatality near this site and was wondering why this wasn't noted in the traffic study.*

    a. See Wtrans summary of expanded inspection of traffic accident reports. When the timeframes and limits were expanded there were three fatal accidents noted between 1999 and 2010. Of these the nearest was 800 feet from the intersection of the quarry and occurred on a Sunday (non-plant operation). Although a few accidents did involve trucks, none of the accidents found the trucks at fault and none were closer than 800' to the project entrance. One was a truck that was rear ended by a vehicle moving too fast on snow/ice, another was a truck that was rear ended while making a left-turn. The proposed left turn lane that is proposed will address this condition.

36. *Comment: The traffic analysis uses average trips not peak trips during July and October*

    a. Per Wtrans response, this is not true. Peak traffic volumes were used for the analysis.

37. *Comment: This plan places a very busy "storage lane" in the middle of the highway. Some drivers call this design a "suicide lane".*

    a. As noted by Wtrans, suicide lanes refer to lanes in which the drivers are allowed to use the same lane, travelling in opposing directions (typically a high speed lane in one direction, and passing in the other direction when traffic allows), which is not being proposed.

38. *Comment: It isn't advisable to have a center turn or acceleration lane in the middle of a highway.*

    a. This is standard Caltrans practice on a State Highway and expressway, as is the case all up and down State Highway 101. A good example of this is the CDF station just north of the project site and at the Golden Rule Church, just south of the project site.

39. *Comment: The plan has a large differential in the speed of the merging trucks because the "storage lane" is short and because it forces merging trucks in the fastest lane.*

    a. The northbound acceleration lane, as designed, meets the current Caltrans design criteria and will allow acceleration of the trucks to occur in the acceleration lane and not in the fast lane. There will be very little differential, if any, in speed by the time the trucks merge at the end of the acceleration lane, which is near the truck scales. This is discussed in more detail in Attachment A.

40. *Comment: This plan provides only a short lane, 470 feet long, which is shared by decelerating traffic.*

    a. As noted above the acceleration lane design meets current Caltrans design criteria. The acceleration lane extends well beyond the Black Bart Road intersection and is in total 1,710 feet long and will provide an added benefit that residents turning left from Black Bart Road will be able to use the same lane to gain acceleration before having to merge into the fast lane as well.

41. *Comment: This double intersection offers poor visibility. Highway 101 from the south approaches this double intersection from a long uphill curb.*

    a. The sight distance from the project approach meets and exceeds both stopping and decision sight distance, per Caltrans standards. Likewise traffic approaching the project intersection has adequate stopping and decision site distance. This is discussed in more detail in Attachment A.

Additional Wtrans comments are provided in Attachment A to address submitted traffic concerns provided at the July 21st meeting. These comments are not summarized here but are included by reference as comments.

Air Quality

42. *Comment: Noted that RDEIR cites that the AC plant will produce 39 toxins and that in the future the combined effects of these toxins may have unknown impacts.*

    a. The impact analysis must be based on currently known facts. To suppose that there may be future impacts and to base decisions on this supposition is contrary to the spirit and the law of CEQA. The applicant is committing to installing a state of the art Asphalt Plant that will meet current MCQAMD (and therefore) state guidelines. It should be noted that the location of this AC plant is more than 1 mile from either the Ridgewood subdivision parcel or the Golden Rule Mobile home park residents, as shown in Attachment H. To put this into perspective a map showing the density of parcels within 1 mile of the Granite Construction AC plant is also supplied, as Attachment I. As can be seen, there are significantly greater number of residential units existing within one mile of the Granite AC plant without known impacts to health.

Aesthetics

43. *Comment: Night Time photo simulation is inconsistent with Daytime simulation. Concerned that this indicates the quality assurance is poor in the RDEIR.*

    a. See item 22 above.

44. *Comment: Questioned the criteria for establishing the visual impact.*

    a. See discussion Items 20, 21 and 22.

45. *Comment: concerned that the visual impact of the "industrial" equipment from Highway 101 would lead to reduced tourism.*

    a. The Asphalt plant would only be visible from Highway 101 about 2 miles south of the project site, as you leave the relatively recent throughcut. At this point the equipment would be too small to discern what it is and just barely visible over the preceding ridge in the foreground. A view from Google Earth is offered in Attachment J. As you get closer to the site, the asphalt plant is obscured first by the preceding knob south of the quarry and then by the quarry face itself. At the quarry, the amount of processing equipment is essentially the same as the baseline and would not detract further from the viewshed. The applicant has taken the liberty of planting trees directly adjacent to the quarry processing site to block the view as they mature.

Zoning

46. *Comment: Would like the RDEIR to include the Grist Creek Aggregates Longvale Site as an alternative Asphalt plant site.*

a. See Item 33.

47. *Suggests that concrete should be used in lieu of asphalt as it is superior for road paving.*

a. Asphalt is flexible and can be used in areas where there is movement and flexibility of the subsoil. Concrete can only be used in areas where incremental movement of the subgrade does not occur. In Mendocino County the majority of roads are in somewhat unstable geologic formations which is the reason they are paved with asphalt, not concrete. The other reason is economics; concrete pavement is generally significantly more costly to construct and to repair.

48. *Comment: Questioned the reference to redline when there is none.*
a. Asphalt is flexible and can be used in areas where there is movement and allows some flexibility of the subsoil. Concrete can only be used in limited areas where this does not occur, which in Mendocino County is not often.

General

49. *In difficult budgetary times, the County should consider the loss of revenue and increased infrastructure costs when resources come from out of County sources.*

a. Regarding taxes; If a contractor, building a project in Mendocino County, supplies the trucking to and from the out of county AC plant/aggregate source, the taxes are paid to the county where the source resides. This occurs in almost all of the asphalt plants that are located outside of the county. Regarding asphalt costs; there is currently one viable asphalt plant provider – Granite Construction. Because they are the sole AC provider, Granite can set the price for other contractors who need asphalt much higher than for projects they themselves bid on. This leads to a monopoly not just of the asphalt in the area, but also for the construction jobs. For each local construction job that is lost there is local revenue from profit that is also lost. Continuing to deny approval of Asphalt plants in Mendocino County only supports the out of county source reliance which contributes to reduced taxes to Mendocino County, inflated road improvement costs, reduced maintenance on our roads, increased air pollution and a monopoly on asphalt (and thus in the construction contracts) in Mendocino County. The applicant request that this information be considered by the County in their decision making process.

Please feel to call me at 707 462-6536 if you have questions or would like to discuss any of the submitted items.



Very truly yours,

Cathy A. McKeon
Registered Civil Engineer 51026
Expires 9-30-11

C: Leonard Charles and Associates
Northern Aggregates, Inc.
Clement, Fitzpatrick & Kenworthy
Christopher Neary, Attorney
Planning Commissioners

Attachment A
Wtrans Comment Letter
September 2, 2011

w-trans

Whitlock & Weinberger
Transportation, Inc.

490 Mendocino Avenue
Suite 201
Santa Rosa, CA 95401

voice 707.542.9500
fax 707.542.9590
web www.w-trans.com

September 6, 2011

Mr. Pat Allen
Northern Aggregates, Inc.
P.O. Box 1566
Willits, CA 95490

Response to Comments on the Harris Quarry RDEIR

Dear Mr. Allen;

Whitlock & Weinberger Transportation, Inc. (W-Trans) has prepared this response to comments on the *Harris Quarry Revised Draft Environmental Impact Report (RDEIR)*. Additionally, we have prepared responses to comments received at the June 16, 2011, meeting of the Mendocino County Planning Commission.

Planning Commission Meeting

Following are responses to comments received during the June 16, 2011, Planning Commission Meeting relative to traffic impacts. The comments have been paraphrased from information provided by Rau and Associates and are shown in *italics*.

Comment 1: *Nowhere on US 101 is there the tricky movement of stopping in a storage lane used for acceleration similar to the one proposed at the quarry access driveway.*

Response: Shared deceleration-acceleration lanes are common nationwide, including locations along US 101. The typical application of this is a two-way left-turn lane which is a shared deceleration lane, storage area for turns and acceleration lane. This type of lane configuration is appropriate where intersections and/or driveways are closely spaced and where adequate sight distance exists. The intersection of Black Bart Drive and the Harris Quarry access driveway are closely spaced when taking into consideration the vehicle speeds on US 101. Sight distance along US 101 in the left-turn shared deceleration-acceleration lane is approximately 1,320 feet, or one-quarter of a mile, which exceeds the safe stopping sight distance required by Caltrans. As presented in the *Highway Design Manual,* for vehicle speeds of 65 mph the recommended sight distance is 660 feet, so the sight distance criterion is not only met, but exceeded.

Comment 2: *Concerns were expressed about foggy conditions resulting in insufficient visibility at the project driveway.*

Response: Under normal conditions there is adequate sight distance along US 101 at the access driveway to the Harris Quarry. Limited visibility due to fog, rain or snow is a common occurrence throughout the state. *California Vehicle Code* Section 21804 recognizes these variable conditions and places the responsibility on the driver to exercise due caution when entering and driving on public roadways. When adverse conditions warrant, the driver of a motor vehicle is required to take these factors into account and enter the public roadway safely and to drive at speeds that are safe and prudent.

Typically conditions resulting in limited visibility occur in late fall, winter and early spring. During these times of the year, production and associated truck activity at the Harris Quarry is expected to be low.

Comment 3: *Gaps are not sufficient for trucks to turn into and out of Harris Quarry.*

Response: Gaps in the traffic stream are a critical factor in determining delay and level of service for turning movements into and out of a minor street. The average delay expected at the Harris Quarry access driveway while waiting for an acceptable gap to occur is less than 20 seconds with the mitigation measures proposed. Delays of 20 seconds are within the range of Level of Service (LOS) C conditions which is considered acceptable to drivers. Although LOS standards are not typically applied to private driveways, it is noted that LOS C is within the acceptable threshold established by Caltrans for public roadways.

The acceleration and deceleration lanes proposed reduce the need for there to be large gaps in the traffic streams in both directions simultaneously in order for large trucks to leave or enter the roadway. Trucks can use these lanes to accelerate before merging into the mainline traffic at a speed close to that of moving traffic or can leave the mainline prior to initiating their deceleration.

Comment 4: *Concern was expressed that conditions with the project and proposed mitigation measures will be less safe than the existing condition without the mitigation measures.*

Response: The proposed physical mitigation measures that are included in the project plans include:

- Northbound left-turn lane – This lane will be 369 feet in length.
- Northbound acceleration lane – This lane will extend 1,710 feet, which is beyond the Black Bart Drive intersection.
- Southbound deceleration lane – This lane will be 225 feet in length.
- Southbound acceleration lane – This lane will extend 1,390 feet.

These improvements will allow drivers entering and exiting the Harris Quarry site to accelerate and decelerate outside the through lanes on US 101. Vehicles, primarily loaded trucks, can accelerate to nearly the same speed as through traffic prior to merging into the traffic stream. This reduces the delay to vehicles exiting the site, as drivers only have to contend with one direction of traffic flow on the mainline at one time. The acceleration and deceleration lanes reduce the potential for rear-end collisions by providing a refuge area for accelerating, decelerating or waiting to turn. The northbound acceleration lane will extend well beyond the intersection of Black Bart Drive and provide the added benefit of allowing drivers turning left onto US 101 at this location to accelerate prior to their merge. The northbound acceleration lane also permits drivers turning left from Black Bart Drive to contend with vehicles moving in only one direction at a time while making the left turn movement onto US 101. This improvement will reduce delay and improve overall levels of service to motorists on Black Bart Drive compared to existing conditions.

It should also be noted that in all cases, the levels of service for the minor vehicle movements at the Black Bart Drive intersection and the Harris Quarry approach improve with the mitigation measure in place when compared with existing conditions. Improved service levels and reduced delay for the minor movements at intersections are direct indications that drivers will find it easier to make turn movement into and out of Black Bart Drive.

Comment 5: *There is a potential for conflicts with the shared northbound acceleration lane and left-turn lane at Black Bart Drive.*

Response: Potential conflicts are reduced as both accelerating vehicles and decelerating vehicles are traveling in the same direction. Vehicles turning left from the Harris Quarry site will be traveling slowly as they begin accelerating prior to merging. Should there be a vehicle waiting to turn left into Black Bart Drive the driver of the accelerating vehicle leaving the Harris Quarry site will be traveling slowly and have sufficient reaction time to slow or stop to avoid a collision. Also, the ability to see potentially conflicting vehicles is essential to completing maneuvers safely. There is more than adequate sight distance to permit drivers to clearly see the other vehicle and adjust their speed or delay their turn to avoid a conflict.

Comment 6: The mitigation measures proposed will not improve conditions over current conditions.

Response: The improvements proposed as mitigation measures will reduce delay for drivers entering and exiting the Harris Quarry site and Black Bart Drive as discussed above. Also, these improvements will provide refuge lanes for vehicles turning onto and off of US 101 at the Harris Quarry site.

Comment 7: The accuracy of the Vehicle Miles Traveled (VMT) projections was questioned.

Response: Vehicle miles traveled (VMT) is the measure of the total miles traveled by residents, customers, employees or delivery of goods to and from a source or location. VMT serves as a measure of the broader potential impacts of vehicle travel on an area wide circulation system and correspondingly relates to fuel consumption and vehicle emissions that include green house gases.

The demand for aggregates is a function of population and will increase over time with population. This relationship is recognized in Section 8.3 of the *Background Report for the Mendocino County General Plan Update*. From day to day, month to month and year to year there will be variations depending upon the locations of major projects; however, over time the demand for aggregates will follow population patterns in the County. Specific projects such as the Willits Bypass are not included in the VMT evaluation as projects of this type change from year to year and do not represent average conditions. For these reasons VMT is calculated on an average annual basis. The total demand for aggregates and asphalt is expected to be met by a combination of quarries, mines and asphalt plants currently operating within Mendocino County and the neighboring Counties of Humboldt, Lake and Sonoma.

Using the Mendocino County General Plan Update Growth Projections for incorporated cities and adjacent environs, population centers or sub-areas were identified and the distance from the operating quarries to the center of each sub-area was determined. Standard gravitational model theory indicates that the portion of total project trips to a sub-area is proportional to the population of the sub-area and inversely proportional to the square of the total trip distance. Using this methodology quarries that are closer to population centers will provide more aggregate or asphalt to those centers and correspondingly fewer trips to population centers of equal size that are further away. Likewise, larger population centers will have a greater demand potential than smaller centers and will attract more trips from all available sources. Application of this theory indicates that for two quarries or plants of equal size the one that is closest to a population center will provide more material to that center than one further away. The number of trips and VMT from each quarry and asphalt plant to each population center fulfilling the demand for aggregate and asphalt within the County can then be calculated.

The increased aggregate production and new asphalt plant resulting from the Harris Quarry project will reduce importation of aggregates and asphalt into the County as demand will be met by in-county sources. The project is not expected to completely eliminate the need for aggregate and asphalt to be

imported to meet current and future demand. Importation of aggregate and asphalt remain a significant component of fulfilling the need for these products in Mendocino County.

Further, VMT would be expected to increase as the population of Mendocino County increases, resulting in an increase in the demand for aggregate and asphalt. If production levels of aggregate and asphalt within Mendocino County remain constant and the demand increases, the shortfall will be filled increasingly by out-of-county sources. Trips made from out-of-county sources have greater travel distances and result in higher VMT overall. Conversely, the expansion of the Harris Quarry together with asphalt production would result in fewer VMT in the future as a greater portion of the total demand will be met by local quarries and asphalt plants within Mendocino County and less from out-of-county sources.

Comment 8: *A concern was expressed that trucks will "off-track" and encroach into adjacent lanes.*

Response: Using plans for the improvements as proposed, truck turning movements from the Harris Quarry site were simulated using the AutoTurn software program. Although not typical of most aggregate and asphalt hall trucks, the California WB-50 design vehicle was chosen for the simulation as it has a similar drive path to the trucks used for transporting aggregate.

The quarry access road parallels and intersects US 101 in a compact configuration, so trucks turning left or right will need to occupy both the left-turn and right-turn departure lanes, but they will not encroach into the inbound lane. From their relative position in the departure side of the access driveway both left-turning and right-turning truck drivers will be able to complete their maneuver without encroaching into opposing lanes. The truck turn movements are illustrated in Enclosure A.

Comment 9: *A mobile asphalt plant, as part of the Willits By-Pass project, would impact the calculations for Vehicle Miles Traveled (VMT).*

Response: The VMT calculations were based upon stationary plants serving Mendocino County and the demand for asphalt created by population centers; mobile plants used for a specific task, such as the Willits Bypass, were not taken into account. The purpose of the VMT calculations is to evaluate the relative change in VMT between plant alternatives. It is recognized that in the VMT calculations there are daily, weekly, and monthly variations in plant output and using annual plant production reduces the affect of these minor fluctuations in asphalt production on the calculations. Likewise projects such as the Willits Bypass change from year to year and the specific source for asphalt can not be projected with confidence so are not used in the calculations.

Comment 10: *An asphalt plant located at the Longvale site would be superior to the Harris Quarry site with respect to Vehicle Miles Traveled (VMT).*

Response: An analysis was performed to determine the resulting VMT if the Harris Quarry asphalt plant were replaced with one having an equal production capacity at the Longvale site. The Longvale site is located approximately 10 miles north of the City of Willits on SR 162 and approximately two miles easterly of US 101. The VMT associated with providing asphalt to Mendocino County with a plant located at the Harris Quarry site is projected to be 648,120 miles traveled annually. The same sized plant located at the Longvale site would result in 659,718 miles traveled annually to provide asphalt to Mendocino County, or an increase of 11,598 miles annually. Table R1 summarizes the trips and vehicle miles traveled from the various asphalt plants with and without the Harris and Longvale plants. The Longvale site is located further from the principle centers of population than the Harris Quarry site and

would therefore be expected to result in longer trips to provide asphalt and higher VMT. VMT calculations are provided in Enclosure B.

Table R1
Vehicle Miles Traveled Comparison

Asphalt Plant	Base		Harris Plant		Longvale Plant	
	Trips	VMT	Trips	VMT	Trips	VMT
Harris	0	0	2,644	85,621	0	0
Ford Gravel	7,499	284,767	5,444	183,063	5,420	176,041
Ten Mile	1,718	71,146	1,815	61,089	1,808	66,720
Syar Healdsburg	2,501	445,239	1,816	318,347	1,805	295,720
Longvale	0	0	0	0	2,721	121,238
Total	**11,718**	**801,152**	**11,719**	**648,120**	**11,754**	**659,718**

It should be noted that the VMT calculations for asphalt do not include trips to haul aggregate to the asphalt plants. The haul trips made from quarries to asphalt plants are considered to be included in the VMT calculations for aggregates. It is also logical to conclude that asphalt plants located at or near quarry sites that provide raw materials will result in shorter haul trips and contribute less to overall VMT.

Comment 11: *There was a fatal collision at the US 101/Black Bart Drive intersection.*

Response: An additional review of records for traffic collisions at or near the US 101/Black Bart Drive intersection was completed, using the latest available collision data from the California Highway Patrol as published in the Statewide Integrated Traffic Records System (SWITRS). Typically collision records are reviewed for a three to five-year period; however, to be more thorough, collision records from 2000 through November 2010 were reviewed. A search of fatal collisions revealed that between 2000 at November of 2010 three fatal collisions occurred on US 101 that were referenced to Black Bart Drive. None of the fatal collisions occurred at or immediately near the intersection. One was a single-vehicle, hit-object collision which occurred on August 25, 2000, 1.08 miles north of the intersection. The second was also a single-vehicle, hit-object collision that involved alcohol and occurred on January 11, 2004, 866 feet south of the intersection. The third collision was a rear-end collision that occurred on February 27, 2007, 0.7 mile north of Black Bart Drive. In this collision the truck was slowing or stopping and was struck by a vehicle traveling at an unsafe speed. All of these collisions occurred well beyond the influence of the US 101/Black Bart Drive intersection.

Severe injury collisions were also reviewed as these can sometimes result in death after the collision report has been filed. Three severe injury collisions were documented and all occurred more than a half-mile from the intersection of Black Bart Drive. It was noted that none of the three fatal or severe collisions involved large trucks where the driver of the truck was at fault. Collision summaries are provided in Enclosure C.

It is possible that the fatal collision in question could have occurred more than a decade ago and is therefore outside the normal collision review period. Also, a collision could have occurred within the last eight months that has not been entered into the records that are available for review.

Comment 12: There was a concern that average traffic volumes were used in the calculations of delay and level of service.

Response: Calculations for intersection delay and level of service were based upon the peak traffic on US 101 that occurs in July as well as the peak production month of October when traffic entering and leaving the project site are greatest.

Revised Draft Environmental Impact Report

Following are comments based upon review of the RDEIR. The comments are provided in their entirety, and are shown in *italics*.

4.4-B-1, Page 219, second bullet: US 101/Southbound Approach – Provide a right-turn deceleration lane on US 101 at least 400 feet in length.

As noted in Table 4.4-9 of the RDEIR a deceleration taper is only warranted at the Harris Quarry driveway and a 200-foot deceleration lane is being proposed by the applicant. A deceleration taper is created by gradually widening the roadway, allowing vehicles to slow while turning off of the main roadway, however most of the deceleration occurs in the main roadway travel lane. A deceleration lane allows vehicles to slow and prepare to turn outside of the main roadway travel lanes. The applicant's proposed improvements exceed the warranted mitigation measures and extending the deceleration lane beyond that proposed is not justified. The additional length on the deceleration lane is therefore not recommended.

4.4-B-2, pg 220: Project-generated traffic shall not result in unsafe operational conditions near the project site as determined by the Mendocino County Department of Transportation and Caltrans. To ensure conformance with this performance standard, the following shall be done:

- *Traffic operational and accident conditions shall be monitored at the US 101/Harris Quarry Access and US 101/Black Bart Drive intersections every two years after project approval. Counts and evaluation shall be conducted during both July and October. The applicant shall fund each study, and the County shall select the firm to conduct the monitoring. Filming of traffic counts and truck driver behavior will be done to provide a defensible record of actual operations.*

This proposed mitigation requiring monitoring every two years starting after approval appears excessive. The improvements proposed by the applicant are expected to mitigate the project's impacts through the year 2040. Additionally, the annual growth rates used in the preparation of the RDEIR are conservative and result in higher highway traffic volumes than are actually anticipated. Future traffic volumes are based upon a 1.5-percent annual growth in traffic volumes on US 101; however, when looking at the historical traffic volume trends published by Caltrans, the rate of growth in traffic volumes on US 101 in this area is much lower, so the RDEIR likely presents an extremely conservative projection of future traffic conditions. A graph illustrating historical and projected traffic volumes is shown in Enclosure D. The analysis of growth trends on US 101 suggests that these improvements will remain adequate well beyond the year 2040 threshold. While mitigation monitoring is important, it would be more reasonable for monitoring to begin in 2035 and continue at five-year intervals thereafter.

- *If a monitoring report indicates a safety or operational problem at either intersection, an evaluation will be conducted of potential additional mitigation measures that should be considered for implementation. Measures may include: 1) limits on how many trucks can be loaded during peak hours; 2) limits on trucks making left turns in and/or out of the access driveway during peak hours; and 3) provision of a partial or full*

interchange at the Harris Quarry Access intersection and the possible connection of Black Bart Drive to that new interchange in conjunction with elimination of the US 101/Black Bart Drive intersection. If the County and Caltrans agree that such operational changes and/or highway improvements are warranted, then they shall be installed within three years. The applicant shall be responsible for paying its fair share (as determined by Caltrans and the County) of the improvements.

The commenter has suggested a list of additional potential mitigations, including a full interchange as an option. However, there are no criteria or standards recommended for determining if such additional mitigation measures are warranted, so none are recommended. It is further noted that a three-year time limit for construction of an interchange is infeasible, especially given that the applicant would be responsible for only a partial proportional share.

- *Sufficient right-of-way shall be maintained at the US 101/Harris Quarry Access intersection to provide a partial or full interchange, if ever required.*

The requirement to reserve sufficient right-of-way for a potential freeway interchange appears excessive. First, it has not been determined that an interchange is or ever will be warranted in the foreseeable future. Secondly, there are not even preliminary concept plans that would indicate the potential extent of the right-of-way needed for such an improvement. Clearly, the applicant cannot reserve right-of-way when right-of-way needs have not been determined. Furthermore, some of the right-of-way needed to construct an interchange may be located on property owned by other parties and the applicant would not be able to secure this right-of-way. It is recommended that this mitigation be excluded from the conditions of approval for this project.

4.4-D.1, pg 223: The south facing side of the "truck warning sign" located north of Black Bart Drive shall be painted or treated with a reflective surface or have a light installed that can be seen from the project access driveway. During periods of reduced visibility, the quarry operator will monitor the visibility of this sign. When it is not visible from the project access driveway, then trucks will not be permitted to turn left out of the project. Drivers will need to turn right and proceed to the US 101/SR 20 interchange where they can turn and proceed north. Once the Willits Bypass is constructed, northbound drivers wanting to turn left into the project who cannot see the reflective surface of the warning sign will be required to proceed north to the first Bypass interchange where they can turn and access the project from the north. The applicant shall prepare a driver's training manual for trucks that haul aggregate or asphalt. It shall notify drivers of the requirements described above.

The *California Vehicle Code* places the responsibility for entering or exiting a public roadway in a safe and prudent manner on the driver of the vehicle. The intent of this mitigation is to transfer responsibility from the driver to the operator of the quarry for determining what is safe and prudent from the driver to the operator of the quarry; this would place undue liability on the quarry operator. This is contrary to the *California Vehicle Code*. The operator of the quarry also has no legal authority to detain an independent driver and if they were to do so could violate the civil rights of the driver.

Placing reflective material on the back side of the sign to the north of Black Bart Drive is reasonable; likewise the preparation and distribution of a pamphlet or flyer is also reasonable and within the capabilities of the operator of the quarry. A reasonable alternative to requiring the quarry operator to become the enforcer of these conditions is to have the applicant install a sign that is clearly visible to drivers exiting the quarry showing the recommended alternative routing during poor visibility conditions.

At the July 21, 2011, meeting of the Mendocino Planning Commission several additional letters were received and the comment period was extended until September 6, 2011. Two letters were received that contained comments related to traffic and circulation, one from Howard F. Wilkins of Remy Thomas Moose and Manley and a letter from Richard K. Haygood of TJKM Transportation Consultants.

Howard F. Wilkins, September 20, 2011

V. Consideration of the Proposed Project's Effects on Traffic and Circulation is Inadequate.

Comment A-41: *As addressed above, the project uses an inaccurate baseline for truck trips. The project's baseline assumptions are not supported by substantial evidence and inconsistent throughout the RDEIR as stated in Mr. Richard K. Haygood's letter dated July 20, 2011. Again, this makes it impossible for the public to intelligently comment on the RDEIR. The Haygood comment letter provides further evidence of this problem explaining how missing information and unsupported assumptions made it difficult for even an experienced traffic engineer to figure out the RDEIR's analysis. (Haygood letter, July 20, 2011.) Mr. Haygood's comments regarding traffic safety, VMT, and unsupported assumptions throughout this chapter must also be addressed.*

Response: See responses Mr. Hargood's letter identified as T1 through T8

Comment A-42: *The traffic and circulation section also fails to address the project's impacts on traffic on Highway 101 in Willits during peak hours. As the project will increase the number of truck trips on several such intersections which are at level of service "F" or unacceptable service levels within Willits, the project may have a significant impact on these intersections. This potentially significant impact must be evaluated and the RDEIR should propose mitigation as required under CEQA, such as limiting the number of truck trips during peak hours.*

Response: The *Traffic Impact Study for the Harris Quarry* did not provide an evaluation of intersections in the City of Willits, and this is the first time that this issue has been raised. Strictly from the perspective of adding traffic, the Harris Quarry will directly add truck trips to congested intersections in the City of Willits. However, truck trips within the City of Willits are a function of the future need for aggregates at various construction sites in and beyond the city that result in through truck trips on US 101 and State Route 20. As well, haul truck trips from the Harris Quarry to various constructions sites would displace other haul truck trips from another quarry and will likely not alter the total truck traffic within Willits. Further, only 10 truck trips from the Harris Quarry site are expected to occur during the evening commute period (4 inbound and 6 outbound) in the peak month of October as shown in Table 7 of Appendix C. With 35 percent of trips assumed to be to and from the north of the Harris Quarry 3 to 4 peak hour truck trips would be generated during October, and this minimal increase in traffic volumes can reasonably be expected to have a less-than-significant impact on existing traffic operation. For these reasons level of service assessments were not made for intersections within the City of Willits.

It should be further noted that the Harris Quarry routinely provides aggregate to Northern Aggregate's concrete plant located in the southern portion of the City of Willits. The demand for aggregates to make concrete (PCC) is a function of the demand for concrete from that plant and not the amount of aggregates produced by the project. The location of the cement plant and the project site will not result in increased truck trips at key intersections in the City of Willits and will therefore not result in an impact.

Comment A-43: *Finally, it is unclear if the RDEIR followed the "Caltrans Guide for the Preparation of Traffic Studies (Caltrans Guide) in preparing the traffic studies for the project. (See Department of Transportation letter on NOP for Harris Quarry Expansion, September 3, 2010.) Did the all the traffic studies follow the Caltrans*

Guide? If not, why not? Please also describe how the County has complied with the Caltrans PEER process for the project. The EIR should disclose the heightened requirements of the process.

Response: Yes, the guidelines were followed.

Letter from Richard K. Haygood, TJKM Transportation Consultants (on behalf of "Keep the Code"), July 20, 2011

Comment T-1: *The section on existing traffic volumes on page 203 indicates that turn movement counts conducted in June 2006 are presented in Appendix C, but those count results are not included. Appendix C also fails to present the extrapolated turning movement volumes used in the intersection level of service (LOS) analyses. Without this missing data, the reader cannot confirm the accuracy of either the volume adjustments made to the June counts to reflect the peak months of July (for Highway 101) and October (for quarry production), or the extrapolation of traffic growth from year 2006 counts to analysis years 2010, 2014 and 2030, and thereby assess the reliability of the resulting LOS calculations.*

Furthermore, the assumed straight-line extrapolation of traffic growth from year 2006 counts to year 2010 volumes, based on projected traffic growth of 50 percent over the 20-year period from 2006 to 2025, does not appear to provide an accurate representation of baseline conditions in effect at the time of EIR preparation (i.e. year 2010) for the study intersections on Highway 101. The assumed growth rate of 2.5 percent per year results in use of traffic volumes increased by 10 percent from year 2006 counts in the baseline year 2010 LOS analyses. However, a comparison of the annual "Traffic Volumes on the California State Highway System" provided by the Caltrans Traffic Data Branch (www.dot.ca.ov/hq/traffops/saferesr/trafdata) indicates that Highway 101 volumes in the project vicinity almost certainly decreased between 2006 and 2010, consistent with prevailing economic conditions. The peak-month average daily traffic volume south of the closest Caltrans count location at the Willits south city limit (postmile 45.167) was 19,700 vehicles per day (vpd) in 2006 and 2007, but decreased to 15,800 vpd in 2008 and 15,400 vpd in 2009.

Although the 2010 Caltrans traffic volumes were not available as of the preparation of this letter, only a modest increase, if any, from 2009 volumes would be expected based on prevailing economic conditions, and 2010 volumes were probably still significantly lower than 2006 levels, let alone the additional ten percent used in the LOS analysis. Note that no LOS analysis using the 2006 count data without adjustment is presented in the Revised DEIR. This is the case despite the footnote on page 203 regarding the 2006 counts, which states: "These counts remain suitable for the traffic analysis because there have been no substantive changes in quarry operations and no substantive new development in the area served by Black Bart Drive."

Response: We agree that the economy has had an impact on traffic volumes on roadways throughout the nation and state. We further agree "that no LOS analysis using the 2006 count data without adjustment is presented in the Revised DEIR." However, Tables 3.4-1and 3.4-6 in the readily available original Draft Environmental Impact Report (DEIR) address service levels for the year 2006 at US 101/Black Bart Drive and US 101/Harris Quarry access. Because the DEIR adequately addressed this issue, reiterating the previously published evaluation was not deemed critical to the decision making process.

The intersection service level evaluations for the year 2010, 2030 and 2040 presented in the Revised DEIR are based upon the 2006 traffic volume data factored upwards based upon growth projections published by Caltrans District 1 of 1.5 percent. A reflection of the initial data and the adjustment factors together with historical traffic volume data, also published by Caltrans, for US 101 in the vicinity of the Harris Quarry will show that the projections for projected traffic volumes for the years 2010,

2030 and 2040 are over estimated. The consequences of this over estimation of traffic volumes results in higher vehicular delay and lower service levels than will likely occur in the future, making the analysis performed conservative. If, on the other hand, the analysis were based on lower growth rates, as Mr. Haygood suggests, lower projected future traffic volumes would result on US 101 translating to reduced potential impacts.

Comment T-2: *The various sections in the Revised DEIR describing Minimum Acceptable Standards are somewhat contradictory and very confusing to a reader attempting to determine the basis for finding a significant impact. For example, the section regarding Caltrans standards on page 206 states that "where operation is already below LOS C, the existing measure of effectiveness should be maintained. For public road intersections [e.g. at Black Bart Drive], this means that the existing control delay should be maintained. Under this criterion, any increase in delay would therefore result in a significant impact." The tables in Section 4.4 show the LOS and delay results for the Black Bart Drive and project driveway stop sign controlled approach to Highway 101. Comparing Table 4.4-2 with Table 4.4-8 for the 11:00 AM to Noon period shows operations already at LOS D with delay increasing from 25.5 to 27.6 seconds on Black Bart Drive, but no project impact is identified, which appears to be an oversight based on the Caltrans criterion* ***as*** *described. However, page 14 of Appendix C further elaborates the standards based on discussion with Caltrans staff, as follows: "...the standard is to be applied to the overall average intersection delay, not that associated with any single movement or approach." Unfortunately, such overall average intersection delay results are not presented in any tables in Section 4.4 or Appendix C. To further add to the confusion, page 14 of Appendix C also includes the following statement "While Caltrans standards apply to the study intersection of US 101/Black Bart Drive, both the overall average intersection delay and the delay on the worst approach were considered to provide a conservative analysis." The conundrum resulting from this mix of statements makes it nearly impossible for even an experienced professional to discern the applicable criteria for a significant LOS impact.*

Response: It is true that with increased production at the Harris Quarry delay on the Black Bart Drive approach would be expected to increase by an average of 2.1 seconds during the 11 a.m. to noon hour in July if the existing geometric conditions were maintained. However, since implementation of the project's mitigation measures will improve service to LOS C conditions with an average delay of only 17.3 seconds, the impact is less-than-significant. The evaluations and conclusions presented in the Revised DEIR are clear as presented in Appendix C and its sub Appendix H of the Revised DEIR, but given the unusual breadth of information contained in the various analyses of this project it is not surprising that some may find it confusing.

Comment T-3: *The trip generation analysis for the Base Permit and Project scenarios presented in Section 4.4 does not support certain statements made in the Project Description Section 3.2 of the Revised DEIR. The project description text on page 72 describes "normal" operating periods and operations as 5-6 trucks per hour on a normal day" for the current quarry, with 8 trucks per hour leaving the site anticipated with the project "on average during normal operations." No specific definition of "normal" operations or time periods is given to provide context for these asserted truck trip projections, which are not consistent with the other, much higher calculations of project truck trips used in the detailed traffic analysis. Without further definition, these assertions about "normal" operations are not meaningful, and potentially misleading to the reader in regard to the project's generation of additional truck traffic in the vicinity of the site.*

Response: Comment noted.

Comment T-4: *Mitigation Measure 4.4-B. 1 includes an acceleration lane for left turns departing from the project site onto northbound Highway 101, which would extend through and north of the Black Bart Drive intersection. However, the portion of this acceleration lane between the project driveway and Black Bart Drive*

would also serve as the northbound left-turn lane for turns onto Black Bart Drive. This configuration presents an area of conflict between vehicles turning left at Black Bart Drive and slow-moving trucks in the lower portion of the uphill acceleration lane, as acknowledged on page 222 of the DEIR. The result would be several different potential evasive maneuvers with problematic safety issues:

Response: We agree that this configuration, like any intersection configuration, presents the opportunity for potential conflict points. However, we feel that the potential conflicts are reduced when compared to existing conditions and the proposed configuration represents an improvement.

- *Northbound vehicle attempting left turn pulls into lane behind slow-moving truck, requiring rapid deceleration from fast-lane speed. With the truck in front, visibility between the left-turning driver and oncoming southbound traffic will be obscured.*

A driver pulling in behind a slower moving vehicle will need to decelerate. However, as there is adequate sight distance along US 101 a rapid deceleration would not be necessary for a prudent driver. The prudent motorist can see well in advance that there is a truck entering the left-turn lane and can decelerate at a comfortable rate to merge into the left-turn lane without an abrupt speed change.

A driver behind a large truck, on any roadway, can be obscured to opposing traffic. However, a prudent driver following close behind is still required to yield to oncoming traffic before turning left. The prudent driver will slow or stop in the left turn lane waiting for the leading truck to increase the distance separating them and increasing the sight lines to opposing traffic. Having waited until opposing traffic is clear, the turn can then be completed safely.

- *Northbound vehicle attempting left turn pulls into the lane ahead of slow-moving truck, potentially requiring rapid deceleration depending on the remaining distance in front of the truck before reaching the intersection. The slow-moving truck must choose between avoiding the left-turning vehicle by pulling into the fast lane before reaching sufficient speed, or slowing and potentially stopping until the vehicle ahead makes the turn and then proceeding to use the remaining portion of the acceleration lane, which will not be long enough to reach adequate speed before merging into the fast lane.*

The conditions described are possible; however, the possibility remains very low. The key phrase in this argument is "slow moving truck." A slow moving truck can easily slow or stop, especially when traveling uphill, should a vehicle pull in front of the truck which is beginning to accelerate. The slowed or stopped truck will have lost some of the distance needed to accelerate, but this condition will be no worse than existing operation and the probability of the confluence of these multiple events is very low.

- *Northbound vehicle attempting left turn is stopped waiting for a gap in southbound traffic, when an accelerating truck approaches from behind. The problematic options for the slow-moving truck are the same as described in the immediately preceding bullet point.*

The slow or stopped truck will have lost some of the acceleration distance; however, a shorter acceleration lane is better than the existing conditions and the probability as stated in the RDEIR of the confluence of these multiple events is very low (less than 3-percent). Further, responding to the conditions described is well within the capabilities of drivers who operate trucks.

Comment T-5: *The Revised DEIR downplays these circumstances by stating that the observed frequency of left turns onto Black Bart Drive and trucks turning left out of the quarry, the presence of both vehicle movements in the median lane would be a rare occurrence, and that 97 percent of vehicles turning left onto Black Bart Drive would not experience conflicts with trucks during the peak hours in July and October. However, the remaining*

percentage of vehicles still represents the likelihood that such conflicts and the resulting potentially hazardous maneuvers described above would occur several times every day during peak traffic seasons. The DEIR does not cite the methodology used to calculate that 97 percent of vehicles turning left at Black Bart Drive would not experience conflicts with trucks turning left from the quarry.

Response: The lane warrant calculations for acceleration lanes and tapers are provided in Appendix G or the Updated Supplemental Traffic Impact Study (Appendix C of the Revised DEIR). A key element of the proposed acceleration and deceleration lanes is the ability of motorists to see other vehicles and to have sufficient time to react. This sight distance is called "Decision Sight Distance" and the available sight distance exceeds the 1,050 feet needed for speeds of 65 mph on US 101.

Comment T-6: *The Willits Bypass project is no longer funded and both the future availability of funding and the construction schedule appear speculative at this time. The Revised DEIR traffic analysis assumed that the Willits Bypass construction would start in 2012 and be completed in 2016 (page 204). Without the Willits Bypass, the significance after mitigation of bad weather safety Impact 4.4-D at the project access driveway requires revision. Mitigation Measure 44-D.1 on page 223 states that once the Willits Bypass is constructed, northbound truck drivers wanting to turn left into the quarry during periods of reduced visibility will be required to proceed north to the first Bypass interchange and use the ramps to reverse direction and access the project via a right turn from the north. The subsequent paragraph on impact significance after mitigation states that there remains some hazard of drivers turning left into the project until the Willits Bypass is constructed. Given the uncertainty about construction of the Willits Bypass, additional mitigation should be identified for this safety impact; otherwise, a significant safety impact should be determined.*

Response: We disagree that additional safety measures above those already identified as warranted are justified, and recommend that this mitigation not be included in the Conditions of Approval for the Project. The *California Vehicle Code* places the responsibility for entering or exiting a public roadway in a safe and prudent manner on the driver of the vehicle. The intent of this mitigation is to transfer responsibility from the driver to the operator of the quarry for determining what is safe and prudent from the driver to the operator of the quarry; this would place undue liability on the quarry operator. This is contrary to the *California Vehicle Code*.

A reasonable alternative to requiring the quarry operator to become the enforcer of these conditions is to have the quarry operator prepare and distribute a pamphlet or flyer advising drivers of the alternative route is reasonable during low visibility conditions.

Comment T-7: *The vehicle miles traveled (VMT) data in Table 5.2-1 on page 363 of the Revised DEIR presents several discrepancies that must be addressed with further explanation or correction:*

- *Under Base Permit, the annual trip amount shown for Harris Quarry Aggregate is 3,719, however, using 93,000 cubic yards per year hauled from the project site and an average truck capacity of 16 cubic yards, as described under 'Existing Permit Conditions' in Appendix C, the total annual trips would be 5,812.*

Response: The VMT calculations showed that truck trips from the Harris Quarry will likely be lower than projected by dividing the total production potential by the average capacity of haul trucks. The VMT calculations are based upon a fixed demand for aggregates in the County and uniform production costs between quarries. Holding demand and production costs constant, travel time to deliver aggregates becomes the variable that determines which quarry will likely provide a portion of aggregates to the various population centers. The sum of the aggregate projected to population centers results in

the likely number of truck trips from that quarry. This produces a different number of haul trips to quarries than simply dividing the production by the capacity of haul trucks.

Under Project, the annual trip amount shown for the Harris Quarry Aggregate is 7,550. However, using 258,000 cubic yards per year to be hauled from the project site, and average truck capacities of 20 cubic yards for aggregate trucked to the Willits concrete plant and 16 cubic yards for other aggregate material and AC, as described under "Project Trip Generation" in Appendix C, the total annual trips would be 15,660.

Response: Again, the results of the VMT analysis are that the Harris Quarry will likely not achieve peak production when considering available capacity of all other sources of aggregate producing aggregates for use in Mendocino County.

- *Under Project plus Near Term Cumulative, the annual trip amount shown for Harris Quarry is 9,420. This increase of nearly 1,900 trips, or 25 percent, over the Project annual trips does not make any sense, given that total Quarry Aggregate annual trips are assumed to remain constant at 38,940 while the new Kunzler Quarry north of Ukiah is shown as absorbing 7,845 of those trips. A more reasonable outcome with the addition of the Kunzler Quarry would appear to be a reduction of annual trips at the Harris Quarry and other quarries where an increase was also shown; this would be consistent with the outcome described for the Harris Quarry Project, which showed the annual trips being reduced at all other quarries listed compared to the Base Permit scenario.*

Response: A revised version (Table 8A) is provided below. As seen in Table 8A the addition of the Kunzler Quarry will redistribute trips providing aggregates to Mendocino County and will reduce the total vehicle miles traveled by trucks delivering aggregates by 213,190 vehicle miles traveled per year.

Revised Table 8A
Vehicle Miles Traveled Summary

Quarry *Aggregate VMT*	Base Permit		Project		Project plus Near Term Cumulative		Change In VMT
	Annual Trips	Annual VMT	Annual Trips	Annual VMT	Annual Trips	Annual VMT	
Harris	3,719	98,761	7,550	225,263	4,494	175,631	76,870
Davis Pit	3,721	322,636	3,579	318,899	2,889	282,894	-39,742
Keithly Ranch	4,959	415,506	4,747	401,631	3,847	366,318	-49,188
DNA River	1,240	145,695	1,209	144,970	972	127,656	-18,039
Cooks Humboldt	992	133,202	973	129,297	774	98,123	-35,079
Ford Gravel	9,920	287,671	8,096	236,262	7,597	271,745	-15,926
Ten Mile	2,480	75,480	2,018	58,816	1,459	38,935	-36,545
Pieta	2,481	109,033	2,058	89,771	1,605	75,623	-33,410
Layton Rock	2,480	69,650	2,088	47,997	1,761	29,530	-40,120
Cooks Valley	2,480	329,488	2,420	319,171	1,925	243,918	-85,570
Wisley Ranch	744	25,178	591	19,419	422	12,982	12,196
Coal Mine	1,241	108,060	1,199	104,864	954	80,090	-27,970
Syar Healdsburg	2,449	326,041	2,412	319,551	1,942	280,657	-45,384
Kunzler	0	0	0	0	8,341	149,109	149,109
Total	***38,936***	***2,446,401***	***38,940***	***2,415,911***	***38,982***	***2,233,211***	***-213,190***
Plant (AC VMT)							
Harris	0	0	2,644	85,621	2,644	85,621	85,621
Granite	7,499	284,767	5,444	183,063	5,444	183,063	-101,704
Baxman	1,718	71,146	1,815	61,089	1,815	61,089	-10,057
Bodean/Syar (Santa Rosa)	2,501	445,239	1,816	318,347	1,816	318,347	-126,892
Total	***11,718***	***801,152***	***11,719***	***648,120***	***11,719***	***648,120***	***-153,032***
Project Total	***50,654***	***3,247,553***	***50,659***	***3,064,031***	***50,701***	***2,136,113***	***-366,222***

Note: VMT = Vehicle miles traveled

Comment T-8: *Alternative 3 — Quarry Only and Alternative 6 — Reduced Production both assume that the traffic safety improvements on Highway 101 required with the proposed project would not be made. Alternative 3, which would result in approximately the same number of trucks entering and exiting the site as the proposed project, is described on page 371 as having substantially increased traffic safety hazards because of the lack of Highway 101 improvements. As described on page 380, Alternative 6 would generate the same amount of traffic as the current base condition, which is a reduction of trips from the proposed project, and the continuation of existing safety hazards would not be an impact.*

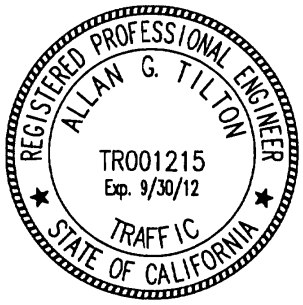
The assumption that Highway 101 improvements would not be made with these Alternatives does not provide a reasonable basis for comparison of their traffic impacts with the proposed project. Existing Observed Safety Concerns with the current Highway 101 roadway configuration are described starting on page 207. The section on Acceleration and Deceleration Lanes on page 208 states that the following are warranted under current base permit conditions: northbound left-turn deceleration lane for turns into the quarry, southbound deceleration lane for right turns into the quarry and northbound acceleration lane for left turns out of the quarry. A permit renewal is necessary for the quarry to continue operating at current base permit levels of production, which coincides with Alternative 6, and the conditions of that permit renewal and thereby the description of Alternative 6 should include the warranted Highway 101 improvements. Similarly, approval of Alternative 3 would clearly require Highway 101 improvements similar to the mitigation measures for the proposed project, including the three acceleration/deceleration lanes already mentioned plus a southbound acceleration taper for right turns out of the quarry. Using this reasonable basis of comparison, traffic safety impacts for Alternatives 3 and 6 would be very similar to the proposed project.

Response: We agree with these observations and continue to recommend safety improvements on US 101 at the project access under existing conditions.

We hope this information adequately addresses the issues brought forth in the comments. Please contact me if you have any questions about these comments.

