HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN

2019 Revised Final Environmental Impact Report
SCH #2006112087

Prepared for
Mendocino County Department of
Planning and Building Services

December 4, 2019

ESA



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CHAPTER 1
Introduction and List of Commenters

1.1 Purpose of this Document

This Revised Final Environmental Impact Report (FEIR) document includes all agency and public comments received on the 2019 Revised Draft Environmental Impact Report (RDEIR, SCH #2006112087) for the Harris Quarry Use Permit and Reclamation Plan project (proposed project). Written comments were received by the County of Mendocino during the 2019 RDEIR's public comment period from August 28, 2019 through October 15, 2019. Verbal comments were also received during a public comment session at the County of Mendocino Board of Supervisors chambers on October 7, 2019. This document includes written responses to each comment received on the 2019 RDEIR. The responses correct, clarify, and amplify text in the 2019 RDEIR, as appropriate.

This Revised FEIR document has been prepared in accordance with the California Environmental Quality Act (CEQA), and will be considered for certification by the County Board of Supervisors and used to inform their decisions on the proposed project.

1.2 Summary of Proposed Project

The project evaluated herein concerns the proposed expansion of the existing Harris Quarry and construction of an asphalt processing facility at the quarry (hereafter called "the project"). The existing quarry is on the west site of U.S. Route 101 (US-101) just south of the Ridgewood Grade and Black Bart Drive. Characteristics of the proposed project include the following:

- Amending the Mendocino County Zoning Code to create a Mineral Processing Combining District (MPCD).
- Rezoning 18 acres of Assessor's Parcel No. 147-140-07 to add the MPCD, allowing 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 to revert the 18 acres back to Rangeland zoning at the end of the Use Permit.
- Use Permit Renewal/Modification (UR 19-83/2005) to allow:
  - Extraction and processing of 200,000 cubic yards (CY) of aggregate on site 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.

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

The proposed project would allow the applicant to continue to mine the existing quarry and expand the quarry to the north and to the west. In all, the existing 11.5-acre quarry would be expanded to a final size of about 30.6 acres. An additional 9.2 acres would be developed for access and processing, and 5.1 acres would be disturbed to provide mitigation proposed to address project impacts. Quarrying would use the same techniques and equipment currently used at the site.

Project CEQA Timeline

Nov. 2006	Notice of Preparation (NOP)
Oct. 2007	Draft EIR
Aug. 2010	Revised NOP
May 2011	Revised Draft EIR
April 2012	Final EIR Certification
Nov. 2013	Trial Court Decision
Nov. 2018	Appeal Court Decision
Aug. 2019	2019 Revised Draft EIR
Dec. 2019	Rescind Certification of 2012 Final EIR & Consider Certification of a New Final EIR

A complete description of the proposed project, the project sponsor's objectives, and requested approvals can be found in Chapter 3, Project Location and Description Chapter, of the May 2011 Revised Draft EIR.

1.3 Public Participation and Review

The project was the subject of a Draft EIR that was circulated in October, 2007. That EIR was revised and recirculated in May, 2011. Following responses to comments received on the recirculated Draft EIR, a Final EIR was certified by the Mendocino County Board of Supervisors on April 10, 2012 (Resolution No. 12-065). Subsequently, the certified EIR was the subject of a Petition for Writ of Mandate by plaintiffs seeking to invalidate the County's decisions. The plaintiffs alleged that the County had violated CEQA on a number of points of fact. Upon review, the trial court found "that, for the most part, [the County] proceeded in the manner required by law and that its decision[s] [are] supported by substantial evidence in the record," with the exception of the Board's consideration of two project alternatives: Project Alternative 4 (permit for extended quarry and temporary asphalt processing facility) and Alternative 5 (redesign of the project relative to nighttime activities and construction of a partial highway interchange at the project's access driveway). Specifically, the trial court concluded that, "[g]iven the court's finding that Respondent's findings complied with CEQA in most respects, it seems appropriate to issue a writ of mandate pursuant to CCP 1094.5(f) which directs Respondent to reconsider its decision on project alternatives in light of the court's opinion." (*Keep the Code v. County of Mendocino* [Decision after Court Trial on Petition for Writ of Mandate issued October 7, 2013, SC UK CVPT 1260196].) The court then entered a judgment directing the County to set aside and vacate the certification of the EIR, approval of the project, and approval of permits for the project. (*Keep the Code v. County of Mendocino* [Judgment Granting Petition for Writ of Mandate November 11, 2013, SC UK CVPT 1260196].)

The plaintiffs appealed the decision of the trial court. Upon review, the appellate court affirmed the trial court's decision, and found that "the EIR was sufficient for its required purposes, except

to the extent noted as to the consideration of two alternatives [Alternatives 4 and 5] to the project." (*Keep the Code, Inc. v. Cty. of Mendocino* (Nov. 30, 2018, No. A140857) [nonpub. opn.].) "In sum, we conclude the trial court properly found the county failed to make findings regarding the feasibility of alternatives 4 and 5, as required by CEQA." (Ibid.)

Recent updates to the CEQA Guidelines define the scope of what a Lead Agency must consider in the event of a remand: "As to those portions of an environmental document that a court finds to comply with CEQA, additional environmental review shall only be required as required by the court consistent with principles of *res judicata*. In general, the agency need not expand the scope of analysis on remand beyond that specified by the court." (CEQA Guidelines Section 15234(d).)

In compliance with the court's directives, the 2019 RDEIR was circulated for public comment period from August 28, 2019 through October 15, 2019. Written comments were received by the County of Mendocino during the public comment period from August 28, 2019 through October 15, 2019. Verbal comments were also received during a public comment session at the County of Mendocino Board of Supervisors chambers on October 7, 2019.

1.4 Contents and Organization of the Final EIR

This Revised FEIR incorporates by reference the 2011 RDEIR, the 2012 Final EIR, and the 2019 RDEIR, the contents of which are briefly stated here:

- The **2011 Revised Draft EIR** includes a description of the proposed project and its setting, an analysis of potential environmental impacts, required mitigation, and a description and comparison of alternatives.

- The **2012 Final EIR** includes comments received on the 2011 Revised Draft EIR, responses to those comments, and a list of necessary changes to the 2011 Revised Draft EIR.

- The **2019 RDEIR** includes a summary project description, as well as a description and analysis of Alternatives 4 and 5, as presented in the 2011 Revised Draft EIR and modified due to the passage of time during litigation. The 2019 RDEIR also includes a new Appendix E, containing an economic analysis of the alternatives.

These documents can be found at the following locations:

- At the County's website at https://www.mendocinocounty.org/government/planning-building-services/public-notices

- At the Mendocino County Department of Planning and Building Services, 860 North Bush Street, Ukiah, CA 95482 and 120 West Fir Street, Fort Bragg, CA 95437

- At the Mendocino County Ukiah Library, 105 N. Main Street, Ukiah, CA 95482 and Willits Library, 390 Commercial Street, Willits, CA 95490

This Revised FEIR includes a list of those who commented on the 2019 RDEIR, comments received and responses to those comments, necessary changes to the 2019 RDEIR, and the

proposed Mitigation Monitoring and Reporting Program. The Revised FEIR is organized as follows:

Chapter 1 – Introduction and List of Commenters: This chapter summarizes the project under consideration and describes the contents of the Revised FEIR. This chapter also contains a list of all of the agencies, organizations, and individuals that submitted comments on the 2019 RDEIR during the public review period.

Chapter 2 – Comments and Responses: This chapter contains the comment letters received on the 2019 RDEIR, followed by responses to individual comments. Letters are grouped by agencies, organizations, and individuals, but are otherwise presented in the order in which they were received. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter 1 are numbered 1-1, 1-2, 1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

Some comments that were submitted to the County do not pertain to CEQA environmental issues or do not address the adequacy of the analysis contained in the 2019 RDEIR. When a comment does not directly pertain to environmental issues analyzed in the RDEIR, does not ask a question about the adequacy of the analysis contained in the RDEIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the RDEIR, the response notes the comment and may provide additional information where appropriate. The intent is to acknowledge the comment. While CEQA does not require that such comments be responded to, they are included in the Revised FEIR informational purposes.

Chapter 3 – Revisions to the 2019 RDEIR: This chapter summarizes refinements and text changes made to the 2019 RDEIR in response to comments made on the 2019 RDEIR and/or staff-initiated text changes. Changes to the text of the 2019 RDEIR are shown by either a line through the text that has been deleted, or is underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the 2019 RDEIR. The text revisions do not result in a change in the analysis and conclusions presented in the 2019 RDEIR.

Chapter 4 – Mitigation Monitoring and Reporting Program: This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to aid the County in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a). The MMRP has not changed since it was previously considered and adopted by the Board of Supervisors in 2012.

Appendices: This Revised FEIR contains additional material for inclusion in Appendix E (contained in the 2019 RDEIR), as well as one new appendix – Appendix F – supplementing Appendices A through D presented in the 2011 Revised Draft EIR and Appendix E presented in the 2019 RDEIR. The supplemental material for inclusion in Appendix E is a short memorandum by EnviroMine. The new Appendix F provides a peer review of the economic analysis prepared by EnviroMine and included in Appendix E. Both Appendix E and F provide information that is

relevant to the Board of Supervisors' consideration of the proposed project and alternatives. This additional information does not result in a change to the analysis and conclusions presented in the 2019 RDEIR.

- **Appendix F:** *Review of Harris Quarry Economic Analysis for Alternatives 4 and 5 as Evaluated by EnviroMINE, November 26, 2019*. Prepared by HATCH, 2019.

1.5 List of Commenters

The County received 38 comment letters and emails during the comment period on the 2019 RDEIR for the proposed project, and also received verbal public comments from the public during a hearing held on October 7, 2019. The table below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter. Letters are grouped by agencies, organizations, and individuals, but are otherwise presented in the order in which they were received.

COMMENT LETTERS CONCERNING THE REVISED DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Received
Agencies			
1	California Department of Conservation, Division of Mine Reclamation	Carol E. Atkins, Manager Environmental Services Unit	October 15, 2019
Organizations			
2	Mendocino County Farm Bureau	George Hollister, President	October 4, 2019
3	Grassetti Environmental Consulting	Richard Grassetti, Principal	October 15, 2019
4	Alliance of Community Endeavors	Shauna Heislet, President	October 15, 2019
5	RCH Group	Paul Miller, Principal	October 15, 2019
6	Shatec Engineering Consultants	Shakir Shatnawi, President	October 15, 2019
7	Willits Environmental Center	Ellen Drell	October 15, 2019
8	Remy, Moose, & Manley	Howard F. Wilkins III, Attorney	October 16, 2019
Individuals			
9		Karen Calvert	September 1, 2019
10		Doug & Chela Pollard	September 25, 2019
11		Patricia Tetzlaff	October 2, 2019
12		Jaqueline Cooper	October 4, 2019
13		Jaqueline Cooper	October 7, 2019
14		Robin Goldner	October 7, 2019
15		Susan Gutmann & Ron Wallis	October 7, 2019
16		David Lovell	October 7, 2019
17		Roni McFadden	October 7, 2019
18		Doug & Chela Pollard	October 7, 2019
19		Josef Knight	October 8, 2019
20		Jack Magne	October 9, 2019
21		Cody Bartholomew	October 10, 2019

COMMENT LETTERS CONCERNING THE REVISED DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Received
Individuals (cont.)			
22		Joyce Smith	October 11, 2019
23		Karen Walsh	October 11, 2019
24		Jes Pearce	October 13, 2019
25		Gene Wixson	October 13, 2019
26		Lynne Buske	October 14, 2019
27		Dawn Kalin	October 14, 2019
28		Ruthie King	October 14, 2019
29		Keith Michalak	October 14, 2019
30		Hal Wagenet	October 14, 2019
31		Mary Wolf	October 14, 2019
32		Dimitri Brown	October 15, 2019
33		Rosamond Crowder	October 15, 2019
34		Ryan Hurley	October 15, 2019
35		Cynthia Jeavons	October 15, 2019
36		Shelia Jenkins	October 15, 2019
37		Ed Keller & Serena Jones	October 15, 2019
38		Sonja Lewis	October 15, 2019
Public Hearings			
	Planning Board Hearing	Multiple commenters	October 7, 2019

1.6 Intended Uses of the RFEIR

Once complete and certified, the Revised FEIR will provide the CEQA compliance documentation upon which the County of Mendocino's reconsideration of, and action on, all applicable land use permits and other approvals (collectively, "approvals") for the proposed project or an alternative may be based. These include all approvals listed in the 2012 Final EIR and Resolution No. 12-065.

The RFEIR will also provide the CEQA compliance or the basis for NEPA compliance, if applicable, which would be relied upon by Responsible Agencies and Trustee Agencies in considering and acting upon other project approvals.

CHAPTER 2
Comments and Responses

2.1 Introduction

This section contains the comment letters that were received on the 2019 Revised Draft EIR (RDEIR). Following each comment letter is a response by the County intended to supplement, clarify, or amend information provided in the 2019 RDEIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the 2019 RDEIR are warranted based upon the comments, those changes are discussed in the response to comments and also included in Chapter 3, *Text Changes to the Draft EIR*.

2.2 Master Responses

This section presents responses to environmental issues raised in multiple comments. Rather than responding individually, master responses have been developed to address such comments comprehensively. The Master Response number is then identified in the individual response to comment so that reviewers can readily locate all relevant information pertaining to the following issues of concern.

Master Response 1: Scope of the 2019 RDEIR & the Principle of *Res Judicata*

Several commenters expressed concern that the following statement included in the Revised Draft Environmental Impact Report (2019 RDEIR) was misleading:

> Responses to all substantive comments received on the 2019 RDEIR and submitted within the specified review period will be prepared and included in the Final EIR. Given the limited scope of the 2019 RDEIR, together with the directives contained in the Court's remand and the requirements of CEQA Guidelines Section 15234(d), comments that are not related to the specific issues under review (Alternatives 4 and 5) will not be responded to.
>
> (2019 RDEIR, p. 1-4.)

This statement accurately reflects the limited scope of the 2019 Revised Environmental Impact Report. The sufficiency of the 2012 EIR was the subject of litigation in *Keep the Code v. County of Mendocino* (Super. Ct. Mendocino County, 2013, No. SCUKCVPT1260196). The Trial Court

held that the findings related to the County's rejection of two alternatives were insufficient but that the County had otherwise complied with CEQA. The Court of Appeal agreed, stating that "the EIR was sufficient for its required purposes, except to the extent noted as to the consideration of the two alternatives to the project." (*Keep the Code, Inc. v. Cty. of Mendocino* (Nov. 30, 2018, No. A140857) [nonpub. opn.].)

As stated in the 2019 RDEIR:

> When a court determines that part of an agency's decision lack[s] evidentiary support in the administrative record, the court may, instead of requiring the agency to reconsider the entirety of its prior action de novo (in other words, from the beginning), remand to the agency for further proceedings. (PRC Section 21168.9.) Recent updates to the CEQA Guidelines define the scope of what a Lead Agency must consider in the event of a remand: "As to those portions of an environmental document that a court finds to comply with CEQA, additional environmental review shall only be required as required by the court consistent with principles of res judicata. In general, the agency need not expand the scope of analysis on remand beyond that specified by the court." (CEQA Guidelines Section 15234(d).)
>
> Based on the court's decision, the County is now charged with reconsidering Alternatives 4 and 5. Per the direction contained in CEQA Guidelines Section 15234(d), all unrelated portions of the 2012 Final EIR, as affirmed by the court, remain valid, and the County's responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to consideration of Alternatives 4 and 5.
>
> (2019 RDEIR, p. 1-3.)

Given the legal sufficiency of the unchanged portions of the 2012 EIR, the County was not required to revise or readdress those portions in the 2019 RDEIR. (Pub. Resources Code, Section 21168.9; CEQA Guidelines, Section 15088.5(c).) Pursuant to Public Resources Code section 21168.9, "any challenge to an EIR or other agency action arising from facts in existence before the entry of judgment must be asserted in the proceeding before the entry of judgment." (*Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 481.) For this reason, a return to the writ is not required to address "any newly asserted challenges arising from the same material facts in existence at the time of the judgment. To do so would undermine the finality of the judgment." (*Id*. at p. 480.) "The failure to assert such a challenge before the entry of judgment or the failure to successfully appeal the judgment on an issue arising from facts in existence before the entry of judgment precludes a party from asserting the challenge in connection with post judgment proceedings concerning compliance with the writ." (*Id*. at p. 481.)

This conclusion was recently reiterated by the court in *Ione Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165 (*Ione Valley*). In *Ione Valley*, the trial court found that an EIR for a quarry project was inadequate as it related to specific traffic issues. In response, the county complied with the writ by circulating for public comment a partially recirculated EIR pertaining only to traffic issues. A second petition was filed alleging numerous deficiencies concerning issues other than traffic. The Court of Appeal held:

> Res judicata bars all of … [petitioners] objections to the partially recirculated EIR certification and project approval, except for those issues arising from the partially recirculated EIR concerning traffic impacts, because the remaining issues were litigated and resolved, or could have been litigated and resolved, in connection with the first petition, and the writ of mandate did not require the County to revisit issues other than traffic impacts.
>
> (*Ione Valley, supra,* 33 Cal.App.5th at p. 170.)

In reaching its holding, the *Ione Valley* court explained that res judicata applies whether a writ requires a lead agency to decertify an EIR in full or in part "because whether the EIR has been decertified does not alter the fact that the sufficiency of a component of the EIR has been litigated and resolved." (*Id*. at p. 172.) Similarly, in *Federation of Hillside & Canyon Assns. v. City of Los Angeles* (2004) 126 Cal. App. 4th 1180, the court held that res judicata barred the petitioners' challenges to CEQA findings adopted by a city after issuance of an earlier peremptory writ of mandate by the court because the petitioners had failed to challenge those findings in the prior proceeding and, as to one finding, because they had unsuccessfully challenged the finding in the prior proceeding. (*Id*. at p. 1204 [even though petitioners cited to evidence that became available only after the city made its original CEQA findings, the court found res judicata applied because the material facts on which the petitioners' challenges were based had not changed].)

Consistent with CEQA and the principles of res judicata, the 2019 RDEIR properly discussed the limited scope of the analysis contained therein in consideration of the judgment and writ issued by the Trial Court in *Keep the Code v. County of Mendocino*. (*Keep the Code v. County of Mendocino* [Judgment Granting Petition for Writ of Mandate November 11, 2013, SC UK CVPT 1260196].) The fact the 2019 RDEIR expressly acknowledged the limited scope of the analysis required therein pursuant to the writ did not render the 2019 RDEIR misleading as suggested by some commenters. The CEQA Guidelines expressly provide that "[t]he lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR." (CEQA Guidelines, Section 15088.5(f)(2).) Similarly, pursuant to the CEQA Guidelines, due to the limited scope of the analysis in the 2019 RDEIR, the scope of the responses to comments required to be included in this Final EIR (FEIR) are similarly limited to those portions of the original EIR that have been revised. (CEQA Guidelines, Section 15088.5(f)(2) [The lead agency need only respond to new comments "that relate to the chapters or portions of the earlier EIR that were revised"].)

For example, in *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, a writ issued because the court concluded that an EIR's analysis of energy and cumulative urban decay impacts was inadequate. After releasing a revised draft EIR for public comment, the city concluded some comments it received on the draft revised EIR were beyond the scope of the revisions and barred by res judicata. Therefore, the city did not include substantive responses to those comments in the subsequently released FEIR. (*Id*. at pp. 300-301.) Thereafter, at the city council hearing considering the revised EIR, "the community development director stated the discussion was limited to the five areas of the EIR the city updated either voluntarily or by court order." (*Id*. at p. 303.) Consistent with the city's determinations during the administrative process, the Court of Appeal held that some of petitioners' arguments were barred by res judicata because

they "were based on the same conditions and facts in existence when the original action was filed." (*Id*. at p. 327.) Petitioners attempted to avoid the implication of the doctrine of res judicata by alleging new evidence existed on various issues. As to water supply issues, the petitioners alleged that an urban water management plan and other water related documents, that did not become available until after the original EIR was certified, showed changed water supply circumstances. The court disagreed. The court held that, while the documents provided more information on the city's water supply issues, the original EIR previously disclosed that the city's water supply was inadequate to serve new development. (*Id*. at pp. 325-326.) In addition, without citing any supporting case law, the petitioners argued that a table listing approved development projects set forth in the revised EIR's discussion of cumulative agricultural impacts was inadequate because the table was nearly four years out of date. (*Id*. at p. 320, fn. 10.) The court rejected this argument, in part, due to the fact that the trial court's previous ruling found that the EIR's agricultural impacts analysis was sound. (*Ibid*.)

Therefore, consistent with Public Resources Code section 21168.9 and applicable case law, the 2019 RDEIR's discussion of (1) the scope of the 2019 RDEIR, and (2) the scope of comments that must be responded to in this FEIR is fully consistent with CEQA and the principle of res judicata.

Master Response 2: Significant New Information

Several commenters expressed concern that the narrow scope of the 2019 RDEIR means that the County has not, or will not, consider potentially significant new information concerning unrevised portions of the 2012 EIR. This master response provides information on why this is not the case. The response first provides an overview of the issue, a discussion of changes that have occurred in the project area since the 2011 RDEIR was circulated, and then provides specific information on each of the topics that were raised in the various comments that were received. The topical responses are arranged as follows, and follow the initial overview discussion:

Master Response 2a: Wildfire Risk and Access/Egress

Master Response 2b: Accidents & Transportation Improvements

Master Response 2c: Existing and Proposed Uses of White Deer Lodge

Master Response 2d: Air Quality Health Risk Assessment Methodology

Overview

As discussed in Master Response 1, consistent with the principle of res judicata, the County is not required to reconsider issues that were litigated and resolved, or could have been litigated and resolved, in connection with the prior petition. (*Ione Valley Land, Air, & Water Defense Alliance, LLC v. County of Amador* (2019) 33 Cal.App.5th 165, 170.) Therefore, unless the County finds, based on substantial evidence, that information identified by, or submitted to, the County relating to unrevised portions of the 2012 EIR constitutes significant new information that was not, and could not have been, litigated and resolved in the prior litigation, the County is not required to address these issues in the 2019 Revised Environmental Impact Report.

Under section 15088.5 of the CEQA Guidelines, new information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

(1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

(2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

(3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

(4) The DEIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

(CEQA Guidelines, Section 15088.5.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an EIR. Rather, the new information "must be 'of substantial importance' and must show that the project will have 'significant effects not discussed in the previous EIR …,' that '[s]ignificant effects previously examined will be substantially more severe' than stated in the prior review, or that new mitigation measures now exist, or are now feasible, but are not being adopted by the project's proponents." (*Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1057-1058; see also *Silverado Modjeska Recreation & Park Dist. v. County of Orange* (2011) 197 Cal.App.4th 282, 305 (*Silverado Modjeska*).) Similar to the principle of res judicata, the above standard is "not intend[ed] to promote endless rounds of revision and recirculation of EIRs." (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal. 4th 1112, 1132.) "Recirculation was intended to be an exception, rather than the general rule." (*Ibid*.)

In this context, new information about an issue that was already known at the time the original EIR was released does not constitute significant new information. (See *Chaparral Greens v. City of Chula Vista* (1996) 50 Cal.App 4th 1134, 1148-1149 (*Chaparral Greens*) [holding that new biological resource mapping and habitat evaluation information was not significant new information because that new information merely amplified the information already set forth in the EIR regarding significant impacts of the project on biological resources]; *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1802 [comments quantifying "a conclusion implicit in the original EIR" does not constitute significant new information].) For example, in *Silverado Modjeska, supra,* 197 Cal.App.4th 282, a previous challenge to the adequacy of an EIR resulted in the issuance of a writ ordering the county to prepare a supplemental EIR further considering water quality issues. During the county's preparation of the supplemental EIR, a biologist observed larvae of an endangered toad species in a creek 330 feet

from the project site despite the fact that the original EIR stated the closest sighting was approximately 5,000 feet (1.5 km) from the project site. (*Id*. at p. 306.) The petitioner argued that this discovery constituted significant new information requiring recirculation of the supplemental EIR. The court disagreed because (1) the original EIR assumed the toad species existed in the area but the impact was less than significant because the toad had not been observed on the project site and the site was not suitable habitat for the species, (2) comments were previously received on the original EIR alleging that the existence of the toad species in the project area required further study of the impact of the project on the toad, and (3) the record included conflicting expert opinions concerning whether the observation of the larvae was significant. (*Id*. at pp. 288-289; see also *id*. at p. 306 ["[W]here it is apparent the drafters of the [original] EIR assumed the toad was present in the general vicinity of the project but found the project itself was not a suitable habitat for the toads, appellants face something of a challenge in nonetheless arguing [the subsequent] observation of toad larvae in Silverado Creek was significant new information, rather than an amplification or clarification of previously disclosed information."].) Based upon these facts, the court held that the larvae sighting was not significant new information and did not require recirculation of the EIR. (*Id.* at p. 307 ["In the end, … [the] observations at most only amplified the very arguments made by commenters on the [original] EIR and litigated unsuccessfully … [in the prior] action. [Therefore], the county could reasonably conclude that the abundant record of prior public participation on the precise issue implicated by … [the new] observation relieved the county of any obligation to recirculate either the 2003 EIR or the SEIR."].)

Furthermore, new regulations concerning the status of, or evaluation of, environmental resources impacted by a project do not constitute significant new information. (*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 426; see also *Chaparral* Greens, *supra*, 50 Cal.App.4th at p. 1149 [listing of the gnatcatcher as a threatened species did not constitute significant new information]; *Fort Mojave Indian Tribe v. Department of Health Services* (1995) 38 Cal.App.4th 1574, 1605-1606 [holding a new regulation designating critical habitat for an endangered species, the tortoise, was not significant new information because, "however legally characterized, the habitat would be affected the same as before"]; *A Local & Regional Monitor, supra,* 12 Cal.App.4th at p. 1801, fn. 10 [rejecting argument that enaction of Public Resources Code section 21092.4, which requires lead agencies to consult with local traffic agencies and analyze regional freeway impacts prior to EIR certification, constituted significant new information because the "statute did not exist when the EIR was certified, and its subsequent enactment did not retroactively invalidate all previous EIR traffic analyses"].) For example, in *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320 (*Concerned Dublin Citizens*), a prior EIR did not analyze environmental impacts from greenhouse gas (GHG) emissions. (*Concerned Dublin Citizens*, *supra*, 214 Cal.App.4th at p. 1318.) As a result, citing to new air quality management district thresholds and guidelines for evaluating GHG impacts, the petitioner argued GHG impacts constituted significant new information pursuant to CEQA. The city disagreed, explaining that:

> [at the time the original EIR was certified], information about the potential impacts of GHGs was widely known. The United Nations Framework Convention on Climate Change was established in 1992. The regulation of greenhouse gas emissions to reduce

> climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of this issue resulted in the adoption of the Kyoto Protocol in 1997. In the early and mid-2000s, GHG's and climate change were extensively discussed and analyzed in California. In 2000, SB 1771 established the California Climate Action Registry for the recordation of greenhouse gas emissions to provide information about potential environmental impacts.
>
> (*Id*. at p. 1319.)

The court agreed with the city. The court stated that "the adoption of guidelines for analyzing and evaluating the significance of data does not constitute new information if the underlying information was otherwise known or should have been known at the time the EIR was certified." (*Id*. at p. 1320; see also *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal. App. 4th 515, 532 [holding effect of greenhouse gas emissions on climate did not constitute significant new information as it could have been raised in 1994 when the city consider the original EIR]; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808 (*CAAP*) [holding GHG impacts did not constitute significant new information]; see also *Chaparral Greens, supra,* 50 Cal.App.4th at p. 1149 [draft plans, such as a draft regional planning effort, do not constitute significant new information].)

Additionally, "[a] change in circumstances is not sufficient to mandate preparation of a subsequent EIR unless the change is so substantial, as to 'require *major* revisions in the environmental impact report.'" (*A Local & Regional Monitor, supra*, 12 Cal.App.4th at p. 1803 (original emphasis).) "Accordingly, when circumstances change in a relatively minor fashion or do not cause any significant impacts other than those already contemplated by the EIR, CEQA does not require preparation of a subsequent EIR." (*Ibid*.) For example, in *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065, changes were proposed in a project's street configuration nearly two years after the FEIR was certified. These changes modified the traffic flow originally projected in the EIR. The overall impact of the traffic, however, was virtually the same as that projected in the EIR. Thus, the court held that the circumstances did not warrant preparation of a supplemental or subsequent EIR. (*Id*. at pp. 1078-1081; see also *Fund for Environmental Defense v. County of Orange* (1988) 204 Cal.App.3d 1538, 1550-1552 [expansion of wilderness park to surround project did not require supplemental EIR because actual impacts had already been considered].)

In consideration of the definition of significant new information for the purposes of CEQA as well as the principles of res judicata, the County is required to consider whether any significant new information is available that must be addressed in this EIR. Some commenters suggest that, unless the 2019 RDEIR is recirculated to address comments on suggested significant new information, the 2019 RDEIR is deficient. This is incorrect. A lead agency's determination that significant new information does not require recirculation of a draft EIR is not required to be included directly in the EIR, but may be included in any documentation included in the administrative record. (*Beverly Hills Unified School Dist. v. Los Angeles County Metropolitan Transportation Authority* (2015) 241 Cal.App.4th 627, 665 ["information not contained in EIR, but in a document in the administrative record constituted substantial evidence supporting agency's decision not to recirculate"]; see also *Citizens for a Sustainable Treasure Island v. City*

and County of San Francisco (2014) 227 Cal.App.4th 1036, 1063 [deference is given "to an agency's explicit or implicit decision not to recirculate a draft EIR so long as it is supported by substantial evidence"].)

Therefore, the fact that a commenter may believe that significant new information exists does not mean that the 2019 RDEIR must be recirculated to respond to such concerns. The County must only address such information in a recirculated RDEIR if the County first finds, based on substantial evidence, that significant new information exists. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal. App. 4th 1134, 1147 ["Only the addition of significant new information triggers the need for recirculation under section 21092.1 and thus the agency's first obligation is to determine whether the new information meets this statutory requirement."].) No formal findings or public hearings are required pursuant to CEQA as part of a lead agency's determination whether suggested new information constitutes significant new information. (*A Local & Regional Monitor*, *supra*, 12 Cal.App.4th at p. 1806.) Instead, the question is only whether "the administrative record as a whole demonstrates substantial evidence to support the determination that the changes in the project or its circumstances were not so substantial as to require major modifications to the EIR." (*CAAP*, *supra*, 227 Cal.App.4th at p. 797.)

Changes in the Project Area Since the 2011 RDEIR's Preparation

Several commenters expressed concern that changes in the project area between certification of the 2012 FREIR and today constitute significant new information requiring recirculation of the 2019 RDEIR. These comments are incorrect. First, these comments constitute challenges to the adequacy of the cumulative impact analysis included in the 2012 FEIR. Therefore, concerns expressed by commenters regarding the cumulative impacts of the proposed project were litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, and its various sub responses, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Second, the 2011 RDEIR included a conservative analysis of the proposed project's cumulative impacts. Specifically, Caltrans traffic projections were used to evaluate cumulative impacts, including cumulative noise and air quality impacts. (See, e.g., 2012 FEIR, pp. 90, 98.) The Caltrans traffic projections assumed a 50 percent increase in area traffic from 2006 to 2025. (2011 RDEIR, p. 215.) The 2011 RDEIR conservatively assumed that traffic on Black Bart Drive would also increase by 50 percent by 2025 to reflect assumptions for planned growth in the area. (2011 RDEIR, pp. 215, 242.) Actual population and traffic growth between certification of the 2012 FEIR and today has been substantially lower than the cumulative conditions assumed in the 2011 RDEIR. In fact, many commenters on the 2019 RDEIR correctly stated that actual population

growth is below the growth projects used in the 2012 FEIR. (See, e.g., FEIR Comments 4-8, 11-5, 38-6.)

Third, the locations of sensitive receptors surrounding the project site have not significantly changed since the County certified the 2012 FEIR. (2011 RDEIR, App. D (Air Quality Data) [stating that "[t]he sensitive receptor areas included in the modeling were the Church of the Golden Rule, the Golden Rule Mobile Village, residents in the Black Bart Road area and the old commercial area at Black Bart Road and Highway 101 [the White Deer Lodge and associated commercial and residential uses], and at the Mendocino CAL FIRE Headquarters north of the site and on the east side of Highway 101"]; see also 2011 RDEIR, p. 288 ["The greatest risk would be for people renting units at the old motel/restaurant location on the west side of Highway 101."].) Specifically, to the north, the 2011 RDEIR explains:

> Five to six residential units and several former commercial businesses including a motel, service station, and restaurant are located to the north of the quarry site, along Highway 101, and northeast of the asphalt plant site. This development is as near as 1,000 feet of the asphalt plant site. North of the asphalt plant site (and west of the highway commercial area) is open space land owned by the applicant.

(2011 RDEIR, p. 263; see also 2011 RDEIR, p. 131 [stating the motel includes 30 units].)

To the east, the 2011 RDEIR explains:

> Across the highway and about 3,000 feet northeast of the asphalt plant site is the California Department of Forestry Howard Forest Fire Station. Further north and northwest are rural residential properties; the property boundary of the nearest rural residential property is about 3,000 feet north of the asphalt plant site, with the nearest home located approximately one mile away.

(2011 RDEIR, p. 263.)

To the west, the 2011 RDEIR explains:

> [There] is undeveloped land owned by the applicant. Further west and southwest there is rural residential development. The nearest residence to the west is about 1.4 miles west of the quarry. The nearest residence to the asphalt plant site is about one mile to the west.

(2011 RDEIR, p. 263.)

To the south, the 2011 RDEIR explains:

> [There] is undeveloped open space on the Ridgewood Ranch belonging to the Church of the Golden Rule. The Church's compound (off Ridgewood Road) is located about two miles south of the quarry. La Vita School is located about 2.3 miles south of the quarry. A mobile home park (Golden Rule Mobile Village) is located about 3 miles south of the quarry.

(2011 RDEIR, p. 263.)

> The ranch is the "Home of Seabiscuit", and the Seabiscuit Heritage Foundation, which is based on the ranch, provides nature walks open to the public 20 days a year to tour the areas under conservation easements. In addition, the Foundation provides historic tours of the ranch from May through October.
>
> The GRCA also sponsors a horse therapy program, TRAIL, for handicapped children on the ranch. TRAIL has about 20 children and their families every week caring for and riding horses in an outdoor setting on the ranch.
>
> There is also a charter school located on the ranch, La Vida School, which serves about 150 students from grades 1-12 who attend on the average of 2 times per week and are also home-schooled during the school year.
>
> There are 250 residences, comprised of apartments, homes and mobile homes, on the ranch and about 450 residents. The main Church complex contains 146 residences, a church, school, historic buildings, dining facility, bathhouse and swimming pool, and numerous barns, garages, and other ranch buildings. The Golden Rule Mobile Home Village, as senior residential development, contains 94 permanent mobile homes, plus a Recreation Vehicle park for seasonal visitors open Memorial Day through Labor Day. There are also ten other residences on the ranch.

(2011 RDEIR, pp. 334-335; see also May 17, 2012 Planning Commission hearing comments by Cynthia Raiser Jeavons [stating the area includes "over 100 seniors who live at the trailer park; the 70 church members and renters who live at Ridgewood Ranch; the hundreds of interns, workshop attendees and visitors to the bio-intensive garden program; the over 1,000 annual visitors who come to a Seabiscuit tour; the countless community members who enjoy Ridgewood Ranch for scheduled nature walks and other programs; as well as the owners of the 346 properties at the Ridgewood subdivision"]; see also Norton Heath comment (Aug. 31, 2011) [stating over 500 people including seniors and children live in the area surrounding the project site].)

Changes in development surrounding the proposed project between certification of the 2012 FEIR and today, as well as future development anticipated by some commenters on the 2019 RDEIR, such as GRCA's current concept to remodel the restaurant and gas station in the White Deer Lodge area to use it as a commercial kitchen and retail space as well as the plan to convert the motel into an assisted living facility, are consistent with the cumulative growth projections assumed in the 2011 RDEIR. Furthermore, the presence of the commercial uses in the White Deer Lodge area and the potential future development of a senior living facility were known when the County certified the 2012 FEIR. (See, e.g., March 15, 2012 Planning Commission hearing comments by Cody Bartholomew and Ellen Bartholomew [stating that GRCA anticipated the future development of assisted living centers in the project area]; 2011 RDEIR, p. 334 [the 2011 RDEIR also stated that anticipated changes in the project area included the future preservation of the 5,000-acre Ridgewood Ranch as a working landscape, including expanded educational programs that reflect the cultural heritage and conserve the natural resources of the ranch].) Therefore, commenters have not identified any changes in circumstances with the

potential to result in a substantial increase in the severity of environmental impacts disclosed and analyzed in the 2012 FEIR.

For example, in *Committee for Re-Evaluation of T-Line Loop v. San Francisco Municipal Transportation Agency* (2016) 6 Cal.App.5th 1237, 1255, the court held that "changes in a neighborhood do not constitute a change in circumstances that requires a new EIR under ([Public Resources Code] section 21166, unless the changes require 'major revisions' to an existing EIR." There, the agency certified an EIR in 1998 for a light rail project in San Francisco and, in 2014, approved a subsequent project that it concluded was covered by the analysis in the certified EIR. The petitioner argued that new development in the project area, including two new housing developments and a proposal to construct an arena for the Golden State Warriors nearby, constituted significant new information requiring preparation of a supplemental EIR. (*Id*. at p. 1253.) The court disagreed because the original EIR anticipated an increase in residential use and other development and analyzed the impacts of constructing and operating the light rail project including, among other things, the potential impacts that the petitioner alleged required preparation of a supplemental EIR including noise and vibration, dust, air quality, parking, and roadway capacity. (*Id*. at p. 1255.) Here, as in *Committee for Re-Evaluation of T-Line Loop*, the 2012 FREIR anticipated an increase in development surrounding the project site and analyzed each of the potential impacts that some commenters have requested the County reevaluate.

For all of the above reasons, changes in development since 2012, and/or potential future development in the project area identified by commenters, do not constitute significant changes to the local environmental setting or significant new information that would require recirculation of the 2019 RDEIR.

Topical Responses to Suggested Significant New Information

The sub-heading and text below provide responses to suggestions about significant new information that appear in multiple comments.

Master Response 2a: Wildfire Risk and Access/Egress

A number of commenters suggested that there is significant new information regarding heightened fire risk in Mendocino County, pointing to the Climate Change and Health Profile Report, Mendocino County, published by the California Department of Public Health in 2017, and the Willits Emergency Fuels Reduction Project proposed by CALFIRE's Mendocino Unit to reduce wildfire intensity and the rate of wildfire spread around the City of Willits. A few commenters also suggest that the fact that a portion of Williams Ranch Road (a private road that connects to Black Bart Drive) washed out in 2017, which renders the road unusable until it is repaired, constitutes significant new information relating to emergency access or evacuation in the event of a future fire.

At the time the original EIR was prepared and the 2012 FEIR was certified, the County understood that Black Bart Drive was the only viable emergency access and evacuation route for residents along Black Bart Drive. For example, during the public scoping period of the original EIR, a commenter stated that "[t]he only other access [other than Black Bart Drive] to this

subdivision is via Muir Mill Rd., to Williams Ranch Rd., to Black Hawk Dr…. This is not a feasible access route OR evacuation route in the event of an out of control wild land fire." (Public Scoping Comment by Roni McFadden (Dec. 5, 2006); see also 2007 DEIR, App. B, p. 8 [acknowledging comments stating that "[i]f a fire occurs at the processing site, it would block emergency access to residential areas to the west" and stating the EIR would "[a]ssess impacts on emergency access and evacuation"]; see also Jack Magne e-mail entitled "Harris Quarry Comment – BOS" (April 8, 2012) [stating there is "no alternative route to these neighborhoods"]; Keep the Code comment letter entitled "Harris Quarry Expansion Project Supplemental Mitigation Monitoring and Reporting (May 14, 2012) [stating that an asphalt plant located on "Black Bart Road… poses an increased wildfire risk to residents who depend on this road as their only public emergency vehicular access to Highway 101 and the only public emergency vehicular access by wildfire responders to their properties"].) As Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project would increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.)

Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of an emergency-only paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were analyzed in the 2011 RDEIR and project features designed to reduce the risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from the neighborhoods could utilize Black Bart Drive have not changed. This impact and the mitigation provided in the 2011 RDEIR remain valid, and the commenters have not identified any new significant impact that would occur or new mitigation that would be required. For this reason, recirculation of the Draft EIR is not required.

Master Response 2b: Accidents & Transportation Improvements

Several commenters suggested that construction of improvements to the quarry access from Highway 101 since circulation of the 2011 RDEIR constitutes new information requiring additional analysis, and that the number of traffic accidents has increased on that section of highway. One commenter provided an unauthorized memorandum from the Little Lake Fire Protection District and suggested that traffic accidents have increased from 16 collisions between 2004 and 2008 (as reported in the 2011 RDEIR) to 84 between December 2017 and September 2019, with a resultant accident rate that is approximately 23 times that reported in the 2011 RDEIR (see Comment Letter 21, later in this chapter). Further investigation of this memorandum by the County and the Little Lake Fire Protection District determined that the memorandum had been falsified and that the information contained therein was inaccurate and erroneous. The District requested that the County make a credibility finding that the memorandum has no evidentiary value because it was not authorized by the District, was not drawn from District data, was not signed, did not identify an author, and appeared to be a false use of the District's letterhead. When contacted and provided with this information, the commenter requested that the "document [be] taken out of the record…as it is not a representation of Little Lake Fire Department." Accordingly, the County has determined that the submitted "memorandum" is wholly without merit, and that no further response to the inaccurate information contained therein is required.

As a point of comparison with the five-year collision study period provided in the 2011 RDEIR (2004 through 2008), the most recent collision data from the same source, the California Highway Patrol's (CHP) Statewide Integrated Traffic Records System (SWITRS), were reviewed. Collision records for the five-year period 2014 to 2018 obtained from the SWITRS database were obtained along a one-mile segment of US-101 extending one-half mile in either direction (north and south) from the highway's intersection with Black Bart Drive. A total of 11 collisions were reported during the five-year reporting period, including two reported injuries and no fatalities. Based on the average daily traffic on this segment of US-101, this number of collisions equates to an accident rate of 0.35 collisions per million vehicle miles (c/mvm). This is more than four times lower than the statewide average of 1.55 c/mvm for similar facilities statewide, as indicated in the California Department of Transportation's *2016 Collision Data on California State Highways*, which is the latest data that is publicly available. This information is shown in the table below.

2014 – 2018 SWITRS COLLISION DATA
US-101, 0.5-MILE NORTH AND SOUTH OF BLACK BART DRIVE

	2014	2015	2016	2017	2018	Total
Number of Collisions	2	1	0	4	4	11
Total Injuries	1	0	0	0	1	2
Total Fatalities	0	0	0	0	0	0
US 101 ADT	14,500	14,600	19,000	20,000	n/a	
Collision Rate			0.35			
Statewide Average Collision Rate			1.55			

The accident rate of 0.35 c/mvm calculated for 2014-2018 is lower than the accident rate identified in the 2011 RDEIR for 2004-2008 (0.52 c/mvm). Furthermore, no fatalities were reported between 2014 and 2018, while one fatality was reported between 2004 and 2008. Based on this information, there is no evidence that either the frequency or severity of collisions have increased since the roadway improvements at the project site entrance were completed by the project applicant (see below). Accordingly, there is no evidence to suggest that a new significant effect has occurred. In fact, the reduction in vehicular accidents is consistent with the conclusions of the 2011 RDEIR, where it was stated that implementation of required roadway improvements would improve conditions as compared to baseline conditions (see pages 221 and 222 in the 2011 RDEIR). As such, the decline in reported accidents is consistent with the 2011 RDEIR's conclusion that the improvements would improve traffic safety.

Additional support for this finding is provided in the required mitigation monitoring reports that are submitted to the County in fulfillment of the applicant's mitigation monitoring obligations. These reports are attached hereto as Appendix G. The reports were prepared in 2016 and 2017 by W-Trans, a traffic engineering firm that provides transportation planning and design services throughout northern California. The reports documented existing traffic conditions, roadway capacity, collision reports, safety considerations, and recommendations for improvement. The reports utilized the CHP's SWITRS data discussed above, and provide additional detail of the reported accidents. The first report was prepared in 2016, and utilized the latest available SWITRS data, which covered the two-year period between January 1, 2013 through December 31, 2014. During that period, only one collision was reported in the area, and involved a northbound passenger vehicle that rear-ended a truck with a trailer about 100 feet south of Black Bart Drive. This single crash during that two-year period translated to a collision rate of 0.09 collisions per million vehicles entering (c/mve), or about half the statewide average for rural tee (three-way) intersections of 0.16 c/mve. No collisions were reported during the reporting period at the quarry entrance, leading W-Trans to conclude: "Given that there was only one crash reported and there is a below-average collision rate, there does not appear to be any safety concern associated with continued operation of the project." The 2016 report then went on to state: "No crashes were reported at the quarry entrance, and none have been reported since the improvements to US-101 were constructed. It seems reasonable to conclude that the construction of the left-turn lane on northbound US-101 substantially improved safety at this location."

The report from 2017 provided additional SWITRS data through December 31, 2016. Four accidents were reported, none of which occurred at the quarry entrance. All four accidents were unrelated to quarry operations and did not involve quarry vehicles. These four crashes translated to a collision rate of 0.16 c/mve, which was equal to the statewide average for rural tee (three-way) intersections. However, the injury rate associated with these accidents was only 25 percent, which was much less than the statewide average of 39.2 percent, which led W-Trans to conclude that "there does not appear to be a safety problem associated with the average incidence of collisions."

Supplemental collision documentation provided for 2017 looked at three accidents reported during 2017. The first and second accidents were unrelated single-vehicle accidents, the first occurring 317 feet south of Black Bart Drive, and the second at Black Bart Drive. Both accidents

involved vehicles hitting an object, and the primary collision factor (PCF) for both accidents was drivers operating under the influence (DUI). In the third accident, two vehicles hit an object, with the PCF being hazardous movements on the part of each driver. None of the accidents were related to quarry operations, and none involved quarry vehicles, so the presence or operation of the quarry was not a contributing factor to any of the reported accidents.

Based on the above information, suggestions that traffic safety conditions in the vicinity of the project have deteriorated since the 2011 RDEIR was circulated are not supported. In fact, just the opposite is true, in that safety conditions have improved over the last five years, and the incidence of collisions has decreased.