Sincerely,

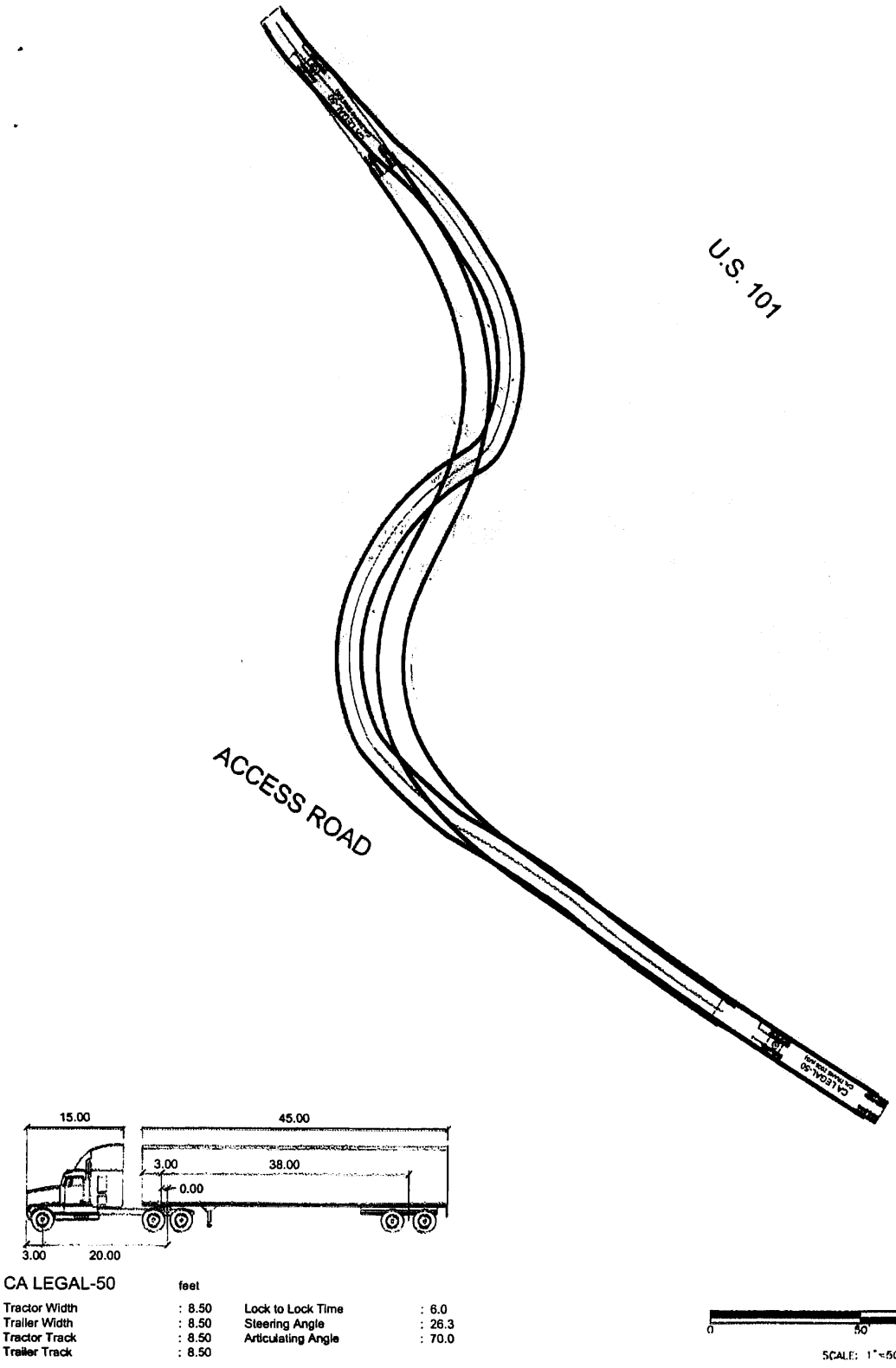


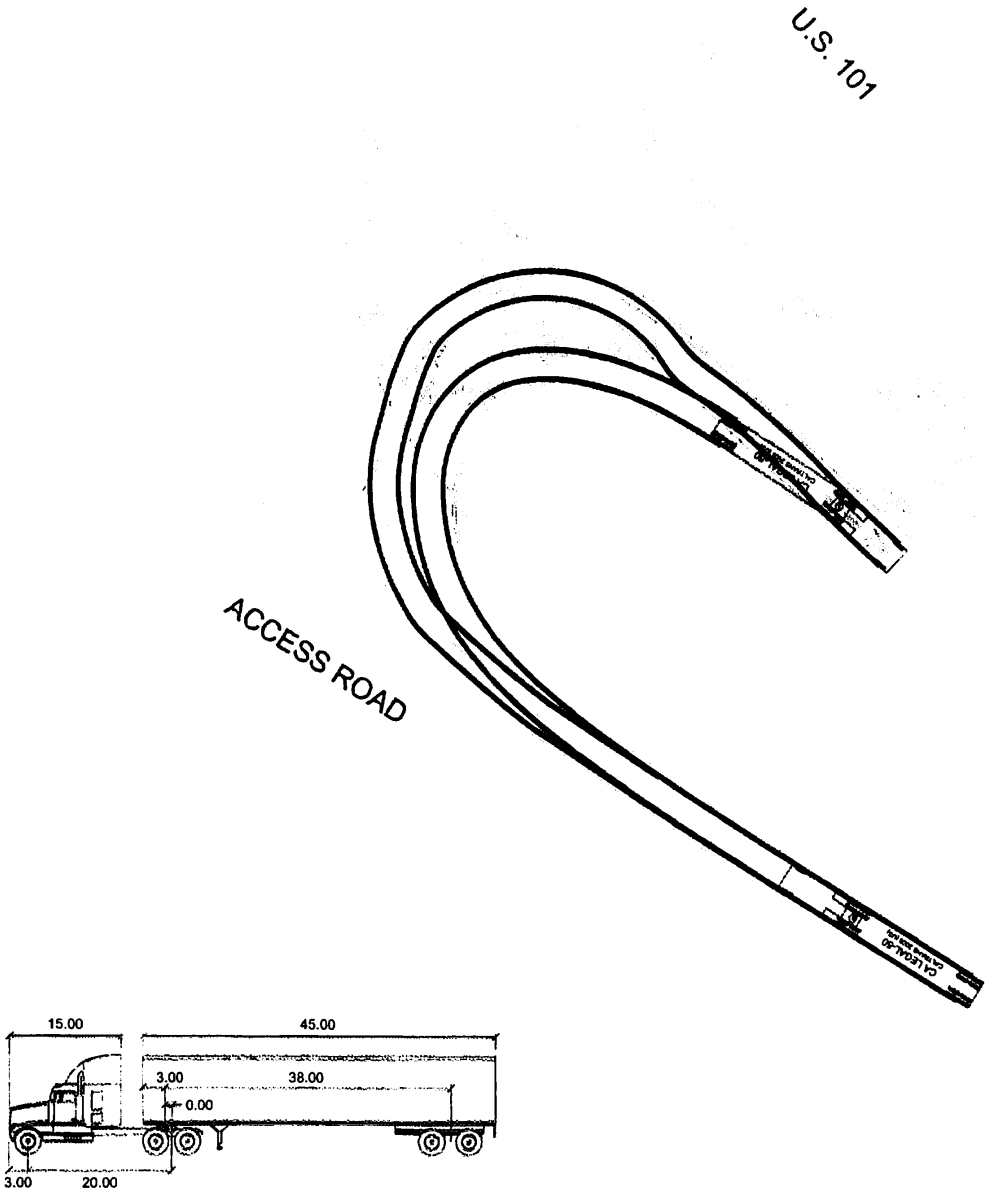


Allan G. Tilton, P.E.
Senior Associate

DJW/AGT/agt/MEX047.R2C

Enclosures:
A – Truck Turning Movement Sheets
B – VMT Calculations Longvale Alternative Site
C – Collision Summaries
D – Traffic Volume History and Future Projections


U.S. 101
ACCESS ROAD
15.00
45.00
3.00
38.00
0.00
3.00
20.00
CA LEGAL-50
feet
Tractor Width : 8.50
Trailer Width : 8.50
Tractor Track : 8.50
Trailer Track : 8.50
Lock to Lock Time : 6.0
Steering Angle : 26.3
Articulating Angle : 70.0
0
50'
100'
SCALE: 1"=50'
NORTH



CA LEGAL-50 feet

Tractor Width	: 8.50	Lock to Lock Time	: 6.0
Trailer Width	: 8.50	Steering Angle	: 28.3
Tractor Track	: 8.50	Articulating Angle	: 70.0
Trailer Track	: 8.50		

0 50' 100'

SCALE: 1"=50'

NORTH

Vehicle Miles Traveled for Asphalt Production - Project Conditions

		POPULATION 2000		A	D	T	F	P	J	K	A*K	Adjusted Trips	A*K*D
		Incorporated	Un-incorporated	Attractions	Roundtrip Distance	Travel Time	1/T ^2	Productions	F*P	F*P/Sum F*P	Trips	1	Miles Traveled
Boonville	Harris Quarry AC	943	2221	3164	74	86	0.000135	0	0	0	0	0	0
Boonville	Granite	943	2221	3164	53.2	74	0.000183	7500	1.369612856	0.831188267	2630	297	15800
Boonville	Baxman	943	2221	3164	119	156	0.000041	2500	0.102728468	0.062343674	197	34	4046
Boonville	Syar/Bodean	943	2221	3164	135	154	0.000042	2500	0.105414066	0.063973505	202	213	28755
Boonville	Longvale	943	2221	3164	157.2	228	0.000019	3640	0.070021545	0.042494553	134	141	22165
					538.4	698		16140	1.647776936		3163	685	

		POPULATION 2000			Roundtrip		1/T^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Covelo	Harris Quarry AC	1838	536	2374	95	142	0.000050	0	0	0	0	0	0
Covelo	Granite	1838	536	2374	144	206	0.000024	7500	0.176736733	0.012199452	29	3	432
Covelo	Baxman	1838	536	2374	105	194	0.000027	2500	0.066425763	0.004585113	11	2	210
Covelo	Syar/Bodean	1838	536	2374	264	314	0.000010	2500	0.025355998	0.001750226	4	4	1056
Covelo	Longvale	1838	536	2374	9.4	16	0.003906	3640	14.21875	0.981465209	2330	868	8159
					617.4	872		16140	14.48726849		2374	877	

		POPULATION 2000			Roundtrip		1/T^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Ft Bragg/Mendocino	Harris Quarry AC	6771	3203	9974	81	100	0.000100	0	0	0	0	0	0
Ft Bragg/Mendocino	Granite	6771	3203	9974	129	166	0.000036	7500	0.272173029	0.117302755	1170	132	17028
Ft Bragg/Mendocino	Baxman	6771	3203	9974	21	36	0.000772	2500	1.929012346	0.83137724	8292	1443	30303
Ft Bragg/Mendocino	Syar/Bodean	6771	3203	9974	249	274	0.000013	2500	0.03329959	0.014351656	143	151	37599
Ft Bragg/Mendocino	Longvale	6771	3203	9974	126.8	206	0.000024	3640	0.085776228	0.03696835	369	137	17372
					606.8	782		16140	2.320261193		9974	1863	

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Hopland	Harris Quarry AC	1005	1229	2234	60	63	0.000252	0	0	0	0	0	0
Hopland	Granite	1005	1229	2234	23	40	0.000625	7500	4.6875	0.928402942	2074	235	5405
Hopland	Baxman	1005	1229	2234	163	204	0.000024	2500	0.060073049	0.011898026	27	5	815
Hopland	Syar/Bodean	1005	1229	2234	109	109	0.000084	2500	0.210419998	0.041675636	93	98	10682
Hopland	Longvale	1005	1229	2234	146.2	200	0.000025	3640	0.091	0.018023396	40	15	2193
					501.2	616		16140	5.048993047	1	2234	353	

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Laytonville	Harris Quarry AC	1310	2695	4005	58	72	0.000193	0	0	0	0	0	0
Laytonville	Granite	1310	2695	4005	106	138	0.000053	7500	0.393824827	0.293044423	1174	133	14098
Laytonville	Baxman	1310	2695	4005	53	110	0.000083	2500	0.20661157	0.153739339	616	107	5671
Laytonville	Syar/Bodean	1310	2695	4005	226	246	0.000017	2500	0.041311389	0.030739738	123	130	29380
Laytonville	Longvale	1310	2695	4005	40.4	72	0.000193	3640	0.702160494	0.5224765	2093	780	31512
					483.4	638			1.34390828		4006	1150	

Vehicle Miles Traveled for Asphalt Production - Project Conditions

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Potter Valley	Harris Quarry AC	1275	616	1891	44	62	0.000260	0	0	0	0	0	0
Potter Valley	Granite	1275	616	1891	51	80	0.000156	7500	1.171875	0.83351744	1576	178	9078
Potter Valley	Baxman	1275	616	1891	147	200	0.000025	2500	0.0625	0.044454263	84	15	2205
Potter Valley	Syar/Bodean	1275	616	1891	172	188	0.000028	2500	0.070733364	0.050310393	95	100	17200
Potter Valley	Longvale	1275	616	1891	127.8	190	0.000028	3640	0.100831025	0.071717903	136	51	6518
					541.8	720			1.405939388		1891	344	

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Redwood Valley	Harris Quarry AC	4992	2624	7616	19	26	0.001479	0	0	0	0	0	0
Redwood Valley	Granite	4992	2624	7616	33	52	0.000370	7500	2.773668639	0.885812755	6746	763	25179
Redwood Valley	Baxman	4992	2624	7616	121	164	0.000037	2500	0.092950625	0.029685179	226	39	4719
Redwood Valley	Syar/Bodean	4992	2624	7616	154	150	0.000044	2500	0.111111111	0.035485003	270	284	43736
Redwood Valley	Longvale	4992	2624	7616	104.8	154	0.000042	3640	0.153482881	0.049017064	373	139	14567
					431.8	546			3.131213256		7615	1225	

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Ukiah	Harris Quarry AC	24762	3935	28697	32	36	0.000772	0	0	0	0	0	0
Ukiah	Granite	24762	3935	28697	17	32	0.000977	7500	7.32421875	0.956724262	27455	3105	52785
Ukiah	Baxman	24762	3935	28697	135	176	0.000032	2500	0.080707645	0.010542416	303	53	7155
Ukiah	Syar/Bodean	24762	3935	28697	137	140	0.000051	2500	0.12755102	0.01666132	478	503	68911
Ukiah	Longvale	24762	3935	28697	120.2	172	0.000034	3640	0.123039481	0.016072002	461	172	20674
					441.2	556			7.655516896		28697	3833	

		POPULATION 2000			Roundtrip		1/T ^2	Productions	F*P	F*P/Sum F*P	Trips		Miles
		Incorporated	Un-incorporated	Attractions	Distance	Travel Time							Traveled
Willits/Brooktrails	Harris Quarry AC	5336	2893	8229	11	14	0.005102	0	0	0	0	0	0
Willits/Brooktrails	Granite	5336	2893	8229	59	78	0.000164	7500	1.232741617	0.711391469	5854	662	39058
Willits/Brooktrails	Baxman	5336	2893	8229	91	122	0.000067	2500	0.167965601	0.096929716	798	139	12649
Willits/Brooktrails	Syar/Bodean	5336	2893	8229	180	188	0.000028	2500	0.070733364	0.040818863	336	354	63720
Willits/Brooktrails	Longvale	5336	2893	8229	74.6	118	0.000072	3640	0.261419	0.151	1241	462	34465
					415.6	520		16140	1.732860		8229	1617	

W-Trans
Collision Records
Detailed Collision Report

7/6/2011

Date Range Reported: 1/1/99 - 12/31/10
Total Number of Collisions: 3
Total Numberof Persons Injured 3
Total Number of Persons Killed 3

91500008 ***8/25/00*** 15:55 Friday Rt 101 & Black Bart Dr (mp41.92) 5702' North Lighting: Daylight Weather: Clear Road Cond: No Unusual Condition Surface Cond: Dry R/W Controls: None
25155510

Primary Coll. Factor: Improper Turning VC 22107. Hit Object Fixed Object Fatal Hit & Run: No #Parties: 1 Party at Fault 1 #Inj: 0 #killed: 1

Party #1: Driver North Ran Off Road Female 63 Impairment Not Known Party #2:

1235134 ***1/11/04*** 13:45 Sunday Rt 101 & Black Bart Dr (mp40.74) 866' South Lighting: Daylight Weather: Clear Road Cond: No Unusual Condition Surface Cond: Dry R/W Controls: None

Primary Coll. Factor: Improper Turning VC 22107 Hit Object Fixed Object Fatal Hit & Run: No #Parties: 1 Party at Fault 1 #Inj: 0 #killed: 1

Party #1: Driver South Ran Off Road Male 55 HBD Under Influence Party #2:

3092530 ***2/27/07*** 16:30 Tuesday Rt 101 & Black Bart Dr (mp41.64) 3685' North Lighting: Daylight Weather: Cloudy Road Cond: No Unusual Condition Surface Cond: Snowy Or Icy R/W Controls: None

Primary Coll. Factor: Unsafe Speed VC 22350 Rear-End Other Motor Vehicle Fatal Hit & Run: No #Parties: 3 Party at Fault 1 #Inj: 3 #killed: 1

Party #1: Driver North Proceeding Straight Male 23 HNBD Party #2: Driver North Slowing/Stopping Male 32 HNBD

FATAL COLLISIONS

Settings Used For Query

Parameter	Setting
Street Name	RT 101*
Cross Street	BL*
Starting Date	1/1/1999
Ending Date	12/31/2010
Distance from Intersection	>= 0' for non rear-end collisions
	>= 0' for rear-end collisions
Highest Degree of Injury	'Fatal'

W-Trans
Collision Records
Detailed Collision Report

7/6/2011
Date Range Reported: 1/1/99 - 12/31/10
Total Number of Collisions: 3
Total Numberof Persons Injured 4
Total Number of Persons Killed 0

91500111 11/12/01 12125013 12:50 Monday Rt 101 & Black Bart Dr (mp40.06) 4224' South Lighting: Daylight Weather: Cloudy Road Cond: No Unusual Condition Surface Cond: Wet RAW Controls: Functioning

Primary Coll. Factor: Unsafe Speed VC 22350. Hit Object Fixed Object Severe Injury Hit & Run: No #Parties: 1 Party at Fault 1 #Inj: 1 #killed: 0

Party #1: Driver South Proceeding Straight Male 19 HNBD Party #2:

2217181 9/2/05 12:24 Friday Rt 101 & Black Bart Dr (mp42.11) 8547' North Lighting: Daylight Weather: Clear Road Cond: No Unusual Condition Surface Cond: Dry RAW Controls: None

Primary Coll. Factor: Wrong Side of Road VC 21650 Hit Object Fixed Object Severe Injury Hit & Run: No #Parties: 1 Party at Fault 1 #Inj: 1 #killed: 0

Party #1: Driver North Crossed Into Opposing Lane - Male 69 HNBD Party #2:

3114338 4/7/07 23:25 Saturday Rt 101 & Black Bart Dr (mp41.56) 3896' North Lighting: Dark - No Street Lights Weather: Cloudy Road Cond: No Unusual Condition Surface Cond: Dry RAW Controls: None

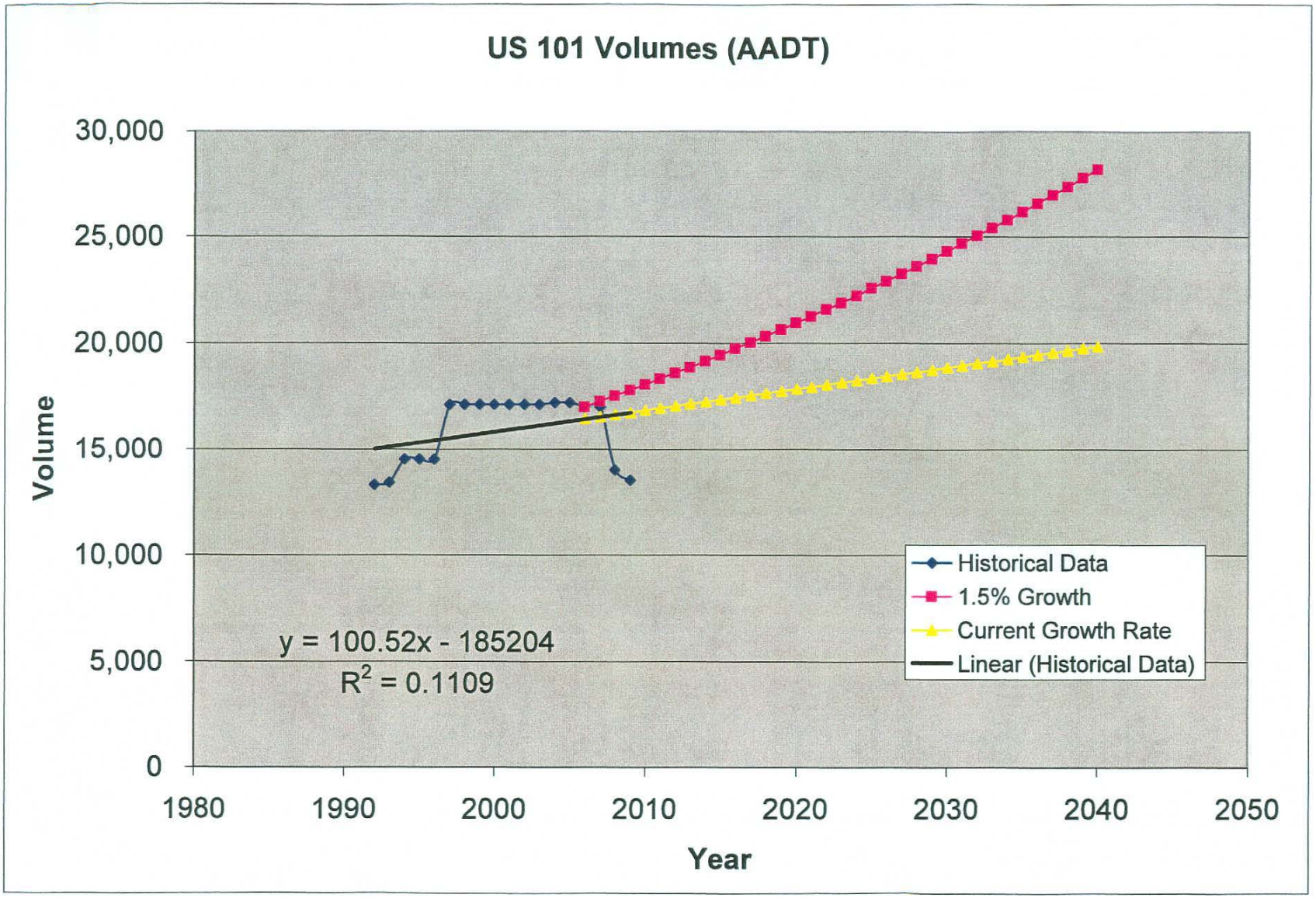
Primary Coll. Factor: Unsafe Speed VC 22350 Hit Object Fixed Object Severe Injury Hit & Run: No #Parties: 1 Party at Fault 1 #Inj: 2 #killed: 0

Party #1: Driver North Crossed Into Opposing Lane - Male 18 Not Stated Party #2:

SEVERE INJURY COLLISIONS

Settings Used For Query

Parameter	Setting
Street Name	RT 101
Cross Street	BL*
Starting Date	1/1/1999
Ending Date	12/31/2010
Distance from Intersection	>= 0' for non rear-end collisions
	>= 0' for rear-end collisions
Highest Degree of Injury	'Severe Injury'


US 101 Volumes (AADT)
30,000
25,000
20,000
15,000
10,000
5,000
0
Volume
1980
1990
2000
2010
2020
2030
2040
2050
Year
y = 100.52x - 185204
R2 = 0.1109
Historical Data
1.5% Growth
Current Growth Rate
Linear (Historical Data)

Attachment B
Blackburn Consulting Comment Letter
July 18, 2011

Auburn Office:
11521 Blocker Drive, Suite 110 ▪ Auburn, CA 95603
(530) 887-1494 ▪ Fax (530) 887-1495

blackburn consulting

Modesto Office: (209) 522-6273
West Sacramento Office: (916) 375-8706

Geotechnical ▪ Construction Services ▪ Forensics

BCI File No. 626.7
July 18, 2011

Pat Allen
Northern Aggregates, Inc.
P.O. Box 1566
Willits, CA 95490

Subject: **Response to Comments**
Harris Quarry Expansion DEIR
Mendocino County, California

Dear Mr. Allen:

This letter addresses geotechnical-related issues noted in the Revised Draft Environmental Impact Report (RDEIR) prepared by Leonard Charles and Associates dated May 2011 for the revised quarry expansion submitted in 2010 by RAU and Associates, Inc.

1. RDEIR p. 110, Section 4.1-A.8

Comment/Concern: The DEIR references a BCI Geotechnical Evaluation, dated March 28, 2005, that described the need for a "design level geotechnical study".

Response: BCI completed a design-level Geotechnical Report dated September 12, 2005.

2. RDEIR p. 116, Section 4.1-A.1

Comment/Concern: The final quarry face should have a minimum Factor of Safety (FOS) for slope stability of 1.1 (pseudo-static) and 1.3 (static). The BCI report on Slope Stability Analysis, dated October 11, 2006, determined that some slopes have a FOS of 0.7 to 0.9.

Response: The 0.7 to 0.9 FOS refers to local wedge failures within the rock. These may occur along certain adverse-dipping planes, based on the strike and dip of primary discontinuities measured in the quarry face in 2006. However, they only occur in a few, isolated instances where the orientation of the discontinuity "daylights" out-of-slope. As indicated in the October 11, 2006 report, the overall rock slope meets the FOS criteria and is stable at the design cut of 0.75h:1v.

It is difficult to project the orientation of rock discontinuities far into the hillside; therefore we recommended that the interim cut slopes, including temporary faces during progressive phases of operations prior to final excavation, be evaluated in accordance with current Mine Safety and Health Administration (MSHA) requirements as the quarry operations progress. We also recommended that a slope stability analysis be performed when the quarry face progresses to within 150 ft of the final face cut to provide an opportunity to modify the final cut configuration, if necessary, based on specific rock exposures at that time.

3. RDEIR p. 117, Section 4.1-B

Comment/Concern: The need for a "design level geotechnical study", per Item 1 above, and concern for stability and potential settlement of a "75-foot thick fill slope" at the asphalt processing site.

Response: BCI completed a design-level Geotechnical Report dated September 12, 2005. That report addressed fill slope construction and stability. The fill will be a maximum of 40 feet thick, not 75 feet. Fill construction will include a base key cut 10-20 foot wide and 3 feet vertical into rock; subdrainage along the keyway; and benching the fill horizontally into intact soil or weathered rock. A minor slump in the southwest portion of the site will be mitigated by removing all the slumped material and either incorporating into the engineered fill section or disposing of these soils outside the grading limits. These are typical construction practices for new embankment and slope stability analyses are generally not necessary at the proposed slope gradient. Settlement will be minimized through typical construction practice and observation/testing of fill compaction.

4. RDEIR p. 118, Section 4.1-B.2

Comment/Concern: The "design-level geotechnical study" for the asphalt processing pad shall include slope stability analysis of proposed cut and fill slopes; evaluation of potential landslides generated as a result of the site grading (cuts/fills); settlement analysis (gross, differential and earthquake-induced); and mitigation measures such as bedrock keyways, subsurface drainage measures and "Geogrid stabilization fabrics" in the engineered fill.

Response: The September 12, 2005 report addresses fill construction consistent with typical design criteria for engineered fills of this magnitude. The report includes recommendations for keyways, soil compaction and subsurface drainage. With fill constructed per the design recommendations, including a minimum of 90% relative compaction as observed and tested by BCI, we consider fill slopes appropriately stable. We do not consider reinforcing fabrics (such as geogrids) to be required for slope stability.

5. RDEIR p. 158, Section 4.2-A.5

Comment/Concern: Requires on-slope benches along the quarry face to be drained with pipes or rock-lined ditches.

Response: We consider out-sloped benches more desirable than in-sloped benches. As described in BCI's Engineering Geology and Geohazards Report (December 9, 2004), the majority of surface runoff will infiltrate the fractured rock exposed along the cut faces and the intervening benches. Locally, areas of hard rock may limit infiltration but we do not expect high volumes of concentrated runoff. The intervening benches were recommended to be out-sloped 2% to avoid concentrated flow.

6. RDEIR p. 121-122, Sections 4.1-D.1 through 4.1-D.4

Comment/Concern: A "design-level geotechnical study" should be performed to address the new access road connecting the quarry to the asphalt processing facility. The study should address the proposed cuts, fills and stabilization measures, as needed.

Response: BCI addressed the access road in reports dated August 18, 2005 ("Geotechnical Report, Service Road and Water Storage Tank") and February 23, 2007 ("Geotechnical Report, Harris Quarry Entrance Road"). These reports are "design level" and provide specific recommendations for fill construction and cut slopes. BCI also prepared several addendums (9/26/06, 1/23/07, 7/11/08) that address specific issues associated with final design.

Please call if you have any questions on the above.

Sincerely;

BLACKBURN CONSULTING

Rick Sowers, P.E., C.E.G.
Senior Project Manager

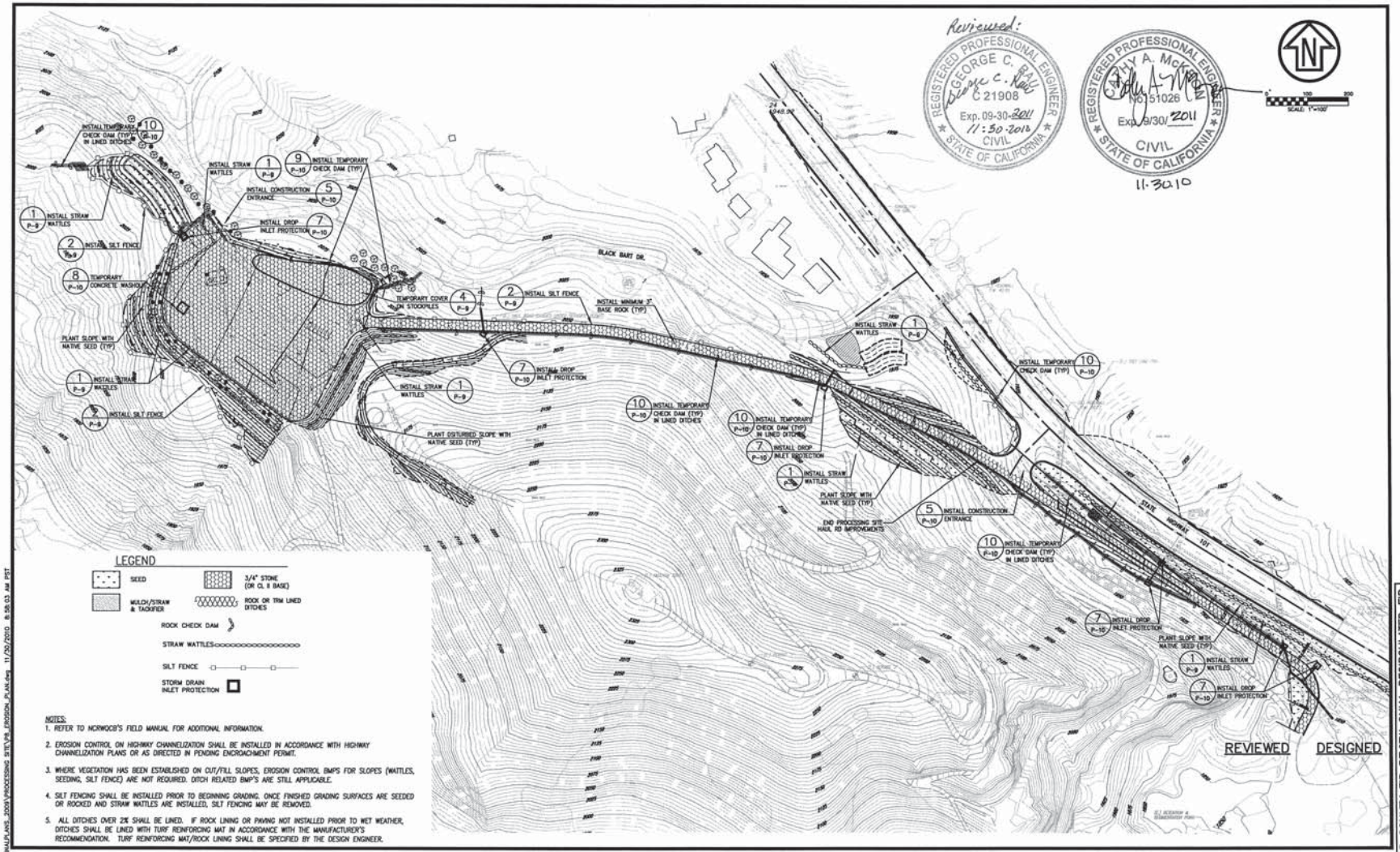
Patrick Fischer, C.E.G.
Engineering Geologist, Principal

cc: Rau and Associates, Inc.





Attachments C - J
Miscellaneous



DATE	REVISION	BY
NOV. '10	REVISED FOR AC PLANT, TANK AND HAUL ROAD	CAM
JAN. '10	REVISED FOR SINGLE PHASE, 5,000,000 CY AT 30 YR.	CAM
SEPT. '09	CLIENT COMMENTS (REVISED HAUL ROAD)	CAM
AUG. '09	CLIENT COMMENTS (REVISED PPC AND AC PLANTS)	MDP
MARCH '09	INITIAL SUBMITTAL	MDP

DATUM INFORMATION
VERTICAL DATA: NGVD29 (1929) ADJUSTMENT DATE: SEE SHEET P-1
SURVEY REFERENCE
BASIS OF SURVEY PREPARED BY THOMAS HERMAN, AUG. 1991, FILED IN CASE 2, DRAWER 34, PAGE 41 MENDOCINO COUNTY RECORDER'S OFFICE
TOPOGRAPHIC SURVEY REFERENCE
TOPOGRAPHIC SURVEY PREPARED BY [illegible] ON AN AERIAL SURVEY PROVIDED BY FONT PHOTOGRAMMETRIC SERVICES (JUNE 2004) THE SHP WAS PROVIDED USING COMPUTER ASSISTED PHOTOGRAMMETRIC METHODS PROVIDED BY FONT PHOTOGRAMMETRIC SERVICES PHOTOGRAMMETRY IN AREAS OF DENSE VEGETATION MAY BE CONSTRAINED AND ACCURACY OF CONTOURS MAY DEVIATE FROM ACCEPTED ACCURACY STANDARDS

CLIENT & OPERATOR
NORTHERN AGGREGATES, INC.
PROJECT LOCATION
PROPOSED PROCESSING FACILITY
APN: 147-140-07 & 147-180-013
MENDOCINO COUNTY, CALIFORNIA

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

DRAWING
INTERIM EROSION CONTROL PLAN

Date: MARCH 2005
Scale: AS SHOWN
Design/Drawn: MDP
Checked: CLIENT/MDP
Reviewed: EDR
JOB NO. R04054.0

SHEET P-8 of 11 SHEETS

VERSION: FOR COUNTY EIR REVIEW ONLY; RECIRCULATED EIR

ATTACHMENT C



Attachment D

Figure 4.7-4 Looking Southerly From Black Bart Drive - Nighttime Photo-Simulation of Proposed Asphalt Facility Source: *Visual Impact Analysis LLC*

Information Request, Pat Allen, Northern Aggregate, July 14, 2011									
Item Code #	FY	EA	Co	Rt	PM	Type	Quantity (tons)	Agg Source	Lab Box #
390107	2007	432004	MEN	162	8.0/8.4	Leveling	11.0	No Info	----
390132	2005	408204	MEN	271	----	HMA-A	56.2	No Info	63
390132	2005	375614	MEN	101	----	HMA-A	56.2	No Info	8B
390132	2005	427504	MEN	1	4.1/92.3	HMA-A	804.7	Baxman Fort Bragg	----
390132	2005	448104	MEN	128	18.2/18.5	HMA-A	848.8	Granite Ukiah	61
390132	2005	440204	MEN	101/128	----	HMA-A	66.1	No Info	----
390132	2005	456804	MEN	222	0.6/3.2	HMA-A	104.7	Granite 175	60
390132	2005	431504	MEN	175	3.2/3.7	HMA-A	1818.8	SYAR Healdsburg	61
390132	2006	443404	MEN	20	32.2	HMA-A	12.1	No Info	63
390132	2006	458404	MEN	1	80.3/80.8	HMA-A	485.0	No Info	----
390132	2006	438804	MEN	1	49.9	HMA-A	57.3	No Info	----
390132	2006	422904	MEN	101	----	HMA-A	37.5	MF Cooks Valley	----
390132	2006	385704	MEN	1	111.7/112.8	HMA-A	2237.7	Baxman Fort Bragg	----
390132	2007	458504	MEN	101	139.7	HMA-A	2910.1	Granite 175	----
390132	2007	434604	MEN	1/101	----	HMA-A	2292.8	Baxman Fort Bragg	----
390132	2007	432004	MEN	162	8.0/8.4	HMA-A	220.5	No Info	----
390132	2007	443104	MEN	175	1.8/1.9	HMA-A	1223.6	SYAR Healdsburg	----
390132	2007	292004	MEN	20	0.4/3.9	HMA-A	10813.7	SYAR Healdsburg	----
390132	2007	453804	MEN	1	51.9/62	HMA-A	1631.4	No Info	67
390132	2007	474204	MEN	162	10.8/11.2	HMA-A	120.0	No Info	----
390132	2007	432704	MEN	253	1.8/2.1	HMA-A	1091.3	No Info	----
390132	2008	3116U4	MEN	162/253	----	HMA-A	1818.8	No Info	----
390132	2008	478904	MEN	101	----	HMA-A	240.0	Granite 175	35
390132	2008	484804	MEN	1	15.3/20.8	HMA-A	960.0	SYAR Todd Rd.	35
390132	2008	486904	MEN	1	60.8/62.3	HMA-A	6380.0	Granite 175	35
390132	2008	291714	MEN	1	61.0/61.5	HMA-A	1036.2	Granite 175	----
390132	2008	473804	MEN	1	----	HMA-A	286.6	MF Cooks Valley	68
390132	2009	475904	MEN	1/128	----	HMA-A	84.0	No Info	----
390132	2009	487004	MEN	101	3.72	HMA-A	420.0	No Info	----
390132	2009	476104	MEN	253	1.7/2.3	HMA-A	1510.0	No Info	----
390132	2009	477604	MEN	101	85	HMA-A	240.0	No Info	49
390132	2009	487104	MEN	101	1.5/6.5	HMA-A	760.0	No Info	----
390132	2009	477904	MEN	101	51.9/76.2	HMA-A	89.0	Granite Ukiah	68
390132	2009	476304	MEN	162	11.6/11.8	HMA-A	1460.0	Granite Ukiah	68
390132	2009	474004	MEN	101	57.3/62.7	HMA-A	21715.5	Granite 175	67
390132	2009	378114	MEN	128/253	----	HMA-A	132.3	No Info	----
390132	2009	380504	MEN	222	1.6	HMA-A	496.0	Granite 175	----
390132	2009	477804	MEN	101	----	HMA-A	620.0	No Info	----
390132	2009	472804	MEN	1	95.2/102.4	HMA-A	260.0	No Info	----
390132	2009	364314	MEN	1/20	----	HMA-A	15.4	No Info	----
390132	2010	476004	MEN	253	8.0/11.0	HMA-A	540.0	No Info	----
390132	2010	476404	MEN	162	20.0/21.2	HMA-A	600.0	No Info	----
390134	2005	472504	MEN	1	4.1/92.3	OGFC	48.5	No Info	----

Item Code #	FY	EA	Co	Rt	PM	Type	Quantity (tons)	Agg Source	Lab Box #
390134	2005	448104	MEN	128	18.2/18.5	OGFC	363.8	Granite Ukiah	61
390134	2005	431504	MEN	175	3.2/3.7	OGFC	297.6	SYAR Healdsburg	61
390134	2006	461904	MEN	101	82.9/86.8	OGFC	6558.8	MF Cooks Valley	63
390134	2006	397514	MEN	101		OGFC	2138.5	MF Cooks Valley	48
390134	2006	397514	MEN	101		OGFC	463.0	MF Cooks Valley	48
390134	2006	458404	MEN	1	80.3/80.8	OGFC	319.7	No Info	----
390134	2006	473004	MEN	101	137.5	OGFC	9347.6	MF Cooks Valley	63
390134	2006	422904	MEN	101	----	OGFC	1763.7	MF Cooks Valley	----
390134	2007	458504	MEN	101	139.7	OGFC	231.5	Granite 175	----
390134	2007	434604	MEN	101	----	OGFC	32.0	No Info	----
390134	2007	432704	MEN	253	1.8/2.1	OGFC	231.5	SYAR Healdsburg	66
390134	2008	3116U4	MEN	162/253	----	OGFC	330.7	No Info	----
390134	2008	4293U4	MEN	101	----	OGFC	1201.5	No Info	----
390134	2008	467404	MEN	101	47.4/50.9	OGFC	4110.0	Granite Ukiah	49
390134	2008	481304	MEN	101	----	OGFC	5330.0	Granite 175	----
390134	2008	467304	MEN	101	64.7/68.8	OGFC	5860.0	MF Cooks Valley	----
390134	2008	484804	MEN	1	15.3/20.8	OGFC	4260.0	SYAR Todd Rd.	35
390134	2008	291714	MEN	1	61.0/61.5	OGFC	418.9	No Info	----
390134	2009	478004	MEN	101	3.72	OGFC	72.0	SYAR Healdsburg	49/35
390134	2009	477604	MEN	101	85	OGFC	35.0	No Info	49
390134	2009	478104	MEN	101	1.5/6.5	OGFC	170.0	SYAR Healdsburg	----
390134	2009	477904	MEN	101	51.9/76.2	OGFC	14.0	No Info	68
390134	2009	474004	MEN	101	57.3/62.7	OGFC	2976.2	Granite 175	67
390134	2009	477804	MEN	101	----	OGFC	1700.0	Granite 175	----
390134	2009	472804	MEN	1	95.2/102.4	OGFC	51.0	No Info	----
390136	2009	431804	MEN	101/271	----	Minor HMA	53.0	No Info	49
390136	2009	473904	MEN	20	25.9	Minor HMA	29.0	No Info	----
390140	2006	297704	MEN	20	53.9/61.0	RHMA-G	14440.3	Granite 175	48
390138	2006	297704	MEN	21	53.9/61.1	RHMA-O	4640.7	Granite 175	48
						Total:	134051.8		

No Info. = Review of project files and plant files with no results.

SUMMARY

- 107,810 CY "OUT-OF COUNTY".
- ASSUMING THAT THE "NO INFO" VOLUMES ARE ALL "IN-COUNTY" (WHICH IS CONSERVATIVE) 80% OF THE AGGREGATE FOR ASPHALT WAS FROM "OUT-OF-COUNTY" SOURCES.

Attachment E

Distance matters

CALCIMA
California Construction and Industrial Materials Association

The Benefits of Local Supplies

Distance matters: A community can reduce consumer costs and environmental impacts by using locally produced materials



Aggregates are a vital natural resource. They are essential to our quality of life in California and needed to build and maintain all roads, bridges, ports, levees, homes, hospitals, schools and public and private construction. Historically, California communities have relied on local supplies of aggregates as the most efficient and effective way to supply materials.

Today, we mainly transport aggregates by truck but, because it is a high bulk, heavy weight commodity, it is very costly to transport long distances and distance adds to environmental impacts. By supporting and obtaining locally produced materials, a community can help reduce consumer costs (fuel and energy costs), and reduce environmental impacts (specifically air quality emissions and greenhouse gases).

The Trend has been Towards Longer Distances

Since the 1970's, aggregate haul distances have been gradually increasing as local sources of aggregate diminish. These are a few examples:

- Downtown Los Angeles and Ventura County receive aggregate from the Palmdale area, a distance of over 60 miles in congested Southern California traffic.
- The City of Fresno receives material trucked 60-70 miles across county from Coalinga.
- Northern San Diego County receives aggregate from as far away as the San Gabriel Valley, a distance of 90 miles.

Shorter Distances are Better for the Environment

If truck trip length can be reduced by even 15 miles, then total transport distances could be reduced by 282 million miles per year. It would have these benefits:[1]

- Reduce fuel consumption by 44 million gallons annually.
- Reduce tail pipe emissions by 835 tons a year.
- Remove over 400,000 metric tons of greenhouse gases.

Shorter Distances Reduce Congestion

- Local aggregates can reduce transport of materials through congested urban areas.

Shorter Distances Mean More Money to Build Roads

If transportation distances were reduced by an average of 15 miles, Caltrans estimates these benefits:

- 42% savings in material costs.
- Reduce road wear and tear costs by $12-18 million per year.
- Fewer delays in the supply of materials to road and other construction projects, saving about $9 million a year.

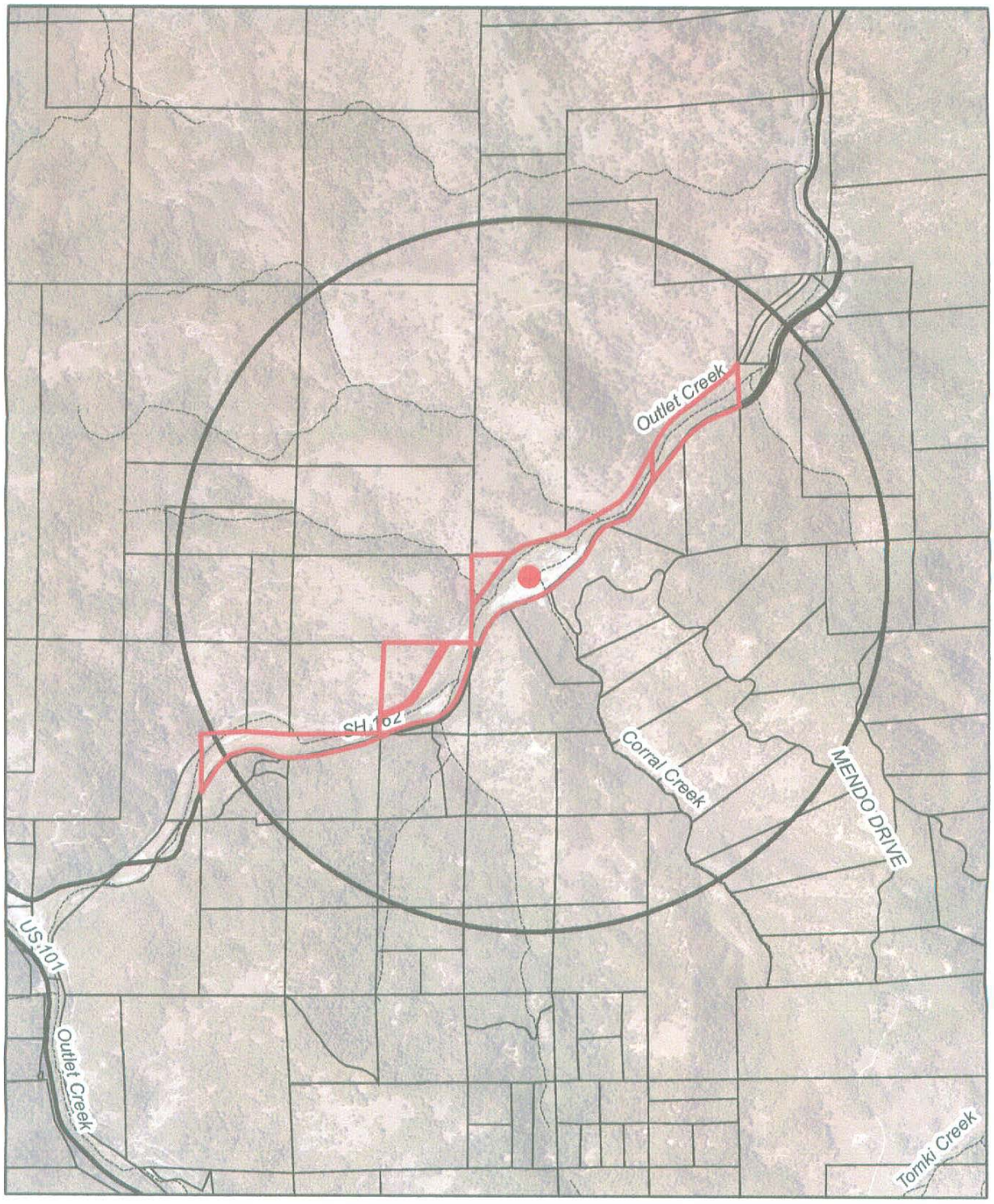
Local Materials Create Local Jobs

- Creating local jobs is a sustainable practice – especially when both jobs and the products produced will benefit the local community.
- Recent studies show that construction materials jobs are desirable, providing some the highest wages and compensation in California.[2]

[1] *Aggregate Availability in California, California Geological Survey, 2007*
[2] *Construction Aggregate Supply Limitations; Estimates of Economic Impact, Caltrans, 2007*

CALCIMA
California Construction and Industrial Materials Association

1029 J Street, Ste. 420
Sacramento, CA 95814
Phone: 916 554-1000
Fax: 916 554-1042
www.calcima.org
www.distancematters.org



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

0 1,000 2,000 4,000
Feet

N

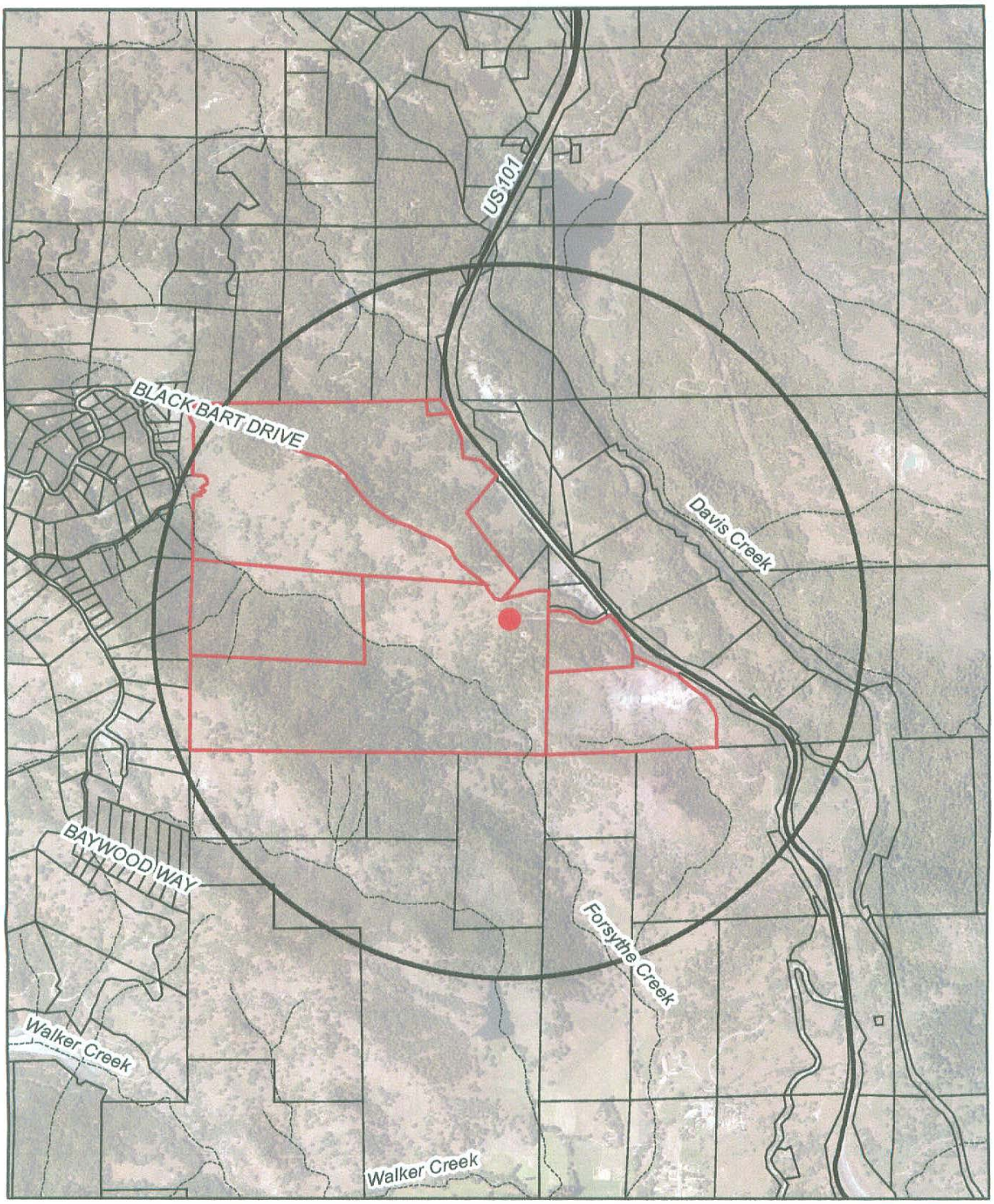
Parcels within 1 Mile Radius
of Industrial Zoned
Location at Longvale

Note: Property lines shown are approximate
Data Source: Mendocino County
2010 Ortho Photo courtesy USDA

Legend

Operator Parcels

Attachment G



RAU AND ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS
100 NORTH PINE STREET - P.O. BOX 11 - UKIAH, CA 95482 - (707) 462-6536

0 1,000 2,000 4,000
Feet

N

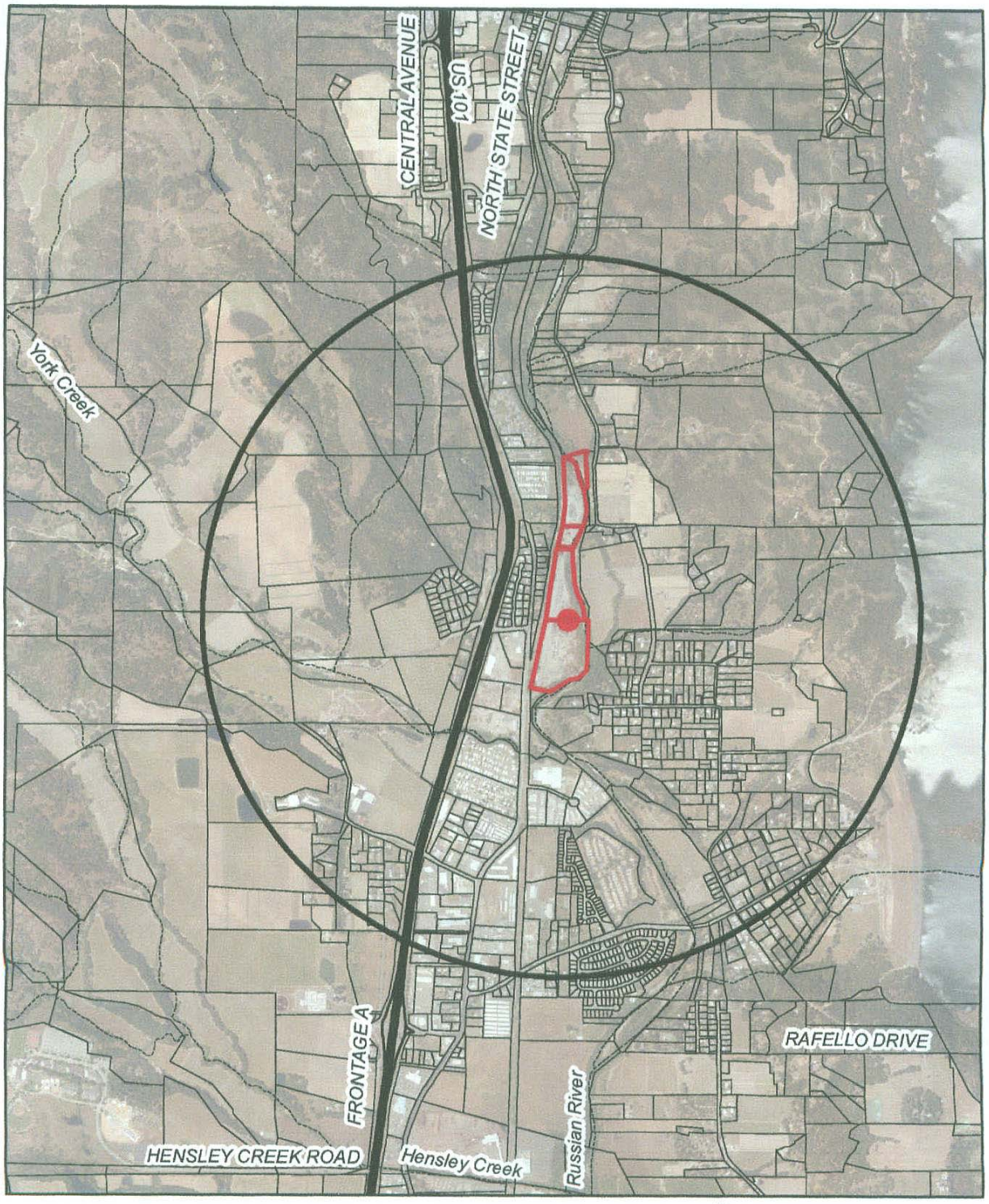
Parcels within 1 Mile Radius
of Harris Quarry
Proposed Asphalt Plant

Note: Property lines shown are approximate
Data Source: Mendocino County
2010 Ortho Photo courtesy USDA

Legend

Dutra_Parcels

Attachment H



RAU AND ASSOCIATES, INC.
CIVIL ENGINEERS • LAND SURVEYORS
100 NORTH PINE STREET - P.O. BOX M - UKIAH, CA 95482 - (707) 462-6538

0 1,000 2,000 4,000
Feet

N

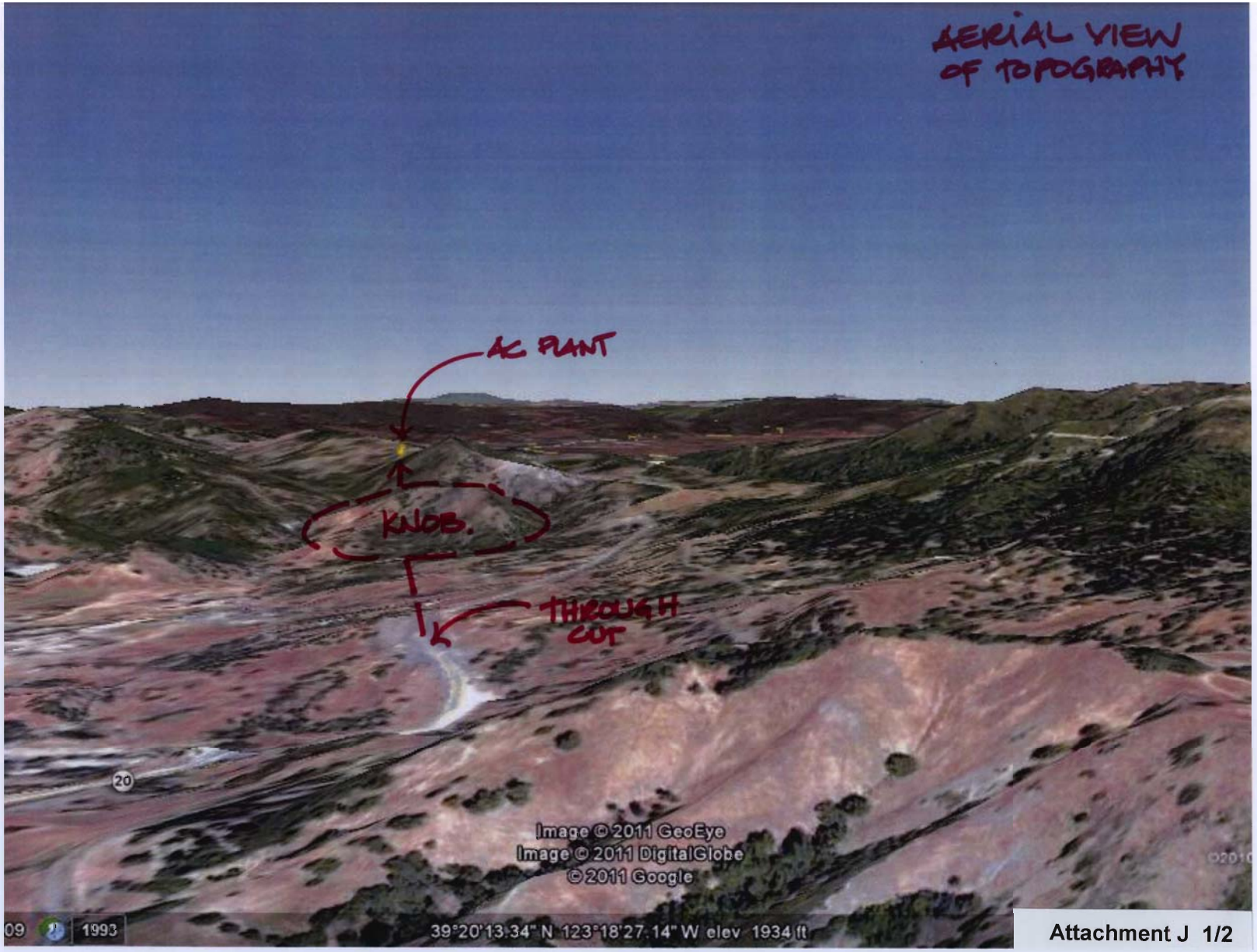
Parcels within 1 Mile Radius
of Granite Construction
Existing Asphalt Plant
N. State Street

Attachment I

Note: Property lines shown are approximate
Data Source: Mendocino County
2010 Ortho Photo courtesy USDA

Legend

Granite Parcels



Attachment J 1/2



Attachment J 2/2

Response to Letter from Cathy A. McKeon (Rau and Associates Inc.)

15-1. This typographic error has been corrected – see the revised text in Chapter 3.

15-2. Upon further review by the EIR geotechnical consultants, it is concluded that a full new design level geotechnical report is not required. The reason that a design level geotechnical report was called for as mitigation was due to slope stability analysis that was not performed on proposed 1.5H:1V fill slopes and estimates of fill settlement that were not provided in the September 2005 BCI report. The report addresses surface and subsurface conditions at the site and includes representative cross sections of proposed cut and fill slopes. The report also includes recommendations for use of material as engineered fill and construction of slopes with benching and keyway construction to promote stability of the final slopes. The report includes recommendations for sub-drains under fill slopes and techniques for minimizing the impact of erosion on final slopes. The report also includes recommendations for a pavement section to be used on the finished pad, thereby addressing most of the requirements of a design level geotechnical investigation. However, the proposed grading for the asphalt processing facility would include fill slopes as steep as 1.5H:1V. In 2008, the California Geological Survey released a document entitled "Guidelines for Evaluating and Mitigating Seismic Hazards in California" (CGS Special Publication 117A). This document indicates that slope stability analysis will generally be required by the lead agency for cut, fill, and natural slopes whose slope gradient is steeper than two horizontal to one vertical, and on other slopes that possess unusual geologic conditions such as unsupported discontinuities or evidence of prior landslide activity (page 27). While the site itself is not located within an official seismic hazard zone, that is likely due to the lack of mapping done in remote northern California than a lack of potential hazard at the project location. As such it would be prudent to follow the guidelines in the document for this project. As the proposed cut and fill slopes are at gradients of 1H:1V and 1.5H:1V, respectively, and evidence of prior slope instability is present at this seismically active location, slope stability analysis of the proposed cut and fill slopes should be performed. As the rest of the requirements have been fulfilled, completion of an entirely new geotechnical report would be excessive to address the concerns raised and it would be appropriate for these concerns to be addressed in a supplemental report.

Fill settlement is another issue that should be addressed. Deep fills of up to 40 feet are subject to settlement, and the expected settlement, both total and differential should be estimated in order to fully characterize the stability of the final pad. Fill settlement estimates can also be addressed in a supplemental report as opposed to production of an entirely new design level geotechnical investigation.

The text has been revised to reflect this new recommendation – see Chapter 3. The impact would continue to be mitigated to a less-than-significant level with this revision.

15-3. This typographic error has been corrected – see the revised text in Chapter 3.

15-4. Upon further review by the EIR geotechnical consultants, it is concluded that the applicant is correct. Given the general stability of the proposed cut slope face of the quarry, biennial inspections and a final slope stability analysis when the quarry face progresses to within 150 feet of the proposed final slope face would be appropriate. The impact would continue to be mitigated to a less-than-significant level with this revision. See Chapter 3 for this revision.

15-5. Actually, the cited BCI 2005 report states (page 1) that maximum fill heights are estimated at 50-60 feet. The typographic error has been corrected – see Chapter 3. However, 40-foot thick fill slopes are subject to the same concerns as the 75-foot thick fill slope and the recommendations do not change. As stated in Response 15-2, the report addresses most of the required aspects of a design level geotechnical investigation. However, slope stability of the 1.5H:1V fill slopes and 1H:1V cut slopes should be analyzed and estimates of expected settlement (both total and differential) of fill and underlying material should be provided to fully characterize the proposed building pad. Documentation of the observations and testing of fill placement and cut slope excavations during construction should also be made to ensure settlement is minimized.

15-6. As stated in Responses 15-2 and 15-5 above, the BCI report fulfills much of the requirements of the required design level geotechnical investigation. However, the report does not include an analysis of expected settlement (both total and differential) of fill and underlying materials or a slope stability analysis of proposed cut and fill slopes. These issues should be addressed in a supplementary report, which may be prepared during construction activities including documentation of observations and testing of fill placement and cut slope excavations.

15-7. See Responses 15-2 and 15-5 regarding the need for additional studies. Similar to the issues raised in previous comments by this commenter, CGS Special Publication 117A would indicate that the proposed road way cuts at gradients of 1.5H:1V to 1H:1V should be analyzed for slope stability. Specific design recommendations for cut and fill slopes have been provided to address geotechnical issues with road construction. However, slope stability analyses should be provided for the steep (1H:1V) cuts proposed for the access road to ensure any slope failure is avoided. Slope stability analysis and documentation of observations and testing during construction of the access road, in conjunction with the recommendations provided in the previously completed geotechnical report and addendums would be sufficient to fully characterize the stability of the proposed roadway construction.

Upon further review by the EIR geotechnical consultants, the commenter is correct that the erosion control plan prepared by the applicant is adequate. Mitigation Measure 4.1-D.4 has therefore been deleted. See Chapter 3 for the revised text.

15-8. Typically, in-sloped benches are preferable because sediments can be captured on the benches before reaching the pit bottom. However, because runoff from this quarry would not leave the site, this mitigation has been revised to eliminate the requirements for in-sloping – see Chapter 3 for the revised text. The impact would continue to be mitigated to a less-than-significant level with this revision.

15-9. The commenter is correct and the final sentence of the first bullet point under Mitigation Measure 4.2-A.6 has been deleted – see Chapter 3 for the revised text.

15-10. The request is noted for the record. Because the project will go on for many years, it is necessary that the analyses be done to ensure that special status species are not killed or damaged in the future. No revision of the RDEIR will be made.

15-11. The discussion of impact on streamflows (RDEIR page 162) finds that the project would decrease flows under major storms. It concludes that this reduction would have a less-than-significant impact. The cited discussion of impact on special status species of wildlife reaches the same conclusion. No mitigation is required for salmonids. No revision of the RDEIR is required.

15-12. The recommended mitigation measures are warranted to ensure adequate mitigation, and no change will be made. However, the permitting agencies have the authority to revise, add, or subtract mitigation measures when issuing their permits.

15-13. The proposed 200-foot deceleration lane is more than is warranted by Caltrans criteria. A 400-foot deceleration lane would be better than a 200-foot lane because it would allow more deceleration out of the through travel lane than a 200-foot lane. However, because, even the 200-foot deceleration lane is not warranted, the mitigation is deleted. See Chapter 3 for the revised text.

15-14. It is accurate that the recommended mitigations would result in acceptable levels of service at the two intersections. However, there is no quantifiable metric for acceptable levels of safety. Monitoring every two years is considered appropriate to ensure that the independent truck drivers serving the project are utilizing the proposed circulation system improvements properly. As volumes increase on Highway 101 and the number of acceptable gaps in traffic flow for turn movements to/from the project reduces, it is extremely important to determine if truck drivers begin to make unsafe turn movements (even with all proposed improvements in place). Due to the unique placement of the project's high truck volume access to a high speed state expressway on a mountain grade, it is considered prudent to have regular monitoring rather than to have undocumented operation for the next 25 years. On this basis, the mitigation measure will be retained.

It is agreed that a 3-year time limit for interchange construction is infeasible. The mitigation will be revised to state that the interchange will be constructed within 2

years of Caltrans' approval of the final design and funding mechanism. See the revised text in Chapter 3.

15-15. The requirement to reserve right-of-way now will be deleted as the right-of-way can be finalized if and when it is determined that an interchange is warranted and design plans are developed. See the revised text in Chapter 3.

15-16. The recommendation to light the access entrance was made to improve safety, particularly when visibility is limited by fog. The EIR traffic engineers continue to feel that this mitigation is warranted to satisfactorily mitigate the impact. No change will be made to this mitigation measure.

15-17. Using the commenter's approach, traffic safety would never be the concern in the review of project impacts on the public roadway system since all drivers are supposed to drive safely. That said, the project does result in potential traffic safety impacts, and the mitigation recommended in the RDEIR is warranted and will not be revised.

15-18. We concur that on a regional basis, the impact would be considered less-than-significant, and this is what the RDEIR states on page 281. The finding that the impact is significant is based on MCAQMD's significance criterion that applies strictly to emissions caused by the project, which does not allow for the consideration of regional effects. Because the EIR needs to use the significance criteria that the MCAQMD requests be used, the impact is significant and unavoidable. That said, the EIR preparers agree (and the RDEIR so states) that indirect emissions would not cause a significant impact on air quality.

15-19. The regional reduction in VMT is one component of the discussion of GHG impacts. The project stationary equipment also emits substantial GHGs, and any increase in GHG emission may make it difficult for the State to meet its GHG reduction goals, as is reported in the RDEIR.

15-20. The commenter's opinion regarding the significance of the visual impact is noted for the record. It is accurate that the impact is less than what would have resulted from the original project. The criterion used to make this decision is that the existing view is of undeveloped and vegetated land, which would be replaced by a view of facilities associated with industrial development. It is agreed that the view of such facilities is limited to a short length of road. However, it remains the conclusion of the EIR preparers that this change in view is significant. There is always some subjectivity in drawing conclusions about the significance of visual changes. Because there is no officially adopted, quantifiable significance criterion, the Board of Supervisors, after reviewing the FEIR and public input, is ultimately responsible for determining whether this change should be considered significant.

15-21. We concur that the change in view is relatively minor. The impact was considered significant due to the use of Ridgewood Ranch by educational groups and other groups and the fact that conservation easements have been placed on much of the property. As stated in the previous response, the Board of

Supervisors, on the basis of all the information it receives on the project and this EIR, is responsible for making the final determination of impact significance.

15-22. The revised photosimulation, which was prepared by the visual consultant who prepared the photosimulations presented in the RDEIR, shows that from the vantage point on Black Bart Drive the lights would not be particularly noticeable and would be less-than-significant. However, the facility is visible from a distance from several residences located to the west of the site. Absent simulations from these more distant locations, the conclusion in the RDEIR that new night lighting added to a currently dark environment is maintained. As stated in the previous response, the Board of Supervisors, on the basis of all the information it receives on the project and this EIR, is responsible for making the final determination of impact significance.

The subsequent comments in this Comment Letter are data supporting the commenter's comments or the applicant's consultants' responses to other commenters' comments on the RDEIR. As such, these comments do not require a response. The information and opinions presented are noted for the record. The commenter is referred to the appropriate comments and responses to see how the EIR preparers responded to the comments.

The commenter has also attached comments on the RDEIR from Wtrans and Blackburn Consulting. These comments were reiterated by the commenter above, and responses were provided.

John Speka - Fwd: Letter to Commissioners

From: "Jack Magne'" <jackatocha@aol.com>
To: <spekaj@co.mendocino.ca.us>
Date: 6/8/2011 10:57 AM
Subject: Fwd: Letter to Commissioners

John Speka
501 Low Gap Road
Ukiah, Ca 95482

Dear John,

I have written this analysis of the Harris Quarry Use Permit & Reclamation Plan Revised Draft Environmental Impact Report, to the Planning Commissioners, (and for County Record) in collaboration with and on behalf of Keep The Code. *Another analysis will be forthcoming from our Law firm, Remy, Thomas, Moose & Manley, LLP* as well as other submissions by other members of this Steering Committee and membership. 16-1

Is is possible to have this letter, along with the one from the attorneys submitted along with your staff report and "packet" to the Commissioners ? I will be happy to hand deliver if you prefer that format.

Very best regards,

Jack Magne'

Mendocino County Planning Commissioners

submitted @ hearing

Mendocino County Planning Commission June 12, 2011

Attn: John Speka, Planner spekaj@co.mendocino.ca.us
501 Low Gap Road, Room 1440
Ukiah, Ca 95482

Subject: Analysis of Harris Quarry Use Permit and Reclamation Plan Revised Draft Environmental Impact Report

Dear Commissioners,

We are contacting you regarding our analysis relative the Harris Quarry Use Permit And Reclamation Plan- Revised *Draft Environmental Impact Report,* released for public review May 16, 2011. 16-2

Our goal is not to "rehabilitate" this latest DEIR; but rather to ask questions and offer specific examples of inaccuracies, inadequacies and other serious flaws which we believe make its certification highly inappropriate.

This critique is presented not just to criticize; but most importantly, to offer **alternatives** to the Applicant's proposal.
This DEIR lists several excellent alternate choices, but perhaps too quickly dismisses these choices as unworkable, suggesting the alternatives are worse than the expansion itself. We will offer reasons why many of these alternatives are superior to the present proposal; and show why the document's apparent disqualification of these alternatives is premature, ill conceived or otherwise obsolete.

We also ask the Commissioners to judge not only with their heads, but also with their "hearts," as they consider the effort, resources, time and passion put forward by so many ordinary citizens, over so many years- in strong opposition to the very **concept** of this expansion proposal. The last DEIR process was abandoned for two years after over 600 public comments and questions went unanswered- while the Applicant was allowed to change course, adjust strategy, and return at a time of his choosing. Now he is asking the public to once again address this "moving target."

Asking residents to accept heavy industrial zoning changes after they have already made life decisions based on where they live is simply unfair. The cost to involved citizens of over six years dealing with a continually morphing project is incalculable.

Note--Many of the following questions have recently become especially relevant, based on recent information provided by Nash Gonzales' Planning Dept regarding Grist Creek Aggregates-(Longvale Plant) application for Development Review Permit,

requesting reprocessing and asphalt manufacturing authority.

DEIR Inadequacies and Deficiencies

- Why is this request for zoning change from range land to industrial not a "stand alone" issue. 16-3
- Is this linkage with the Use Permit & Reclamation Plan highly inappropriate, especially since the Harris Quarry ownership has been shown extreme leniency in having been allowed operation without a renewed extraction permit for several years?
- Why is the so-called Mineral Processing Combining District (overlay zoning), being added to an already crowded and confusing application- especially when the DEIR's own section **2.4- Summary of Growth Inducing Impacts** seems to minimize the importance of this feature ?
- Is this yet another "layer" of Applicant ambition which unnecessarily further implicates the entire County ?
- Is there another property (facility) in the area, (decidedly more remote), which is **already zoned industrial**, and therefore more appropriate for asphalt production ? 16-4
- Since the Harris project is located in the vicinity of a church, School, Senior living Park and other residential subdivisions- would it not be an advantage to seek another location, where this is not the case- and where appropriate zoning is already established ? 16-5
- Was the Grist-Longvale, Industrial Zoning status confirmed and established two years ago in the county's General Plan ? 16-6
- If so- Why was this property not considered in the **Alternatives Section** in this recent, *Revised EIR ?* 16-7
- Would this facility be a preferable and feasible alternative to the Harris Quarry Expansion- since the Harris expansion would **require** a zoning change, including extensive and expensive highway infrastructure development based on highly dangerous traffic potential, along with scores of other questionable "mitigations?"

Accuracy

The DEIR of Dec 21, 2007, same project, stated the speed limit at the project site critical intersection of Hwy 101 and BlackBart Rd was 55 MPH. The Speed limit was, and still is actually **65 MPH.** Local residents have tried for years to have it lowered to 55 MPH- but unsuccessfully, so they know what the speed limit is. One KTC member's letter dated January 8, 2008, pointed that out.This current DEIR makes the same mistake. Who's reading the comments and questions ? This DEIR allows for such errors as it states it does not claim perfection. However, is this a pattern throughout this document ? Consider that the Applicant, and all the scholarly and credentialed professionals in this effort have had over five years to get this right. On the other hand a 300 plus page report is suddenly made available to ordinary citizens who are then given one month to react and comment to the Commissioners. 16-8 16-9

Significant and Unavoidable Impacts

Five significant impacts are listed, "which cannot be reduced to less than significant levels through mitigation"
Four of those five pertain to "Esthetic" issues of views and lights. A fifth relates to haul

truck emissions of nitric oxide and nitrogen Dioxide "that would exceed the adopted Mendocino County Air Quality Management District's significance threshold for new projects" (Impact 4.6-C) We will address the latter first:

The report claims this "significant impact", even though it cannot be mitigated, would be exceeded by nitrogen dioxides, nitric oxide and other pollutants that would be produced if this project were not approved. The reason given is:,- If the project fails approval, haul trucks would necessarily be traveling from distant facilities for major projects like the "Willits Bypass; thereby producing even **more nitric oxides, nitrogen dioxides**, diesel emissions, green house gasses, etc. This argument may be specious because it seemingly attempts to turn a negative into a positive by rendering this "significant and unavoidable" impact **benign in comparison with alternatives.** This tactic, while clever, is **inadequate** here because the basic premise is false- for the following reasons: 16-10

- The revised DEIR fails to evaluate the substantially fewer hauling trips of asphalt, for major projects, e.g. the "Willits Bypass", if the existing alternative of using a portable asphalt processing plant is temporarily located adjacent to the project site. 16-11
- The DEIR does not take into account the possibility that the aforementioned Grist-Longvale facility is seeking permit to supply asphalt, and that since it is already zoned industrial, that approval threshold or "bar" may not be as high, thus making it a distinct possibility. 16-12
- This DEIR references the "Willits Bypass" numerous times suggesting" inevitability", to help bolster what it asserts is Harris Quarry's " central location." 16-13
- Since the "Willits Bypass" project lost its funding in October, 2010, and since it is one of the largest wetland fill projects in California, and does not have a "404" permit from the U.S. Corps of Engineers to fill those wetlands- **The numerous references in this DEIR to the Willits Bypass are speculative and may be somewhat obsolete, hardly qualifying as determinants of significance or non-significance of any impact.**

Note: The concept of Harris Quarry "Central Location" has been presented by this DEIR to promote, defend or rationalize a whole host of issues with little or no justification. In fact, this theory dominates and repeats in the "conclusion" sections of "Project Alternatives Analysis" for Alternatives 1, 2, 3 and 6 (pages 22,23,24 and 26). Since the "central location" argument is without merit, four out of the seven alternatives discussed have almost no rationale for the Conclusion Section to either dismiss or to disqualify these alternatives. 16-14

Further: On the topic of Harris Quarry "Central location": This begs the question- Central to what ?

For example:

Alternative 6 conclusion (page 26), (which eliminates the asphalt facility), states that: 16-15
"The alternative would have secondary effects because it would mean the asphalt demand for the area would need to be met at other area quarries and/or processing facilities. Production at these other facilities could have adverse site-specific effects, as well as regional impacts , **including additional vehicle miles traveled , which results in increased emission of air pollutants, and green house gasses, and increased consumption of diesel fuel."**

If we leave the "Willits Bypass" issue out of the equation- There is no certainty where a project may develop. If a construction project in the county requires asphalt, then there would be emission of air pollutants, and green house gasses, and consumption of diesel

fuel..., but not necessarily an **increase** as a result of this alternative 6. There is no "central location." The emissions may or may not increase, and to make such an assertion is **insupportable** and **speculative.**

If we leave the Willits Bypass in the equation: A portable asphalt facility would be a superior alternative as would another proximate asphalt facility, already with industrial zoning, mentioned earlier. Once again the "Central location" argument is invalid. 16-16

Regarding Views:

- Four out of the five significant impacts listed by this DEIR, not amenable to mitigation, have to do with view shed including night lights.

(We submit- a project that seeks tripling of aggregate production of up to 200,000 cubic yards *in situ* per year, and which adds an asphalt plant producing upwards of 150,000 tons per year, in a locale not zoned for heavy industrial- certainly has more, or should have more, than 5 significant non-mitigatable impacts.) More on this later. 16-17

- Regarding views, the loss of quality of life for residential victims exposed to night lighting for a possible 100 nights a year is indeed intolerable- the residents were there first.
- Also, What kind of message does this send to all tourists, visitors and potential future residents of our county when they see an industrial complex on Hwy 101, just South of Willits, in the "back yard" of the Ridgewood Ranch, the former home to the immortal and world famous race horse "Seabiscuit", and "Gateway to the Redwoods" ?, Just consider the specter of a 75 foot tower belching malodorous, poisonous smoke- pointing the way to our National Treasure ! Failure to list this as a significant, unavoidable impact in the ~~[illegible]~~ Cultural Resources section of this document ignores the **cultural significance** of this important site. Is this not a significant and serious deficiency of this report ?
- Has this document calculated the cost of the discouragement of relocation to an area that has been traditionally known for its pristine environment ?
- Does this report analyze the losses in property values, already depressed by a declining economy- or the profound effect it has on the security and well-being of those owners ?
- Is loss of potential residential interest in this area, and consequent losses in home building, home selling, home buying and other real estate matters considered ?
- Should the millions in Real Estate losses be compared with the relatively insignificant predicted job growth of 4 new jobs, plus 5 "elsewhere" ?
- Where is the cost/benefit analysis on this issue ?

Growth Inducing Impacts

The question of " **Cost/Benefits** " referred to above logically leads to questions about what are the "growth inducing impacts" of this project- if approved ? 16-18

- One of the surprises in this report is that the section on Growth Inducing Impacts predicts there would be **no new development.** (Page 17 Sect 2.4) We quote: " The project would provide aggregate and asphalt needed for a variety of construction projects. However, there is no evidence that construction in the area that would be served by the project would slow or cease if the project were not approved. If the project did not supply these materials, they would be provided by other suppliers. The project facilitates development, but it **does not induce any new development.** The project would hire 9 new employees, which would have a less than significant impact on the local population."

- Doesn't the above growth impact analysis illustrate an absence of importance or need for

this expansion ?
- Doesn't the above growth impact analysis suggest even taxes paid to the county might have otherwise accrued from production at other existing facilities- or future, more appropriately located facilities ?
- Wouldn't the tax losses based on loss of tourism, real estate decline, etc., actually create a deficit ?
If this is the case- Who does this expansion benefit other than the financial interests of the Applicant ?

Impacts Found Not To Be Significant
(1) Traffic and Circulation
Given that four of the five "Significant and Unavoidable Impacts" listed on this report involve "views", is it difficult to reconcile how **Traffic** was allowed to slip through the cracks. After all, as important as views are to us all- (and we agree with four having been listed as significant**), where is the respect and concern in this DEIR for the admittedly formidable traffic safety issues inherent in this type of operation ?- Especially at this particular location.** 16-19
Is this yet another example of this report choosing to select what many folks might consider **"benign"** as "unavoidable", while spending considerable effort to prove "mitigations" can effectively reduce a true **menace** to manageable or "insignificant" levels ? It is interesting to note this section addresses "on site parking". It also seeks to minimize safety issues by stating " **The project would not affect air traffic, and therefore would not result in a change of air traffic patterns, including neither an increase in traffic levels, nor a change in location that result in substantial risks."** This section also sights "absence of bicycle paths and public transit. Reference to past statistics on traffic accidents at this 101/Black Bart interchange is inadequate to predict what is likely to happen with a tripling of activity at this site, if approved. The report also does not address a fatality at this intersection involving the family member of one of the members of this Steering Committee. The possibility of **physical impact** with a heavily loaded massive industrial truck, in an inherently dangerous intersection, is an impact that should never be ignored. The mitigations put forward to counter this danger do not take into account poor visibility caused by fog which is often made worse by thermal inversions common to this area.
(2) Noise
This DEIR states: (E) page 20 " The project does not expose residents to unacceptable noise levels" 16-20
Says who ? Who better to opine on this issue than the people who live there? Many of them report the blasting of rock, and drone of trucks currently is an unpleasant reality they have merely learned to live with. The La Vida School, Golden Rule Church and residents of the senior residential park, (in the adjacent valley) know of the echoes and reverberations of blasts enhanced and magnified by the acoustics of their canyon. What would they be expected to deal with if extraction is tripled, along with a tripling or more of truck traffic, a 300 ton per hour **drum mix** facility and dumping and loading of 150,000 tons of yearly asphalt ? **That this is not listed as a significant, unavoidable impact is another serious and indefensible deficiency of this report.**
(3) Hazards and Hazardous Materials
This report asserts: (H) page 21 " The project would not emit any hazardous emissions within 1/4 mile of a school, as the nearest school is over 1 mile away" 16-21
First, the report does not question that the plant will have hazardous emissions; rather it

states the school is a little more than a mile away. " **Are they " splitting hairs " with children's health in the balance ?** - The fine print in a government manual, may provide cover for this position; however, using 9 blocks distance as rationale for defending exposure of growing children to chemicals known to be carcinogenic- especially when combined with fine particulate is unconscionable. According to the federal Environmental Protection agency: " Asphalt processing and manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxins may cause cancer, central nervous system problems, liver damage, and respiratory problems"
"Nine blocks removed from the source", does not take into account the unique topographical characteristics and weather phenomena common to this area. Frequent thermal inversions would trap, collect and concentrate these pollutants in the adjacent canyon, where these people live and go to school and church- making the children and elderly even more susceptible to their effects

Conclusion: As stated previously, we do not believe extensive "mitigations" contained in this DEIR offer convincing, or compelling evidence in justification of this adventure. Instead, we ask the Commissioners to consider choosing among the following alternatives as set forth in this document: 16-22

Alternative # 1- No future development
Alternative # 3- Quarry Only (limiting quarry extraction to 75,000 cubic yards per year)
Alternative # 6- Reduced Production – also all as mining up to 75,000 Cu Yds – no Asphalt
Alternative # 7- Alternate location

Yours truly,

Jack Magne'
Keep The Code Steering Committee

Response to Letter from Jack Magne (Keep the Code)

16-1. This is an introductory comment that does not contain any questions regarding the RDEIR, so no response is required.

16-2. This is an introductory comment. Responses to specific comments introduced here are presented below.

16-3. Consistent with CEQA, in order to not "segment" the "project," the County directed that the proposed new combining zone be assessed at the same time as the proposed quarry and asphalt plant.

16-4. The RDEIR assessed potential sites near the project area in Alternative 7. Since that time the Longvale site has become available.

16-5. The RDEIR assesses the impacts of the project and identifies project alternatives that are environmentally superior to the project, including alternatives that eliminate the asphalt facility. As noted in the discussion of Alternative 7, if the Board determined that another site would be better suited for the asphalt facility, then they could approve one of the alternatives that eliminates the asphalt facility.

16-6. The site is designated and zoned for Industrial use.

16-7. At the time the RDEIR was prepared, this site was not listed for sale. For an alternative site to be feasible in an EIR it must be available for the applicant to purchase. The RDEIR is not intended as a planning tool to identify what are optional sites for a particular land use. To be a feasible alternate site, it had to be properly zoned, be of a certain size, and available for sale. The Longvale site was not available, and was not identified as a possible site by the County, reviewers of the NOP, or the public. It was only upon submittal of application in 2011 that this site became known to the EIR preparers. In any case, there is an application in to the County to develop this site, so it is not a feasible alternative site for the Harris Quarry project. Also, please see Response 10-8.

16-8. On page 204 of the RDEIR, the EIR accurately reports the speed limit at the quarry site as 65 MPH.

16-9. The RDEIR correctly identified the speed limit on Highway 101 at the site.

16-10. This opinion is noted for the record. See the following responses to specific comments the commenter provides to support his opinion.

16-11. This possible alternative is discussed on page 387 of the RDEIR. It is considered a speculative alternative. It would reduce asphalt haul traffic to the bypass construction zone. As noted in the discussion of Alternative 7, an alternate site for an asphalt plant, including the type suggested by the commenter, would be the result of the County approving one of the project alternatives that does not include the asphalt facility.

16-12. The County's future decision on the Longvale proposal does not affect this RDEIR. The proposed project would remain as proposed and is assessed in the RDEIR and this Final EIR.

16-13. See Responses 10-7 through 10-15 regarding the status of the Willits Bypass and the RDEIR analyses that reference construction of that bypass.

16-14. The central location of the project bears on the reduction in VMT and consequent reduction of air pollutants and GHGs – see Response 11-7. The site is central between the Ukiah Valley and Little Valley – the primary centers of demand for aggregate and asphalt. The alternatives are ranked on page 388 of the RDEIR and alternatives that do not include the asphalt facility are ranked as superior to those that include the asphalt facility.

16-15. See Response 10-7 regarding assumptions and conclusions about the VMT for the project and the alternatives. Table 5.2-1 is based on a modeling of where the material sources are and the markets – also see the revision to this table presented earlier. This includes the location of the Harris Quarry and the other quarries and asphalt plants. It does not include providing materials to the Willits Bypass project. It predicts the VMT changes if the project is approved.

16-16. See Response 16-11 above regarding a temporary asphalt facility.

16-17. The opinions regarding impacts to views are noted for the record. The RDEIR does not assess effects of a project on property values or the desirability as a target for relocation unless the effects would be severe enough to cause buildings to be abandoned or sufficiently run down to cause "blight." CEQA requires a cost/benefit analysis of the project only if such blight is possible. There is no evidence that this project would cause people to move and neighborhoods of distant homes to fall into disrepair or cause "blight," and the RDEIR does not need to include such an analysis.

16-18. As described in Section 5.1 of the RDEIR (pages 368-369), the demand for aggregate and asphalt will be met by some source, even if it is distant and costs the customer more. In California, development has not been stopped or significantly reduced due to increased costs of aggregate and asphalt. This is why the RDEIR concludes that the project would not induce any more future development than would occur if it were not approved. It is not the role of the RDEIR to determine whether there is a need for the project. As described in the previous response, the RDEIR is not required to conduct a cost/benefit analysis regarding potential impacts on tax revenues. There is no evidence that the project would cause blight or any impact on tourism.

16-19. All of the traffic safety issues discussed in this comment are addressed in the RDEIR. The commenter disagrees with the RDEIR conclusions that traffic safety impacts can be reduced to a less than significant level, and this disagreement is noted for the record. The RDEIR discusses impacts to air traffic and bicycle paths because the CEQA Guidelines require that discussion. The RDEIR

provides accident history information so the reviewer can see how many accidents have occurred in the area and how many involved haul trucks. The RDEIR goes on to assess future traffic safety impacts, finding them potentially significant, and recommends substantial road improvements to mitigate what the commenter correctly states is a hazardous location under existing conditions.

16-20. The RDEIR contains a quantitative assessment of existing and future noise caused by project operations. It concludes that the new noise generated by the project would not be a significant increase over existing levels and would not exceed any of the County's adopted noise standards. As the RDEIR states, neighbors do and will hear the project, but just the fact that one can hear something does not make it a significant impact under CEQA. If that were the case, most new development would have a significant noise impact. Nevertheless, the commenter's disagreement with this conclusion is noted for the record.

16-21. In the section of the RDEIR the commenter is citing, the RDEIR is listing those criteria of significance in the CEQA Guidelines that the project would have no or a less than significant impact on. One of those criteria refers to emitting hazardous emissions within one-quarter mile of a school. The RDEIR correctly states that the project would not meet this criterion. However, the effects of pollutant emissions, including on more distant schoolchildren, are thoroughly assessed in Section 4.6 of the RDEIR.

16-22. The commenter's recommendation reflect the conclusions of the RDEIR regarding the environmentally superior alternatives, except for the Alternate Location alternative. If the County wished to have the asphalt plant elsewhere it would approve one of the alternatives that eliminate the asphalt facility.

Submitted @ hearing

Keep The Code

a Public Interest Unincorporated Association

June 16, 2011

Mendocino County Planning Commissioners
501 Low Gap Road
Ukiah, CA 95482

Subject: Analysis of Harris Quarry Use Permit and Harris Quarry Expansion Revised Draft Environmental Impact Report

Dear Commissioners,

Keep The Code is a public interest unincorporated association of local residents who are concerned about the proposed Harris Quarry Use Permit Project ("Project"). While generally supportive of the current quarry operation, we are adamantly opposed to amending the Mendocino County Zoning Ordinance to include a Mineral Processing Combining District that could potentially be overlaid on any land in the county that is zoned Rangeland with mineral resources. The proposed Harris Quarry Expansion project proposes such a designation for the Project property in order to allow the applicant to construct and operate an asphalt plant as part of the proposed project. We oppose the siting of the asphalt plant in this location. Currently, County regulations only allow manufacturing facilities, such as asphalt and concrete plants, to be sited on industrial zoned sites or temporarily adjacent to specific projects. This makes sense and is consistent with the first Goal of Mendocino County General Plan to: "maintain the rural character of Mendocino County, preserve its natural resources, and recognize the constraints of the land and the limited availability of infrastructure and public services." (Goal DE-1 (Land Use).) 17-1

We request that the Planning Commission formally consider whether they support amending the Mendocino County Zoning Ordinance prior to any decision regarding whether to proceed with environmental review for the Project as proposed. The County has authority to address the zoning issue as a separate and distinct matter. Our attorney has informed us of a recent case confirming that local legislative bodies have discretion to deny a proposed zoning change (or any project) prior to the applicant completing an Environmental Impact Report ("EIR") or environmental review under the California Environmental Quality Act ("CEQA"). (*Las Lomas Land Co., LLC v. City of Los Angeles* (2009) 177 Cal. App. 4th 837 (Cal. App. 2d Dist. 2009) [Holding there is no mandatory duty under the CEQA to complete and consider an EIR before rejecting a project. If an agency at any time decides not to proceed with a project, CEQA is inapplicable from that time forward.].) Making this recommendation to the Board of Supervisors now would potentially save the applicant, the County and the public from wasting time and resources; and would provide the Board with an opportunity to give updated direction to the applicant and staff what project should be considered at this time. The proposed new Mineral Processing Combining District should be decided on its own merits as a "stand alone" issue. We would note that the quarry operation itself does not need a new zoning designation. 17-2

From the beginning, our association has had a simple, clear credo: "KEEP THE CODE." The proposed amendment of the County's Zoning Ordinance to allow a Mineral Processing Combining District on land designated in the County General Plan as Range Land runs contrary to the mission of our organization and perhaps more importantly is inconsistent with the recently adopted County General Plan. In fact, the *Harris Quarry Expansion Revised Draft EIR* ("Revised DEIR") acknowledges that the proposed project, 17-3

including the Mineral Processing Combining District, is inconsistent with numerous General Plan policies including DE-1, DE-57, DE-85, RM-42, RM-47, and RM-128. (Revised DEIR, pp. 349-355.)

In addition, the Revised DEIR consistency determination regarding several other General Plan policies is incomplete and/or irrational. Notably, the Revised DEIR only evaluates the proposed zoning change as it relates to the Project property and fails to evaluate whether the Mineral Processing Combining District would be inconsistent on other Rangeland designated properties in the County with mineral resources. In addition, the proposed Mineral Processing Combining District would allow concrete batch plants, but the Revised DEIR fails to consider any potential impacts from this change. The Mineral Processing Combining District ordinance would allow heavy industrial uses (e.g. manufacturing of asphalt and concrete) on land designated in the General Plan as "RL-Range Lands" and with an R-L zoning designation. As the Revised DEIR notes the uses permitted under the General Plan for "RL" designated land are limited to: "Residential uses, agricultural uses, forestry, cottage industries, residential clustering, uses determined to be related to and compatible with ranching, conservation, **processing and development of natural resources**, recreation, utility installations." (Revised DEIR, pp. 350-351.) The Revised DEIR suggests that asphalt batch plants (and possibly concrete manufacturing plans) appear to be "related to and compatible with" processing and development of natural resources and therefore should be determined to consistent with the present land use designation. Such an interpretation would turn the General Plan on its head. For example, an oil refinery would similarly be related to and compatible with oil and gas drilling operations. This is clearly not consistent with the intent behind this land use category as specified in the General Plan: 17-4

> Intent: The Range Lands classification is intended to be applied to lands, which are suited for and are appropriately retained- for the grazing of livestock. The classification should include land eligible for incorporation into Type II agricultural preserves, other lands generally in range use, intermixed smaller parcels and other contiguous lands, the inclusion of which is necessary for the protection and efficient management of range lands. The policy of the County and the intent of this classification shall be to protect these lands from the pressures of development and preserve them for future use as designated.

There are many quarry sites that could request a heavy industrial mineral processing zone overlay. This proposed heavy industrial use zoning for resource lands involves the entire county and is inappropriate and unwanted by the majority of county citizens. Asking residents to accept such heavy industrial zoning changes after they have already made life decisions based on where they live is unfair. Particularly when considering that the zoning code already allows two feasible options: heavy industrial zoning sites (in fact the applicant has a Shell Lane location in Willits for their current cement plant operations), and project specific mineral processing (e.g. asphalt and cement) is allowed on a temporary basis adjacent to a project (like the Willits Bypass). 17-5

Therefore, we respectfully request that the Planning Commission recommend to the Board of Supervisors to consider at its earliest opportunity whether to deny the proposed Mineral Processing Combining District ordinance proposed as part of the proposed Harris Quarry Expansion Project prior to completing the CEQA process for the project. 17-6

The proposed Harris Quarry Use Permit and the Revised DEIR have other serious deficiencies. While we will submit our full list of comments after we have completed our review of the Revised DEIR, we offer several comments now for the Planning Commission consideration. These comments are presented not just to criticize the proposed project, but most importantly, to offer a discussion of the constructive **alternatives** to the Applicant's proposal that are considered in the Revised DEIR. The Revised DEIR lists

several excellent alternatives to the project, but quickly dismisses the alternatives as unworkable or suggests they are worse than the proposed project. These conclusions, however, are based on speculative assumptions and not supported by substantial evidence. We will offer reasons why many of these alternatives are superior to the present proposal; and show why the document's apparent disqualification of these alternatives is premature.