Several commenters suggested that the access improvements constructed since 2012 do not meet requirements set forth in Mitigation Measure 4.4-B.1, noting that the EIR required a northbound approach that was 470 feet long, and the constructed approach appears to be 340 feet long. Similarly, the EIR required a southbound approach that was 400 feet long, and the constructed approach appears to be 220 feet long, and the EIR required a southbound departure lane that was 1,390 feet long, and the constructed approach appears to be 800 feet long.

First, comments suggesting that Mitigation Measure 4.4-B.1 required a southbound approach that was 400 feet long are mistaken. The 2012 FEIR modified Mitigation Measure 4.4-B.1 to require a 200-foot right-turn deceleration lane (2012 RFEIR page 436) and the change is reflected in the MMRP adopted by the County in 2012.

Second, comments suggesting that the access improvements do not comply with the distance requirements included in Mitigation Measure 4.4-B.1 do not set forth the methodology used by the commenters in reaching their conclusions. Using the Sixth Edition of the Highway Design Manual published by Caltrans, which is the standard for designing roadways in California, RAU and Associates confirmed that the access improvements previously completed by the applicant in 2014 comply with the distance requirements included in Mitigation Measure 4.4-B.1 (see Appendix H of this RFEIR, which provides a comprehensive record supporting this conclusion).

Finally, if the Board approves the project and certifies this RFEIR, an MMRP will also be adopted. The MMRP will require the project applicant to demonstrate compliance with all mitigation measures set forth in the EIR including Mitigation Measure 4.4-B.1. Accordingly, comments suggesting that previously constructed improvements do not meet the distance requirements set forth in mitigation in the 2012 FEIR have no bearing on the project's impacts as analyzed and mitigated in the 2012 FEIR, and no further response is required.

Master Response 2c: Existing and Proposed Uses of White Deer Lodge and Other Properties

Multiple commenters discussed current residential use of White Deer Lodge, which is located near the intersection of Black Bart Drive and Highway 101, as well as plans to convert the Lodge to an assisted living community. Other comments raised concerns about other sensitive receptors in other locations that could be affected by the project. Many of these commenters suggested that

the existing and planned use constitute significant new information requiring additional analysis, particularly analysis of potential air quality-related health risks on residential receptors.

However, potential impacts of the proposed project on residential and commercial uses at the White Deer Lodge site were raised during the administrative process leading up to the County's certification of the 2012 FEIR. (See, e.g., Tom Powell's March 15, 2012 Planning Commission hearing comments [expressing concerns regarding the proposed project's impacts on residents of the White Deer Lodge site such as himself].) The 2011 RDEIR and 2012 FEIR thoroughly evaluated such concerns. For example, the 2011 RDEIR's air quality analysis included a quantitative analysis of health risks at multiple sensitive receptors, including the White Deer Lodge, residential units and commercial development located as near as 1,000 feet of the asphalt plant site, as well as other locations including the Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties (2011 RDEIR, pp. 263-264, 287-289). These areas that were analyzed are illustrated in Figure 4.6-1 (page 287) of the 2011 RDEIR. The analysis evaluated Toxic Air Contaminant (TAC) emissions including diesel particulates from the proposed project's operation and truck travel to- and from- the plant. The analysis quantified cancer and non-cancer risks (Table 4.6-16 and 4.6-17) for continued operation of the existing quarry, the proposed project, and the delta (increased risk) that would occur with the project, ultimately concluding that the potential cancer- and non-cancer risks would be below the thresholds of significance and less than significant. Nonetheless, in an abundance of caution, and in anticipation that more may be learned about the health effects of air pollutant emissions in the future, the EIR included two mitigation measures, requiring the project applicant to meet MCAQMD requirements. Existing or planned residential or commercial uses at the White Deer Lodge site are no closer than the residential and commercial uses on the White Deer Lodge site that were identified, and evaluated, in the 2011 RDEIR's air quality analysis and the analysis included in the 2011 RDEIR remains valid. For these reasons, any existing or planned uses at the White Deer Lodge or other areas do not constitute new information requiring additional analysis.

For purposes of clarification, the parcels upon which the "Ridgewood Park Development" at the former White Deer Lodge site would be located are zoned General Commercial (C2) (APNs 147-170-03 and 147-180-14). The proposal described and shown in Comment Letter 21 appears to be multi-family housing, and while the C2 zoning district allows the establishment of multi-family housing as a principally permitted use, it is only allowed without a use permit if the project meets certain service/location factors, one of which is being within a water and sewer district. Since the site does not meet those criteria described under the principally permitted section, a multi-family residential use would require the issuance of a Minor Use Permit to be established. To date no application has been submitted for such an activity at the parcel. The Minor Use Permit process is approximately a 6 to 8-month process. During the processing of a Minor Use Permit, the application is referred to various agencies for comment. Once the referral period is complete, County staff will prepare a report outlining findings and conditions applicable to the project, including a CEQA determination, and final action will be taken by the Zoning Administrator during a Public Hearing.

Master Response 2d: Air Quality Health Risk Assessment Methodology

A number of commenters suggested that the analysis of potential health risks associated with air pollutant emissions in the 2011 RDEIR is out of date and needs to be re-done because new modelling protocols have been adopted by the California Office of Environmental Health Hazard Assessment (OEHHA) since the 2011 RDEIR was prepared. The commenters indicate that a new OEHHA Guidance Manual includes procedures that – if used -- would result in the analysis concluding there would be greater cancer, chronic, and acute health risks.

As discussed in Master Response 2c, the 2011 RDEIR's air quality analysis included a quantitative analysis of health risks associated with the project and the County received and considered comments on the adequacy of that analysis prior to certifying the 2012 FEIR. As discussed in Master Response 1, the sufficiency of air quality analysis included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. Furthermore, as discussed in Master Response 2, the issuance of new regulations concerning the status of, or evaluation of, environmental impacts does not constitute significant new information requiring recirculation of the 2019 RDEIR. Therefore, the County is not required to prepare a new health risk assessment using new OEHHA methodology to comply with CEQA.

Master Response 3: Additional Alternatives for Consideration

Multiple commenters suggested additional alternatives for consideration and analysis, including (unspecified) off-site locations made feasible by the Willits Bypass and use of a mobile asphalt plant. As explained in Master Response 1, the decisions by the trial court and Court of Appeal upheld the earlier EIR including the range of alternatives included therein, but found that the County's findings concerning the feasibility of Alternatives 4 and 5 were not supported by substantial evidence. Accordingly, as it relates to project alternatives, the County's remaining obligation under CEQA is to reevaluate the feasibility of those two alternatives.

Importantly, CEQA does not require an analysis of <u>all</u> feasible alternatives, and instead requires agencies to include "a range of reasonable alternatives to the project, or to the location of the project" aimed at attaining most of the basic objectives of the project while avoiding or substantially lessening significant environmental impacts (CEQA Guidelines Section 15126.6). In this instance, the Court found that the County's EIR did address a reasonable range of alternatives, which are listed below:

Alternative 1: No Project - No Future Development;
Alternative 2: No Project - Reasonably Foreseeable Development;
Alternative 3: Quarry Only;
Alternative 4: Quarry and Temporary Asphalt Plant;
Alternative 5: Project Redesign;
Alternative 6: Reduced Production; and
Alternative 7: Alternative Location.

The analysis of Alternative 7, the Alternate Location, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that asphalt production at these sites would have their own environmental effects (2011 RDEIR, p. 27).

The County could reject the proposal to construct an asphalt plant, in effect selecting Alternative 3, and thereby force the applicant to seek alternative site(s) and/or explore the use of a mobile asphalt plant. Furthermore, as stated above, in the prior litigation at both the trial court and the Court of Appeal, the courts held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA and the commenters have not demonstrated that there is a specific, feasible alternative considerably different from the seven previously analyzed alternatives that would clearly lessen the significant environmental impacts of the project. Moreover, a new asphalt plant, wherever it is located, would result in air pollutant emissions, and would also change views from nearby roads and vantage points.

Master Response 4: Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed

A number of comments addressed the commenter's opposition to the proposed project or a portion of the proposed project (e.g., the asphalt plant) without offering comments on potential environmental effects or the 2019 RDEIR. As stated in the CEQA Statute, "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." [CEQA Section 21002.1(a)]. Following public review of an EIR, lead agencies are directed to "evaluate comments on *environmental issues* [emphasis added] received from persons who reviewed the draft EIR and prepare a written response." [CEQA Guidelines Section 15088(a)]

Many of the comments that were received on the RDEIR did not address specific environmental issues or effects associated with the project. These comments also did not address the adequacy of the analysis contained in the 2019 REIR, or they eluded to potential effects that were already addressed in the 2012 EIR and were found by the court to have been sufficiently analyzed. Ultimately, these comments asserted the opinions of the commenters as to how the Project should or should not be developed, and therefore do not present information on environmental issues. No additional analysis or response is required for these types of comments [*Twain Harte Homeowners Ass'n v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 679]. All comments, however, will be noted and made available to applicable decision-makers as they consider the project and whether or not to approve it.

2.3 Individual Responses

This section contains the responses to comments submitted during the public review period. Commenters on the 2019 RDEIR, their associated agencies and organizations, and assigned letter identifications are listed in the table below. This section presents the comment letters received on the 2019 RDEIR and comments made during the public meeting on the proposed project held on October 7, 2019. Each comment letter received during the public comment period was bracketed to identify individual topics, and individual responses to those comments are provided. In situations where the comment issue(s) was identified in multiple letters, a "Master Response" was prepared to address the general concern, and the response to comment may refer the reader to one of the Master Responses provided above. If a subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided.

COMMENT LETTERS CONCERNING THE REVISED DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Received
Agencies			
1	California Department of Conservation, Division of Mine Reclamation	Carol E. Atkins, Manager Environmental Services Unit	October 15, 2019
Organizations			
2	Mendocino County Farm Bureau	George Hollister, President	October 4, 2019
3	Grassetti Environmental Consulting	Richard Grassetti, Principal	October 15, 2019
4	Alliance of Community Endeavors	Shauna Heislet, President	October 15, 2019
5	RCH Group	Paul Miller, Principal	October 15, 2019
6	Shatec Engineering Consultants	Shakir Shatnawi, President	October 15, 2019
7	Willits Environmental Center	Ellen Drell	October 15, 2019
8	Remy, Moose, & Manley	Howard F. Wilkins III, Attorney	October 16, 2019
Individuals			
9		Karen Calvert	September 1, 2019
10		Doug & Chela Pollard	September 25, 2019
11		Patricia Tetzlaff	October 2, 2019
12		Jaqueline Cooper	October 4, 2019
13		Jaqueline Cooper	October 7, 2019
14		Robin Goldner	October 7, 2019
15		Susan Gutmann & Ron Wallis	October 7, 2019
16		David Lovell	October 7, 2019
17		Roni McFadden	October 7, 2019
18		Doug & Chela Pollard	October 7, 2019
19		Josef Knight	October 8, 2019
20		Jack Magne	October 9, 2019
21		Cody Bartholomew	October 10, 2019

COMMENT LETTERS CONCERNING THE REVISED DRAFT EIR

Letter #	Entity	Author(s) of Comment Letter/e-mail	Date Received
22		Joyce Smith	October 11, 2019
23		Karen Walsh	October 11, 2019
24		Jes Pearce	October 13, 2019
25		Gene Wixson	October 13, 2019
26		Lynne Buske	October 14, 2019
27		Dawn Kalin	October 14, 2019
28		Ruthie King	October 14, 2019
29		Keith Michalak	October 14, 2019
30		Hal Wagenet	October 14, 2019
31		Mary Wolf	October 14, 2019
32		Dimitri Brown	October 15, 2019
33		Rosamond Crowder	October 15, 2019
34		Ryan Hurley	October 15, 2019
35		Cynthia Jeavons	October 15, 2019
36		Shelia Jenkins	October 15, 2019
37		Ed Keller & Serena Jones	October 15, 2019
38		Sonja Lewis	October 15, 2019
Public Meeting			
	Public Meeting on RDEIR	Multiple commenters	October 7, 2019

California
Department of Conservation
Division of Mine Reclamation

Gavin Newsom, Governor
David Bunn, Director

October 15, 2019

Mendocino County
Department of Planning and Building Services
ATTN: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482

Copy sent via email: pbs@mendocinocounty.org

SUBJECT: Harris Quarry Use Permit and Reclamation Plan; 2019 Revised Draft Environmental Impact Report (EIR), State Clearinghouse (SCH) No. 2006112087

Dear Planning and Building Section staff:

Thank you for including the Department of Conservation's Division of Mine Reclamation (Division) in the environmental review process for the Harris Quarry Use Permit and Reclamation Plan. The project as described in the 2019 Revised Draft EIR includes the following elements:

- Amending the Mendocino County Zoning Code to create a Mineral Processing Combining District (MPCD)
- Rezoning 18 acres of Assessor's Parcel No. 147-140-07 to add to the MPCD allowing processing of aggregate for the length of the Use Permit
- Modifications of the Use Permit (UR 19-83/2005)
- Revisions to the Reclamation Plan that direct how the site will be reclaimed at the end of the use permit.

The Division has oversight responsibilities associated with lead agency implementation of the Surface Mining and Reclamation Act of 1975 (SMARA; Public Resources Code Section 2710 et seq.). SMARA provides a comprehensive surface mining and reclamation policy to assure that adverse environmental impacts are minimized, and mined lands are reclaimed. The Division's primary focus is on existing surface mining operations and the return of those mined lands to a usable and safe condition; however, the Division also addresses issues related to abandoned legacy mines.

The Division staff understands that the initial Draft EIR for this project was circulated in October 2007 and that the EIR was revised and recirculated in May 2011. Following responses to comments, the Mendocino County Board of Supervisors certified the Final EIR on April 10, 2012 (Resolution No. 12-065). Subsequently, the certified EIR was the subject of a Petition for Writ of Mandate by plaintiffs seeking to invalidate the County's decision. The trial court found that "for the most part, [the County] proceeded in a manner required by law and that its decision[s] [are] supported by substantial evidence in the record" with the exception of the Board's consideration of the two project alternatives: Project Alternative 4 and Alternative 5.

Harris Quarry SCH 2006112087
October 15, 2019

The subject Revised Draft EIR provides:

- Revisions to EIR Alternative 4: Alternative 4 limits the operation of the asphalt plant to a maximum five-year period
- Revisions to EIR Alternative 5: Alternative 5 requires a zoning amendment for a permanent asphalt plant

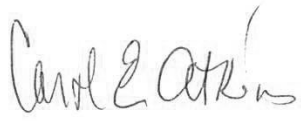
The Division looks forward to providing detailed comments on the revised reclamation plan once it is certified complete and submitted for Division review per SMARA requirements.

Additionally, please include the Division on the distribution list for this project and send the Division any subsequent project documents (e.g., hearing notices and supplemental environmental documents), as well as a copy of the certified Final Revised EIR to me at the address on the bottom of Page 1 of this document.

1-1

If you have any questions, please contact me at (916) 323-9198.

Sincerely,



Carol E. Atkins, Manager
Environmental Services Unit

cc (sent by email):

Julia Acker Krog, Lead Planner, County of Mendocino;
ackerj@mendocinocounty.org

Department of Conservation, Office of Legislative and Regulatory Affairs

Letter 1 Response: Carol E. Atkins, California Department of Conservation, Division of Mine Reclamation, October 15, 2019

1-1 This comment does not raise any environmental issues or address the analysis presented in the RDEIR, so a response is not required. The County appreciates the Department's interest in the project, and will keep the Department informed, as requested.

Mendocino County Farm Bureau

303-C Talmage Road • Ukiah, CA. 95482 • (707) 462-6664 • Fax (707) 462-6681 • Email: admin@mendofb.org
Affiliated with the California Farm Bureau Federation and the American Farm Bureau Federation

October 4, 2019 Via Email : pbs@mendocinocounty.org

Mendocino County Department of Planning and Building Services
ATTN: Harris Quarry Comments
860 N. Bush Street
Ukiah, CA 95482

RE: Harris Quarry Use Permit And Reclamation Plan, 2019 Revised Draft Environmental Impact Report SCH #2006112087

Dear Planning and Building Services,

The Mendocino County Farm Bureau (MCFB) is a non-governmental, non-profit, voluntary membership, advocacy group whose purpose is to protect and promote agricultural interests throughout the county and to find solutions to the problems facing agricultural businesses and the rural community. MCFB would like to submit comments on the Harris Quarry Use Permit and Reclamation Plan: 2019 Revised Draft Environmental Impact Report (2019 RDEIR) SCH# 2006112087.

MCFB feels that a strong local economy with living wage jobs is vital to everyone in Mendocino County. Northern Aggregate Inc. (NAI) is an example of an existing locally owned business that deserves support to continue to provide Mendocino County with aggregate as well as high paying jobs.

High quality aggregate is critically important to many sectors of the county including agriculture. A number of agricultural operations rely on a variety of aggregate for construction, maintenance as well as for complying with regulatory requirements. Agricultural uses include gravel for roads, cobble for drainage structures and rip rap for larger stream repair and stabilization projects. Asphalt is used to maintain the roadways, in the county and beyond, on which agricultural commerce is dependent.

NAI has been working towards the development of a site for an asphalt plant since the early nineties. In that period they have found and proposed three different sites, for various reasons none were found to be acceptable. In 2004, the Board of Supervisors directed Planning and Building Services to prepare an ordinance amendment that would allow the development of asphalt plants in association with surface mining operations so that the applicant could apply for a permit at the Harris Quarry site. Over the last fifteen years, NAI has patiently worked with the county to finalize this project.

In 2012 a group of neighbors filed a lawsuit challenging the Board of Supervisors unanimous certification of the EIR, the adoption of the Statement of Overriding Considerations and the permit approvals for the Harris Quarry project. As a result of the lawsuit the trial court found for the most part the county proceeded in their decision making process properly and had substantial evidence in the record with the exception of alternatives 4 and 5. Based on the trial court and the appellate court decision the county was charged with reconsidering alternatives 4 and 5.

In the analysis of alternatives 4 and 5 prepared by EnviroMINE Inc. it clearly demonstrates for alternative 4, the cost associated with moving forward with a temporary asphalt plant would result in an operating loss for the life of the project of approximately two million dollars. The temporary nature of the operation

2-1

would have slightly less environmental impact, in reality no prudent business person would consider moving forward under a scenario of this sort. Alternative 4 is not a reasonable alternative.

Alternative 5 proposes an overpass be built over Highway 101; the analysis shows this alternative would have less environmental impacts. The cost to the proponent would be 28.6 million dollars and result in a 23.4 million dollar loss over the life of the project. In addition to the cost to the proponent, Mendocino County would be responsible for 23% of the construction cost or 8.5 million dollars which is 85% of the Mendocino County road budget for the next 10 years. Over the past few years NAI has spent over a million dollars making significant safety improvements to the intersection of Highway 101 and the entrance to Harris Quarry. The cost associated with alternative 5 would make the project infeasible and should not be considered a reasonable alternative.

The applicant has volunteered to include a condition of approval requiring the applicant to submit an application to revert the 18 acres back to Rangeland zoning at the end of the use permit. The proposed project includes 50 mitigation measures and NAI has agreed to reimburse Mendocino County for staff time to enforce these mitigation measures.

NAI has worked tirelessly with the county for over 20 years to take this project to fruition and MCFB encourages the Planning Commission and the Board of Supervisors to support the Harris Quarry proposed project. Upon review and consideration of the final EIR, MCFB strongly supports approval of the Harris Quarry proposed project.

2-1

Sincerely,

George Hollister

George Hollister
President

CC: Mendocino County Board of Supervisors, bos@mendocinocounty.org

Letter 2 Response: George Hollister, Mendocino County Farm Bureau, October 4, 2019

2-1 This comment reflects the opinion of the commenter as to the desirability of Alternatives 4 and 5, and provides a statement of support for the project. This comment does not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required.

RMM

REMY | MOOSE | MANLEY LLP

Howard "Chip" Wilkins III
cwilkins@rmmenvirolaw.com

October 15, 2019

Via E-mail and U.S. Mail: pbs@mendocinocounty.org

Mendocino County Planning Commissioners and Board of Supervisors
Mendocino County Department of Planning and Building Services
ATTN: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482

Subject: Comments on Revised Draft Environmental Impact Report for the Harris Quarry Use Permit and Reclamation Plan Project (SCH #2006112087)

Dear Mendocino County Planning Commissioners and Board of Supervisors:

On behalf of Keep the Code ("KTC"), an unincorporated association of local residents who are concerned about environmental impacts the Harris Quarry Use Permit Project and Reclamation Plan ("Project"), we respectfully submit the following comments regarding the Project's Revised Draft Environmental Impact Report ("2019 RDEIR"). Between 2010 and 2012, KTC submitted numerous comments on the adequacy of the Project's 2011 Revised Draft and Final Environmental Impact Report ("EIR"). After the County approved the Project, the use permit, and 2012 Final Environmental Impact Report ("FEIR") were ultimately the subject of litigation between KTC and the County of Mendocino ("the County") (*Keep the Code, Inc. v. County of Mendocino, et. al.*, Super. Ct., Mendocino County, Oct. 7, 2013, No. SCUK-CVPT-12-60196.) The Mendocino County Superior Court found the County's findings regarding project alternatives 4 and 5 were not supported by substantial evidence; which the Court of Appeal upheld. The Mendocino County Superior Court issued a writ of mandate directing the County to set aside the certification of the EIR and permit approvals, and to reconsider project alternatives 4 and 5 in light of the opinion's findings.

As noted in Keep the Code's prior comments on the 2012 FEIR, 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 ("MPCD") 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.

Here, the 2019 RDEIR does not evaluate significant changes that have occurred over the last seven years since the County certified the 2012 EIR as required by CEQA. As explained below, changed circumstances require the County to revise and recirculate the 2019 RDEIR before it may consider approving the Project. KTC's concerns center on seven issues: (1) the RDEIR's analysis of Alternatives 4 and 5 improperly ignores the changes in the demand for asphalt over the last 7 year, especially in light of completion of the Willits bypass; (2) the RDEIR's analysis of Alternatives 4 and 5 improperly ignores road improvements made since the project was first proposed; (3) the County did not peer-review the economic analysis of Alternatives 4 and 5 prepared by EnviroMINE; (4) the RDEIR fails to analyze significant new impacts related to increased fire risks near the project site; (5) the previous EIR's Toxic Health Risk Assessment relating to air quality impacts is now stale and must be updated; (6) the previous EIR's VMT assumption and estimates are stale and require a new analysis consistent with CEQA requirements; and (7) the County retention of the Thomas Law Group creates an impermissible conflict of interest with KTC's counsel. 3-1

Therefore, 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 2019 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 references and was prepared with input from Paul Miller, Principal and Senior Air Quality Reviewer of RCH Group, Richard Grassetti, M.A. of Grassetti Environmental Consulting's ("GECo"), and Shakir Shatnawi, PhD, PE, President of Shatec Engineering Consultants, LLC. 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.)

For these reasons and as described in further detail below, the Planning Commission should postpone its consideration of the RDEIR until after the County conducts supplemental review and prepares an ethics opinion. To comply with CEQA and the CEQA Guidelines, the County and any other responsible agency must prepare a supplemental EIR to analyze the potential impacts associated with the project's direct, indirect, and cumulative adverse environmental impacts that may arise based on significant new information and changed circumstances. The public and decisionmakers are entitled to adequate and accurate information regarding the project's environmental

effects, and must be provided with an opportunity to fully understand their scope and magnitude.

I. Procedural Matters

A. The County must postpone consideration of the 2019 RDEIR until a revised, subsequent, or supplemental EIR is prepared that evaluates significant new information.

As part of its consideration of the 2019 RDEIR, the County must determine whether there is any new information or changed circumstances since the County certified the Final EIR and approved the use permit in 2012. Under CEQA, any agency granting an approval for a project, must prepare a subsequent or supplemental EIR if, on the basis of substantial evidence in the light of the whole record, one or more of the following occurs:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR* or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

3-2

(3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified* as complete or the Negative Declaration was adopted, shows any of the following:

(A) *The project will have one or more significant effects not discussed in the previous EIR or negative declaration*;

(B) *Significant effects previously examined will be substantially more severe than shown in the previous EIR*;

(C) *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative*; or

(D) *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative*.

(CEQA Guidelines, § 15162, subd. (a); see Pub. Resources Code, § 21166, italics added.) If any of these conditions occur, a subsequent or supplemental EIR must be prepared by "the public agency which grants the next discretionary approval for the project, if any." (CEQA Guidelines, §§ 15162, subd. (c), 15163.)

As discussed below, several of these conditions have occurred, thereby requiring the County to conduct supplemental review. Of foremost concern, the RDEIR does not analyze significant new impacts related to increased fire risks. Second, as explained in the RCH Group's Air Quality Comment Letter (October 10, 2019), the RDEIR must reanalyze the Project's air quality impacts because the Health Risk Assessment (HRA) that the 2011 DEIR previously relied upon is now stale and significant changes in population around the project site have occurred.

In addition, Had the County vacated its initial approval of the 2012 FEIR as required by the Mendocino County Superior Court and Court of Appeal, recirculation of the 2019 RDEIR to address this same significant new information would be required too. (*Laurel Heights Improvement Assn. v. Regents of University of California* (2003) 6 Cal.4th 1112, 1129-1130 [recirculation and supplemental review adhere to the same analysis and are required when significant new information substantially changes a project's environmental effects].) As the California Supreme Court has explained, "[r]ecirculation is not mandated under section 21092.1 when the new information merely clarifies or amplifies the previously circulated draft EIR, but is required when it reveals, for example, a new substantial impact or a substantially increased impact on the environment." (*Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 447.) According to the CEQA Guidelines, "significant new information" requiring recirculation include, for example, a disclosure showing a "substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance." (Guidelines, § 15088.5, subd. (a)(2).) As discussed below, significant new information requires the recirculation of 2019 RDEIR or supplemental EIR. 3-2

B. Misleading Notice of Completion of 2019 RDEIR

On August 28, 2019, the County released the RDEIR to supplement information that was previously disclosed in the 2012 FEIR as required under the final judgement in Keep the Code, Inc. v. County of Mendocino. The RDEIR reanalyzes the feasibility of project alternatives 4 and 5, and includes an economic analysis prepared by EnviroMINE, Inc. ("EnviroMINE"). The 2019 RDEIR notes that the forthcoming final EIR will incorporate the 2012 FEIR's approvals because "the Court found that all other aspects of the 2012 Final EIR were sufficient." (2019 RDEIR at p. 2-1.) The RDEIR states: "Given the limited scope of the 2019 RDEIR, together with the directives contained in the Court's remand and the requirements of CEQA Guidelines Section 15234(d), ***comments that are not related to the specific issues under review (Alternatives 4 and 5) will not be responded to***. (2019 RDEIR, p. 1-4, emphasis added.) This statement is misleading and 3-3

suggests that the public and public agencies may not comment on significant new information that has developed in the seven years since the County originally certified the 2012 FEIR. 3-3

At the outset, the RDEIR's reliance on the 2012 FEIR is improper because the Mendocino County Superior Court directed the County to rescind the FEIR. Though the 2019 RDEIR states that it will rescind the document in 2019, the document's reliance on it is improper as it should have been rescinded long ago. 3-4

Furthermore, and of foremost concern, the 2019 RDEIR does not satisfy the requirements set forth under the California Environmental Quality Act (Public Resources Code, § 21000, et. seq.) ("CEQA") or the CEQA Guidelines (California Code of Regulations, Title 14, § 15000 et. seq.) ("CEQA Guidelines") to address new and significant information regarding the project's potential impacts that has become available since the County's original certification of the FEIR. As such, the County must prepare and recirculate a Revised RDEIR (or supplemental EIR) that complies with CEQA (see Pub. Resources Code, § 21166; CEQA Guidelines, § 15262, subd. (a) [requiring an agency to prepare a supplemental EIR if new information of substantial importance shows the project will have more significant effects not discussed in previous EIR].) In doing so, the County must recirculate the 2019 RDEIR to the public with an explanation that it will consider public comments that address this new significant information. (*South county Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 327-328.) 3-5

C. The County Planning Commission Must Consider the Adequacy of the RDEIR prior to the Board of Supervisors.

Mendocino County Code section 2.48.040 confers the Mendocino County Planning Commission with powers and duties set forth under the laws of the County. The Planning Commission enjoys original jurisdiction over the issuance of use permits, rezoning decisions, and surface mining permits. (Mendocino County Code, §§ 20.196.010, 20.212.025, 22.16.060.) The County's Board of Supervisors may "reserve to itself the functions of the [Planning Commission] when time is of the essence with respect to any permit or approval, based on the project's special contribution to the County's general welfare and economic or environmental wellbeing." (Mendocino County Code, § 2.54.010.) In all other instances, the Planning Commission is charged with reviewing environmental impact reports prior to the Board. 3-6

The County Planning Commission must consider the 2019 RDEIR before the Board of Supervisors approves the project. The Board's current exercise of "original jurisdiction," is no longer necessary. On May 21, 2019, nearly four years after the Superior Court's decision, Tina Wallis, counsel for Northern Aggregate, sent the Mendocino County Board of Supervisors a letter requesting the Board to exercise its original jurisdiction powers under section 2.54.010. Ms. Wallis explained that the Harris

Quarry Project's subsequent approvals required the Board's original jurisdiction because "time was of the essence." Ms. Wallis claimed the Project would contribute to the County's general welfare and economic well-being because the Quarry's aggregate materials were the only significant source of aggregate that meets CalTrans needs, and that there was a state-wide shortage of such high-quality resources. The Board of Supervisors approved the request on June 18, 2019.[1]

The basis for Northern Aggregate's initial request for original jurisdiction no longer exists. Most notably, even under the best-case scenario the project will not be approved the County or the Court before the end of the year. Therefore, there is no urgency for the Board to exercise original jurisdiction. Instead, and as explained below, there is significant new information that indicates the project's environmental effects will be greater than the 2012 FEIR anticipated. For these reasons, the Planning Commission must adhere to CEQA and conduct additional review of the project's impacts. (Mendocino County Code, § 20.188.025.)

3-6

II. The Completion of the First Phase of Willits Bypass is Significant New Information that changes the VMT analysis in the 2012 Final EIR and Requires the County to Revise and Recirculate its Evaluation of Alternatives and the Analysis of and Mitigation for Air Quality, Traffic, and Greenhouse Gas/Climate Change Impacts

As the FEIR acknowledges the Willits Bypass was a major project in the County at the time the Board considered the 2012 FEIR and drove the County's environmental analysis and selection of alternatives. The FEIR further acknowledges that large projects within the market area of the Harris Quarry, like first phase of the Willits Bypass, are rare and the only large project planned within the next 20 years is Phase II of the Willits Bypass Therefore, as explained by Shatec Engineering, the 2019 RDEIR itself demonstrates an additional asphalt plant is not necessary. This information did not exist when the County approved the 2012 FEIR and changes the VMT assumptions that were included in the 2012 FEIR and what constitute a reasonable range of alternatives to the project.

3-7

In addition, as the Board noted during its 2012 deliberations, the applicant's asserted VMT reductions are doubtful. For example, Supervisor Hamburg noted, in response to the issue that the asphalt plant can produce 3,000 tons of asphalt per day, that a prior presenter had indicated that 90,000 tons had been the total amount of asphalt used in 2011 in the County.[2] Supervisor Hamburg observed, the plant could produce enough

[1] https://mendocino.legistar.com/MeetingDetail.aspx?ID=677208&GUID=B9F21A99-BFF1-48D9-83FB-A94F0BF109F6&Options=info&Search=

[2] This number appears to be an overstatement and is closer to what NAI's expert predicts for demand in 2020. (2019 FEIR, Appendix "E", p. 6, Table 3.)

product to serve the entire county, which lead to his question "what is going to be done with all of the rest of that asphalt?" (Board of Supervisors Transcript; previously Bates numbered as AR 30929-30) Supervisor Smith, picking up on Supervisor Hamburg's observations stated "if you read between the lines, that they [NAI] want to be competitive regionally. So we are going to see trucking operations that are going to cross Mendocino county lines. I think that's sort of a given here for the ultimate investment of the applicant." (*Id.* at AR 30940.) [3]

3-7

Considering the foregoing new information, as informed by the 2012 Board of Supervisors; testimony, it is clear an updated VMT analysis is required to address the Project's GHG, traffic, and air quality impacts. In addition, the County must reevaluate its objectives for the MPCD and Project as well as consider whether there are feasible alternatives that would substantially lessen the Project's impacts as required by CEQA.

III. The RDEIR's analysis of project alternatives 4 and 5 fails to consider significant new information, including newly constructed road improvements the County previously determined were infeasible without approval of the project as proposed.

CEQA mandates supplemental review when "alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the…alternative." (CEQA Guidelines, § 15162, subd. (3)(C).) An agency cannot reject an alternative "that feasibly might reduce the environmental impact of a project on the unanalyzed theory that such an alternative might not prove to be environmentally superior to the project." (*Habitat & Watershed Caretakers v. City of Santa Cruz* (2013) 213 Cal.App.4th 1277, 1305.) As the California Supreme Court recently explained, a "discussion of alternatives must contain analysis sufficient to allow informed decision making." (*Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 513.)

3-8

A. The Construction of Road Improvements is Significant New Information demonstrating additional alternatives are feasible

The 2019 RDEIR's evaluation of the feasibility makes the same mistake that the County made in its 2012 Final EIR in evaluating the financial feasibility of the alternative based on its assumption that Alternative 5 must fund the construction of additional highway improvements. As the Court of Appeal held:

> ***Contrary to NAI's contention, the fact that alternative 5 would not produce the same level of highway improvements as the proposed project is not relevant to the alternative's feasibility absent a showing that postponing***

[3] MCAQMD also expresses skepticism that the Project will reduce VMT, concluding: "I'm not convinced that you've met the standard of real and verifiable reductions." (*Id.* at AR 3184-3185.)

> ***improvements to Highway 101 would render alternative 5 infeasible***. Similarly, there was no evidence that alternative 5's proposed reduction in nighttime operations from 100 nights to 20 nights would be economically infeasible.

(Keep the Code, Inc. v. County of Mendocino (Cal. Ct. App., Nov. 30, 2018, No. A140857) 2018 WL 6259483, at *7.) The 2019 RDEIR ignores the Court's holding and bases its entire analysis regarding the feasibility of alternative 5 on whether it is economical to require the construction of ab interchange. AS the Court of Appeal held in this case, that is not the correct inquiry under CEQA.

Moreover, the 2019 RDEIR's analysis of project alternatives 4 and 5 fails to consider a crucial fact that changes the feasibility of each – the construction of road improvements at the quarry access that occurred between the certification of the FEIR and the 2019 RDEIR. Because NAI has already constructed most of the road improvements required in the 2012 RDEIR; it is misleading to the public and public agencies to suggest as interchange is required to address Alternative 5's impacts. Yet, the 2019 RDEIR does. The County must explain in a recirculated and revised RDEIR whether additional road improvements—beyond those required in the 2012 FEIR—are required as mitigation for the Project or any alternative to address the Project's traffic and traffic safety impacts.

3-8

B. The Completion of the Willits Bypass is Significant New Information demonstrating additional alternatives are feasible

As noted above, Shatec Engineering explained that the 2019 RDEIR itself demonstrates an additional asphalt plant is not necessary. At minimum, this information requires the County consider reducing the size of the proposed asphalt plant and whether mobile asphalt production units would reduce impacts when compare to the proposed MPCD. The County must also consider whether alternative locations on the Harris Quarry site (e.g., quarry floor) would reduce the project' significant impacts, including the project's significant and unavoidable aesthetic impacts. Because a proper alternatives analysis allows the decisionmakers to determine whether an environmentally superior alternative exists, "the key to the selection of the range of alternatives is to identify alternatives that meet most of the project's objectives but have a reduced level of environmental impacts." (*Watsonville Pilots Ass'n. v. City of Watsonville* (2010) 183 Cal.App.4th 1059, 1089.)

3-9

C. Significant New Information demonstrates alternative locations are feasible.

As Shatec Engineering also explained, there is significant new information regarding the feasibility of alternative locations that must also be considers. This information did not exist at the time the County approved the 2012 FEIR and was not before the Court. Therefore, the County is required to prepare and recirculate revised RDEIR that evaluates these alternative locations as well as the alternatives outlined above.

3-10

D. The County must independently review the economic analysis prepared by EnviroMINE.

Before an agency may approve a project with significant environmental impacts, it must make findings showing why the environmentally superior alternative is infeasible. (*Flanders Found. V. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 620-621.) The feasibility findings must be based on substantial evidence set forth in the record. (Pub. Resources Code, § 21081.5.) Substantial evidence is not "argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate…" (CEQA Guidelines, § 15384.) "Although the agency may rely on expert opinion, it must be supported by facts. The agency cannot simply rely on evidence proffered by the project's proponent regarding infeasibility; instead, the agency must *independently* participate, review, analyze and discuss the alternatives in good faith." (*Sierra Club v. Tahoe Regional Planning Agency* (E.D. Cal. 2013) 916 F.Supp.2d 1098, 1125 (*Sierra Club*) emphasis in original, internal citations omitted.) Agencies and courts cannot "uncritically rely on every study or analysis presented by a project proponent in support of its position." (*Ibid.*, citations omitted.)

3-11

The 2019 RDEIR's consideration of project alternatives 4 and 5 relies on an economic analysis prepared by EnviroMINE – a mining and environmental consulting firm that was hired by the Project's applicant, Northern Aggregates, Inc. ("NAI"). (RDEIR, p. 1-5; RDEIR, Appendix E, p. 1.) Based on the economic report's findings, the RDEIR concludes that adoption of alternative 4 or 5 is infeasible because each would result in a net loss of money for NAI. While it is permissible for the County to incorporate the economic analysis's findings into its analysis, it "cannot simply rely on evidence proffered" by NAI. (*Sierra Club*, *supra*, 916 F.Supp.2d at 1125.) Rather, the County must *independently* participate, review, and analyze the alternatives in good faith. (*Ibid.*; also see *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.Ap.4th 1437, 1460; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 708.) Accordingly, the County must engage in additional independent review before approving the RDEIR, instead of blindly relying on an economic analysis proffered by the project's applicant.

IV. Supplemental review is required because there is substantial new information regarding increased fire hazards that the previous EIR did not analyze.

3-12

As explained above, if any of the conditions listed in CEQA Guidelines section 15126 occur, a subsequent or supplemental EIR must be prepared by the public agency that grants the next discretionary approval for the project. (CEQA Guidelines, § 15162,

subd. (a), (c).) New information that warrants supplemental review must be "of substantial importance," including that which shows "significant effects previously examined will be substantially more severe than [those] stated in prior review." (*Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1057—1058.) Since the EIR was circulated in 2011 and certified in 2012, substantial new information regarding the region's fire hazards demonstrates the effects previously studied will be substantially more severe.

In February 2017, the California Department of Public Health released the "Climate Change and Health Profile Report" for Mendocino County.[4] The report indicates that climate change has substantially increased fire hazard risks since 2011 and will continue to do so through 2085. One year later, Mendocino County experienced the devastating Mendocino Complex Fire.[5] In response, on March 22, 2019, Governor Newsom declared a state of emergency involving forest conditions near vulnerable communities.[6] Pursuant to the corresponding Executive Order (N-05-19), the California Department of Forestry and Fire Protection's ("CALFIRE") published a Community Wildfire Prevention and Mitigation Report, which identified thirty-five emergency fuel reduction projects.[7] CALFIRE's Mendocino Unit created the Willits Emergency Fuels Reduction Project, which consists of a 15-mile, 720-acre shaded fuel break and 550-acre prescribed burn that will reduce wildfire intensity and the rate of wildfire spread around the City of Willits and surrounding communities.[8]

3-12

These reports provide significant new information regarding the heightened fire risks in Mendocino County and the region surrounding the Project. Both recognize the region's increased vulnerability to fires (particularly in ridge top areas as is the case) and the substantial likelihood that fire hazards will continue to increase in the future. Furthermore, the Willits Emergency Fuels Reduction Project could alter the area surrounding the Project in ways that preclude additional development, or, limit the scope of the Project's operations. This information substantially alters the scope and operation of the Project in ways that the 2012 FEIR did not contemplate. In light of this, the County should conduct supplemental review to evaluate how the both the MPCD and proposed Project will potentially contribute to these risks, and whether the Willits Emergency Fuel Reduction Project will be implicated. The County must also evaluate the Project's impacts on emergency evacuation in light of these changed circumstances.

[4] Available at: https://www.mendocinocounty.org/home/showdocument?id=12168.
[5] See: https://inciweb.nwcg.gov/incident/6073/
[6] Available at: https://www.gov.ca.gov/wp-content/uploads/2019/01/1.8.19-EO-N-05-19.pdf
[7] Available at: http://resources.ca.gov/wp-content/uploads/2019/04/Signed-Willits-Fuel-Packet.pdf
[8] Available at: https://www.fire.ca.gov/media/5533/45-day-plan_17.pdf

V. Supplemental review is required because the previous EIR's Toxic Health Risk Assessment is out of date.

Supplemental review is required when new and previously unknown information shows the project's impacts could be even more significant than previously anticipated. (CEQA Guidelines, § 15162, subd. (a)(3)(B).) This includes new factors or data that were previously unknown or not considered during the initial review process. (*A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1801.) Specifically, the area around the Project site has changed significantly since the Project's FEIR was certified in 2012. As indicated by the County's 2018 Regional Housing Needs Plan, the County has, and will continue to experience, significant population and housing growth, particularly in communities with residents aged 75 years and over.[9] This supports the information provided in Grassetti Environmental Consulting's (GECo) comment letter, which pointed to the newly planned assisted living facility that will replace the existing White Deer Lodge restaurant.

Moreover, the 2011 Toxic Health Risk Assessment (HRA) that the initial EIR relied upon is out of date. In February 2015, The California Office of Environmental Health Hazard Assessment (OEHHA) released the *Air Toxic Hot Spots Program Guidance Manual for the Preparation of Risk Assessments*.[10] The report provides new modeling protocols needed to perform proper health risk assessments (HRA) under the Air Toxic Hot Spots Information and Assessment Act of 1987. As the RCH Group's comment letter explains, the manual suggests that the Harris Quarry HRA should be updated before the proposed project is approved in order to conform to OEHHA's new mandates. While the manual in it of itself does not mandate supplemental review (see *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320), the changed conditions its rest upon do.

3-13

In sum, the increase in nearby residents, particularly those belonging to sensitive populations, significantly changes the surrounding conditions that 2012 certified EIR was premised on. Supplemental review is thus imperative because the FEIR and its outdated HRA analysis did not consider the project's air quality impacts on local homes and sensitive residents. Rather, the 2019 RDEIR makes no mention of how these metrics may affect its original analysis, or, whether alternatives 4 and 5 present viable options considering the changed circumstances. Thus, now that the County has been presented

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[9] See *Mendocino County Regional Housing Needs Plan* (August 20, 2018) at pp. 1-2 (available at: https://www.mendocinocog.org/files/e7df662e9/RHNA+Plan+2018-Adopted.pdf); also see *2018 Mendocino County Economic & Demographic Profile* (available at: http://www.rcrcnet.org/sites/default/files/useruploads/Documents/Advocacy/Economic_Development/County_Profiles/2018%20Mendocino%20Economic%20&%20Demographic%20Profile.pdf).

[10] Available at: https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

with this new information and has knowledge about these changed conditions, it must engage in supplemental review to determine the full scope of the project's impacts. 3-13

VI. The County must prepare an ethics opinion regarding the potential conflict of interest that will arise from its retention of Thomas Law Group.

Pursuant to the State Bar of California's Rules of Professional Conduct, a "lawyer who has formerly represented a client in a matter shall not thereafter represent another person in the same or substantially related matter in which that person's interests are materially adverse to the interests of the former client unless the former client gives informed written consent." (Rules Prof. Conduct, rule 1.9(a).) This prohibition includes representing "a person in the same or substantially related matter in which a firm with which the lawyer formerly was associated had previously represented a client whose interests are materially adverse to that person and about whom the lawyer had acquired [confidential] information" related to representation. (Rules Prof. Conduct, rule 1.9(b).)

On October 1, 2019, the Mendocino County Board of Supervisors approved an amendment to Purchasing Agent Agreement No 20-32 with the Thomas Law Group. The Amendment increased the total agreement amount from $50,000 to $125,000 for Thomas Law Group to provide legal services to the County related to *Keep the Code, Inc. v. County of Mendocino*, effective July 30, 2019 through June 30, 2020.[11] Thomas Law Group was founded in 2012 by Tina Thomas. Prior to starting the firm, Ms. Thomas was an attorney at Remy, Thomas, Moose, and Manley, LLP from 1986 to 2011. KTC retained Remy, Thomas, Moose, Manley, LLP in 2007 to represent them in this matter against the County of Mendocino. After Ms. Thomas departed from Remy, Thomas, Moose, and Manley, the firm's name was changed to its current form, Remy, Moose, Manley, LLP. As members of the firm, Ms. Thomas and her associate, Mr. Christopher Butcher, had access to information that was favorable to KTC's current defense against the County. Ms. Thomas' representation of the County in this matter is substantially related and adverse to that of KTC's – her former firm's current client. For these reasons, the County's retention of Tina Thomas and the Thomas Law Group creates a conflict of interest that compels the County to create and publish an ethics opinion. Without a waiver and informed written consent provided by KTC and the County, Thomas Law Group's continued representation of the County is impermissible. 3-14

VII. Conclusion

For the reasons set forth above, the Planning Commission should postpone approval of the 2019 RDEIR until the County conducts further supplemental review. New 3-15

[11] Mendocino County Board of Supervisors, Meeting Agenda (October 1, 2019) (available at: https://mendocino.legistar.com/MeetingDetail.aspx?ID=677219&GUID=62F3F410-E819-4ACE-8828-3DD1223D8FE6&Options=&Search=).

significant information indicates the Project will have substantial environmental effects that were not previously considered in the 2012 FEIR. Such effects include the state of emergency regarding the region's fire hazards as well as the County's growing population of sensitive residents. This, coupled with the known information that the Willits Bypass has been constructed, should compel the County to conduct supplemental review. Finally, the County should publish an ethics opinion with regards to its retention of the Thomas Law Group in order to ensure Keep The Code is not unduly prejudiced by the law firm's potential conflict of interest.