Significant and Unavoidable Impacts and Alternatives

Five significant impacts are listed, "which cannot be reduced to less than significant levels through mitigation." Four of those five pertain to "aesthetic" issues of views and lights. A fifth relates to haul truck emissions of nitric oxide and nitrogen dioxide "that would exceed the adopted Mendocino County Air Quality Management District's significance threshold for new projects." (Impact 4.6-C.) We will address the latter significant adverse impact first:

Significant and unavoidable impacts from haul truck emissions of nitric oxide and nitrogen dioxide

The report claims this "significant impact", even though it cannot be mitigated, would be exceeded by nitrogen dioxides, nitric oxide and other pollutants that would be produced if this project were not approved. The reason given is: "If the project fails approval, haul trucks would necessarily be traveling from distant facilities for major projects like the "Willits Bypass"; thereby producing even more nitric oxides, nitrogen dioxides, diesel emissions, green house gasses, etc." This same argument is used to suggest several alternatives considered in the Revised DEIR would result in increased emissions. This is specious and the basic premise is false for the following reasons: 17-3

1. The Revised DEIR fails to evaluate the substantially fewer hauling trips of asphalt, for major projects, e.g. the "Willits Bypass," if the existing alternative of using a portable asphalt processing plant is temporarily located adjacent to the project site.
2. The Revised DEIR references the "Willits Bypass" innumerable times to bolster what it asserts is Harris Quarry's "central location," however the Willits Bypass project lost its funding in October, 2010, and is speculative since it is one of the largest wetland fill projects in California, and does not have a "404" permit from the U.S. Army Corps of Engineers to fill those wetlands. Thus, the numerous references in this DEIR to the Willits Bypass are speculative and may be somewhat obsolete, hardly qualifying as determinants of significance or non-significance of any impact.
3. The concept of Harris Quarry as a "central location" has been presented by this Revised DEIR to promote, defend or rationalize a whole host of issues with little or no justification. In fact, this specious logic dominates and repeats in the "conclusion" sections of "Project Alternatives Analysis" for Alternatives 1, 2, 3 and 6. Since the "central location" generalization is conclusionary without objective evidence or analysis, there is almost no rationale for the Conclusion Section to either dismiss or to disqualify Alternatives 1, 2, 3 and 6.
4. Further: On the topic of Harris Quarry's "Central location": This begs the question- Central to what? Geography, population density, road miles density, and/or future projects? What rational and facts support such an over-generalization?
5. The Revised DEIR does not take into account the possibility that the aforementioned Grist Aggregates Longvale facility is seeking a permit to supply asphalt, and that since it is already zoned industrial, that approval threshold or "bar" may not be as high, thus making it a distinct possibility.

More specifically, the Revised DEIR discussion of Alternative 6 (Reduced Production, which maintains the existing level of quarry operations, but no industrial rezoning and no asphalt plant), states that: "The alternative would have secondary effects because it would mean the asphalt demand for the area would need to be met at other area quarries and/or processing facilities. Production at these other facilities could have adverse site-specific effects, as well as regional impacts, including additional vehicle miles traveled, 17-3

which results in increased emission of air pollutants, and green house gasses, and increased consumption of diesel fuel."

- If we leave the "Willits Bypass" issue out of the equation, there is no certainty where a project may develop. If a construction project in the county requires asphalt, then there would be emission of air pollutants, and green house gasses, and consumption of diesel fuel... but not necessarily an increase as a result of this Alternative 6. There is no "central location." The emissions may or may not increase, and to make such an assertion is insupportable and speculative.
- If we leave the Willits Bypass in the equation: A portable asphalt facility may be a superior alternative, as may be another proximate asphalt facility, already with industrial zoning, mentioned earlier. Once again the "central location" argument is invalid.

Similarly, the assumptions underlying Alternative 7 (Alternate Location) are incorrect. There is another proposed asphalt and cement plant facility in the area, which is already zoned industrial that has previously had an asphalt and cement plant operating on the site. In April of this year, Grist Creek Aggregates applied for a Development Review Permit requesting reprocessing and asphalt manufacturing authority to reopen the Longvale Plant on Highway 162 near Highway 101. This significant new information should be considered in the Revised DEIR under the section for Alternative 7 (Alternate Location). 17-9

Significant and unavoidable impacts on aesthetics:

Four out of the five significant impacts listed by this Revised DEIR that are not amenable to mitigation have to do with view shed including night-lights. 17-10

1. The loss of quality of life for residents exposed to night lighting for a possible 100 nights a year for 30 years is indeed intolerable- the residents were there first.
2. Also, what kind of message does this send to all tourists, visitors and potential future residents of our county when they see an industrial complex on Hwy 101, just South of Willits, adjacent to Ridgewood Ranch the Home of Seabiscuit and the Ridgewood Summit, which is the "Gateway to the Redwoods"? Just consider the specter of a 75-foot tower belching smoke- pointing the way north, for 365 days and lit up 100 nights a year. An industrial beacon for the age of asphalt welcoming visitors to the "center" of Mendocino County.

We also offer our thoughts regarding the Revised DEIR discussion of the following topics:

Growth Inducing Impacts

What are the "growth inducing impacts" of this project- if approved? One of the surprises in this report is that the section on Growth Inducing Impacts predicts that the project would have no affect on development. (Page 17 Sect 2.4) We quote: "The project would provide aggregate and asphalt needed for a variety of construction projects. However, there is no evidence that construction in the area that would be served by the project would slow or cease if the project were not approved. If the project did not supply these materials, they would be provided by other suppliers. The project facilitates development, but it does not induce any new development. The project would hire 9 new employees, which would have a less than significant impact on the local population." 17-11

1. Doesn't the above growth impact analysis illustrate an absence of economic necessity for this expansion?
2. Doesn't the above growth impact analysis suggest even taxes paid to the county might have otherwise accrued from production at other existing facilities- or future, more appropriately located facilities?
3. In fact, the Revised DEIR admits that the denial of the proposed project would have no negative impact on the local economy. We agree.

Impacts Found Not To Be Significant

(1) Traffic and Circulation

Given that four of the five "Significant and Unavoidable Impacts" listed on this report involve "views", is it difficult to reconcile how Traffic was allowed to slip through the cracks. After all, as important as aesthetics and views are to us all- (and we agree with these four impacts having been listed as significant and unavoidable adverse environmental impacts), where is the respect and concern in this Revised DEIR for the admittedly formidable traffic safety issues inherent in this type of operation? - Especially at this particular location near the intersection of Black Bart Drive and Highway 101 with 65 miles per hour speed zone. 17-12

Is this yet another example of this report choosing to select what many folks might consider "benign" as "unavoidable", while spending considerable effort to prove "mitigations" can effectively reduce a true traffic safety menace to manageable or "insignificant" levels? The mitigations put forward to counter this danger do not take into account poor visibility caused by fog, ice, rain and snow, which is common to the highest elevation on Hwy 101 in California. Reference to past statistics on traffic accidents at this Highway 101 and Black Bart Drive intersection is inadequate to predict what is likely to happen with a tripling of cross highway gravel and asphalt truck traffic at this site, if approved. The report also does not address a fatality at this intersection involving the sister-in-law of one of the members of Keep The Code Steering Committee. The possibility of physical impact with a heavily loaded massive industrial truck, in an inherently dangerous intersection, is a significant impact that should never be ignored.

(2) Noise

The Revised DEIR states: (E) page 20 "The project does not expose residents to unacceptable noise levels." Says who? Who better to opine on this issue than the people who live there? Many of them report the dynamite blasting of rock, and drone of trucks currently is an unpleasant reality they have merely learned to live with. The La Vida School, Golden Rule Church community residents and residents of the senior mobile home park all located downhill in Walker Valley know of the echoes and reverberations of blasts enhanced and magnified by the acoustics of their valley. What would they be expected to deal with if extraction is tripled, along with a tripling or more of truck traffic, a 300 ton per hour drum mix facility and dumping and loading of 150,000 tons of yearly asphalt? That this is not listed as a significant, unavoidable impact is another serious and indefensible deficiency of this report. 17-13

(3) Hazards and Hazardous Materials

The Revised DEIR asserts: (H) page 21 "The project would not emit any hazardous emissions within 1/4 mile of a school, as the nearest school is over 1 mile away". First, the report does not question that the plant will have hazardous emissions; rather it states the school is a little more than a mile away." Are they "splitting hairs" with children's health in the balance? - The fine print in a government manual may provide cover for this position; however, using nine blocks distance as rationale for defending exposure of growing children to chemicals known to be carcinogenic- especially when combined with fine particulate is unconscionable. According to the federal Environmental Protection agency: "Asphalt processing and manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxins may cause cancer, central nervous system problems, liver damage, and respiratory problems. "Nine blocks removed from the source", does not take into account the unique 17-14

topographical characteristics and weather phenomena common to this area. Frequent thermal inversions in the adjacent Walker Valley would trap, collect and concentrate these pollutants, where these people live and go to school and church- making the children and elderly even more susceptible to their effects.

In summary, we do not believe extensive "mitigations" contained in the Revised DEIR offer convincing, or compelling evidence in justification of this project. Instead, we ask the Commissioners request that the EIR provide a more thorough assessment of Alternative 6 (Reduced Production) and Alternative 7 (Alternative Location). 17-15

We ask that you judge not only with your heads, but also with your "hearts," and consider the effort, resources, time and passion put forward by so many ordinary citizens, over so many years- in strong opposition to this asphalt plant proposal and industrialization of this rural area. The initial DEIR process was abandoned for two years after over 600 public comments and questions went unanswered. The Applicant was allowed to change course, adjust strategy, and once again proceed this proposal. Asking residents to accept heavy industrial zoning changes after they have already made life decisions based on where they live is simply unfair. The cost to involved citizens of over six years dealing with a continually morphing project threatening the community's wellbeing is overly burdensome. Therefore, we respectfully request that the Planning Commission ask the Board of Supervisors to consider the proposed Mineral Processing Combining District ordinance before continuing with environmental review of the project. Thank you for your consideration. 17-16

Sincerely,

Jack Magne'
For Keep The Code

Response to Letter from Jack Magne (Keep the Code) (second letter)

17-1. The commenter's opinion about the merits of the project are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

17-2. The commenter's opinion is noted for the record. See Response 16-3 regarding separating the zoning issue from the remainder of the proposed project.

17-3. The commenter's opinion is noted for the record. It is accurate that the RDEIR found that the project was inconsistent with six General Plan policies. However, this is different from determining the project is inconsistent with the General Plan as a whole. As described on page 349 of the RDEIR, only the County can determine final consistency with the General Plan. Also, please see Response 8-59 regarding this issue.

17-4. Please see Response 8-20 about impacts of the new combining district on other properties.

17-5. Please see Response 8-20 about impacts of the new combining district on other properties. The commenter's opinion on the merits of the project are noted for the record.

17-6. This introductory comment is noted for the record. Responses to specific comments introduced in this comment are provided below.

17-7. Please see Responses 16-10 to 16-15 regarding these issues that were previously submitted in the commenter's Comment Letter 16.

17-8. Please see Response 16-15 to this same comment.

17-9. Please see Response 16-7 regarding this alternate site. As stated there, this site is not a feasible alternate site for this proposed project.

17-10. The asphalt silo would not be visible from Highway 101. It would not emit visible smoke, and the lighting would not be visible from Highway 101. The quarry itself is the significant visual impact to Highway 101.

17-11. Please see Response 16-18 to this same comment.

17-12. Please see Response 16-19 to this same comment.

17-13. Please see Response 16-20 to this same comment.

17-14. Please see Responses 12-7 and 16-21 to this same comment.

17-15. The RDEIR provides a thorough assessment of these two alternatives. Alternative 6 is identified as the environmentally superior alternative that is not a no project alternative. Alternative 7 is not a feasible alternative for the project as

a whole. If the County wished to require an alternate site for the asphalt facility, it would approve one of the alternatives that eliminates the asphalt facility (e.g., Alternative 6).

17-16. Please see pages 12-15 of the RDEIR regarding how the comments submitted on the original DEIR were incorporated into the RDEIR. The comments submitted on the RDEIR are those pertinent to the revised project and the revised environmental analysis. The commenter's opinion about how the County should approach the project deliberation process is noted for the record.

John Speka - Comment- Harris Quarry Revised DEIR

From: "Jack Magne'" <jackatocha@aol.com>
To: <spekaj@co.mendocino.ca.us>
Date: 7/21/2011 1:15 AM
Subject: Comment- Harris Quarry Revised DEIR

John Speka- Planner
Planning & Building Services
501 Low Gap Road
Room 1440
Ukiah Ca. 95482

July 20, 2011

Subject: Comment on Revised Draft Environmental Impact Report- Harris Quarry Expansion Project

Dear Mr. Speka,

This currently revised DEIR has some changes, but is mostly reminiscent of the earlier version in that it appears to have begun with a conclusion first, followed by a struggle to make the pieces fit:
We have already reported it cites only 5 Significant impacts that are not amenable to mitigation. Four are related to view or esthetic issues and only 1 related to air quality.

The report lists 39 exotic chemicals will be emitted from the proposed asphalt facility, many of which are established carcinogens and mutagens. Nevertheless, only nitric oxide and nitrogen dioxide are considered "Significant Unavoidable Impacts", in the air quality category. It is not that we don't appreciate this admission, but our gratitude is short lived as the report then asserts these pollutants would be worse if the project were not approved. The reasoning involves the proven erroneous assumption using a theory of "central location", which is according to Keep The Code's Expert Analyst insupportable and false. Could this be an example of bias in favor of this project ? This would not be the only example. 18-1

Lets examine the issue of meteorological monitoring which seeks to determine weather factors that would impact dispersion of emitted pollutants from the asphalt facility. One would expect such monitoring to be conducted at or close to the proposed site. Instead the monitoring is done 4.7 miles North, in an area that does not reproduce conditions prevalent at the proposed site. The North / South narrow valley adjacent to the Harris Quarry development encourages atypical air flow and wind direction owing to its topographical uniqueness. The meteorological monitoring station 4.7 miles away does not approximate these unique conditions. As a consequence, any prediction or forecast of particulate or toxic contaminant dispersion as to density or parts per million would be flawed. A comparatively "open space" such as the monitoring station, could skew the numbers downward; thereby misrepresenting the actual impact and concentration of the contaminants; thereby avoiding classification as significant. To make matters worse, the narrow valley which is home to a senior residential park, Elementary School and Church, collects and concentrates these harmful emissions, especially during thermal inversion events. There is ample reason to believe many more impacts related to air quality should be designated significant and unavoidable. The report admits cumulative and synergistic effects create "potential significant impacts", but it stops there, not giving the 18-2

benefit of the doubt to the seniors or to the children who are particularly susceptible to their dangers.

Another alarming aspect of this expansion is described in the RDEIR as the Mineral Processing Combining District Overlay. An add-on which seeks to stealthily involve the entire county- A county whose residents are mostly unaware of these ambitions, and who no doubt, depend on and trust their county officials to protect them and their families now and long-term. We ask the Commissioners to make the right decisions on their behalf.. The Applicant, on the one hand insists on these zoning changes, with the apparent backing of the Planning Dept. The DEIR dismisses or minimizes their importance, while finding rationale to support them. There is a disconnect here. There is concern this hasty, murky and poorly represented plan may conceivably involve oil processing interests, or other entities we cannot presently even imagine. A sweeping change in zoning laws affecting unsuspecting citizens all over the county should require separate consideration, and not be linked with a local, ill advised campaign to push it through. 18-3

We have expressed in every way we know, our opposition also to the change in local zoning which would allow this asphalt facility to exist. It is against the General Plan, it is against the public's wishes. It is outrageous to ask people to accept a zoning change to industrial when they have already made crucial decisions about where they want to spend their lives. They were here first. To do so is unwarranted and unfair. We ask the Commissioners to do the right thing and recommend this expansion be denied. 18-4

Jack Magne'
For Keep The Code

Response to Letter from Jack Magne (Keep the Code) (third letter)

18-1. Please see Responses 10-8, 11-7, and 11-9 regarding the issue of VMT and effects on air pollution from the project and the project alternatives. As stated in those responses, the RDEIR analysis of VMT and air pollutant emissions is adequate. Keep the Code's consultant has not provided any evidence to the contrary. It is also to be pointed out that contrary to what the commenter states, the EIR preparers have no bias in favor of or against the project. Please note the ranking of the project and project alternatives on page 388 of the RDEIR.

18-2. Please see Response 12-7 regarding the air quality analysis and meteorological data and Response 19-4 regarding the synergistic effects of emissions.

18-3. Please see Response 16-3 regarding separating the zoning issue from the remainder of the proposed project. The RDEIR does address the potential impacts of future processing facilities being developed at other quarries and on pages 340-342 lists the range of possible impacts from that future development. The commenter has not provided any data to demonstrate that the analysis in the RDEIR is incorrect or in need of revision.

18-4. The commenter's opinion about the merits of the project are noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

July 15, 2011
To the County of Mendocino, Dept of Planning and Building Services,
501 Low Gap Road, Ukiah, CA. 95482.
Re. **Harris Quarry Proposal Draft EIR:**
Comments by Patricia Tetzlaff: CLS, PHM, ASCP

I am opposed to the construction of an asphalt plant on the Harris Quarry Property adjacent to **Ridgewood Ranch** where I have lived for 6 years as a member of the Golden Rule Mobile Village community.

There are a number of issues which I think are not adequately addressed in your draft Environmental Impact Report by Leonard Charles.

One of these issues relates to section **4.6 on health,** and specifically to **page 286** which lists **39 toxic air contaminants** that will be released by the proposed asphalt plant if it is built.

On page **291, paragraph 3**, you state that impacts on health would be considered less than significant because they are below thresholds of significance, (according to federal and state standards)... followed by:

"Nevertheless, because:
1) any impact to health has some significance; and
2.) the modeling assumed that MCAQMD would require emission controls at least as stringent as are proposed for the project; and
3) ***in the future*** *more may be learned about the health effects of these emissions, particularly* ***cumulative or synergistic effects of exposure to multiple toxic compounds, the impacts on health are considered potentially significant.***

The mitigation measures 4.6 E.1 and 4.6 E.2 on page 291state that the applicant shall comply with MCAQMD requirements.....

*"**unless** MCAQMD determines such measures **are not** required or alternate control measures should be used."* 19-1

QUESTIONS (1-3)

1. *How will this determination be made ?*
2. ***Where** will toxic contaminants be monitored?*
3. *How will this impact people living and working in the 5 **nearby "sensitive zones"** you have identified?*
4. *WILL THIS INFORMATION BE MADE PUBLIC, AND BE SUBJECT TO REVIEW AND COMMENT **BEFORE** THE MCAQMD DECIDES NOT TO REQUIRE THIS MITIGATION?*

*MENCODINO COUNTY IS CURRENTLY SHORT STAFFED, AND I AM CONCERNED THAT THEY WILL NOT HAVE THE TIME, FUNDS, EXPERTISE, OR **INCENTIVE** TO MONITOR THE EFFECTS OF AIR BORN TOXINS ON PEOPLE IN THE NEARBY **'SENSITIVE ZONES'**...MONITORING IN UKIAH OR IN WILLITS DOES NOT TELL US WHAT THE LEVELS OF POLLUTION ARE WHERE WE LIVE, AND WORK, AND GROW OUR ORGANIC VEGETABLE GARDENS, NOR WHAT **CHILDREN** AT LA VIDA CHARTER SCHOOL ARE EXPOSED TO ON A DAILY BASIS. I live directly downwind from this quarry....air blows through from 2 pm to 6 pm everyday...and will carry whatever is produced to my vegetable garden, pond, pets and my lungs and skin.* 19-2

HISTORICAL PERSPECTIVE: Lack of oversight by Mendocino County allowed the Harris Quarry to over-extract an estimated 633 million pounds of rock from their quarry during the first 14 years of operation. **Only after privately funded air surveillance and photo mapping proved this,** was the County willing to address this issue. The county then issued a 'Notice of Violation" to Northern Aggregates and also fined them an ***undisclosed amount*** on July 16, 2008. 19-3

This does little to bolster public confidence in Northern Aggregates intention to **self regulate** their operations, or in the county's ability or motivation to enforce existing agreements in a timely manner.

The second issue that concerns me is the reliance on **EPA standards.** Many scientists, including me, believe that the EPA standards are outmoded and that revising them to reflect current research will take decades due to lobbying, legal battles etc. 19-4

The long-standing assumption that " **the dose makes the poison**" is the historical basis for EPA regulations. It implies that large doses have greater effects than smaller doses. This makes "common sense"; and believing this, high dose tests are considered to be desirable because they are assumed to also reveal low dose effects.... therefore, to save money, low dose effects are not studied.

Unfortunately we now know **that this assumption is wrong**. Instead, it has been proven that *different effects* may occur at *different levels*, including impacts at low levels that do **not** occur at high levels. This is true for many chemicals...an example is the fact that mice exposed to **100** parts per billion to the estrogenic drug diethylstilbestrol (DES) become skinny as adults. Who would predict, using the 'common sense' guidelines of EPA that these genetically identical mice exposed to DES levels at **1** part per billion would become grotesquely obese???

To develop toxicology standards for government agencies, three to five doses of a substance are tested in the laboratory. Toxicologists start at the highest dose

chosen and continue to the lower doses until they find the point where effects they are studying are no longer detectable i.e. the dose where effects no longer differ from controls. This dose is called the "**no observed adverse effect level**," or NOAEL.
Toxicologists guiding health regulations rarely test below this **NOAEL** level due to the "dose makes the poison" assumption.

This does not mean that higher doses are safer; it means that the effects are different, and **unpredictable**, at different doses. At low levels the effect of a toxin increases as long as the toxin is binding with specific receptors in the cell and stimulating responsive genes; once the receptors are used up, the responses stop and that particular effect is no longer produced...a **different effect** may be seen at a higher dose.

Another issue of concern is the fact that molecules that are similar such as the volatile organic compounds **benzene** and **toluene** sometimes depend on binding to the same intercellular receptor to initiate clearance mechanisms; e.g. toluene binds more competitively than benzene, so if both are present, the toluene may use up the binding sites and prevent the clearance of benzene....which continues its toxic effects on the living organism...More than **400 lbs of toluene** will be released each year from the proposed asphalt plant.

Examples of other synergistic effects with **toluene** where the effects will be more than the sum of the effects from the exposure to each chemical alone : combined exposure to toluene and noise, toluene and n-hexane, toluene and aspirin or toluene, ethylbenzene and noise has caused **a synergistic loss of hearing** in animal studies. Increased hearing loss has also been observed in human workers following long-term exposure to toluene and noise.

Further, many toxins on this list are **known endocrine disruptors** which may either mimic or impede the function of hormones secreted by the pituitary, thyroid, ovaries, testes, and other endocrine glands, leading to grave developmental consequences for all vertebrate species. Among the most notable effects are interference with normal **sexual differentiation processes** leading to testicular dysfunction, reduced sperm counts, infertility, prostate enlargement, cancer, endometriosis, hermaphroditic organogenesis, homosexual pair bonding among birds, with reduction of overall fertility. Sperm counts world wide are reduced by 40% in many vertebrate species. Humans are not exempt from this process.

There are many of these related compounds on the list of 39 toxins...has anyone tested all of these on humans at various doses and combinations; if so, where may we find the results??? (Question 6) 19-5

EPA standards do not address the potential **'cumulative and synergistic effects** ' of the almost infinite number of combinations of toxic molecules that may be created when you release 39 different heavy metals, polyclic organic chemicals and volatile organic compounds that will be released by the proposed asphalt plant. They will be **trapped in an inversion layer** for several hours over **Walker Valley** during the winter months and no one can predict what new compounds will be created, or where they will be deposited to pollute the air and water of the people who live in the area surrounding the asphalt plant.

I do not believe it is reasonable to expect the residents of the sensitive zones around Harris Quarry to act as **guinea pigs for this research**. I would not consent to this experiment, and think it is **unethical to force it upon us.**

" ***If the Bill of Rights contains no guarantee that a citizen shall be secure against lethal poisons distributed either by private individuals or by public officials, it is surely only because our forefathers, despite their considerable wisdom and foresight, could conceive of no such problem."*** **Rachel Carson, *Silent Spring*, p.12**

This sums up my feelings; we now know there is a problem, and we do not have enough current knowledge to predict the cumulative and synergistic effects of the toxins. Therefore, I do not want to be exposed to them; and I do not support a redistricting to create mineral processing zones that would allow heavy industrial operations to co-exist with rangeland, residential, commercial, health facilities, schools, or other activities that would expose these already existing zones to pollutants and other economic impacts that an intrusion of heavy industry would create.

These are incompatible operations and land uses and will only result in endless conflict, litigation, and economic burdens to regulating agencies, and to the people who are being intruded upon. The lawyers and asphalt plant industries will profit if this goes through; the rest of us who are **already** living, working, going to school, receiving medical treatment etc in the surrounding zones will suffer.

Question 4: Why should the public be asked to pay the price in health, safety, and loss of quality of life as well as a reduction in property values so that this plant may be built? 19-6

The benefits are all to the favor of the financial interests of Northern Aggregates, there are only risks and liabilities to the local residents who were here first.

Residents have made long-term financial and personal investments in our homes, schools, and agricultural pursuits based on the existing County Master Plan and current zoning laws.

Question 5; I do not believe the EIR addresses **this** impact at all. Why not? 19-7

If this plant is built, our property values will decline by 56%. Homes are nest eggs for many people. A major investment will be devastated if this plant is built. Is this fair to us? Do you care about this at all? If so, build the plant where it will not impact local residents. **Grist Creek Aggregates** location is one such example.

They are not close to a school, church, or residential areas. The impact on local residents will be non-existent. It is already zoned " Industrial"...

This is where asphalt plants should be, not next to a busy highway, a school, church, residential areas, nor adjacent to Ridgewood Ranch a 5,000 acre mecca for tourists which is being conserved to the Mendocino Land Trust specifically to avoid loss of a National Historic Conservation Site, to the likelihood of future commercial development.

This is so obvious to everyone but the planning commission and the owners of Northern Aggregates that I find it hard to believe that we are still debating this issue.

Asphalt plants are fine in an appropriate site; the **Harris Rock Quarry site is not an appropriate site. It is convenient for the owners of the quarry to have both operations side by side, but it is dangerous and undesirable for everyone else in the area.**

Keep the code as it is and avoid conflict and actions which favor one industry (Northern Aggregates) over everyone else involved.

Sincerely,
Patricia Tetzlaff,

Patricia Tetzlaff

Currently licensed by State of California as:
Clinical Laboratory Scientist : formerly at Stanford University Medical Center
Public Health Microbiologist : formerly at Mendocino Cnty Public Health Dept
New Steering Committee Member: ' Keep the Code', Willits, CA.

Response to Letter from Patricia Tetzlaff

19-1. The decisions regarding the final project equipment are the responsibility of the Mendocino County Air Quality Management District when it approves an Authority to Construct and a Permit to Operate. The RDEIR does not require monitoring of toxic contaminants.

19-2. The RDEIR does not require monitoring as it was concluded that the risk from toxics is less-than-significant. Also, see the responses to Comment Letter 12 and Comment Letter 63 regarding this issue.

19-3. The concern is noted for the record. The EIR preparers do not have authority to ensure that the County or other agencies fulfill required monitoring responsibilities.

19-4. The information presented and the concerns expressed by the commenter are noted for the record. The risk assessment done for the RDEIR followed standard protocols for assessing risk. The commenter has not suggested an alternate risk assessment approach. The U.S. EPA is the primary risk assessment agency at the federal level. In California, the Office of Environmental Health Hazard Assessment (OEHHA) in the California Environmental Protection Agency (Cal/EPA) has the primary responsibility for developing procedures and practices for performing health risk assessments. In developing health standards and evaluating health effects from toxic air contaminants the OEHHA conducts its own research and evaluations independent of the U.S. EPA and does not rely on U.S. EPA standards. In fact, many of the standards and health effects criteria set by OEHHA are more stringent than those of the U.S. EPA.

As recommended by the MCAQMD, the health risk evaluation in the RDEIR used health risk assessment procedures and health effects criteria established by OEHHA and CARB. These include "*The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*"[11], CARB's "*Recommended Interim Risk Management Policy for Inhalation-Based Residential Cancer Risk*"[12], and the most recent health effects criteria available from OEHHA[13]. Absent an alternate approved risk assessment procedure, the analysis in the RDEIR remains an accurate analysis of health risks associated with project operations, and no revision of the RDEIR is required.

19-5. In evaluating the health effects of toxic air contaminants OEHHA uses studies based on human and animal testing. As described in OEHHA's "*A Guide to Health Risk Assessment*", "The selection of a study is based upon factors such as whether the study has been peer-reviewed by qualified scientists, whether the study's findings have been verified by other studies, and the species tested (human studies provide the best evidence). Some studies may involve humans that have been exposed to the chemical, while others may involve studies with laboratory animals." Additionally, "Laboratory studies using human volunteers are

[11] Office of Health Hazard Assessment, August 2003.
[12] California Air Resources Board, October 9, 2003.
[13] http://www.oehha.org/air/hot_spots/index.html

better able to gauge some health effects because chemical exposures can then be measured with precision. But these studies usually involve small numbers of people and, in conformance with ethical and legal requirements, use only adults who agree to participate in the studies. Moreover, laboratory studies often use simple measurements that identify immediate responses to the chemical but might miss significant, longer-term health effects. Scientists can also use physicians' case reports of an industrial or transportation accident in which individuals were unintentionally exposed to a chemical. However, these reports may involve very small numbers of people, and the level of exposure to the chemical could be greater than exposures to the same chemical in the environment. Nevertheless, human studies are preferred for risk assessment, so OEHHA makes every effort to use them when they are available."

Details regarding the studies used in developing OEHHA's reference exposure levels for non-cancer health effects and cancer potency factors for carcinogenic toxic air contaminants can be found in OEHHA's technical support documents and other technical reports, and are available from OEHHA (http://www.oehha.org/air/hot_spots/index.html).

With respect to cumulative and synergistic effects of toxic air contaminants, it is worth noting that OEHHA's health effects criteria for one of the toxic compounds of greatest concern, diesel particulate matter, reflect the cumulative and synergistic effects of the many compounds that make up diesel exhaust.

Diesel exhaust is complex mixture of gases and fine particles. Diesel exhaust includes over 40 substances that are listed by the U.S. EPA as hazardous air pollutants and by the ARB as toxic air contaminants. The gaseous fraction is composed primarily of typical combustion gases such as nitrogen, oxygen, carbon dioxide, and water vapor. In addition, the gaseous fraction also contains air pollutants such as carbon monoxide (CO), sulfur oxides (SO), nitrogen oxides (NOx), volatile hydrocarbons, and low-molecular weight polycyclic aromatic hydrocarbons (PAH) and PAH-derivatives. Some of these gaseous components such as benzene, formaldehyde, and 1,3-butadiene are suspected or known to cause cancer in humans. The particles are mainly aggregates of spherical carbon particles coated with inorganic and organic substances. The inorganic fraction primarily consists of small solid carbon (or elemental carbon) particles ranging from 0.01 to 0.08 microns in diameter. The organic fraction consists of soluble organic compounds (soluble organic fraction) such as aldehydes, alkanes, and alkenes, and high-molecular weight PAH and PAH-derivatives. Many of these PAH and PAH-derivatives have been found to be potent mutagens and carcinogens[14].

In their review of the health effects from exposure to diesel exhaust and in developing the health effects criteria for diesel particulate matter (reference exposure level and cancer potency factor) OEHHA examined the overall toxicity of diesel exhaust. This was because most of the human exposure studies have been to the whole exhaust and is consistent with the scientific studies to assess

[14] Office of Health Hazard Assessment, *Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant.* April 1998. Available at: http://www.arb.ca.gov/regact/diesltac/diesltac.htm.

health effects from exposure to diesel exhaust[15]. Thus, the potential cumulative and synergistic effects of all the toxic compounds that comprise diesel exhaust are reflected in the OEHHA specified reference exposure level and cancer potency factor for diesel particulate matter that were used in the RDEIR.

Absent an alternate approved risk assessment procedure, the analysis in the RDEIR remains an accurate analysis of health risks associated with project operations, and no revision of the RDEIR is required.

19-6. The concern is noted for the record. As no question is asked regarding the EIR, no additional response is required.

19-7. CEQA does not require analysis of a project's impacts on other's property value. See Response 10-8 regarding the Grist Creek site. As noted previously, there are many rural residents near that site.

[15] California Air Resources Board, *Initial Statement of Reasons for Rulemaking, Staff Report, Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant.* June 1998.

Dear Commissioner Warner —

One of our Keep the Coast members recently sent this letter to the papers for publication. It is the best and most succinct history and comment on Ridgewood Ranch I have ever seen. FYI — Jack Mayne NTC

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JUL 19 2011
PLANNING & BUILDING SERVICES
UKIAH, CA 95482

RIDGEWOOD RANCH IS A NATIONAL TREASURE

Ridgewood Ranch is the home and final resting place of the racehorse, Seabiscuit, who mesmerized a nation during the Depression Era. Laura Hilldebrand's book, *Seabiscuit: An American Legend,* inspired a blockbuster movie, a pbs film, and revived public interest in Ridgewood Ranch, a 5,000 acre scenic paradise south of Willits, adjacent to Highway 101.

Ridgewood Ranch is a destination for thousands of tourists who come to visit Seabiscuit's Barns, Howard's Craftsman style home, a working cattle ranch, and the elusive White Fallow Deer that were a gift of William Randolf Hearst. 20-1

Ridgewood Ranch is a model of collaborative conservation and stewardship of its extensive rangelands, old growth redwoods, farmlands, oak woodlands, and pristine watershed. Over 4,600 acres of the ranch are being conserved to the Mendocino Land Trust by the Seabiscuit Heritage Foundation and the National Trust for Historic Preservation.

This will prevent residential development, and preserve rangelands that are home to 134 bird species, mountain lions, grey fox, black bears, Pomo Indian campgrounds, a two-acre stand of old growth redwoods, rare vernal pools, and much of recently restored Forsyth and Walker Creeks which are habitat for rainbow trout and steelhead salmon, as well as being tributaries to the Russian River, a major water source for Mendocino and Sonoma county.

The 400 acres that are not included in the conservation easement include already existing educational programs, a church, senior residences in Golden Rule Mobile Village, and a historic graveyard.

La Vida Charter School and a therapeutic horseback riding program for children with special needs are on this northern end of the ranch. Close by is a 5 acre biointensive, organic garden program which hosts educational internships for local residents and foreign students. In 2010, students came from Kenya, Thailand, Ecuador, and France to develop sustainable gardening skills which they will introduce in their homelands. A two acre u-pick cherry orchard is also on this property. Each spring, docent led tours hike to vernal pools, lakes, streams, redwood groves, and meadows filled with wildflowers and birds.

Ridgewood Ranch is owned by the Church of the Golden Rule. They practice what they preach, sharing their income from tours and special benefit events with the Howard Hospital Foundation, Mendocino County Museum, the Boys and Girls Club, 4-H, Phoenix Hospice, Our Daily Bread and the Willits Chamber of Commerce.

In 2009, former Vice President Walter Mondale, friends and family of Charles Howard and Laura Hilldebrand were on hand to unveil the US Postal Service's new Seabiscuit stamped envelope depicting the moment the Seabiscuit triumphed over War Admiral at Maryland's Plimco Racetrack.

We are fortunate to have this treasure in Mendocino County. It is good to remember this, and to protect this valuable historic and environmental asset for this generation and for the future of our community and our national heritage.

Information, photos, and links to selected press releases are available on SeabiscuitHeritage.org.

Patricia Tetzlaff
Ridgewood Ranch
16100 N HWY 101
WILLITS, CA, 456 9925

Response to Letter from Patricia Tetzlaff (submitted by Jack Magne)

20-1. This information about Ridgewood Ranch is noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

June 22, 2011

Commissioner Warner
501 Low Gap Rd. Rm. 1440
Ukiah, Ca 95482

Dear Commissioner,

As you know, there is much concern about the traffic plan for the proposed Harris Quarry Expansion, and rightly so. This plan offers inadequate safety features to protect the public. Instead, the project offers a dangerous design that invites trouble at every turn. I would like to contrast a good traffic plan, suitable for a highway this busy, with the proposed plan. 21-1

1) This double intersection with the quarry entrance and Hwy 101, and Black Bart Road and Hwy 101 are only a few hundred feet apart.
The created danger inherent in this double intersection on a major State highway with a 65 mile per hour speed zone does not make common sense. Clearly, there should only be one intersection at Black Bart Road and Hwy 101.

2) Advisedly, you **don't** want a center turn lane in the middle of a 65 mile per hour speed zone highway. Any merging and exiting is best done from the outside lanes. That way if an error in judgment is made there is a chance that some of the traffic on adjacent lanes can get by unscathed.
This plan places a very busy "storage lane" in the middle of the highway. Some drivers call this design a "suicide lane".

3) If traffic is moving at 65 to 70 mph you typically want to keep things as straightforward and simple as possible because there won't be much time to react to a problem. This is especially true in a low visibility situation like this location.
This highway design, with its storage lane, is outside of the norm, too complex and inherently dangerous.

4) You generally don't combine accelerating and decelerating into one lane because it will create conflict, and you don't put conflict in the middle of the highway.
This plan puts high volume, high speed, and competing traffic in the worst possible location.

5) To accommodate large trucks you need long accelerating lanes and trucks should enter from the slow lane, not the fast lane.
The storage lane is too short for proper acceleration and trucks would be merging into the fast lane.

6) The larger the differential in the speed of the merging trucks with the surrounding traffic the higher the fatality rate. Therefore, you want the trucks merging at, or close to, the speed of the traffic.

06/23/2011 10:57 FAX 7074598483 PURE AND SIMPLE POTTERY 001

This plan has a large differential in the speed of the merging trucks because the "storage lane" is short and because it forces merging trucks into the fastest lane. You would expect a high fatality rate from this design. (see calculations previously submitted in the engineering report).

7) Petroleum tankers are generally given special accommodation because of the added danger of the fuel they carry and their length. Typically they use an overpass when entering and exiting a highway.

This plan demands they come to a dead stop before turning against 70 mph oncoming traffic from a center holding lane.

8) Petroleum tankers cannot accelerate quickly so they are usually given a long and wide lane for this purpose.

This plan provides only a short lane, 470 feet long, which is shared by decelerating traffic.

9) The placement of an intersection should offer good visibility at all times.

This double intersection offers poor visibility. Hwy 101 from the south approaches this double intersection from a long uphill curve. This is combined with heavy fog, rain, snow and ice that is a common problem because of the elevation. The highest on Hwy 101 in California.

Additionally,you can expect a more rapid deterioration in the Level of Service at this intersection than predicted in the DEIR because the data is based on NON-peak traffic volumes (June 2006) rather than peak traffic volumes, which would be July through October. (DEIR Page 203). The LOS in July is already at a "D" even with this skewed data. As the volume of traffic increases so does the likelihood of an accident, and with this design, it would likely be a multiple car pile up with all lanes affected. 21-2

In conclusion, this highway design is inherently dangerous. For this reason we recommend that you deny this ill- conceived project. My neighbors have no choice but to use this intersection, and the 101 corridor is a vital artery for the entire region. We are asking that the integrity of this highway not be compromised. We are urging you to reject the proposed Harris Quarry Expansion.

Sincerely,

Shella Jenkins
Keep the Code
14601 Ridgeview Rd.
Willits

06/23/2011 10:57 FAX 7074591483 PURE AND SIMPLE POTTERY 002

Response to Letters from Sheila Jenkins (seven letters)

The commenter sent this same letter to each County Planning Commissioner. To reduce the use of paper, only the letter addressed to Commissioner Warner is presented here,

21-1. The opinions are noted for the record. The traffic analysis in the RDEIR examined all these potential traffic safety impacts and recommended mitigation measures to reduce them to a less-than-significant level. It is recognized that the commenter believes that some of these impacts would remain significant and unavoidable. See responses to Comment Letter 11 for additional information on traffic issues. On a general note, as concluded in the RDEIR and expressed in earlier responses, the proposed mitigation measures improve the existing traffic safety hazards in the area between the project access driveway and Black Bart Drive.

21-2. The level of service analysis done for the RDEIR assessed a worst case of the periods when there would be maximum truck traffic on the roadway system, which does not coincide with the peak traffic for commuters and other highway users. The analysis in the RDEIR is accurate and does not require revisions.

ROBIN GOLDNER, MSW

Licensed Clinical Social Worker #15373

245 S. Humboldt St., Suite B • Willits, CA 95490 • (707) 459-5673

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JUL 12 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

County of Mendocino
Department of Planning and Building Services
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Re: Harris Quarry/Northern Aggregates Revised DEIR

July 10, 2011

To John Spika:

I have read portions of the Northern Aggregates Draft Environmental Impact Report and certain parts of it are inadequate. I wish to raise the following issues:

The Revised DEIR does not adequately state how the traffic at the Black Bart/U.S. Highway 101 intersections will be made safe. As you know, Ridgewood Summit is notoriously dangerous in the winter months when there is fog on the roadway, which reduces visibility to twenty or thirty feet. Currently there are no nighttime trucks existing the quarry. However, if Northern Aggregates receives a permit, it will be allowed nighttime activity one hundred nights per year. I can easily imagine the extreme danger posed by laden trucks exiting the quarry onto northbound U.S. Highway 101 at night in the fog. Also, traffic from the adjacent intersection at Black Bart Road and U.S. Highway 101 adds additional traffic hazards. **Doesn't it more sense to mitigate this hazard by installing an overhead exit/entrance onto U.S. Highway 101 for the trucks?** 22-1

The Revised DEIR implies that the proposed project is in a central location for delivering asphalt for the Willits Bypass project. According to Caltrans, the Bypass may not be funded. Northern Aggregates cannot use the Bypass as a rationale for citing its asphalt plant. Further, even if the Bypass is funded, Northern Aggregates will need to compete with other batch plants, such as the Longvale plant. **Doesn't it make more sense to build a temporary batch plant adjacent to the Bypass project <u>if/when</u> it is built?**

I live about one air mile from Harris Quarry. I can hear the explosions emanating from the quarry. I purchased my home in 1999 believing that this will remain a quiet and unpolluted subdivision. I will be affected by the nighttime lights and toxic odors from an asphalt plant. My home values may decline if Northern Aggregates receives a permit to operate its quarry and a batch plant 100 nights per year. There are forty homes in my subdivision, Shafer Ranch Road, Willits. I believe I represent the wishes of many of these home owners who do not want their standard of living to be adversely affected by the close proximity of an asphalt plant and quarry operating at nighttime. **Why should an** 22-2

industrial plant be allowed to operate 100 nights per year, with known toxic chemicals, in a residential neighborhood?

I understand that the proposed asphalt plant has a thirty year life. Aside from the putative Willits Bypass project, there is a likelihood that the plant will only be able to be profitable by exporting asphalt to neighboring counties for paving jobs. Mendocino County has 660 miles of road, while Sonoma County has1384 miles. Lake County has 613 miles and Humboldt County has 1200 miles. The amount of trucking to these counties will nullify any benefit of hosting an asphalt plant in Willits. Trucking produces emissions in amounts equal to or greater than producing the asphalt in the counties receiving the product. **Has a cost/benefit analysis been done to determine the economic and environmental efficacy of an asphalt plant in central Mendocino County when most of the likely customers for asphalt are outside the county?** 22-3

The proposed Northern Aggregates/Harris Quarry has been operating for many years without complying with their use permit. They have been allowed to operate without a renewed extraction permit for several years. Now you are considering a proposal to not only allow Northern Aggregates an expansion of the quarry, but to permit the on-site production of asphalt. If Northern Aggregates had a good track record, I might concede that they would be good candidates for an expansion. However, that is not the case. **I am strongly opposed to giving Northern Aggregates a permit when they have a nefarious record of non-compliance?** 22-4

Conclusion: I am against changing the Mendocino County Code to allow for the proposed Northern Aggregates asphalt plant at Harris Quarry. Industrial operations belong in industrial zones, not in forest and rangeland areas, and absolutely not in residential neighborhoods. Northern Aggregates wishes to change the code in order to position themselves to conveniently service the putative Willits bypass. I am against their proposed permit to have the plant at Harris Quarry for 30 years.

I believe it is against public policy to change the code to allow asphalt plants at quarries. It makes more sense to place these operations on level ground, away from rural neighborhoods and not at the top of a watershed.

A temporary batch plant, specifically built for the Willits bypass would be a more viable option. I am not against an expansion of the quarry as long as it is permitted and carefully monitored.

Sincerely,

Robin Goldner

Response to Letter from Robin Goldner

22-1. The RDEIR addresses these safety concerns on pages 217-224. In Mitigation Measure 4.4-B.2, the RDEIR recommends monitoring of the intersections. If unsafe conditions are identified, then the County or Caltrans could require construction of a partial interchange that would incorporate both the quarry driveway and Black Bart Drive.

22-2. The commenter's opinions about the merits of the project are noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

22-3. There is no evidence that products produced by the project would not be used locally – see Response 11-7. As discussed there, it is expected that import of aggregate from out-of-county sources will continue. A cost/benefit analysis of the project is not required by CEQA. This RDEIR provides the environmental analysis of the project. However, this environmental analysis does not assume that substantial sales of project products will be made to out-of-County markets.

22-4. The commenter's opinions about the applicant's history of operations and the merits of the project are noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

7-18-11

Mr. John Speka, Planner
Mendocino Count Department of Planning and Building
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Mr. Speka,

I bring to your attention several concerns regarding the draft EIR for the Harris Quarry Expansion:

1. Lack of an MMRP

This project contains proposed mitigations for numerous potentially damaging effects on the environment. The shear volume of mitigations listed in section 2.9 (pg 35) should indicate to you that this is an ill-conceived plan and doomed to failure. Doomed because it is clearly beyond the capability of both the applicant and the County to adequately monitor the proposed mitigations. At present, the County is relying on one person, you, who no doubt has other duties, to oversee all of these mitigations. Nowhere in the draft EIR is there a plan describing who will pay for the oversight of all the mitigations listed in the report. We all know that the County has diminished resources and the likelihood of further hiring for this duty is very slim. The State Department of Mines is similarly low on resources and not inclined to oversee this project and will defer to the County unless they take over as lead agency, which is highly unlikely. The logical entity to bear the costs of this oversight task is the applicant. Nowhere in this report does the applicant step up to say that they will bear the cost of monitoring the mitigations. Without a third-party oversight, the citizens of Mendocino County will be at the mercy of the system currently in place to monitor the quarry: the "honor" system. 23-1

Over the last 10+ years, the applicant has consistently failed to monitor its own extraction volumes in order to comply with its original permit. It has been cited and fined. Would any rational person think that the complicated and voluminous mitigations presented in this report could be adequately monitored by an applicant who has shown such consistent contempt for the law?

I ask that there be no approval of this draft EIR until there is a thorough and adequate MMRP in place.

2. Alternative sites

The report's conclusion that there are no other appropriate sites for this project only suggests that the project itself is so onerous that no one in the county would want it in their back yard. The problem is not with available sites; it is with the project itself. The County is under no obligation to find an appropriate site for this project. 23-2

The fact of the matter is that there are already sites in the county approved for industrial use and, in fact, for the production of asphalt that are sitting idle due to the low demand for asphalt. The fact that these lands are in the hands of a different company from the applicant should not mean anything to the County. If the County wants to be in the business of leveling the playing field for business competition it should be more concerned that the applicant in this proposed project has received grossly unfair consideration to the disadvantage of other law-abiding asphalt producers.

I ask that the draft EIR be changed to include information about existing asphalt plants and an economic analysis of the demand for asphalt in the county for the foreseeable future.

3. Other quarries in Mendocino County

This disingenuous summary of how changing the planning code would affect other quarries in the county tries to suggest that it is "merely" speculative that other quarries will follow with similar projects. The use of the word "speculative", avoids the more honest reality that it is as likely as not that other quarries will follow suit. There is absolutely no guarantee that every quarry listed will not immediately make similar plans to increase their revenues by installing an asphalt plan. The report tries to portray the Williamson Act as some sort of barrier to other quarries wanting to pursue a similar project. The fact of the matter is that there is a demonstrated history of applicants getting out from under the constraints of the ACT and in far less time than 10 years. 23-3

The question is: How will the County say no to future projects once it has allowed this one? What basis would the County have to deny a future asphalt plant permit at these other sites? One does not have to be an attorney to understand the power of legal precedent.

Throughout this process, the County has bowed to pressure from the applicant to combine the renewal of its mining permit with a change in the Planning Code. Keep the Code has consistently asked the County to separate these two issues so that the impact on the entire county can be considered separately from the applicant's new project. As a result; the County is in the unenviable position of having to deny a local employer a license to continue their business or accept an environmentally disastrous project.

I ask that the draft EIR be changed to state that it is reasonable, and as likely as not that other existing quarries and future quarry operators will take advantage of this change in the code

I ask you to ensure that these considerations are addressed before the final EIR is produced.

Thank you,

Larry Jenson

Response to Letter from Larry Jenson

23-1. See Response 8-60 regarding the issue of the MMRP. The MMRP will identify what entity is responsible for implementing required mitigations as well as what agency will review mitigation implementation to ensure that it is successfully completed. The EIR necessarily assumes that the County and other Responsible Agencies will fulfill their responsibilities as listed in the MMRP.

23-2. It is accurate there are alternate sites as described in the RDEIR; also see Response 10-8 about a new alternate site. The comment is incorrect in stating there is no demand for asphalt. The EIR is not required to conduct a market analysis of asphalt demand or existing suppliers. The EIR's responsibility is to identify significant impacts of a proposed project and identify mitigation measures and project alternatives that can eliminate or reduce those impacts.

23-3. "Speculative" under CEQA means that in this case another project does not have an application submitted or is otherwise foreseeable (i.e., it has been included in some area-wide development plan, touted in the media, or some other means of determining there is a strong likelihood that a development application will soon be filed). While the commenter states that other quarry owners will seek such approvals, there is no substantial evidence that this would be the case. Over time, it is possible; however, within the guidelines CEQA established for assessing long-term impacts, such submittals are "speculative." That said, the RDEIR does provide an analysis of the range of potential impacts at other quarry sites to the degree that such impacts can be identified at this time. As described in the RDEIR, any quarry owner who seeks to add an asphalt or other processing facility will need to have a CEQA analysis of that project prepared prior to County consideration of approving such a use. The Board of Supervisors has responsibility for determining whether the requested zoning designation should be approved given the impacts that could result.

RECEIVED
JUN 28 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Mendocino County Planning Commission
501 Low Gap Road
Ukiah, Ca 95482

June 27, 2011

Dear Commissioners,

We are writing you with our concerns about the accuracy and adequacy of the *Revised* Draft Environmental Impact Report for the Harris Quarry Expansion Project released for review May 16, 2011.

There are so many homes, and lives, that will be directly affected by this proposed expansion to the Harris Quarry. As just one of many families and like-minded neighbors, we are asking you to deny approval of the Quarry Expansion to asphalt plant.
We understand the process includes a listing of "Significant Impacts"- some of which are deemed fixable, and some which are not.
This DEIR claims only 5 significant impacts which are considered " unavoidable", without possibility of mitigation. There are 4 issues regarding views and 1 having to do with air quality. We were disappointed that a more than 300 page report has so few "Unavoidable" impacts, and the remainder of this massive report seeks to minimize or even justify hundreds of others. One of those is traffic.

Regarding **Traffic:**

Traffic safety has been an issue in this area for as long as I can remember. Although the study doesn't report this, we lost a member of our family at the Hwy 101 / Black Bart intersection Nov. 30, 1990. We note that this traffic study has managed to qualify the traffic issues as "Less than Significant" after expensive engineering studies fashioned "mitigation possibilities" which, in theory- fixes the serious problems. Locals perhaps know more about the dangers here than engineers in a distant office. For example, this DEIR erroneously states on one page that the speed limit at this intersection is 55 MPH. Then, on another page it is 65 MPH. The previous DEIR of Dec 2007 also made this error (55 MPH) which was pointed out in letters and personal appeals. Apparently no one read the letters and perhaps a long-distance analysis is inadequate for viewing the posted speed limit. We also tried as a community to have the speed limit lowered, but to no avail. The posted speed limit at the quarry entrance is 65 MPH! With average traffic traveling at that speed or faster, imagine the danger of coming upon a truck stopped in the fast lane to turn left into the quarry. This is a daily nightmare right now! 24-1

This report we believe does not take into account the added traffic dangers of weather conditions common to this area which is the highest elevation on 101 throughout California. Snow, freezing rain, fog and frequent thermal inversions trap not only pollutants, but thicken and compress dense fog.
Visibility, reaction time and the ability to break a heavily loaded massive industrial truck could be severely compromised.
Not listing traffic danger as unavoidable significant impact is a deficiency of this report. An overpass might be the only effective means of mitigation. Trucks also park illegally on the dirt shoulder at the Black Bart/ 101 intersection. Trucks slowing and stopping for oncoming traffic before turning left into the quarry put other drivers at an unacceptable risk. The addition of night time operation multiplies these effects. A proposed tripling of aggregate extraction and trucking **plus** additional hauling of 150,000 tons of asphalt is just frightening.

Regarding **Noise:**

Noise is another impact that has been listed as insignificant. We already can hear the blasting on the other side of the hill. Noise travels right up the canyon to OUR house. This is impossible to mitigate, especially since this proposal asks for permission to blast and extract and pulverize and mix 250,000 cubic yards of rock, over the presently permitted 75,000. The noise caused by mixing an additional 150,000 tons of asphalt is alarming. No slide rule can estimate, no computer can quantify, and no DEIR expert can tell us that this mind numbing, headache inducing, nerve shattering noise is not a significant, unavoidable impact. If you are looking for a serious deficiency to this report, one has to go no farther. 24-2

Regarding **View:**

Since views are listed as "Significant " impacts that are unavoidable and not subject to mitigation, why is this project being seriously considered ? 24-3
First and foremost, this land is not zoned for heavy industrial. We purchased this land and built our home 25 years ago because of the pristine environment, quiet surroundings and magnificent views. We felt we were secure in knowing the county planners had been wise enough to zone this area appropriately. We agree this is not only a significant impact, but one that would profoundly change the quality of our lives and the lives of our children for decades to come. Selling is not an option as we were here first and believe there is no justification for a zoning change just for the benefit of a well funded applicant to the detriment of the lives and well being of hundreds of ordinary citizens that are outraged by the prospect.

We think we speak for all the residents of our subdivision and for the folks at the senior home park, the LaVida school and nearby Golden Rule Church, when we say we bought our land, and built our homes here with the express purpose of **NOT** having the night sky spoiled by plant glare,
NOT being bombarded with the drone of industrial background noise intruding on our quiet mountain, and **NOT** having to see an asphalt plant every time we walk out our back door.

We understand the Applicant wishes to link or impose a so-called *Manufacturing Processing Combining District* overlay in an effort to widen the opportunity to affect zoning change at mineral sites throughout Mendocino County. It seems odd that such a strident, ambitious plan is being considered for an Applicant that couldn't or wouldn't comply with extraction limitations at the current site; and who has been allowed to operate without a legal permit for years. 24-4

Air Quality:

Nothing is more basic to life and health than the air we and our children breathe. There is heroic effort among the proponents and enablers of this report to justify, mitigate (lessen the impact), and minimize the airborne insult they are asking us to abide. The deleterious health effects of particulate and other toxic asphalt manufacturing emissions are well known by the medical and scientific community. There will always be controversy and changing opinion on levels considered to be harmful. New information comes out daily, and we choose not to take that chance. Current zoning has protected us and no one should have the right to change those rules. 24-5
The EPA has already determined that pollutants generated by asphalt plants cause cancer, liver damage, and lung abnormalities. Children and elderly are even more seriously affected.

Cumulative, Combined Impact.

Each impact considered separately is bad enough, but the combined effects are additive, cumulative and synergistic. We reject this expansion outright. 24-6

Alternate Location:

We understand there may is another location currently being considered which is away from subdivisions, home parks, churches and schools, which is already zoned industrial, and which could provide asphalt for the area. We ask that you focus on this possibility, or even use portable asphalt facilities for the duration of major projects. 24-7

We look to the Planning Commissioners to consider these issues carefully and to recommend that this project, as is, be denied and replaced with an alternative that does not include either an increase in rock extraction or construction of an asphalt plant.

Sincerely,

John and Roni McFadden
16250 Blue Jay Lane
Willits, Ca 95490
bluejayln@instawave.net

Response to Letter from John and Roni McFadden

24-1. The opinions are noted for the record. The traffic analysis in the RDEIR examined all these potential traffic safety impacts and recommended mitigation measures to reduce them to a less-than-significant level. The analysis included assessment of poor weather conditions and nighttime operations. It is recognized that the commenters believe that some of these impacts would remain significant and unavoidable. See responses to Comment Letter 11 for additional information on traffic issues. As stated in previous responses to this same issue and as concluded in the RDEIR, the proposed mitigation measures improve the existing traffic safety hazards in the area between the project access driveway and Black Bart Drive. As the commenters note, traffic safety near the quarry access is an existing concern. The RDEIR (Mitigation Measure 4.4-B.2) requires monitoring of traffic safety conditions and identifies measures that could be required if traffic safety becomes worse; this includes construction of a partial interchange as suggested by the commenters.

24-2. There is a difference between the noise created by a project being audible at a nearby residence and whether that new noise causes a "significant" impact under CEQA. It is likely that the commenters may periodically hear more noise than they currently do. However, the noise analysis done for the RDEIR concludes that the noise would not exceed standards that the County has determined are acceptable at residential locations nor cause a significant increase over existing levels. Neither the commenters nor other commenters have submitted any data to indicate that the analysis done for the RDEIR was incorrect.

24-3. The commenters agree with the RDEIR conclusion that the visual impact is significant and unavoidable. Their opinions about the merits of the project are noted for the record.

24-4. The commenters' opinions about project operations are noted for the record. As no question is asked regarding the EIR, no additional response is required.

24-5. The commenters' concerns regarding air quality are noted for the record. See the responses to Comment Letters 12 and 19 for additional information on air quality issues.

24-6. The commenters' opinions about cumulative impacts are noted for the record. As no question is asked regarding the EIR, no additional response is required.

24-7. The RDEIR assesses an alternate site alternative. The Board of Supervisors has the ability to approve a project alternative that does not include an asphalt plant on the project site. In that case, the applicant could seek approval for an asphalt plant at another location.

From: Roni McFadden <bluejayln@instawave.net>
To: <spekaj@co.mendocino.ca.us>
Date: 7/1/2011 11:31 AM
Subject: Harris Quarry Expansion DEIR
Attachments: 82845-Planning Commission.doc

Please enter this attachment into the comments for the Harris Quarry project.
Thank you,
Roni McFadden
--
"It was as if God whispered in his ear, 'Go.' And he went." (Secretariat)

Mendocino County Planning Commission
501 Low Gap Rd.
Ukiah, Ca 95482

8 Jan 2008

Dear Commissioners,

We are writing to you with our concerns about the Draft Environmental Impact Report for the Harris Quarry project released for public review Dec 21, 2007.

Our home is one that will be directly affected and we have some real concerns about the impacts of this project in several areas.

The first, **traffic**, is a concern for our whole subdivision.

The DEIR erroneously states that the posted speed limit at the project site is 55mph. The speed limit is actually 65mph until a bit further south at the beginning of the center-dividing wall, with a lot of traffic traveling at 70mph or more. 25-1

The addition of more trucks turning into and out of the quarry is likely to impact not only the residents of the subdivision, but all traffic driving over the Ridge between Willits and Ukiah. We don't feel that the DEIR adequately addresses the dangers of that road and what can be expected with additional trucks. The mitigations mentioned aren't good enough. How are they going to put a deceleration/acceleration lane there at the entrance to the quarry? The road is not wide enough. And, it says in the report that Cal Trans has no intention of doing any improvements there.

Most of the residents have their own horror stories to tell about near misses with trucks and cars at the Ridge in all kinds of weather. The FOG is dense and frequent! The DEIR only looks at the statistics of reported accidents for a specific time. There have been many, many incidents not ever reported. And, there was a fatality at the intersection of Black Bart and Hwy 101. But it happened before the study years noted in the DEIR. It happened in broad daylight because a truck (semi) was illegally parked southbound in the right turn lane at Black Bart, blocking the view of southbound traffic. The person pulled out to see around the truck and was killed instantly. It was only due to much prodding after this fatality that CalTrans put no parking signs up and marked the turn lane, as well as put a "cross traffic ahead" sign northbound. It took the loss of a person's life to get that done.

The intersection is **STILL** not safe. Trucks slowing and stopping for oncoming traffic before turning left into the quarry put other drivers at an unacceptable risk. Trucks pulling out northbound as fast moving traffic rounds that bend puts other drivers at an unacceptable risk. And, it should be noted that trucks still park illegally at times on the dirt shoulder at the Black Bart intersection blocking views of southbound traffic. It is clearly marked "No Parking At Any Time". They seem to believe it does not pertain to them!

It should also be noted there are three school buses a day that pull out onto northbound Hwy 101 from Black Bart Rd. It can be a very scary situation in the fog with trucks from the quarry, and speeding traffic appearing out of nowhere. This intersection is just plain **DANGEROUS!**

The traffic situation needs further study and solutions before you allow this expansion.

On a personal level:
Any **noise** generated will impact our house. We can hear the blasting at the quarry on the OTHER side of the hill. What will the continuous noise of the plant be? Noise travels right up that canyon to OUR house. How will that be mitigated? 25-2

From our house we will be able to not only hear the asphalt/cement plant, we will be able to **SEE** it as well. The view from our deck is unobstructed down the Forsythe Creek watershed to the highway. The backside of the quarry hill where the plant will be located will be in plain sight from the whole back of our house, as well as from other dwellings on our street. The view examples in the DEIR do not show the view from our street, Blue Jay Ln. off of Black Hawk Dr. We built our home 21 years ago with the view as one of its biggest assets. It says in the report that it can't be mitigated. So where does that leave us? That will drastically reduce the value of our home. What does the county plan to do to keep our property values consistent with the current values? 25-3

Sitting on the deck on dark nights and star watching is very important to us. Our night sky on a moonless night is pitch black. It is a paradise for stargazers. Any **light**, even a little, generated by the plant will be significant to an otherwise dark sky. What will you do to rectify that?

Air Quality is a concern for us as well. How is the air quality going to be affected during the hot, breezeless, hazy days of summer? And what exactly will we be breathing? 25-4

What about the safety of our property in case a **fire** is somehow started because of this plant operating in rangeland? What is the plan for fire protection for the residents of this rural subdivision do to the possible increased risk?

We think we speak for all the residents of the Ridgewood Subdivision when we say that we all bought our land and built our homes out here with the express purpose of: **NOT** having to live near industrial areas. **NOT** having the night sky spoiled by plant/city glare. **NOT** being bombarded with the drone of background industrial noise intruding on our quiet mountain. **NOT** having to see an asphalt/cement plant every time we walk out our back door.

By changing the zoning here, you open up a whole new can of worms for the rest of our beautiful open spaces in this county. You need to be the **stewards** of our resources. Not

enablers to those who would destroy the beauty of our county for the financial gain of a few. With that in mind we ask you, where is the **need** for this expansion?

There are many more issues concerning this project. Some will impact many people and some just a few. So, please, for the few of us directly impacted in this way, we hope you will consider our views and address them to our satisfaction before approving this massive project.

Sincerely,

John and Roni McFadden
16250 Blue jay Ln
Willits, CA 95490
707-459-0741
bluejayln@instawave.net

Response to Letter from John and Roni McFadden (second letter)

This comment letter is one the commenters submitted in January 2008 on the original Draft EIR.

25-1. See Response 24-1 to this same issue.

25-2. See Response 24-2 to this same issue.

25-3. See Response 24-3 to this same issue.

25-4. See Response 24-5 to this same issue.

Submitted @ Hearing

In reference to the DEIR for the Northern Aggregates Asphalt plant project:

I am confused by the 2 photo-simulations of the projected Northern Aggregates facility shown in the DEIR. Figures 4.7-2 and 4.7-4 have some obvious problems.

1. The 2 simulations are intended to show projected day and night-time visual impacts of the asphalt plant. However, the structures in the photos are completely different! **This is very strange.** 26-1

2. The night-time simulation shows lighting fixtures that are prominent and obvious. The EIR states that the lighting source would not be seen, in other words, the fixtures must be shielded. The fixtures in the photo are not shielded at all.

4. The night-time simulation is not accurate or honest, in that that lights appear to be a spot of white in an otherwise black background. Lights at night illuminate the ground and surrounding area, yet this is not shown in the photo-simulation. Notice, for example, the lighting fixture on the far left. This fictional scenario shows an unshielded light that casts no light on the ground or background trees and creates no sky glow. This is a very false presentation of what an illuminated facility would look like and therefore the subsequent mitigations are not realistic.

If these photos are examples of the integrity with which other impacts are portrayed, we have no realistic inventory of the impacts.

I have a question regarding the 75 vertical feet of fill needed for the Northern Aggregates asphalt plant. 26-2

According the EIR, 75 vertical feet of fill would be brought in to construct a pad for the plant on the steep hillside slope above the Forsythe Creek. The structure could fail due to saturated grounds, earthquakes, or other natural forces or human error. Although the public is guaranteed that a geo-technical engineer would design this pad, there are numerous concerns:

1. The pad would be perched above the Forsythe Creek. Over $1 million of public funds have been spent on habitat restoration in this stretch of the creek below the project. This precarious pad could put this habitat in grave danger and waste the money that has been spent.
2. Even the best engineer cannot build something 100% safe on land that is so geologically unstable, steep, and wet. I am sure that the Caltrans engineers are doing their very best to keep the nearby Ridgewood Grade portion of Hwy 101 in good condition, yet construction and reconstruction has been going on continually for the last 25 years. This area is noted as a "severe shaking" earthquake hazard area.
3. Who would be liable for the stability of the pad after the project ends? The aging structure would continue to threaten the creek and surrounding landscape long after the project's 30 years. The EIR should include a plan to deal with this, such as A.) a bond into perpetuity to pay for clean up damage in the eventual failure of the fill, or B.) the requirement that the fill be removed at the end of the project.

Dori Kramer

Dori Kramer

6/16/11

property characteristic

1. steep
2. "severe shake" zone

Response to Letter from Dori Kramer

26-1. As described on page 306 of the RDEIR, the nighttime simulation was from the original DEIR. The County determined that a new nighttime simulation was not warranted when setting the scope for the RDEIR. As described on page 311 of the RDEIR, this simulation significantly overstates the nighttime impacts. See the new Figure 4.7-4 that was prepared by the EIR visual subconsultant at the request of the project applicant. This is included as part of Comment Letter 15.

26-2. The concerns regarding the fill pad stability are noted for the record. The RDEIR concludes that the pad can be constructed to withstand seismic activity and other threats. No mitigation is needed beyond the requirement that it be designed and constructed to meet typical design standards. See responses to Comment Letter 13 for additional information on slope stability. The site will be reclaimed at the end of the project and planted with native species. A flat reclaimed site in this area would be expected to provide more valuable biological habitat than the existing hillside it would replace. No technical information has been provided to require revision of the EIR to require removal of the fill at the termination of the project. The property owner could be liable for damages to Forsythe Creek similar to any owner whose improvements fail and enter the creek.

Submitted @ hearing

To the Planning Commission
From: Ruth Van Antwerp
Date: June 16, 2011
Re: DEIR Harris Quarry Expansion Project

One problem with the DEIR for the Northern Aggregates Expansion project is the lack of oversight in water usage, in a water short area.

The water usage figures used in the EIR have ~~simply~~ been provided by the applicant. These figures were then used in the hydrological analyses to estimate water use impacts. Since the applicant has a history of inaccurate reporting and this is a very water short area, local residents request that the **applicant be limited to the amount of water that is stated in the EIR.** This requires independent monitoring by water well meters on all water sources used for the project. We request that accurate water use figures be provided monthly. 27-1

~~We feel that~~ County oversight is lacking, demonstrated by the fact that it took private citizens to hire an outside contractor to prove to the County that the applicant was violating his permit by significant over-extraction resulting in cheating on local taxes.

I request a site visit by the Planning Commission.

Response to Letter from Ruth Van Antwerp

27-1. The RDEIR determined that there is sufficient water on the site and sufficient aquifer recharge to serve the proposed project. Mitigation Measure 4.8-D.1 requires cessation of operations if there is insufficient water for dust control. Otherwise, no impact regarding groundwater was identified that required mitigation. That said, the County has the ability to require such monitoring if it deems such monitoring necessary or prudent.

July 19, 2011

Mr. John Speka, Planner
Mendocino Count Department of Planning and Building
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Dear Mr. Speka,

Please review the following objections to the draft EIR for the Harris Quarry Expansion:

Lack of Need:
Given the onerous and dangerous (to health and environment) nature of a project such as this, it is incumbent upon the representatives of the citizens of this county who are charged with protecting both the citizens and the natural environment to exercise caution and prudence in approving such a project. 28-1

That would indicate a conservative approach to include the question, "Is this project needed?" Given that there is idle capacity in existing facilities AND that this project would require a change in zoning from rangeland to industrial, it cannot be considered an appropriate project.

County-Wide Impact That is Not Addressed in this EIR:
As this request, if approved, would change the zoning at all quarry sites in the county, the fiduciary responsibility of this Planning Commission is further increased. Wishful or imaginary thinking about whether or not other quarries would change their operations to include industrial projects is NOT adequate. Once that zoning change is in place, any owner of other sites would be free to exercise their rights. 28-2

Traffic Plan:
The mitigations in this DEIR are not sufficient to address the traffic dangers. The "storage lane" is insufficient to provide safe deceleration for vehicles turning from 101 onto Black Bart Drive while also accommodating heavily loaded trucks turning from the quarry site onto highway 101. The speed of traffic going north at that point is accelerating to 65 - 75 mph with the increase in speed limit *just before this proposed high traffic intersection*. Cars tend to "break out" after the slower (55 mph) ascent up the hill and there is great impatience with slower moving vehicles that have to move into the fast lane in order to move into the left turn lane. It is far too dangerous as it exists today. Adding more volume of heavily loaded trucks in that intersection is a recipe for a serious accident and is not sufficiently addressed without an overpass. 28-3

The basis for this EIR is inadequate as the traffic readings were conducted at a non-peak time (June 2006). Note that from the weekend before July 4th through Labor Day weekend, that corridor traffic increases substantially - much of which is due to very large and slow moving recreational vehicles often with inexperienced drivers who are

renting it for a week to take their children on vacation. Furthermore, traffic counts from 2006 are not accurate for 2011/2012. Traffic volumes have increased significantly, especially during the summer months when most construction project are happening. This means the entire proposal is based on false data. 28-4

I ask that this EIR not be approved without addressing these concerns. Thank you for your careful attention to this matter,

Deborah Pruitt

Response to Letter from Deborah Pruitt

28-1. The commenter's opinions about the merits of the project are noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

28-2. See previous Response 8-20 regarding the issue of developing processing facilities at other quarry sites.

28-3. See Responses 21-1 and 21-2 regarding these same questions and concerns.

28-4. See Response 11-2 regarding this same issue.

RECEIVED
JUL 20 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Mendocino County Planning Commission,

I am writing in opposition to the proposed asphalt plant near Willits.

As past Public Health Officer, there is no question that air quality will suffer because of this plant, especially for those with asthma & emphysema. 29-1

In view of the health consequences, the dangers of traffic accidents on Hwy 101, the environmental pollution & the huge demands on water resources — I feel the county should deny the request to change the county code for the project.

Anyone who thinks this project is a minor change with minimal impact on the county's citizens would do great working in Texas.

If you want more detailed health information please contact me.

Sincerely, Marvin Trotter MD

(707) 272-8047 275 Hospital Dr Ukiah

Response to Letter from Marvin Trotter

29-1. These opinions are noted for the record. As no questions are asked regarding the EIR or new information provided, no additional response is required.

John Speka - Fwd: Letter Opposing Asphalt Plant

From: Adrienne Thompson
To: Planning Commission
Date: 7/19/2011 3:49 PM
Subject: Fwd: Letter Opposing Asphalt Plant
CC: John Speka; Nash Gonzalez

Here is another comment letter.

A~

>>> "Ann Kelly" <aakelly@sbcglobal.net> 7/19/2011 3:41 PM >>>



Something is in the Air!

VIEW SLIDE SHOW DOWNLOAD ALL

This album has 1 photo and will be available on SkyDrive until 10/17/2011.

About the Photo: The dusty haze at the top center of the photo was taken in 2008 when Northern Aggregates was doing some dozer work
near the site for the proposed Asphalt plant. The photo gives an idea how close the children of La Vida Charter School and residents of
Ridgewood Ranch are to the site in question

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 30-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents. 30-2

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101. 30-3

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt. 30-4

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Ann Kelly
Executive Director
La Vida Charter School
16201 N. Hwy 101, Willits CA 95490
707-459-6344
707-459-6377 fax
www.lavidaschool.org
aakelly@sbcglobal.net

Response to Letter from Ann Kelly

30-1. See the responses to Comment Letters 12 and 19 regarding air quality impacts and toxic air contaminants.

30-2. The commenter's concern about effects on biological resources and local residents is noted for the record.

30-3. The commenter's concerns about traffic safety are noted for the record. See previous responses (e.g., Response 21-1) to this same issue.

30-4. See previous responses (e.g., Response 10-8) about this alternate site.

John Speka - Fwd: Re: Last Ditch, Stop Asphalt Plant, EZ Email by Wed 7/20

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/19/2011 4:56 PM
Subject: Fwd: Re: Last Ditch, Stop Asphalt Plant, EZ Email by Wed 7/20

more comments

>>> <atoz@pacific.net> 7/19/2011 4:53 PM >>>
Opposition letter to asphalt plant approval,

>To whom it may concern,
>
> I am writing to let you know that I am adamantly opposed to 31-1
> the installation of an Asphalt plant at the Asphalt Plant at the Harris
> Quarry adjacent to Ridgewood Ranch.
>
>
>
> Our school, La Vida Charter School is down wind from this Quarry
> and would be directly affected by air, water and noise pollution from this
> operation. The draft EIR of this proposal lists 39 toxic
> air contaminant emissions including formaldehyde, hexane, phenol,
> polycyclic
> organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.
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>
> Exposure to these individual toxins is known to cause
> cancer, central nervous system disorders, liver damage, and respiratory
> problems. The cumulative and synergistic
> effect of exposure to 39 multiple toxic compounds is incalculable, and
> poses a significant
> threat to our health, especially the sensitivities of our children and
> elderly neighbors.
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>
> We do not want to be subject to this daily contamination of
> our well being and our peace of mind. Nor
> do we want it for the wildlife, fish, oak woodlands and watersheds of
> Ridgewood
> Ranch and neighboring residents.
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>
> Increased heavy truck traffic turning in and out of the
> Quarry entrance, crossing the center lane of busy Hwy 101, would add to
> the
> driving hazards at an already dangerous section of highway 101.
>

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>
> Rangeland is incompatible with heavy industrial operations; they
> belong on land which is zoned and suitable for industrial plants. Grist
> Aggregates in Longvale is already zoned
> industrial, and is seeking a permit to reopen this asphalt plant; they are
> potentially suitable
> alternative source for local asphalt.
>
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>
> We urge you to adhere to the master plan, and to protect our
> rangeland, the children and families of La Vida Charter School, the
> Ridgewood residents and the
> hundreds of visitors to the historic Home of Seabiscuit. Keep the
> Code as it is, we need to preserve and protect our rangeland as the County
> Master
> Plan intended.
>
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>
> Sincerely,
Diane Zucker
624 Joseph St.
Ukiah, CA 95482
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>
>

John Speka - Fwd: Vote No on Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:05 AM
Subject: Fwd: Vote No on Asphalt Plant

>>> Karen Walsh <karenwalsh@wildblue.net> 7/19/2011 6:21 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 32-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,
Karen Walsh

John Speka - Fwd: No Asphalt Plant on Ridgewood Grade

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:06 AM
Subject: Fwd: No Asphalt Plant on Ridgewood Grade

>>> Cynthia Raiser Jeavons <cynthia2@sonic.net> 7/19/2011 11:20 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Harris Quarry adjacent to Ridgewood Ranch. 33-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt. The Harris Quarry location will do great harm to the health of thousands of people as well as to the sensitive ecosystem of the area. The only beneficiary of this project might be Northern Aggregates making some more money. At what price should we be willing to sell the health of our children and environment to polluting business?

I urge you to do the right thing. Please adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Cynthia Raiser Jeavons

John Speka - Fwd: vote NO on asphalt plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:05 AM
Subject: Fwd: vote NO on asphalt plant

Here is the first of many more :) Happy Wednesday!

A~

>>> Karen West <oceankwest@yahoo.com> 7/19/2011 5:19 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 34-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and

suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Karen West

John Speka - Fwd: Urge alternate location for the Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 3:04 PM
Subject: Fwd: Urge alternate location for the Asphalt Plant

another form letter :(

>>> Kara McClellan <karaupchurch@gmail.com> 7/20/2011 3:02 PM >>>
Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 35-1

La Vida Charter School would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely, Kara McCllellan

John Speka - Fwd: Vote NO on Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 11:09 AM
Subject: Fwd: Vote NO on Asphalt Plant

>>> Charmaine Johnson <we_b_johnsons@yahoo.com> 7/20/2011 10:28 AM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 36-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is

zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Charmaine Johnson

Concerned Parent

John Speka - Fwd: vote NO on Aphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 12:01 PM
Subject: Fwd: vote NO on Aphalt Plant

>>> Kerry Sullivan <kerry.sullivan@att.net> 7/20/2011 11:50 AM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 37-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking

a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Kerry C. Sullivan

John Speka - Fwd: No Asphalt plant at Harris Quarry

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/19/2011 4:24 PM
Subject: Fwd: No Asphalt plant at Harris Quarry

And another...

>>> Christina Leinwetter <cleinwetter@yahoo.com> 7/19/2011 4:24 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 38-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Christina & Paul Leinwetter

John Speka - Fwd: Letter opposing Asphalt Plant.

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 1:47 PM
Subject: Fwd: Letter opposing Asphalt Plant.

Another letter...looks just like the past few, think its a form letter circulating with different names.

>>> <lyramatt@sonic.net> 7/20/2011 1:24 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Asphalt Plant at the Harris Quarry adjacent to Ridgewood Ranch. 39-1

Our school, La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Lyra Matthews

Responses to Letters from Diane Zucker, Karen Walsh, Cynthia Raiser Jeavons, Karen West, Kara McClellan, Charmaine Johnson, Kerry C. Sullivan, Christina and Paul Leinwetter, and Lyra Matthews

31-1 to 39-1 These letters all raise the same points raised in Comment Letter 30. Please see the responses to that comment letter.

John Speka - Harris Quarry Expansion

From: Gene Wixson <gnwixson@yahoo.com>
To: "spekaj@co.mendocino.ca.us" <spekaj@co.mendocino.ca.us>
Date: 7/20/2011 12:19 PM
Subject: Harris Quarry Expansion

I feel that it is past time to allow the expansion and asphalt plant at the Harris Quarry. This site is centrally located and has the best transportation infrastructure of any possible asphalt plant in the county. It does not make sense to import asphalt or aggregate when we could have both right here. It is time to allow Northern Aggregates to move this project forward. 40-1

Gene Wixson
24251 Sherwood Rd.
Willits, Ca. 95490

Response to Letter from Gene Wixson

40-1. The commenter's opinions on the merits of the project are noted for the record. As no question is asked regarding the EIR, no additional response is required.

RECEIVED
AUG 05 2011
BY PLANNING & BUILDING SERVICES
Ukiah, CA 95482

AUGUST 1st, 2011

MENDOCINO COUNTY BOARD OF SUPERVISORS
501 LOW GAP ROAD, ROOM 1090
UKIAH, CALIFORNIA, 95482

MENDOCINO COUNTY PLANNING COMMISSION ✓
501 LOW GAP ROAD
UKIAH, CA 95482

UKIAH DAILY JOURNAL
LETTERS TO THE EDITOR
PO BOX 749
UKIAH, CALIFORNIA 95482

IT IS INCONCEIVABLE TO ME HOW ANY 41-1
ENTITY THAT IS IN CHARGE OF THE WELFARE
OF THE PEOPLE OF THIS COUNTY COULD
HAVE POSSIBLY GIVEN THEIR APPROVAL
TO PUT A ROCK QUARRY AT THE APEX OF
THE HIGHEST POINT ON HIGHWAY 101 FROM
VENTURA COUNTY TO THE STRAIT OF
JUAN De FUCA AT PORT ANGELES, WASHINGTON.
BUT THAT IS WHAT THEY DID. (ON THE
OTHER SIDE OF THE STRAIT IS VICTORIA,
CANADA.)

I DO NOT KNOW WHO "THEY" WERE AT THE

TIME BECAUSE I WAS NOT AWARE IT WAS ON THE AGENDA, EITHER FOR THE COUNTY BOARD OF SUPERVISORS OR FOR THE COUNTY PLANNING COMMISSION. IF I HAD KNOWN I WOULD HAVE BEEN THERE TO PROTEST VOCIFEROUSLY.

ONE DAY, SEVERAL YEARS AGO, MY HUSBAND AND I DROVE TO WILLITS TO VISIT A SICK FRIEND. AS WE NEARED THE TOP OF THE RIDGE I WAS HORRIFIED TO SEE THE DEEP GOUGES AND THE STEEP ROADS THAT HAD BEEN HEWN OUT OF ONE OF THE MOST BEAUTIFUL MOUNTAINS IN THIS COUNTY. WELL, IT WAS BEAUTIFUL NO LONGER. NOW, ONE OF THE MOST PRISTINE STAND OF TREES (MANY DIFFERENT SPECIES) ON THE WEST SIDE OF HIGHWAY 101 AT THE TOP OF THE RIDGE IS ALMOST GONE. WHAT A TRAGEDY!

SO, NOW, THE COUNTY IS GOING TO HAVE TO DECIDE WHETHER OR NOT TO APPROVE THE

REZONING OF 18 ACRES AT THE TOP OF LAUGHLIN RIDGE WHERE THE QUARRY NOW IS FROM RANGELAND TO INDUSTRIAL TO "ACCOMMODATE THE PROPOSED ASPHALT PLANT." (WORDS QUOTED FROM TIFFANY REVELLE'S VERY APT ARTICLE IN FRIDAY'S UKIAH DAILY JOURNAL) THANK YOU, TIFFANY.

I BEG THE MENDOCINO COUNTY PLANNING COMMISSION TO TURN THIS DOWN. AND IF IT SHOULD BE APPEALED TO THE MENDOCINO COUNTY BOARD OF SUPERVISORS, I BEG THEM TO TURN IT DOWN. THE HIGHEST POINT ON HIGHWAY 101 IS NOT THE PLACE TO PUT AN ASPHALT PLANT.

Colette Morris

COLETTE MORRIS
1019 W. PERKINS ST.
UKIAH, CA 95482
FORMER CITY OF
UKIAH PLANNING
COMMISSIONER
1975-1977

Response to Letter from Colette Morris

41-1. The commenter's opinions on the merits of the project are noted for the record. As no question is asked regarding the EIR, no additional response is required.

John Speka - Fwd: Opposition to Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:06 AM
Subject: Fwd: Opposition to Asphalt Plant

>>> Carol Cox <carolminifarmer@gmail.com> 7/19/2011 9:13 PM >>>

Dear Mendocino County Planning Commission:
I am writing to voice my opposition to the installation of an asphalt plant at the Harris Quarry adjacent to Ridgewood Ranch. 42-1
I am concerned about the impact this plant would have on the environment in this rural area. Already the quarry is an eyesore in the scenery along that stretch of the highway.
I am also concerned about the traffic issues involved with trucks entering and leaving that area. Already there are traffic hazards with the quarry trucks.
I urge you to adhere to the Master Plan and keep the Code as it is.
Sincerely,
Carol Cox

Response to Letter from Carol Cox

42-1. The commenter's opinions on the merits of the project are noted for the record. As no question is asked regarding the EIR, no additional response is required. See previous responses such as the responses to Comment Letters 12 and 18 regarding traffic issues.

John Speka - Fwd: asphalt plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:05 AM
Subject: Fwd: asphalt plant

>>> Christina Sears <cacsears@gmail.com> 7/19/2011 5:21 PM >>>
Dear Mendocino County Planning Commission:

I am opposed to putting an asphalt plant at the Harris Quarry Site as it would affect homeowners as well as the La Vida School where I would be going. 43-1
Please do not let this happen.

Thanks, Christina

--
Christina Sears
P.O Box 717
Covelo, CA
95428

John Speka - Harris Quarry

From: "kathe todd" <kathe@pacific.net>
To: <spekaj@co.mendocino.ca.us>
Date: 7/20/2011 10:36 AM
Subject: Harris Quarry

We definitely support the Harris Quarry. There is a great need for it in our community! Cut the crap and let them get on with it and stop wasting $$$! 44-1

Kathe and Ken Todd
(707) 485-7910
kathe@pacific.net

John Speka - harris quarry rezoning

From: Leslie Wieland <llwieland@yahoo.com>
To: <spekaj@co.mendocino.ca.us>
Date: 7/20/2011 4:53 PM
Subject: harris quarry rezoning

Dear Sir,

My wife and I moved to Willits thirty years ago to escape the attitude that "industry" has an automatic right to encroach on rural life in the name of "progress." I now live just a few miles west of Harris Quarry, having worked forty years to earn a few acres in the relative peace, quiet, and isolation of rural Mendocino County. 45-1

Rezoning Harris Quarry will allow massively increased industrialization of our (at least fairly) rural neighborhood. Well-lit nighttime skies, the rattle and clank of machinery, the traffic congestion, and worse, the accidents that would certainly result do not belong in rural Mendocino County.

The quarry itself is an ugly gateway to the Gateway to the Redwoods, but it mostly keeps to itself.
Let's keep it that way. KEEP THE CODE!

Sincerely,

John Wieland
3571 Williams Ranch Road
Willits, CA 95490

From: Tarney Sheldon <tarneysheldon@gmail.com>
To: "thompsoa@co.mendocino.ca.us" <thompsoa@co.mendocino.ca.us>
Date: 7/24/2011 5:08 PM
Subject: Ridgewood Ranch

This letter is in support of keeping our community safe, clean, healthy, and beautiful. I am opposed to allowing an asphalt plant to operate on Ridgewood Summit. Please do not allow this project to proceed. 46-1

Sincerely,
Tarney Sheldon
Resident of Redwood Valley
Born and raised in Mendocino County

From: Susan Henson <suebee.henson@gmail.com>
To: "spekaj@co.mendocino.ca.us" <spekaj@co.mendocino.ca.us>
Date: 6/28/2011 8:57 PM
Subject: Public comment Harris Quarry DEIR

47-1

I strongly object to the rezoning and expansion of the Harris Quarry on Highway 101 south of Willits. I live in Willits and work in Ukiah so am forced to pass this eyesore every weekday on my way to work. Aside from the aesthetic blight created by this operation, it is already a safety hazard for drivers on Hwy 101. I have observed trucks pulling out to head north and to make the turn they must block all four lanes of the road. They are loaded and move very slowly and on more than one occasion I have had to brake hard to avoid an accident. I can't imagine how much more dangerous this will become with increased truck traffic. In the rain...in the snow...on icy mornings...there will be accidents...there will be deaths.

This is the wrong use for this very visible location on a heavily used highway. Do not rezone and do not allow any expansion of this operation. Thank you.

Susan Henson
3725 Ridgewood Rd
Willits, CA 95490

Responses to Letters from Christina Sears, Kathe and Ken Todd, John Wieland, Tamey Sheldon, and Susan Henson

These five letters all contains comments on the merits of the project and not on the RDEIR. The following response applies to all five letters.

43-1 to 47-1. The commenters' opinions on the merits of the project are noted for the record. As no question is asked regarding the EIR, no additional response is required.

John Speka - Fwd: Please Vote NO on the Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:06 AM
Subject: Fwd: Please Vote NO on the Asphalt Plant

>>> Sandra Linn <sanlinn38@yahoo.com> 7/19/2011 9:02 PM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Harris Quarry adjacent to Ridgewood Ranch. 48-1

The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

La Vida Charter School is down wind from this Quarry and would be directly affected by air, water and noise pollution from this operation.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subjected to this daily contamination, including the intrusion on our well being and peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance,

crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents, the Ridgewood Organic Garden, the Butler Community Orchard, and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Sandra Linn, Ukiah

Butler Community Orchard member

Longtime friend of Ridgewood Ranch

Response to Letter from Sandra Linn

48-1. This letter contains the same comments presented in Comment Letter 30; please see the responses to that letter.

John Speka - Fwd: letter opposing asphalt plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/20/2011 8:06 AM
Subject: Fwd: letter opposing asphalt plant

>>> Dan Hibshman <dhibshman@sbcglobal.net> 7/20/2011 7:05 AM >>>

Dear Mendocino County Planning Commission:

I am writing to let you know that I am strongly opposed to the installation of an asphalt plant at the Harris quarry adjacent to Ridgewood Ranch. 49-1

I am a member and supporter of a project which is working to establish an orchard on agricultural land at Ridgewood Ranch. The orchard is down wind from this quarry and would be directly affected by air, water and noise pollution from this operation.

You must be aware that La Vida Charter School as well as the residents of Ridgewood Ranch would also be very negatively affected by an asphalt plant at the quarry. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to health, especially the sensitivities of children and elderly people.

Increased heavy truck traffic turning in and out of the quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen its asphalt plant; that is a potentially suitable local alternative source for asphalt.

I urge you to adhere to the existing general plan for this very special part of Mendocino County.

Sincerely,

Dan Hibshman

(925 W. Standley St., Ukiah)

Response to Letter from Dan Hibshman

49-1. This letter contains the same comments presented in Comment Letter 30; please see the responses to that letter.

marty l. wysinger

From: "marty l. wysinger" <goldenrules@peoplepc.com>
To: "john speka" <spekaj@co.mendocino.ca.us>
Cc: <spekaj@co.mendocino.ca.us>
Sent: Tuesday, July 26, 2011 9:07 PM
Subject: harris Quarry

50-1

I"ve been living here at golden rule moble village for nine years now and this rock Quarry has been a dusty mass, then the wind blows south at the village and I have call the chp about the trucks leaving the Quarry loosing rocks from the trucks and not having a tailgate on them, did you know that these trucks dont have to stop at the chp safety scale house on top of the mountain going south and north and sometimes they will be over weight. now for the asphalt plant, we olny need one an thats granite construction, they can take care of our needs, why do you need to polluters on the same water ways, back to the rock Quarry did you know in the raining season they cant holed back all that mud, it just runs thought the creeks here on the ranch, just think about it that hole mountain side and about five inches of rain in one day or night I seen it, we live down the hill. please dont get caught with the game playing of the rock Quarry and granite do the right thing. god is watching us in everything we do..marty lewis wysinger

RECEIVED
JUL 28 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Marty Wysinger

50-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

July 19, 2011

To Vice President Walter Mondale and Mrs. Mondale:

Your past interest and dedication to the commemoration of the great race horse 'Seabiscuit' at the Golden Rule (Ridgewood Ranch) in Northern California has caused me to write to you in an effort to inform you both of a situation of import at this historic sight. At present, as you may or may not know, a corporation known as Northern Aggregates has been aggressively pushing to change the zoning regulations in the surrounding areas of Mendocino County and particularly the are in which the Golden Rule Ranch and Seabiscuit are located. 51-1

By changing the existing codes, this corporation will be able to construct an Asphalt Plant, adding it to an already existing Rock Quarry. The pristine forest, valleys, mountains and open range would be re-established as a zoning area open to industrialization.

Northern Aggregates states that such an addition, an asphalt plant, should be beneficial to the General community, cost effective, and located in a centralized location with easy access, as it is parallel to Hwy 101, a major highway that runs North and South through California. However, the General Community as a whole: the retirement community-several in their 80's and 90's- and the La Vida school located within shouting distance of the proposed construction site, and just opposite the statue of Seabiscuit which you and your wife helped establish, are all in opposition to the re-zoning of this beautiful timberland country and ranching area.

You may ask yourselves why so many are opposed to the construction of an asphalt plant at this location. Following is just a partial list of Air Contaminant

Emissions that will be released into this atmosphere and surrounding watersheds in spite of the most aggressive attempts to suppress the release of these toxins: Arsenic, cadmium, lead, mercury, zinc, benzene, chloromethane, formaldehyde, methyl chloroform, tetrachloroethene, plus 29 more toxins not listed that will be released, almost all of which have high cancer impacts on health.

In addition to this list would be:
A very high probability of traffic accidents due to the location at the top of a hill, where visibility, especially at night, is not good, and the speed of the vehicles proceeding both north and south, which effect the entering and exiting of the large trucks that carry asphalt. This corporation also intends to work the asphalt plant up to 100 nights a year plus daytime yearly work schedules.
Northern Aggregates intends to extract up to 200,00 cubic yards of rock per year for 30 years (up from the current allowed 75,000 cubic yards per year), to process for road and highway usage.

The list of negative results are many and too lengthy to address in this writing, but air pollution, water contamination, cancer causing health toxins, noise, safety hazards and the public opposition are major reasons to avoid any and all attempts to construct an asphalt plant at this site.

One last item to consider is the fact that an alternative site has been suggested; this alternative site has been used as an asphalt plant in the past and is known as the Grist Creek Aggregate Longvale plant. The owner of this property filed an application in April 2011, for a permit to reopen this plant. However, the few who are pushing for an asphalt plant rezoning ruling are against the relocation suggestion, insisting on the new asphalt plant site at the quarry just above and adjacent to Ridgewood Ranch...Seabiscuit's 5,000 acres.

A Mendocino County Planning Commission Public hearing is to be held on July 21st at 9:00 am in Ukiah, California, 95482, to consider an Environmental Impact Report (EIR); and this report will be presented to a Board of Supervisors for final approval at a future date.

This constant struggle of Big Business vs. the people has been an on going battle of 'might vs. right' for approximately 7 years, and appears to have no end in sight; and so this letter has been written to you with the hope that you, Mr. and Mrs. Vice President, might consider making a statement in letter form, or email, to be presented, when we receive it, to the 'powers that be' in the matter of 'we the people' vs. industrialization.

We feel that if you could find it in your hearts to step forward at this time with a statement showing your interest in this preservation of pristine timberlands, watersheds, and environmental air control, those in the positions of authority would consider the seriousness of this matter.

Your positions of authority, your integrity and good name, your general concern for the people and their rights are sure to be strong influences toward the resolution of this matter. At this point, I would just like to say thank you for any consideration you and your wife may be able to make in the preservation of the Seabiscuit area; and also to thank you for taking note of this letter and it's request for your assistance if at all possible.

Thank you once again,
Respectfully,

James Garza: Ridgewood Ranch, 16100 N Hwy 101, Willits, CA. 95490
Typed and sent by P. L. Tetzlaff email: pltetz@aol.com,

Response to Letter from James Garza

51-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

John Speka - Fwd: NO ASPHALT!

From: Adrienne Thompson
To: Planning Commission
Date: 7/19/2011 4:02 PM
Subject: Fwd: NO ASPHALT!
CC: John Speka; Roger Mobley

And another comment letter.

>>> butlercommunityorchard <butlerorchard@PACIFIC.NET> 7/19/2011 3:59 PM >>>

Dear Mendocino County Planning Commission:

As President of the Butler Cherry Ranch Project's Board of Directors and Coordinator of the Butler Community Orchard, I'm opposed to installation of an asphalt plant at the Harris Quarry right next door to Ridgewood Ranch. The Ranch is the home of our organic fruit orchard, as well as other organic agricultural programs. A polluting operation such as this proposed asphalt plant is totally incompatible with these projects, as well as posing a health threat to La Vida school children, a senior community, and other Ranch residents. According to the draft EIR, this plan will expose the surrounding area to 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury. Our watersheds (fish!), woodlands (wildlife!), and rangeland (cattle!) are precious resources and should not be compromised either. 52-1

Highway safety is also jeopardized by the anticipated increase in heavy truck traffic at the Quarry entrance.

I understand that Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen its asphalt plant. This would be a more appropriate location for locally sourced asphalt.

I urge you to adhere to the Master Plan, and to protect our wild and range lands, our agricultural endeavors, the children of La Vida Charter School, and Ridgewood Ranch residents. Keep the Code as it is, we need to preserve and protect our lands as the County Master Plan intended.

Sincerely,

Dot Brovarney

July 19, 2011

Dot Brovarney
President/Coordinator
Butler Cherry Ranch Project
www.butlercommunityorchard.org

Response to Letter from Dot Brovarney

52-1. The information and concerns expressed by the commenter are noted for the record. Please see Responses 10-8 and 16-7 regarding the Longvale site.

RECEIVED
JUL 15 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Gmail **Cora Saxton <skyhorn67@gmail.com>**

Harris quarry

2 messages

Cora Saxton <skyhorn67@gmail.com> **Wed, Jul 6, 2011 at 6:58 AM**
To: spekaj@mendocino.ca.us

Hello and thank you for receiving the public comments on the Harris quarry matter. 53-1
Having lived up on Black Bart road for over 10 years and crossing Hwy 101 almost daily I have very strong feelings against adding significant truck traffic to the already dangerous situation. The asphalt plant idea is crazy! On a good day crossing the highway can be harrowing and takes a bit of patience. The thought that any large, slow moving truck, let alone dozens, will be added daily makes me think no one is paying attention to what the traffic situation is like. I have seen many close calls and even an accident. This isn't just about inconveince, I feel it's dangerous and adding a suicide lane is just what the name implies and is irresponsible. In the winter visibility is very poor in the mornings, and drivers aren't always very good about their lights. The ridge top is where people tend to hit the gas to finally pass that slow moving vehicle and there is the minimum clear view to judge the approaching cars speed and distance.

Please understand that I recognize the incentive to keep the plant close to the source, but I see the location as a serious problem. The plant should be done in an industrial area of town where traffic is already regulated with lights and stop signs. The random nature of the merge into Hwy 101 is not suited for heavy truck traffic.