3-15

Very truly yours,

/s/ *Howard F. Wilkins III*

Howard F. Wilkins III
REMY MOOSE MANLEY, LLP
Attorneys for Keep the Code

Letter 3 Response: Howard F. Wilkins III, Remy, Moose, & Manley, October 15, 2019

3-1 This portion of the commenter's letter provides a summary of seven issues that the commenter believes should be responded to. The responses below address each of the comments that were raised, and no summary response is provided here.

3-2 The commenter asserts that significant new information exists that invalidates the findings of the 2012 FEIR and the 2019 RDEIR. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein it is explained that a lead agency's decertification of an EIR does not negate the applicability of those portions of the EIR that were found by a court to be sufficient. Moreover, each of the topical issues raised by the commenter are address in Master Response 2: *Significant New Information*, and the various subsections therein.

With respect to increased risks from wildfire, please see Master Response 2a: *Wildfire Risk and Access/Egress*, from earlier in the chapter, which describes how wildfire is not a new issue, and how the issue was already evaluated in the 2012 FEIR, and how that evaluation was found sufficient upon judicial review.

With respect to the project's air quality impacts and the applicability of the project's health risk assessment, please see Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which describes how applicable case law has consistently affirmed that new or revised standards do not retroactively apply to projects that have already undergone environmental review. See also Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which outlines the existing and proposed uses around the project site, and how those uses do not constitute significant new information or present new types of effects that weren't sufficiently evaluated in the 2102 FEIR. None of the issues raised by the commenter constitute a new substantial impact, or a substantially increased impact on the environment, as asserted by the commenter.

3-3 With respect to the commenter's assertion that the 2019 RDEIR's Notice of Completion (NOC) was misleading, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Most notable among these directives is CEQA Guidelines, Section 15088.5(f)(2), wherein it is expressly states that "[w]hen the EIR is revised only in part and the lead agency is recirculating only the revised chapters or portions of the EIR, the lead agency may request that reviewers limit their comments to the revised chapters or

portions of the recirculated EIR. The lead agency need only respond to (i) comments received during the initial circulation period that relate to chapters or portions of the document that were not revised and recirculated, and (ii) comments received during the recirculation period that relate to the chapters or portions of the earlier EIR that were revised and recirculated. The lead agency's request that reviewers limit the scope of their comments shall be included either within the text of the revised EIR or by an attachment to the revised EIR." Based on this very clear direction in the CEQA Guidelines, as well as other considerations that are laid out more fully in Mater Response 1, it is clear that the County acted properly. The commenter's assertion is not supported.

3-4 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein it is explained that a lead agency's decertification of an EIR does not negate the applicability of those portions of the EIR that were found by a court to be sufficient. In short, precisely when the County chooses to rescind its certification of the 2012 FEIR is immaterial. Whether or not the EIR has been decertified does not alter the fact that the sufficiency of the remainder of the EIR has been litigated and resolved. As discussed in Master Response 1, this point is well established in case law, and the commenter's assertions otherwise are not supported.

3-5 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, and also Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information as defined by CEQA has become available since the County certified the 2012 FEIR.

3-6 The Mendocino County Planning Commission considered the proposed project and the 2011 RDEIR and/or 2012 FEIR at several hearings including the March 22, 2012 hearing in which the Planning Commission recommended to the Board approval of the Ordinance Amendment and Rezoning (#OA 1-2007 and #R 4-2011) and the May 17, 2012 hearing in which the Planning Commission approved the Use Permit Renewal/Modification (UR 19-83/2005) and the Reclamation Plan Renewal. The proposed project and associated approvals for the proposed project have not substantively changed from the versions previously considered by the Planning Commission. Release of the 2019 RDEIR does not require the Planning Commission to reconsider the recommendations and actions it previously took on the proposed project. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 924-925.) Furthermore, on June 18, 2019, the Mendocino County Board of Supervisors considered and approved the applicants request for "direct review" of actions related to the Harris Quarry project pursuant to Chapter 2.54.010 of the Mendocino County Code. A copy of the applicant's request, associated correspondence, and minutes of the meeting documenting the Board's approval of the request can be found on the Mendocino County Website at https://www.mendocinocounty.org/government/board-of-supervisors/agendas-

and-minutes. The Board's action means that the Board of Supervisors will consider all project-related actions, including rescinding earlier Final EIR and re-certifying the new Final EIR, without returning to the Planning Commission.

3-7 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. In addition, the 2011 RDEIR included a cumulative analysis of future VMT conditions that included a scenario wherein the bypass construction had been completed. This analysis was litigated and resolved in the first petition challenging the 2012 FEIR, and the court upheld all aspects of the County's VMT analysis. The commenter's assertion is not supported.

3-8 The reasoning of this comment is difficult to follow, since the commenter appears to be confusing the US-101 lane improvements that the project sponsor has undertaken since certification of the 2012 FEIR with the interchange improvements considered as part of Alternative 5. The two are not comparable. The lane improvements implemented by the project sponsor were determined to be feasible as part of the 2012 RFEIR, and were prescribed as mitigation for the project's transportation impacts. The Alternative 5 interchange, however, is a separate and discrete improvement project proposed as part of Alternative 5. The fact that the lane improvements have been made does not change the feasibility of the interchange project proposed as part of Alternative 5. The comment, therefore, does not provide any support for the assertion that Alternative 5 is more feasible today than it was in 2012. Further, the commenter is referred here to Master Response 2b: *Transportation Improvements & Accidents*, which provides documentation concerning the demonstrated efficacy of the constructed improvements. Rates of collision have substantially decreased since the improvements were constructed, and are now well below statewide averages for similar roadway facilities (0.35 collisions per million vehicle miles (c/mvm) over the last five years, versus the statewide average of 1.55 c/mvm for similar facilities). This improved condition is in full alignment with the findings of the 2011 RDEIR, which projected that implementation of the improvements would effectively reduce traffic safety hazards in the area (2011 RDEIR pages 221 and 222). Based on this information, the reasonable conclusion to be drawn is that, regardless of the feasibility of the interchange, it was not necessary to meet the traffic safety requirements of the project. This conclusion is supported by the analysis in the 2011 RDEIR, which concluded that, with implementation of mitigation measures set forth in the 2011 RDEIR, the project's traffic safety impacts would be less than significant. (2011 RDEIR pages 221 and 222). Therefore, the interchange project, with the greater area of land disturbance that would be required to construct the interchange, the greater expenditure of energy and materials needed to construct such a structure, and the construction-related traffic impacts that would occur during the construction period are not necessary to address any significant traffic and circulation impacts identified in the 2011

RDEIR and, as discussed above, further evidence now supports that conclusion. In summary, the commenter has not identified any new significant information that was not considered in the 2011 RDEIR or the 2012 RFEIR, and the commenter's assertions are not supported.

3-9 Ultimately, the commenter's assertion here that "an additional asphalt plant is not necessary," as well as the supplemental information presented by Shatec Engineering in Comment Letter 7, merely conveys the opinions of the commenters as to their views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project sponsor, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

3-10 Please see the response to Comment 3-9, above. Further, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. Further, alternative locations to the project were already evaluated as part of Alternative 7 in the 2012 FEIR, where it was pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects, some of which could be more severe (2011 RDEIR, p. 27). Moreover, in the prior litigation both the trial court and court of appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The commenter's assertion is not supported.

3-11 CEQA provides that "[a]ny person, including the applicant, may submit information or comments to the Lead Agency to assist in the preparation of the draft EIR." (CEQA Guidelines, § 15084(c).) Indeed, a lead agency may even accept an entire Draft EIR "prepared by the applicant, a consultant retained by the applicant, or any other person." (CEQA Guidelines, § 15084(d).) CEQA only requires that, "[b]efore using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis." (CEQA Guidelines, § 15084(e); see also *Keep the Code v. County of Mendocino. (Keep the Code v. County of Mendocino* (Judgment Granting Petition for Writ of Mandate

November 11, 2013, SC UK CVPT 1260196) [holding that "informational opinions provided by other entities concerning potential environmental impacts – such as traffic, population density or air quality… may be submitted by a project applicant and independently reviewed by a lead agency"] .) Here, County staff and its environmental consultant reviewed and considered the adequacy and objectivity of the conclusions included in the EnviroMine report prior to issuing the 2019 RDEIR. CEQA requires nothing more. Nevertheless, the County retained an expert consultant to peer review the EnviroMine report included in the 2019 RDEIR, which is included as Appendix F of this document and will be available to the County Board of Supervisors to further inform their decision on the project. Note that both the EnviroMine report (Appendix E) and peer review in Appendix F do not relate to the environmental impacts of the proposed project or the adequacy of the analysis in the EIR. Instead, they are provided to inform the County's decision about the need for the project and the relative merits and/or feasibility of alternatives.

3-12 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, and also Master Response 2: *Significant New Information*, and Master Response 2a: *Wildfire Risk and Access/Egress*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. Of particular note is the fact that the 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the

County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

3-13 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, Master Response 2: *Significant New Information*, and Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, and Master Response 2d: *Air Quality Health Risk Assessment Methodology*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR.

On the applicability of the methodology and standards used to prepare the health risk assessment (HRA) for the 2011 Recirculated Draft EIR, the commenter himself states that "the manual [the 2015 California Office of Environmental Health Hazard Assessment *Air Toxic Hot Spots Program Guidance Manual for Preparation of Risk Assessment*] in and of itself does not mandate supplemental review," and that is for the simple reason that it cannot mandate such a re-review, particularly if the standards employed in the existing analysis were in alignment with what was required at the time of preparation of the EIR, as defined by the issuance of the Notice of Preparation for the project. On this point, the relevant CEQA case law is clear, and courts have consistently found that lead agencies cannot be subjected to endless rounds of re-review based on changing standards. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808.) For this project, the issue at hand is whether or not health risks were evaluated sufficiently in the 2011 RDEIR. To this, the answer is "yes," in that the 2011 HRA considered the health risk to multiple sensitive receptors in the area, including the White Deer Lodge, using the standards in effect at the time (2011 RDEIR, page 287 through 289). The analysis found that the project, as mitigated, would not emit pollutants in excess of regulatory standards (2011 RDEIR, page 291 and 292).

With respect to changes in population in the surrounding area referred to by the commenter, this has little relevance to the effects of toxic air contaminants (TACs), as TAC impacts are localized (usually 1,000 feet or less for purposes of HRA analysis for a project of this type), so any population increases in areas further afield would not be material to the analysis. Since the White Deer Lodge area continues to be the closest location to the proposed project site with sensitive receptors (or the potential for sensitive receptors), and since that location was evaluated as part of the 2011 RDEIR's HRA, any TAC risks to

other sensitive receptors that are more distant from the lodge would necessarily be less.

Based on the above information, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

3-14 This comment does not apply to the analysis in the EIR, or the anticipated environmental effects of the project. Therefore, a response is not required here. However, it is worth noting that parties to the prior litigation [*Keep the Code v. County of Mendocino* (Super. Ct. Mendocino County, 2013, No. SCUKCVPT1260196)] have entered a stipulation confirming that no potential conflict of interest exists.

3-15 As laid out in each of the preceding responses, EIR the commenter has not identified any significant new information as defined by CEQA. The impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

GECO
Grassetti Environmental Consulting

Mendocino County
OCT 15 2019
Planning & Building Services

Mendocino County Department of Planning and Building
Attn: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482

October 10, 2019

SUBJECT: COMMENTS ON 2019 REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN (SCH#2006112087)

Dear Planning Commissioners;

Grassetti Environmental Consulting (GECo) is submitting this letter on behalf of Keep the Code, (KTC) a local citizens group concerned with maintaining the integrity of County land use and zoning regulations. KTC, among others, submitted numerous comments on the 2011 Draft Environmental Impact Report. In response to a court finding that analyses of two alternatives was deficient, the County prepared a Revised Draft EIR (RDEIR) and stated that comments on that document should be limited to those two alternatives. However, as described below in this letter and in the accompanying Air Quality Comment Letter prepared by the RCH Group, other portions of the 2011 DEIR have become "stale" and no longer provide adequate and accurate information to the public and decision-makers on certain environmental effects of the proposed project. Therefore, on behalf of KTC, we are requesting the County prepare an expanded revised DEIR and recirculate that document for public and agency review. This request is discussed further below.

Discussion of CEQA Requirements

As described in the RDEIR, the Court in 2013 directed the County to set aside and vacate certification of the 2012 EIR and vacate the project approval and permits. The DEIR also states that, when a court determines that part of an agency's decision lack evidentiary support in the administrative record, the court may, instead of requiring the agency to reconsider the entirety of its prior action *de novo* (in other words, from the beginning), remand to the agency for further proceedings. (PRC §21168.9.). In general, the agency need not expand the scope of analysis on remand beyond that specified by the court." (CEQA Guidelines Section 15234(d).).

The RDEIR further states, "Based on the court's decision, the County is now charged with reconsidering Alternatives 4 and 5. Per the direction contained in CEQA Guidelines Section 15234(d), all unrelated portions of the 2012 Final EIR, as affirmed by the court, remain valid, and the County's responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to consideration of Alternatives 4 and 5.

While the County need not further expand the 2012 EIR ***under this court order,*** it ***still must comply with all CEQA statutes and Guidelines*** applicable to EIRs. Specifically, it must adequately describe impacts of the project on the environment at the time that the project is proposed for approval. Per CEQA Guidelines Section 15225(a), the County may not use an old, out-of-date environmental setting and, at a minimum, must consider the setting as it existed at the time the Notice of Preparation for this RDEIR was issued. This is particularly important where they may be new significant impacts not addressed in the 2012 document.

4-1

Depending on how the County views the 2012 FEIR, it has two options for considering changed conditions and new potential impacts. If it considers the 2012 EIR valid and closed to comment and final with the exception of the two deficient alternative discussions, per the Court decision, then it must prepare a Supplemental EIR to update that document. If it does not consider the EIR final, then it must amend and re-circulate the 2012 DEIR to reflect current conditions. However, it may not continue to approve the proposed project using an out-of-date EIR that understates or omits certain potentially significant environmental impacts. To do so would deny both the public and decision-makers information critical to fully considering the decision.

Discussion of Changed Conditions and Potential New Significant Impacts

CEQA Guidelines Section 15162 requires that a supplement to an EIR be prepared if any of the following would occur:

> 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
>
> (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
>
> (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
>
> (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
>
> (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
>
> (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
>
> (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant

effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

As detailed below, a number of conditions have changed since the preparation of the original DEIR in 2011 that may result in new or substantially more severe environmental impacts compared to those identified in the 2012 FEIR. These include:

1. A new project is in progress directly across Black Bart Road from the quarry and proposed asphalt plant. The old White Deer Lodge and restaurant are being converted into an Assisted Living development and home for the School of Adaptive Agriculture with community gardens and community kitchen. The Alliance for Community Endeavors held its opening ceremony for its garden on July 20, 2019. Thus, a new sensitive population and organic agriculture facility are or will shortly be very nearby. Impacts to those residents and land uses from project operations on health, noise, air quality, and traffic need to be addressed in the EIR. 4-2

2. Black Bart Road is now a one-way in and out road with the asphalt plant located at the entrance to the road. Some 340 properties are served by Black Bart Road. The bridge on Williams Ranch Road washed out about 2 years ago which reduced escape from the area. This condition eliminated one of the two escape routes from the area. Therefore, in the event of a fire, there is only one evacuation route. The EIR must evaluate potential impacts of the asphalt plant and associated traffic on emergency access in case of a problem at the plant, or wildfire (see below), as well as on general traffic given the change in Black Bart from a through street to a dead-end street. 4-3

3. Fire risk and associated public concerns are much higher now than in 2011, and will continue to increase. This increase in fire risk hazard is described in the Climate Change and Health Profile Report, Mendocino County, published by the California Department of Public Health in February 2017. Fire hazards have worsened substantially since 2011, and are projected to continue to worsen due to climate change. Multiple large fires and multiple evacuations have occurred in the area of the quarry since publication of the 2011 DEIR. More intense and swiftly moving fires especially ridge tops are now projected for the future. The DEIR must address this substantially more significant hazard and the project's potential contribution to the hazard, both in terms of potential increase in fires and emergency access in this area. 4-4

4. As described in the Air Quality Comments Letter prepared by the RCH Group (October 10, 2019), the Toxic Health Risk Assessment (HRA) from 2011 is out of date, "stale" and is inconsistent with current State Guidelines from the California Office of Environmental Health Hazard Assessment (OEHHA). This is a serious concern because the new OEHHA Guidance Manual procedures result in larger (greater) Cancer, Chronic and Acute Health Risks. The decision-makers should have current information about updated cancer risk prior to making decisions regarding the project. New and planned new sensitive receptors in the area, such as residents of the proposed new elder care home near the proposed asphalt plant, should be included in the updated HRA and DEIR, and then circulated to the APCD for review and comment. Individuals who may be more sensitive to toxic exposures than the general population are distributed throughout the total population. Sensitive populations may include young children and chronically ill 4-5

individuals (e.g., schools, nursing homes, residential care facilities, daycare centers, and hospitals).

4-5

5. As noted in the RCH Group comment letter (October 10, 2019), a state-of-the-art asphalt plant should not rely upon diesel generators as this one does. PG&E power is available. This would greatly reduce project air quality impacts, and should be included as a mitigation measure. Failure to include this measure or address its feasibility renders the document inadequate.

4-6

In addition, because the Willits Bypass has been constructed, Alternative 4, as written, is no longer relevant or feasible. To adapt that alternative to fit changed conditions, we are requesting that it be revised to consider portable asphalt plants in general as an alternative that would eliminate the site-specific impacts of the proposed asphalt plant. In general, this alternative would assure a "right-size plant" that would minimize impacts and reduce emissions and wastes, the mobile plant could be located in the already-disturbed project laydown areas, the mobile plants offer the flexibility to avoid location near sensitive receptors; these plants could reduce truck trips and resultant air pollutant emissions compared to a fixed-location plant. This revised alternative would read as follows (new text underlined; deleted text indicated with strike-through).

Description

This alternative includes all elements of the proposed project except the asphalt processing facility would be replaced with temporary, portable asphalt plants at large job sites, ~~issued~~ These plants would operate under a temporary use permit that extends for the period that the ~~Willits Bypass~~ specific project is being constructed. The County Zoning Ordinance (Section 20.036.010) currently allows mineral processing "of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project…" The installation of such a temporary facility would require County approval of a use permit. ~~Based on discussions with Phil Dow of the Mendocino Council of Governments, the bypass, if funding is restored, is projected to take about 4 years to construct. This alternative would include a zoning variance to allow the asphalt silo to be 75 feet high. The alternative would modify the proposed Mineral Processing Combining District to allow only temporary asphalt production for one discrete project not exceeding one 5-year period during the 30-year permit process. Alternatively, t~~ The new zoning district could be eliminated (since County zoning does allow this limited processing use), and the time limits described in the previous section would be included in the Use Permit.

4-7

Because this Alternative would reduce impacts of the asphalt plant compared with the proposed project, it should be considered as the potential Environmentally Superior Alternative in the revised EIR.

Overriding Considerations/Project Need

The proposed plant is a large capacity facility designed to supply asphalt for construction he Willits bypass, which has now been completed. There are no large projects within economic range of this plant into the foreseeable future. The Willits Bypass Phase II project is highly speculative, due to lack of need and reduced population growth projections. Therefore the need for the project at the proposed scale and capacity, which forms the basis for overriding considerations, seems to be overstated.

4-8

This is a changed condition that renders the alternatives analysis in the Revised Draft EIR obsolete. 4-8

Failure to Comply with AB 52 Tribal Cultural Resources Consultation and Evaluation Requirements

Neither the original EIR nor the current RDEIR include an evaluation of Tribal Cultural Resources as required under AB 52. Because the project has not been approved and is currently undergoing remedial CEQA review, the 2019 DEIR must include an assessment of the project's compliance with AB 52, including consultation with applicable tribal representatives. Absent this assessment and consultation, this DEIR is deficient and fails to meet AB 52 requirements. 4-9

Conclusions

It is my professional opinion, supported by the facts summarized above, that EIR for this project should be revised to account for changed conditions and re-circulated for public review by all potentially affected and interested agencies and parties, as set forth in the CEQA Guidelines. 4-10

Sincerely

Richard Grassetti
Principal
Grassetti Environmental Consulting

Letter 4 Response: Richard Grassetti, Grassetti Environmental Consulting, October 10, 2019

4-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date. Finally, the commenter is in error in his application of CEQA Guidelines Section 15225(a) as a mechanism requiring recirculation of a new environmental setting and impact analysis for the project. Firstly, CEQA Guidelines Section 15225(a) concerns projects that are also subject to National Environmental Policy Act review, which is not applicable to this project. Secondly, the CEQA Guidelines do not require issuance of a new NOP when an EIR is revised and recirculated. Accordingly, the environmental baseline for analysis was not reset when the 2019 RDEIR began circulation, and the applicable environmental baseline continues to be the date of issuance of the NOP for the 2011 RDEIR, which was issued on August 4, 2010. Per the directions of the remand, the County was charged only with reconsidering the analysis for Alternatives 4 and 5. The commenter incorrectly assumes that because it believes significant new information exists, the County must recirculate the 2019 RDEIR to address such suggested new information. This is incorrect. The County must only address such information in a recirculated RDEIR if the County first finds, based on substantial evidence, that significant new information exists. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal. App. 4th 1134, 1147 ["Only the addition of significant new information triggers the need for recirculation under section 21092.1 and thus the agency's first obligation is to determine whether the new information meets this statutory requirement."].) As discussed in Master Response 2 and throughout this FEIR, the County has not identified any significant new information as defined by CEQA that requires the recirculation of the 2019 RDEIR.

4-2 Please see Master Response 2: *Significant New Information*, and Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, and Master Response 2d: *Air Quality Health Risk Assessment Methodology*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. That EIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292) noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor

location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

4-3 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, and also Master Response 2: *Significant New Information*, and Master Response 2a: *Wildfire Risk and Access/Egress*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. Of particular note is the fact that the 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the

impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

4-4 Please see the response to comment 4-3, above.

4-5 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, Master Response 2: *Significant New Information*, and Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, and Master Response 2d: *Air Quality Health Risk Assessment Methodology*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. On the applicability of the methodology and standards used to prepare the health risk assessment (HRA) for the 2011 Recirculated Draft EIR, the issuance of revised standards and/or thresholds does not mandate supplemental review, particularly if the standards employed in the existing analysis were in alignment with what was required at the time of preparation of the EIR, as defined by the issuance of the Notice of Preparation for the project (for this project, the NOP was issued on August 4, 2010). On this point, the applicable CEQA case law is clear, and courts have consistently found that lead agencies cannot be subjected to endless rounds of re-review based on changing standards. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808.) For this project, the issue at hand is whether or not health risks were evaluated sufficiently in the 2011 RDEIR. To this, the answer is "yes," in that the 2011 HRA considered the health risk to multiple sensitive receptors in the area, including the White Deer Lodge, using the standards in effect at the time (2011 RDEIR, page 287 through 289). The analysis found that the project, as mitigated, would not emit pollutants in excess of regulatory standards (2011 RDEIR, page 291 and 292). As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

4-6 The commenter states the "a state-of-the-art asphalt plant should not rely upon diesel generators as this one does." Similar comments were raised during the administrative process leading up to certification of the 2012 FEIR. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA legal directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Additionally, as explained in the 2011 RDEIR, the project does not propose developing an asphalt plant that relies upon diesel generators. "The proposed asphalt plant will operate on electricity supplied by PG&E." (2011 RDEIR, p. 295.) The project applicant has not proposed any changes to project including any change to the requirement that the proposed asphalt plant operate on electricity supplied by PG&E. Therefore, the asphalt plant will not commence operation unless, and until, PG&E service is available for the asphalt plant. While the asphalt plant will operate on PG&E electricity, the existing quarry relies on diesel generator use. As explained in the 2011 RDEIR, because the PG&E grid may not be able to provide sufficient electricity to the site to provide all necessary electricity for both the asphalt plant and quarry, the 2011 RDEIR assumed that diesel generator use would continue to be required to generate all of the electricity required for the quarry. The 2012 FEIR, however, included a mitigation measure (Mitigation Measure 4.6-I.1), which requires "[u]se electricity provided by PG&E to the maximum extent possible to replace electricity generated by the on-site generator." As explained in the MMRP adopted by the County in 2012, this mitigation measure imposes a mandatory requirement that must be implemented by the project applicant "as soon as… [PG&E power] is available to the site." In short, the asphalt plant will not commence operation until it can be served by PG&E electricity and, once the PG&E grid has sufficient capacity and infrastructure to replace electricity for the quarry generated by the on-site generator, the quarry will also operate in full, or in part, on electricity supplied by PG&E.

Furthermore, the 2012 FEIR evaluated the project's air quality impacts with the use of diesel generators for the quarry. The use of those generators was compared with baseline air quality emissions for the facility, and the air quality emission impacts of the project as a whole was found to be substantially less than applicable regulatory thresholds and therefore less than significant (see Impact 4.6-B in the 2011 Draft Recirculated EIR, particularly Table 4.6-12). To the extent the commenter intended to request that both the quarry and asphalt plant operate using PG&E electricity immediately, the commenter is requesting that a new alternative be evaluated for an impact that has already been found to be less than significant. Not only is consideration of such an alternative not warranted (see CEQA Guidelines Section 15126.6(a), which specifically directs analysis of alternatives towards those that would "substantially lessen any of the *significant effects* (emphasis added) of the project"), but the range of alternatives considered in the 2012 FEIR have already been litigated and resolved (with the exception of Alternatives 4 and 5, which are the subject of the 2019 RDEIR), or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. For this reason, consideration of this alternative is not warranted.

4-7 The County was directed by the Court of Appeal to revisit the original finding in the 2012 RFEIR that determined that implementation of Alternative 4 was

infeasible. In revisiting that alternative in the 2019 RDEIR, the County is complying with the direction of the court, even though Phase I of the bypass has been completed. Further, Alternative 4 would also be applicable to Phase II of the bypass, which has not yet been constructed, so the alternative continues to be relevant. With respect to the further consideration of a portable asphalt plant, please see the response to comment 4-6, above, concerning the analysis of additional alternatives that have not already been considered. See also Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. Further, alternative locations to the project were already evaluated as part of Alternative 7 in the 2012 FEIR, where it was pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects, some of which could be more severe (2011 RDEIR, p. 27). Moreover, in the prior litigation both the trial court and court of appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The commenter's assertion is not supported. For this reason, consideration of this alternative is not warranted.

4-8 Ultimately, the commenter's assertion here that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

4-9 Concerning the applicability of AB 52 to the project, the text of that law is clear, where it is stated: "This act shall apply only to a project that has a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015" (A.B. 52 Sec. 11(c)). Based on the project EIR's Notice of Preparation having been issued well before that date, (August 4, 2010), the requirements of the law do not apply to the project. However, the County did undertake extensive tribal consultation efforts as part to the 2011 RDEIR's preparation. As stated on page 347 of the 2011 RDEIR, the Native American Heritage Commission recommended that 11 individuals in 7 tribes/bands/nations

be contacted to see if they were aware of any cultural resources on the site. Representatives of the Potter Valley Tribe, Pinoleville Pomo Nation, Laytonville Rancheria/Cahto Indian Tribe, Sherwood Valley Rancheria of Pomo, Noyo River Indian Community, She Bel Na Band of Pomo Indians, and a representative of the Coast Miwok and Pomo were sent letters requesting that they identify any resources or concerns associated with the project. No responses were received from any of these representatives.

4-10 As outlined above, the commenter has not identified any significant new information as defined by CEQA. The impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

October 13, 2019

Dear Mendocino County Department of Planning and Building Services,

I oppose approval of the currently proposed asphalt project at Harris Quarry.

The Alliance for Community Endeavors a non-profit is collaborating with Christ Church of the Golden Rule (the landowners) in responding to identified needs of Mendocino County to renovate the property at Ridgewood Summit. Some of these identified needs include; affordable housing for the elderly; youth (interns pursuing agricultural and medical education); and Palliative Care services, which serve Mendocino County. Socially responsible businesses and educational facilities are planned for restaurant and service station buildings.

The placement of an asphalt plant on neighboring property would be detrimental to the quality of life proposed by the Alliance for Community Endeavors vision and nascent project. Thank you for your consideration. 5-1

Respectfully,

Shawna Heiselt LCSW
ACE, President of the Board
Willits

Mendocino County
OCT 15 2019
Planning & Building Services

Letter 5 Response: Shauna Heislet, Alliance for Community Endeavors, October 13, 2019

5-1 Please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*. The effects of the project on current and future users of the former White Deer Lodge were fully analyzed in the 2011 RDEIR. That EIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

To the extent that the commenter does or does not support the project, these opinions do not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

RCH GROUP
11060 WHITE ROCK ROAD, SUITE 150-A RANCHO CORDOVA, CA 95670 (916)782-4427

Mendocino County Department of Planning and Building
Attn: Harris Quarry Comments
830 North Bush Street
Ukiah, CA 95482

Mendocino County
OCT 15 2019
Planning & Building Services

October 14, 2019

SUBJECT: AIR QUALITY COMMENTS ON 2019 REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HARRIS QUARRY USE PERMIT AND RECLAMATION PLAN (SCH#2006112087)

Dear Planning Commissioners and Supervisors:

RCH Group is submitting this letter on behalf of Keep the Code, (KTC) a local citizens group concerned with maintaining the integrity of County land use and zoning regulations. KTC, among others, submitted numerous comments on the 2011 Revised Draft Environmental Impact Report. In response to a court finding that analyses of two alternatives was deficient, the County prepared a Revised Draft EIR (RDEIR) and stated that comments on that document should be limited to those two alternatives. However, as described in a separate letter prepared by Grassetti Environmental Consultants (GECO), other portions of the 2011 Revised Draft EIR have become "stale" and no longer provide adequate and accurate information to the public and decision-makers on certain environmental effects of the proposed project. This letter will focus on toxic air quality analyses that are "stale" and should be updated and included in a recirculated Draft EIR to inform the public, the Mendocino County Air Quality Management District (MCAQMD), and County decision-makers of how the proposed project meets or does not meet current air quality standards. This letter also addresses the Significant Unavoidable air quality impact that was already identified in the 2011 Revised Draft EIR. Specifically, the 2011 Revised Draft EIR acknowledges that the quarry would generate direct and indirect emissions of criteria pollutant emissions (NOx, CO, VOCs, PM10 and PM2.5), and the indirect emissions were identified as significant and unavoidable (SU) with no mitigation available. Based on a recent court decision (*Sierra Club v. County of Fresno*), more information should have been provided in the 2011 Revised EIR to address the health impacts of the criteria pollutant emissions.

Discussion of CEQA Requirements

Updated Cancer, Chronic and Acute Health Risks Guidance

A major concern of the local citizens is their health and the "accuracy" or "reliability" of the Health Risk Assessment (HRA) from the 2011 Revised EIR. While it was adequate in 2011 and showed the impact of toxic air contaminants would be less than significant, that analysis is now "stale". In February 2015, the California Office of Environmental Health Hazard Assessment (OEHHA) released the *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* (*2015 Guidance Manual*).

6-1

The proposed project HRA should be updated (with consideration of the new Guidance Document) before the asphalt plant operations is approved.

The 2015 Guidance Document has substantial scientific basis. Prior to issuance of the 2015 Guidance Manual, OEHHA developed three Technical Support Documents (TSDs) that provide the scientific basis for values used in assessing risk from exposure to facility emissions. The three TSDs describe non-cancer risk assessment (derivation of acute, 8-hour and chronic reference exposure levels), derivation of cancer potency factors, and exposure assessment methodology including stochastic risk assessment. These TSDs underwent public and peer review, were approved by the State's Scientific Review Panel on Toxic Air Contaminants, and adopted by OEHHA for use in the Air Toxics Hot Spots program. The Guidance Manual combines the critical information from the three TSDs into a manual for the preparation of health risk assessments.[1]

An extensive review of the new OEHHA *Guidance Manual* was summarized by the South Coast Air Quality Management District (SCAQMD). They found the results of HRAs prepared under previous guidance substantially understated the health impacts compared to the new OEHHA *Guidance Manual* procedures.

http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2014/may-specsess-8b.pdf

In their PowerPoint presentation the SCAQMD indicated:

- The risk from sample projects **increased three times** using the new guidance;
- Cancer Burden impacts **may be larger (5-10x)** than maximum cancer risk;
- About 80% of facilities with an HRA may need to update the HRA;
- 10 of 16 projects in a two-year sample period would have needed to upgrade to EIR's.

6-1

Given the above information about larger (greater) risks under the new OEHHA *Guidance Manual*, the Harris Quarry HRA should be updated before the CEQA document is certified and the proposed project is approved. Furthermore, mitigations must be implemented (operational modifications as necessary) to reduce any increased cancer risk to less than 10 in a million.

We are also concerned that there is no consideration for the proposed new elder care home near the proposed asphalt plant. Only the receptors from 2007/2011 are considered in the 2011 Revised DEIR. Elders are considered a sensitive population as described in the 2015 Guidance Document (section 4-20).

> "Sensitive Receptor Locations
>
> Individuals who may be more sensitive to toxic exposures than the general population are distributed throughout the total population. Sensitive populations may include young children and chronically ill individuals. The District may require that locations with high densities of sensitive individuals be identified (e.g., schools, nursing homes, residential care facilities, daycare centers, and hospitals). The HRA should state what the District requirements are regarding identification of sensitive receptor locations."

[1] OEHHA website referenced 10/11/2019. https://oehha.ca.gov/air/crnr/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0

We understand that the asphalt plant is reportedly planning to continue to run on diesel generators rather than be connected to PG&E utility power. As explained on page 247 of the Revised DEIR,

> "Several forms of particulate matter, in particular diesel particulate matter, have adverse health effects at concentrations well below the standards established for PM10 or PM2.5. The CARB identified diesel exhaust particulate matter as a toxic air contaminant based on its potential to cause cancer, premature death, and other health problems. Diesel exhaust also contributes to fine particulate matter (PM2.5) air quality problems. Thus, diesel particulate matter presents both an air quality concern, as well as a health risk concern. As such, diesel particulate matter emissions require separate evaluation as a toxic air contaminant in order to assess potential health risks."

Based on the above overview of the health risks of diesel particulate matter, stationary source diesel generators should be replaced by electrical power whenever feasible. If PG&E power is available, use of that power must be considered as a mitigation measure for project emissions (toxic air contaminants, criteria air pollutants and GHGs) impacts.

The current CEQA reviews are based on the information reported in the 2011 Revised EIR. The actual HRA information was from a 2007 HRA by Atmospheric Dynamics, Inc. of Santa Barbara (See Revised 2011 DEIR). The HRA is over 12 years old and not consistent with the new OEHHA *2015 Guidance Manual*. The analyses in the Revised 2011 DEIR also would not include any of the updates to the Hot Spots Analysis and Reporting Program (HARP) software suite. Before the proposed project can be considered for approval, the HRA should be updated and recirculated for review to the public and Mendocino County Air Quality Management District (MCAQMD) in a Revised DEIR.

In 2019, an EIR should not be certified that is reliant on the 2007 Air Quality Appendix D and the 2011 Revised Draft EIR Health Impact Toxic Air Quality analysis contained on pages 282-291. Not only are the air quality modeling tools outdated, but the analysis should also update the location of, and potential impacts to, new sensitive receptors existing or planned in the vicinity of the project site. This analysis should be included in a Revised DEIR and provided to the MCAQMD for review.

6-1

Criteria Air Pollutants Impact

The emission of Criteria Air Pollutants was identified as a Significant an Unavoidable impact (Impact 4.6-C) in the 2011 Revised EIR, and the Board of Supervisors issued a Statement of Overriding Conditions. The recent California Supreme Court case decision regarding the Friant Ranch Community Plan Update and Specific Plan (*Sierra Club v. County of Fresno*) requires the EIR to provide more information on the health impact of criteria air pollutants when they are Significant. The Harris Quarry EIR analysis needs to connect the project emissions to human health impacts or explain why such an analysis is not feasible. This was not done in the 2011 Revised DEIR. The Court found that the Friant Ranch EIR outlined some of the unhealthy symptoms associated with exposure to various pollutants, but it did not give any sense of the nature and magnitude of the "health and safety problems caused by the physical changes", as required by CEQA Guidelines 15126.2 (a).

The Harris Quarry 2011 Revised DEIR similarly does not connect the air quality effects to the human health consequences by providing any sense of the nature and magnitude of the health and safety problem caused by the NOx impact (Impact 4.6-C). What are the health consequences of increased NOx levels for neighbors (and potential new sensitive neighbors) near the quarry and for the County overall? As shown on page 280 of the 2011 Revised EIR, indirect increased NOx emissions will be 118 lbs./day or almost triple the significance threshold (42 lbs./day). The EIR needs to connect those emissions with human health impacts. The 2011

Revised EIR discusses the effects of nitrogen dioxide (page 246) but does not connect the exceedance of the NO2 threshold to human health impacts or identify any mitigation measures (as discussed below).

Furthermore, the 2011 Revised DEIR indicated there are no mitigation measures available to reduce the significant impact. The 2011 analysis should have considered mitigation measures from the direct plant emissions and indirect emissions that could reduce (to the extent feasible), if not eliminate, the significant impact from criterial air pollutants. Keep the Code (KTC) is rightfully concerned that this Significant Unavoidable (SU) impact was not more carefully analyzed by the Revised DEIR (with mitigations considered) and health impacts (the magnitude of which could not have been fully understood) were nonetheless overridden with approval of the Statement of Overriding Considerations.

Conclusion

The toxic air contaminant review in the 2011 Revised EIR is "stale" (specifically Air Quality Appendix D and pages 282-291). The 2011 Revised EIR appears to rely upon air quality modeling from 2007 that was prepared with outdated models.

The major 2015 upgrade to the OEHHA *Guidance Document* should be used to provide accurate and updated information regarding the toxic air contaminant risks from the proposed project. This information should be included in a Revised Draft EIR before decision-makers consider approving the project.

Furthermore, the 2011 Revised DEIR did not connect the significant, unavoidable NOx impact to human health impacts or provide any mitigation for the impact (Impact 4.6-C). This information should be provided to the MCAQMD for review and included in a Revised Draft EIR before decision-makers consider approving the project.

6-1

Sincerely,

Paul H. Miller

Paul Miller

Principal, RCH Group, Inc., Senior Air Quality Reviewer

Letter 6 Response: Paul Miller, RCH Group, October 15, 2019

6-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, and Master Response 2: *Significant New Information*, and Master Responses 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties* and 2d: *Air Quality Health Risk Assessment Methodology*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. On the applicability of the methodology and standards used to prepare the health risk assessment (HRA) for the 2011 Recirculated Draft EIR, the issuance of revised standards and/or thresholds does not mandate supplemental review, particularly if the standards employed in the existing analysis were in alignment with what was required at the time of preparation of the EIR, as defined by the issuance of the Notice of Preparation for the project (the NOP for the project was issued on August 4, 2010). On this point, the relevant CEQA case law is clear, in that the courts have consistently found that lead agencies cannot be subjected to endless rounds of re-review based on changing standards. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808.) For this project, the issue at hand is whether or not health risks were evaluated sufficiently in the 2011 RDEIR. To this, the answer is "yes," in that the 2011 HRA considered the health risk to multiple sensitive receptors in the area using the standards in effect at the time (2011 RDEIR, page 287 through 289). The analysis found that the project, as mitigated, would not emit pollutants in excess of regulatory standards (2011 RDEIR, page 291 and 292). As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

With respect to the commenter's suggestion that PG&E power should provide electricity to the entirety of the project site, similar comments were raised during the administrative process leading up to certification of the 2012 FEIR. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA legal directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Additionally, as explained in the 2011 RDEIR, the project does not propose developing an asphalt plant that relies upon diesel generators. "The proposed asphalt plant will operate on electricity supplied by PG&E." (2011 RDEIR, p. 295.) The project applicant has not proposed any changes to project including any change to the requirement that the proposed asphalt plant operate on electricity supplied by PG&E. Therefore, the asphalt plant will not commence operation unless, and until, PG&E service is available for the asphalt plant. While the asphalt plant will operate on PG&E electricity, the existing quarry relies on diesel generator use. As explained in the 2011 RDEIR, because the PG&E grid may not be able to provide sufficient electricity to the site to provide all necessary electricity for both the asphalt plant and quarry, the 2011 RDEIR assumed that diesel generator use would continue to be required to generate all of the electricity required for the quarry. The 2012 FEIR, however, included a mitigation measure (Mitigation Measure 4.6-I.1), which requires "[u]se electricity provided by PG&E to the maximum extent possible to replace electricity generated by the on-site generator." As explained in the MMRP adopted by the County in 2012, this mitigation measure imposes a mandatory requirement that must be implemented by the project applicant "as soon as… [PG&E power] is available to the site." In short, the asphalt plant will not commence operation until it can be served by PG&E electricity and, once the PG&E grid has sufficient capacity and infrastructure to replace electricity for the quarry generated by the on-site generator, the quarry will also operate in full, or in part, on electricity supplied by PG&E.

Furthermore, the 2012 FEIR evaluated the project's air quality impacts with the use of diesel generators for the quarry. The use of those generators was compared with baseline air quality emissions for the facility, and the air quality emission impacts of the project as a whole was found to be substantially less than applicable regulatory thresholds and therefore less than significant (see Impact 4.6-B in the 2011 Draft Recirculated EIR, particularly Table 4.6-12). To the extent the commenter intended to request that both the quarry and asphalt plant operate using PG&E electricity immediately, the commenter is requesting that a new alternative be evaluated for an impact that has already been found to be less than significant. Not only is consideration of such an alternative not warranted (see CEQA Guidelines Section 15126.6(a), which specifically directs analysis of alternatives towards those that would "substantially lessen any of the *significant effects* (emphasis added) of the project"), but the range of alternatives considered in the 2012 FEIR have already been litigated and resolved (with the exception of Alternatives 4 and 5, which are the subject of the 2019 RDEIR), or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. For this reason, consideration of this alternative is not warranted.

With respect to the commenter's assertions that portions of the 2011 RDEIR's air quality analysis was deficient, please see Master Response 1: *Scope of the 2019*

RDEIR & the Principle of Res Judicata, wherein explanation is provided as to the why such an assertion is not relevant to the 2019 RDEIR or the County's consideration of the project. As laid out in Master Response 1, as well as in the 2019 RDEIR, the analysis in the 2019 RDEIR was restricted only to those portions of the 2012 FEIR that were remanded to the County by the Court of Appeal, namely, the analysis of Alternatives 4 and 5. Other portions of the 2012 FEIR were found by the court to be sufficient. That analysis, including the air quality analysis that the commenter alleges to be deficient, was litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. Therefore, the County is not required to revisit the air quality analysis in the 2012 FEIR, per the principal of res judicata.

October 14, 2019

Ms. Ann Kelly
Keep The Code
Executive Director
La Vida Charter School
Email: annk@lavidaschool.org
Phone: 707-459-6344

Subject: **Independent Review of Harris Quarry Use Permit.**

Ms. Kelly,

As per your request, on behalf of *Keep the Code*, I have reviewed the Environmental Impact Report (EIR) for the Harris Quarry Use Permit and Reclamation Plan. My opinions are provided below.

Description

The alternatives for this project consist of the following:

1. No Project – No Future Development Alternative
    - No future development of the quarry or addition of processing facilities
    - No combining district added to the zoning ordinance
2. No Project – Reasonably Foreseeable Development Alternative
    - No future development of the quarry or addition of processing facilities
    - Develop 2 lots where homes would be built
    - No combining district added to the zoning ordinance
3. Quarry Only
    - Expansion of quarry as proposed
    - No asphalt plant
    - No combining district added to the zoning ordinance
    - No highway improvements
4. Quarry and Temporary Asphalt Plant
    - Project as proposed except that asphalt facility is allowed for one 5-year period over 30 years
    - The combining district would allow only temporary asphalt facility use

5. Project Redesign
    - Project as proposed with the inclusion of all EIR-recommended mitigation measures
    - Nighttime operations of asphalt plant would be limited to 20 nights a year
    - Interchange at the project access would be built
6. Reduced Production
    - Expansion of quarry as proposed with a reduced maximum production rate of 75,000 CY per year
    - No asphalt plant
    - No highway improvements
    - No new combining district
7. Alternative Location
    - Adoption of one of the other alternatives that does not include the asphalt plant, and the asphalt plant would be developed at an alternate site

Northern Aggregates, Inc. is seeking the approval of Mendocino County for the following:

- Amending the Mendocino County Zoning Code to create a Mineral Processing Combining District (MPCD),
- Rezoning 18 acres of Assessor's Parcel No. 147-140-07 to add the MPCD,
- Allowing processing of aggregate for the length of the Use Permit Use Permit. The applicant has volunteered to include a condition of approval requiring the applicant to submit an application to revert the 18 acres back to Rangeland zoning at the end of the Use Permit.
- Renewal/Modification (UR 19-83/2005) to allow:
    - ✓ Extraction and processing of 200,000 cubic yards (CY) of aggregate on site 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.
- A revised Reclamation Plan that directs how the site will be reclaimed at the end of the use permit.

Impacts

The applicant is proposing to construct and operate an asphalt facility on the site of the existing Harris Quarry. The proposed plant will be a Hot Mix Asphalt (HMA) facility utilizing technology to reduce emissions and recapture particulate matter. However, such a plant would not completely eliminate pollution. It is my opinion that such a facility would negatively impact the quality of life for nearby residents, increase truck traffic, increase pavement deterioration, increase energy usage, increase emissions, increase noise, and reduce nearby property values. Additionally, the EIR does not seem to address rubberized hot mix asphalt (RHMA) and its

7-1

impact. Currently, Caltrans policy is to use RHMA on all of its overlay projects. RHMA plants have more negative impact on the environment and more odorous than conventional HMA. The 2019 EIR proposed Alternative 4 and Alternative 5 as discussed below. 7-1

Alternative 4

Alternative 4 is entitled, "Quarry and Temporary Asphalt Plant" which includes expansion of the existing Harris Quarry site and adding a temporary asphalt plant to operate for only 5 years.

This alternative should not be considered since it was originally developed with the assumption that the plant would provide HMA for Phase I of the Willits Bypass; however this alternative is no longer viable since the project was completed in 2016 and Phase II of the Willits Bypass is not scheduled within 20 years. 7-2

Alternative 5

Alternative 5 (Project Redesign) includes the expansion of the existing Harris Quarry site, adding a permanent asphalt plant, and the construction of a partial interchange on Highway 101 to facilitate the quarry.

This alternative should not be considered since it would place unnecessary financial burden on the County due to the split cost of the interchange. Additionally, there is an existing asphalt plant owned by Granite Construction in 12.5 miles which is already within market area of the many of future projects. 7-3

Other Considerations

Based on my evaluation, I have provided the following issues to be considered by the County:

Why doesn't the County meet its asphalt demands by utilizing existing asphalt facilities already permitted for asphalt production?

It is clear that the addition of an asphalt plant on the Harris Quarry site is not needed to meet the County's future demands. The e*conomic analysis of the proposed Harris Quarry Expansion Project* that was included in the 2019 Revised Draft Environmental Impact Report, indicates that large projects within the market area of the Harris Quarry, like Phase I of the Willits Bypass, are rare and the only large project planned within the next 20 years is Phase II of the Willits Bypass. The report also indicates that the increase of planned construction projects which would utilize funding from Senate Bill 1 (The Gas Tax) are either outside the market area of the Harris Quarry or are not significant in size to economically warrant the addition of the proposed asphalt plant. 7-4

There is an existing asphalt plant nearby to the Harris Quarry site which covers virtually the same market area to many of the potential project locations. Therefore, by adding an asphalt

plant at the Harris Quarry, the County would not see a substantial decrease in vehicle miles traveled (VMT). 7-4

Why doesn't the County consider using alternatives in addition to HMA strategies? There are other alternatives such as concrete and cold in-place recycling that can be utilized in addition to HMA. While concrete roadways can have higher initial construction costs, they can require less maintenance and typically last much longer than asphalt pavements. These alternative strategies do not involve using a HMA plant. 7-5

Why doesn't the County consider increasing its use of proactive preservation as a means to reduce its future asphalt demands?

For existing pavements, the County can increase its use of pavement preservation strategies to drastically reduce the frequency of using HMA on roadway projects. Examples of pavement preservation can be in the form of mircosurfacing, slurry seals, chip seals and thin overlays. Pavement preservation has been proven to extend pavement and delay future rehabilitation and reconstruction. 7-6

Why doesn't the County consider using mobile asphalt production units for its pavements that will eventually require reconstruction instead of using a permanent plant?

Mobile asphalt production units can be used in the form of Cold-in-Place Recycling or mobile hot mix central plant units. Cold-in-Place Recycling is a recycling method in which a series of trucks that grind and reprocess the existing asphalt pavement in place. Mobile hot mix central plant units typically mix virgin aggregate with asphalt to produce HMA which can also use Reclaimed Asphalt Pavement (RAP). These mobile units can be transported to the project site and provide the project paving needs. These strategies can be used on the majority of projects involving existing roadways which would keep asphalt production within the limits of each project. Thus, significantly reducing the environmental impacts of future traffic and of emissions caused by VMT trucks delivering HMA without requiring a permanent asphalt plant. 7-7

Discussion

Based on the above, the need for an additional asphalt plant is not necessary as can be illustrated in Figures 1 and 2 which show the travel times within one hour from several HMA plants including the existing Granite Construction plant in Ukiah and the Geo Aggregates plant in Fort Brag in addition to the proposed Harris Quarry plant. These figures were extracted from website link https://app.traveltimeplatform.com. 7-8

Figure 1 shows the Harris Quarry plant in the foreground and Figure 2 shows the Harris Quarry plant in the background. It is clear that the existing plants cover most of the colored area and that adding the proposed plant is redundant and unnecessary. Having such a facility would negatively impact the quality of life for nearby residents, increase truck traffic, increase pavement

deterioration, increase energy usage, increase emissions, increase noise, and reduce nearby property values.

The use of mobile asphalt units is a viable solution in place of the proposed plan. Northern Aggregates, Inc. owns underutilized industrial properties in south of Ukiah (where they currently operate a concrete plant) and in west of Willits. Not only does a mobile unit allow Northern Aggregates, Inc. to produce HMA onsite for large contracts, but it already owns available properties that are zoned to place a mobile unit and produce HMA in Ukiah and Willits. These locations appear to be suitable to locate the mobile unit for HMA production in between large contracts. The addresses of the properties are as follow:

- 500 Cropley lane, Willits, California, and
- 900 Talmage Road Ukiah, California.

7-8

Figures 3 and 4 are Google Earth images with measurements that show these two locations. Figures 5 and 6 are parcel maps that show that these properties are in fact zoned industrial. These properties are suitable for the placement of a mobile unit. The option of a mobile HMA is better than the proposed plan of building a permanent plant at the Harris Quarry.

The alternatives provided to the County in this document are viable and cost-effective. Considering the issues and alternative strategies discussed above, the County can insure that all of the negative impacts associated with the new facility are prevented by not allowing it.

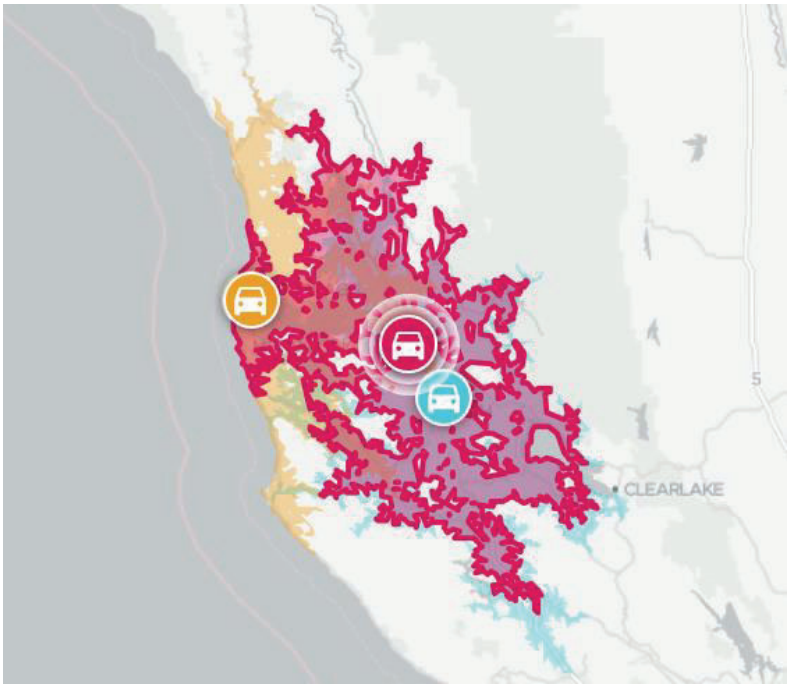


Figure 1. Isochrone Map showing in the color red one-hour travel time from the proposed Harris Quarry plant. The blue and orange colors in the background show the covered areas by existing plants (Granite Construction in Ukiah & Geo Aggregates in Fort Bragg). (Reference website: https://app.traveltimeplatform.com)

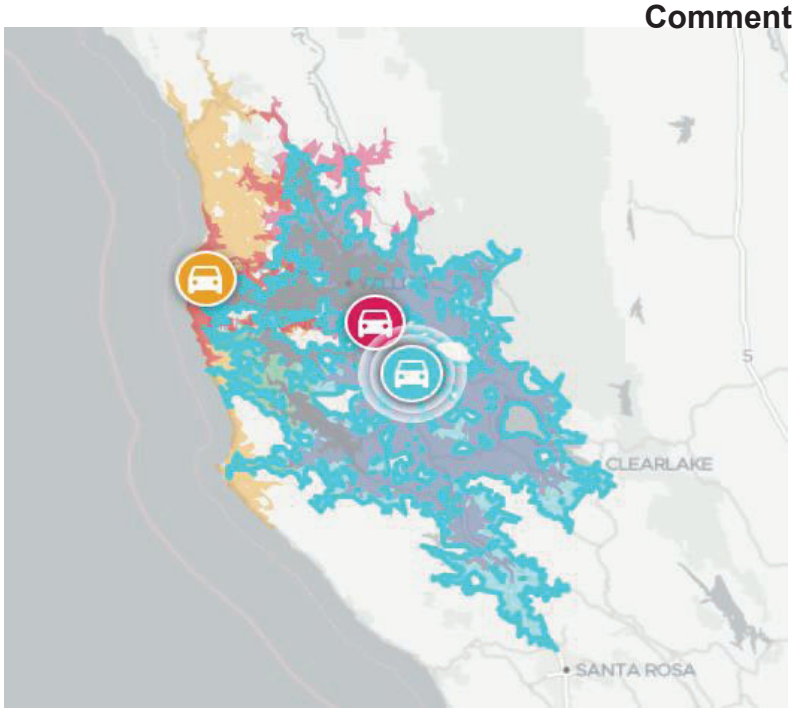


Figure 2. Isochrone Map showing in the color red one-hour travel time from the proposed Harris Quarry plant. The blue and orange colors in the background show the covered areas by existing plants (Granite Construction in Ukiah & Geo Aggregates in Fort Bragg). (Reference website: https://app.traveltimeplatform.com)

7-8



Figure 3. Google Earth image of property on 500 Cropley Lane, Willits, California

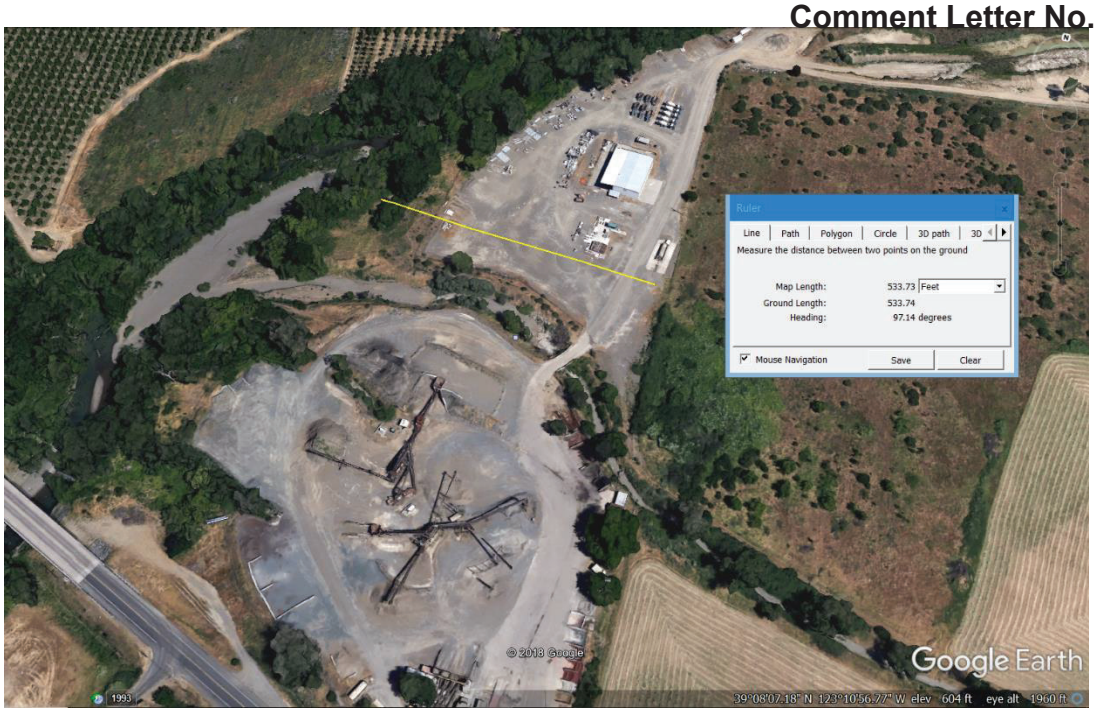


Figure 4. Google Earth image of property on 900 Talmage Roade, Eukia, California.

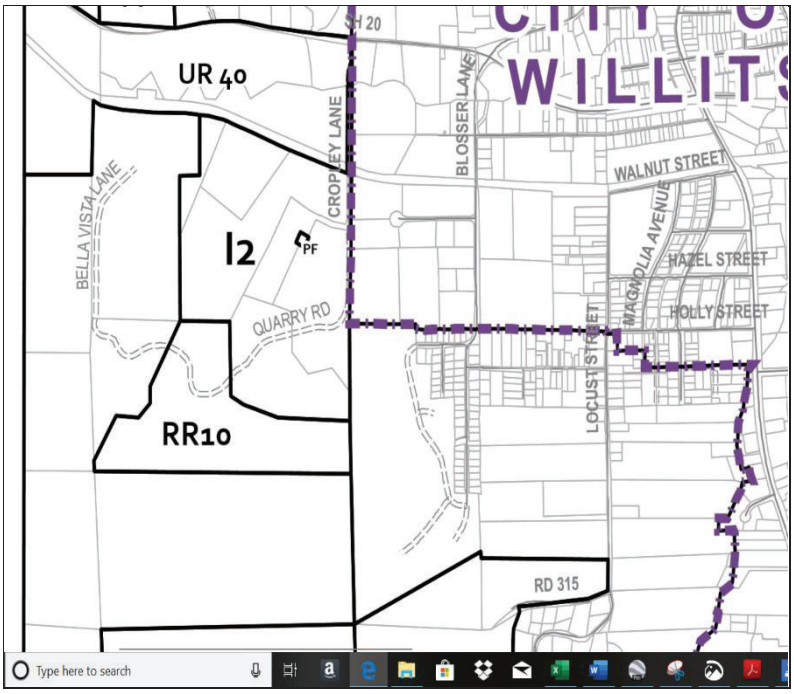


Figure 5. Parcel map showing the property on 500 Cropley Lane, Willits, California.

7-8

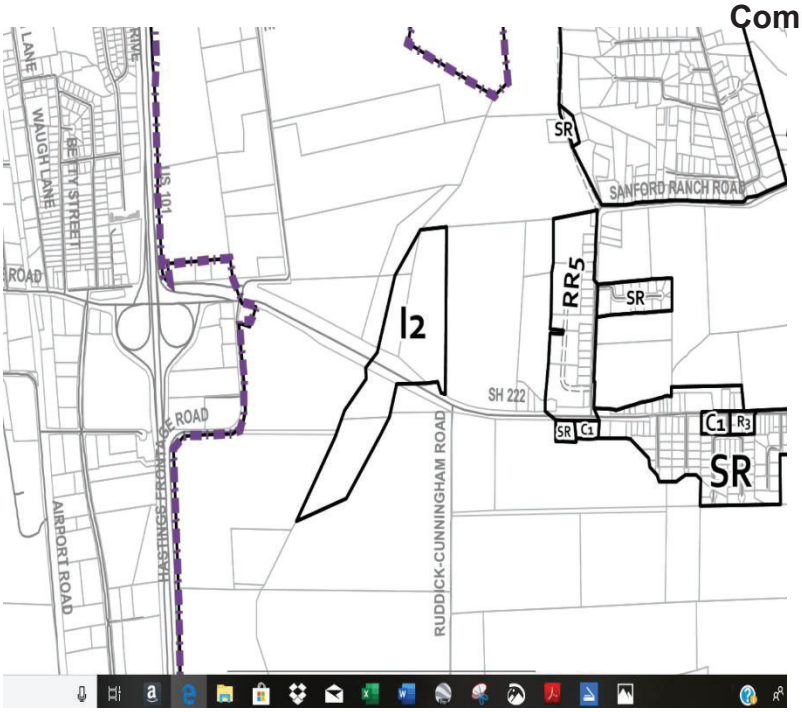


Figure 6. Parcel map showing the property on 900 Talmage Roade, Eukia, California.

7-8

Recommendations

- Do not permit the proposed Harris Quarry asphalt plant.
- Utilize mobile asphalt production units such as cold in-place recycling and mobile HMA central plants.
- Utilize proactive pavement preservation strategies that will extend pavement life and minimize HMA usage.
- Utilize other alternative strategies to supplement HMA strategies.

7-9

Best Regards

Shakir Shatnawi, PhD, PE
President, Shatec Engineering Consultants, LLC
7064 Tarvisio Way
El Dorado Hills, CA 95762
Email: sshatnawi@shatec.net
Phone: 916-990-6488

Asphalt Plant Pollution



Asphalt plants mix gravel and sand with crude oil derivatives to make the asphalt used to pave roads, highways, and parking lots across the U.S. These plants release millions of pounds of chemicals to the air during production each year, including many cancer-causing toxic air pollutants such as arsenic, benzene, formaldehyde, and cadmium. Other toxic chemicals are released into the air as the asphalt is loaded into trucks and hauled from the plant site, including volatile organic compounds, polycyclic aromatic hydrocarbons (PAHs), and very fine condensed particulates.[EPA]

■ **Asphalt Fumes are Known Toxins.** The federal Environmental Protection Agency (EPA) states "Asphalt processing and asphalt roofing manufacturing facilities are major sources of hazardous air pollutants such as formaldehyde, hexane, phenol, polycyclic organic matter, and toluene. Exposure to these air toxics may cause cancer, central nervous system problems, liver damage, respiratory problems and skin irritation." [EPA]. According to one health agency, asphalt fumes contain substances known to cause cancer, can cause coughing, wheezing or shortness of breath, severe irritation of the skin, headaches, dizziness, and nausea. [NJDHSS] Animal studies show PAHs affect reproduction, cause birth defects and are harmful to the immune system. [NJDHSS] The US Department of Health and Human Services has determined that PAHs may be carcinogenic to humans. [DHHS]

■ **Health Impacts & Loss of Property Value.** The Blue Ridge Environmental Defense League (BREDL), a regional environmental organization, has done two studies on the adverse impacts on property values and health for residents living near asphalt plants. A property value study documented losses of up to 56% because of the presence of a nearby asphalt plant. In another study, nearly half of the residents reported negative impacts on their health from a new asphalt plant. The door-to-door health survey found 45% of residents living within a half mile of the plant reported a deterioration of their health, which began after the plant opened. The most frequent health problems cited were high blood pressure (18% of people surveyed), sinus problems (18%), headaches (14%), and shortness of breath (9%). [BREDL]

■ **Flawed Tests Underestimate Health Risks.** In addition to smokestack emissions, large amounts of harmful "fugitive emissions" are released as the asphalt is moved around in trucks and conveyor belts, and is stored in stockpiles. A small asphalt plant producing 100 thousand tons of asphalt a year may release up to 50 tons of toxic fugitive emissions into the air. [Dr. R. Nadkarni] Stagnant air and local weather patterns often increase the level of exposure to local communities. In fact, most asphalt plants are not even tested for toxic emissions. The amounts of these pollutants that are released from a facility are estimated by computers and mathematical formulas rather than by actual stack testing, estimates that experts agree do not accurately predict the amount of toxic fugitive emissions released and the risks they pose. According to Dr. Luanne Williams, a North Carolina state toxicologist, 40% of the toxins from asphalt plant smokestacks even meet air quality standards—and for the other 60% of these emissions, the state lacks sufficient data to determine safe levels.

BE SAFE: Take Precautionary Action to Protect Our Communities from Asphalt Plant Air Pollution

BE SAFE's FOUR PRINCIPLES

1. HEED EARLY WARNING SIGNS

There is documented evidence from health experts and federal and state regulators of the serious health effects of asphalt plant emissions. We must heed these early warning signs and take action to prevent communities from further exposure to cancer-causing substances released by asphalt plants. The following actions are needed:

Moratoriums on asphalt plant construction and operation in communities where people live and go to school;

Stricter testing and enforcement of air quality standards at asphalt plants; and

Improved air standards that address all toxic contaminants—including fugitive emissions.

2. PUT SAFETY FIRST

Even if an asphalt plant meets all state and federal air pollution standards, people living nearby are still exposed to cancer-causing substances that can cause long-term damage. These standards are based on the principle of "acceptable risk", and assume each state will enforce the standards, the plants will operate perfectly, and the owners can be trusted to operate on an honor system where they are expected to follow all the laws and regulations that apply to their facility without any government oversight. In the majority of cases, it is unknown whether the 'theoretical' air emissions predicted by computer models and used by plant owners accurately reflect air emissions from a plant's daily operations. We must put safety first and shut down or overhaul the current system that fails to protect communities from the daily health hazards of asphalt plant pollution.

3. EXERCISE DEMOCRACY

Federal regulations based on the "acceptable risk" model and self-regulating honor systems are inadequate to protect public health. Many states rely on inadequate federal standards that do not take into account local factors such as how close an industrial facility is to homes and schools, local weather patterns, and additional 'nuisance' factors such as the effect acrid and nauseating smells have on the quality of life in these communities.

Organizations are working to improve federal and state standards and add asphalt plant fumes to the hazardous air pollutant (HAP) list under the federal Clean Air Act. Communities can take advantage of any state laws aimed at protecting local values that allow counties to determine where new industrial facilities will be located. These communities can band together to work with their county governments to prevent new asphalt plants from being located in their neighborhoods and prevent existing plants from renewing their permits until further evaluation of public health risks are conducted.

BE SAFE is coordinated by the Center for Health, Environment & Justice. To sign the platform or for more information, contact us at CHEJ, P.O. Box 6806, Falls Church, VA 22040, 703-237-2249, or 518-732-4538, or visit **www.besafenet.com**

4. CHOOSE THE SAFEST SOLUTIONS

Communities faced with an asphalt plant proposal should push for setbacks from residences and community buildings, site specific health-based air pollution modeling and monitoring, enclosures for loading zones, and preferably a zero emissions asphalt plant, with total containment of air pollutants.

- **Investigate Pollution in Your Area.**
  To find out more about asphalt plant pollution in your area, go to **www.scorecard.org**

- **Join the Clean Air Campaign.**
  Support the campaign on asphalt plant pollution. To find out more, contact the Blue Ridge Environmental Defense League at **www.bredl.org.**

- **BE SAFE.**
  Take precautionary action to prevent asphalt plant pollution. Sign on to the BE SAFE Platform on the next page. Be counted when we deliver this national Platform to the White House in 2005. Endorse the BE SAFE Platform today at **www.besafenet.com.**

- **Your Vote Counts.**
  The next election will set the country's course on asphalt plant regulations. For information on environmental voting records, contact **www.sierraclub.org** and **www.lcv.org.** To register to vote, contact **www.earthday.net**

Clean Air Campaign Halts Asphalt Pollution & Improves Air Policies

"Nothing could have prepared us for the horrors of that plant; we cannot be outside when it operates, we are prisoners."
Jerry Starr, Macon County, NC

Blue Ridge Environmental Defense League (BREDL) has been leading a Clean Air Campaign to reduce toxic pollution from asphalt plants in North Carolina. In partnership with many community groups, BREDL defeated numerous asphalt plant proposals, spearheaded a trend of countywide moratoriums on asphalt plant construction and operation, and mounted plant permit challenges. The campaigns included radio ads, posted yard signs, newspaper display ads, and stories in local newspapers.

BREDL and the Clean Air Campaign have succeeded in reducing asphalt pollution and improving air quality policies. North Carolina and Tennessee signed an agreement to protect air quality in the Great Smoky Mountain National Park and other wilderness areas. North Carolina has improved methods to analyze fugitive toxic air emissions and expanded the Toxic Air Pollutant program to include all operating and proposed asphalt plants.

References:

US EPA Office of Air Quality Planning & Standards, AP-42, Fifth Edition, Volume I, Chapter 11: Mineral Products Industry, [EPA] **http://www.epa.gov/ttn/chief/ap42/ch11/final/c11s01.pdf**. *Final Rule to Reduce Toxic Air Emissions From Asphalt Processing & Asphalt Roofing Manufacturing Facilities,* Environmental Protection Agency, June 2000 [EPA]. *Hazardous Substance Fact Sheet, Asphalt Fumes.* New Jersey Department of Health and Senior Services, January 2001 [NJDHSS]. Agency for Toxic Substances and Disease Registry (ATSDR). 1995. *Toxicological Profile for Polycyclic Aromatic Hydrocarbons (PAHs).* Atlanta, GA: U.S. Department of Health and Human Services, Public Health Service[DHHS]. Blue Ridge Environmental Defense League Asphalt Health Survey, [BREDL]. Dr. R. Nadkarni developed mass balance equation to estimate total fugitive emissions and his comments to Virginia Dept. of Environmental Quality are at **www.bredl.org/pdf/DEQ072503.pdf.** [Dr. R. Nadkarni].

Primary Contributor: Lou Zeller, Blue Ridge Environmental Defense League.

BE SAFE Platform

In the 21st century, we envision a world in which our food, water and air are clean, and our children grow up healthy and thrive. Everyone needs a protected, safe community and workplace, and natural environment to enjoy. We can make this world vision a reality. The tools we bring to this work are prevention, safety, responsibility and democracy.

Our goal is to prevent pollution and environmental destruction before it happens. We support this precautionary approach because it is preventive medicine for our environment and health. It makes sense to:

- *Prevent pollution and make polluters, not taxpayers, pay and assume responsibility for the damage they cause;*
- *Protect our children from chemical and radioactive exposures to avoid illness and suffering;*
- *Promote use of safe, renewable, non-toxic technologies;*
- *Provide a natural environment we can all enjoy with clean air, swimmable, fishable water and stewardship for our national forests.*

We choose a "better safe than sorry" approach motivated by caution and prevention.
We endorse the common-sense approach outlined in the BE SAFE's four principles listed below.

Platform Principles

HEED EARLY WARNINGS

Government and industry have a duty to prevent harm, when there is credible evidence that harm is occurring or is likely to occur—even when the exact nature and full magnitude of harm is not yet proven.

PUT SAFETY FIRST

Industry and government have a responsibility to thoroughly study the potential for harm from a new chemical or technology before it is used—rather than assume it is harmless until proven otherwise. We need to ensure it is safe now, or we will be sorry later. Research on impacts to workers and the public needs to be confirmed by independent third parties.

EXERCISE DEMOCRACY

Precautionary decisions place the highest priority on protecting health and the environment, and help develop cleaner technologies and industries with effective safeguards and enforcement. Government and industry decisions should be based on meaningful citizen input and mutual respect (the golden rule), with the highest regard for those whose health may be affected and for our irreplaceable natural resources—not for those with financial interests. Uncompromised science should inform public policy.

CHOOSE THE SAFEST SOLUTION

Decision-making by government, industry and individuals must include an evaluation of alternatives, and the choice of the safest, technically feasible solutions. We support innovation and promotion of technologies and solutions that create a healthy environment and economy, and protect our natural resources.

Take precautionary action to prevent asphalt plant pollution.
Sign onto the BE SAFE Platform.

Be counted when we deliver this national platform to the White House in 2005.
Endorse the platform today at **www.besafenet.com**

BE SAFE is coordinated by the Center for Health, Environment & Justice. To sign the platform or for more information, contact us at CHEJ, P.O. Box 6806, Falls Church, VA 22040, 703-237-2249, or 518-732-4538, or visit **www.besafenet.com**



Letter 7 Response: Shakir Shatnawi, Shatec Engineering Consultants, October 15, 2019

7-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, and Master Response 2: *Significant New Information*. Impacts from each of the environmental issues raised by the commenter (traffic, air quality, and noise) were evaluated and disclosed in the 2011 RDEIR. Upon judicial review, the trial court and Court of Appeal upheld the earlier EIR including the range of alternatives included therein, but found that the County's findings concerning the feasibility of Alternatives 4 and 5 were not supported by substantial evidence. To the extent that the commenter believes that the project would result in adverse effects vis-à-vis any other issue, the analysis concerning those other issues not related to Alternatives 4 and 5 has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The commenter's assertion is therefore not relevant to the question at hand, and an additional response or reanalysis of any of the referred-to topics is not required.

With respect to the commenter's concern about the potential production of rubberized hot mix asphalt (RHMA) at the site, RHMA is a proven road paving material that has been used in California since the 1970s because, as stated by CalRecycle, it is cost-effective, safe, and environmentally friendly. (https://www.calrecycle.ca.gov/tires/greenroads/rac.) At the time the proposed project was originally approved in 2012, Caltrans and the County utilized RHMA on highway and roadway projects. (See Mendocino County Board of Supervisors June 19, 2012 hearing, comments by Jim Houle [supporting the proposed project because "the County can't meet its needs for asphalt, particularly for rubberized asphalt, under the existing conditions"]; see also Comments by Doug McLelland (undated) [discussing Caltrans' use of rubberized asphalt on its projects].) Therefore, concerns expressed by the commenter regarding impacts associated with production of rubberized asphalt could have been litigated and resolved in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Furthermore, operational project air quality impacts were evaluated in Impact 4.6-B (analysis of direct emissions of criteria pollutant emissions [NOx, CO, VOCs, PM10, and PM2.5] from on-site activities during operation of the quarry and asphalt plant) and 4.6-E (analysis emissions of toxic air contaminants from the project) of the 2011 RDEIR. Mitigation Measures 4.6-B.1, 4.6-B.2, and 4.6-E.1 were prescribed to lessen impacts from operational air quality impacts, and prescribed specific thresholds that could not be surpassed as part of the project's operation. For example, Mitigation Measure 4.6-B.1 provides, in part, that "[t]he 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." (2011 RDEIR, p. 275.) Based on the performance standards contained within Mitigation Measures 4.6-B.1, 4.6-B.2, and 4.6-E.1, air quality impacts associated with the asphalt production process would not be allowed to exceed the thresholds prescribed in these measures. As such, the air quality impacts of manufacturing RHMA would not be any more severe than that disclosed in the 2011 RDEIR. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

7-2 Please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. The 2019 RDEIR was prepared in response to the directives received by the County in the Court of Appeal's remand, which directed the County to revisit its analysis of Alternatives 4 and 5. The extent to which either alternative currently represents a scenario by which the project applicant would like to develop their project is immaterial to the Court's directive. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action and to evaluate a reasonable range of potentially feasible alternatives with that may potentially be capable of reducing the environmental effects of the proposed project.

7-3 This comment presents the commenter's opinion of the desirability of one of the project alternatives. As stated above in the response to comment 7-2, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action and to evaluate a reasonable range of potentially feasible alternatives with that may potentially be capable of reducing the environmental effects of the proposed project. Further, the commenter's opinion does not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional

response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

7-4 This comment asserts the commenter's opinion as to the need for an on-site asphalt plant. Ultimately, the commenter's assertion here that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

7-5 Please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. The range of alternatives considered in the 2012 FEIR have already been litigated and resolved (with the exception of Alternatives 4 and 5, which are the subject of the 2019 RDEIR), or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. For this reason, consideration of this alternative is not warranted.

7-6 Please see the response to comment 7-5, above.

7-7 Please see the response to comment 7-5, above.

7-8 This comment essentially lays out the commenter's opinion as to how and where certain aspects of the project should be carried out. With respect to the commenter's suggestions of alternative locations for an asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that asphalt production operations at these sites would have their own environmental effects (2011 RDEIR, p. 27). It should also be noted that the alternative sites suggested by the commenter could likely present additional constraints that the commenter's very generalized and speculative analysis has indicated. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of

the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

With respect to the commenter's opinion on the desirability of the project, and as noted previously, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action. Further, the commenter's opinion does not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

7-9 Please see the response to comment 7-8, above. With respect to the supplemental materials included with the commenter's letter (the *Asphalt Plant Pollution* pamphlet), this information will be provided to the applicable decision makers for the project; however, the information does not constitute significant new information because none of the information included therein was not known, or could not have been known, when the 2012 FREIR was certified. In fact, the pamphlet itself appears to have been prepared in 2005 or earlier. (See page 3 of the pamphlet, where it is stated that the BE SAFE Platform will be presented to the White House in 2005.) As such, the material doers not present significant new information, and no further response is required.

Comment Letter No. 8

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 11:13 AM
Subject: Fwd: Comments on the 2019 Revised Draft EIR for the Harris Quarry Use Permit and Reclamation Plan
Attachments: WEC_HarrisQuarryRDEIR_comment_Word.docx; WEC_HarrisQuarryRDEIR_comment.pages

Planning & Building Services Staff

County of Mendocino
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120 W. Fir St, Fort Bragg CA 95437
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Web: www.co.mendocino.ca.us/planning/

>>> david drell <wece@sbcglobal.net> 10/15/2019 9:32 AM >>>
Dear Planning Staff,

Attached are the Comments of the Willits Environmental Center on the 2019 RDEIR for the proposed Harris Quarry. We have attached two versions - Word and Pages - since we have had some difficulty transmitting documents. We have also sent our comments via U.S. mail, dated today, October 15, 2019.

Respectfully submitted,
Ellen Drell, for the Willits Environmental Center
contact: 459-2643

October 15, 2019

From: Willits Environmental Center
630 South Main Street
Willits, Ca. 95490
Contact: Ellen Drell
707-459-2643
wece@sbcglobal.net

To: Mendocino County Department of Planning and Building Services
Attn: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482
pbs@mendocinocounty.org

Re: 2019 Revised Draft EIR for the Harris Quarry UsePermit and Reclamation Plan

Dear Planning Staff;

The Willits Environmental Center respectfully submits the following comments on the Revised Draft EIR for the proposed expansion of the Harris Quarry and other related changes to the Quarry's current operating permit.

The Willits Environmental Center incorporates herein by reference the comments submitted by Joe Knight, dated October 8th, 2019.

The feasibility analysis of Alternative 4, an expanded quarrying operation and the addition of a permanent asphalt plant, remains deficient. The economic analysis concludes that a temporary asphalt plant would result in a loss to the company of $2 million. However, the analysis fails to compare that conclusion to potential gains or losses of operating a permanent asphalt plant at the same site. The analysis states that there are no paving projects on the horizon within the Harris Quarry market area large enough to warrant investing in a temporary asphalt plant. But are there projects in the offing that would justify a permanent plant? What are they? What are their costs and benefits? Is the present demand for asphalt likely to continue into the next decades? Is it reasonable to assume a steady per/capita consumption of asphalt? 8-1

The Intergovernmental Panel on Climate Change has called for Green House Gas emissions (GHGe) reduction targets of pre-1990 emission levels by 2030 and a zero GHGe's target for 2050 in order to avert catastrophic climate-related weather pattern disruption. California has set similar targets, and Counties will be required to establish climate action programs to help meet those targets. During these next three decades citizens and jurisdictions will be looking for every opportunity to reduce the use of fossil fuels, including the production of asphalt, wherever and whenever possible. It will not be "business as usual". An economic analysis of a new asphalt plant set in the context of this new reality may show that any new asphalt plant investment will be a loss over the thirty year life of this proposed project. 8-2

Letter 8 Response: Ellen Drell, Willits Environmental Center, October 15, 2019

8-1 As implied in the comment, it can be expected that the placement of a permanent asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

8-2 The greenhouse gas (GHG) emissions associated with the project and its alternatives was evaluated in the 2012 FEIR. Upon review by the Court of appeal, that analysis was found to be sufficient. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein information is provided that lays out the scope of issues that are still subject to review, per the Court's direction. With respect to GHG emissions, this analysis has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

8-3 The commenter is misstating the direction contained within the Court's remand, which was to reconsider the analysis of Alternatives 4 and 5, which the Court determined to be insufficient. All other aspects of the 2012 FEIR were found to be valid and sufficient. Prior to taking further action on the project, the County will rescind the project approvals and decertify the EIR as required by the Peremptory Writ of Mandate issued by the trial court. After taking such actions, the County retains the option of amending the County Zoning Code and approving an asphalt plant on the site if it certifies an EIR that fulfills the directives contained in the remand.

8-4 In evaluating the feasibility of alternatives, decision makers are not limited to economic considerations. "Whether a mitigation measure or alternative is feasible 'involves a balancing of various 'economic, environmental, social, and technological factors.'" (*Citizens Opposing a Dangerous Environment v. County of Kern* (2014) 228 Cal.App.4th 360, 381; see also CEQA Guidelines, Section 15364 ["'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."].) It is the role of the decision maker to conduct this balancing and determine whether an environmentally superior alternative is

feasible based on substantial evidence in the record. The commenter's opinions regarding traffic safety concerns are noted and will be forwarded to the Board to consider when it evaluates the proposed project and the alternatives set forth in the EIR. However, the commenter is referred to Master Response 2b: *Transportation Improvements & Accidents*, where information is provided concerning the reduction in collision rates on US-101 in the vicinity of the project entrance over the last five years.

Furthermore, highway safety and risks from collisions were evaluated in the 2011 RDEIR. More information on this issue can be found in Master Response 2b: *Accidents & Transportation Improvements*, wherein information is presented that shows the rate of collisions at the intersection referred to by the commenter is below the State average for similar intersections. Further, the traffic safety analysis contained in the 2012 FEIR was found to be sufficient upon judicial review. That analysis has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

8-5 The analysis in the 2011 RDEIR considered the cumulative future population and traffic impacts resulting from project implementation within the context of cumulative projects that were reasonably foreseeable. The analysis considered the likelihood of increased residential and commercial uses at the White Deer Lodge facility, both of which would have generated a larger quantity of traffic than the currently proposed senior care facility. Thus, the 2011 RDEIR's analysis was highly conservative, and likely overstated the amount of traffic that the facility will likely generate. Regardless, the cumulative analysis in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

With respect to the commenter's concerns about increased traffic hazards associated with the project, please see the response to comments 8-4 and 8-5, above. Also, see Master Response 2b: *Accidents & Transportation Improvements*, which summarizes information contained within the 2011 RDEIR concerning access to and from the residential areas west of the project site via Black Bart Drive. As has been stated previously, that analysis has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

Comment Letter No. 9

From: PBS PBS
To: James Feenan; Julia Acker
Date: 9/3/2019 2:42 PM
Subject: Fwd: UR 19-83/2005 public notice concern

Planning & Building Services Staff

County of Mendocino
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>>> Karen Calvert <dcalvert@mcn.org> 9/1/2019 1:58 PM >>>
Received Public Notice for Harris Quarry and am concerned that the notification list may be flawed and needs to be checked. My name could only be associated with this case because I served on Planning Commission for 26 years and made comment on the Harris Quarry as a member of the Planning Commission some years ago, never as an individual. I own no nearby property and have not commented on the case as a member of the public. The code "2851" appears on the envelope. My concern is that a group who should have actually received public notice may have been omitted.
Karen Calvert

9-1

Sent from my iPad

Letter 9 Response: Karen Calvert, September 1, 2019

9-1 This comment concerns the public noticing that was undertaken for the project. It does not raise any new environmental issues or provide any new environmental information that is relevant to the consideration of the 2019 RDEIR. As such, no response is required.

Mendocino County

SEP 27 2019

Planning & Building Services

TO:

MENDOCINO COUNTY DEPARTMENT OF PLANNING AND BUILDING SERVICES

ATTENTION:

HARRIS QUARRY COMMENTS
860 N. BUSH ST.
UKIAH, CA 95482

SEPTEMBER 25, 2019

TO WHOM IT MAY CONCERN,

ACCORDING TO YOUR UPDATED DOCUMENT FOR 2019 REGARDING THE ASPHALT PLANT TO BE LOCATED ON THE QUARRY AT THE RIDGEWOOD RANCH IN WILLITS, CA, THE FOLLOWING IS TO BE CONSIDERED:

- THE EXTRACTION OF 200,000 CUBIC YARDS OF AGGREGATE FOR A 30 YEAR PERIOD
- PRODUCTION OF 150, 000 TONS OF ASPHALT PER YEAR
- NIGHTTIME OPERATIONS OF 100 NIGHTS PER YEAR

THIS IS COMPLETELY UNACCEPTABLE TO ALL WHO LIVE IN THIS VALLEY!

LOCATED IN THE VALLEY BELOW ON THE PROPOSED ASPHALT SITE ARE:

- AT LEAST FOUR OR FIVE WORKING ORGANIC FARMS
- THE GOLDEN RULE CHURCH MEMBERS AND RENTALS ON THE PROPERTY
- THE LAVIDA SCHOOL WITH MANY SMALL CHILDREN WHO ALSO PLAY OUTSIDE
- THE HISTORICAL SEABISCUIT BARN
- AN OUTDOOR POOL
- WELLS FOR DRINKING WATER
- SEASONAL STREAMS THAT PROVIDE WATER FOR COWS RAISED ON THE RANCH
- AN AGRICULTURAL SCHOOL WITH HOUSING FOR STUDENTS AND AN ORGANIC GARDEN ,LAMBS AND CHICKENS
- A RIDING PROGRAM (HORSES) FOR HANDI-CAPPED CHILDREN AND ADULTS
- A MOBILE HOME VILLAGE FOR SENIORS
- AN RV PARK
- INDIVIDUAL HOMES
- A CONSERVATION AREA
- ROADWAYS AND PATHS FOR WALKING, HIKING
- LAKE USED FOR SWIMMING IN THE SUMMER

10-1

THIS PROPOSAL WOULD IMPACT EVERY ACTIVITY ABOVE IN HARMFUL AND DESTRUCTIVE WAYS.

THE AIR WOULD BE HARMFUL TO ALL WHO BREATHE IT AND CAUSE MANY TO BECOME SERIOUSLY ILL. THE WATER WOULD BECOME CONTAMINATED AND SICKEN THOSE WHO DRINK IT. THE GARDENS COULD NO LONGER CLAIM THEIR ORGANIC TITLES. THE CHILDREN IN THE SCHOOL AND THE RIDING PROGRAM COULD NO LONGER PLAY OUTSIDE SAFELY.

ANY NIGHTTIME OPERATIONS WOULD GREATLY DISTURB EVERY PERSON AND ANIMAL IN THE RIDGEWOOD RANCH COMMUNITY.

TO GO AHEAD WITH THIS PROPOSAL, WOULD BE UNADVISABLE, FOR AN ENTIRE VALLEY WOULD BE DESTROYED.

THERE MUST BE OTHER PLACES THAT WOULDN'T BE IMPACTED AS MUCH AS THIS PRISTINE RANCHLAND!

10-1

YOURS TRULY,

DOUG AND CHELA POLLARD
16100 N. HWY 101, SPC 43
WILLITS, CA 95490

Doug Pollard
Chela Pollard

Letter 10 Response: Doug and Chela Pollard September 25, 2019

10-1 Please see Master Response 2: *Significant New Information*, presented earlier in this chapter. That response provides an overview of the project site's setting, as contained in the 2011 RDEIR, as well as adjacent areas that could be affected by the project. The 2011 RDEIR provided analysis and disclosed how the project could impact those areas. With the exception of the analysis provided for Alternatives 4 and 5, that information has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

PUBLIC COMMENT : PROPOSAL TO CONSTRUCT 150,000 TON / YEAR ASPHALT PLANT OPERATION ON RANGELAND AT HARRIS QUARRY

October 2, 2019

Letter to Mendocino County Planning Commission and Members of the Mendocino County Board of Supervisors:

This letter is a response to the 14 year battle over whether Northern Aggregates will be given the right to build an asphalt plant adjacent to their Harris Quarry site at the northern border of Ridgewood Ranch and Black Bart Drive.

The Planning Commission has worked long and hard to minimize conflicts in land use by **establishing County Zoning Code regulations.** When these are ignored, and special interests influence the County Board of Supervisors to change County Codes to enable **heavy industrial development on Rangelands, local citizens must fight to protect their economic and safety interests.**

The battle over the asphalt plant proposal has endured over **14 years** and **public testimony is now over 20,000 pages**, most of this is in **opposition to the proposal.**

The **last EIR was approved in 2012.** Two **legal court challenges** to this by citizens and the local action group ***Keep the Code*** **stopped construction of the asphalt plant.**

Now, we are being asked to review another amendment to the proposal and to limit our comments to two issues, namely, why two other alternatives are not economically feasible for Northern Aggregates. They say they will ignore any public input that does not relate to these two items. **I object to this limitation on public input. Much has changed since the original EIR was written in 2012.** 11-1

We have had **two major wildfires in this region; wildfire threat is increasing** each year. **We have lost one of the access and egress routes** for **343 homes and properties that are located uphill from the proposed asphalt site.** The **only remaining route is directly adjacent to the proposed asphalt plant** site. If this is not accessible to rescue vehicles, water carriers and dozers, loss of life and property will be increased. 11-2

Will the County of Mendocino be liable for willful oversight and preferential treatment of the economic interests of Northern Aggregates? Will County 11-3

taxpayers need to pay for these damages ? We are asking **PGE** to pay for their oversights and damages in recent wildfires, and the **County had to pay** for lawsuits and damages in the recent **Grist Creek Asphalt plant violations**. Will the County be bankrupt by these liabilities? Who will assume liability for these potential losses?

Who will pay for the increased costs of fire insurance to neighboring homeowners, and for the **loss of property values**, due to the **75 foot tower** with night lights burning up to **120 nights each year**? Northern Aggregate proposes to create **150,000 tons of asphalt each year.**

11-3

Who will be responsible for monitoring the increasing **dust and pollution** of this industrial asphalt plant expansion of Harris Quarry**? Students at La Vida Charter School and the Therapeutic Riding Program have had to deal repeatedly with dust from the Quarry operations and unannounced explosions.**

The Quarry fails to suppress dust with water, and children are sent home with asthma attacks when they are not able to avoid the dust.

Northern Aggregates is supposed to notify Ridgewood Ranch in advance of these disruptive events, but **does not do so.**

Who is responsible for monitoring and enforcing these violations? Who will pay for this?

11-4

The original proposal estimated asphalt production needs based on population projections that are **excessive and obsolete**. They also anticipated a need for asphalt production for **Phase 1 of the Willits Bypass**. **This Bypass Construction was complete several years ago.** There is no anticipated date for a Phase 2 Willits Bypass operation**. Why are these revisions ignored?**

11-5

Northern Aggregates owns and operates rock quarries and other industrial businesses on two properties in Mendocino County that are zoned for heavy industry. One is in Willits on Cropley Lane, and one is in Ukiah on Talmage Road. Have these sites been evaluated for suitability for an asphalt plant? If not, why not?

11-6

The Church of the Golden Rule has contracted with architects and builders for construction of a ***24 unit Ridgewood Park Senior Residence*** **at the corner of Black Bart Drive and Hwy 101, across the street from the proposed asphalt plant**. This is on ***land zoned commercial,*** *and is part of a new commercial complex that will have organic community gardens, an* ***organic food store, a community kitchen****, and provide* ***palliative care for vulnerable seniors***. How

11-7

will the increased **traffic and pollution** affect these new developments**? Why are they being ignored?** 11-7

My point is that **changing the County Zoning Codes** to give preferential treatment to Northern Aggregates in hopes of increasing County tax revenue for the sale of more locally produced asphalt **will be offset by loss of tax revenue from decreasing home values, increasing health and safety risks to neighboring residents and programs, and sets a precedent that may increase similar conflicts due to heavy industrial development on rangelands in the future.** 11-8

Why are we being asked to approve this clear conflict of the original zoning codes that have been in place for decades? **They specify that heavy industrial applications shall be grouped together and limited to lands that are zoned for heavy industrial development**. This land is **zoned Rangeland** and does not allow heavy industrial development. 11-9

Will Northern Aggregates update the EIR to reflect current circumstances and conflicts of interests? 11-10

Who will be liable if there is lack of compliance of the more than 100 mitigations in the EIR to environmental hazards to keep citizens safe? Will the **County monitor and enforce the CEQA and EPA regulations?** If not, who will be responsible for this, and who will pay for this? 11-11

This asphalt plant proposal is outdated, and gives preferential treatment to Northern Aggregates over the safety, health and economic well being of the residents, programs and businesses in the adjacent areas that will be negatively impacted by the environmental and economic challenges it will present. 11-12

More conflicts and violations are anticipated; additional lawsuits may be required. Is the County willing to assume this liability? Other alternatives are available and need to be explored. 11-13

We request that you Keep the Code, it is there for a reason.