Sincerely,
Tracey McNamara and Cora Saxton

--
Cora Saxton < skyhorn67@gmail.com>

Response to Letter from Tracey McNamara and Cora Saxton

53-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

July 17, 2011

Ms. Virginia De Vries
4260 Blackhawk Dr
Willits CA 95490-8773

RECEIVED
JUL 19 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Dear Mr. Speka + Planners:

54-1

There are so many reasons not to construct a 300 ton per hour asphalt plant at the Harris Quarry site. These reasons have been expounded on over + over by many, many people. I would like our comments to be part of the public record since work obligations prevent us from attending the meting.

Changing zoning AFTER citizens have already made life decisions on where they live is simply unfair. Major emotional + financial investments by citizens should not be cancelled out to serve the selfish interests of a few. No compelling need for an asphalt plant has been proven in this DEIR. Furthermore, there are other alternatives that are not mentioned in this report. Grist Creek Aggregates Longvale site which is already zoned industrial is not near a school, church or residential housing as is the Harris Quarry location. We oppose the mineral Processing Combining district Overlay. Do not change our zoning to industrial.

54-2

We are concerned residents,

Virginia deVries & Christopher O. Jones

Christopher O. Jones

Response to Letter from Virginia De Vries and Christopher O. Jones

54-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

54-2. The EIR is not required to provide reasons why the project was proposed. The RDEIR contains an analysis of project alternatives. Please see Responses 10-8 and 16-7 regarding the Longvale site.

John Speka - Fwd: Letter opposing Asphalt Plant

From: Adrienne Thompson
To: John Speka; Planning Commission; Roger Mobley
Date: 7/19/2011 4:41 PM
Subject: Fwd: Letter opposing Asphalt Plant

and another :)

>>> Jenny Burnstad <jmburnstad@yahoo.com> 7/19/2011 4:38 PM >>>
Dear Mendocino County Planning Commission:

I am writing to let you know that I am adamantly opposed to the installation of an Asphalt plant at the Harris Quarry adjacent to Ridgewood Ranch. 55-1

There is a Biodynamic Agriculture Orchard and Learning Center as well as La Vida Charter School down wind from this Quarry and both would be directly affected by air, water and noise pollution from this operation. The draft EIR of this proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health, especially the sensitivities of our children and elderly neighbors.

We do not want to be subject to this daily contamination of our well being and our peace of mind. Nor do we want it for the wildlife, fish, oak woodlands and watersheds of Ridgewood Ranch and neighboring residents.

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is already zoned industrial, and is seeking a permit to reopen this asphalt plant; they are potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland, the children and families of La Vida Charter School, the Ridgewood residents and the hundreds of visitors to the historic Home of Seabiscuit. Keep the Code as it is, we need to preserve and protect our rangeland as the County Master Plan intended.

Sincerely,

Jenny Burnstad, Director
Cloud Forest Institute

Response to Letter from Jenny Burnstad

55-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required. Please see Responses 19-4 and 19-5 regarding the health issue and Responses 10-8 and 16-7 regarding the Longvale site.

I am a resident on Ridgeview Rd, and I am extremely opposed to the planned asphalt plant. I am in agreement with all the reasons that have been put forth by Keep the Code members. In addition to the destruction of our local environment from the run-off, air, sound, and light pollution, I am concerned about the traffic horrors that would be created by this operation. It is just amazing that anyone would even consider a plan like this just because of the potential for traffic accidents. Have you ever tried to enter 101 from Black Bart Rd to go to Willits? I do just about every day of the week. I am even more concerned about trying to turn onto Black Bart Rd from Ukiah. You are completely vulnerable sitting between traffic going 70 mph in both directions. Add a rock truck to the mix, trying to pull out, or already in the lanes, and you have a situation you do not want to be in. But it happens all the time, and now you want to more than double that possibility? I suppose Caltrans, the county, and the owners of the plant think that the added distress to our lives and a few tragic accidents are a small price to pay for their progress and bottom line. Come on, do the right thing, do not change the code. Allow the quarry to continue, hold them to the rate of extraction they are supposed to do, and move the asphalt plant to an industrial area, if we even need another one, that bypass is not a done deal. Consider the citizens you are representing, put yourself in our situation and think about how you would feel. Progress in the 21st century means limiting the taking of our resources, finding alternatives, stopping the wheel of destruction that has been turning out of control for the sake of the few. Protect our conservation land and preserve our lifestyle, Mendocino county is a beautiful place to be and why I choose to live here. Thanks for listening, Stacey Rohrbaugh, 15900 Ridgeview Rd, Willits

56-1

7/11/2011

Delete Reply Forward Spam Move...

Previous | Next | Back to Messages

Select Message Encoding | Full Headers

Check Mail New

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Response to Letter from Stacey Rohrbaugh

56-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

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JUL 11 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Po Box 884
Willits CA 95490
July 7 2011

County Planning Commission

Dear People,

I am writing to oppose Northern Aggregates plan to expand the Harris Quarry. 57-1

"Keep the Code", No rezoning!

Watching the mountain being scraped away is horrible enough.

Thank you

Linda Brechenridge

Response to Letter from Linda Breckenridge

57-1. The information and concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

Adrienne Thompson - Re: scoping session Willits-2010

From: "jerry wells & tracey wells" <jacey@instawave.net>
To: <spekaj@co.mendocino.ca.us>
Date: 8/10/2011 4:21 PM
Subject: Re: scoping session Willits-2010

Mr Speka my name is Jerry Wells and I attended this scoping session mtg. last year. I was relatively new to this issue of Keep the Code-Harris Quarry. What I heard there really bothered me. Apparently Northern Aggregates, with Frank Dutra and his lawyers and others were there along with Ignacio "nash" Gonzalez and scores of people from the community around Golden Rule Mobile Park, (Senior Park) Golden Rule Church,La Vita Charter School for Elementary students, Residents who live around the church, and many more who live on Black Bart Rd. Black Oak Rd. and surrounding areas, etc. Whenever I would hear a question or a comment Re: the proposed asphalt plant I kept hearing one individual answering those questions/comments in a way that sounded like the person had a vested interest in this asphalt plant being approved! I asked someone near me 'is that guy the spokeman for Northern Aggregates or one of their lawyers?' I was told " no, that's Ignacio Gonzalez the Planning Director for Mendocino Cty." I was shocked as I expected one of Northern Aggregates people to respond or not to respond to them. It actually sounded like he was on their payroll! I'm not saying he is, but if you'd been there you sure would have thought so. It seemed like he minimizes any issue that made the project look or sound like a bad idea. In my opinion Mr. Gonzalez showed much favoritism to the applicant. That just doesn't seem right to me . What do you think Mr. Speka? 58-1

cc:File
Respectfully, Jerry Wells

Response to Letter from Jerry Wells

58-1. The concerns expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

Golden Rule Mobile Home Park
16100 N Hwy 101
Willits, CA. 95490

RECEIVED
JUL 14 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

July 1, 2011

PETITION TO THE COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES:
501 LOW GAP RD. UKIAH, CA. 95482

The undersigned residents of the Golden Rule Mobile Home Community are adamantly opposed to the installation of an Asphalt plant at the Harris Quarry adjacent to Ridgewood Ranch. 59-1

Increased heavy truck traffic turning in and out of the Quarry entrance, crossing the center lane of busy Hwy 101, would add to the driving hazards at an already dangerous section of highway 101.

We live down wind from this Quarry and would be directly affected by air, water, and noise pollution from this operation. The draft EIR of this project proposal lists 39 toxic air contaminant emissions including formaldehyde, hexane, phenol, polycyclic organic matter, benzene, toluene, cadmium, lead, arsenic, and mercury.

Exposure to these individual toxins is known to cause cancer, central nervous system disorders, liver damage, and respiratory problems. The cumulative and synergistic effect of exposure to 39 multiple toxic compounds is incalculable, and poses a significant threat to our health.

We do not want to be subjected to this daily assault to our well being and peace of mind. Nor do we want it for the children attending La Vida Charter School, or for the wildlife, fish, oak woodlands, and watersheds of Ridgewood Ranch and neighboring residents.

Rangeland is incompatible with heavy industrial operations; they belong on land which is zoned and suitable for industrial plants. Grist Aggregates in Longvale is *already zoned industrial*, and is seeking a permit to reopen this asphalt plant; they are a potentially suitable alternative source for local asphalt.

We urge you to adhere to the master plan, and to protect our rangeland and the Ridgewood residents. We bought our homes in good faith. Keep the Code as it is, we need to preserve and protect our rangelands as the County Master Plan intended.

Signed by 100 residents of Golden Rule Mobile Village.
Signatures are attached to this petition. Patricia Tetzlaff

PETITION: Golden Rule Mobile Village, July 1, 2011

The appropriate place for industry is in an Industrial zone. We do not want our rangeland rezoned to industrial. We do not want an asphalt plant at the Harris Quarry Site. Keep the Code as it is.

Name (Print)	Signature	Address
A. Bowles	A. Bowles	Lot 59
SHARON BLACKWELL	Sharon Blackwell	# 82
NORTON L HEATH	Norton L Heath	# 92
JAMES GRAGA		#15
JOYCE SMITH	Joyce Smith	#94
Sandra S Byrnes	Sandra S Byrnes	#46
VIRGINIA MITCHELL	V. Mitchell	#45
Rose M. LaFontaine		#81
Mark Hollander		?
LYNN TRUAX	Lynn Truax	#44
Ted Walker	Frances Walker	#70
DON HARRIS	Don Hayes	#30
CARL GAARE	Carl Gaare	#16
Lenore Flanders	Lenore Flanders	#24
Evelyn Wood	E Wood	#34
Margaret Koster	Margaret Koster	#72
Philip Hurt		#66
Patricia Tetzlaff	Patricia Tetzlaff	#89
Donna Patterson	Donna Patterson	#39
Lois Schneider	Lois Schneider	#65
Mary Davenport	Mary Davenport	#4
Linda Martin	LINDA MARTIN	25
Joe Martin	JOE MARTIN	25

PETITION: Golden Rule Mobile Village, July 1, 2011

The appropriate place for industry is in an Industrial zone. We do not want our rangeland rezoned to industrial. We do not want an asphalt plant at the Harris Quarry Site. Keep the Code as it is.

Name (Print)	Signature	Address
Jerry Wells	Jerry Wells	16100 N. Hwy 101 #33
Catharine	Catharine J. Martin	" #17
Don McMahon		16100 N Hwy #60
Charles Martin	C Martin	16100 N Hwy #17
MYRNA BRYANT	Myrna Bryant	16100 N Hwy #14
Julene Casker	Julene Casker	16100 N Hwy #32
TOM POWELL	Tom Powell	16080 N. Hwy 101 A32
Annie B. Holmes	Annie B Holmes	16100 N Hwy 101 #78
KATE CARTER	K. Carter	16100 N. HWY 101 #88
Jerri Garza	JERRI GARZA	16100 N. HWY 101 #15
Scott	SCOTT BRYANT	16100 N. HWY 101 #14
KAY F KRETSCHMER		16100 N HWY 101 #93
Walter G Williams	Walter G Williams	16100 N. Hwy 101 SP #56
ARJUNA	Arjuna	239A E. Valley St. Willits #28
MIRIAM RAPHAEL	Miriam Raphael	16100 N Hwy 101 Sp 100 Lots
Carole Haas	Carole Haas	16100 N. Hwy 100, Sp 9, Willits
Bill Haas	Bill Haas	16100 " " 9
MARIE E HEATH	Marie E. Heath	16100 N. Hwy 101 92
Robert Dunn	Robert Dunn	16100 N. Hwy 101 #61
JOANN THOMAS	JoAnn Thomas	16100 N. Hwy 101 - #13
MARIA TELFER	Maria Telfer	16100 N. Hwy 101 # 39
JOANNE WOOD	Joanne Wood	16100 N Hwy 100 #84
Peter L. Byrne		16100 Highway 101 #3

PETITION: Golden Rule Mobile Village, July 1, 2011

The appropriate place for industry is in an Industrial zone. We do not want our rangeland rezoned to industrial. We do not want an asphalt plant at the Harris Quarry Site. Keep the Code as it is.

Name (Print)	Signature	Address
SIADYS. Gladys	Reid	16100 HWY 101 #55 Willits
Celia Dunn.		16100 N. Hwy 101 #61 Willits
MARY WYSINGER		16100 N. HWY 101 #43
GRACIE FRIDAE		16100 No. Hwy 101, #35, W
Sheryl Mitcham		16100 N Hwy 101 #41
	Wayne Mitcham	16100 N Hwy 101 #41 W. W
DONA FRIDAE		16100 N Hwy 101 #77, Willits
John Honeycutt		16100 Hwy 101 #38 Willits
Sherry Honeycutt		16100 Hwy 101 #38 Willits
Elmae Simmons (ELOISE)		" #91 "
TRACEY WELLS		16100 N. Hwy 101 #3 Willits
William T Bell	Spc 84	
Sharon L Noonan	SHARON L. NOONAN #64	
DIANE. E. LEE		#6
Charles Kelley		16100 N. Highway 101 #59A
Robert Daitola		16100 N Hwy 101 Spc 88
Suellen Coleman		16100 N. Hwy 101 Sp 87
Mylinda Battle		16100 N. Hwy 101 Sp 87
Marsine Lloyd		16100 N. Hwy 101, Sp. 49
Jenna Jane Johansen		16100 No Hwy 101 #58
		16100 No Hwy 101 #50
RICHARD HAYES		#57
David Knotts		#80

PETITION: Golden Rule Mobile Village, July 1, 2011

The appropriate place for industry is in an Industrial zone. We do not want our rangeland rezoned to industrial. We do not want an asphalt plant at the Harris Quarry Site. Keep the Code as it is.

Name (Print)	Signature	Address	
Shirley Tyrrell	Shirley Tyrrell	16100 N Hwy 101	SP 57
Carl F Hornbeck	Carl F Hornbeck	16100 N Hwy 101	
Janice Hornbeck	Janice Hornbeck	" "	"
Viola A Laws	Viola A. Laws	16100 N Hwy 101	Sp 63
Billy R. Laws	Billy R Laws	" "	"
Mae Williams	Mae Williams	" "	56
Marilyn McMahon	MARILYN McMAHON	" "	SP 60
Jaysen Green	Jaysen Green	" "	SP 4
Douglas A. Jones #62	16100 N. Hwy 101		
Cliff Zimmerly	16100 N. Hwy 101		Sp 19
Thomas D. Gillette	THOMAS D GILBERTSON		SP. 20
Ethel M. Woodruff	ETHEL M. WOODRUFF		67
Patricia McComish	Patricia McComish	16100 N. Hwy 101 #22	
Don Stroud	Don Stroud	16100 N Hwy 101	Sp 69
Norma Stroud	Norma Stroud	"	Sp 69
Carlos Prados			SP. 73
Betty Sauerbeck		16100 N Hwy 101	Sp 74
Coast Ranch Coast Rod		16100 N. Hy 101	Space 23
Genesseee Avants	Genesseee Avants	16100 N. Hy 101	space 23
Willis Foley			
P.O. Box 1691 Willits Ca			
R.V. PARK - Golden Rule			
Joyce Coleman		16100 N. Hwy. 101 Sp. 76	JOYCE COLEMAN

PETITION: Golden Rule Mobile Village, July 1, 2011

The appropriate place for industry is in an Industrial zone. We do not want our rangeland rezoned to industrial. We do not want an asphalt plant at the Harris Quarry Site. Keep the Code as it is.

Name (Print)	Signature	Address
Roy Lee Coleman	Roy Lee Coleman	16100 N Hwy 101 SP76 Willits Ca
Bonnie M Cook	Bonnie M Cook	16100 N Hwy 101-SP53 Willits CA
Betty & Felix Garza	(BETTY + FELIX BARZA)	#5 16100 N. Hwy Willits Ca
Laura & Gottberg	Laura C. Gottberg	16100 N Highway 101 Willits Ca
Vonnie Giudici	Vonnie Giudici	16100 N Hwy 101 Sp# 27
Linda Asman	Linda Asman	16100 N. Hwy 101 #79
Karl Asman	Karl Asman	" #79
Lolly Grubb	Lolly Grubb	"
Dick Harkins		"
LUCINDA HALT		" #90

Response to Letter from Pamela Tetzlaff

59-1. The concerns expressed by the commenter are noted for the record, and the petitions are incorporated into the record. As no questions are asked regarding the EIR, no additional response is required.

RECEIVED
AUG 31 2011
BY PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Nash Gonzalez, Director
Mendocino County Planning and Building Services
501 Low Gap Road
Ukiah, CA 95470

August 25, 2011

Subject: Northern Aggregates quarry and proposed asphalt concrete plant near Ridgewood Summit.

Dear Mr. Gonzalez,

I am a lifelong resident of this county and I am concerned about all things local. I am concerned the health of the environment that I leave for my children, I am concerned about the health of our communities, and I am concerned about the resources that are both our natural heritage and, in many cases, the economic lifeblood of our economy and our local governments. 60-1

While my profession and relationships might indicate some bias in this matter, I also write with the experience and knowledge gained from 27 years of public service in local highway and bridge construction.

It is inarguable that high quality road building aggregates and products will be needed in Mendocino County for the foreseeable future. Asphalt concrete products that are used to build and maintain the highways and county roads that residents and commerce depend on will continue to be needed until the wheel is re-invented. Due to the local high cost of asphalt concrete products, there are already too many heavily used, unsurfaced , public and private roadways and driveways that cause some of the worst impacts to local water quality and the viability of aquatic life.

It is also inarguable that there is currently only one viable source of high quality asphalt concrete aggregates located inside the county that is capable meeting local demand. However it is likely that this source will continue to be unused for asphalt concrete production until a new manufacturing plant is located. The most economical and environmentally sound location for any asphalt concrete production facility is immediately adjacent to the aggregate source, where the least fuel will be burned to truck rock back and forth . With adjacent highway 101 access near the center of the County, and no close neighbors, there is not any better location for an asphalt concrete production facility than the one proposed. In contrast, there are hundreds of residences within a short distance (less than one mile) of the current asphalt production plant in Calpella, as well as around the old Longvale plant, which is also being considered for resumed use. Ridgewood Summit is the most isolated and the most economical location to site an asphalt concrete plant, and it would be a benefit to of all Mendocino County residents and consumers.

Since the Chase mine east of Lake Mendocino was reclaimed and closed over a decade ago, virtually all of the asphalt concrete and a majority of Portland Cement Concrete aggregates used in this county have been imported from mines in neighboring counties, all owned by large non-local materials and construction contracting companies.

This has resulted in the loss of high quality, high paying local mining jobs, loss of local revenue (little if any of the mining revenue or profits are returned to Mendocino County's economy,) higher cost for asphalt concrete products due not only to the aggregate trucking costs, but also a complete lack of competition. Mendocino County should be exporting rock products, not mining jobs.
Higher materials cost leads to fewer public and private construction projects for the available funds, and obviously, fewer jobs. Local asphalt concrete sales have a long history of being monopolized by one non-locally owned producer/contractor that can avoid local sales tax (they don't sell the materials to themselves) which helps them to also monopolize the local construction market , and results in even more revenue leaving the county because the small local contractors have no materials source available to compete with the big outside corporation that can always cut itself any deal on the materials.

With all of the additional trucking and diesel burned to truck materials in from other counties (at least some sectors have benefited), air quality for all county residents has been diminished to the extent that all of the NIMBY emotional complaints about asphalt plant emissions near Ridgewood Summit sound ridiculous. Has anyone in Calpella complained recently? Is it better to have asphalt produced in Willits, or

Calpella, or in Ukiah, or how about 20 miles out some dirt road to nowhere and back so that we can senselessly burn fuel, as we do when we import sparkling water from France, or truck our solid waste to another county.

I sympathize somewhat with the few Ridgewood area Residents who will have to endure an extra five to ten seconds of an industrial view every day as they drive their gas guzzlers to work in Willits or Ukiah or Santa Rosa, and then back out into the brush lands for their privacy. However their emotional tirades about this project are predominantly self-serving and as selfish as their urge to get away from it all, spread out their homes into naturally fire prone areas, and cut off all of the mountain top wildlife corridors.

County government serves for the greater good of county residents, not just a vocal minority with no substantial interest or issues. The decisions to be made by county government on this project are easy ones. The minimal impacts caused to a few people by this project, if any, are far outweighed by the greater benefits to all residents of the county.

My last comment is that, in their haste to disparage, opponents of this project have published many negative and untrue comments about the project's applicants. As a resident engineer administering public projects, I've worked with hundreds of contractors and materials suppliers from all over the country. None have been more honest and hard working than the owners of Northern Aggregates. For more than a quarter of a century they have run businesses and employed hundreds of county residents with high quality, high paying jobs. For the good of Mendocino County, their profits have been reinvested locally to create more local jobs. Investment for the related highway improvements, zoning change, and permits to run an asphalt plant at this location are just one example.

For the good of Mendocino County, its residents, its economy, and its environment, the proposed asphalt concrete plant near Ridgewood Summit should be approved as soon as possible.

Please include my comments in the public record and share them with the Board of Supervisors.

Sincerely,

Matt McKeon

Matt McKeon, P.E.
Redwood Valley

Response to Letter from Matt McKeon, P.E.

60-1. The information and opinions expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required.

John Speka - Harris Quarry Expansion Project comment

From: Joe West <lowdown@wildblue.net>
To: <spekaj@co.mendocino.ca.us>
Date: 8/28/2011 7:05 PM
Subject: Harris Quarry Expansion Project comment
CC: "Jack Magne'" <jackatocha@aol.com>, Bob Whitney <BobWhitney@instawave.net>

John Speka, Planner 1
Mendocino County Planning & Building Services
501 Low Gap Road, Rm 1440
Ukiah, Ca. 95482

Re: Harris Quarry Expansion Project

Dear Mr. Speka,

Please allow me to express a couple of reservations concerning the Harris Quarry Expansion Project.

The Project DEIR section on hydrology and water quality raises the issue of negative impacts on the Forsythe Creel drainage, an important tributary to the headwaters of the Russian River. There seems to be a general agreement that Mendocino County will be suffering from a lack of water resources into the future, and therefore, exceptional care must be taken to assure that the resources that we have are protected in perpetuity. Stormwater pollution prevention plans notwithstanding, I feel that the siting of an asphalt plant in such an area is a preventable mistake. The fact that the current zoning of the quarry is not currently for industrial purposes means that we actually have to go out of our way to create a situation that threatens the future water security of the county. 61-1

The fact that the quarry's zoning will have to be changed to allow an industrial activity raises another important issue. Doing so creates a dangerous precedent that can open the door to an even more undesirable activity along our coastline. The worldwide depletion of petroleum resources will undoubtedly place overwhelming pressure to extract these resources wherever they can be found. Accompanying the extraction will surely be the need to establish nearby refining capability. The precedent of modifying the county general plan to accommodate financially attractive industry in otherwise zoned Rangeland areas would, I feel, be a mistake that will be difficult to reverse.

Thank you for considering my concerns. Sincerely,

Joseph West
19261 Ridgeway Hwy
Potter Valley, Ca. 95469
(lowdown@wildblue.net)

Response to Letter from Joseph West

61-1. The information and opinions expressed by the commenter are noted for the record. As no questions are asked regarding the EIR, no additional response is required. Please see Section 4.2 of the RDEIR regarding water availability and water quality. Also see Response 8-35. The commenter's opinion regarding the advisability of changing the zoning code is noted for the record.

KEEP THE CODE

August 31, 2011

John Speka
Planner I
Mendocino County Planning & Building Services
501 Low Gap Road
Ukiah, Ca 95482

Subject: Comments on Revised Draft Environmental Impact Report for Harris Quarry Expansion Project: Air Quality

62-1

Dear Mendocino County Planning Commissioners and Board of Supervisors,

Keep The Code has appreciated the additional 45 days granted for public comment. We have recently uncovered what we believe to be significant unsupported information and erroneous conclusionary statements contained in the Revised DEIR section regarding air quality.

Keep The Code has persisted for years, voicing the concerns of its membership and of many other citizens of Mendocino County in opposition to certain critically important elements of the proposed Harris Quarry Expansion Project, such as air pollution from the proposed asphalt plant. This proposed project, in all its various forms has been commented upon by Keep The Code's Attorneys, its Expert Consultants' analyses, and by so many committed citizens who believe their public officials will ultimately hear, (and heed) the collective wishes of the citizenry.

Over time we have pointed out various DEIR and Revised DEIR inconsistencies, inadequacies and flaws. Perhaps coincidentally, all these seemed to have favored the Applicant.

We are reminded of, and hereby quote, in part, **Section 15003 (I and J) of this RDEIR** (Policies), **" Adequacy, completeness, and a good faith effort at full disclosure are required... CEQA requires that decisions be informed and balanced"**

The following is this RDEIR's most significant flaw in regard to Air Quality

Analysis:

The Revised DEIR , Section 4.6, page 244 (last paragraph), and first paragraph, (page 245) states in part: " The prevailing winds in the area are from the West through Northwest, with local variations due to topography. During daylight hours **up-canyon winds predominate. " Note (up-canyon denotes South to North)**

This information is in direct conflict with observations provided by **National Weather Service Spotter, Mr. Norton Heath. Mr. Heath's signed letter is attached.**

Mr Heath reports that **down canyon** winds predominate during daylight hours, in a North to South direction. Mr Heath lives in the Golden Rule Home Village located in Walker Valley of Ridgewood Ranch, along with 500 or more other ranch residents immediately down-wind of the Harris Quarry project area.

Accurate wind direction is obviously essential in determining whether the considerable pollutants emanating from this project would be blown away from, or directly at the adjacent population. This is particularly true during the daytime for the La Vida school children, teachers, the farm interns, senior citizens and residents of the ranch all subject to air pollution exposure during the day.

To be clear, this RDEIR claims the canyon air-flow is **up-canyon-** which is a **South to North** direction- away from the Ridgewood Ranch, Redwood Valley and Ukiah Valley population. The opposite seems true.

Significantly, and perhaps the primary source of this gross error in the predominate wind direction is the fact that this RDEIR depends on a meteorological monitoring installation that is 4.7 miles away, where there is differing topography, temperature, elevation, open spaces, wind direction and propensity for pollutant dispersion. Even given these handicaps- one would expect that checking with long term residents of the area regarding wind direction would have produced more accurate results. **This RDEIR now has to seriously question and re-consider the multiple declarations of insignificance or mitigated air-quality impacts based on flawed meteorological data.- Specifically, the significantly erroneous statement that " During daylight hours up-canyon winds predominate."**

Mr. Paul Miller, KTC Air Quality Expert states: **" All the modeling seems to be based on questionable meteorological data that does not address the site specific characteristics of the project site."** Mr Miller goes on to state: " According to the Air Quality Appendix, all of the meteorological data was collected in the area (4.7 miles away), but not at the project site. The data is probably only generally representative of the area and not representative of the specifics of the project geography, including the North- South valley which will act as a conduit for air pollutants if the project is developed."

We respectfully request the County establish more reliable meteorological data , specifically in regard to daytime wind direction; and conduct accurate air pollution monitoring for these wind conditions; and ascertain the significant adverse impacts to air quality for the Walker Valley, Redwood Valley and Ukiah Valley.

Thank you,

Jack Magne'
For- Keep The Code

Response to Letter from Jack Magne (Keep the Code)

62-1. Please see the responses to Comment Letters 12 and 63 regarding the issues the commenter raises.

Norton Heath
id#: M01
Certified Weather Spotter of Mendocino Coun
NWS Eureka, California

Report any severe or significant weather to the NWS
1-800-240-3027

Mr John Speka
Planner I
Mendocino County Planning & Building Services
501 Low Gap Road- Rm 1440
Ukiah, Ca. 95482

Distribution to:
Planning Commissioners
Board of Supervisors

Subject: COMMENT- Revised Draft Environmental Impact Report- Harris Quarry Expansion Project

I am Norton Heath,a longtimeWeather Spotter for the National Weather Service, and local resident of the Golden Rule Senior Residential Park. I have spent years monitoring and recording weather patterns, wind direction and other meteorological data at this location. 63-1
It has come to my attention that the recently revised Draft Environmental Impact Report for the Harris Quarry Expansion Project makes certain claims about local wind patterns which have no basis in fact.

Pages 244 and 245, Section 4.6 of this DEIR state, in part, the following: " The prevailing winds in the area are from the West through Northwest, with local variations due to topography. Average wind speeds in the **Project** vicinity are about 5 miles per hour. During daylight hours, **up-canyon winds predominate.**"

Quite the opposite is true. During daylight hours, **down-canyon (North through Nw) winds predominate.** The correct wind velocities are closer to 10 to 15 MPH North to South, with gusts to 20- 25 MPH instead of 5 MPH. These errors are especially troubling since the report's findings seem to suggest the pollutants and emissions which would be generated by the expanded facilities would be **blown away** in the **opposite direction** from the Ranch Residential Center and Mobile Home Residential Park. In truth- The entire narrow canyon would serve as North to South conduit for chronic public exposure to airborne pollutants generated at project site. Over 500 people, including seniors and children would be affected in & around the Ridgewood Ranch location.

Since the meteorological monitoring facility used (for this project) to predict wind direction and pollutant dispersant modeling is 4.7 miles away North of Walker Canyon/Valley then it is not surprising such a significant error of wind direction occurred, thus the air quality monitoring would seem to require a supplemental analysis after on site wind, precipitation and temperature data are gathered.

Yours very truly,

Norton Heath

Norton Heath
8-31-11

Response to Letter from Norton Heath

63-1. The comment refers to the discussion of wind patterns in the area (RDEIR, pages 244 – 245) and states that during daylight hours, down-canyon (north through northwest) winds predominate. In addition, the comment further states that the correct wind velocities are closer to 10 to 15 mph north to south, with gusts to 20 – 25 mph instead of 5 mph. In addition to the response below, please see Response 12-7 regarding this issue.

The discussion of wind patterns in the RDEIR was in the section of Climate and Meteorology and was a general discussion of wind patterns in the area, not a specific wind pattern analysis of areas south of the project site, which includes the Golden Rule Residential Park. Specifically, this discussion was based on a description of wind patterns in the County contained on page 8B-2 of the *Mendocino County General Plan Update, Background Report*, January 2003. In describing the wind patterns in the County, the background report stated:

"The prevailing winds are from the northwest, with local variations due to topography. During daylight hours, up-canyon local winds predominate. In the evening hours down-canyon "drainage" flows along watercourses predominate. Coastal hills are drained by numerous small creeks. In the central interior of the County, two major river valleys run in a north-south direction. The Eel River drains northward into Humboldt County along a relatively narrow river canyon. The Russian River drains southwards in a relatively wide canyon into Sonoma County."

As stated above, the discussion in the RDEIR was not specific to the area just south of the project site. Due to large scale and local terrain features, down-canyon winds will occur in the area south of the project site. Down-canyon winds would occur from the north where the quarry is situated, as well as from the two northwest-southeast trending ravines that are just to the northwest of the Golden Rule area. Winds from each of these areas would contribute to the northerly winds observed in the area, in addition to the northerly winds caused by large scale weather patterns.

With respect to wind speeds, the 5 mph wind speed referenced in the RDEIR was an overall average wind speed for all directions at the Willits site, averaged over all hours of the year, not a wind speed specifically associated with the daytime or nighttime up-canyon or down-canyon winds in the vicinity of the Golden Rule Residential Park. As would be expected, wind speeds in the project area for any given hour of the day will at times be greater than the average wind speed and lower than the average at other times, and will vary with direction, time of day, and season. Thus, observations by the commenter that daytime down-canyon winds are higher than the average wind speed (closer to 10 to 15 MPH) are entirely reasonable. Also, as the commenter suggests, there may be times when the winds gust to 20 - 25 mph. However, since wind gusts are of short duration, and not representative of normal or average conditions, it is not expected that an overall annual average wind speed would be of the same

magnitude as the wind gusts. The annual average wind speed is expected to be much lower than a wind gust speed.

The Willits meteorological data used for pollutant dispersion modeling included winds from the north and northwest (winds towards the Golden Rule Residential Park) with wind speeds ranging from 1 meter per second (m/s) to 3.5 m/s (2.2 mph to 10.1 mph). As discussed in response to Comment 12-7, wind speeds at the Harris Quarry site are likely to be higher than those measured at the Willits site. Thus, it is likely that the RDEIR dispersion modeling used wind speeds lower than may actually occur. Since a pollutant concentration at a downwind location from an emission source is inversely proportional to the wind speed[16,17], as the wind speed decreases the concentration increases. Or conversely, for a given level of emissions from a source, the downwind concentration at a specific location will decease as the wind speed increases. Therefore, when considering that the wind speeds used in the dispersion modeling based on the Willits data are likely lower than may occur at the project site, and as noted by the commenter, the predicted concentrations from the dispersion modeling are likely to overestimate the pollutant concentrations due to use of lower than actual wind speeds.

Potential health risks at Golden Rule Residential Park and Church of the Golden Rule were evaluated using MCAQMD-recommended methods, which included dispersion modeling to estimate toxic air contaminant concentrations. Meteorological data from a meteorological monitoring station in Willits was used with the dispersion models to predict pollutant concentrations in the project area, including areas in the Walker Valley south of the project site.

As discussed in the RDEIR, the Willits meteorological monitoring station is the closest location where meteorological data were available. Historically, there has been no long term meteorological monitoring of parameters needed for dispersion modeling in the vicinity of the project site, and only limited monitoring in the project region. The Willits meteorological data were obtained from a location near South Main Street between Franklin Avenue and Walnut Street at an elevation of about 1,400 feet. This monitoring station is about 4.7 miles northwest of the project site. Elevations at the project site range from about 1,850 feet at the quarry site to about 2,200 feet at the location of the proposed asphalt plant.

Based on the Willits monitoring site location and its surrounding area, meteorological data from this station was considered generally representative of conditions in the region. Since site-specific meteorological data were not available these data were used in the RDEIR dispersion modeling to estimate pollutant concentrations in the project area. While there would be variation in meteorological conditions between the Willits site and the project site due to differences in elevation and local topography, the Willits data was considered to be a reasonably representative of the range of meteorological conditions

[16] D. Bruce Turner. *Workbook of Atmospheric Dispersion*, U. S. EPA, 1970.
[17] U.S. EPA. *User's Guide for the Industrial Source Complex (ISC3) Dispersion Models, Volume II – Description of Model Algorithms*. September 1995.

encountered at the project site. Due to the higher elevation of the project site compared to Willits, wind speeds at the project site are expected to be greater than winds in Willits.

As discussed in response to Comment 12-7, a meteorological data set for the same year as the Willits meteorological data (2004) used in the dispersion modeling, derived from mesoscale meteorological modeling data, was obtained for the Harris Quarry location in order to assist in evaluating the representativeness of the Willits meteorological data presented in the RDEIR. As Comment 12-7 describes, the use of this more detailed meteorological data shows that the area south of the site could experience annual pollutants increase of 30-50% higher than described in the RDEIR. However, as explained in that response, with operation of the proposed project for 70 years, the increased cancer risks would be 0.14 per million for the Church of the Golden Rule and 0.17 per million for the Golden Rule Mobile Village. The MCAQMD threshold of significance for increased cancer risk from a project is 10 cases per million.

In order for the increased cancer risks from the proposed project to be considered significant in the area south of the quarry, they would have to be 60 to 250 time higher (6,000% to 25,000% higher) than those estimated by the RDEIR. The possible underestimation of annual pollutant concentrations at the Golden Rule Mobile Village due to use of the Willits meteorological data for the dispersion modeling in the RDEIR would not change the RDEIR conclusion that potential health risks effects at the Church of the Golden Rule or the Golden Rule Mobile Village would be considerably lower than the MCAQMD health risk significance thresholds.

To conclude, the commenter is correct that additional meteorological data indicates that the area south of the project site would be exposed to higher annual concentrations of pollutants than described in the RDEIR. However, the principal factor affecting the dispersion modeling and pollutant concentration is the distance from the proposed asphalt plant. The pollutant concentrations would be substantially below the significance threshold as reported in the RDEIR. The additional meteorological information would not result in a new impact, substantially increase an impact, require additional mitigations, or alter the conclusions of impact significance. The text of the RDEIR has been revised to reflect the information presented above.

RECEIVED
SEP 06 2011
BY PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Cody Bartholomew

9/4/2011

Public Comment- Opposition of Harris Quarry Asphalt Plant

My name is Cody Bartholomew and I am a Managing Member of Christ's Church of the Golden Rule at Ridgewood Ranch. We as a community have committed ourselves to proper stewardship of our land, preservation of the historic value of the property, and provided a model of sustainability for the greater community and the world. All of which are contrary to the rezoning of adjacent property and the building of an industrial asphalt plant. 64-1

On the ranch is a 50 acre/ft. reservoir, within a ½ mile and downhill from the proposed plant. This reservoir gravity feeds water to agricultural programs throughout the ranch. It feeds the Golden Rule Garden, which is a sister garden to Ecology Action's garden in Willits. It is a teaching garden that hosts interns from all around the world to use the Biointensive gardening method to sustainably grow produce. People working in the garden now represent country's like; Nepal, Ecuador, France, Congo, etc. There are dozens of people around the world that have used our garden as a classroom and had great success bringing the gardening method back to their country and educating others and sustainably growing an incredible amount of food, everywhere from Afghanistan to Kenya. This method involves purity in soil and a working asphalt plant uphill from its water source can not only negatively affect the local food source, but also the educational experience. You can learn more about Ecology action program at growbiointensive.org. The lake also feeds the Butler Cherry orchard which is a community U-pick orchard with apples, cherries, and more. For more info on the Butler Cherry orchard please visit butlercommunityorchard.org. Finally our grazing pastures where we practice Holistic Rangeland Management are also irrigated from the reservoir. This method uses cattle grazing to not only sustainably produce "grass-finished" beef, but also improve the soil and grasslands. Two months ago we hosted a workshop that taught this method. People came from all over the California and the Western U.S. to learn this method of cattle production using different parts of our property as an example.

We also host the T.R.A.I.L program which provides horseback therapy to clients with mental and physical disabilities. This program has received incredible support from the community and has been funded by generous donations and contributions locally. Currently in T.R.A.I.L.'s clientele is a young girl with serious respiratory problems and sensitivity to toxins and particulates. She and many others come to the ranch for rehabilitation because it is a place with a clean fresh environment and being in the shadow of an asphalt plant would be detrimental to this community resource. You can find more info on the TRAIL program at ridgewoodtrail.org.

Ridgewood Ranch is "The Home of Seabiscuit" and the county of Mendocino and the city of Willits have recognized that as a huge addition to our community ever since the popularity of the book and movie. Willits attempted to rename Commercial St. to Seabiscuit Pkwy, you see Seabiscuit on buses and signs all over town. It is a huge part of the tourism brought to the area. I and another Managing

Member of CCGR just attended an agritourism workshop and have just begun truly exploring the potential for tourism that this ranch has to offer. The Seabiscuit Heritage Foundation was formed to preserve the historic value of the ranch property and the legacy of Seabiscuit, there website is seabiscuitheritage.org and provides information on the work that they are doing. A historic structures report was funded by a government grant; $20,000 was spent to evaluate historic structures throughout the ranch. Many of these structures are in direct view and earshot of the proposed asphalt plant. One of the arguments for the plant is the production of local jobs. I have lived on Ridgewood Ranch my whole life except for the last five years where I recently received a Bachelor's Degree in Construction Management. As a Project Manager, looking at the buildings and resources on the ranch I know that there is an incredible amount of potential for growth in development and use of these buildings. The labor needed to develop these buildings and run the businesses that they create is vast. At one point the Ranch was named one of the "Top 11 Most Endangered Historic Places", it has been found by many groups to be a place with much potential, but needs help to remain viable. A big part of that viability is going to be tourism and support and having an industrial plant so close will seriously affect that resource.

We have been good stewards of the land Pursuing conservation easement of the whole property, to prevent subdivision and development of property. Why would we go to all this trouble just to have the property adjacent rezoned industrial? We completed a creek restoration project on a Russian river tributary working with fish and game to stock the creek with trout every year. We've realized the importance of preserving this property and have been incredibly proactive in improving it.

Ridgewood ranch has been an example of sustainability and environmental preservation, the effectiveness of this can be measured and is substantial. The potential has been found by many groups to be immeasurable and I believe we are just beginning to tap into the true ability that this ranch provides Christ's Church of the Golden Rule to better the world we live in. Its unique beauty, seclusion, history, and clean environment are the aspects that allow us to be so effective in those goals. The rezoning of the Harris Quarry would take so much of the power of this resource and the harm it could do would be felt locally and around the world.

Response to Letter from Cody Bartholomew

64-1. The information presented on Ridgewood Ranch and its programs is noted for the record as well as the commenter's opinion about the project. The project's impact on the ranch's water quality was addressed on pages 132 and 335 of the RDEIR.

Dennis M. Slota
P.O. Box 822
Willits, Ca 95482

John Speka
Mendocino County Planning Department
501 Low Gap Road
Ukiah, Ca
95482

09/4/11

RECEIVED
SEP 0 6 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Subject: Harris Quarry Draft EIR

Dear Mr. Speka:

I am submitting these comments on the Draft EIR for the proposed Harris Quarry expansion on my own behalf.

1. Water use estimates for this project are supplied entirely by the applicant with no attempt at verification by the EIR preparer. In the previous EIR for this project, consultants for Granite Construction estimated that the water use figures in that EIR were underestimated by 600% (2/6/08 letter from Mark Harrison). What assurance is there that the figures supplied by the applicant for use in this DEIR are not similarly underestimated? Why are water use estimates supplied by the applicant not verified in the EIR? Why is there no requirement for monitoring actual water use for comparison to water use estimates? 65-1

2. On page 127, the DEIR identifies a 3-foot head-cut migrating up the main tributary to Forsythe Creek. On page 128 this incision is identified as 4-6 feet of incision. Which is correct? Page 128 identifies the 4-6 feet of incision as "minor". As the channel is only 3-6 feet wide, what is the geomorphic basis for determining that 4-6 feet of incision is minor? This head-cut has the potential to migrate sufficiently to drain the vernal pool located below the southern portion of the quarry. Loss of this vernal pool would be a significant and unmitigated effect. Why would this DEIR not be revised to require stabilization and monitoring of this head-cut during the life of the project? 65-2

3. The DEIR does not discuss the consequences of slope failure of the building pad for the asphalt plant consisting of up to 75' fills, on steep slopes consisting of highly erodible soils, in a seismically active area. This fill pad will be permanently perched above Forsythe Creek, containing listed salmonid species, and where over $2.5 million dollars of public money has been spent on stream restoration, must of it in sediment reduction actions. Who will be responsible for environmental damages and cleanup resulting from catastrophic failure of the fill slope during the life of the quarry? Who would be responsible for environmental clean-up following a catastrophic fill failure after the quarry is closed? What environmental damages would be expected following a catastrophic failure of this fill slope and how would clean-up occur? 65-3

4. The DEIR (Page 119) states that construction observation and testing will be done during construction to ensure conformance with design requirements and pyrotechnical recommendations. Who will perform these inspections and testing? How often will testing and inspections occur? Who will receive inspection and test results? 65-4

5. Page 156 of the DEIR states the sampling location for the SWPPP will be the outfall of the 48" pipe entering the existing sump pond. This results in sampling stormwater entering the site, rather than stormwater exiting the site. The existing 36" CMP that exits the site from the sump pond can be easily modified to allow sampling in a safe and efficient manner. Why does this DEIR require sampling stormwater entering the site, rather than from stormwater exiting the site? 65-5

Thank you for the opportunity to comment on this DEIR.

Sincerely,

Dennis Slota

Response to Letter from Dennis Slota

65-1. The report prepared on groundwater that was submitted by the applicant was peer reviewed by the hydrologists who helped prepare the RDEIR. The peer review concluded that the report was professionally prepared and met typical standards for such analyses. Also see Response 8-35 regarding water availability. Please see Response 8-36 regarding water use at other quarries. Water use monitoring is not required because no significant impact regarding water use was identified. In addition, the quarry would need to reduce operations if there was insufficient water available for dust control.

65-2. The headcut at the downstream end of the channel is about 3 feet high as accurately reported on page 127 of the RDEIR. On page 128, the RDEIR reports that the stream bed (of the channel upstream of the quarry) has been incised 4-6 feet. The RDEIR accurately describes the drainage upstream and downstream of the quarry. The incision of the channel has been from historical changes to area drainage. The quarry's component of this runoff is minor - most of the incision is due to highway runoff; in fact, the quarry by detaining flows on site has probably decreased the downcutting that would have occurred if the quarry were not in operation; quarry-generated runoff is not expected to substantially increase. As a consequence, no mitigation is warranted or required for the project.

65-3. Please see responses to Comment Letter 13 about pad fill stability. The RDEIR does discuss the impacts of pad failure (see page 118 of the RDEIR). If the fill pad is properly constructed as required in the RDEIR, it should not fail. It is expected that the applicant or property owner would be responsible for a failure that affected Forsythe Creek. It would be speculative to describe what those impacts might be or what remediation might be needed, particularly as this failure is not predicted.

65-4. The MMRP describes who is responsible for monitoring and reporting the implementation of mitigation measures.

65-5. The RDEIR identifies a suitable monitoring site, remembering that runoff from the quarry itself does not flow off the site. This sump area is surrounded by a berm and will only accept additional water from the quarry floor during a catastrophic event (greater than 100-year storm event). It is likely that no one will be performing sampling during a catastrophic event. The intent of sampling at this location is to confirm that there are no contaminants entering the site along the access road, upslope of this area. Additional baseline sampling will occur at the first drain inlet entering the site from Highway 101. The recommended location of the sampling as noted in the RDEIR is appropriate. No reason has been presented to revise the recommended mitigation measure, and no change is necessary.

Dori Kramer
P.O. Box 598
Ukiah, CA 95482

John Speka
Mendocino County Planning Department
501 Low Gap Road
Ukiah, CA 95482

September 6, 2011

Subject: Harris Quarry Expansion Draft EIR (DEIR)

Dear Mr. Speka:

There is a statement on page 211 of the DEIR that there is no public transit available to the site. This is incorrect, as the traffic analysis does not take into account the Mendocino Transit Authority (MTA) bus stop immediately north of the intersection of Highway 101 and Black Bart Road. The traffic analysis needs to be modified to include the presence of a public transit stop with accelerating and decelerating buses in the immediate area of the quarry. This bus stop is within about 200' of the quarry entrance. 66-1

Thank you for adding this comment to the public input regarding the DEIR.

Sincerely,

Dori Kramer

Dori Kramer

RECEIVED
SEP 06 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Dori Kramer

66-1. The RDEIR is correct that there is no mass transit available to the site (or its driveway). According to the MTA office, there is a southbound bus stop but not a northbound one on Highway 101 near Black Bart Drive. There would be minimal conflict with decelerating or accelerating southbound buses conflicting with southbound decelerating trucks. The buses would be subject to the same safety hazards as other vehicles as discussed in the RDEIR. The presence of buses on the highway stopping at a bus stop near Black Bart Drive does not affect the RDEIR traffic analysis, and no revision of the RDEIR text is required.

John Speka - Fwd: KTC Comment- ALTERNATIVE LOCATION- HARRIS QUARRY EXPANSION PROJECT

From: "Jack Magne'" <jackatocha@aol.com>
To: <spekaj@co.mendocino.ca.us>
Date: 9/6/2011 3:58 PM
Subject: Fwd: KTC Comment- ALTERNATIVE LOCATION- HARRIS QUARRY EXPANSION PROJECT

John- Please enter into the record.

Thanks,
Jack Magne'- Keep The Code

KEEP THE CODE

September 6, 2011

Planning Commission, and
Board of Supervisors

Mr John Speka
Planner I
Mendocino County Planning & Building Services
501 Low Gap Road
Ukiah, Ca 95482

Comments on Revised Draft Environmental Impact Report (RDEIR) for Harris Quarry Expansion Project:
Inadequate, inaccurate and Incomplete Alternatives Analysis

Keep The Code has maintained from its inception, that the Harris Quarry Expansion Project, which includes construction and 30 year operation of an asphalt plant is an unacceptable proposal. KTC has also rejected the idea of the so-called Mineral Processing Combining District which opens the door to a number of questionable, possibly unpleasant, and certainly unforeseeable industrial zoning consequences. Through legal representation, expert analysis and strong opposing comment by the general public- The message is clear: NO ZONING CHANGE. KEEP THE CODE. 67-1

We fervently hope the County will take seriously all our concerns, and profound reservations expressed repeatedly over the years.

We are in favor of carefully located industry, in line with existing zoning ordinances, and in agreement with the General Plan. This Harris Quarry project conforms to none of these criteria.

From the RDEIR:

" The State CEQA guidelines require that an evaluation of reasonable alternatives to the project that would feasibly attain most of the project objectives, while avoiding, or substantially reducing any of the significant impacts of the project " (Section 2.7, pages 21-22)

KTC believes there are certain project alternatives which would be superior to the project as outlined in this RDEIR. Below we will examine what this RDEIR has to say about these **Project Alternatives**, and why we believe this to be an **inadequate inaccurate and incomplete Alternatives Analysis.**

(1) Portable, Temporary Asphalt Plant Facility:

67-2

This alternative of a **Portable, Temporary Asphalt Facility** is already sanctioned by the **Zoning Code** and presents a real opportunity to accommodate projects over a limited period- thereby avoiding all of the long-term hazards and significant adverse environmental impacts associated with the proposed permanent industrial zoning change for the asphalt plant adjacent to the Harris Quarry.

This RDEIR, on page 27, refers briefly, perhaps dismissively, in its description of Alternate 7 by stating only: " The discussion includes possible temporary siting of an asphalt plant in the Hwy 101 right-of-way to be used for constructing the Willits Bypass. " In the *Conclusion* Summary of Alternate Locations, (also page 27), the paragraph begins: **" There is no feasible alternative site for the project as a whole "** There was no further mention of this important potential alternative in the entire **Conclusion** statement.

With diligence, we located, (Section 5.2, page 360), which further stated: " One of the commenters on the original DEIR requested analysis of an alternative that did not include an asphalt plant on the project site. It would include a temporary asphalt facility within the Hwy 101 right-of-way to serve the asphalt requirements of constructing the Willits Bypass." The RDEIR continued: " It is speculative what impacts such a temporary facility would cause, since the location of the facility is unknown .....However, the impacts of developing such a site remains speculative"

This cursory treatment of a valid, legal option truly missed the mark. The alternative was not analyzed in principle; but disregarded "out of hand" with a confusing entanglement with the "Willits Bypass". Further- It is regrettable that this RDEIR used the word "speculative" in this context, considering the RDEIR independently refers to the "Willits Bypass", throughout the document, numerous times. **We feel the document's analysis of this option of a portable plant was inadequate, incomplete, inaccurate and also failed to address many favorable aspects of this option, including, but not limited to, the benefit to the County's economy related to reduced cost of asphalt brought on by more local competition. Even though the proposed project is not considered growth inducing, the positive economic impact of another asphalt plant in the County is of significant economic concern - to keep the price of asphalt competitive; therefore utilizing the existing zoning code to encourage Portable, Temporary Asphalt Plant operations should be encouraged.**

The alternative analysis of a Portable, Temporary Facility should compare the air emissions of truck traffic to and from the Willits Bypass for this alternative to the project. For example, a comparison of air emissions from trucks hauling rock to and from the Willits Bypass for a temporary asphalt plant located within the 101 construction corridor should be made with the air emissions of trucks hauling asphalt, including fugitive hydrocarbon emissions from the transported asphalt to and from the Willits Bypass from the proposed asphalt plant site. KTC and its expert analysts contend that hauling asphalt from a permanent asphalt plant creates greater air pollution than hauling rock to a temporary asphalt facility for the same construction project.

The alternative analysis of a **Portable, Temporary Facility** should also evaluate the reduced significant environmental impacts on temporary sites compared to permanent industrial zoning of the project site. **Clearly, the significant adverse environmental impacts of the proposed project site are cumulative and permanent, whereas any significant adverse environmental impacts on a temporary project site are temporary.**

(2) Alternative Location

The RDEIR states in **Conclusions (page 387), and we quote:** " There is no feasible alternative site for the project as a whole. If the County decided to approve an alternative that did not include the asphalt facility, then there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility. However, all these sites are more urbanized (despite having Industrial Land Use designations)" The document also states: (page 387) " It is entirely possible that there are other available sites that are not listed on the *Multiple listing Service*. However most land designated Industrial is within or near Ukiah, Calpella and Willits. In almost all cases these lands are near existing residential development." 67-3

The following may help illustrate how inaccurate and possibly misleading some of these assertions are:

(A) The statement " All these sites are more urbanized (despite having Industrial Land Use designations)" is simply untrue. **The Grist Creek Longvale property, on Hwy 162 is less urbanized compared with the Harris Quarry location.**

(B) The statement " However most land designated Industrial is within or near Ukiah, Calpella or Willits", is also false.

The Grist Creek Property is designated Industrial and is farther away from Willits, Calpella and Ukiah than Harris Quarry.

(C) The document also states (also page 387), " The County could not approve an asphalt plant at any of these sites as part of this EIR. A separate application would need to be submitted, and it would need to undergo its own detailed environmental review." The document fails to disclose**: If a property is already zoned Industrial, the Environmental Review process (called Environmental Review Permit) can be handled much more expeditiously than, for example, the Harris Quarry attempt which includes zone changing- which has already taken over 5 years. According to the County- the environmental review permit for the Grist Creek Longvale property can be handled in as little as three months.** The aforementioned Grist Creek Longvale property has applied for the Environmental Review Permit.

We did find a statement with which we agree: **(page 388)** and we quote: **" If the County determines that the alternative location (Alternative 7) is superior, then it would select one of the other alternatives that eliminates the asphalt plant on the proposed site. That would be alternative 1, 2, 3 or 6."**

Thank you,

Jack Magne'
For- Keep The Code

COUNTY OF MENDOCINO
DEPT OF PLANNING AND BUILDING SERVICES
501 LOW GAP ROAD, ROOM 1440
UKIAH, CA 95482
Telephone: 707-463-4281
FAX: 707-463-5709
pbs@co.mendocino.ca.us
www.co.mendocino.ca.us/planning

Case No(s).
CDF No(s).
Date Filed
Fee
Receipt No.
Received by
Office Use Only

APPLICATION FORM

APPLICANT

Name: GRIST CREEK AGGREGATES, LLC
Mailing Address: PO BOX 575
City: COVELO State: CA Zip Code: 95428 Phone: 707 983-8135

PROPERTY OWNER

Name: ~~[illegible]~~ Granite Construction Company
Mailing Address: PO BOX 50085 ATTN: GRANITE LAND COMPANY
City: Watsonville State: CA Zip Code: 95077-5085 Phone: (831) 724-1011

AGENT

Name: MEL GOODWIN
Mailing Address: PO BOX 575
City: COVELO State: CA Zip Code: 95428 Phone: 707 983-8135

PARCEL SIZE

15 ☐ Square feet ☒ Acres

STREET ADDRESS OF PROJECT

35510 COVELO ROAD

ASSESSOR'S PARCEL NUMBER(S)

036-190-26

TYPE OF APPLICATION

(Check Appropriate Boxes)

☐ Rezoning	☐ Use Permit
☐ Land Division: Minor	☐ Variance
☐ Land Division: Major	☐ General Plan Amendment
☐ Land Division: Parcel	☐ Agricultural Preserve
☐ Land Division: Resubdivision	☐ Reversion to Acreage
☐ Exception	☐ Certificate of Compliance
☐ Modification of Conditions	☒ Other: DEVELOPMENT REVIEW

I certify that the information submitted with this application is true and accurate

Mel Goodwin for GCA. 3/21/2011
Signature of Applicant/Agent Date

Signature of Owner Date 4-14-11

Response to Letter from Jack Magne, (Keep the Code)

67-1. The commenter's opinions are noted for the record. As no question is asked regarding the RDEIR, no additional response is required.

67-2. See Response 16-11 to this same comment by this same commenter. Please see page 387 of the RDEIR where this temporary facility is discussed. As stated there, such an alternative might be pursued if the County approves one of the project alternatives that does not include an asphalt facility on the site. Also as stated there, the impacts of such a plant and comparisons with the impacts of the proposed project are speculative since where or if such a facility would be approved is unknown.

67-3. See Response 16-7 regarding this alternate site. In addition, see Comment 15-33 submitted by the applicant for additional information regarding this site and surrounding land uses. The commenter is incorrect that the CEQA review for a project on this site would be completed within a few months.

Public Comment

68-1

on

Harris Quarry

application

9/6/2011

from/by Randi Dalton

P.O. Box 256,

Laytonville

CA. 95454

Questions Sept. 6, 2017

Public Comments -

Harris Quarry - Concerns

(1) NO PROJECT - option - GOAL

(2) ? 40 year - too long - monitoring

(3) weight rock displacement 400 - trees - loss of canopy - unsustainable - ns

(4) Keeping record open

(5) Safety - Health

(6) floodings - Sherwood Valley. Rangeria

(7) Biology - Botony (monitoring)

(8) Application of CEQA NEPA all

$ significant cumulative

Salmon - estuary endangered species environmental impacts

costs - flooding earthquake

whose responsible?

costs - Damages

Life-Support System
EARTH

climate change

(9) Alternatives — public transportation i.e. trains

(10) existing by-pass Keyhole Highway tap - Central Valley Rds - around Willits

(11) loss-of-agricultural lands

(12) EROSION / DRAINAGE

(13) Zoning

(14) White deer

(15) Native-indigenous uses loss-of-paleontology, cultural archeology, anth

(16) Fish + Game - NOAA - Salmon habitat - Eel River, Russian River

(17) Watershed
JOBS - other than concrete/asphalt

Submitted by -

RANDI DALTON
PO Box 216
Laytonville, CA
95454

MEC -
Dalton Creek
10-mile River
Friends -

707-984-8485

RECEIVED
SEP 06 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

P.O. Box 216
Laytonville, CA.
95454
Friends of Cahto + 10-Mile Creeks
April 13, 2010

TO: USGS
Jim Gibbons
Hydrologic Technician
2550 N. State St.
Ukiah, CA
95482

Re: file # 1991-19940740
Willits, S. Fork Eel River CA.

Dear USGS,

I'm concerned about the objective analysis, not CAL-TRANS sponsored, of the watershed, salmon habitat, earthquake potential, flooding, endangered species - plants, (limnanthus bakeri, meadowfoam, semifor grass, sweet-bear-grass, basket-making by Pomo - others, chicory, queen-annes lace, dandilion, what is there? we need biological + flora, fauna, bird, insects, mammals - deer inventory + protection) and animals to be studied and documented.

I full + impartial EIR, public hearings, hydrology, soils, earthquake faults, geology, flooding (history + potential), cumulative, sensative habitat, archeology, fisheries (salmon micro-biology, soils, impacts, are significant + NO Project at this time is Recommended. Sincerely,

Randi Cahto
A Voice in time - mine - Salmon
Keep the file open. (1947-2010) Woman

Keep the file open.
Public hearings are needed
+ input. Archeology, Native
American - Willits (Eleanor
Willard Willits, Willits
decendents, Nora Layton Willits,
input + history is to be
recognized + respected.
One earth, no spare.
Not Hollywood fiction but
Real/Reality demands our
full comprehension + und
standing of geography o
place, geology, seismic sa
dangers, soil + water i
strengths + limitations
Traditional gathering pl
Salmon, steelhead, basket
making grasses, food-plants,
medicine-plants, beauty. We
Scenic corridor now - let's
our north county beautiful a

Sincerely
Ronda Dalton
+ Significa
BOOKS

LAWS

to Be followed Enforced

CEQA - Calif. Environmental Quality Act

NEPA - National Environmental Protection Act

MARINE PROTECTIONS ACT

WILD + SCENIC RIVER PROTECTION

PALENTOLOGY PROTECTION ACT

NATIVE AMERICAN CULTURAL PRESERVATION

BASKET-WEAVERS ASSN (530)668-1332

CLEAN-WATER ACT

Democracy - Local Voice

FAIRNESS

Dear Agencies, People, Community

I don't want to lose

OUR

little Lakes, figs

foxes, frogs, wild flowers

the earth.

Love

(twins) Oceana + Sierra Sipla

7yrs. 7

file #: 1991-194740

PS "We LOVE OUR COUNTRY ROADS- 2. LANES is ENOUGH!"

1998 - Native American site preservation - Flooding
CEQA/NEPA - Law Enforcement - Insurance

MENDOCINO COUNTY BOARD OF SUPERVISORS - SPEAKER FORM

Costs Flooding - Fisheries - Salmon

Please submit completed form to the Clerk of the Board prior to the commencement of discussion of the item.

Rural - Urban - communities - Projects - Public Hearings - EIR -

☐ I would like to speak on the following Agenda Item: _____

☒ I would like to speak during Public Expression concerning: Cal-Trans - Willits By-Pass

NAME: RANDI DALTON

Disclosure: This information may be retained in the Public Record of the Board proceedings, and as such, may be shared with others upon request. Please do not provide any information you do not wish to be disclosed to others. one earth - earthquake/geology

Address: 1450 - Branscomb Rd/P.O. Box 216

Phone No.: (707) 485-4527

Email Address: n/a

Representing: self - Salmon; environmental concerns

Position on Item: alternatives - Use existing Rds. - Eel Valley

COSTS - trains activate Reynolds Hgwy/central

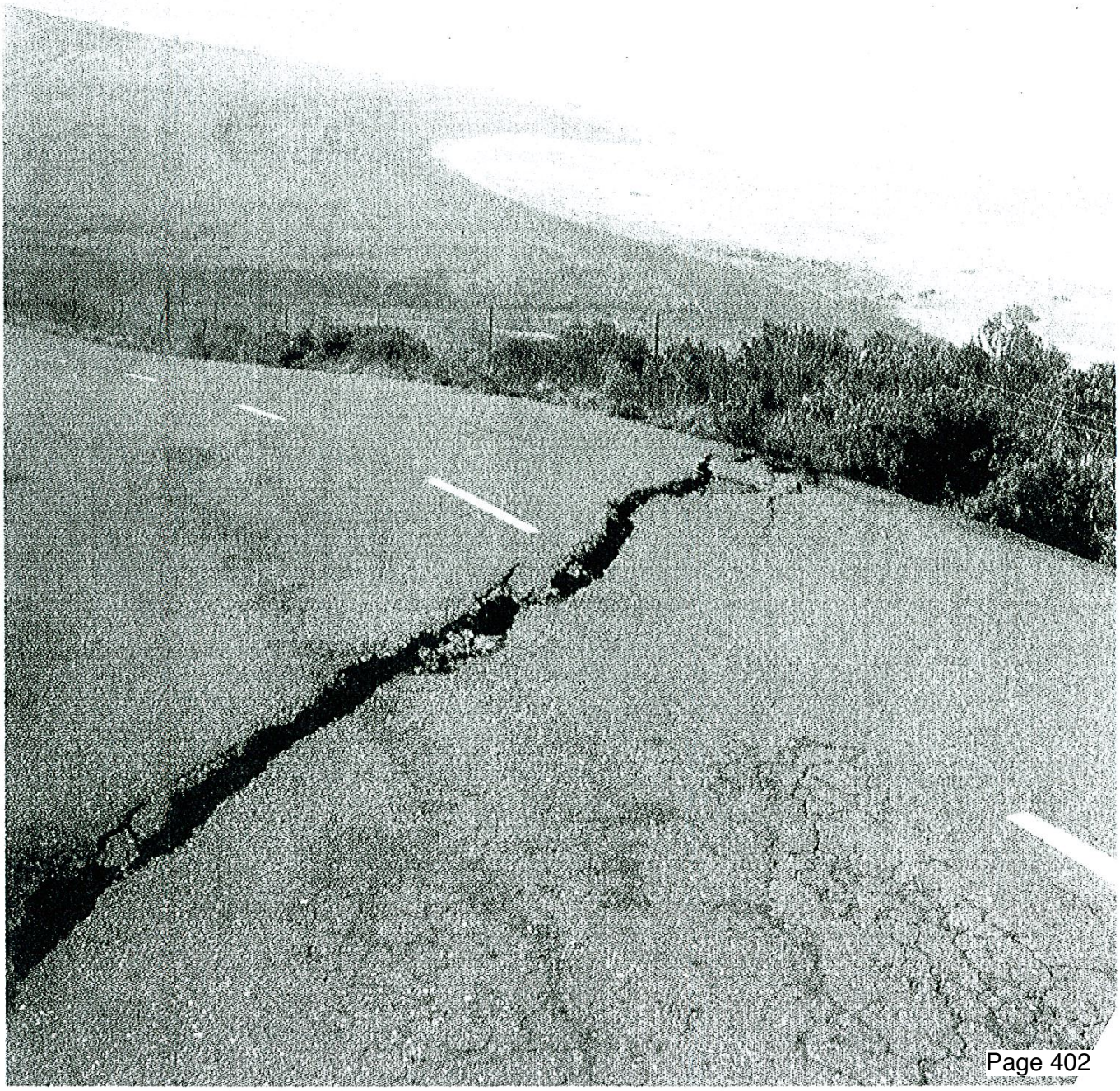
Completion of this form is not required for attendance at the meeting or for speaking on an item, however, the information is intended to assist in meeting facilitation and accurate meeting transcription.

4/13/2010

Living on SHAKY GROUND

HOW TO SURVIVE EARTHQUAKES AND TSUNAMIS IN NORTHERN CALIFORNIA

Part of the *Putting Down Roots in Earthquake Country* Series



ow Was the Policy Developed?

The Traditional Gathering Policy was developed in consultation with tribal governments and in coordination with the California Indian Basketweavers Association, California Indian Forest and Fire Management Council, and agency staff.

Input from "Listening Sessions" held with tribal members throughout the state also helped develop a policy that addresses local needs, while encouraging local implementation and issue resolution.

Tribal governments, tribal organizations, individuals, and agency personnel from various regions of California provided valuable contributions to the Policy.

For more information, contact:

California Indian Basketweavers Association
(530) 668-1332
http://www.ciba.org

California Indian Forest and Fire Management Council
P.O. Box 1449
Hoopa, CA 95546
CIFFMC@hotmail.com

U.S. Forest Service, Region 5
Tribal Relations Program Manager
(707) 562-8737
TTY: (707) 562-8919
http://www.fs.fed.us/r5/

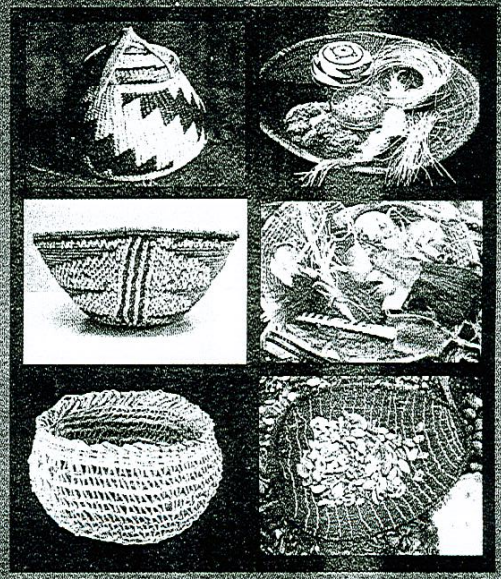
Bureau of Land Management
California Tribal Liaison
(916) 978-4648
TDD (916) 978-4419
http://www.blm.gov/ca/

It is the policy of the Bureau of Land Management and the Forest Service not to discriminate in employment or delivery of program services on the basis of race, color, sex, age, religion, national origin, marital status, or disabling condition. Any person who believes he or she has been discriminated against should contact:

Secretary of Agriculture, USDA
Washington, D.C. 20250
1-800-245- 6340

Traditional Gathering Policy

on Public Lands Managed by the U.S. Forest Service and Bureau of Land Management in California



A Joint Project of the
USFS and BLM
in coordination with the
California Indian Basketweavers Association
and the
California Indian Forest and Fire Management Council

Curation of Paleontological Resources

OPLA-PRP requires that paleontological resources collected under a permit remain United States property and must be preserved for the public in an approved repository, to be made available for scientific research and public education.

Confidentiality of Locality Data

In order to protect the resource from theft and vandalism, OPLA-PRP requires that the nature and location of paleontological resources on public lands be kept confidential.

Prohibited Acts and Penalties

Theft and vandalism to publicly owned paleontological resources results in a loss to all of the people of the United States.
Civil penalties include fines based on value of the paleontological resource, and damage to the fossil as well as to the land. Criminal penalties include imprisonment up to 5 years or fines, or both.

Regulations

BLM is currently developing regulations to implement the OPLA-PRP.

P.L. 111-11, Title VI, Subtitle D
Sections 6301-6312, 123 Stat. 1172
16 U.S.C. 470aaa

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Managing Fossils on Public Lands

The full text of the OPLA-PRP is available at:

www.blm.gov/ut/st/en/prog/more/cultural/Paleontology.html

For more information visit:
www.blm.gov

A New Paleontology Law

Paleontological Resources Preservation under the Omnibus Public Lands Act of 2009

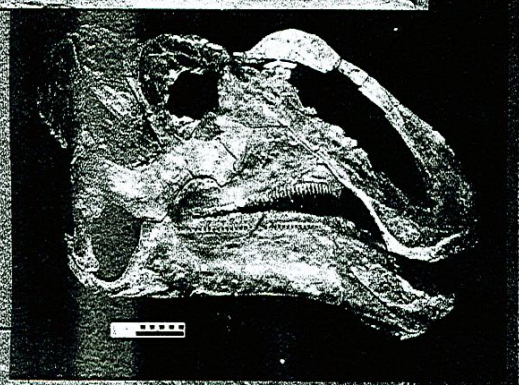
Paleontology

Bureau of Land Management

Paleontological Resources Preservation

By passing the Omnibus Public Lands Act, Paleontological Resources Preservation subtitle (OPLA-PRP), Congress has recognized the value of paleontological resources on public lands as a natural and irreplaceable part of America's heritage.







What is a Paleontological Resource?

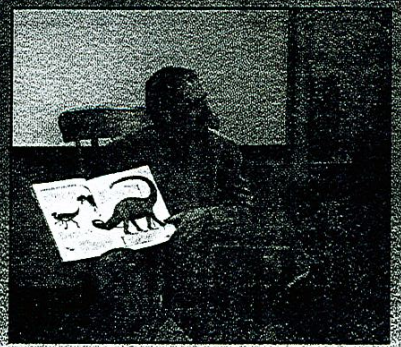
[illegible] defines a paleontological resource [illegible] any scientific interest [illegible] remains, traces or [illegible] organisms [illegible] on [illegible] must [illegible] that paleontological [illegible] provide [illegible] about the [illegible] Earth.

Public Awareness and Education

[illegible] increase [illegible] resource [illegible] public [illegible] on the [illegible] and [illegible]

Management of Paleontological Resources

Under OPLA-PRP, paleontological resources must be managed and preserved on public land using scientific principles and expertise. Appropriate plans must be developed for inventory, monitoring, and the scientific and educational use of paleontological resources. In the BLM, management of these resources will emphasize interagency coordination and collaborative efforts with partners, the scientific community, and the general public.



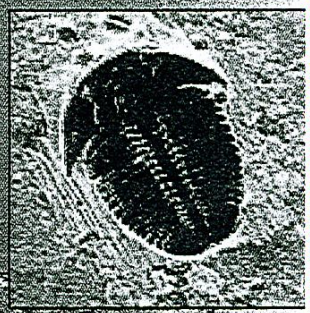
Do I need a Permit to Collect Paleontological Resources?

A paleontological resource use permit is required to collect paleontological resources of scientific interest. Collections made under a paleontological resource use permit remain the property of the United States and will be preserved for the public in an approved repository, to be made available for scientific research and public education.



What about Hobby Collecting?

Casual collecting of common invertebrate and plant fossils will continue to be allowed without a permit for noncommercial personal use. Check with local BLM offices for specific areas that are identified for hobby collecting.



Sept 21 2011

CalTrans seeks final agreement on bypass relinquishment

By Linda Williams
TWN Staff Writer

For years CalTrans representatives and the city have been meeting to determine how Main Street will be returned to the city after construction of the Highway 101 bypass around Willits.

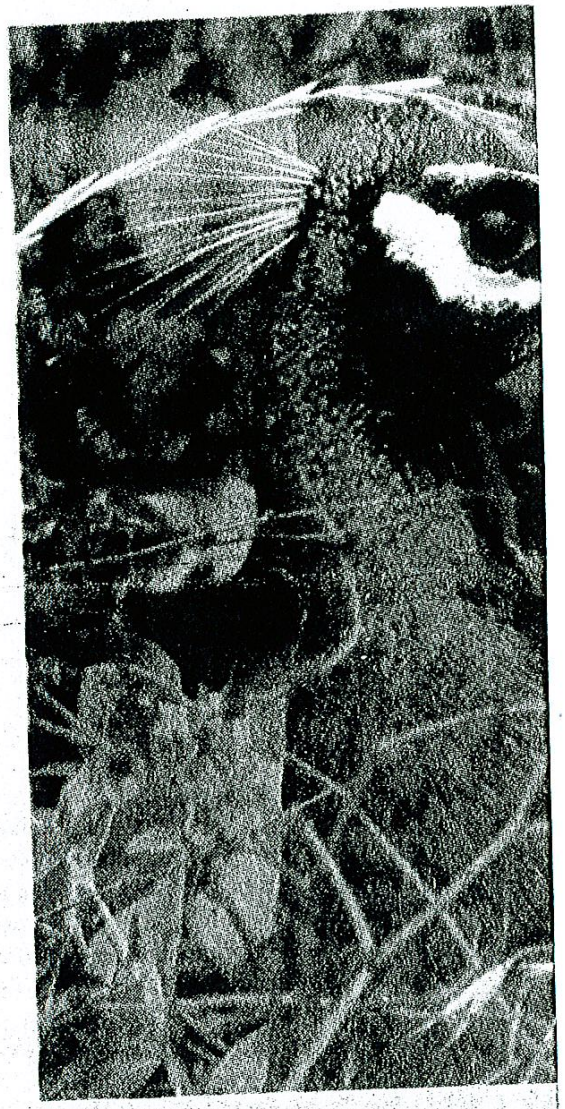
CalTrans representatives have now made it clear they wish to have a complete signed agreement with the city by February 2012, according to Mayor Bruce Burton. This is but one of many relinquishment deadlines CalTrans has set for the city over the past three years.

Burton and Vice Mayor Victor Hanson represent the council on the relinquishment ad hoc committee formed about two years ago to work through key issues with CalTrans District 1 leadership.

An August 9 draft proposal from CalTrans was shared with the city council at its August 10 meeting. Burton told the council the agreement still had several glaring errors in its wording that CalTrans had previously agreed to change. Other than these technicalities, Burton told the council he did not expect CalTrans to budge much further on the agreement.

The council agreed to add a review of the modi-

See MAIN STREET, Page 5



STRUTTIN' ITS STUFF

Summertime is the perfect time to dress in your most colorful, flan no different. The beautiful bird was seen strutting its stuff by phot around Little Lake Valley.

Bockmann named new

Special for The Willits News

Frank R. Howard Memorial Hospital announced Thursday that Rick Bockmann will be the new CEO for the Willits hospital.

Bockmann is currently vice president for physician services at St. Helena Hospital in Napa Valley and also CEO of the Adventist Health/California Medical Group, dual roles he's held since 2007.

Terry Hansen, who's been serving a

Howard
"Based
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Rick Bo
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will be
daughte

MAIN STREET From Page 1

fied agreement to a future agenda as soon as CalTrans had fixed the errors and returned it to the city. From comments made by different members of the council, no consensus has yet been reached on whether the city will be willing to sign any relinquishment agreement.

During the past years of discussion, CalTrans has yielded on several main sticking points: it has agreed to address the Sherwood Road interchange, limit bypass construction traffic on city roads, fix the drainage and access problems in front of Willits High School and provide $4.48 million to upgrade all sidewalks on Highway 101 from the Highway 20 interchange north to the city limits to meet current American's with Disabilities Act requirements.

On May 20, Deputy District Director Mark Suchanek reminded the city in a letter these concessions were contingent upon the city signing the relinquishment agreement in a timely manner. Suchanek suggested if the city failed to sign the full agreement by the currently envisioned time frame none of the "discretionary" items would be included.

By relinquishment law, CalTrans must certify to the California Transportation Commission and to the California Legislature any roadway being relinquished is in a "state of good repair."

The actual definition of "state of good repair" has been the meat of much of the relinquishment discussion. The vague standard, codified by the Legislature in the relinquishment statute, has been interpreted differently by city residents and CalTrans officials. A literature search suggests the intent

On May 20, Deputy District Director Mark Suchanek reminded the city in a letter these concessions were contingent upon the city signing the relinquishment agreement in a timely manner....

of the "state of good repair" standard means the highway should not require significant maintenance for a period of 20 years.

In addition to the "discretionary" items, the city engineer is also concerned about the poor documentation of the CalTrans right of way, unclear documentation about bridge conditions, and a series of issues with the surface and subsurface drainage along the right of way. The bridges in question are nearly 100 years old.

Legal searches demonstrate once the highway is relinquished, the city will be responsible for correcting any known or unknown deficiencies. When Cloverdale attempted to recover costs of rectifying a drainage problem created by CalTrans during its bypass construction, the court ruled because the area involved was relinquished, CalTrans had no responsibility to fix the problem it had created.

A pedestrian was seriously injured on Brea Avenue and sued the city of Fullerton and CalTrans for unsafe roadway design three years after it was relinquished to Fullerton. The court ruled CalTrans had no liability following the relinquishment. The court assigned full responsibility to Fullerton for any original CalTrans design errors, even though the city had made no changes to the roadway.

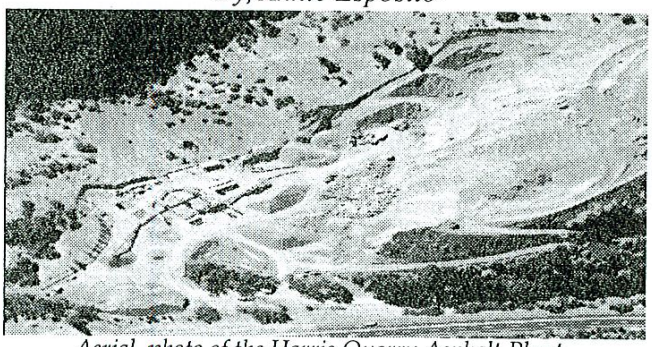
CalTrans list of 'Special Provisions'

1. CalTrans to restrict bypass contractor from using city streets to haul construction materials.
2. CalTrans engineers will "assess and evaluate" all surface and subsurface drainage facilities in the relinquishment zone and issue a report.
3. CalTrans will consider performing the repairs and/or replacements needed to bring the facilities up to a state of good repair.
4. CalTrans engineers will evaluate the Willits Creek and Broaddus Creek bridges and will repair or compensate the city for any repairs identified as needed.
5. CalTrans agrees to study the "feasibility of developing and constructing a Sherwood Road and US 101 intersection improvement project. If a redesign is not deemed feasible, CalTrans reserves the right to provide a cash contribution to the city instead.
6. While CalTrans considers the Sherwood Road and Commercial Street traffic signals to be in good repair, it agrees to upgrade them in the future if traffic signal standards are updated before the bypass construction completes.

THE MENDOCINO COUNTRY
Independent
July 2011

Neighbors Challenge Harris Quarry Asphalt Plant Proposal

By, Annie Esposito



Aerial photo of the Harris Quarry Asphalt Plant

People may think they already made their comments on the Harris Quarry proposal for an asphalt plant a long time ago. But Northern Aggregates Inc.'s has a new Environmental Impact Report (EIR) open for comments, and the deadline is July 21. The new EIR requires all new public comment.

At least six years ago, Northern Aggregates decided they wanted to expand into processing stone and concrete at the quarry site, on the Ridgewood Grade south of Willits. But the County's zoning doesn't allow industrial facilities at quarries. The company proposed a zoning change - which would affect not only Harris Quarry but a number of different quarries in the county. That's when neighbors of the Harris Quarry formed the group "Keep the Code," to work to stave off the rezoning that would enable an asphalt plant on the grade.

Keep the Code's Dori Kramer says, "We aren't against rock extraction. But asphalt is not in the code, and it is not compatible with resource lands." Kramer says they are looking for the compelling reason that an asphalt plant should be located at the quarry, and they don't find it. She notes that if and when the Willits bypass is built, CalTrans could end up just mixing asphalt at the work site.

Keep the Code prevailed in a 3-2 vote at the Board of Supervisors meeting in June 2005. Then Supervisors Hal Wagonet, David Colfax, and Kendall Smith voted against the project with Michael Delbar and Jim Wattenberger supporting the asphalt plant. Last year Leonard Charles and Associates worked with Northern Aggregates to come up with a new EIR, eliminating concrete processing from the plan and shortening the use permit time from 90 years to 30.

The County Planning Commission heard public input on the new EIR last month. About 15 people spoke and just two supported the asphalt plant. Mark Oswald, with Operating Engineers Local 3, testified that he worked around asphalt plants for years and they are harmless. Oswald said an inland batch plant was needed and would take all the trucks

-Contd. on p. 3

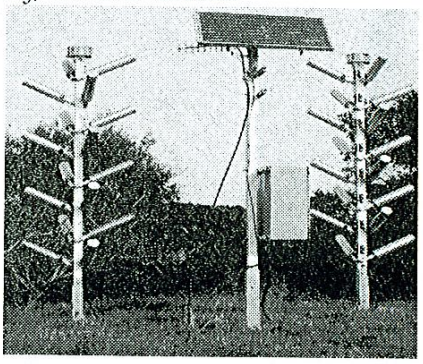
Weather Inc.

Commodifying & Controlling a Natural Resource

-By, Christina Aanestad

The Russian River watershed could benefit from weather modification, according to California's latest Water Plan; so could the Trinity River.

The plan calls for the use of weather modification to increase the state's water supply.



Weather modification machine Photo by LAD

"Cloud seeding has advantages over many other strategies for providing water. A project can be developed and implemented relatively quickly," reads the 2009 Water Plan, which is scheduled for completion in 2013, when it then becomes state policy.

'Cloud seeding' is a common form of weather modification. It's a process that disperses the chemical, silver iodide, into the air, which is thought to enhance snow fall during cold winter months. The silver iodide attaches to ice particles until snow forms, thus increasing snow fall, according to scientific advocates. The silver iodide is released into the air on a mountain top or aerially via an airplane.

In California, energy companies and municipal utilities use the practice in about 12 different locations, mostly in the Sierra Nevada mountain range. Northern California could be next.

"Opportunities tend to be greater in Northern California than in the south because of more frequent storms and cooler temperatures," reads the plan.

change, as countries and st grapple with drought, from rica to China to California.

The state of Wyoming has inv ed an estimated 7 million dol in a state of the art cloud seed project. China spent $100 lion and employed an estim 50,000 workers in weather m fication activities in 2008 w the Olympic games were in country, according to the Ass ated Press.

In the U.S. 7 federal agen from the Environmental Pro tion agency to the Departm of Defense finance the Univer Corporation of Atmospheric search in Colorado, where le ing research into weather m fication and other atmosph sciences occur. UCAR has an nual operating budget of 210 lion dollars this year and overs N-CAR, the National Center Atmospheric Research

Scientists at N-CAR aren't e sure how well it works. been a tough nut to crack," s Brant Foote, head of the Resea

Harris Quarry Asphalt Plant

Contd. from p. 1

off the highway that now go to Sonoma to get asphalt. Jim Houle, a chemical engineer, also said the batch plant was needed. "But," he said, "it is unlikely we can overcome the mindless fear and claims of health hazards."

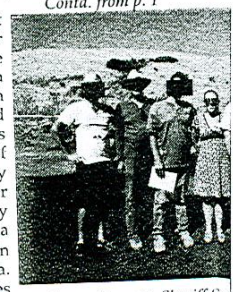
In opposition to the proposed plant, Kramer noted that Harris Quarry is on a steep slope and plans call for 75 vertical feet of fill in an earthquake zone. Sometime in the course of the 30 year lifetime of the project, fill could end up in Forsythe Creek. Eleven-year-old Rose Jevons attends La Vida Charter School which is 2 miles from the quarry. She expressed concern about air-borne pollution harming the children as well as wildlife in the area. Ruth Van Antwerp was concerned about water usage and who would monitor it. Chemical biologist Patricia Teslow pointed to 39 toxic emission from the plant such as xylene, formaldehyde, nickel, and lead. Teslow said, "The cumulative and synergistic effects of 39 combinations of compounds are astronomical."

Commissioners discussed the project for a short time, with most of them saying they were still studying the issue. Commissioner Madelin Holtkamp was worried about northbound trucks coming out of the quarry into center lanes which she dubbed 'suicide lanes." Holtkamp said she needed to study the drawings more.

County Planning and Building reports some aspects of the project that cannot be mitigated. Haul trucks emission would exceed County Air Quality's standard for new projects. The asphalt processing plant would change views from Black Bart Drive and Ridgewood Ranch. Lights at the

SHERIFFS REGULATE MARI

Contd. from p. 1



Marijuana farmers, Sheriff Sea

program's first participant. After registering with the sheriff's office as a medical marijuana cultivator, local and federal authorities raided the home of then 69-year old Joy Greenfield, owner of Light the Way medical marijuana collective, based in San Diego, California. Greenfield uses marijuana to treat glaucoma. The move was a blow to the sheriff's office as it made the first attempt of its kind to bring marijuana growers into the mainstream, so to say.

"I'm concerned it will cause some people to say 'see I told you if you applied for a permit they will tell the feds and bust you.' I think it's a very unfortunate coincidence," said 2nd District Supervisor John McCowen at the time.

Since then, the sheriffs office has been in a tough spot, trying to enforce laws and offer a path towards greater legitimacy for marijuana growers, who are often cited as the back bone of the local economy. But the path is becoming more clear as the sands of time wash away the nitty gritty between local law enforcement, marijuana cultivators, and federal authorities.

The marijuana wars in the Emerald Triangle are nothing new. As lawmakers explore policy to legitimize medical marijuana, they're often caught between the crossfire of medical marijuana rights advocates and the federal authorities, in a battle over local control, state's rights and federal law. Local law enforcement still works closely with the DEA, hosting the agency's annual marijuana eradication training in early summer months.

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The boa

Petition to all State and Federal elected officials. Demand for Return of Water that is Natural to the Eel River

We will not allow Eel River Water to be treated as a commodity. It belongs in its natural course. For 100 years the Eel River headwaters have been diverted into the Russian River via the PG&E Potter Valley Hydroelectric Project (PVP). The severe impacts to both river systems have been well documented and violate the Public Trust. More than 100 miles of prime Coho and Steelhead habitat have been lost behind the PVP dams. Billions of dollars have been lost from the economy of Humboldt and Mendocino counties by the impact of this diversion on its fisheries. Both dams and tunnel are old and in questionable condition, putting downstream homeowners at risk. It is imperative that PG&E's PVP diversion be removed so that water necessary for the health of the mainstem of the Eel River can be returned. We the undersigned insist on the return of the Eel River water to its natural system. A 90-year-old mistake must not be allowed to continue.

Name: JAYSEN GREEN	Signature: Jaysen Green
Address: 1154 Helen Avenue Ukiah CA 95482	
Name: Lauras Colby	Signature: Lauras Colby
Address: Box 1241 Willits, CA 95490	
Name: Randi Dalton	Signature: Randi Dalton
Address: 1450 Branscomb Rd. Laytonville, CA. 95454	
Name:	Signature:
Address:	
Name:	Signature:
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Please return to:

Friends of the Eel River
2346 Marinship Way, Suite 102
Sausalito, CA 94965

PO Box 2039
Sausalito, CA 94966 ml

Response to Letter from Randi Dalton

68-1. The information and opinions provided are noted for the record. As no questions are specifically asked about the RDEIR, no additional response is possible.

8/30/11

County Planning Commission

RE: Harris Quarry Asphalt Plant / Rezone

I am a 25 year resident of Redwood Valley, and I Do Not think it is possible to be down prevailing wind from an asphalt plant and not have air quality adversly affected. If allowed, this will impact Ukiah, Redwood, & Potter Valleys. There are other impacts that cannot be denied or even mitigated well, such as water, noise, & light pollution. 69-1

On the highway traffic interface: What will happen when the first death occures as a result of this bad combination?

C. Toren Tveit
Redwood Valley

RECEIVED
SEP 01 2011
BY
PLANNING & BUILDING SERVICES
Ukiah, CA 95482

Response to Letter from Toren Tvelt

69-1. Please see responses to Comment Letters 12 and 63 regarding air quality questions and concerns. If a death were to occur on Highway 101, it would be investigated like all other traffic-related deaths by the Highway Patrol.

Certificate of appreciation 7-1-95 City Willits Citizens
FOR DAVE ORTIZ FROM - - - - Reconstruction, Feb 4 election

STATE OF CALIFORNIA DIRECTORS
ACHIEVEMENT AWARD
DEPT - FISH + GAME - 2-11-2001
PRESENTED TO CATHY ORTIZ

RECEIVED
AUG 24 2011
BY PLANNING & BUILDING SERVICES
Ukiah, CA 95482

SIRS,

A man that can get the respect of a 2000 plus Union and Shady Crane, is NOT full of BS.

70-1

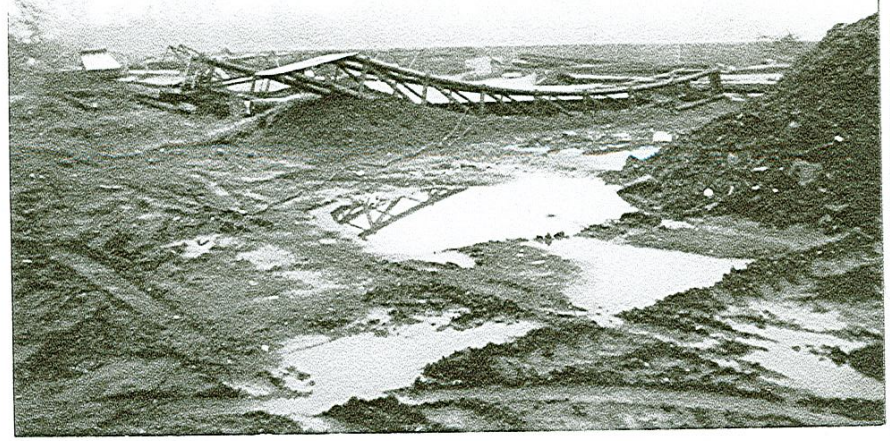
I VOTED and said NO for the Hallwood Paving plant.

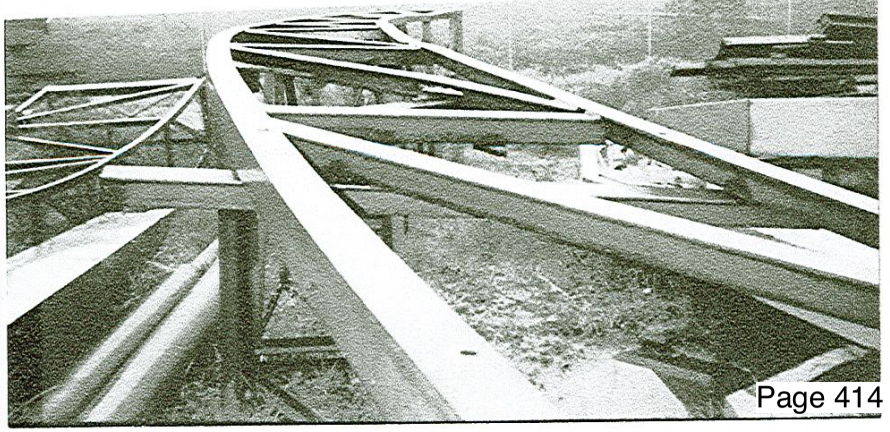
I have built asphalt plants, I know them.

I say NO for this project. The spirit of good people that care is in that AREA — JOIN US!

Dave & Cathy Ortiz

Willits 5 yr project at 4½ YRS





Response to Letter from Dave and Cathy Ortiz

70-1. The opinion about the project is noted for the record. As no question is asked regarding the EIR, no additional response is required.

submitted @ hearing

1)Existing traffic volume data is NOT based on peak traffic but rather on off peak volume. The traffic data SHOULD have included July and October- the peak times. 71-1

2)The county let them get away with this which is WRONG.

3)The results are thereby skewed but you can extrapolate that if the Level of Service ratings are only a "C" now (with the bad data) they would move towards a "D" by using the correct data. This would advance more quickly to an "F" when the volume of traffic increases as Cal Trans predicts.

Response to Letter from Anonymous

71-1 Existing volumes were shown for July and October – see Table 4.4-3 on page 210 of the RDEIR. Peak commute hours were not assessed because there is no or very little project-generated traffic during those hours. The project would have less impact than identified in the EIR if peak a.m. and p.m. peak hours were used as the basis for the analysis.

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

July 5, 2011

Mr. John Speka
Mendocino County Planning
501 Low Gap Road, Room 1440
Ukiah, CA 95482

Subject: Comments on the Draft Environmental Impact Report for the Proposed Northern Aggregates Harris Quarry Expansion and Asphalt Batch Plant, Black Bart Drive and Highway 101, Willets, Mendocino County, SCH # 2006112087 72-1

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Proposed Northern Aggregates Harris Quarry Expansion and Asphalt Batch Plant, located in Willets, Mendocino County. The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency for this project, with jurisdiction over the quality of ground and surface waters (including wetlands) and the protection of the beneficial uses of such waters.

The project proponent, Northern Aggregates, Inc., request a Use Permit Renewal and Reclamation Plan to allow an expansion of their existing quarry, extraction of up to 200,000 cubic yards of material per year, and production of up to 150,000 tons of asphalt per year from a newly constructed asphalt batch plant. The site drains to a tributary to Forsythe Creek, a major headwater tributary to the Russian River.

Regional Water Board staff inspections of the Harris Quarry over the past 10 years have shown that onsite stormwater pollution controls have done an excellent job of containing and treating stormwater runoff. An onsite retention pond and site grading have resulted in the vast majority of stormwater runoff being contained onsite, either in the retention pond or within the pit floor as it meets up against the highwall. With the addition of an asphalt batch plant and access roads, there will now be direct stormwater runoff discharges to Forsythe Creek from the batch plant and access roads. Additionally, the addition of rock washing activities can greatly increase the volume of sediment laden water that would need to be detained and treated prior to discharge to state waters. This volume of rock washing wastewater can end up impacting the volume of stormwater runoff that can safely be retained in the existing onsite retention pond.

<u>Bioretention Swale</u>

The Regional Water Board acknowledges the effectiveness of bio-retention swales to treat stormwater runoff for a myriad of typical pollutants of concern, including 72-2

hydrocarbons from asphalt batch plant operations. Keys to their success hinge on the bioswale's overall size, shape, and soil depth. This translates into overall detention time required for pollutant removal prior to discharging to Forsythe Creek. The pre-bioswale sediment cleanout basin and bioswale shown has been designed per volume based BMP and sized to treat the 85th percentile average annual runoff volume. Worst case scenario calls for the bio-retention swale to be able to handle the 100-year storm event with 6 inches of freeboard. Sizing of the swale to handle a continuous rain event that spans numerous days is critical in preventing swale overloads which can diminish treatment effectiveness of the bioretention swale soils.

In addition to your Industrial Stormwater permit, the following permit may be required by our agency:

Water Quality Certification (401 Certification): Permit issued for activities resulting in dredge or fill within waters of the United States (including wetlands). All projects must be evaluated for the presence of jurisdictional wetlands and other waters of the State. Destruction of or impacts to these waters should be avoided. Under the Clean Water Act Sections 401 and 404, disturbing wetlands requires a permit from the United States Army Corps of Engineers (ACOE) and a State 401 water quality certification. To determine whether wetlands may be present on any proposed construction site, please contact Jane Hicks of ACOE at (415) 503-6771. If wetlands or other waters of the State are present, please contact Mark Neely at (707) 576-2689. Alterations or work within or adjacent to streambeds or lakes may also require a 1602 Lake and Streambed Alteration Agreement from the California Department of Fish and Game (CDFG). Removal of riparian vegetation also requires this permit. We recommend that all project applicants contact CDFG for additional information on these requirements. 72-3

If you have any questions or comments, please contact me at (707) 570-3761 or mdougherty@waterboards.ca.gov .

Sincerely,

Mona Dougherty
Senior Water Resources Engineer

cc: Scott Morgan, State Clearinghouse, P.O. Box, 3044, Sacramento, CA 95812
Re: SCH No. 2006112087

Response to Letter from Mona Dougherty, North Coast RWQCB

Note – this letter was placed last because it was not provided until the Final EIR had been formatted.

72-1. These observations are noted for the record. The issues of storm drainage and water quality were assessed in the RDEIR. As no specific questions are asked, no additional response is required.

72-2. The RWQCB requirement that the bioswale be designed to handle the 100-year storm event with 6 inches of freeboard will be added to Mitigation Measure 4.2-A.6. The RDEIR already states that the project will need to meet all RWQCB permit requirements. This mitigation codifies one of those requirements. See Chapter 3 for the revised language.

72-3. This comment describes the State's Water Quality Certification process that the project will be required to comply with when filling wetlands and waters of the U.S. As no question is asked about the EIR, no additional response is required.

6. Matters from Staff.

There were no matters from staff.

7. Matters from Commission.

Commissioner Warner noted she would be absent for the July meeting.

8. Approval of Minutes.

Commissioner Warner noted that "not" had been omitted from Mr. Knapp's statement on Page 10 of the Minutes.

Commissioner Calvert submitted several typographical errors.

Upon motion by Commissioner Calvert, second by Commissioner Holtkamp and carried by a voice vote of (5-0), the May 19, 2011 Planning Commission Minutes are Approved as corrected.