Patricia Tetzlaff
Resident of Golden Rule Mobile Village
Ridgewood Ranch,
Willits, CA.

Letter 11 Response: Patricia Tetzlaff, October 2, 2019

11-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR.

11-2 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein evidence is provided to show the lack of support for the commenter's assertion that significant new information negates the finding of the 2012 FEIR. Of particular note is the fact that the 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Furthermore, as discussed further in Master Response 2a, Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion. Therefore, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and

resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. For this reason, recirculation of the Draft EIR is not required.

11-3 This comment does not raise any new environmental issues or provide any new environmental information that is relevant to the consideration of the 2019 RDEIR. As such, no response is required. The comment, however, will be noted and made available to applicable decision-makers as they consider the project and whether or not to approve it.

11-4 When an EIR determines that a particular environmental impact would be "significant," the EIR must propose and describe feasible mitigation measures that will minimize or reduce the impact. (Pub. Resources Code, Section 21100, subd. (b)(3); CEQA Guidelines, Section 15126, subd. (e), 15126.4, 15370.) Responsibility for implementation and enforcement of individual mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (MMRP), as specified in CEQA Guidelines Section 15097. The MMRP for the project outlines the required mitigation measures, who they are implemented by, when they are implemented, who monitors the measures, when they must be verified by, and who verifies it. The proposed conditions of approval will obligate the applicant to fund the County's process to monitor compliance with the mitigation measures set forth in the EIR and, to the extent additional resources are needed, the County has the discretion to retain the services of consultants to assist County staff in confirming that the applicant complies fully with, and maintains compliance with, all requirements set forth in the MMRP. Furthermore, Mendocino County Code Section 20.216.015 provides that it is unlawful and prohibited to violate any term or condition of any permit or approval granted under Title 20, Division I of Mendocino County Code. Any member of the public who believes there has been a violation of Conditions of Approval and/or mitigation measures should file a complaint with the Mendocino County Department of Planning and Building Services Code Enforcement Division. Complaints can be filed over the phone, in person, or online on the Department website. Code Enforcement Staff will review the complaint and determine if it must be referred to other agencies for potential violation of any standards they may have. In addition to the Code Enforcement role noted above, each year during operation of a mining site, County Staff (certified by the California Division of Mine Reclamation as Surface Mine Inspectors) conducts an annual inspection, the cost of which is paid by the Applicant. At that time, County Staff verifies conformance with the Surface Mining and Reclamation Act

(SMARA) and any required conditions of approval and/or mitigation measures applicable to the Project.

11-5 As implied in the comment, it can be expected that the placement of a permanent asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

11-6 Please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that asphalt production operations at these sites would have their own environmental effects (2011 RDEIR, p. 27). Regardless, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the alternative sites analysis in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

11-7 Please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*. The effects of the project on current and future users of the former White Deer Lodge were fully analyzed in the 2011 RDEIR. That EIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). The cumulative impact analysis considered commercial uses at the site, so the cumulative analysis considered a higher level of traffic generation than would be likely with the proposed senior care facility. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by

CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

11-8 The comment raises no new environmental issues that weren't evaluated in the 2011 RDEIR, which the trial court and Court of Appeal upheld, but found that the County's findings concerning the feasibility of Alternatives 4 and 5 were not supported by substantial evidence. No response is required. The comment, however, will be noted and made available to applicable decision-makers as they consider the project and whether or not to approve it.

11-9 The County was approached by the project applicant to consider a project that would require an amendment to the zoning code to implement. The EIR was prepared to evaluate and disclose the impacts of that proposed action. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action, and the County has fulfilled that requirement under CEQA by preparing the EIR and providing the public with the opportunity to comment on the environmental effects of the project. The ultimate decision as to whether or not to approve the project will fall to the County's elected decision-makers. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

11-10 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR.

With respect to the second portion of the comment concerning alleged conflicts of interest, conflicts of interest, real or otherwise, are not environmental issues, and therefore fall outside the scope of CEQA and the EIR. However, it is worth noting that parties to the prior litigation [*Keep the Code v. County of Mendocino* (Super. Ct. Mendocino County, 2013, No. SCUKCVPT1260196)] have entered a stipulation confirming that no potential conflict of interest exists. No further response is required.

11-11 Please see the response to comment 11-4, above.

11-12 This comment reflects the opinion of the commenter as to the desirability of the project. The commenter's opinion does not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please

refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. The comment, however, will be provided to applicable decision makers as they consider the project.

11-13 The commenter is speculating on the outcome of future actions, and is also offering her opinion on the merits of the project. Please see the response to comment 11-12, above.

From: PBS PBS
To: James Feenan
Date: 10/4/2019 1:45 PM
Subject: Fwd: Open letter by Best-selling author, Laura Hillenbrand, on the topic of proposed asphalt plant on Ridgewood grade to Mendocino County Board of Supervisors:

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Jacqueline Cooper <jacqueline@pacific.net> 10/4/2019 1:34 PM >>>
Following is an open letter by best-selling author Laura Hillenbrand on the topic of the proposed asphalt plant on Ridgewood grade to the Mendocino County Board of Supervisors:

To the Board of Supervisors,

I am an historian and author of the book, "Seabiscuit: An American Legend," which was the basis of the 2003 seven-time Oscar-nominated film "Seabiscuit," much of which was set in the beautiful rangeland around Willits. I am distressed to hear of the proposed expansion of the Harris Quarry and the construction of an asphalt plant on that site. Aside from my concerns about the new construction's impact on the environment and on public safety, I am distressed to think of this historic and pristine rangeland being forever marred by a pollution-belching eyesore. Ridgewood Ranch, from which the plant will be highly visible, is a major tourist attraction for the region, as thousands of fans of Seabiscuit journey there to see where so much of the horse's historic life took place, and where his body now lies. Please vote no on this project, and preserve this historic treasure.

12-1

Sincerely,
Laura Hillenbrand

****

Respectfully submitted by: Jacqueline Cooper
Ridgewood Ranch resident
(707)391-0984

Letter 12 Response: Jacqueline Cooper, October 4, 2019

12-1 The commenter is expressing her opinion on the merits of the project, and is presenting general remarks about the environmental effects of the project. With respect to the commenter's opinion about the project, please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to the commenter's general remarks about the environmental effects of the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. As explained in the master response, all of the environmental issues listed in the comment (aesthetics, cultural resources, and air quality) have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit these issues. In other words, the analysis of each of these issues has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

From: PBS PBS
To: Julia Acker; Jesse Davis
Date: 10/7/2019 2:50 PM
Subject: Fwd: Harris Quarry Environmental Impact Report (EIR) - Vote No!

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Jacqueline Cooper <jacqueline@pacific.net> 10/7/2019 2:40 PM >>>
To: Mendocino County Dept. Building and Planning Services

CC: Mendocino County Board of Supervisor John Haschak
Mendocino County Board of Supervisor Dan Gjerde
Mendocino County Board of Supervisor Ted Williams

Re: Harris Quarry Environmental Impact Report
(EIR)
Seabiscuit's Stud Barn located at Ridgewood Ranch in Willits, CA was listed in the National Register of Historic Places
As an award winning Mendocino County tourist attraction, the historic home of the legendary racehorse Seabiscuit supports the local economy by drawing many national and international visitors each year. The proposed neighboring asphalt plant, air and could have a direct impact on the local economy by marring the landscape, deterring visitors, and thereby negatively impacting struggling local businesses already affected by the completion of the Willits bypass in 2016.

13-1

Please, vote "No" on the approval of the 2019 revised draft of the Harris Quarry EIR. Thank you!

Respectfully submitted by: Jacqueline
Cooper Ridgewood Ranch resident
(707)391-0984

****

Following is an open letter by best-selling author Laura Hillenbrand on the topic of the proposed asphalt plant on Ridgewood grade to the Mendocino County Board of Supervisors:

To the Board of Supervisors,

I am an historian and author of the book, "Seabiscuit: An American Legend," which was the basis of the 2003 seven-time Oscar-nominated film "Seabiscuit," much of which was set in the beautiful rangeland around Willits. I am distressed to hear of the proposed expansion of the Harris Quarry and the construction of an asphalt plant on that site. Aside from my concerns about the new construction's impact on the environment and on public safety, I am distressed to think of this historic and pristine rangeland being forever marred by a pollution-belching eyesore. Ridgewood Ranch, from which the plant will be highly visible, is a major tourist attraction for the region, as thousands of fans of Seabiscuit journey there to see where so much of the horse's historic life took place, and where his body now lies. Please vote no on this project, and preserve this historic treasure.

Sincerely,
Laura Hillenbrand

****

Letter 13 Response: Jacqueline Cooper, October 7, 2019

13-1 The commenter is expressing her opinion on the merits of the project, and is presenting general remarks about the environmental effects of the project. With respect to the commenter's opinion about the project, please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to the commenter's general remarks about the environmental effects of the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. As explained in the master response, all of the environmental issues listed in the comment (aesthetics, air quality, cultural resources, and noise) have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit these issues. In other words, the analysis of each of these issues has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

ROBIN GOLDNER, MSW

Licensed Clinical Social Worker #15373
NPI #1528031879

245 S. Humboldt St., Suite B • Willits, CA 95490 • (707) 459-5673

Mendocino County Department of Planning and Building Services
Attn: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482

Mendocino County
OCT 10 2019
Planning & Building Services

Re: No to the Harris Quarry Asphalt Plant

October 7, 2019

To the Department of Planning and Building Services:

I am against the proposed zoning changes. There are many reasons that the proposed asphalt plant on Ridgewood is the wrong project in the wrong place. Even though zoning may permit this site for a toxic, inflammable and unnecessary project, it is not in the public interest. Consider the Board of Supervisor's mission…"*to create and maintain a responsive and responsible government that enhances the quality of life of the people of Mendocino County. The County's mission is to deliver services that meet: Public safety, health, social, cultural, education, transportation, economic, and environmental needs of our communities.*" 14-1

It appears that the needs of the public who live within a mile radius of this project will not be seriously considered if the project goes on-line. Hundreds of people at the White Tail Deer Mobile Home Park at Golden Rule Ranch, La Vida Charter School, the senior assisted health care facility on Ridgewood Grade, and two major subdivisions (Ridgewood and Shafer Ranch Road) are close by. 14-2

There are better sites for an asphalt plant in heavy industrial areas of the County. A mobile on-site plant would be much better suited for the long travel distances that trucks will otherwise have to drive to deliver and return for reload to the proposed plant. 14-3

The County is doing all it can to minimize and plan for future wildfires. Asphalt plants are ignition sources. Do not add a dangerous potential source for future wildland fires. 14-4

The Grist Creek Asphalt plant at Longvale should be a cautionary tale for the County and was the source of expensive litigation. Don't make the same mistake.

Build asphalt plants where they won't harm public safety, health, social, cultural, education, transportation, economic, and environmental needs of our communities. 14-5

Sincerely,

Robin Goldner, MSW

Cc: Board of Supervisors, County of Mendocino

Letter 14 Response: Robin Goldner, October 7, 2019

14-1 The commenter is expressing her opinion on the merits of the project, and is presenting general remarks about the potential environmental effects of the project. With respect to the commenter's opinion about the project, please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

14-2 With respect to the commenter's general remarks about the environmental effects of the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The comment about adverse environmental effects is very general, so it is difficult to respond with specificity, but as explained in the master response, all of the environmental issues eluded to in the comment have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit these issues. In other words, the analysis of each of these issues has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). The cumulative impact analysis considered commercial uses at the site, so the cumulative analysis considered a higher level of traffic generation than would be likely with the proposed senior care facility. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation

provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

14-3 Please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that asphalt production operations at these sites would have their own environmental effects (2011 RDEIR, p. 27). Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

14-4 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the

County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis of response is required.

14-5 The commenter is speculating on the outcome of the proposed project, if it is approved, based on the circumstances of another project that is unrelated to the proposed project. The comment does not raise any new environmental issues, and no response is required. Ultimately, the commenter is expressing her opinion on the merits of the project, and is presenting general remarks about the potential environmental effects of the project. With respect to the commenter's opinion about the project, please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

From: PBS PBS
To: Julia Acker
Date: 10/8/2019 1:46 PM
Subject: Fwd: The Harris Quarry 2019 Revised Draft EIR

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> ron <ronwallis204@yahoo.com> 10/7/2019 10:30 PM >>>

To: Mendocino County Planning and Building Dept:

We are residents of the Golden Rule Mobile Village and are very concerned about the proposed Harris Quarry project. The asphalt fumes are dangerous to all local residents and particularly the elderly. G.R.M.V. consists of senior citizens. Also, The Ridgewood Park project has been issued several permits for a 30 unit elderly
assisted living development located across the road from the Harris Quarry. There is a pressing need for housing in Mendocino County particularly for senior residents. This is precisely why Mendocino County approved Ridgewood Park. 15-1

The health risks are substantial for those of us living in such close proximity to an asphalt plant. Substances that cause cancer, new or worsened asthma, bronchitis, and C.O.P.D. are among a few of the known health risks. 15-2

Fire danger in California has increased over the past 10 years and particularly in Mendocino County in the past few years. Asphalt plants are an increased fire hazard. Placing an asphalt plant in the middle of fire prone oak and fir woodlands increases the risk of another devastating fire similar to what we just had in Redwood Valley. 15-3

A smarter project that is a benefit for all is possible. The old 2012 project is outdated, oversized, poorly and dangerously sited with over 100 mitigations and is incongruous with surrounding uses. We feel a win-win can be achieved but not with the current proposal. 15-4

The public deserves to have the best analysis of our current situation taken into full account. We request a
cost benefit analysis that takes into account the full 30 year project impacts to the public. There are many Significant New Considerations that must be taken into full account in order to reach an appropriate and compatible decision which protects the public and meets County needs. 15-5

Please take our safety and health concerns into consideration.

Sincerely,

Concerned Citizens of Mendocino County
Susan Gutmann
Ron Wallis
Golden Rule Mobile Village
16100 N. Hwy 101, Sp12
Willits, CA 95490

cc: Mendocino County
Board of Supervisors

Letter 15 Response: Susan Gutmann & Ron Wallis, October 7, 2019

15-1 With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

15-2 See the response to comment 15-1, above.

15-3 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to

the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis of response is required.

15-4 The commenters are expressing their opinions on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

15-5 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

From: PBS PBS
To: James Feenan
Date: 10/7/2019 12:06 PM
Subject: Fwd: Ridgewood Quarry Asphalt Plant

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> <drlovell@comcast.net> 10/7/2019 10:59 AM >>>
To The Mendocino county board of supervisors,
Please do not make the mistake of allowing the vocal minority to sway your opinion of allowing Northern Aggregates to receive final permitting of their asphalt plant. This Quarry and asphalt plant can secure Mendocino county's construction aggregate needs for the next 100 years. As you should be well aware that aggregates in this county are not plentiful especially since we moved out of the rivers.
There has been so much effort put in to this Quarry site a denial at this time would assure us that we will not have our own source of construction materials going into the future. The County can not grow or be prosperous without its own source of raw materials. This site is perfect for the quarry and asphalt plant. This Project will effect the economics of our county for decades to come, don't let the shortsightedness of a few affect the wellbeing of all county residents.

16-1

Sincerely,
David Lovell
Willits,Ca.

Letter 16 Response: David Lovell, October 7, 2019

16-1 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Comment Letter No. 17

From: PBS PBS
To: Julia Acker; Jesse Davis
Date: 10/7/2019 3:00 PM
Subject: Fwd: Harris Quarry

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Roni McFadden <bluejayln@instawave.net> 10/7/2019 12:49 PM >>>

October 7, 2019

Dear Mendocino County Department of Planning and Building Services, and Supervisors Brown, McCowen, Haschek, Gjerde, and Williams,

I oppose approval of the currently proposed asphalt plant project at Harris Quarry.

Having been a resident of the Ridgewood Subdivision for 35 years, I have opposed this project from the start and continue to oppose it. My reasons are even MORE important than ever before.

In light of the recent fires we have experienced, this could not be any worse of an idea than it ever was.

Just two short years ago, I spent four days with Search and Rescue going into the Fire area in Redwood Valley rescuing horses and other animals. I saw first hand what can happen with no warning, no time, and minimal escape routes. I SAW burned up bodies of horses and livestock and watched law enforcement personnel comb through a residence searching for victims which they sadly found.

After that experience, wildfires scare the hell out of me. Our subdivision has not had a significant fire in all the years I have been here. The whole Ridgewood Subdivision is ripe for a disaster. Add to that the fact that there is now only ONE ROAD OUT, and that road will be BLOCKED if a fire should start at the asphalt plant. THINK ABOUT THAT FOR A MOMENT! Let that statement sink in. ALL the RESIDENTS in RIDGEWOOD WILL BE TRAPPED!!!!! 17-1

What is your answer to that problem should you approve this plan?? What will YOU do if lives are lost in a wildfire created by this mess? How will you compensate my family if my property is lost?

A smarter project, that is a benefit for all, is possible. The old 2012 project is outdated, oversized, poorly and dangerously sited with over a 100 mitigations, and is incongruous with surrounding uses. We feel a win-win can be achieved, but not with this current proposal. 17-2

The public deserves to have the best analysis of our current situation taken into full account. As stated in the mission statement for the County Planning and Building Department, we, the public request "precise, up-to-date and innovative advice and technical expertise." We feel that this requires more than just an acceptance of the applicant's analysis. The public requests a cost benefit analysis that takes into account the full 30-year project impacts to the public. There are many Significant New Considerations that must be taken into full account in order to reach an appropriate and compatible decision which protects the public and meets County needs. 17-3

Sincerely,

Roni McFadden
16250 Blue Jay Ln
Willits, CA 95490
707-391-5461
bluejayln@instawave.net

Letter 17 Response: Roni McFadden, October 7, 2019

17-1 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Furthermore, as discussed further in Master Response 2a, Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion. Therefore, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

17-2 The commenter is expressing her opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

17-3 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

From: PBS PBS
To: Jesse Davis; Julia Acker
Date: 10/8/2019 1:44 PM
Subject: Fwd: Harris Quarry Comments
Attachments: Leter to Mendocino County Board of Supervisors.pdf

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Doug Pollard <pollarddoug@gmail.com> 10/7/2019 5:10 PM >>>
I am re-sending a copy of Doug & Chela Pollard's letter regarding the proposed asphalt plant at Harris Quarry in PDF form. We hope you can open this letter.
Thank you,
Doug & Chela Pollard

Doug & Chela Pollard
16100 N. Hwy. 101, Sp.43. Willits, CA 95490

To the Mendocino County Dept. of Planning & Building Services
c/c Individual Supervisors
Attn: Harris Quarry Comments
880 North Bush St.
Ukiah, CA 95482

We oppose approval of the currently proposed asphalt plant project at Harris Quarry. As we reside in the Mobile Village on Ridgewood Ranch, we know first hand that the prevailing winds bring large amounts of gravel dust to our homes. We and many others have made formal complaints to Air Quality, but we haven't seen a change in the amount of dust coming our way. Air Quality said the quarry is required to use water to dampen the dust coming off the conveyors with ground rock, but we drive south from Willits on 101 and see the dust rising without the use of water. Increasing the amount of gravel produced to feed the proposed asphalt plant will obviously make more dust pollution as well as spread noxious fumes and particulates on Ridgewood Ranch as well as northward to residences at Black Bart Road and the city of Willits on south wind days. 18-1

We are also aware of the increase fire danger with the proposed asphalt plant. The residences on Black Bart Road are particularly at risk especially with the single ingress and egress off 101 only yards away from the beginning of Black Bart Road. 18-2

We are particularly also concerned about the impact this asphalt plant would have on the Ridgewood Ranch community. As you must be aware, there are large fields of organically grown produce which serve the immediate community as well as the larger community in Mendocino County. Having locally grown organic food is important; it lessens the need for long distance trucking, which can be unreliable as well as the concern over more air pollution. 18-3

Please consider using a mobile asphalt unit that can recycle torn up roadways and move to the areas where it is needed. 18-4

Also, as residents of the Mobile Village, we have invested in our homes. Property values are known to go down in areas adjacent to an asphalt plant; it's obvious why this is the case! Clean air is clearly important to health, especially for seniors and children. We have a right to clean air, water and a safe environment. Please uphold your Mission Statement! 18-5

Sincerely,
Doug Pollard

Chela Pollard

Letter 18 Response: Doug & Chela Pollard, October 7, 2019

18-1 The commenters are expressing their opinions on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to alleged air quality violations associated with existing quarry operations, when an EIR determines that a particular environmental impact would be "significant," the EIR must propose and describe feasible mitigation measures that will minimize or reduce the impact. (Pub. Resources Code, Section 21100, subd. (b)(3); CEQA Guidelines, Section 15126, subd. (e), 15126.4, 15370.) Responsibility for implementation and enforcement of individual mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (MMRP), as specified in CEQA Guidelines Section 15097. The MMRP for the project outlines the required mitigation measures, who they are implemented by, when they are implemented, who monitors the measures, when they must be verified by, and who verifies it. The proposed conditions of approval will obligate the applicant to fund the County's process to monitor compliance with the mitigation measures set forth in the EIR and, to the extent additional resources are needed, the County has the discretion to retain the services of consultants to assist County staff in confirming that the applicant complies fully with, and maintains compliance with, all requirements set forth in the MMRP. Furthermore, Mendocino County Code Section 20.216.015 provides that it is unlawful and prohibited to violate any term or condition of any permit or approval granted under Title 20, Division I of Mendocino County Code. Any member of the public who believes there has been a violation of Conditions of Approval and/or mitigation measures should file a complaint with the Mendocino County Department of Planning and Building Services Code Enforcement Division. Complaints can be filed over the phone, in person, or online on the Department website. Code Enforcement Staff will review the complaint and determine if it must be referred to other agencies for potential violation of any standards they may have. In addition to the Code Enforcement role noted above, each year during operation of a mining site, County Staff (certified by the California Division of Mine Reclamation as Surface Mine Inspectors) conducts an annual inspection, the cost of which is paid by the Applicant. At that time, County Staff verifies conformance with the Surface Mining and Reclamation Act (SMARA) and any required conditions of approval and/or mitigation measures applicable to the project.

Furthermore, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also

Master Response 2: *Significant New Information*. The air quality concerns expressed by the commenter have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

18-2 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

18-3 With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the

vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). The presence of organic growing operations in the area and the project's impact to those operations were also evaluated in the 2011 RDEIR (RDEIR page 333). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

18-4 Please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that asphalt production operations at these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

18-5 The commenters are expressing their opinions on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Josef Knight
16200 North Highway 101
Willits, CA 95490
jknight@pacific.net

October 8, 2019

Mendocino County Department of Planning and Building
Attn: Harris Quarry Comments
860 North Bush Street
Ukiah, CA 95482

Via First Class Mail and email to pbs@mendocinocounty.gov

Re: 2019 Revised Draft EIR for the Harris Quarry Use Permit and Reclamation Plan

Dear Department of Planning and Building:

I am writing to oppose the approval of the Revised Draft Environmental Impact Report (RDEIR) for the Harris Quarry Use Permit and Reclamation Plan (SCH#2006112087) because the RDEIR as published does not satisfy the requirements of the California Environmental Quality Act (CEQA) and expressly misstates the law governing the permissible scope of public comments.

Accordingly, the public has been grossly deceived by this unlawful attempt to block comment on significant and material environmental impacts that did not exist at the time the original EIR was certified in 2012.

The use permit application at issue was the subject of a Draft EIR that was circulated in October, 2007, and subsequently revised and recirculated in May, 2011. A Final EIR was certified by the Board of Supervisors on April 10, 2012, and was the subject of a Petition for Writ of Mandate by citizen opponents seeking to invalidate the County's decisions. (See *Keep the Code, Inc. v. County of Mendocino, et. al.*, Mendocino County Superior Court Case No. SC UK CV PT 12-60196)

19-1

Keep the Code alleged that the County had violated CEQA on several points of fact. The trial court ultimately held that the County's actions satisfied the law with the exception of the Board's consideration of two project alternatives: Alternative 4 (permit for extended quarry and temporary asphalt processing facility) and Alternative 5 (redesign of the project relative to nighttime activities and construction of a partial highway interchange at the project's access driveway).

Accordingly, the trial court issued a writ of mandate and directed the County to reconsider its decision on Project Alternatives 4 and 5. (*Keep the Code v. County of Mendocino, supra,* Decision

after Court Trial on Petition for Writ of Mandate issued October 7, 2013.) The court subsequently entered judgment directing the County to set aside and vacate the certification of the EIR, the approval of the project, and the approval of permits for the project. (*Ibid.,* Judgment Granting Petition for Writ of Mandate dated November 11, 2013.) The proponents of the project appealed that judgment and the Court of Appeal affirmed. (*Keep the Code, Inc. v. Cty. of Mendocino* (Nov. 30, 2018, No. A140857), unpublished opinion.)

Now the proponents of the project bring their application back before the County, asserting in their RDEIR that only those comments relating directly to Alternatives 4 and 5 may be considered by the County That assertion is contrary to law.

Rather, the law provides that any new information material to the RDEIR that differs from information considered in the County's original deliberations prior to April 10, 2012, may and should be included in the public comments on the new RDEIR.

I strongly suggest that the legal analysis set out below be presented to County Counsel and a counter argument requested before the County continues with proceedings that so blatantly invite further litigation.

Legal Analysis:

19-1

Section 1.1.2 of the RDEIR prepared for proponents of the project at issue correctly quotes the section of the California Code of Regulations that governs the situation at issue here:

> "As to those portions of an environmental document that a court finds to comply with CEQA, **additional environmental review shall only be required by the court consistent with principles of res judicata.** In general, the agency need not expand the scope of analysis on remand beyond that specified by the court." (14 Cal. Code Regs. § 15234 subd. (d), emphasis added.)

Proponents then go on to grossly misstate the effect of that regulation by stating:

> "Based on the court's decision, the County is now charged with reconsidering Alternatives 4 and 5. Per the directions contained in CEQA Guidelines (sic) 15234 (d), all unrelated portions of the 2012 Final EIR, as affirmed by the court, remain valid, and the County's responsibility for subsequent review is restricted only to those portions of the CEQA analysis that are germane to consideration of Alternatives 4 and 5."

In actuality, the law requires the County to consider not only matters germane to Alternatives 4 and 5 but also any and all new information material to the proposed project that was not available at the time the County certified the original Final EIR in 2012. The error in the RDEIR turns on an apparent misunderstanding of the "principles of res judicata."

Res judicata is an equitable doctrine that, properly applied, prevents the relitigation of a cause of action between the same parties that was previously determined in another case before a court of law. (See, e.g., *Mycogen Corp. v. Monsanto Co.* (2002) 28 Cal.4th 888, 896 [123 Cal.Rptr.2d 432, 437, 51 P.3d 297, 301].)

The doctrine is explained in detail in *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296 [140 Cal.Rptr.3d 459]:

> "Res judicata or claim preclusion bars relitigation of a cause of action that previously was adjudicated in another proceeding between the same parties or parties in privity with them. (*Mycogen Corp. v. Monsanto Co.* (2002) 28 Cal.4th 888, 896, 123 Cal.Rptr.2d 432, 51 P.3d 297.) Res judicata applies if the decision in the prior proceeding is final and on the merits and the present proceeding is on the same cause of action as the prior proceeding. (*Busick v. Workmen's Comp. Appeals Bd.* (1972) 7 Cal.3d 967, 974, 104 Cal.Rptr. 42, 500 P.2d 1386.)" (*Id. at p. 324*)

19-1

The Court of Appeal goes on to explain that res judicata applies only where the facts are identical in both causes of action:

> "Causes of action are considered the same if based on the same primary right. (*Tensor Group v. City of Glendale* (1993) 14 Cal.App.4th 154, 160, 17 Cal.Rptr.2d 639.) **A claim in the present proceeding is based on the same primary right if based on the same conditions and facts in existence when the original action was filed.** (*Planning & Conservation League v. Castaic Lake Water Agency* (2009) 180 Cal.App.4th 210, 227, 103 Cal.Rptr.3d 124.)" (*Ibid*., emphasis added.)

In other words, the doctrine of res judicata cannot be applied in the situation at issue here to bar the consideration of conditions and facts that were not in existence when the previous Final EIR was certified in 2012.

By prominently stating in the RDEIR that any new conditions not related to the consideration of Alternatives 4 and 5 will not be considered by the County, the proponents of the project have egregiously misled the public at large and grossly misstated the permissible scope of public comments. Accordingly, the Revised Draft EIR is fatally flawed and must be rejected in its entirety.

This analysis also comports with 14 California Code of Regulations § 15162, which governs the issuance of a supplemental EIR where new conditions reveal significant effects not discussed in the previous EIR.

19-1

I ask that you please respond to this letter/comment at my email address set out above.

Sincerely,

Josef Knight

cc: Carre Brown, Supervisor First District
(Via email only to browncj@mendocinocounty.org)

John McCowen, Superfisor Second District
(Via email only to mccowen@mendocinocounty.org)

John Haschak, Supervisor Third District
(Via email only to haschakj@mendocinocounty.org)

Dan Gjerde, Supervisor Fourth District
(Via email only to gjerde@mendocinocounty.org)

Ted Williams, Supervisor Fifth District
(Via email only to williams@mendocinocounty.org)

Letter 19 Response: Joseph Knight, October 8, 2019

19-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date. For these reasons, recirculation of the Draft EIR is not required, and no further response is required here.

Comment Letter No. 20

From: PBS PBS
To: James Feenan; Eduardo Hernandez
Date: 10/9/2019 2:44 PM
Subject: Fwd: Comments / QUESTIONS relative RDEIR Alternative 4

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Jack Magne' <jackatocha@aol.com> 10/9/2019 9:11 AM >>>

Dear Planners and Supervisors,

Please let the record show-

The purpose of this letter is to address certain aspects of ALTERNATIVE 4 of the August 28, 2019 RDEIR.
Since feasibility or infeasibility of these alternatives cannot be assessed without referencing
certain strongly-related tangential issues, we will also include SIGNIFICANT, NEW AND MATERIAL CONSIDERATIONS.

Alternative 4: Quarry and Temporary Asphalt Plant:
The second sentence of the first paragraph of the *RDEIR* with the above heading states: *" The County zoning ordinance (Section 20.036.010) allows mineral processing* " of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project... " Therefore,the asphalt plant would be permitted only if there was a specific project under construction at the site of a " specific construction project"-

We suggest a portable plant would fulfill all these requirements plus added profound financial, environmental, social, health and safety as well as liability advantages over the proposed *stationary* plant at Harris Quarry
The above quote (and ordinance), taken directly from the RDEIR, happens to also accurately describe a **portable asphalt plant ;** which, by definition,
is an asphalt plant which could be temporarily placed at a specific project. 20-1

Financial- It is true and verifiable a portable asphalt plant would be considerably less costly in terms of initial purchase, assembly, maintenance and much lower liability compared with a fixed, inherently volatile plant placed in close proximity to a school, church and assisted living center- all amid vast flammable surroundings, and perched on top of an earth quake fault.
These portable-plant cost-savings would benefit the Applicant, the County; and the citizens of Mendocino.
It is interesting and quite revealing to note that sentence 1 of paragraph 2 of **Alternative 4** states: *" For Alternative 4 to be feasible and economical a specific construction project would need to be available within the market area of Harris Quarry "* ***Feasible and economical for whom ?***
Unfortunately this writer has been unable to find a reference to the citizens of this County- and how it might affect them financially- or otherwise. 20-2

Question 1- Considering the economic disadvantages of the temporary fixed plant, and the advantages of a portable plant- Will the Supervisors drop the **Quarry** component in favor of a **Temporary (Portable) plant?** If not, please explain the rationale for resisting. 20-3

Liability-
Question 2- Have the supervisors, County Counsel and Planning Dept taken into account the extreme diminution of property values citizens in the adjacent and surrounding areas would suffer with a fixed asphalt facility (with a 75 foot smokestack) becoming a smelly and unsightly neighboring nuisance ? Real estate with declining appeal would be difficult to sell and severely undervalued. Who is going to pay for this ? Who is going to pay for the inevitable skyrocketing fire insurance costs ? 20-4
Question 3- Are the Applicant, County or the individual officers of the County prepared to subsidize or otherwise compensate individuals or business interests who have become justifiably outraged litigants due to financial losses as a consequence of poor planning by authorities who had been forewarned repeatedly of the potential adverse consequences ? If not- Why not ? 20-5
Question 4- Re-Alt 4- Has the absence of a confirmed, permanent County Counsel bred instability, confusion and possible lack of accountability for any ill-advised decisions made in an environment lacking in commitment ? 20-6
Question 5- Should all legal judgements made under these circumstances be revisited and reviewed by a permanent official who may actually have to
"face the music" if the wrong outcomes eventuate ? 20-7
Note- The news commentaries ***Playing with fire*** and ***Wildfires Earthquakes and Asphalt Plants*** were both featured in the Willits Weekly, Willits News, and Ukiah Daily Journal. They fully explored (and advised) the citizens of these areas as well as the Board Supervisors and Planning (with personal copies) which documented these fire dangers and explosive events associated with asphalt plants and earth quakes. 20-8

Safety / Liability
Question 6- Are the Supervisors and Planners aware of only one-way ingress and egress on Black Bart Road ? Are the Supervisors aware over 340 properties are served by Black Bart Road ?
Are the Supervisors considering the catastrophic **wildfire** possibilities this may portend due to a proximate proposed fixed Harris Quarry Plant ?
There is potential unspeakable human and property devastation- Will the Board take this into account when deciding **Alternative 4** ?
When we consider the loss in life and the **30 Billion dollars** in lawsuits against **PGE** alleging negligence in causation of wildfires- Perhaps the County should proceed cautiously. 20-9

Health
All documented health hazards are too numerous to list in this limited format.
In this category I will rely on the words of a trained, respected and experienced Mendocino County physician- **Dr Marvin Trotter**
Dr Trotter was past Public Health Officer in Mendocino County and current practicing physician. He provided this writer with this hand-written letter back in July, 2011,
which I then made available to the Board Supervisors and the Planning Dept.
His words have even more meaning today in light of all the Significant, New and Material considerations. I will now quote (verbatim)
Dr Trotter's Letter: I can provide hand-written copy upon request. 20-10

" 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 and emphysema.

In view of the health consequences, the dangers of traffic accidents on Hwy 101,
the environmental pollution and 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 M.D.

20-10

Question 7- Will the Board take the words of Dr Trotter into account when determining if **Alternative 4** can exist independent of the quarry location and proceed as a portable plant ?
Note: When I first presented this to the Board in 2011 the response was the following (and I quote)
" Since no question was asked, no reply is required"
At the time- this spoke volumes !

20-11

Thanks for your consideration,

Jack Magne'
Willits, Ca.
707 459 4412
jackatocha@aol.com

Letter 20 Response: Jack Magne, October 9, 2019

20-1 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

With respect to the consideration of a mobile asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

20-2 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

20-3 This question is outside the scope of the EIR, which was prepared to evaluate and disclose the environmental impacts of the proposed action. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action, and the County has fulfilled that requirement under CEQA by preparing the EIR and providing the public with the opportunity to comment on the environmental effects of the project. The ultimate decision as to whether or not to approve the project will fall to the County's elected decision-makers. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

20-4 The commenter is speculating as to the potential effects of the project concerning matters that are outside the scope of the EIR. Please see the response to comment 20-3, above.

20-5 The commenter is speculating as to the potential effects of the project concerning matters that are outside the scope of the EIR. Please see the response to comment 20-3, above.

20-6 The commenter is speculating on matters that are outside of the scope of the EIR. The purpose of an EIR is to determine and disclose the environmental effects of implementing a proposed action, and the commenter's question concerns matters that are not related to the environmental effects of the project or the analysis in the EIR. As such, no further response is required here. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

20-7 Please see the response to comment 20-6, above.

20-8 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has

not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

20-9 Please see the response to comment 20-8, above.

20-10 The commenter is presenting the opinion of another commenter on matters that have already been litigated. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

20-11 Concerning the two questions raised in the comment, please see the responses to comments 20-10 and 20-1, respectively.

Mendocino County

OCT 15 2019

Planning & Building Services

Cody Bartholomew

10/10/19

To Mendocino County Planning and Building,

My name is Cody Bartholomew and I am a member of The Golden Rule Church Association, owners of the land surrounding Harris Quarry. I am writing today concerning Northern Aggregates proposal to place an asphalt plant at Harris Quarry. The 2011 EIR does not sufficiently measure the impacts that this proposal would have on our current environment. Among other issues, there have been significant new developments that need to be addressed.

Traffic

Acceleration Deceleration Lanes

In the 2011 EIR it was determined that NA needs to build Acceleration and Deceleration Lanes to address even baseline safety hazards. Those requirements were listed as follows

- Northbound Approach- Provide left-turn lane at least 470 feet in length.
- Southbound Approach- Provide right-turn lane at least 400 feet in length
- Southbound Departure- Provide acceleration lane at least 1090 feet in length.

Acceleration and Deceleration lanes have already been built that don't meet the standard set by the EIR.

I have attached images of the lanes showing the length of the existing lanes. Actual lengths are as follows:

- Northbound Approach- 345 feet in length.
- Southbound Approach- 222 feet in length
- Southbound Departure- 830 feet in length

These numbers were confirmed by a field measure I performed and obviously don't meet the standard set by the report.

21-1

Collision History

The 2011 EIR cites a report from SWITRS from January 2004-December 2008. That report states there were a total of 16 accidents within a half-mile from the quarry entrance. I have attached a statement from the Little Lake Fire Department with updated traffic collision Data. It covers a period from December 2017- September 2019 (21 months) and shows 84 recorded traffic accidents and 6 vehicle fires in that corridor. Extrapolated over 5 years would show 240 traffic collisions, much greater than the 16 reported from 15 to 10 years ago. The EIR needs to be updated to account for this significant increase in collisions.

21-2

New Development

There is planned development that will be explained further in this report at the Ridgewood Park subdivision it would include a roadside retail store, a commercial kitchen and an apartment building with 30 units. The increase in traffic for this development needs to be accounted for in the EIR. 21-3

Remodeled Dwelling

The EIR cites that the nearest dwelling to the quarry is the old motel at the Ridgewood Park subdivision. In 2017 we remodeled a residence at 16500 N. Hwy 101 on the subdivision property it is located much closer to the quarry than any residence listed in the EIR. I have provided a copy of the completed building permit and a map showing the location of this dwelling in relation to proposed road to the plant. The EIR needs to be updated to include this newly occupied space. 21-4

Odors- Rubberized Asphalt

We saw at Grist Creek the production of Crumb Rubber or Rubberized Asphalt. The major difference in impact of the production of this from conventional asphalt is the stench. We know that this product is becoming more and more popular in road production. If Northern Aggregates is retaining the right to produce this material the impact of it needs to be measured in the EIR which it currently is not. 21-5

Ridgewood Park Development

The Golden Rule Church Associated is working with The Alliance for Community Endeavors (ACE) to remodel and update the Ridgewood Park Subdivision. ACE is a non-profit that was created for the purpose of developing and managing the space. Our plan is to remodel the old restaurant into a commercial kitchen co-packing facility that can be used by local food producers to create value added packaged products empowering small local farmers. The old service station will become a roadside retail space to sell local food products and much more. The old motel is being converted into a beautiful, communal, intergenerational apartment complex with a focus on low income elderly and palliative care patients. Attached are the articles of incorporation for ACE, the MOU they signed with the Church, and architectural drawings for the remodel of the motel space. Our architect has worked with Planning and Building in the development of this plan and our permit to begin demolition of the space is under review with Air Quality in Ukiah. The uses of this adjacent property need to be considered in the EIR especially the increase in traffic and the significant new developments to Air Quality Regulations as stated in the letter from Paul Miller of the RCH group, as we plan to house a very vulnerable demographic of the population. 21-6

In summary, these past 8 years since the original EIR was drafted have seen major changes and it is imperative that the impacts of this project are measured and reported accurately, reflecting all current information. 21-7

LITTLE LAKE FIRE DISTRICT

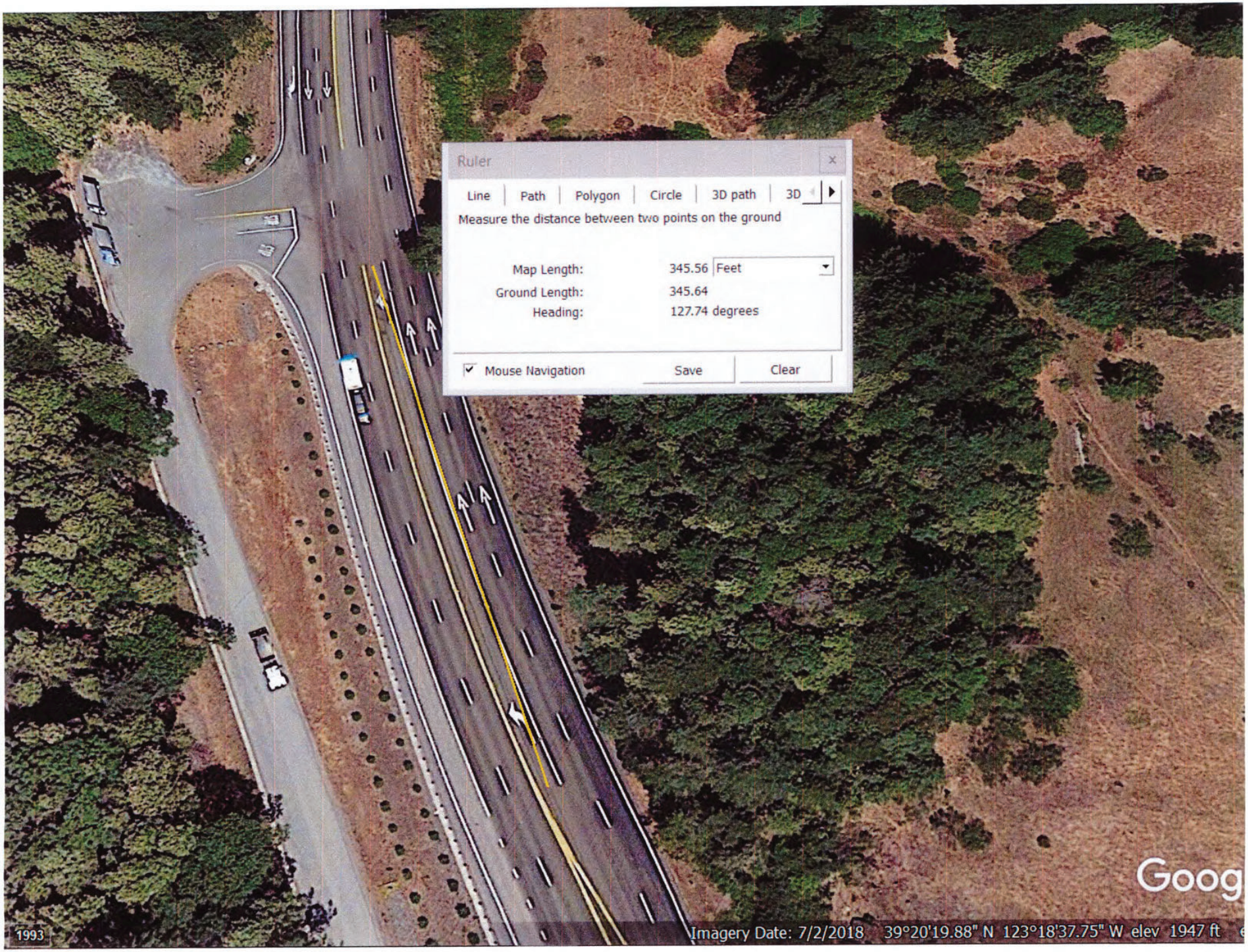
74 E. Commercial St.● Willits, California 95490
(707)459-6271 ● Fax (707)459-7898

Chris Wilkes
Fire Chief

September 26, 2019

Subject: Vehicle Accidents Between Mile Markers 40 Through 41

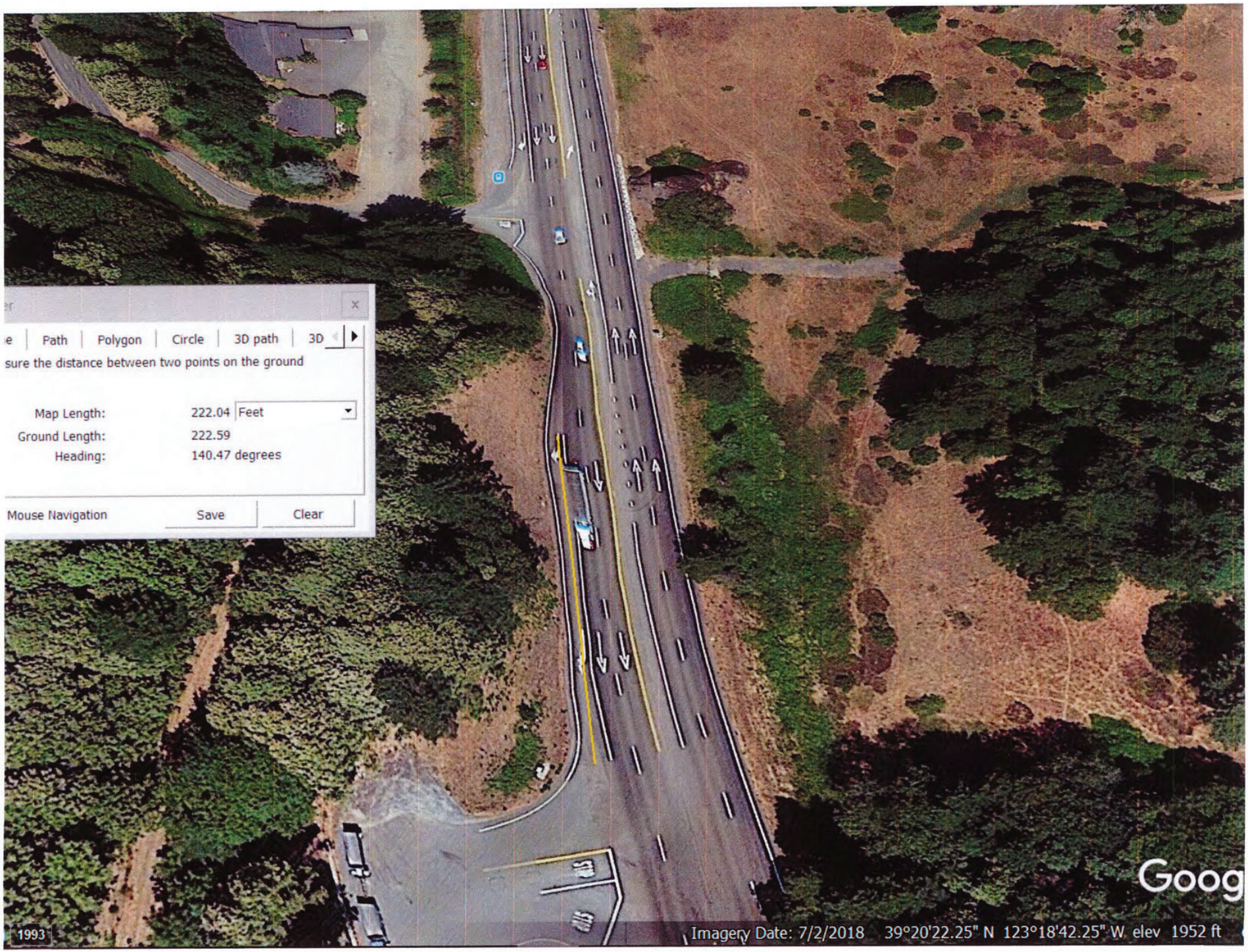
After review of the alarm records from December, 2017 through September 26, 2019 (Current date) there have been a recorded 84 traffic accidents. There were also a recorded 6 vehicle fires in the above-mentioned location.



Comment Letter No. 21



Comment Letter No. 21



Comment Letter No. 21

Comment Letter No. 21

UKIAH OFFICE
860 North Bush St
Ukiah, CA 95482
(707) 234-6650

FORT BRAGG OFFICE
120 W Fir St
Fort Bragg, CA 95437
(707) 964-5379

COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES
BUILDING PERMIT

JOB ADDRESS: 16500 NO HWY 101 WILLITS **ASSESSOR'S PARCEL NUMBER:** 1471801400	**PERMIT NUMBER:** BV 2017-0101 **PERMIT TYPE:** BUILDING **DATE ISSUED:** 8/24/2017
DRIVING: CORNER OF HWY 101 AND BLACK BART TRAIL	
APPLICANT: CODY BARTHOLOMEW 16200 N HWY 101 WILLITS, CA 95490 (707) 841-0543	**OWNER:** GOLDEN RULE CHURCH ASSOCIATION 16200 N HWY 101 WILLITS, CA 95490
CONTRACTOR:	**ARCHITECT/ENGINEER:**
WORK CLASS: REMODEL **OCCUPANCY TYPE:** A-3 **USE TYPE:** CHURCH & RELATED **NO. UNITS:** 0 **SETBACKS:** F: LS: CP: R: RS:	**SCHOOL DISTRICT:** NONE **FIRE REVIEW:** CALFIRE **CDF NUMBER:** **MS4 AREA:** NO **RECEIPT NUMBER:** PRJ 017127 **PAYMENT METHOD:** CREDIT

REMARKS: INTERIOR REMODEL SHTRK,FLOORS, CABINETS,WINDOWS L4L

SPECIFIC USE	SQ FT	COST	VALUE
CONTRACT AMOUNT	25,000.00 EA	1.00	25,000.00
TOTAL:			25,000.00

FEES:

BASIC CONSTRUCTION FEE 09	301.40
BUILDING STANDARDS FEE	1.00
EDUCATION FEES	12.06
GENERAL PLAN MAINTENANCE FI	112.50
INVESTIGATIVE FEE	301.40
RECORDS MANAGEMENT FEE	6.09
STRONG MOTION INSTRUMENTA	3.25
TOTAL:	737.70

I certify that I have read this document and state that the above information is correct.
I agree to comply with all ordinances and state laws relating to building construction, and hereby authorize representatives of this County to enter upon the above mentioned property for inspection purposes. I agree to save, indemnify, and keep harmless the County of Mendocino against liabilities, judgments, costs, and expenses which may in any way accrue against said County in consequence of the granting of this permit.
Further, I acknowledge by my signature that I have received a copy of, and read, the County of Mendocino disclosure statement relative to Right to Industry and Preservation of Agricultural Operations (Right to Farm) ordinances.
This permit shall expire one (1) year after issuance if an inspection approval has not been obtained, or if after the first inspection approval the work does not receive inspection approvals every 180 days.

Permittee Signature

CL06
Building Official

PERMITTEE

This permit shall be posted by the permitee in a conspicuous place at the jobsite for the duration of the permitted work.

EXPIRATION STATEMENT:
I hereby acknowledge that my permit does expire by limitation if an approved inspection is not received within 1 year of the issue date of the permit. I further acknowledge that I must complete enough progress to call for and receive an approved inspection at no greater than 180 day intervals or my permit will expire and become null and void, and I will pay the required fees to re-instate my permit.

Permittee Signature: _____ **Date:** 8/24

***PLEASE POST SITE ADDRESS IN A CONSPICUOUS PLACE AT DRIVEWAY ENTRANCE PRIOR TO INSPECTION.**

24 HOUR NOTICE REQUIRED FOR INSPECTION REQUESTS

TYPE OF INSPECTION	INSPECTOR	CORRECTION DATE	INSPECTOR	APPROVED DATE	REMARKS
FOUNDATION INSPECTION					
STORMWATER BMPS					
SETBACKS TO PROPERTY LINES					
TRENCHES/FORMS/REBAR					
CONCRETE BLOCK					
SETBACK TO SLOPES					
UFER GROUND					
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
UNDERFLOOR/SLAB INSPECTION					
STORMWATER BMPS					
UNDERFLOOR-ELECTRICAL					
UNDERFLOOR-MECHANICAL					
UNDERFLOOR-PLUMBING					
UNDERFLOOR FRAME					
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
POOL INSPECTION					
STORMWATER BMPS					
POOL-STEEL					
POOL-ELECTRIC BOND					
POOL-PLUMBING					
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
FRAME INSPECTION					
STORMWATER BMPS					
ROUGH FRAMING			KH	12-7-17	
ROUGH ELECTRICAL	KH	12-7-17	LW	2.13.18	CN
ROUGH MECHANICAL					
ROUGH-PLUMBING ✓	KH	12-7-17	LW	2/13/18	CN
ROOF NAILING/SHEATHING					
SIDING/O.S. LATH					
SHEARWALLS					
EGRESS WINDOWS					
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
WALLBOARD INSPECTION			KH	4-17-18	ALL SHEETROCK OK
STORMWATER BMPS					
SHEETROCK/NAILING	KH	12-7-17	LW	2.13.18	CN
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
UTILITY INSPECTION					
STORMWATER BMPS					
ELECTRIC METER					
GAS METER			LW	2.13.18	
UNDERGROUND ELECTRICAL					
UNDERGROUND GAS LINE					
DO NOT COVER WORK UNTIL ABOVE HAS BEEN SIGNED OFF					
MOBILE HOME INSPECTION					
STORMWATER BMPS					
CONTINUITY					
MANOMETER					
RIDGEBOLTS					
SOFT SET					
TIE DOWNS					
STEPS/STAIRWAYS					
WATER TEST					
FINAL INSPECTION			LW	9/14/18	
STORMWATER BMPS-FINAL					
RECYCLE/REUSE/WASTE MGMT					
ROOFING VERIFICATION					
PLUMBING FIXTURE SELF-CERT.					
ENERGY REPORT APPROVALS					
SPECIAL INSPECTION REPORTS					
SEWER LATERAL APPROVAL					
SMOKE DETECTOR/CO2			LW	9/14/18	
CAL-FIRE FINAL/FIRE DISTRICT					

CERTIFICATE OF OCCUPANCY ISSUED/FINAL _____ DATE: 9/14/18 INSPECTOR: _____



Comment Letter No. 21



Comment Letter No. 21

Memorandum of Understanding

The parties to this Memorandum of Understanding (henceforth "this Agreement") dated as of December 12th, 2018, are The Golden Rule Church Association ("**GRCA**") a California non-profit corporation, and Alliance for Community Endeavors ("**ACE**"), a California non-profit corporation. The parties have entered into this Agreement for good and valuable consideration, the receipt of which each party hereto hereby acknowledges, including, without limitation, the covenants herein.

Agreements

1. The parties mutually support the creation of an inter-generational residential community and socially responsible business enterprises (collectively "**the Project**") at a twenty-two acre site (the "Property") formerly at Ridgewood Park along North Highway 101 south of Willits, California 95482. The Property consists of Assessor's Parcel Nos. 147-130-12, 147-140-05, 147-170-03 and 147-180-14.

2. The parties mutually agree that five principles should govern implementation of the Project and that each party is committed to and shall at all times use its best efforts to implement said principles, namely, that

- The Project must align with the vision of GRCA and the charitable purposes of ACE
- Operation and management of the Project shall not burden members of GRCA
- The Project must be self- sustaining and sustainable
- The Project must provide a fair rate of return on investment to the parties in such proportions as the parties shall agree by means of a ground lease of the Property between GRCA as landlord and ACE as tenant
- The Project must be beautiful.

3. The parties acknowledge ACE has been formed for the express purpose of serving the common good in a spirit of good will and through the creation, implementation and support of charitable endeavors that benefit the community. Such endeavors include, without limitation, affordable housing, intergenerational communities, community development, socially and environmentally responsible business enterprises, and education/vocational training.

4. The Alliance for Community Endeavors intends and hereby covenants to implement the Project in three phases as described below.

(a) Design Phase

(i) Develop and submit to GRCA Schematic Design for the renovation of the motel into an apartment complex.

(ii) Develop and submit to GRCA a plan for the operation and management of the Project

(iii) Begin development of plan for an inter- generational community and its integration with other endeavors on the Property

(iii) Begin development of plan for use of Restaurant, Garage, Red House and garden

space as Socially Responsible Business Enterprises

(b) Development phase:

(i) Upon approval of the Schematic Design by the GRCA, ACE, on behalf of GRCA, will do the following:
(a) prepare construction documents
(b) prepare cost estimates for renovation
(c) proceed
- to identify public and private funding mechanisms for the renovation
- to obtain bids to enable GRCA to select contractors
- manage the construction process including permit processes

(ii) Continue development of policies and procedures conducive to a dynamic community life for inter-generational community residents of the motel/apartment complex.

(iii) Continue to explore possibilities for the development of Socially Responsible business enterprises in the Garage and Restaurant and including but not limited to: Community kitchen, Food Hub for local farmers, farmers market, internet café, electric car charging station, venue for vocational training and workshop

(iv) Develop financial projection of income from the apartment complex and businesses to ensure a fair rate of return to GRCA for its investment which

the Ground Lease will provide that the sublease from ACE to the apartment complex will commence in effect on the date the apartment complex receives an occupancy permit from the County of Mendocino, and the subleases for other subtenant enterprises on the Property will commence as of the date of the sublease or as of some other date or event specified in the sublease but in any event no later than the date upon which the subtenant takes possession of the subleased premises.

4. ACE shall have the right. exercisable by written notice to GRCA, to commence the term of the Ground Lease as to all or any portion of the Property at any time and from time to time even though development work may not be completed and subleases may not be concluded.

5. At such time as the term of the Ground Lease commences as to any portion of the Property, ACE shall assume responsibility for the payment of real estate taxes on such portion which accrue on and after the commencement date. The parties shall cooperate in prorating such real estate taxes between them for the portion of the tax year in which the responsibility of ACE commences. The term of the ground lease is yet to be determined.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the date first above written.

The Golden Rule Church Association

By _____ _____
Raymond Swearingen, President Anthony Sorace, Vice President

Alliance for Community Endeavors

By _____ _____=
Shauna Heiselt, President Deborah Mead, Secretary

ARTICLES OF INCORPORATION

OF

ALLIANCE OF COMMUNITY ENDEAVORS

FIRST: The name of this corporation is ALLIANCE OF COMMUNITY ENDEAVORS.

SECOND: This corporation is a nonprofit public benefit corporation and is not organized for the private gain of any person. It is organized under the Nonprofit Public Benefit Corporation Law for public and charitable purposes.

The primary purposes for which this corporation is formed are exclusively charitable and educational within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, including, without limitation, serving the common good in a spirit of good will and through the creation, implementation and support of endeavors that benefit the community and the environment, such as, but not limited to: affordable housing, intergenerational communities, community development, socially and environmentally responsible business enterprises, and education/vocational training. Such service shall be based upon the understanding that all life is sacred and deserving of respect, dignity, beauty, peace and love, that it is blessed to give and to receive, and that giving does not impoverish nor withholding enrich the giver, that receiving does

not diminish or demean the recipient.

Notwithstanding any other provision of these Articles, this corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of its primary purposes.

THIRD: The corporation's initial agent for service of process is Shauna Heiseit, whose address is 16220 North Highway 128, Willits, CA 95490.

FOURTH: The property of this corporation is irrevocably dedicated to charitable and educational purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended. Upon the winding up and dissolution of this corporation, the assets remaining after payment, or provision for payment, of the debts and liabilities of the corporation shall be distributed in a manner which furthers the purposes of the corporation, including, without limitation, distribution to one or more nonprofit funds, foundations or corporations which are organized and operated exclusively for charitable and/or educational purposes and which have established their taxexempt status under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

FIFTH: No part of the net earnings of this corporation shall inure to the benefit of, or be distributable to, its members, trustees, directors, officers or to any other private persons, except that the corporation is authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article SECOND hereof.

No substantial part of the activities of this corporation shall consist of carrying on propaganda, or otherwise attempting to influence legislation, and the corporation shall not participate or intervene in any political campaign (including the publishing or distribution of statements) on behalf of any candidate for public office.

SIXTH: The initial street and mailing address for this corporation will be 16220 North Highway 128, Willits, CA 95490.

Executed at Philo, California, this 20th day of April, 2018.

_____
William W. Sterling
Sole Incorporator

GENERAL NOTES

REGULATORY AGENCIES

1. ALL WORK SHALL CONFORM TO THE MOST CURRENT, APPLICABLE LOCAL AND THE CALIFORNIA CODES, INCLUDING BUT NOT LIMITED TO: CALIFORNIA RESIDENTAIL CODE (CRC), CALIFORNIA FIRE CODE (CFC), CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC), CALIFORNIA BUILDING CODE (CBC), UNIFORM MECHANICAL CODE (UMC), UNIFORM PLUMBING CODE (UPC), NATIONAL ELECTRIC CODE (NEC), AND CALIFORNIA ENERGY STANDARDS (TITLE 24).
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR, AS HOLDER OF PERMITS TO NOTIFY THE **OWNER/PROJECT MANAGER** WHEN WORK IS READY FOR INSPECTION. INSPECTION REQUESTS SHALL BE IN ACCORDANCE WITH REGULATORY AGENCIES' REQUIREMENTS. INSPECTORS SHALL HAVE COMPLETE ACCESS TO ALL WORK.
3. A RECORD OF INSPECTIONS SHALL BE MAINTAINED ON THE JOB SITE IN ACCORDANCE WITH REGULATORY AGENCY REQUIREMENTS.
4. APPROVED PLANS SHALL BE KEPT IN A PLAN BOX AND SHALL NOT BE USED BY ANY WORKMEN. ALL CONSTRUCTION SETS SHALL REFLECT THE SAME INFORMATION. THE CONTRACTOR SHALL ALSO MAINTAIN IN GOOD CONDITION, ONE COMPLETE SET OF PLANS WITH ALL REVISIONS, ADDENDA, AND CHANGE ORDERS, ON THE PREMISES AT ALL TIMES WHICH ARE TO BE UNDER THE CARE OF THE JOB SUPERINTENDENT. A REPRODUCIBLE AS-BUILT SET SHALL BE PROVIDED TO THE OWNER WHEN COMPLETE. ANY CHANGES TO THE APPROVED PLANS MUST BE APPROVED BY THE CITY OF HEALDSBURG BUILDING DEPARTMENT BEFORE ANY WORK ON THE CHANGES MAY TAKE PLACE.

PREPARATION FOR CONSTRUCTION

1. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO COMPLETELY FAMILIARIZE HIMSELF/HERSELF WITH THESE DRAWINGS AND THE SITE CONDITIONS, AND TO VERIFY ALL DETAILS WITH THE OWNER PRIOR TO THE START OF CONSTRUCTION.
2. DO NOT SCALE DRAWINGS.
3. DIMENSIONS ARE TO FACE LINE OF STUD (F.O.S.) UNLESS OTHERWISE NOTED. WHERE REQUIRED, MINIMUM CLEAR DIMENSIONS HAVE BEEN NOTED. SEE COVER SHEET FOR GRAPHIC EXPLANATION.
4. ANY DISCREPANCY OR ERROR IN DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER AND OWNER PRIOR TO THE COMMENCEMENT OF WORK.
5. ANY DISCREPANCY OR ERROR IN DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT MANAGER AND OWNER PRIOR TO THE COMMENCEMENT OF WORK.
6. THE CONTRACT DRAWINGS AND SPECIFICATIONS REPRESENT THE FINISHED STRUCTURE. UNLESS OTHERWISE SHOWN, THEY DO NOT INDICATE THE METHOD OF CONSTRUCTION. THE GENERAL CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND HE/SHE SHALL BE SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES, AND PROCEDURES. OBSERVATION VISITS TO THE SITE BY FIELD REPRESENTATIVES OF THE PROJECT MANAGER AND HIS CONSULTANTS DO NOT INCLUDE INSPECTION OF THE PROTECTIVE MEASURES OR THE PROCEDURES FOR SUCH METHODS OF CONSTRUCTION. ANY SUPPORT SERVICES PROVIDED BY THE PROJECT MANAGER AND HIS CONSULTANTS DURING CONSTRUCTION SHALL BE DISTINGUISHED FROM CONTINUOUS AND DETAILED INSPECTION SERVICES WHICH ARE FURNISHED BY OTHERS. THESE SUPPORT SERVICES, WHICH ARE FURNISHED BY THE PROJECT MANAGER AND HIS CONSULTANTS, WHETHER OF MATERIAL OR WORK AND WHETHER PERFORMED PRIOR TO, DURING, OR AFTER COMPLETION OF CONSTRUCTION, ARE PERFORMED SOLELY FOR THE PURPOSE OF ASSISTING IN QUALITY CONTROL AND IN ACHIEVING CONFORMANCE WITH CONTRACT DRAWINGS AND SPECIFICATIONS, BUT THEY DO NOT GUARANTEE CONTRACTOR'S PERFORMANCE AND SHALL NOT BE CONSTRUED AS SUPERVISION OF CONSTRUCTION.
7. THE PROJECT MANAGER AND OWNER WILL NOT BE RESPONSIBLE FOR AMBIGUITIES AND OMISSIONS NOT BROUGHT TO THEIR ATTENTION.
8. BY SUBMITTING A BID, THE BIDDER AGREES AND WARRANTS THAT HE/SHE HAS EXAMINED THE DRAWINGS AND FOUND THAT THEY ARE ADEQUATE FOR COMPLETION OF THE PROJECT.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING FIELD MEASUREMENTS BEFORE ORDERING MATERIALS AND PREFABRICATED ITEMS. ANY NECESSARY ADJUSTMENTS BETWEEN FIELD MEASUREMENTS AND DRAWINGS SHALL BE MADE IN ACCORDANCE WITH THE DECISION OF THE PROJECT MANAGER AND/OR OWNER.
10. CONTRACTOR'S SCOPE OF WORK: ALL LABOR, MATERIALS, FABRICATION, EQUIPMENT, APPLIANCES, APPURTENANCES, TRANSPORTATION AND SERVICES REQUIRED FOR CONSTRUCTION, ERECTION, AND INSTALLATION OF, ALL OF THE VARIOUS WORK INDICATED ON THE DRAWINGS AND/OR SPECIFIED UNDER EACH OF THE SPECIFICATION SECTIONS; ANY SITE DEMOLITION AND REMOVAL OF ANY MATERIAL, RUBBISH, OR DEBRIS ABOVE OR BELOW GRADE; ALL EARTHWORK AND FOUNDATION WORK.
11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING THE WORK IN ACCORDANCE WITH THE PROPERTY LINES AND ELEVATIONS PER THE SURVEY DRAWING AND GRADING/DRAINAGE PLAN.
12. CONTRACTOR TO COORDINATE ALL PLUMBING, GAS, ELECTRICAL, SPRINKLER, AND HVAC SYSTEMS FOR COMPATIBILITY WITH THE PROPOSED DESIGN PRIOR TO COMMENCEMENT OF CONSTRUCTION.
13. CONTRACTOR TO VERIFY ALL ELECTRICAL, PLUMBING, AND HVAC REQUIREMENTS FOR EXISTING OR SPECIFIED EQUIPMENT PRIOR TO CONSTRUCTION. ADDITIONALLY, CONTRACTOR SHALL CONFIRM EQUIPMENT LIST WITH THE PROJECT MANAGER BEFORE COMMENCEMENT OF WORK.
14. COLLABORATIVE DESIGN & PLANNING SHALL HAVE NO RESPONSIBILITY FOR THE DISCOVERY, HANDLING, PRESENCE, DISPOSAL OR EXPOSURE OF PERSONS TO HAZARDOUS MATERIALS IN ANY FORM AT THE PROJECT SITE, INCLUDING BUT NOT LIMITED TO ASBESTOS, ASBESTOS PRODUCTS, POLYCHLORINATED BIPHENYL (PCB), OR OTHER TOXIC SUBSTANCES. SUCH WORK, IF REQUIRED, SHALL BE COMPLETED UNDER SEPARATE CONTRACT. IF HAZARDOUS MATERIALS ARE FOUND DURING PREPARATION FOR CONSTRUCTION (I.E. NOT LIMITED TO ASBESTOS, POLYCHLORINATED BIPHENYL, OR LEAD PAINT) THEN THE CITY OF HEALDSBURG BUILDING DEPARTMENT SHALL BE NOTIFIED IMMEDIATELY.

SPECIAL INSPECTIONS/DEFERED SUBMITALS

SPECIAL INSPECTIONS:

DEFERRED SUBMITTAL:
1. SPRINKLER
2. TRUSS DESIGN

GENERAL NOTES

QUALITY AND JOB MANAGEMENT

1. THE CONTRACTOR SHALL CONSULT THE INTERIOR FINISH SCHEDULE FOR ALL INTERIOR MATERIALS COORDINATION, CABINETS, ETC.
2. ALL ITEMS OF MILLWORK SHALL BE CAREFULLY ERECTED WITH TIGHT-FITTING JOINTS, CAREFULLY CUT AND SECURED. EXPOSED NAILS OR SCREWS SHALL BE SET IN PUTTY. BACK PRIME ALL MILLWORK BEFORE INSTALLATION AND PROTECT AGAINST DAMPNESS. MOLDS AND FACES SHALL BE CLEAN CUT AND TRUE PATTERN. ALL WORK SHALL BE THOROUGHLY CLEANED AND SANDED TO RECEIVE THE FINISH. SHARP CORNERS OF SMALL MEMBERS OF FINISH WOODWORK SHALL BE SLIGHTLY ROUNDED.
3. ALL FRAMING SHALL BE INSTALLED CLOSELY FITTED, ACCURATELY SET IN PLACE TO THE REQUIRED LINES AND LEVELS, AND SHALL BE OF THE DIMENSIONS SHOWN ON DRAWINGS. DO NOT IMPAIR STRUCTURAL MEMBERS BY CUTTING OR DRILLING - CONSULT ARCHITECT.
4. ALL PROPRIETARY PRODUCTS NOTED ON THE DRAWINGS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND HAVE PRIOR APPROVAL FROM THE LOCAL GOVERNING AGENCIES.
5. THE PROJECT MANAGER AND ENGINEER WILL MAKE PERIODIC VISITS TO THE JOB SITE TO OBSERVE THE PROGRESS OF THE WORK. THE PROJECT MANAGER AND ENGINEER SHALL NOT HAVE CONTROL OR CHARGE OF, AND SHALL NOT BE RESPONSIBLE FOR, CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK, FOR ACTS OR OMISSIONS OF THE CONTRACTOR, SUBCONTRACTORS OR ANY PERSONS PERFORMING ANY OF THE WORK OR FOR FAILURE OF ANY OF THOSE PARTIES TO CARRY OUT THE WORK IN CONFORMANCE WITH CONTRACT DOCUMENTS.
6. CUTTING & PATCHING: AVOID DAMAGING ADJACENT EXISTING WORK. REPAIR OR REPLACE AT NO COST TO OWNER ANY DAMAGE CAUSED BY CONSTRUCTION.
7. TEMPORARY SHORING: STRUCTURALLY BRACE AND SUPPORT ALL MATERIALS REQUIRING THE SAME FOR THE WORK TO OCCUR SAFELY AND IN COMPLIANCE WITH JURISDICTIONAL REGULATIONS.

CHANGES TO WORK & SUBMITTALS

1. CHANGES OR MODIFICATIONS TO THE WORK DURING CONSTRUCTION SHALL BE RECORDED WITH THE APPROPRIATE REGULATORY AGENCIES, AND APPROVALS FROM SUCH AGENCIES SHALL BE OBTAINED PRIOR TO MAKING SUCH CHANGES. REGULATORY AGENCIES SHALL BE NOTIFIED BY THE CONTRACTOR OF ALL SUCH CONSTRUCTION CONTRACT CHANGES AFTER PERMITS ARE ISSUED.
2. THE PROJECT MANAGER SHALL BE INFORMED, IN WRITING, OF ALL CHANGES OR SUBSTITUTIONS MADE TO THESE PLANS AND SPECIFICATIONS. THE PROJECT MANAGER SHALL HAVE NO IMPLIED OR ASSUMED RESPONSIBILITY FOR CHANGES IMPLEMENTED WITHOUT THE PROJECT MANAGER'S PRIOR APPROVAL.
3. SHOP DRAWINGS: SHOP DRAWINGS ARE AN AID FOR FIELD PLACEMENT AND ARE SUPERSEDED BY THE ARCHITECTURAL DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO MAKE CERTAIN THAT ALL CONSTRUCTION IS IN FULL AGREEMENT WITH THE LATEST ARCHITECTURAL DRAWINGS. THE CONTRACTOR SHALL SUPPLY THE PROJECT MANAGER/ENGINEER WITH A MINIMUM OF TWO (2) COPIES OF CHECKED SHOP DRAWINGS BEARING THE CONTRACTOR'S STAMP OF APPROVAL AND SIGNATURE, A MINIMUM OF THREE (3) WEEKS PRIOR TO FABRICATION. THE REVIEW OF SHOP DRAWINGS AND SPECIFICATIONS BY THE PROJECT MANAGER/ENGINEER IS ONLY FOR GENERAL COMPLIANCE WITH THE ARCHITECTURAL AND/OR STRUCTURAL DRAWINGS AND SPECIFICATIONS. THIS REVIEW DOES NOT GUARANTEE IN ANY WAY THAT THE SHOP DRAWINGS ARE CORRECT, COMPLETE, NOR DOES IT INFER THAT THEY SUPERSEDE THE ARCHITECTURAL AND/OR STRUCTURAL DRAWINGS.
4. SUBSTITUTIONS: PROPRIETARY ARTICLES MAY BE SUBSTITUTED IF, IN THE OPINION OF THE PROJECT MANAGER AND OWNER, THE MATERIAL OR ARTICLE IS EQUAL TO THAT SPECIFIED. REQUEST FOR SUBSTITUTIONS SHALL NOT DELAY WORK. CONTRACTOR SHALL COORDINATE ACCEPTED SUBSTITUTIONS WITHOUT ADDITIONAL COST TO OWNER. ALL SUBSTITUTIONS MUST HAVE WRITTEN PERMISSION. COLOR SAMPLES OF ALL MATERIALS THAT AFFECT THE AESTHETICS OF THE DESIGN MUST BE SUBMITTED. WHEN A MANUFACTURED PRODUCT IS NOT SPECIFIED, CONTRACTOR WILL UTILIZE THE HIGHEST QUALITY PRODUCT AVAILABLE ON THE MARKET IN THE MIDDLE PRICE RANGE. CONTRACTOR SHALL ON NO ACCOUNT USE LOWER-END PRODUCTS AT THE BOTTOM PRICE RANGE WHEN BETTER QUALITY PRODUCT IN THE MIDDLE PRICE RANGE EXISTS.
5. ONLY DRAWINGS, SPECIFICATIONS, ADDENDA AND CHANGE ORDERS BEARING APPROVAL OF OWNER SHALL BE USED IN THE EXECUTION OF WORK PERMITTED ON JOB SITE.
6. ADDENDA WILL BE ISSUED DURING BIDDING TO CLARIFY DRAWINGS (AND SPECIFICATIONS) AS REQUIRED. THESE WILL BECOME A PART OF THE CONTRACT - CONSULT ARCHITECT.
7. THERE SHALL BE NO DEVIATIONS WHATSOEVER FROM THE CONTRACT DOCUMENTS WITHOUT THE PROJECT MANAGER'S WRITTEN APPROVAL THEREOF. THE CONTRACTOR AGREES TO DEFEND, INDEMNIFY AND HOLD THE ARCHITECT HARMLESS FROM ANY CLAIMS ARISING AS A RESULT OF UNAPPROVED CHANGES.

COMPLETION

1. ALL WORK SHALL BE CLEAN AND READY FOR USE UPON COMPLETION. EXPOSED AND SEMI-EXPOSED SURFACES BE DUSTED, MOPPED, WASHED, WIPED AND BUFFED AS NECESSARY TO LEAVE WORK IN A NEW, CLEAN, IMMACULATE CONDITION.
2. CONTRACTOR IS RESPONSIBLE FOR PROVIDING OWNER(S) WITH RECORD CONSTRUCTIONIAS-BUILT SET OF DRAWINGS AND ALL WARRANTIES FOR PRODUCTS USED AFTER COMPLETION OF PROJECT.

CONSTRUCTION WASTE MANAGEMENT PLAN

1. PROVIDE WASTE RECEPTICALS. ONE FOR GARBAGE AND ONE FOR RECYCLING PLASTICS, WOODS, PAPER AND CARDBOARD, AND METAL.
2. EXCAVATED SOIL AND LAND CLEARING DEBRIS FROM THE JOBSITE SHALL BE REUSED OR RECYCLED. EVENLY SPREAD SOIL INTO SURROUNDING AREAS AROUND NEW STRUCTURE.
3. CONSTRUCTION WASTE MATERIALS TO BE BULK MIXED, CALCULATED BY WEIGHT AND SENT TO SOLID WASTE OF WILLITS

BEST MANAGEMENT PRACTICES

1. BETWEEN OCT 01 AND June 01, OR ANY OTHER TIME DURING THE YEAR THAT A SIGNIFICANT RAIN EVENT IS PENDING, PROVIDE STORM WATER CONTROL MEASURES. (BMP'S) TO PREVENT EROSION DUE TO STORM WATER OR WIND. THESE SHALL BE IN PLACE PRIOR TO STARTING THE PROJECT AND OR DURING THE COURSE OF THE PROJECT AS SHOWN ON THE SITE DEVELOPMENT PLAN, SEE SITE PLAN.
2. THE CONTRACTOR IS REQUIRED TO CALL FOR AN INSPECTION OF THE PLACEMENT OF THE BMP'S PRIOR TO ANY GRADING, EXCAVATIONS, OR OTHER SITE WORK TAKING PLACE AT THE SITE IF THE WORKS TAKES PLACE BETWEEN OCTOBER 01 AND JUNE 01.

TESTING AND ADJUSTMENTS PROCEDURES

1. CONTRACTOR SHALL PERFORM TESTING AND ADJUSTING PROCEDURES IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATIONS AND APPLICABLE STANDARDS FOR ALL MECHANICAL SYSTEMS AND FIXTURES, LIGHTING FIXTURES AND SYSTEMS, SEE MEP

DRAWING INDEX

Sheet Number	Sheet Name
T1.1	GENERAL NOTES, ABREVIATIONS & LEGENDS
A0.1	SITE PLAN
A1.0	EXISTING FLOOR PLAN
A1.2	ENLARGED FLOOR PLANS
A1.01	DEMOLITION PLAN
A1.1	OVERALL FLOOR PLAN
A1.3	ENLARGED UNIT PLANS
A1.4	ENLARGED COMMON AREA
A1.5	SECTIONS
A2.2	ELEVATIONS
A2.1	ELEVATIONS
S1.1	EXISTING STRUCTURAL

PROJECT TEAM

DESIGNER
JASON BRENNER
COLLABORATIVE DESIGN & PLANNING
1027 N. PINE STREET
UKIAH, CA 95482
707-513-7355 (FAX)866-929-0473
J@CDPARCH.COM

BUILDING DATA

OWNER:
LOCATION:

APN:
ZONING:
USE:

BLDG. AREA:

FRONT SETBACK
SIDE SETBACK
REAR SETBACK
BLDG. HT. LIMIT
LOT SIZE
LOT COVERAGE

UTILITIES
SEWER
WATER
POWER
FUEL
OCCUPANCY

NOTE:
1. SPRINKLERED= NOT REQUIRED
2. CONSTRUCTION TYPE: VB

APPLICABLE CODES
CALIFORNIA RESIDENTIAL CODE TITLE 24, PART 2.5
2013 CALIFORNIA GREEN BUILDING STANDARD CODE

SYMBOLS AND ABBREVIATIONS

ABBREVIATION TERM:

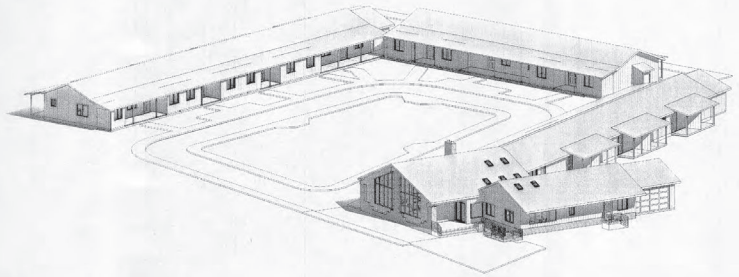
&	AND	FIN.	FINISH	P.T.	PRESSURE TREATED
L	ANGLE	FLR.	FLOOR	PTD.	PAINTED
@	AT	FLOUR.	FLUORESCENT	PTN.	PARTITION
A.B.	ANCHOR BOLTS	F.O.	FACE OF	R.	RISER
ABV.	ABOVE	F.O.F.	FACE OF FINISH	R.D.	ROOF DRAIN
A.C.	AIR CONDITIONING	F.O.S.	FACE OF STUD	REF.	REFRIGERATOR
A.C.T.	ACOUSTICAL CEILING TILE	F.R.P.	FIBERGLASS REINFORCED PANEL	REG.	REGISTER
ACOUS.	ACOUSTIC	F.S.E.C.	FOOD SERVICE EQUIPMENT CONTRACTOR	REQ.	REQUIRED
ADJ.	ADJUSTABLE OR ADJACENT	FTG.	FOOTING	RM.	ROOM
A.F.F.	ABOVE FINISHED FLOOR	FT.	FOOT OR FEET	R.O.	ROUGH OPENING
AL.	ALUMINUM	GA.	GAUGE	R.S.	ROUGH SAWN
ALT.	ALTERNATE	GALV.	GALVANIZED	RWD.	REDWOOD
A.P.	ACCESS PANEL	G.F.R.C.	GLASS FIBER REINFORCED CONCRETE	R.W.L.	RAIN WATER LEADER
APPL.	APPLIANCE	G.B.	GRAB BAR	SCH.	SCHEDULE
APPROX.	APPROXIMATELY	G.C.	GENERAL CONTRACTOR	SECT.	SECTION
ARCH.	ARCHITECT	GL.	GLASS	S.F.	SQUARE FEET
BD.	BOARD	GND.	GROUND	SH.	SHELF
BLDG.	BUILDING	G.S.M.	GALVANIZED SHEET METAL	SHR.	SHOWER
BLKG.	BLOCKING	G.W.B.	GYPSUM WALL BOARD	SHTG.	SHEATHING
BM.	BEAM	GYP.	GYPSUM	SHT.	SHEET
B.N.	BOUNDARY NAILING	H.B.	HOSE BIBB	SIM.	SIMILAR
BOT.	BOTTOM	HDWD.	HARDWOOD	SPEC.	SPECIFICATION
C.G.	CORNER GUARD	HDWR	HARDWARE	SQ.	SQUARE
C.J.	CONTROL JOINT	HGT	HEIGHT	STD.	STANDARD
C.L.	CENTER LINE	HORIZ.	HORIZONTAL	STL.	STEEL
CLG.	CEILING	HR.	HOUR, HOURS	S.S.	STAINLESS STEEL
CLO.	CLOSET	INSUL.	INSULATION	S.S.D.	SEE STRUCTURAL DRAWINGS
CLR.	CLEAR	INT.	INTERIOR	STOR.	STORAGE
C.M.U.	CONCRETE MASONRY UNIT	JAN.	JANITOR	STR.	STRUCTURE
CNTR.	COUNTER	JT.	JOINT	SUSP.	SUSPENDED
COL.	COLUMN	K.E.C.	KITCHEN EQUIPMENT CONTRACTOR	S.W.	SHEAR WALL
CONC.	CONCRETE	KIT.	KITCHEN	T	TREAD
CONST.	CONSTRUCTION	LAV.	LAVATORY	T.B.	TOWEL BAR
CONT.	CONTINUOUS	MAX.	MAXIMUM	T.B.D.	TO BE DETERMINED
CPT.	CARPET	MECH.	MECHANICAL	TEMP.	TEMPERED
CTR.	CENTER	MFR.	MANUFACTURER	T.O.C.	TOP OF CURB
CTSK.	COUNTERSINK	MIN.	MINIMUM	T&G	TONGUE AND GROOVE
DBL.	DOUBLE	MISC.	MISCELLANEOUS	THK.	THICK
DK.F.	DRINKING FOUNTAIN	MTD.	MOUNTED	T.N.	TOE NAIL
DIA.	DIAMETER	MTL.	METAL	T.O.B.	TOP OF BEAM
DIM.	DIMENSION	MTRL.	MATERIAL	T.O.CONC.	TOP OF CONCRETE
DISP.	DISPENSER	(N)	NEW	T.O.PV.	TOP OF PAVEMENT
DIST.	DISTANCE	N.I.C.	NOT IN CONTRACT	T.O.P.	TOP OF PLATE
DN.	DOWN	NO.	NUMBER	T.O.W.	TOP OF WALL
D.F.	DOUGLAS FIR	NOM.	NOMINAL	TYP.	TYPICAL
DR.	DOOR	N.T.S.	NOT TO SCALE	U.N.O.	UNLESS NOTED OTHERWISE
DS	DOWNSPOUT	O/	OVER	VERT.	VERTICAL
DTL.	DETAIL	O.C.	ON CENTER	V.I.F.	VERIFY IN FIELD
DWG.	DRAWING	O.D.R.	OVERFLOW DRAIN	WT.	WEIGHT
	EXISTING	OH.	OVERHEAD	W/	WITH
	EACH	O.S.C.I.	OWNER SUPPLIED, CONTRACTOR INSTALLED	W.C.	WATER CLOSET
ELEC.	ELECTRICAL	P.B.O.	PROVIDED BY OWNER	WD.	WOOD
ELEV.	ELEVATION	PEN	PERIMETER EDGE NAILING	WDW.	WINDOW
EMRGY	EMERGENCY	PERP.	PERPENDICULAR	W.H.	WATER HEATER
ENG.	ENGINEERED	PL.	PLATE	W/I	WITHIN
	ELECTRICAL PANELBOARD	PLAS.	PLASTER	W/O	WITHOUT
EQUIP.	EQUIPMENT	PLYWD.	PLYWOOD	W.P.	WATER PROOF
EXC.	EXCEPT	P.L.	PROPERTY LINE	W.R.	WATER RESISTANT
EXT.	EXTERIOR	P.LAM.	PLASTIC LAMINATE	WSCT.	WAINSCOT
F.B.O.	FURNISHED BY OTHERS	P.S.F.	POUNDS PER SQUARE FOOT		
F.D.	FLOOR DRAIN	P.S.I.	POUNDS PER SQUARE INCH		
FDN.	FOUNDATION				
F.F.	FINISH FLOOR				

E.P.
EQ.
(XX) DOOR No.
XX WINDOW No.
XX CASEWORK No.
XX WALL TYPE
XX KEY NOTE
DATUM REFERENCE: ELEVATION, WORK OR CONTROL POINT
F-1 NOTE REFERENCE

DIMENSIONS
F.O.S. OR MASONRY
CENTERLINE
FACE OF FINISH (CLR./MINIMUM CLR.)
ALIGN
ALIGN FINISH SURFACES
EXISTING CONSTRUCTION TO REMAIN
EXISTING TO BE REMOVED
NEW CONSTRUCTION
FF1, FF2 CHANGE IN FINISH FLOOR MATERIALS
SIGNAGE DETAIL NO.
X SIGNAGE KEYNOTE
Y SHEET NO.
SIGNAGE SYMBOL
HOLDOWN
SHEAR WALL NUMBER

NAME
ROOM NAME
ROOM NUMBER
ROOM VOLUME/AREA
XX DETAIL NO.
YYY DETAIL REFERENCE SHEET NO.
X DRAWING NO.
YYY ELEVATION REFERENCE SHEET NO.
X DRAWING NO.
YYY SECTION REFERENCE SHEET NO.
PROPERTY LINE
F F F FIRE SPRINKLER LINE
W W W WATER LINE
S S S SANITATION LINE
G G G GAS LINE
P P P POWER LINE
#'-#" EL. ELEVATION
N NORTH
1 REVISION CLOUD
1 REVISION NO.