[Break 9:16 AM – 9:28 AM]

5c. DISCUSSION AND PUBLIC COMMENT ON THE REVISED DRAFT EIR FOR: CASE#: UR 19-83/2005/ OA 1-2007

DATE FILED: 1/14/2005
OWNER: FRANK DUTRA AND ERICA PETERS AND JORGE LUNA
APPLICANT: NORTHERN AGGREGATES, INC
REQUEST: Use permit renewal/modification and reclamation plan and an ordinance amendment to the existing County code to allow for: 1) the extraction of up to 200,000 in-place cubic yards (cy) of rock from a hillside quarry (approximately 258,000 cy processed); production of up to 150,000 tons of asphalt per year from the processed material; and nighttime operations that could occur up to 100 nights per year; 2) an amendment to the County Zoning Ordinance creating a new Mineral Processing (MP) Combining District to allow for asphalt processing to occur onsite with a concurrent rezone adding the combining district to an 18-acre portion of the project site to accommodate the proposed asphalt facility; and 3) a revised Reclamation Plan for the site.
LOCATION: Approximately 7 miles south of Willits, the quarry and aggregate processing site lies on the west side of Highway 101 just south of its intersection with Black Bart Drive (CR# 370); the asphalt and concrete plants are located on Black Bart Drive, approximately 1 mile west of its intersection with Highway 101, located at Mile Marker 40.77 Black Bart Drive; AP# 147-180-07, 147-180-08, and 147-140-07.
PROJECT COORDINATOR: JOHN SPEKA

Mr. Mobley commented that staff would have a short presentation followed by Leonard Charles, EIR consultant, and clarified that comments should be directed at the Draft EIR, not the proposed project.

John Speka, Project Coordinator, reviewed the staff report and discussed a power point presentation he had prepared. He discussed the purpose of the hearing, to take comments on the Draft EIR, and noted the end of the comment period had been extended to July 20, 2011. He stated that no decisions would be made at this hearing and continued with a brief discussion of the proposed project. He noted that an Ordinance Amendment would be necessary to allow for the construction of the asphalt plant, followed by the rezoning of the property into the newly created Mineral Processing Combing District. Mr. Speka continued with his presentation and discussed the history of the project from 2005 to date, noting that an EIR had been prepared in 2007, but substantial revisions to the project had resulted in the current revised draft EIR. He discussed the surrounding land uses and described the location of the processing plant and haul road from maps on the projector. Mr. Speka concluded his presentation noting the order of hearings required since the Board of Supervisors had authority over the Ordinance Amendment and Rezoning after certification of the Final EIR and the Planning Commission had authority over the Use Permit and Reclamation Plan.

Leonard Charles, EIR Consultant, provided a refresher on the CEQA process, noting an EIR was an informational document not intended to promote or deny any proposed development; its simple objective to provide third party analysis of the facts. He noted that since the previous EIR, a significant number of laws had changed and those had been addressed in the revised EIR. He also noted that any comments that were submitted previously for the 2007 EIR would no longer apply and

new comments would have to be written. He stated that of the 36 potentially significant impacts, 30 were cumulative and 6 were unavoidable; specifically health risks, air contaminants, traffic safety, visual impacts, adverse affects to biological resources, and potential land use conflicts with residential neighbors. Mr. Charles noted the nighttime simulation still needed to be redone since the scope of the project had changed and the applicant had put forth the funding to have an additional simulation for the current layout presented in the final EIR. He stated that a new finding associated to NOx emissions from nitric oxide had been added and discussed the 8 project alternatives: 1. the project as proposed, 2. no project, 3. no project- 2 new residences, 4. quarry expansion only, 5. quarry and temporary asphalt plant, 6. project redesign, 7. reduced production, 8. alternate location. He stated the environmentally superior alternative was no project and the second superior project was #7 with reduced production and no asphalt plant.

The public hearing was declared open.

Jack Magne, Keep the Code, was opposed to the expansion of the project to include an asphalt plant. He did not think there was a compelling reason to change the zoning of the property and read sections from the DEIR for reference. He was concerned with truck traffic entering and exiting the quarry and the emission that would be produced. He felt alternative 6 or 7 would be appropriate to allow the continued extraction of rock without an asphalt plant. He suggested the asphalt plant be built at the Grist Creek facility. 73-1

Dori Kramer, Keep the Code, agreed that she was not opposed to the rock extraction, but was deeply concerned with the possible asphalt plant and rezoning the property to an industrial use. She discussed the property characteristics as very steep, within a severe shake zone and was concerned that fill construction could slide into Forsythe Creek. She was also unclear on the nighttime simulations. 73-2

Sheila Jenkins was concerned with traffic impacts due to large trucks navigating a treacherous stretch of highway. She felt the operation would be better located in an industrial zoning with infrastructure to accommodate large vehicles. She also noted that the EIR lacked any mention of the severity of an accident on the Willits grade and felt the mitigation was unenforceable. 73-3

Ike Heinz was opposed to the ordinance amendment and rezoning and was concerned with emissions from an asphalt plant that would destroy the views and ruin the environment. 73-4

Rose Raiser Jeavons was opposed to the asphalt plant near her school and the Golden Rule community and was concerned with health risks and damage to wildlife and habitat. 73-5

Cynthia Raiser Jeavons, board member of La Vita Charter School, was concerned with the health affects that the toxins would have cumulatively to the school children and residents. She felt the EIR was lengthy and confusing and thought air quality was a detriment to the public. 73-6

Mark Oswell noted he was a retired Operating Engineer from the Local 3 Union and stated his support of the project. He discussed 2 types of asphalt plants and noted that the proposed batch plant would reduce pollution by removing trucks from the road. He stated that currently, asphalt was delivered from Sonoma County or farther for jobs and if the plant was closer, truck emissions could be reduced. 73-7

Ruth Van Antwerp discussed the photo of lighting in the DEIR and felt there was a lack of oversight in water usage with the project. She asked that the applicant be limited to the amount of water stated in the EIR. 73-8

Kathryn Greene commented that she could already hear noise from the site and freeway traffic and was concerned that the asphalt plant would ruin the water, destroy the environment and kill the wildlife. 73-9

DRAFT

Jim Houle approved of the EIR overall, but felt it was unlikely that the applicant could overcome the fear against the facility. He noted that the County did need a supply of asphalt and suggested the Grist Creek facility or Masonite as an industrial location for the asphalt plant. 73-10

Patricia Tetzlaff stated she was a microbiologist with experience in chemicals and toxicology and referenced section 4.6 from the DEIR, noting the project could jeopardize the health of workers and residents in area due to the cumulative and synergistic affects the pollutants from the asphalt plant could have when mixed. 73-11

Bob Whitney, Keep the Code, stated he was concerned with traffic in such a busy intersection and noted he was opposed to the asphalt plant, ordinance amendment and rezoning, but was in favor of the current quarry operation. 73-12

Susan Knopf was concerned that the diesel trucks fumes and particulate matter would travel down the valley into Ukiah and contaminate the area. She was concerned with water contamination and the welfare of the creek, habitat and wildlife from the asphalt plant and felt the mitigation measures were not effective. 73-13

Arjuna stated he could not fathom such a project in the proposed location. 73-14

Jan Stevens encouraged the Commission to take a site view of the project and discuss cement versus asphalt. 73-15

The public hearing was declared closed, noting the comment period was open on the Draft EIR until July 20, 2011.

[Break 10:53 AM – 11:07 AM]

Chairman Little asked staff about future proceedings.

Mr. Mobley commented that the next step was to have the proposed Ordinance Amendment and Rezone come before the Commission for consideration and send to the Board of Supervisors for discussion. He noted that the end of the comment period did not mean that written or oral comments could not be presented to the Commission; however the formal response from the consultant would end on July 20th.

Chairman Little encouraged the public to put their comments and concerns in writing for ease of response and send them to the department to move the process forward.

Commissioner Calvert commented that the table opposite page 236, figure 4.5-2, -3 was not clear and asked for further explanation. She also was not clear regarding the studies, what impact the wash plant might have to noise and asked if table 4.5-5, page 239 included the wash plant or not. 73-16

Commissioner Warner was concerned with the traffic issues and the safety of the intersection at Black Bart Drive and Highway 101, but was pleased to see further studies in Appendix C, including the background traffic data tables. She thought she would need more time with the traffic study to be comfortable with the analysis. She also asked if the new mineral combining district would apply in the coastal zone and if coastal sites had been considered for the project alternative. She discussed the ordinance in Appendix A and noted a redlined version would be greatly appreciated to see what language was new, specifically; she was concerned with the prohibition of offshore oil drilling. Last, she asked for details regarding the notation in Appendix B, Biological Resources, of D NL and LS. 73-17

Mr. Mobley noted the ordinance amendment would only apply to the Inland Zoning Code and would not affect the Coastal Zone.

Mr. Charles commented that the alternative sites had encompassed all currently permitted mines, but he would follow up on the Grist Creek operation.

DRAFT

Commissioner Holtkamp noted she had toured the site and was concerned with traffic, especially northbound trucks exiting the quarry. She also felt that she would need more time to be comfortable with the traffic study.

Commissioner Hall agreed with previous comments and felt that traffic safety was problematic as it currently exists. He was not convinced the revised plan was an improvement and was also concerned with vehicle emissions.

Chairman Little discussed the mitigations to potential impacts as outlined in the EIR and asked which agency would have precedence if a mitigation was modified by a permitting authority.

Mr. Charles commented that if it was a regulatory mitigation, the agency of authority would have precedence and noted Mr. Gonzalez might be able to provide further details.

Mr. Gonzalez commented that if through the process of construction or reclamation a portion of the project changed, it was possible that a modified reclamation plan might be needed to address mitigation measures. He also commented that the changes would be reviewed through CEQA and the scope of work could require a modification, change, or supplemental EIR.

Chairman Little discussed the location of the batch plant from the cross section in the staff report and asked if the pad could be lowered further to provide additional shielding of the batch plant.

Catherine McKeon, engineer for the applicant, stated that lowering the pad could impact development on the east side of the project due to the steep terrain and did not think it was a viable option.

DRAFT

Chairman Little discussed the proposed mitigation for traffic exiting the quarry and noted that truck trailers tend to "cheat" the turn coming across the lanes. He hoped Caltrans could provide a design for the intersection that was both feasible and safe. He also commented on the creation of a visual significance threshold. 73-18

Mr. Charles stated that Caltrans would have to sign off on the design and discussed the various way to quantify the view threshold. He stated it was confusing and subjective to a degree.

Commissioner Hall was unclear on the necessity to create a new zoning district and was concerned at the potential implications. He felt there should be a compelling reason to change the zoning; otherwise it would be unwise to rezone the quarry site.

Chairman Little asked staff if the discussion would be continued to the July 21, 2011 Planning Commission meeting.

Mr. Speka noted the end of the comment period was July 20th and that the project would have to be noticed for the continuance.

Chairman Little did not think that extending the comment period and continuing the discussion to the next meeting would pose a problem if the remainder of the Commission concurred.

The Commission agreed to continue the discussion to the July 21, 2011 Planning Commission hearing, noting the EIR comment period would also be extended to that day at 5:00 PM.

9. Matters from Public.

No one was present from the public who indicated a desire to address the Commission.

10. Adjournment.

Upon motion by Commissioner Hall, seconded by Commissioner Holtkamp, and unanimously carried (5-0), IT IS ORDERED that the Planning Commission hearing adjourn at 11:45 a.m.

Responses to Comments Made at the June 16, 2011 Planning Commission Public Hearing

Jack Magne

73-1. The commenter's opinions about the merits of the project and the RDEIR alternatives are noted for the record. See Response 16-7 regarding the Grist Creek site.

Dori Kramer

73-2. The commenter's opinions about the merits of the project are noted for the record. Please see responses to Comment Letter 13 and Response 64-3 about pad fill stability.

Sheila Jenkins

73-3. See Response 21-1 to this same commenter regarding traffic safety. The RDEIR recognizes the hazard of loaded fuel trucks crossing the highway and requires Mitigation Measure 4.9-B.1 to address this potentially significant impact. The commenter's opinion that the mitigation is unenforceable is noted for the record. We would note that in addition to the required mitigation that drivers of these trucks are trained and quite familiar with the hazard their trucks pose to both themselves and the public. It would not be expected that they would make turning movements across the highway that put themselves or the public at risk.

Ike Heinz

73-4. The commenter's concerns about the project are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Rose Raiser Jeavons

73-5. The commenter's concerns about the project and its impacts are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Cynthia Raiser Jeavons

73-6. The commenter's concerns about the project and its impacts are noted for the record. We concur that the RDEIR was lengthy and likely confusing. The length and complexity is an unfortunate byproduct of the legal requirements that EIRs currently need to comply with in order to be considered "adequate." As no questions are asked regarding the RDEIR, no additional response is required.

Mark Oswell

73-7. The commenter's opinions about the merits of the project are noted for the record.

Ruth Van Antwerp

73-8. Please see Response 26-1 regarding the nighttime photosimulation and Response 63-1 regarding monitoring water usage.

Kathryn Greene

73-9. The commenter's concerns about the project and its impacts are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Jim Houle

73-10. The commenter's opinions about the merits of the project are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Patricia Tetzlaff

73-11. See the previous responses to the commenter's letter where she raises the same point (Comment Letter 19).

Bob Whitney

73-12. The commenter's concerns about the project and its impacts are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Susan Knopf

73-13. The commenter's concerns about the project and its impacts are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Arjuna

73-14. The commenter's opinions about the merits of the project are noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Jan Stevens

73-15. The suggestion is noted for the record. As no questions are asked regarding the RDEIR, no additional response is required.

Commissioner Calvert

73-16. These figures show the measured maximum noise (Lmax), average noise (Leq), and noise exceeding various levels over a 1-hour period at two measurement locations. The wash plant is not an especially noisy operation and would not be audible from off site locations above other noise generated onsite. Table 4.5-5 does include the wash plant operation.

Commissioner Warner

73-17. Please see responses to Comment Letters 8 and 11 regarding traffic issues. All of Appendix A is new zoning language to address the new combining district. The letters in the cited table refer to the potential for the species to occur on the project site: N - not expected to occur; N-L = not expected to low potential to occur; L = low potential to occur; L-M = low to moderate potential to occur; M = moderate potential to occur; M-H = moderate to high potential to occur; and H = high potential to occur.

Commissioner Little

73-18. Caltrans would need to approve all changes to Highway 101. The RDEIR assesses visual impacts on a qualitative basis.

MENDOCINO COUNTY PLANNING COMMISSION

MINUTES FOR THE MEETING HELD ON:	**July 21, 2011**
LOCATION:	Mendocino County Board of Supervisors Chambers 501 Low Gap Road, Room 1070 Ukiah, California
COMMISSIONERS PRESENT:	Little, Calvert, Nelson, Holtkamp, Hall, Ogle
COMMISSIONERS ABSENT:	Warner
PLANNING & BLDG SVC STAFF PRESENT:	Roger Mobley, Chief Planner John Speka, Planner II Mary Lynn Hunt, Planner II Dusty Duley, Planner II Adrienne Thompson, Commission Services Supervisor
OTHER COUNTY DEPARTMENTS PRESENT:	Tom Peters, Department of Transportation Jeanine Nadel, County Counsel Dave Jensen, Division of Environmental Health

1. Roll Call.

The meeting was called to order at 9:03 a.m. Commissioner Warner was absent by prearrangement.

2. Determination of Legal Notice.

The Clerk advised the Commission that all items had been properly noticed.

3. Director's Report and Miscellaneous.

Mr. Mobley presented a verbal Director's Report in Mr. Gonzalez' absence. He noted the Ukiah Valley Area Plan would be presented to the Board of Supervisors for approval on August 2, 2011 and then the department could begin work on the Mendocino Town Plan. Mr. Mobley also commented that the Fort Bragg Planning and Building office had moved to 120 West Fir Street.

4. Regular Calendar.

4a. DISCUSSION AND PUBLIC COMMENT ON THE REVISED DRAFT EIR FOR: CASE#: UR 19-83/2005/ OA 1-2007 (Continued from 6-16-11)

DATE FILED: 1/14/2005
OWNER: FRANK DUTRA AND ERICA PETERS AND JORGE LUNA
APPLICANT: NORTHERN AGGREGATES, INC
REQUEST: Use permit renewal/modification and reclamation plan and an ordinance amendment to the existing County code to allow for: 1) the extraction of up to 200,000 in-place cubic yards (cy) of rock from a hillside quarry (approximately 258,000 cy processed); production of up to 150,000 tons of asphalt per year from the processed material; and nighttime operations that could occur up to 100 nights per year; 2) an amendment to the County Zoning Ordinance creating a new Mineral Processing (MP) Combining District to allow for asphalt processing to occur onsite with a concurrent rezone adding the combining district to an 18-acre portion of the project site to accommodate the proposed asphalt facility; and 3) a revised Reclamation Plan for the site.
LOCATION: Approximately 7 miles south of Willits, the quarry and aggregate processing site lies on the west side of Highway 101 just south of its intersection with Black Bart Drive (CR# 370); the asphalt and concrete plants are located on Black Bart Drive, approximately 1 mile west of its intersection with Highway 101, located at Mile Marker 40.77 Black Bart Drive; AP# 147-180-07,

147-180-08, and 147-140-07.
PROJECT COORDINATOR: JOHN SPEKA

Ms. Cathy McKeon introduced Allan Tilton, who had prepared the traffic study.

Mr. Allan Tilton discussed a power point presentation he had prepared and an illustration that was displayed in the Board Chambers and discussed the lengths of the deceleration lane into the project site and the northbound acceleration lane. He discussed how vehicle miles traveled (VMT) were measured and noted the importance of population to aggregate production. He compared the Harris Quarry site and Grist Creek site, stating that VMT's would be reduced by approving an operation on Harris Quarry. He also was confident in the safety measures proposed on the Freeway and discussed the analysis of the traffic volume, which was overestimating the level of service on the roadway.

Ms. McKeon provided a comparison of three asphalt sites including Grist Creek, Harris Quarry and Granite's operation in Ukiah and stated in a one mile radius; Harris quarry was surrounded by 65 parcels; the Ukiah plant was surrounded by 900 parcels and Grist Creek was surrounded by 68 parcels. She commented that Harris Quarry posed the least impacts, noting that Grist Creek offered a similar road on Hwy 162, was directly adjacent to the creek and within a Floodplain. She distributed a handout to the Commission of the power point and other information prepared by Calcima.

Commissioner Holtkamp asked for a more specific description of the flashing warning signs.

Mr. Tilton described the signs as saying "slow trucks entering" and having yellow flashing balls and lights.

Commissioner Hall asked if Mr. Tilton had considered having the lights operational only when trucks were moving to draw more attention to the safety notice.

Mr. Tilton noted that traffic signals were regulated by Caltrans, but warning signs appeared sufficient with the site distance.

Commissioner Little noted the conflict between Black Bart Drive and the intersection and asked if it had been proposed to realign Black Bart Drive with the quarry site.

Ms. McKeon noted the owners along Black Bart had requested early in the process that truck traffic not use any portion of Black Bart Drive, so a realignment had not been pursued.

The public hearing was declared open.

William Smith noted he was in support of the project to help the local economy, provide infrastructure and building materials within the County, and provide more competition in the area. He did not feel an alternate location was practical.

Mr. Mobley noted the purpose of the hearing was to take public comment on the EIR document.

Stacey Rohrbaugh was opposed to the project and concerned with traffic.

Linda Martin, resident of Golden Rule Mobile Home Park, was opposed to the project and concerned with the amount of toxins released by an asphalt plant, increased traffic, and felt the land should not be rezoned.

James Garza read a letter he had written to Vice President Walter Mondale about his opposition to the project.

Patricia Tetzlaff stated she was a licensed micro biologist and concerned with the health effects of an asphalt plant. She stated there would be 72 tons of toxic emissions released from the site and did not trust Northern Aggregates to keep their word, since they had been operating in violation for years. 74-1

Ann Kelly, Executive Director of La Vida Charter School, noted she appreciated the work and information provided in the EIR, but was concerned with air quality, traffic safety and noise and was opposed the project.

Jack Magne, Keep the Code, felt the rezoning was a stealthy way to approve a mineral processing district in the County and was opposed to the project and proposed rezoning.

Walter Williams, resident at Golden Rule, agreed with the previous comments opposed to the project and felt the City of Ukiah would be affected by toxic fumes.

Joy Wood was opposed to the project and felt it was the next "Remco" stating the water and air would be polluted; agriculture would be affected and the lights would affect the dark sky.

Scott Bryant, recently moved to Golden Rule, stated he was unaware of the project when he purchased his home and would not have bought the property if he had heard of the proposed asphalt plant. He noted the sediment ponds would run into Forsythe Creek, a tributary to the Russian River, which services 570,000 people, plus irrigation for vineyards and was concerned with water quality. 74-2

Ike Heinz was opposed to the project and read a letter to the Commission.

Sheila Jenkins was opposed to the project and felt that it was against the General Plan to site an asphalt plant near residential uses. She was concerned with pollution in the creek, potential slope failure from the fill and felt the traffic plan was a disaster with serious safety issues.

Ruth Van Antwerp asked if the night simulation was a working night, or just how the plant would look during the night and was opposed to the project due to the potential rezoning.

Jerry Wells, resident Golden Rule, was opposed to the project due to health concerns and felt it was unfair to allow Northern Aggregates to rezone the land for their development.

Tracey Wells, resident of Golden Rule, gave an example of a dangerous traffic situation and was opposed to the project due to its proximity to residences, schools, gardens, and felt there was insufficient to approve the project.

Tom Powell, resident of White Deer Lodge, read a letter opposed to the project due to site conditions.

Rob McAsey, nearby property owner, was in support project and felt the traffic mitigation was appropriate for the highway.

Tom Peters was in support of the project and noted the potential for jobs, a plant to make hot mix, and the convenient location was important to the residents of Mendocino County. He commented that currently, residents had to purchase mix from Sonoma County, which increased vehicle trips in and out of the County.

Dori Kramer was opposed to the project and concerned with stability of the fill on a steep slope. She submitted information prepared by Matt O'Conner, certified engineer, that Keep the Code had complied. 74-3

Mark Oswell was in support of the project and noted he had worked for several asphalt companies including Parnum and Syre. He did not think traffic would be a problem and stated the plant proposed would be more efficient than Granite's in Ukiah, eliminating the need to purchase from Sonoma County.

Sarah Livingston was opposed to project and rezoning of the parcel. She was concerned with potential health effects to her children and asked what mitigations would be in place.

Larry Jensen was absent but left a letter with Dori Kramer, who read into the record.

Quinn Schumaker was opposed to the project and concerned with pollution in the drinking water.

Dorotheya Dorman was opposed to project.

Chris Brown, Mendocino County Air Quality Management District was available for questions.

Stephen Butler, Land Use Attorney for Northern Aggregates, noted that after the closing comments, Northern Aggregates would like to request a continuance of the comment period for 45 days to allow for further written comments. 74-4

Cathy McKeon clarified that only 40 foot of fill would be placed in the deepest section and stated there was a geotechnical report on file.

Allan Tilton further discussed traffic mitigation and noted the statistical analysis on page 4.4-8.

Susan Knopf was opposed to the project and concerned with the list of 39 toxins in the EIR.

Lee Howard was in support of the project and thought the EIR was acceptable. He noted that Sonoma County had a similar plant in operation every day and with current technical advancement, the proposed project should be simple to approve.

Jerry Wells stated there was a lot of NIMBY (not in my back yard) in the room and agreed, he was one. He as opposed to the project due to health concerns.

James Garza added a second comment that he was concerned with the location on a hill and noted traffic issues with the foggy nights.

[Break 11:02 AM - 11:09 AM]

Chairman Nelson asked for a motion to close the public hearing and extend the comment period on the Draft EIR for 46 days, noting Labor Day would fall on the 45th day.

Upon motion by Commissioner Little, seconded by Commissioner Calvert and carried by a voice vote of (6-0), IT IS ORDERED to close the public hearing on the Draft EIR, extending the written comment period to September 6, 2011.

The public hearing was declared closed.

Chairman Nelson noted the Final EIR would come back before the Commission.

Mr. Mobley discussed the next step for the document stating that the consultant would first need to respond to comments after the close date of September 6, 2011, then prepare the Final EIR, which he expected would take a month or two to complete before the document could come back before the Commission for comment and recommendation to the Board of Supervisors for certification.

Commissioner Ogle asked when the Commission would discuss the alternatives in the package.

Mr. Mobley noted the alternatives would be discussed when the Commission made recommendation on the project, but the Board of Supervisors had the final decision.

4b. CASE#: U 10-2010

DATE FILED: 6/15/2010
OWNER: SCOTT & MELISSA ROSENTHAL
APPLICANT: T-MOBILE WEST CORP/TALLAC
AGENT: DAVID MILLER
REQUEST: Use Permit to authorize construction and operation of a wireless telecommunication facility to support a wireless provider (T-Mobile), consisting of a 160 foot tall lattice tower, 9 panel antennas and 2 microwave dishes.
LOCATION: 1+/- mile south of Leggett town center, lying on the west side of State Highway 271, 0.3+/- miles north of its intersection with State Highway 101, located at 66150 Drive Thru Tree Road; AP# 053-400-43.
PROJECT COORDINATOR: DUSTY DULEY

Responses to Comments Made at the July 21, 2011 Planning Commission Public Hearing

As the Minutes indicate, most commenters expressed their opinion on the merits of the project. Only the comments on the RDEIR are responded to below.

Patricia Tetzlaff

74-1. These comments are the same as the commenter presented in her comment letters; please see Comment Letters 19 and 20 and the responses to those letters.

Scott Bryant

74-2. There would be no runoff from sediment ponds to Forsythe Creek as no sediment ponds are part of the project. The Hydrology and Water Quality Section (Section 3.2) of the RDEIR discusses potential impacts to water quality, and how these impacts can be mitigated to a less than significant level.

Dori Kramer

74-3. The letter the commenter submitted is Comment Letter 13 that was presented earlier in this FEIR. Please see the responses to that letter.

Steve Butler

74-4. The County agreed and extended the public review period an additional 45 days.

CHAPTER 3
REVISIONS TO THE REVISED DRAFT EIR

The following chapter presents changes to the text of the Revised Draft EIR that are warranted given the comments presented in Chapter 2. There are also several changes needed to resolve errata in the DEIR. Changes are shown in the following manner:

- Additions to the text are shown as underlined text like this added text.
- Deletions from the text are shown as strike-out text, like this ~~strike-out~~.

1. Page 63. The text has been revised as follows: "The permit provides for an annual 75,000 cubic yard extraction rate, which the applicant has historically interpreted as meaning 75,000 cubic yards *in situ* (I.e. the volume of rock as measured in place in the quarry wall or floor~~) cubic yard extraction rate~~, which is the current annual production rate.

2. Page 81. The following text is added to the end of Section 2: "The applicant is limited to asphalt production of 300 tons/hour with a total maximum annual output of 150,000 tons/year. The plant scales shall be managed by a certified weigh master. Submittal of the annual asphalt concrete tonnage produced will be submitted to the County Planning Department annually, on July 1st of each year." This will become a condition of approval for the project."

3. Page 110. The following typographic error has been fixed: "Rau and Associates, Inc., of Ukiah, California submitted a reclamation plan for the Harris Quarry expansion, prepared January 2005, and amended in September 2006 (with a latest revision ~~January 2010~~ November 2011)."

4. Page 110. The following text change is made: "A Geotechnical Evaluation of the proposed Harris Quarry Processing Facilities by Blackburn Consulting, Inc., dated March 28, 2005, concluded that the project is feasible ~~provided that a design level geotechnical study is performed during final design~~."

5. Page 115. The following typographic error has been fixed: "The Final Grading Plan, with a final revision dated ~~January~~ November 2010, includes excavation of the quarry to the north and west, maintaining the current quarry floor elevation of 1,850 feet "

6. Page 116. The following mitigation text change is made: "4.1-A.1 Prior to the start of the second year of grading in the quarry expansion area, and biannually thereafter, a licensed Geotechnical Engineer and Certified Engineering Geologist shall inspect the slopes of the quarry excavation in accordance with then current Mine Safety and Health Administration (MSHA) requirements as the quarry progresses, and a final slope stability analysis will be performed prior to the quarry face progressing within 150 feet of the proposed final slope face." ~~would be appropriate. and perform a slope stability evaluation. The evaluation shall determine whether the excavated quarry face meets the slope stability~~

~~performance criteria, which are a minimum pseudo-static factor of safety of greater than or equal to 1.1, and a static factor of safety of greater than or equal to 1.3.[18] The evaluation shall include a determination that the factor of safety is consistent with the requirements of Section 3704(d) of the State Mining and Geology Board Reclamation Regulations. The evaluation of potential static and dynamic quarry slope conditions shall be consistent with the provisions of the California Division of Mines and Geology Guidelines for Evaluating and Mitigating Seismic Hazards (CGS Special Publication [SP] 117, 1997). In the event that the evaluation determines that the slopes do not meet the slope stability performance criteria, the evaluation shall include recommendations for revisions to the grading plan that will ensure compliance with the criteria."~~

7. Page 117. The following typographic error has been fixed: "The proposed slopes could also be unstable if not correctly designed and constructed, and settlement would be expected in the up to ~~75~~40-foot thick fill slopes. This could result in cracking or other damage to concrete foundations, pavement, and other improvements."

8. Page 118. The text of Mitigation Measure 4.1-B.2 is revised as follows: "The processing building pad will be designed and constructed to be stable for the maximum credible earthquake for the area. A ~~design-level Geotechnical Investigation~~ supplement to the previous design level study prepared by BCI shall be performed in the area of the proposed asphalt processing area that will ~~identify~~ verify design measures needed to ensure building pad stability, including for the design seismic event. The following will be included in the supplement ~~design-level Geotechnical Investigation~~.

   1) The investigation shall specifically address the feasibility and long-term stability of 1h:1v cut slopes and 1.5h:1v fill slopes. A slope stability analysis of proposed cut and fill slopes will be performed. Recommended maximum gradients for cut slopes and engineered fill slopes required to maintain a 1.3 static factor of safety will be determined.

   ~~2) The potential for generating landslides and other mass wasting in the underlying geologic materials from loading with fill soils on slopes and removal of toe support in cut slopes shall be evaluated.~~

   3) The potential for settlement shall also be addressed and the analysis shall include characterization of gross settlement, differential settlement, and dynamic (earthquake induced) settlement within and between adjacent materials. The study will include design recommendations for structural footings and foundations to minimize future settlement.

   ~~4) Specific design mitigation measures for long-term stability of the cut and fill slopes shall be developed. These mitigation measures are anticipated to include construction of bedrock keyways underlying all fill slopes, installation of subsurface drainage measures to drain the contact between underlying bedrock/soils and overlying engineered fill soils, the use of Geogrid~~

~~[18] The pseudo-static factor of safety was derived from the CGS SP117, while the static factor of safety of 1.3 is based upon an acceptable engineering standard for stability of temporary slopes.~~

~~stabilization fabrics in the engineered fill to allow for construction of stable slopes at slope steepness greater than 2h:1v, and other design measures as identified by the Certified Engineering Geologist and Geotechnical Engineer of record for the project.~~

5) Design Review and Approval of Plan Sheets will be done by the Mendocino County Public Works and Building Departments to ensure conformance with Grading and Drainage Ordinances and the recommendations of the final geotechnical report.

6) Construction observation and testing (special inspections) will be done during construction to ensure conformance with design requirements and geotechnical recommendations.

9. Page 122. The following text of Mitigation Measures under Impact 4.2-D are revised as follows: "~~4.1-D.2 A design level Geotechnical Investigation shall be performed in the area of the proposed road cuts at the quarry entrance road and on proposed cuts along the access road to the water tank that will identify design measures needed to ensure building pad stability, including for the design seismic event. The investigations shall specifically address the feasibility and long-term stability of 1.5h:1v cut slopes for the main access road and 1h:1v cut slopes for the water tank access road. The potential for generating landslides and other mass wasting in the underlying geologic materials from removal of toe support in cut slopes shall be evaluated. Specific design mitigation measures for long-term stability of the cut slopes shall be developed. These mitigation measures are anticipated to include construction of bedrock keyways underlying all fill slopes, installation of subsurface drainage measures to drain the contact between underlying bedrock/soils and overlying engineered fill soils, the use of Geogrid stabilization fabrics in the engineered fill to allow for construction of stable slopes at slope steepness greater than 2h:1v, and other design measures as identified by the Certified Engineering Geologist and Geotechnical Engineer of record for the project.~~

4.1-D.~~3~~2 ~~The Geotechnical Investigation~~ The supplement described in Mitigation Measure 4.1-B.2 shall include slope stability analysis for the proposed road cuts to confirm that the proposed slopes meet minimum standards of stability such as factor of safety calculations. This study shall be performed by a Certified Engineering Geologist or Geotechnical Engineer.

~~4.1-D.4 Anticipated recommendations from the geotechnical investigations and slope analyses will include maximum proposed cut slope steepness which may vary from the proposed design, slope stabilization measures such as retaining walls, and other methods that may be identified during the slope stability analysis. Recommendations may also include alternative designs such as biotechnical engineering techniques, gravity walls, buttress fills, reinforced fills, and other slope stabilization techniques.~~

4.1-D.~~5~~3 A Civil Engineer shall design any required retaining walls, gravity walls, buttress fills, or other slope stabilization technique in accordance with

recommendations of the geotechnical investigations and slope stability analysis and in accordance with County and State Guidelines.

~~4.1-D.6~~4 ~~An erosion control plan and planting plan shall be developed for stabilization of any soils excavated or exposed during construction activities~~."

10. Page 158. The text for Mitigation Measure 4.2-A.5 is revised to delete the following portion: "~~Benches shall drain into adequately sized pipes or rock-lined channels that convey the runoff to the quarry floor. Outlets of pipes shall have appropriate energy dissipaters to prevent erosion at the outfall.~~"

11. Page 158. The text for Mitigation Measure 4.2-A.6 is revised as follows: "Runoff from all access roads shall be collected and passed through a treatment swale or trap system prior to entering the existing or planned drainage features for the highway improvements that outfall to the secondary channel of the Forsythe Creek tributary. ~~Ditch flow shall not exceed 100 feet of concentrated flow.~~"

12. Page 160. The following text is added to the end of Mitigation Measure 4.2-A.6: "The bio-retention swale shall be designed to meet all RWQCB requirements, including being able to handle the 100-year storm event with 6 inches of freeboard."

13. Page 203. The typographic error has been fixed as shown: "The reports are included in Appendix ~~C~~ E of the original Draft EIR, which is on file for public review at the offices of the County Department of Planning and Building Services."

14. Page 256. The following sentence is added after the discussion of crystalline silica: "OEHHA has established an acceptable exposure level for crystalline silica's potential health effect, but since it is not a TAC, it is not specifically regulated by the MCAQMD. Crystalline silica has not been identified as a TAC by the California Air Resources Board and therefore it is not specifically regulated by the MCAQMD."

15. Page 219. The text for Mitigation Measure 4.4-B.1 is revised as follows: "Highway 101/Southbound Approach – Provide a right-turn deceleration lane on Highway 101 at least ~~400~~ 200 feet in length."

16. Page 220. The text for Mitigation Measure 4.4-B.2 is revised as follows: "If the County and Caltrans agree that such operational changes and/or highway improvements are warranted, then they shall be installed within two years of Caltrans' approval~~three years.~~ The applicant shall be responsible for paying its fair share (as determined by Caltrans and the County) of the improvements."

17. Page 221. The text for Mitigation Measure 4.4-B.2 is revised to delete some text as follows: "~~Sufficient right-of-way shall be maintained at the Highway 101/Harris Quarry Access intersection to provide a partial or full interchange, if ever required.~~"

18. Page 291. The following text is added after Table 4.6-18. "The discussion of wind patterns presented was a general discussion of wind patterns in the area, not a specific wind pattern analysis of areas south of the project site, which includes the Golden Rule Residential Park. Specifically, this discussion was based on a description of wind patterns in the County contained on page 8B-2 of the *Mendocino County General Plan Update, Background Report*, January 2003. In describing the wind patterns in the County, the background report stated:

"The prevailing winds are from the northwest, with local variations due to topography. During daylight hours, up-canyon local winds predominate. In the evening hours down-canyon "drainage" flows along watercourses predominate. Coastal hills are drained by numerous small creeks. In the central interior of the County, two major river valleys run in a north-south direction. The Eel River drains northward into Humboldt County along a relatively narrow river canyon. The Russian River drains southwards in a relatively wide canyon into Sonoma County."

Due to large scale and local terrain features, down-canyon winds will occur in the area south of the project site. Down-canyon winds would occur from the north where the quarry is situated, as well as from the two northwest-southeast trending ravines that are just to the northwest of the Golden Rule area. Winds from each of these areas would contribute to the northerly winds observed in the area, in addition to the northerly winds caused by large scale weather patterns.

With respect to wind speeds, the 5 mph wind speed referenced above is an overall average wind speed for all directions at the Willits site, averaged over all hours of the year, not a wind speed specifically associated with the daytime or nighttime up-canyon or down-canyon winds in the vicinity of the Golden Rule Residential Park. As would be expected, wind speeds in the project area for any given hour of the day will at times be greater than the average wind speed and lower than the average at other times, and will vary with direction, time of day, and season. Thus, observations that daytime down-canyon winds are higher than the average wind speed (closer to 10 to 15 mph) are entirely reasonable. Also, there may be times when the winds gust to 20 - 25 mph. However, since wind gusts are of short duration, and not representative of normal or average conditions, it is not expected that an overall annual average wind speed would be of the same magnitude as the wind gusts. The annual average wind speed is expected to be much lower than a wind gust speed.

The Willits meteorological data used for pollutant dispersion modeling included winds from the north and northwest (winds towards the Golden Rule Residential Park) with wind speeds ranging from 1 meter per second (m/s) to 3.5 m/s (2.2 mph to 10.1 mph). Wind speeds at the Harris Quarry site are likely to be higher than those measured at the Willits site. Thus, it is likely that the dispersion modeling described above used wind speeds lower than may actually occur. Since a pollutant concentration at a downwind location from an emission source is inversely proportional to the wind speed[19,20], as the wind speed decreases the

[19] D. Bruce Turner. *Workbook of Atmospheric Dispersion*, U. S. EPA, 1970.

concentration increases. Or conversely, for a given level of emissions from a source, the downwind concentration at a specific location will decease as the wind speed increases. Therefore, when considering that the wind speeds used in the dispersion modeling based on the Willits data are likely lower than may occur at the project site, and the predicted concentrations from the dispersion modeling are likely to overestimate the pollutant concentrations due to use of lower than actual wind speeds.

Potential health risks at Golden Rule Residential Park and Church of the Golden Rule were evaluated using MCAQMD-recommended methods, which included dispersion modeling to estimate toxic air contaminant concentrations. Meteorological data from a meteorological monitoring station in Willits was used with the dispersion models to predict pollutant concentrations in the project area, including areas in the Walker Valley south of the project site.

The Willits meteorological monitoring station is the closest location where meteorological data were available. Historically, there has been no long term meteorological monitoring of parameters needed for dispersion modeling in the vicinity of the project site, and only limited monitoring in the project region. The Willits meteorological data were obtained from a location near South Main Street between Franklin Avenue and Walnut Street at an elevation of about 1,400 feet. This monitoring station is about 4.7 miles northwest of the project site. Elevations at the project site range from about 1,850 feet at the quarry site to about 2,200 feet at the location of the proposed asphalt plant.

Based on the Willits monitoring site location and its surrounding area, meteorological data from this station was considered generally representative of conditions in the region. Since site-specific meteorological data were not available these data were used in the dispersion modeling to estimate pollutant concentrations in the project area. While there would be variation in meteorological conditions between the Willits site and the project site due to differences in elevation and local topography, the Willits data was considered to be a reasonably representative of the range of meteorological conditions encountered at the project site. Due to the higher elevation of the project site compared to Willits, wind speeds at the project site are expected to be greater than winds in Willits.

As part of preparing the responses to comments on the RDEIR, a meteorological data set for the same year as the Willits meteorological data (2004) used in the dispersion modeling, derived from mesoscale meteorological modeling data, was obtained for the Harris Quarry location in order to assist in evaluating the representativeness of the Willits meteorological data.

Additional meteorological data was developed for the Harris Quarry site by Lakes Environmental[21] based on a high resolution meteorological model designed to analyze the horizontal and vertical structure of the atmosphere. Lakes

[20] U.S. EPA. *User's Guide for the Industrial Source Complex (ISC3) Dispersion Models, Volume II – Description of Model Algorithms*. September 1995.
[21] http://www.weblakes.com/

Environmental used the wind fields and other data produced by the MM5 model (5th generation Mesoscale Model) to produce a set of surface based hourly meteorological data, including wind speed and wind direction, for the Harris Quarry site location for the same year as the Willits meteorological data (2004) used for the RDEIR dispersion modeling.

The MM5 model is a widely used three-dimensional numerical prognostic meteorology model developed by Pennsylvania State University and the U. S. National Center for Atmospheric Research (NCAR). The model is a limited-area, non-hydrostatic, terrain following sigma-coordinate model designed to simulate or predict mesoscale and regional-scale atmospheric circulation by solving for the full set of physical and thermodynamic equations which govern atmospheric motions[22]. The model uses objective analysis to process observed data at weather stations and output them to a regular grid. Using the gridded MM5 data and a specific site location, surface meteorological data are developed by creating a pseudo meteorological station and extracting the data from the grid cell that contains the site location.

Using MM5 data from 2004 and the location of the Harris Quarry, Lakes Environmental developed a set of hourly surface meteorological data for 2004 in the National Weather Service SAMSON format. This data included hourly wind speed and wind direction data. The wind speed and direction data were then used for comparison with the Willits meteorological data for 2004 to assess the reasonableness of the Willits data for use in dispersion modeling for the health risk assessment presented in the RDEIR.

As part of the comparison of the two meteorological data sets, the frequency of occurrence of winds, by time of day, along with the average wind speed, for each of the sixteen cardinal wind directions was calculated. Winds that would affect the area south of the quarry are those from the north through northwest during the daytime. For the daytime period when the quarry would be operating, from 6 a.m. through 6 p.m., the Willits meteorological data showed that winds from the north through northwest occurred about 1.4% of the time, with an average wind speed of 3.8 mph. The Harris Quarry meteorological data set showed that winds from north through northwest occurred about 3.1% of the time, with and average wind speed of 6.0 mph. Thus, based on this comparison, it appears that winds affecting the area south of the quarry would occur more frequently, but with higher wind speeds, than reflected in the modeling conducted for the RDEIR. These results would indicate that on an annual basis the area south of the quarry would be affected more frequently by emissions from the quarry (because of a larger percentage of winds directed towards the area to the south), but at lower hourly concentrations (due to the higher wind speed) than indicated by the RDEIR. Overall, it appears that use of site specific meteorological data for dispersion modeling of the Harris Quarry could result in an increase in annual pollutant concentrations that are used for assessing health risk by roughly 30 to 50%.

[22] Grell, G.; Dudhia, J.; Stauffer, D. *A Description of the Fifth-Generation Penn State/NCAR Mesoscale Model (MM5)*, National Center for Atmospheric Research, Boulder CO., 1994.

Based on modeling conducted for the health risk evaluation using the Willits meteorological data, the increased cancer risks to persons at the Church of the Golden Rule from the proposed project for 30 years of operation would be 0.02 cases per million people, and 0.04 cases per million people for the Golden Rule Mobile Village. For operation of the proposed project for 70 years, the increased cancer risks would be 0.14 per million for the Church of the Golden Rule and 0.17 per million for the Golden Rule Mobile Village. The MCAQMD threshold of significance for increased cancer risk from a project is 10 cases per million.

In order for the increased cancer risks from the proposed project to be considered significant in the area south of the quarry, they would have to be 60 to 250 times higher (6,000% to 25,000% higher) than those estimated using the Willits data. The possible underestimation of annual pollutant concentrations due to use of the Willits meteorological data for the dispersion modeling would not change the conclusion that potential health risks effects at the Church of the Golden Rule or the Golden Rule Mobile Village would be considerably lower than the MCAQMD health risk significance thresholds.

To conclude, the additional meteorological data indicates that the area south of the project site would be exposed to higher annual concentrations of pollutants than described using the Willits weather data. However, the principal factor affecting the dispersion modeling and pollutant concentration is the distance from the proposed asphalt plant. The pollutant concentrations would be substantially below the significance threshold as reported above."

19. Page 299. The following text is added after the third paragraph under Impact 4.6-I: "The total indirect GHG emissions from the proposed project are 2,007 short tons per year (tons/year), or 1,821 metric tons of CO2 equivalents per year (MT CO2e/year). As shown in Table 4.6-6 the total indirect CO2 baseline emissions associated with existing conditions are 706 tons/year. The net increase of indirect CO2e emissions from the proposed project is 1,301 tons/year, or 1,180 MT CO2e/year.

As shown in Table 4.6-8, the MCAQMD significance threshold for GHGs for projects other than stationary sources (i.e., indirect sources) is 1,100 MT CO2e/year, not 1,200 MT CO2e/year as referenced in the comment. Since indirect emissions associated with the proposed project would have a net increase of 1,180 MT CO2e/year, these emissions would be greater than the significance threshold for indirect sources. As described above, the project would have a potentially significant impact regarding conflict with plans and regulations that address GHG emissions.

When calculating GHG emissions for the proposed project several State and CARB regulatory requirements that have been recently adopted were not accounted for. For mobile sources these regulations include the CARB Low Carbon Fuel Standard (LCFS), which calls for a reduction of at least 10% in the carbon intensity of California's transportation fuels by 2020, and the "Pavley" regulations that reduce GHG emissions in new passenger vehicles from 2009 through 2016. The Pavley regulations will reduce GHG emissions from

passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016. In addition to GHG requirements affecting mobile sources, Senate Bill 2 of the First Extraordinary Session (Simitian, SB 2 (1x)), which requires California energy providers to buy 33 percent of their energy from clean, renewable energy sources by 2020, was signed into law on April 12, 2011. In 2010, 15.9 percent of PG&E's energy load was provided by renewable energy sources[23.] GHG emissions from PG&E generated electricity with the increased renewal energy source requirements will further reduce GHG emissions from the proposed project. Incorporating the above regulatory requirements into the proposed project's estimated GHG emissions would reduce the emissions to levels below the significance levels for indirect sources.

As importantly, the project would result in a decrease in regional VMT (see pages 281 and 296 of the RDEIR). As such, it is expected that on a regionwide basis there would be no increase in indirect emissions. Finally, Mitigation Measure 4.6-I.1 would reduce indirect emissions by more than 80 MT CO2e/year."

20. Page 319. The text of the following sentence is revised: "The District includes two stations; the main station on East Commercial Street in Willits and a second station on Baechtel Road in Willits. The main station has two Incident Command System (ICS) Type 1 engines, ~~three~~ one Type 3 4-wheel drive engines, and one rescue vehicle. The Baechtel Road station has one Type 1 engine, one Type 3 4-wheel drive engine, one 4,000-gallon water tender, and one 75-foot ladder truck. Volunteers include 13 EMTs, and the rest are First Responders."

21. Page 373. Table 5.2-1 is revised as shown below:

[23] California Public Utilities Commission, 2011. *Renewables Portfolio Standard, Quarterly Report, 2nd Quarter 2011*.

Revised Table 5.2-1

Vehicle Miles Traveled Summary

Base Permit		Project		Project plus Near Term Cumulative		Change In VMT
Annual Trips	Annual VMT	Annual Trips	Annual VMT	Annual Trips	Annual VMT	
3,719	98,761	7,550	225,263	4,494	175,631	76,870
3,721	322,636	3,579	318,899	2,889	282,894	-39,742
4,959	415,506	4,747	401,631	3,847	366,318	-49,188
1,240	145,695	1,209	144,970	972	127,656	-18,039
992	133,202	973	129,297	774	98,123	-35,079
9,920	287,671	8,096	236,262	7,597	271,745	-15,926
2,480	75,480	2,018	58,816	1,459	38,935	-36,545
2,481	109,033	2,058	89,771	1,605	75,623	-33,410
2,480	69,650	2,088	47,997	1,761	29,530	-40,120
2,480	329,488	2,420	319,171	1,925	243,918	-85,570
744	25,178	591	19,419	422	12,982	12,196
1,241	108,060	1,199	104,864	954	80,090	-27,970
2,449	326,041	2,412	319,551	1,942	280,657	-45,384
0	0	0	0	8,341	149,109	149,109
38,936	***2,446,401***	***38,940***	***2,415,911***	***38,982***	***2,233,211***	***-213,190***
0	0	2,644	85,621	2,644	85,621	85,621
7,499	284,767	5,444	183,063	5,444	183,063	-101,704
1,718	71,146	1,815	61,089	1,815	61,089	-10,057
2,501	445,239	1,816	318,347	1,816	318,347	-126,892
11,718	***801,152***	***11,719***	***648,120***	***11,719***	***648,120***	***-153,032***
50,654	***3,247,553***	***50,659***	***3,064,031***	***50,701***	***2,136,113***	***-366,222***

Note: VMT = Vehicle miles traveled

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