PROJECT RENDERING



VICINITY MAP



#	REVISIONS	DATE BY

COLLABORATIVE DESIGN & PLANNING
1027 North Pine Street, Ukiah, CA. 95482
Phone 707.513.7355 Fax 866-929-0473
e-mail: J@COLLABORATIVEDESIGNPLANNING.com

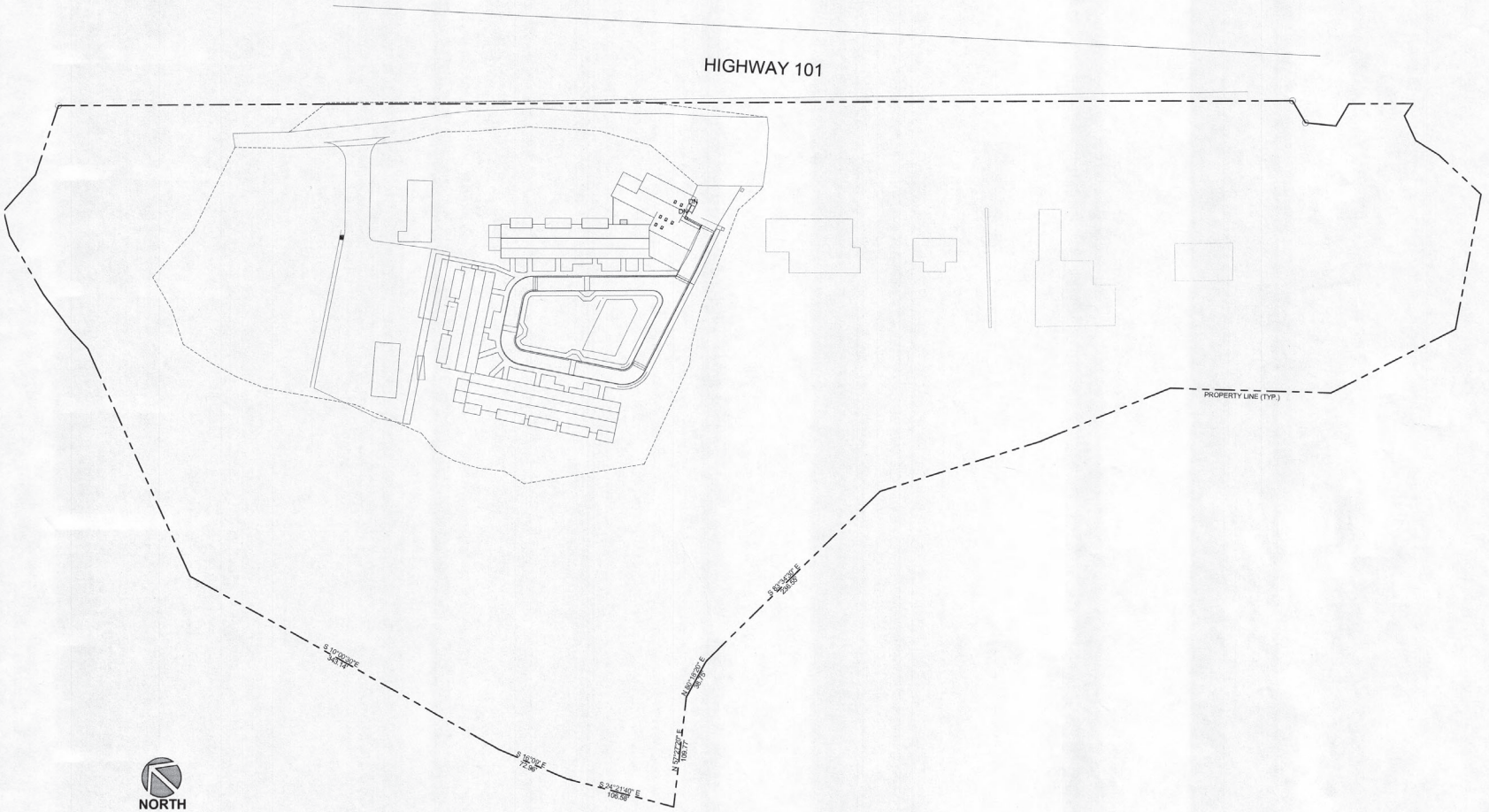
Mendocino County
OCT 15 2013
Planning & Building Services
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MENDOCINO COUNTY
16580 HIGHWAY 101
WILLITS, CA

SHEET TITLE
GENERAL NOTES, ABREVIATIONS & LEGENDS

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1 SITE PLAN
1" = 50'-0"

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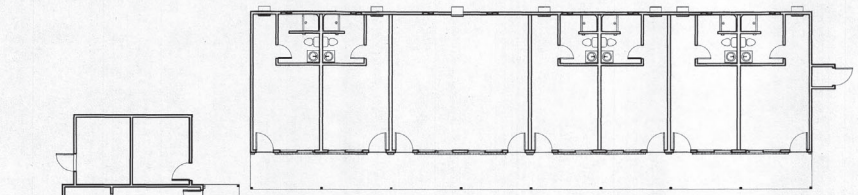
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16580 HIGHWAY 101
WILLITS, CA

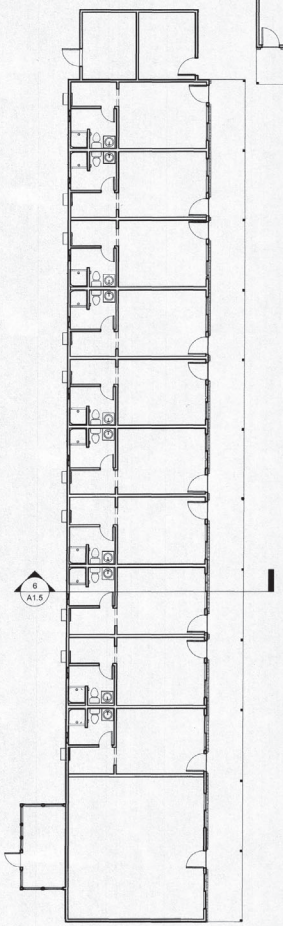
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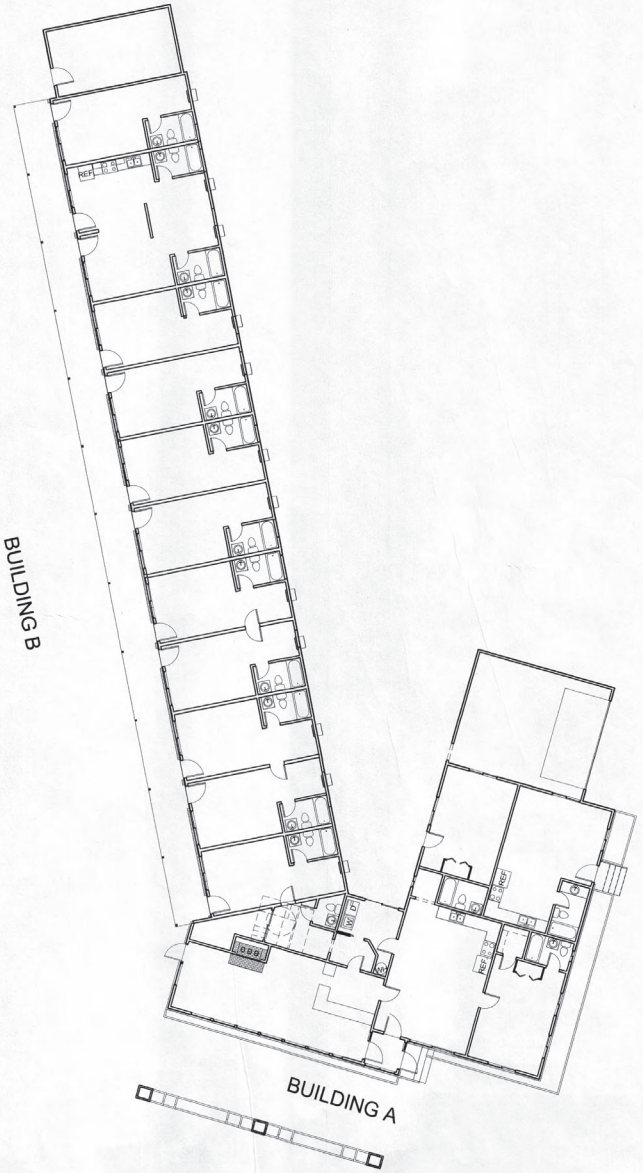
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BUILDING C



BUILDING D



BUILDING B

BUILDING A

NORTH

1 COMPLETE EXISTING FLOOR PLAN
1" = 10'-0"

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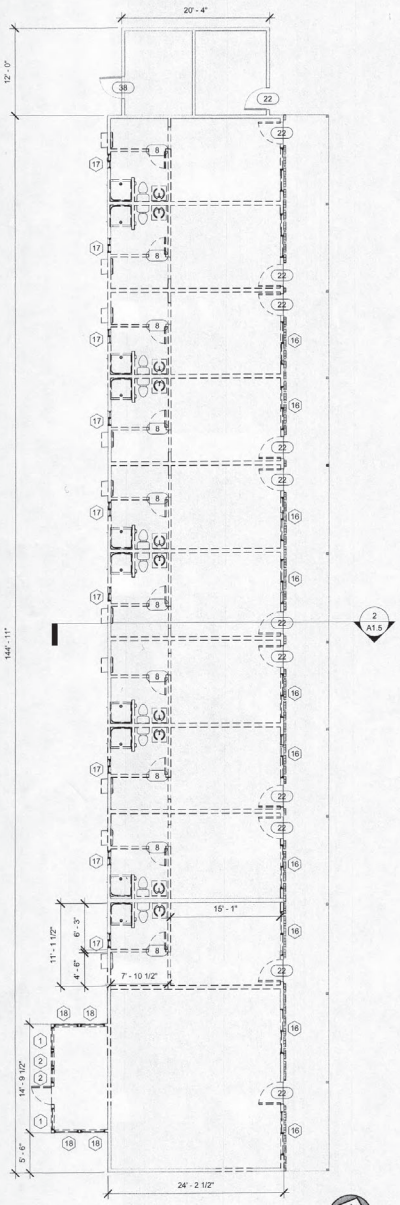
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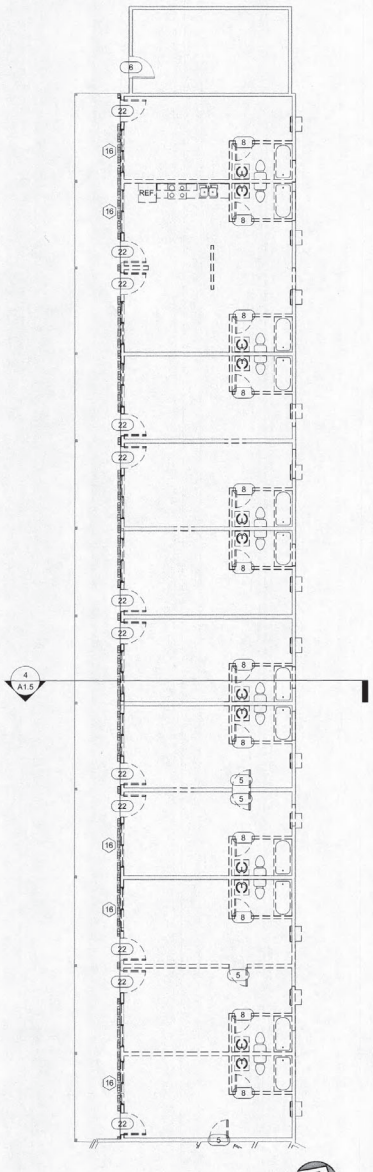
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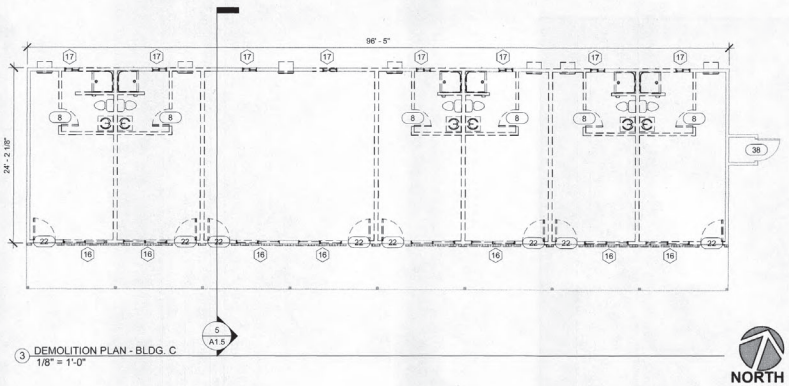
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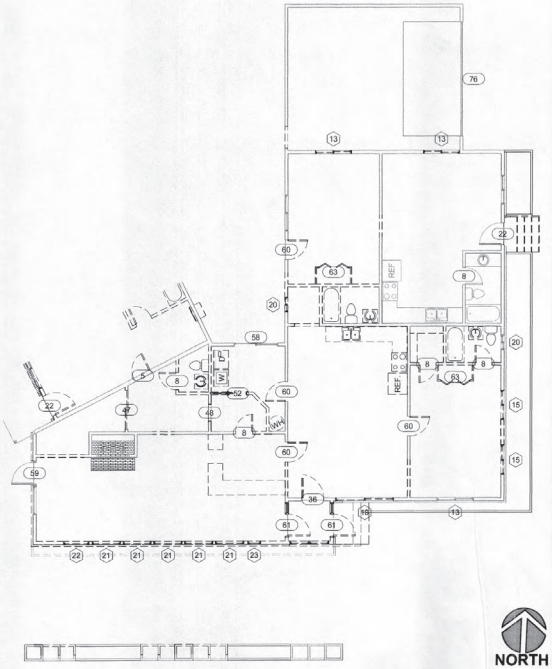
4 DEMOLITION PLAN - BLDG. D
1/8" = 1'-0"



2 DEMOLITION PLAN - BLDG. B
1/8" = 1'-0"



3 DEMOLITION PLAN - BLDG. C
1/8" = 1'-0"



1 DEMOLITION PLAN - BLDG. A
1/8" = 1'-0"

DEMOLITION GENERAL CONSTRUCTION NOTES, U.N.O.

1. PATCH AND REPAIR TO MATCH EXISTING
2. PREPARE IF NECESSARY FOR NEW CONSTRUCTION.
3. VERIFY IN FIELD (V.I.F.) ALL EXISTING CONDITIONS DIMENSIONS
4. VERIFY IN FIELD ALL EXISTING (E) CONDITIONS.
5. REMOVE ALL EXISTING CONSTRUCTIONS AND FINISHES NECESSARY FOR THE COMPLETION OF THE WORK AS DEPICTED ON THE DRAWINGS, INCLUDING BUT NOT LIMITED TO, ITEMS SHOWN ON THE PLANS WITH DASHED LINES. NECESSARY DISCONNECTS AND ALTERATIONS TO EXISTING MECHANICAL AND ELECTRICAL SYSTEMS SHALL BE INCLUDED. PATCH AS REQUIRED ALL CONSTRUCTIONS TO REMAIN IN ACCORDANCE WITH THE CONTRACT DRAWINGS. WHERE CONTRACTOR IS DESIGNATED TO MAKE REMOVALS, DISPOSITION OF MATERIALS IS THE RESPONSIBILITY OF THE CONTRACTOR. VERIFY WITH OWNER, THE DISPOSITION AND REMOVAL OF ANY COMPONENTS OF SALVAGEABLE VALUE.
6. REMOVE ONLY NON-LOAD BEARING CONSTRUCTION AND PARTITIONS. CONTRACTOR TO VERIFY, PRIOR TO REMOVAL, THAT NO STRUCTURAL COMPONENTS, I.E. BEARING WALLS, BEAMS, HEADERS, ETC., SUPPORTING FLOOR, ROOF OR CEILING JOISTS ARE DESIGNATED FOR REMOVAL. CONTACT THE DESIGNER PRIOR TO REMOVAL OF ANY CONSTRUCTION IN QUESTION OR DEVIATING FROM THE DESIGN INTENT. CONTRACTOR'S NON-CONTACT OF DESIGNER PRIOR TO REMOVAL OF ANY WORK INDICATES HIS COMPLETE UNDERSTANDING THAT NO LOAD BEARING OR STRUCTURAL WORK IS BEING ALTERED UNDER THIS CONTRACT.
7. ALL STRUCTURAL SYSTEMS SHALL BE MAINTAINED AND SHALL BE OF SUFFICIENT STRENGTH TO SUPPORT THE DESIGN LOADS AND TO RESIST THE DEFORMATION CAUSED BY SUCH LOADS.
8. PATCH ALL FINISHES TO MATCH EXISTING, INCLUDING BUT NOT LIMITED TO, GYPSUM BOARD, PLASTER, ACOUSTIC SYSTEMS, WOOD TRIM,COVERS, BASE, PANELS, RAILS AND WAINSCOT. VERIFY MATCH OF NEW FINISH MATERIALS TO EXISTING IN COLOR, TEXTURE,THICKNESS, CUT, ETC& TO SATISFACTION OF OWNER PRIOR TO INSTALLATIONS. PROVIDE OTHER MATERIALS TO MATCH EXISTING WHEN REQUIRED. TO BE APPROVED BY OWNER.
9. PATCH EXISTING WALLS GYPSUM DRYWALL OR PLASTER TO MATCH EXISTING OF SUFFICIENT THICKNESS TO MAINTAIN UNIFORM WALL THICKNESS. ALL EXPOSED PORTIONS OF WALL SHALL BE FINISHED WITH THREE (3) COATES OF SPECKLING, SANDED AND LEFT IN A PAINT READY CONDITION.
10. WHERE APPLICABLE LEVEL ALL EXISTING FLOORS AS REQUIRED TO RECEIVE NEW FLOOR FINISHES. INSTALL REQUIRED TRANSITION PECES BETWEEN VARIOUS FLOOR FINISHES SUITABLE FOR CONDITIONS AND ACCEPTABLE TO THE OWNER. MATCH EXISTING WHEREVER POSSIBLE.
11. SPECIFIC DEMOLITION NOTES ARE NOT TO BE CONSIDERED AL INCLUSIVE OR COMPLETE IN THEMSELVES. THE PLUMBING CONTRACTOR SHALL PROVIDE AL DEMOLITION INCIDENTAL TO OR REQUIRED FOR NEW AND RENOVATED CONSTRUCTION WHETHER OR NOT SPECIFICALLY NOTED AND INCLUDING BUT NOT LIMITED TO THE FOLLOWING: REMOVAL OF PLUMBING FIXTURES, TRIM, SUPPLIES, TRAPS, CLEANOUTS, DRAINS, WATER HEATERS, PUMPS, VALVES, RELATED PIPING, ETC. THAT MIGHT REASONABLY BE REQUIRED TO BE REMOVED IN PREPARATION FOR INSTALLATION OF NEW CONSTRUCTION. SPECIFIED FIXTURES OR OTHER EQUIPMENT REQUIRING PLUMBING.
12. THE PLUMBING CONTRACTOR SHALL REMOVE THE EXISTING FIXTURES AS NOTED ON THE FOLLOWING DRAWINGS. CAP AND CONCEAL AL SANITARY, VENT, AND WATER PIPING BELOW FLOOR, ABOVE CEILING AND/OR IN WALLS AS REQUIRED. REMOVE AL PIPING NOT REQUIRED FOR RENOVATION AND CAP AT NEAREST VALVE OR MAIN LINE. REMOVED FIXTURES AND TRIM SHALL REMAIN THE PROPERTY OF THE OWNER AND THE CONTRACTOR SHALL STORE ON SITE OR REMOVE FROM SITE SAID FIXTURES AS DIRECTED BY THE OWNER.
13. SPECIFIC DEMOLITION NOTES ARE NOT TO BE CONSIDERED AL INCLUSIVE OR COMPLETE IN THEMSELVES. THE ELECTRICAL CONTRACTOR SHALL PROVIDE AL DEMOLITION INCIDENTAL TO OR REQUIRED FOR NEW AND RENOVATED CONSTRUCTION WHETHER OR NOT SPECIFICALLY NOTED AND INCLUDING BUT NOT LIMITED TO THE FOLLOWING: REMOVAL OF ELECTRICAL FIXTURES, TRIM, SWITCHES, OUTLETS, JUNCTION BOXES, RELATED WIRING, ETC. THAT MIGHT REASONABLY BE REQUIRED TO BE REMOVED IN PREPARATION FOR INSTALLATION OF NEW CONSTRUCTION, SPECIFIED FIXTURES OR OTHER EQUIPMENT REQUIRING ELECTRICAL POWER.
14. REMOVE ALL CABLE SYSTEMS AND WIRING FOR ALL ABANDONED CIRCUITS. SAFELY CAP UNUSED CONDUITS AND WIRING WHERE REMOVAL OF ABANDONED CIRCUITS/WIRING IS NOT FEASIBLE WITH OUT SIGNIFICANT DEMOLITION.
15. WHERE ABANDONED FEEDERS AND BRANCH CIRCUITS ARE CONCEALED WITHIN WALLS, FLOORS AND HARD CEILINGS THAT ARE TO REMAIN, REMOVE ALL WIRING AND CAP CONDUITS AT BOTH ENDS. SAFELY CAP UNUSED CONDUITS AND WIRING WHERE REMOVAL OF ABANDONED CIRCUITS/WIRING IS NOT FEASIBLE WITH OUT SIGNIFICANT DEMOLITION.
16. WHERE ABANDONED OUTLET AND JUNCTION BOXES ARE RECESSED FLUSH IN WALLS, FLOORS AND HARD CEILINGS THAT ARE TO REMAIN, REMOVE ALL WIRING AND WIRING DEVICES AND PROVIDE BLANK STAINLESS STEEL COVERPLATES FOR BOXES 6"x6" AND SMALLER. REMOVE BOXES LARGER THAN 6"x6" AND PATCH SURFACE TO MATCH EXISTING. COORDINATE WITH DESIGNER FOR FINAL DIRECTION. SAFELY CAP UNUSED CONDUITS AND WIRING WHERE REMOVAL OF ABANDONED CIRCUITS/WIRING IS NOT FEASIBLE WITH OUT SIGNIFICANT DEMOLITION.
17. THE PLUMBING CONTRACTOR SHALL REMOVE THE EXISTING FIXTURES AS SHOWN ON THE FOLLOWING DRAWINGS. CAP AND SEAL ALL SANITARY, VENT AND WATER PIPING BELOW FLOOR, ABOVE CEILING AND/OR IN WALLSAS REQUIRED. REMOVE ALL PIPING NOT REQUIRED FOR RENOVATION AND CAP AT NEAREST VALVE OR MAIN LINE. REMOVED FIXTURES OR TRIM SHALL REMAIN THE PROPERTY OF THE OWNER AND THE CONTRACTOR SHALL STORE ON SITE OR REMOVE FROM SITE SAID FIXTURES AS DIRECTED BY THE OWNER.
18. TEMPORARY SYSTEMS. THE EXISTING SYSTEMS OPERATION SHALL BE MAINTAINED IN RENOVATED AND ADJACENT AREAS UNTIL THE NEW SYSTEMS ARE OPERATIONAL. THIS CONTRACTOR SHALL INCLUDE IN HIS/HER BID ALL COSTS ASSOCIATED WITH KEEPING THE SYSTEMS ON LINE. THESE COSTS SHALL INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING:
    1. TEMPORARY HOT AND COLD WATER PIPING
    2. TEMPORARY SANITARY AND VENT PIPING
    3. TEMPORARY ROOF DRAINAGE PIPING
    4. TEMPORARY GAS PIPING

5 DEMO NOTES
1 1/2" = 1'-0"

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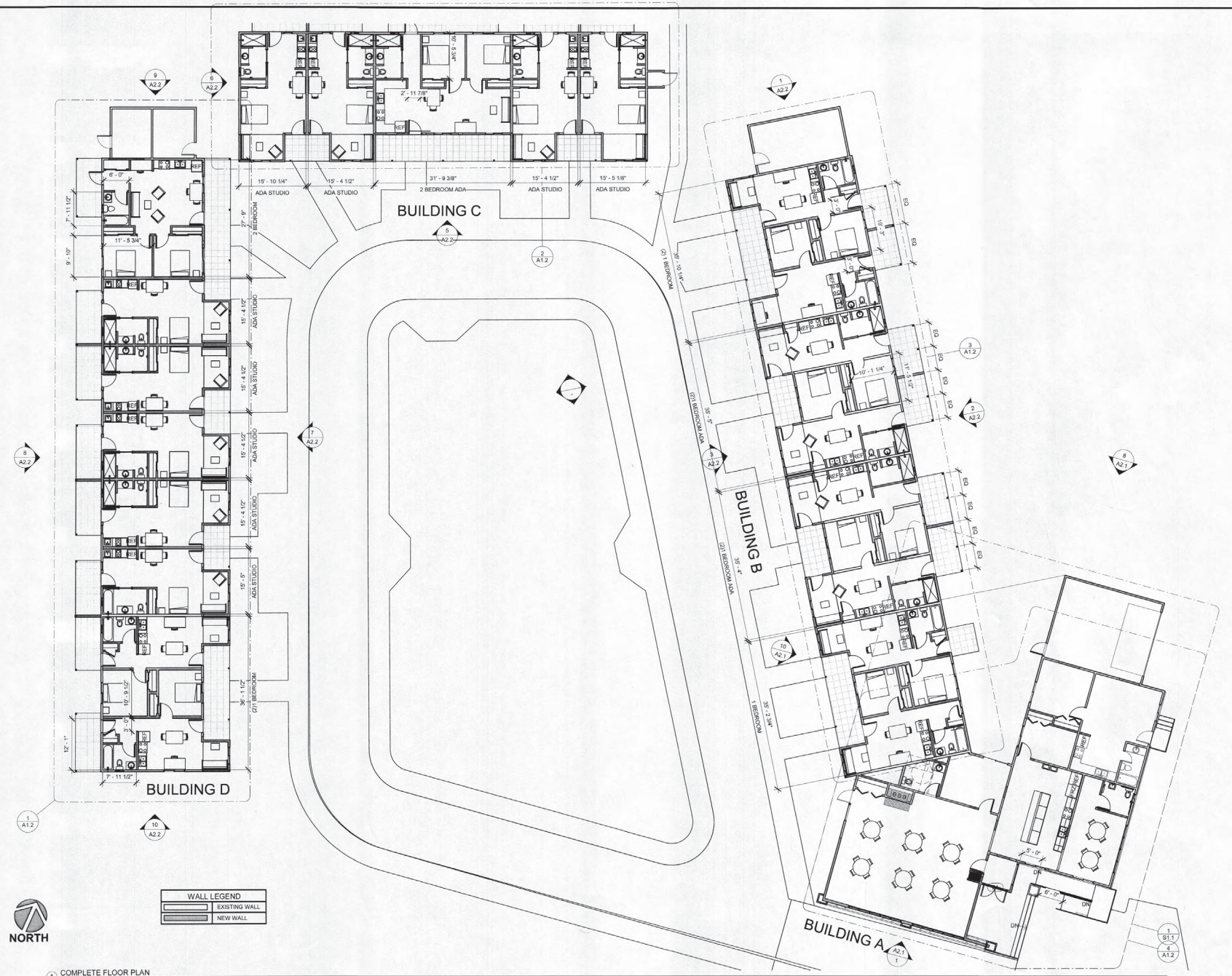
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MENDOCINO COUNTY
16580 HIGHWAY 101
WILLITS, CA

SHEET TITLE
DEMOLITION PLAN

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1 COMPLETE FLOOR PLAN
1" = 10'-0"

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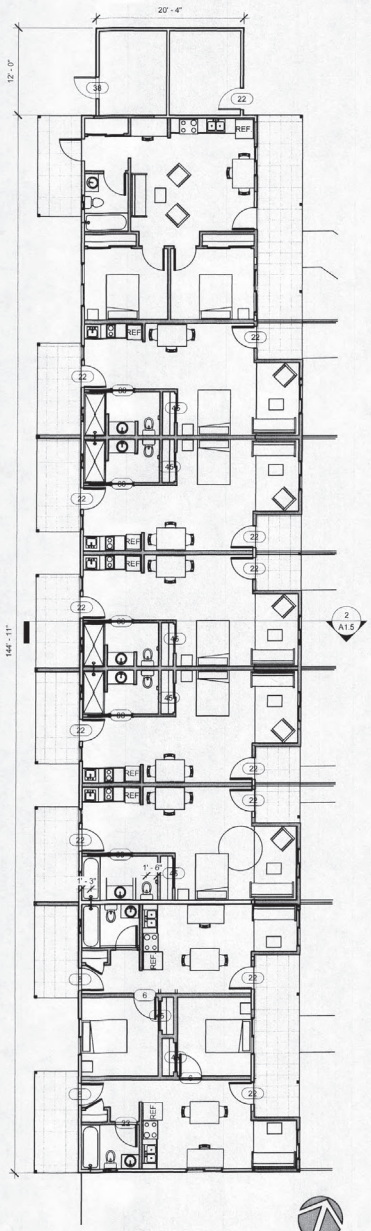
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16580 HIGHWAY 101
WILLITS, CA

SHEET TITLE
OVERALL FLOOR PLAN

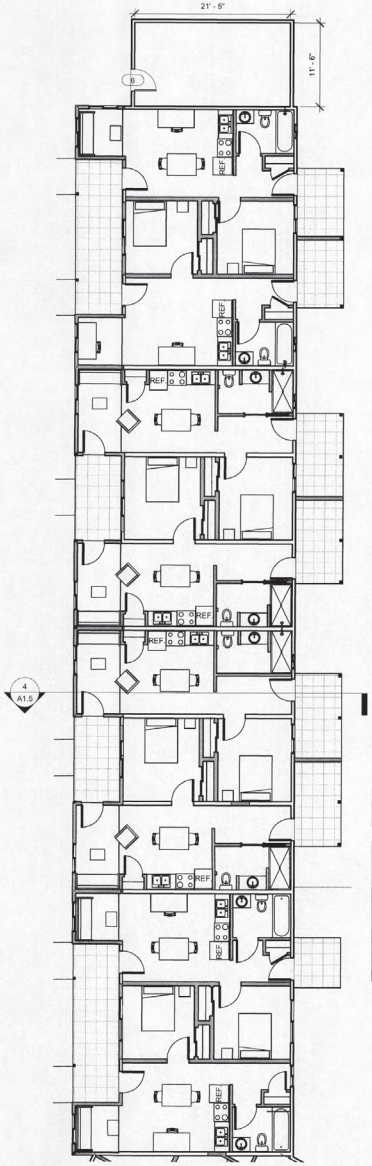
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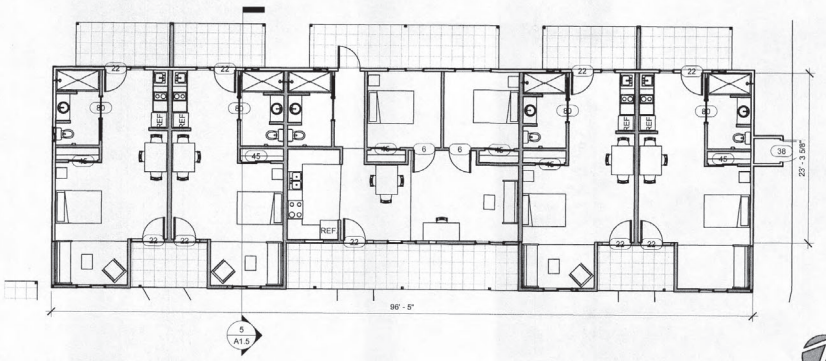
1 ENLARGED FLOOR PLAN - BLDG. D
1/8" = 1'-0"

NORTH



3 ENLARGED FLOOR PLAN - BLDG. B
1/8" = 1'-0"

NORTH



2 ENLARGED FLOOR PLAN - BLDG. C
1/8" = 1'-0"

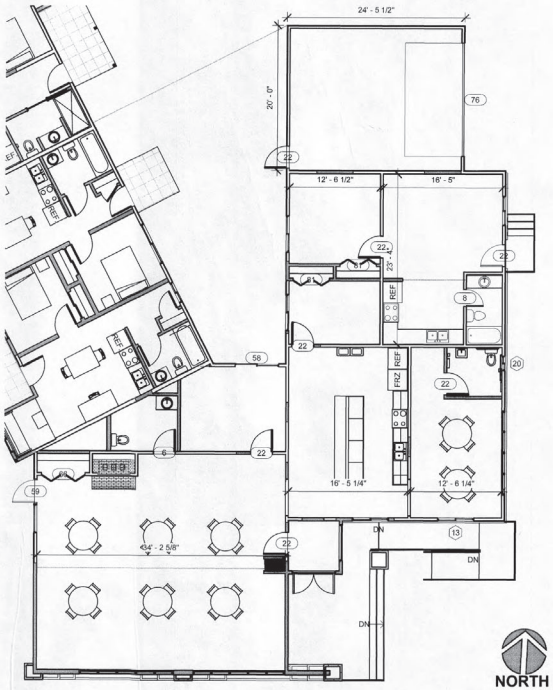
NORTH

WALL LEGEND

EXISTING WALL
NEW WALL

Door Schedule				
Type Mark	Width	Height	Comments	Phase Created
5	2' - 6"	6' - 8"		New Construction
6	3' - 0"	6' - 8"		
8	2' - 4"	6' - 8"		Existing
22	3' - 0"	6' - 8"		
38	3' - 0"	6' - 0"		Existing
42	6' - 0"	6' - 8"		New Construction
45	4' - 0"	6' - 8"		New Construction
46	5' - 0"	6' - 8"		New Construction
58	6' - 0"	6' - 8"		Existing
59	3' - 0"	7' - 0"		Existing
66	6' - 0"	6' - 8"		New Construction
76	15' - 8"	8' - 0"		Existing
80	3' - 0"	6' - 8"		New Construction
81	5' - 0"	6' - 8"		New Construction
84	6' - 0"	7' - 0"		New Construction

Window Schedule					
Type Mark	Width	Height	Sill Height	Comments	Phase Created
10	3' - 0"	4' - 0"	2' - 8"		New Construction
13	5' - 0"	4' - 0"			
15	4' - 0"	4' - 0"	2' - 8"		
16	6' - 0"	4' - 0"			New Construction
17	2' - 0"	2' - 6"	4' - 2"		New Construction
20	2' - 0"	3' - 0"	3' - 8"		Existing
21	3' - 10 3/4"	6' - 4 1/4"	1' - 4 1/2"		Existing
62	2' - 0"	4' - 0"	2' - 8"		New Construction
80	5' - 0"	5' - 0"	1' - 8"		New Construction
81	1' - 10"	3' - 0"			New Construction



4 ENLARGED FLOOR PLAN - BLDG. A
1/8" = 1'-0"

NORTH

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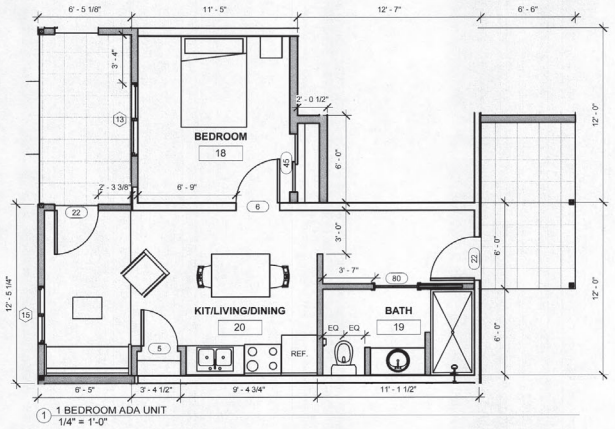
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16580 HIGHWAY 101
WILLITS, CA

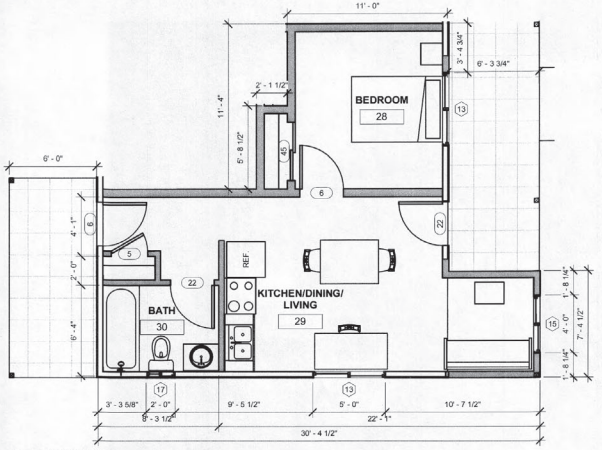
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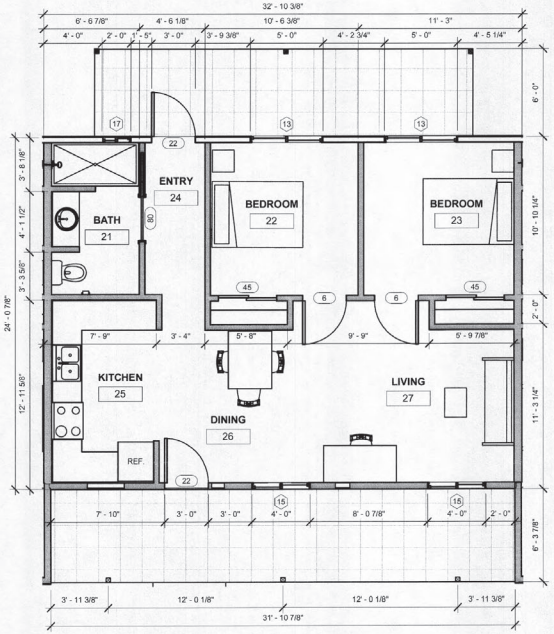
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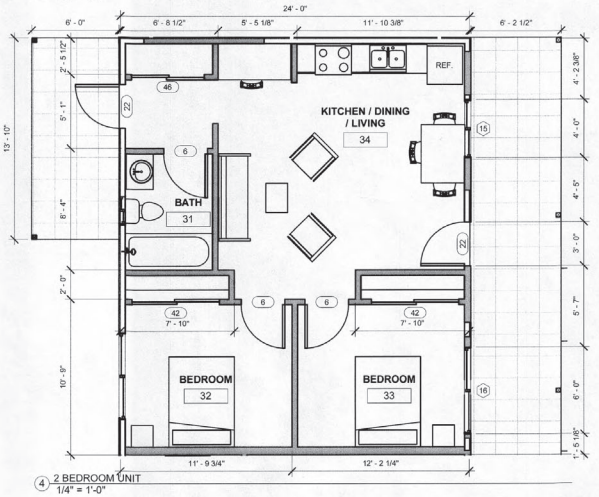
1 1 BEDROOM ADA UNIT
1/4" = 1'-0"



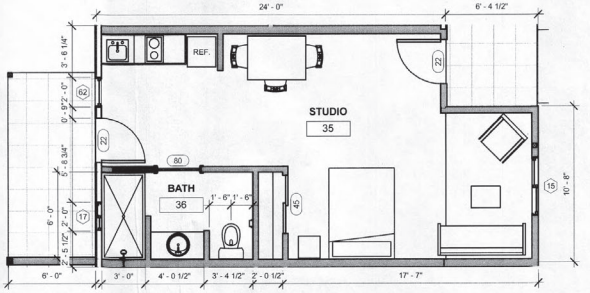
2 1 BEDROOM UNIT
1/4" = 1'-0"



3 2 BEDROOM ADU UNIT
1/4" = 1'-0"



4 2 BEDROOM UNIT
1/4" = 1'-0"



5 ADA STUDIO UNIT
1/4" = 1'-0"

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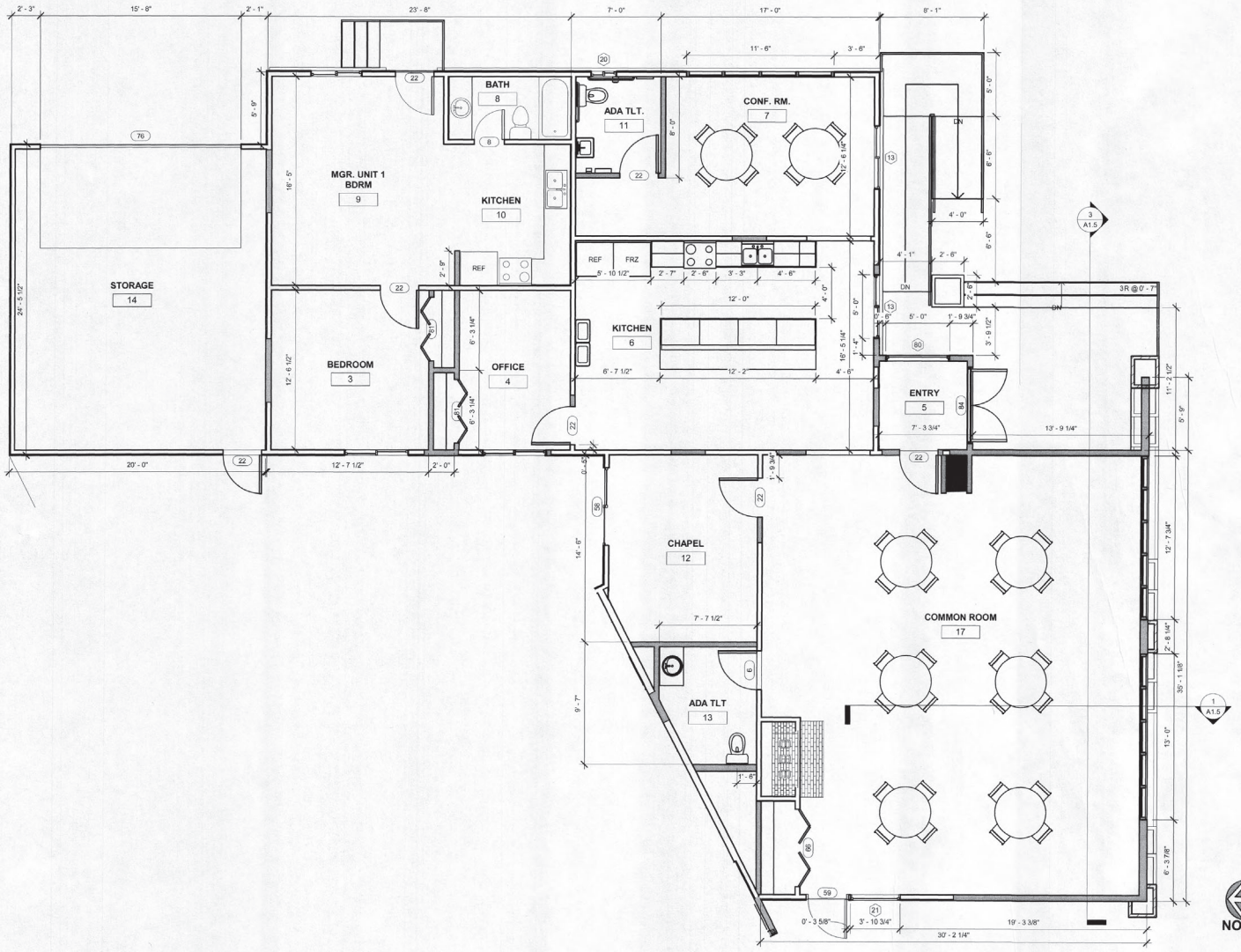
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SHEET TITLE
ENLARGED UNIT PLANS

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1 COMMON AREA
1/4" = 1'-0"

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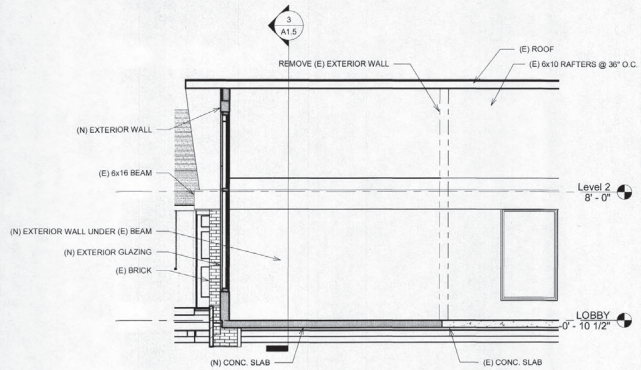
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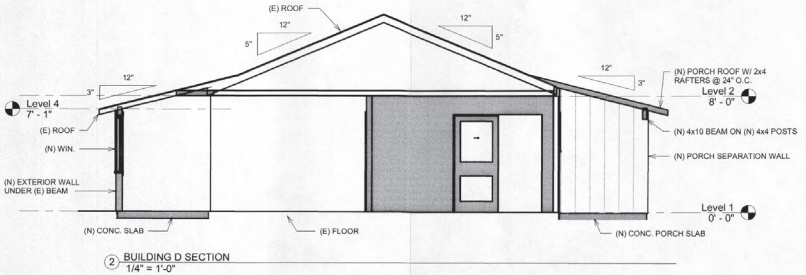
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ENLARGED COMMON AREA

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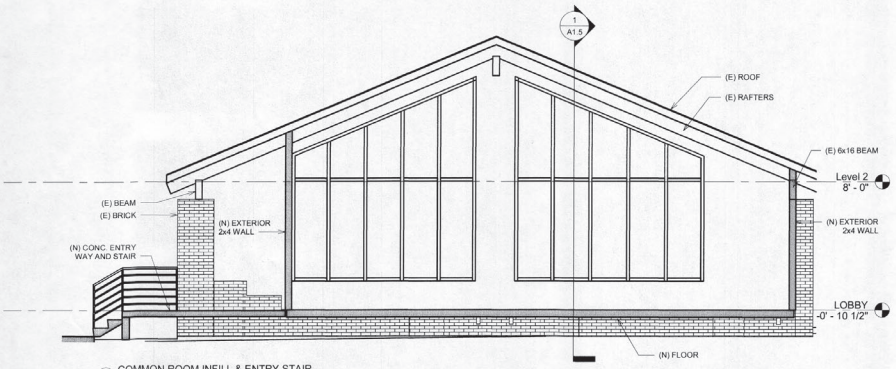
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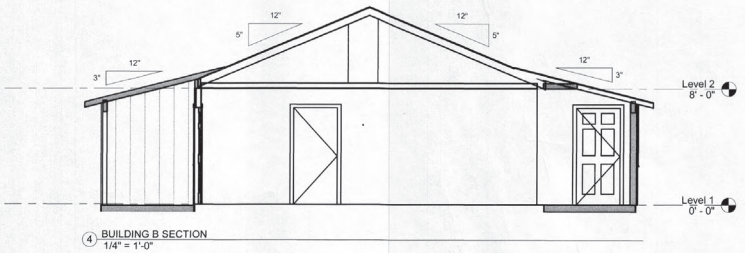
1 SECTION THROUGH COMMON ROOM
1/4" = 1'-0"



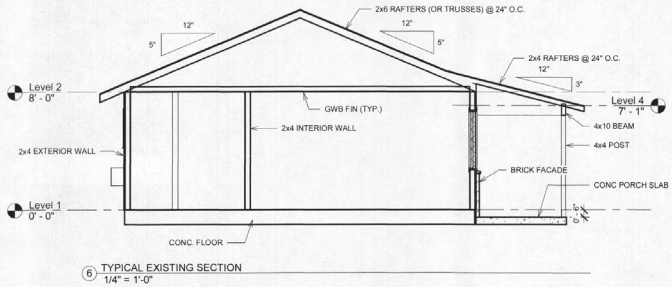
2 BUILDING D SECTION
1/4" = 1'-0"



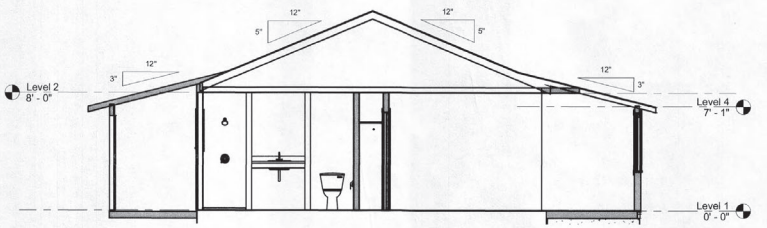
3 COMMON ROOM INFILL & ENTRY STAIR
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4 BUILDING B SECTION
1/4" = 1'-0"



6 TYPICAL EXISTING SECTION
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5 BUILDING C SECTION
1/4" = 1'-0"

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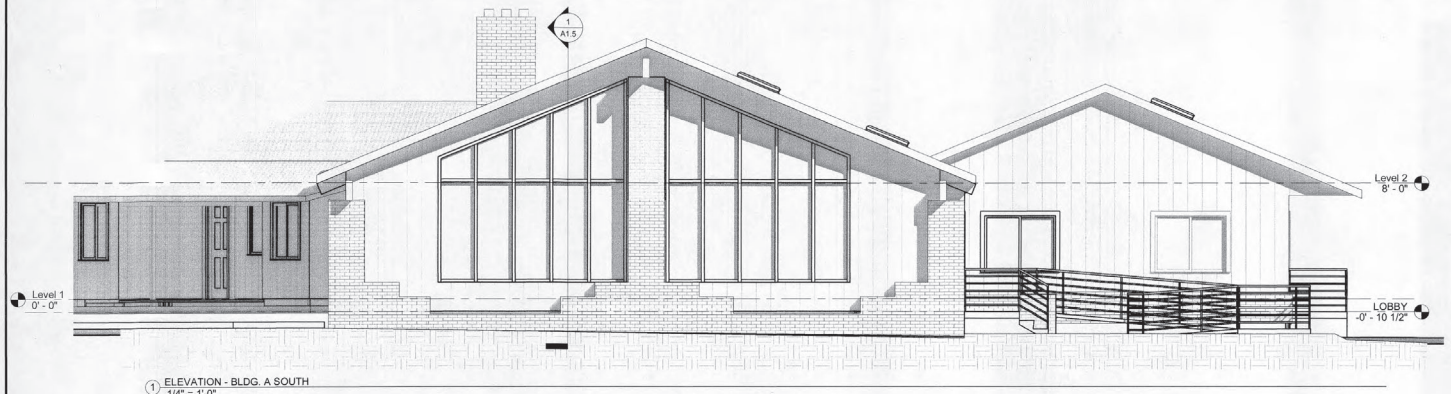
COLLABORATIVE DESIGN & PLANNING
1027 North Pine Street, Ukiah, CA 95482
Phone: 707-513-7355 Fax: 866-929-0473
e-mail: J@COLLABORATIVEDESIGNPLANNING.com

MENDOCINO COUNTY
16580 HIGHWAY 101
WILLITS, CA

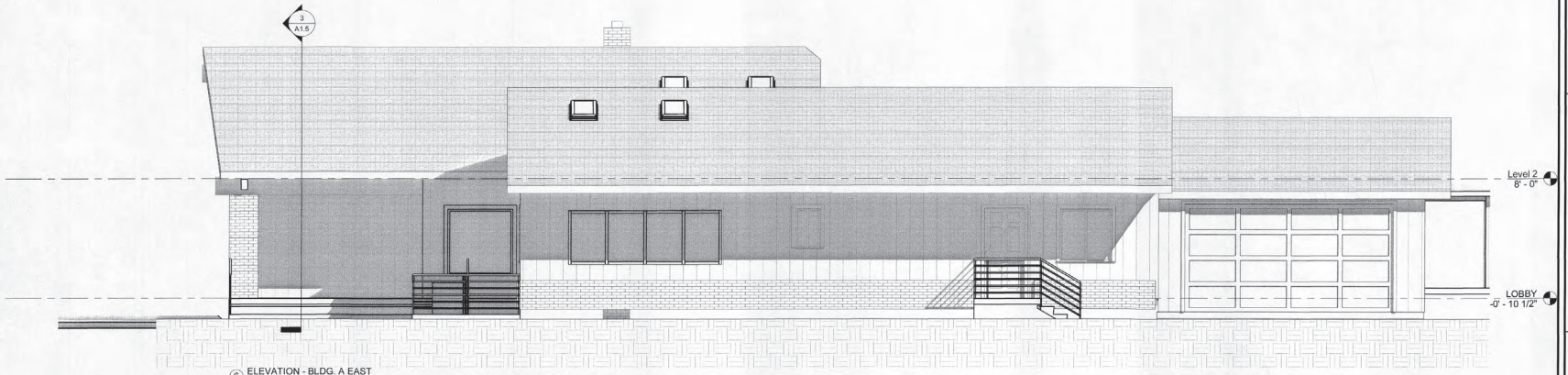
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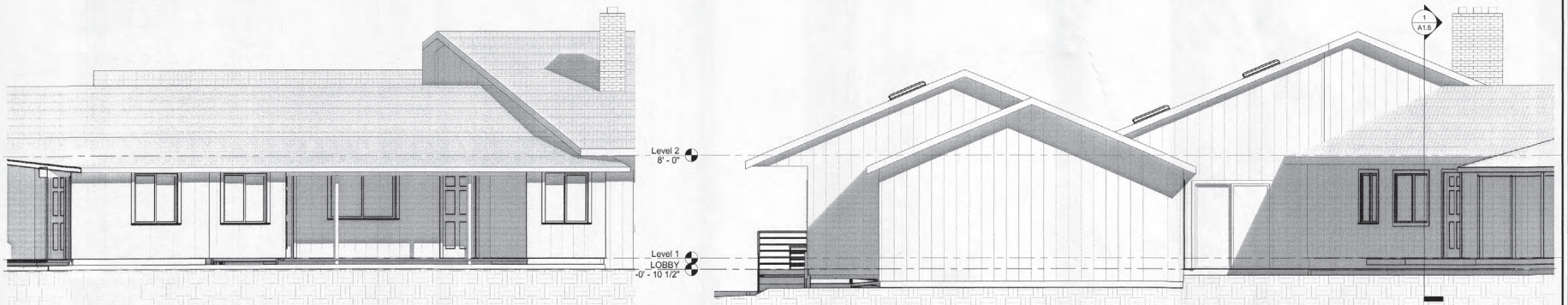
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1 ELEVATION - BLDG. A SOUTH
1/4" = 1'-0"



6 ELEVATION - BLDG. A EAST
1/4" = 1'-0"



10 ELEVATION - BLDG. A WEST
1/4" = 1'-0"

8 ELEVATION - BLDG. A NORTH
1/4" = 1'-0"

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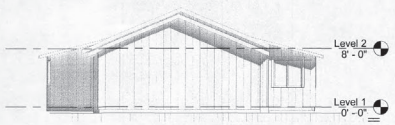
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MENDOCINO COUNTY
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WILLITS, CA

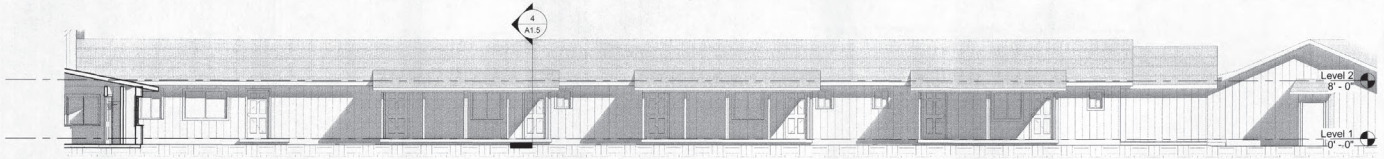
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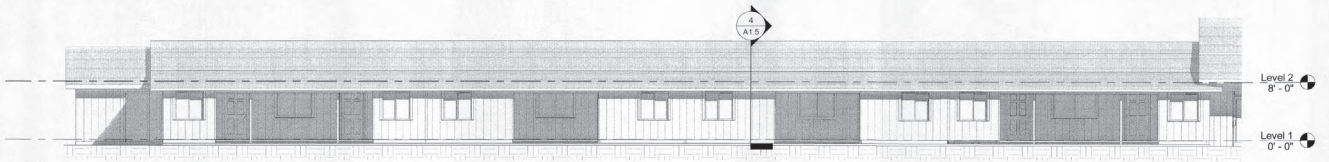
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2 ELEVATION - BLDG. B EAST
1/8" = 1'-0"



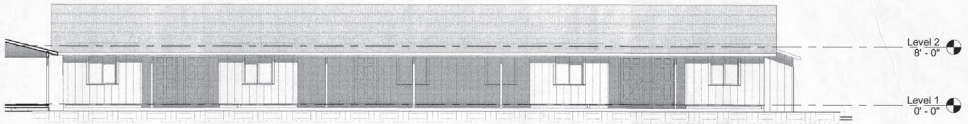
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1/8" = 1'-0"



3 ELEVATION - BLDG. B WEST
1/8" = 1'-0"



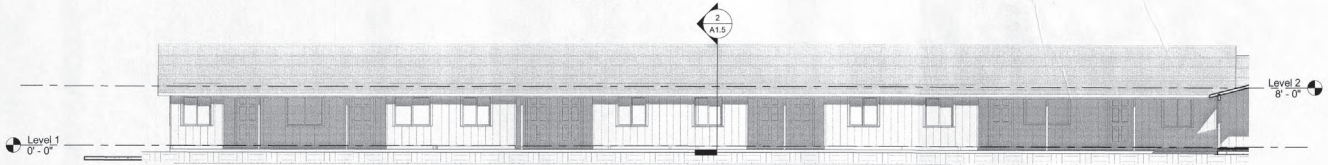
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1/8" = 1'-0"



5 ELEVATION - BLDG. C SOUTH
1/8" = 1'-0"



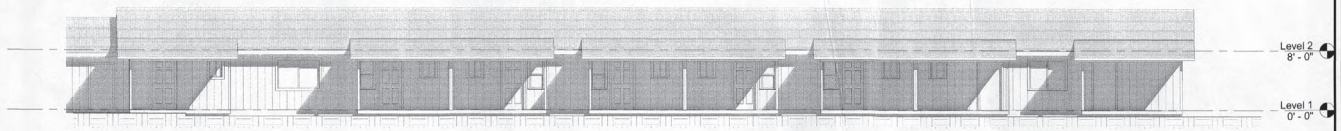
9 ELEVATION - BLDG. D NORTH
1/8" = 1'-0"



7 ELEVATION - BLDG. D EAST
1/8" = 1'-0"



10 ELEVATION - BLDG. D SOUTH
1/8" = 1'-0"



8 ELEVATION - BLDG. D WEST
1/8" = 1'-0"

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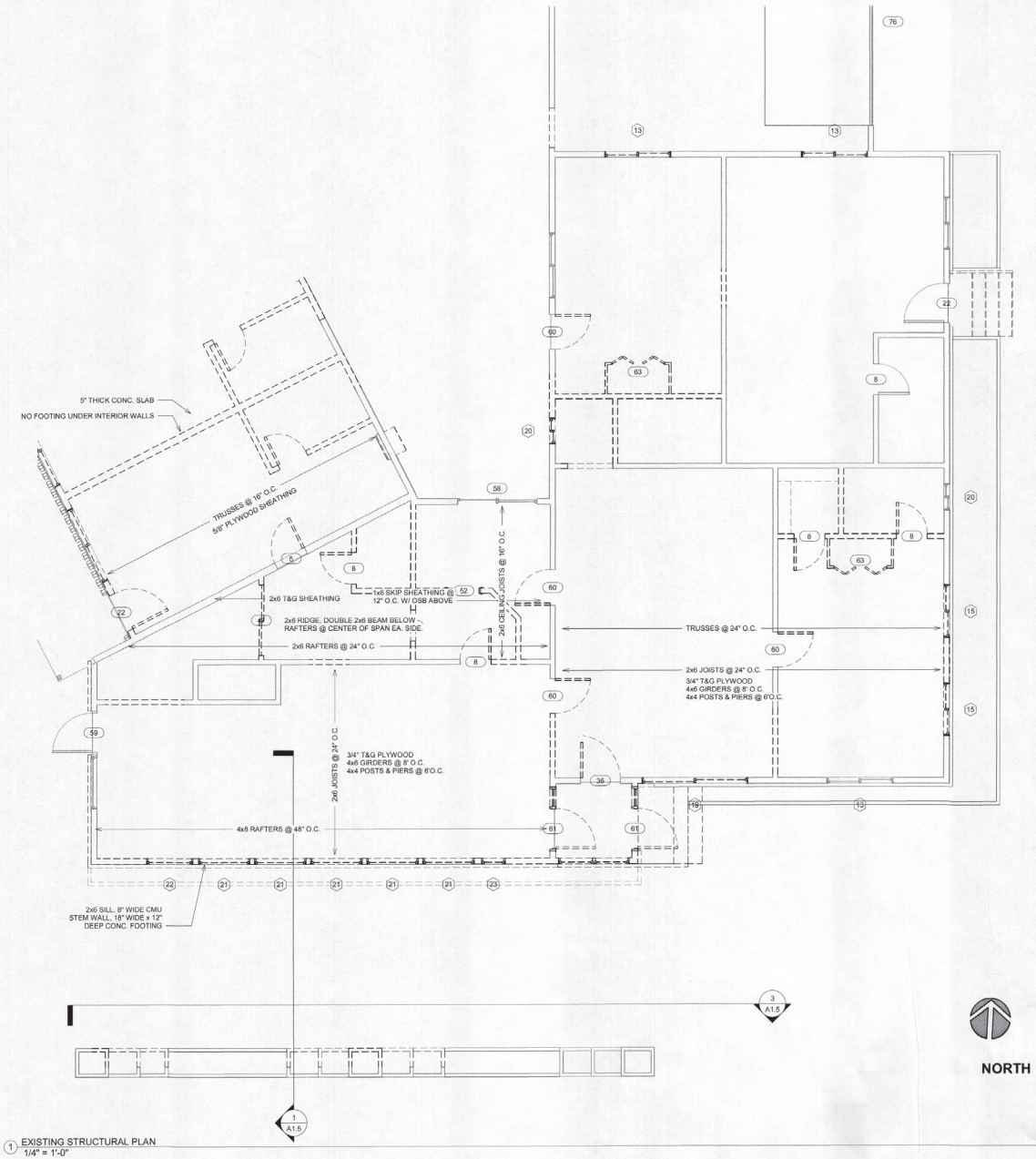
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MENDOCINO COUNTY
16580 HIGHWAY 101
WILLITS, CA

SHEET TITLE
ELEVATIONS

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1 EXISTING STRUCTURAL PLAN
1/4" = 1'-0"

COLLABORATIVE DESIGN & PLANNING
1027 North Pine Street, Ukiah, CA 95482
Phone: 707-513-7355 Fax: 866-929-0473
e-mail: J@COLLABORATIVEDESIGNPLANNING.com

#	REVISIONS	DATE	BY

MENDOCINO COUNTY
16580 HIGHWAY 101
WILLITS, CA

SHEET TITLE
EXISTING STRUCTURAL

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Letter 21 Response: Cody Bartholomew, October 10, 2019

21-1 Please see Master Response 2b: *Transportation Improvements & Accidents*, earlier in this chapter. The errors in the commenter's measuring methodology are fully explained there, as is confirmation that the constructed improvements meet the requirements of the 2012 RFEIR's mitigation measures.

21-2 Please see Master Response 2c: *Transportation Improvements & Accidents*, earlier in this chapter. The inapplicability of the erroneous memorandum provided by the commenter is documented there, as is the actual decline in collision rates in the area over the last five years.

21-3 The analysis in the 2011 RDEIR considered the cumulative future traffic impacts resulting from project implementation within the context of cumulative projects that were reasonably foreseeable. Please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which outlines the 2011 RDEIR's evaluation of those properties and the impacts of the project to those properties. In addition, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. The 2012 FEIR's findings concerning traffic impacts have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, no additional analysis or response is required.

21-4 The referred-to remodeled dwelling appears to be a part of the former White Deer Lodge compound and associated structures, immediately north of Black Bart Drive. With respect to environmental effects to existing and potentially future residents at that location, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by

CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

21-5 Project impacts from odor were evaluated in Impact 4.6-F of the 2011 RDEIR. Mitigation Measure 4.6-F.1 was prescribed to lessen impacts from odors, and prescribed specific thresholds that could not be surpassed as part of the project's operation. The text of the measure is as follows: "The asphalt plant shall not result in noxious odors. The plant will be a facility that meets at least the odor emission levels and controls used to assess impacts from that facility in this EIR. If MCAQMD determines that the facility selected for installation would exceed pollutant emission standards as stated in Mitigation Measures 4.6-C.1 and 4.6-E.2, then additional odor analysis will be conducted as part of the required additional CEQA review prior to MCAQMD issuing any permits for the project."

Based on the performance standards contained within the mitigation measure, even if the applicant were to manufacture rubberized asphalt, the odors emitted would not be allowed to exceed the thresholds prescribed in the measure. As such, the odor impacts of manufacturing rubberized asphalt would not be any more severe than that disclosed in the 2011 RDEIR. Accordingly, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

21-6 Please see the response to comment 21-4, above.

21-7 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Mendocino County

OCT 15 2019

Planning & Building Services

10-11-2019

Dear Mendocino County Department of Planning and Building Services, c/c individual Supervisors

I oppose approval of the currently proposed asphalt plant at Harris Quarry.

Locating the asphalt plant at Harris Quarry would increase the probability of fires breaking out at that site and surrounding areas. In addition, the asphalt fumes would be a health hazard to every resident in and around that location. On a personal note, I am almost 80 years old, I live at Golden Rule Mobile Village and have a history of asthma and have recently been diagnosed with emphysema. I am one of many elderly individuals that would be adversely affected by the decision to allow Harris Quarry to be the site of the asphalt plant. I urge you to find a safer location for the plant and to uphold your Mission Statement that promises to enhance the quality of life of the people of Mendocino County.

22-1

Sincerely,

Joyce Smith

Willits

Letter 22 Response: Joyce Smith, October 11, 2019

22-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required. All comments, however, will be provided to applicable decision makers as they consider the project.

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:53 AM
Subject: Fwd: Harris Quarry Project

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Karen Walsh <karenwalsh707@gmail.com> 10/12/2019 3:38 PM >>>
> October 11th, 2019

Mendocino County Department of Planning and Building Services

Attn: Harris Quarry Comments

860 North Bush Street

Ukiah, CA 95482

Dear Mendocino County Department of Planning and Building Services,
Subject: Harris Quarry Project

I have been following this asphalt plant proposal for several years now and am still adamantly opposed to having a plant of this proposed scope at this location. I cannot imagine that anyone living or working in the immediate area would be in support of this project. We all deserve to have clean air, clean water and an absence of noise pollution near our living and outdoor working environments. 23-1

I am a teacher at La Vida Charter School (located on Ridgewood Ranch directly down wind of this project.) I do not want my students exposed to the dirty fallout from an asphalt plant. In addition, there are numerous outdoor activities that are conducted on the ranch from a variety of community organizations. Ridgewood Ranch is a pristine setting that currently supports environmentally conscience activities including Organic Farming, livestock ranching, a Therapeutic horseback riding program for disabled children, and a senior housing community. In addition, Ridgewood Ranch is an historic tourist attraction; the legacy of Seabiscuit continues to draw in tourists and school tours from near and far.

Questions to be addressed:

Is the substitution of a mobile asphalt production unit in lieu of the proposed project, a feasible approach to satisfy projected local need for product, provide income for the owner of the company and mitigate environmental concerns for the local neighbors? 23-2

Re: Alternative 4

Earlier analysis of the project included the potential need for asphalt for the bi-pass. That project has come and gone and therefore changes projected local need for asphalt. The cost/benefit analysis should include environmental costs (i.e. air pollution, water pollution, noise pollution) I would note that the financial gain of one company should not outweigh the burden that would be imposed on the many citizens that inhabit the area around the quarry and in the valley downwind of the quarry. Also included in this cost/benefit analysis should be the reduction in property values that result from the perceived nuisance of the proposed project. 23-3

Is the proposed asphalt plant an antiquated concept using antiquated technology? Is there a better option? 23-4

Thank you for your consideration of this matter.
Karen Walsh

P.O. Box 43
Branscomb, CA 95417
707 234-4173

Letter 23 Response: Karen Walsh, October 11, 2019

23-1 Please see Master Response 2: *Significant New Information*, which discusses the existing environment considered in the 2011 RDEIR. None of the uses noted by the commenter are new, and impacts from the project to each of those uses was evaluated in the 2011 RDEIR. As such, the commenter has not provided any new significant information that would suggest that the 2011 RDEIR's analysis was inadequate. Ultimately, the commenter is expressing her opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. The comment does not raise any new environmental issues that have not already been evaluated and litigated as part of the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

23-2 With respect to the consideration of a mobile asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

23-3 This question is outside the scope of the EIR, which was prepared to evaluate and disclose the environmental impacts of the proposed action. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action, and the County has fulfilled that requirement under CEQA by preparing the EIR and providing the public with the opportunity to comment on the environmental effects of the project. The ultimate decision as to whether or not to approve the project will fall to the County's elected decision-makers. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

23-4 See the response to comment 23-3, above.

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:51 AM
Subject: Fwd: Harris Quarry EIR

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Jes Pearce <jesp114@gmail.com> 10/13/2019 8:13 PM >>>
Hi,

I am writing to oppose approval of the currently proposed asphalt plant project at the Harris Quarry.

It seems to me that their are zoning codes for a reason. That industrial plants should be put in industrial zoned areas, not in fire prone range lands near peoples homes. 24-1

It seems like such an irresponsible choice to place the asphalt plant at its current proposed location and put so many residents in danger of being trapped on Black Bart road, or of being slowly sickened by toxic fumes. While the county and quarry may be saving money by placing the plant there, the citizens will surely suffer in their health and financially. 24-2

It sets a precedent that industrial development is of greater importance than range lands and that slowly but surely all the beautiful land in the hills of this beautiful county could be in jeopardy. 24-3

It would also compromise a lot of peoples homes and increase the housing shortage in this county. 24-4

It would be great if their could be an updated EIR that looks at the many new factors that have come up since 2012 to allow the public to feel safe and represented. 24-5

Thank you
--
Jes Pearce

Buttercup Compost Lab Manager
School of Adaptive Agriculture
http://www.school-of-adaptive-agriculture.org/

Letter 24 Response: Jes Pearce, October 13, 2019

24-1 With respect to the commenter's concern regarding fire risk, please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Further, at the time the original EIR was prepared and the 2012 FEIR was certified, the County understood that Black Bart Drive was the only viable emergency access and evacuation route for residents along Black Bart Drive. For example, during the public scoping period of the original EIR, a commenter stated that "[t]he only other access [other than Black Bart Drive] to this subdivision is via Muir Mill Rd., to Williams Ranch Rd., to Black Hawk Dr…. This is not a feasible access route OR evacuation route in the event of an out of control wild land fire." (Public Scoping Comment by Roni McFadden (Dec. 5, 2006); see also 2007 DEIR, App. B, p. 8 [acknowledging comments stating that "[i]f a fire occurs at the processing site, it would block emergency access to residential areas to the west" and stating the EIR would "[a]ssess impacts on emergency access and evacuation"]; see also Jack Magne e-mail entitled "Harris Quarry Comment – BOS" (April 8, 2012) [stating there is "no alternative route to these neighborhoods"]; Keep the Code comment letter entitled "Harris Quarry Expansion Project Supplemental Mitigation Monitoring and Reporting (May 14, 2012) [stating that an asphalt plant located on "Black Bart Road… poses an increased wildfire risk to residents who depend on this road as their only public emergency vehicular access to Highway 101 and the only public emergency vehicular access by wildfire responders to their properties"].) As Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk

included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

24-2 With respect to the commenter's remarks about air quality emissions from the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The comment about adverse air quality effects is very general, so it is difficult to respond with specificity, but as explained in the master response, air quality considerations associated with the project have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. In other words, the analysis of air quality has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

24-3 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. All comments, however, will be provided to applicable decision makers as they consider the project.

24-4 The commenter is speculating about project impacts that are outside of the scope of the EIR. No further response is required.

24-5 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b:

Accidents & Transportation Improvements; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Luke Evans

Subject: FW: Mendocino County - Harris Quarry - Correspondence
Attachments: Keep the code; Proposed Asphalt plant at Ridgewood Grade, Willits; Proposed asphalt plant at Harris Quarry

>>> Gene Wixson <gnwixson@yahoo.com> 10/13/2019 6:59 AM >>>
Board of Supervisors,

It is past time to stop the delays and approve the EIR for the asphalt plant and any related work at Harris Quarry. Northern Aggregates is a very good neighbor and provides good living wage jobs to this community. With more and more roads in this county needing to be paved it only makes sense to bring some competition and get a lower price for asphalt. 25-1

Thank you.
Gene Wixson
Willits, Ca.

Letter 25 Response: Gene Wixson, October 13, 2019

25-1 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Comment Letter No. 26

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:59 AM
Subject: Fwd: Harris Quarry EIR Comment

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> lynnebuske <lynnebuske@yahoo.com> 10/14/2019 5:29 PM >>>
Dear Mendocino County Department of Planning and Business Services,

I strongly oppose approval of the currently proposed asphalt plant project at the Harris Quarry.

I am a voting resident of Mendocino County since 2000. I am a licensed Clinical Laboratory Scientist, and have been employed at Howard Memorial Hospital for more than 15 years. Also a fully credentialed teacher, currently also employed at La Vida Charter School. Since 2015 we reside at the Golden Rule Mobile Home Village (one of few truly affordable housing options in Mendocino County), along with about 140 other people ages 55 and over, (all downwind from the Harris Quarry). I am also a graduate of the 3 month Spring 2018 course at The School of Adaptive Agriculture.

Through our interactions with the Christ's Church of the Golden Rule community I have been deeply impressed with the open minds and hearts of this non-profit community, as they have embraced projects that exemplify the very best that Mendocino County has to offer. Especially as these endeavors support the mission statement of the Board of Supervisors, to deliver services that meet ...health...social...cultural...education...economic and environmental needs of our communities. Beyond Mendocino County, many students from the School of Adaptive Agriculture, La Vida Charter School, and the Ecology Action interns have taken their knowledge and skills to serve many other communities and countries. Every agricultural project is focused on providing quality food to build health ,minimize environmental impact, and promote economic stability.

Located on the historic Howard Ranch, with recognized state historical landmarks, the Seabiscuit Therapeutic Riding Program effectively serves some of our county's most vulnerable population.

My observation has been the integrity of this community working together effectively to put into practice the teachings of Christ to "do unto others as you would have them do unto you", .. and ."to love your neighbor as yourself". In short, to be good neighbors.

Just one recent example would be the help that was provided during and just after the fall 2017 fires.

I sincerely hope that their(our) neighbors Harris Quarry/Northern Aggregates will respond to the Clear need to put this project on indefinite hold while a new and fully informed EIR is completed. I believe a responsible ,principled Board of Supervisors will take action in that direction after listening carefully to ALL the voices in this conversation. 26-1

My biggest question is which body is responsible for oversight and monitoring of the current apparent disregard of notification of blasting, ?of not mitigating particulate dust due to operation during adverse wind direction, ? of enforcing the necessary highway safety alterations that would be required to run even a temporary asphalt plant. ? Of not requiring or enforcing covered loads of dust-belching truckloads currently leaving the quarry? Which organization will rein in a business which is already shown to be non compliant with older, more lax standards? 26-2

Next question. Exactly how many new jobs if any, would this proposed asphalt plant bring into Mendocino County? 26-3

Next question: How Many more respiratory therapists will Mendocino need to try to recruit to deal with the fallout of resulting worse air quality? 26-4

Next question: Has the current EIR addressed the 2019 reality of noise pollution from a plant that is asking (are they not?) to be able to operate at night? A point of reference would be the daytime noise pollution from the (temporary) CalTrans work on Hwy101 about equidistant from the mobile home village as to the quarry. 26-5

Last comment: When we lived in Ukiah we supported John McCowen by having his sign in our yard and hosting neighborhood visits in our home with him. I sincerely hope the values he shared with us then would shine forth as he votes NO on placing an asphalt plant on the Harris Quarry site.

Closing invitation: My husband and I would be eager to host a conversation in our home with (new to us) Supervisor Ted Williams, and our mobile home village neighbors. Please contact us as soon as possible with your next available time.

Thank you for addressing my concerns,

Lynne Buske
Email lynnebuske@yahoo.com
Cell: 797.671.6545

Sent from my iPad

Letter 26 Response: Lynn Buske, October 14, 2019

26-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

26-2 When an EIR determines that a particular environmental impact would be "significant," the EIR must propose and describe feasible mitigation measures that will minimize or reduce the impact. (Pub. Resources Code, Section 21100, subd. (b)(3); CEQA Guidelines, Section 15126, subd. (e), 15126.4, 15370.) Responsibility for implementation and enforcement of individual mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (MMRP), as specified in CEQA Guidelines Section 15097. The MMRP for the project outlines the required mitigation measures, who they are implemented by, when they are implemented, who monitors the measures, when they must be verified by, and who verifies it. The proposed conditions of approval will obligate the applicant to fund the County's process to monitor compliance with the mitigation measures set forth in the EIR and, to the extent additional resources are needed, the County has the discretion to retain the services of consultants to assist County staff in confirming that the applicant complies fully with, and maintains compliance with, all requirements set forth in the MMRP. Furthermore, Mendocino County Code Section 20.216.015 provides that it is unlawful and prohibited to violate any term or condition of any permit or approval granted under Title 20, Division I of Mendocino County Code. Any member of the public who believes there has been a violation of Conditions of Approval and/or mitigation measures should file a complaint with the Mendocino County Department of Planning and Building Services Code Enforcement Division. Complaints can be filed over the phone, in person, or online on the Department website. Code Enforcement Staff will review the complaint and determine if it must be referred to other agencies for potential violation of any standards they may have. In addition to the Code Enforcement role noted above, each year during operation of a mining site, County Staff (certified by the California Division of Mine Reclamation as Surface Mine Inspectors) conducts

an annual inspection, the cost of which is paid by the Applicant. At that time, County Staff verifies conformance with the Surface Mining and Reclamation Act (SMARA) and any required conditions of approval and/or mitigation measures applicable to the project.

26-3 As stated on page 318 of the RDEIR, the proposed project would generate nine new jobs.

26-4 With respect to the commenter's remarks about air quality emissions from the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The comment about adverse air quality effects is very general, so it is difficult to respond with specificity, but as explained in the master response, air quality considerations associated with the project have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. In other words, the analysis of air quality has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

26-5 Noise impacts from the project were evaluated in Section 4.5 of the 2011 RDEIR. That analysis has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Comment Letter No. 27

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:50 AM
Subject: Fwd: Harris Quarry EIR Comment

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Dawn K <dawn.kalin@hotmail.com> 10/14/2019 10:02 AM >>>
10-14-2019

Dear Mendocino County Department of Planning and Building Services.

Carre Brown, John McCowen, John Haschak, Dan Gjerde, Ted Williams

I oppose approval of the currently proposed asphalt plant project at Harris Quarry.

Easy solution to this, find a safer place for the asphalt plant!

Why is the Mendocino County Department of Planning and Building Services ignoring the 15 years of legal cases already won on this issue ? This alone says the people on this board Are not doing their job!

Maybe it is time to start leaning the FACTS! Before you do harm
To all!

A smarter project, that is a benefit for all, is possible. The old 2012 project is outdated, oversized, poorly and dangerously sited with over a 100 mitigations, and is incongruous with surrounding uses. We feel a win-win can be achieved, but not with this current proposal.
The public deserves to have the best analysis of our current situation taken into full account. As stated in the mission statement for the County Planning and Building Department, we, the public request "precise, up-to-date and innovative advice and technical expertise." We feel that this requires more than just an acceptance of the applicant's analysis. The public requests a cost benefit analysis that takes into account the full 30-year project impacts to the public. There are many Significant New Considerations that must be taken into full account in order to reach an appropriate and compatible decision which protects the public and meets County needs.

27-1

27-2

Sincerely,
Dawn Kalin
Willits ca.

Letter 27 Response: Dawn Kalin, October 14, 2019

27-1 The commenter is expressing her opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

27-2 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Please also see the response to comment 3-11 regarding consideration of evidence submitted by third parties including the project applicant.

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:59 AM
Subject: Fwd: Reconsider Asphalt Plant Process

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
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>>> Ruthie King <ruthfking@gmail.com> 10/14/2019 5:05 PM >>>
Dear Mendocino County Department of Planning and Building Services, and our county Supervisors,

My name is Ruthie King, I am a resident of Ridgewood Ranch where I run a diverse livestock operation in conjunction with the School of Adaptive Agriculture. I raise animals with the New Agrarian Collective producing food for the Willits community, animals that graze along the Forsythe Creek and work to promote healthy grasslands and watersheds. I am a very active member of this community, through the local food system as well as community building organizations.

I have learned of the plans to bypass hearings and the regular due process in regards to the Asphalt Plant, and as a voting citizen in this county I am gravely disappointed in the actions of our County Supervisors. It is my understanding that the departments of our local government all serve a purpose, and I would like to see the process slow down so that the Planning Commission can do their job and review the plan, while allowing for new information to be presented. The plan for the asphalt plan will impact our watershed and the great work we do as a community for many years to come, and I am opposed to the plans for the new plant at Harris Quarry. I am writing to implore that the county review the plans and new information rather than fast track a decision that we may regret generations into the future. 28-1

I am a part of the next generation. The generation we hope will stay rooted in this county, believing and trusting in the systems that are meant to serve us. It is disappointing to see the actions of our Supervisors undermining my trust in local government, where facts and public opinion combined are supposed to guide decision making processes. Please consider making a good example for the next generation as we make decisions with long term cost benefit analysis.

Sincerely,

Ruthie King
16200 N Hwy 101,
Willits, CA 95490
(707) 841 1588

Letter 28 Response: Ruthie King, October 14, 2019

28-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Comment Letter No. 29

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:59 AM
Subject: Fwd: Harris Quarry Asphalt Plant a firefighters perspective

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Keith Michalak <keithmichalak@gmail.com> 10/14/2019 7:54 PM >>>
Dear Mendocino County Department of Planning and Building Services and Supervisors
I am writing you today to express my written concern regarding the proposed asphalt plant at the Harris Quarry. I have the honor of calling Mendocino County my home and have resided here for over 4 years. I currently live in Willits and after the 2017 fires I immediately joined the firefighter services. One of my concerns regarding the asphalt plant is I have reason to believe the approvals given in 2012 are not currently up to date and up to standards. One example is the average number of accidents on the strip of highway 101 located near the Harris Quarry. I have responded to numerous calls at that particular section numerous times already and I have only been serving a short time. 29-1
Please consider revising the old 2012 reports and bring them up date. I am not in opposition of the creation of an asphalt plant in general but I do believe a mobile asphalt plant or a different location would be better. 29-2
Thank you for your time, service, and hard work.

--
Keith Michalak
(248)-249-2885
Keithmichalak@gmail.com

Letter 29 Response: Keith Michalak, October 14, 2019

29-1 Please see Master Response 2b: *Transportation Improvements & Accidents*, earlier in this chapter. Collision data from the last five years shows that the collision rate on US-101 in the vicinity of the project has declined, and is well below the rate for similar roadways in the State. As a point of comparison with the five-year collision study period provided in the 2011 RDEIR (2004 through 2008), the most recent collision data from the same source, the California Highway Patrol's (CHP) Statewide Integrated Traffic Records System (SWITRS), were reviewed. Collision records for the five-year period 2014 to 2018 obtained from the SWITRS database were obtained along a one-mile segment of US-101 extending one-half mile in either direction (north and south) from the highway's intersection with Black Bart Drive. A total of 11 collisions were reported during the five-year reporting period, including two reported injuries and no fatalities. Based on the average daily traffic on this segment of US-101, this number of collisions equates to an accident rate of 0.35 collisions per million vehicle miles (c/mvm). This is less than the statewide average of 1.55 c/mvm for similar facilities statewide, as indicated in the California Department of Transportation's *2016 Collision Data on California State Highways*, which is the latest data that is publicly available. This information is shown in the table below.

2014 – 2018 SWITRS COLLISION DATA
US-101, 0.5-MILE NORTH AND SOUTH OF BLACK BART DRIVE

	2014	2015	2016	2017	2018	Total
Number of Collisions	2	1	0	4	4	11
Total Injuries	1	0	0	0	1	2
Total Fatalities	0	0	0	0	0	0
US 101 ADT	14,500	14,600	19,000	20,000	n/a	
Collision Rate			0.35			
Statewide Average Collision Rate			1.55			

The accident rate of 0.35 c/mvm calculated for 2014-2018 is lower than the accident rate identified in the 2011 RDEIR for 2004-2008 (0.52 c/mvm). Furthermore, no fatalities were reported between 2014 and 2018, while one fatality was reported between 2004 and 2008. Based on this information, there is no evidence that either the frequency or severity of collisions have increased or are otherwise in exceedance of average collision rates for similar roadways in the State. Accordingly, the commenter has not presented any new information to indicate that a new significant effect has occurred.

29-2 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as

defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

With respect to the consideration of a mobile asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Comment Letter No. 30

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 10:00 AM
Subject: Fwd: Harris Quarry EIR comments
Attachments: EIR COMMENTS.docx

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Hal Wagenet <halwagenet707@gmail.com> 10/14/2019 2:25 PM >>>
Please include the attached comments in the Harris Quarry record.

Thank-you
Hal Wagenet
707-391-5101

October 14, 2019

FROM:
Hal Wagenet
PO Box 1057
Willits, CA 95490

TO:
Board of Supervisors
County of Mendocino
501 Low Gap Road
Ukiah, CA 95482

Re: Harris Quarry EIR 2019, comments

To the Board;

We understand that the original EIR for the Harris Quarry use permit and related expansion proposals has been fully litigated and accepted by the courts, with the exception of Alternates 4 (temporary asphalt plant) & 5, (night time operations and highway interchange). Any comments that do not specifically address Alternates 4 & 5 at this time are irrelevant and we urge the BOS to make the proper findings and set them aside as required by law.

Alternate 4

2.2.1 Description

Tying a temporary use permit limited to 5 years and predicated on a major construction project in proximity to the plant makes no economic sense, as spelled out in **4.0 Economic Analysis.** While a short-term windfall may be attractive to some, a permanent and steady supply of top quality construction material located close to the area of use should be of far greater interest to the Board and the citizens it represents. 30-1

2.2.2 Environmental Impacts

The significant increases in Environmental Impacts generated by a **temporary** asphalt plant include increased traffic, negative Air Quality impacts increased VMT, and the Big One: much more diesel fuel consumption for delivery. These are the current problems, but if you look at the longer picture, increased fuel and energy costs will far outweigh any minor feel-good wins flowing from requiring a temporary plant. 30-2

The BOS is charged with making good decisions in the present moment for long-term good function of the county. A permanent plant meets that goal; a temporary one does not.

Letter 30 Response: Hal Wagenet, October 14, 2019

30-1 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

30-2 See the response to comment 30-1, above.

30-3 See the response to comment 30-1, above.

30-4 See the response to comment 30-1, above.

30-5 See the response to comment 30-1, above.

30-6 See the response to comment 30-1, above.

From: mary wolf

Sent: Monday, October 14, 2019 4:35 PM

To: Mendocino County Executive Office

Subject: Keep the code

Board of Supervisors: In light of how for out of hand this has gotten: when I moved to the Golden Rule Mobile Village in 2008 I looked forward to retiring to a beautiful place, clean air and water. The thought of a asphalt plant above us is CRAZY !! Not only do we have many seniors with health issues (they come with age) but we have people that came for therapy at the Seabiscuit Riding Therapy Center. Do you really want t put us in harms way? Who's best interest do you have in mind: Northern Aggregates that who ! 31-1

Please stop this !!

Mary Wolf

16100 N. Hwy 101 # 20

Willits Ca

Letter 31 Response: Mary Wolf, October 14, 2019

31-1 Please see Master Response 2: *Significant New Information*, which discusses the existing environment considered in the 2011 RDEIR. None of the uses noted by the commenter are new, and impacts from the project to each of those uses was evaluated in the 2011 RDEIR. As such, the commenter has not provided any new significant information that would suggest that the 2011 RDEIR's analysis was inadequate. Ultimately, the commenter is expressing her opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Comment Letter No. 32

From: PBS PBS
To: Caitlin Schafer
Date: 10/16/2019 7:42 AM
Subject: Fwd: Harris Quarry EIR Comment

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
Phone: (707) 234-6650
Coast Office:
120 W. Fir St, Fort Bragg CA 95437
Phone: (707) 964-5379
Web: www.co.mendocino.ca.us/planning/

>>> Dimitri Brown <dbrown1312@gmail.com> 10/15/2019 4:31 PM >>>
To whom this may concern,

I am a resident and farmer on Ridgewood Ranch and have been made aware of the plans by NA to build an asphalt plant at the top of the Ridgewood Grade. All I can comment on is how large of a mistake this would be. Besides building in an area that is HEAVILY wooded and therefore an UNSAFE choice of locations for a potential fire hazard, it as is as well close to so many homes and surrounding farms that it makes for an unsafe quality of life. 32-1

In addition, the new developments at the top of the ridge (the new construction for a elderly live in care home as well as a ridge top service station that sells organic Mendocino grown local foods and goods) would be severely negatively affected by the addition of NA new asphalt plant. 32-2
There are hundreds of people that would be so greatly affected negatively by the passing of this plant.
Thank you!
Dimitri Brown

Letter 32 Response: Dimitri Brown, October 15, 2019

32-1 Please see Master Response 2: *Significant New Information*, which discusses the existing environment considered in the 2011 RDEIR. None of the uses noted by the commenter are new, and impacts from the project to each of those uses was evaluated in the 2011 RDEIR. As such, the commenter has not provided any new significant information that would suggest that the 2011 RDEIR's analysis was inadequate. With respect to the commenter's remarks concerning wildfire risks, please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

32-2 Please see Master Response 2: *Significant New Information*, which discusses the existing environment considered in the 2011 RDEIR. None of the uses noted by the commenter are new, and impacts from the project to each of those uses was evaluated in the 2011 RDEIR. As such, the commenter has not provided any new significant information that would suggest that the 2011 RDEIR's analysis was inadequate. With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

Comment Letter No. 33

From: PBS PBS
To: Caitlin Schafer
Date: 10/16/2019 7:41 AM
Subject: Fwd: Harris Quarry EIR Comment

Planning & Building Services Staff

County of Mendocino
Main Office:
860 N. Bush St, Ukiah CA 95482
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Web: www.co.mendocino.ca.us/planning/

>>> Mirthwood <dna@pacific.net> 10/15/2019 4:12 PM >>>
Re: Northern Aggregates Harris Quarry Project EIR Public comments
To: Mendocino County Department of Planning and Building Services, pbs@mendocinocounty.org
Mendocino County Board of Supervisors, bos@mendocinocounty.org

October 15, 2019
Dear Sirs and Madams,

I am writing today to voice my opposition to the approval of the currently proposed asphalt plant project at Harris Quarry and the need for the EIR to address significant new circumstances. A most pressing issue for me and my neighbors is the increasing threat of wildfire. An asphalt plant at the Harris Quarry increases the risk of wildfire because of the volatile nature of asphalt production. This coupled with the mountainous terrain that is prone to high winds and the surrounding wildlands with ample vegetation that is easily ignited.

To make matters worse, in 2017 a landslide closed Williams Ranch Road leaving Black Bart Road adjacent to the Quarry our only way out. There is little likelihood of the road being repaired because it is a private road maintained by a Road Association. There are numerous impediments to repair and I expect it may be quite some time before the road is repaired, if ever. It has already been almost three years since the road was closed and new hurdles just keep coming.

This is a community with over 300 parcels, some of them with two dwellings on them. We all feel very vulnerable. We could easily be trapped with emergency vehicles unable to access our neighborhoods. Our only exit is less than 500' from the quarry.

33-1

The EIR has not addressed the new circumstance of the Ridgewood Park Community now having only one exit.

The EIR has also not addressed the increasing incidence of high winds. This is a direct cause of catastrophic wildfires when there is a source of ignition. An asphalt plant is an added source of ignition.

I believe a supplemental EIR on the subject of the dangers of fires both from climate change and the neighboring community now being a single exit community is required. I strongly oppose an asphalt plant located at the quarry site specifically because of the fire danger. There are other more appropriate locations.

Sincerely,
Rosamond Crowder
dna@pacific.net

Letter 33 Response: Rosamond Crowder, October 15, 2019

33-1 With respect to the commenter's remarks concerning wildfire risks, please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Furthermore, as discussed further in Master Response 2a, Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion. Therefore, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

With respect to commenter's request that a supplemental EIR be prepared, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

From: Ryan Michael <ryanmichaelhurley@gmail.com>
Sent: Tuesday, October 15, 2019 12:28 PM
To: Board of Supervisors
Subject: Proposed Asphalt plant at Ridgewood Grade, Willits

Mendocino County Board of Supervisors:

The proposed plan for an asphalt plant by Northern Aggregate, atop the highest point in eleva on along the en rety of Highway 101 would be a disastrous monument to an already fledgeling rela onship between humans and their natural environment. Since there is no immediate need for an abundance of asphalt, even for a portable temporary means of produc on, there certainly is no need for a permanent one to be constructed within a dense evergreen hilltop so near to the only means of egress for hundreds of county residents. As I keep thinking about the real
implica ons of such an industrial development, I cannot get past the idea that the addi on of said plant, would change the lives, not only for those engaged in the legal struggle (Keep the Code/Ridgewood Ranch/Golden Rule and Northern Aggregate), but the lives of everyone in the county and beyond. I imagine in a more perfect democra c society, this decision would not be up to a handful of individuals to decide, but for the county as a whole. I cannot imagine how terribly sad it would be to be constantly reminded of the persistent no on of ever-expanding industrializa on and the fu le a empt to dominate our natural world every me one travels the grade into Willits. In a recent professional observa on, it was determined that an es mated 80,000 travelers pass by this point on a daily basis. Literally thousands of people will turn their focus to a plume of black smoke and machinery dangling precariously on the highest eleva on along this road from north to south. What a disgus ng crown of shame it would be. It would change the en re county and for this reason, I do not feel the decision should be in the hands of the supervisors or business courts. If the argument is that asphalt produc on, in that very place, is so very vital to every ci zen of Mendocino County, then every resident should have a vote as to whether it comes into existence.

34-1

In addi on to it being wrong on an environmental level, it threatens the peace of residents in other ways. The EIR states that the volume of the plant in produc on mode would be at least twice as loud as the already booming highway. Since the plan was first introduced, many changes have occurred on the property owned by the Golden Rule Church Associa on as well. These plans include low-cost housing for seniors and people with high needs (for which the county and state are desperate!); a community kitchen and co-packing facility, and an organic/local/natural market. The crea on of an asphalt plant is in direct opposi on to sustainable growth of the county as it stands against the growing needs of our local community.

34-2

To entertain scenarios in which a plant was ul mately constructed, and, worst-case, it did catch fire, there would be hundreds of residents trapped inside the valley west of the highway accessible only via Black Bart Road. As a fire survivor of the 2017 Mendocino Complex fire, I can speak personally of the serious importance of having mul ple means of egress from a valley or any rural area, especially given the reality of fire danger in which we now live.
Many will recall the line of cars trickling through the rugged back exit of Redwood Valley as a firestorm engulfed the other roads out. Had the blaze moved in a different direc on that evening, the Tomki Creek crossings may have been blocked as well leaving residents stranded in a literal ring of fire. In this case, it is an absolutely foreseeable possibility of disaster, and Northern Aggregate has suggested nothing in terms of how to mi gate the dangerous situa on they are figh ng so hard to push through. How many lives is Northern Aggregate willing to endanger for their own profit? Apparently, it is a very high number.

34-3

In all honesty and in the interest of fairness, I would be glad to entertain the supposed benefits of such a plant. It could be presumed those ideas and facts would have by now become public information, but considering they are not, it is my estimation that the benefits are far overshadowed by the obvious risks in allowing Northern Aggregate to proceed with this plan. Please, do not let this happen. 34-4

Yours Truly,

Ryan M. Hurley
16680 Highway 101
Willits, CA 95490

PS: yes, i live directly behind the hill on which the building site has been proposed.

Letter 34 Response: Ryan Hurley, October 15, 2019

34-1 This comment asserts the commenter's opinion as to the need for an on-site asphalt plant. Ultimately, the commenter's assertion here that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

Other elements of this comment express the opinion of the commenter on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

34-2 Please see Master Response 2: *Significant New Information*, which discusses the existing environment considered in the 2011 RDEIR. None of the uses noted by the commenter are new, and impacts from the project to each of those uses was evaluated in the 2011 RDEIR. As such, the commenter has not provided any new significant information that would suggest that the 2011 RDEIR's analysis was inadequate.

Further, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the continued validity of the information contained in the 2011 RDEIR. The issue of the project's noise impacts has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis

included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

34-3 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were analyzed in the 2011 RDEIR and project features designed to reduce the risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from the neighborhoods could utilize Black Bart Drive have not changed. This impact and the mitigation provided in the 2011 RDEIR remain valid, and the commenters have not identified any new significant impact that would occur or new mitigation that would be required. No further analysis or response is required.

34-4 The commenter is expressing his opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

Comment Letter No. 35

From: PBS PBS
To: Caitlin Schafer
Date: 10/16/2019 7:42 AM
Subject: Fwd: Harris Quarry EIR Comment from Keep the Code
Attachments: Joe Knight PLAN BOS 100819 LTR.pdf; Joe Knight Letter to Supervisor Gjerde 6:2019.pages; Review of the Harris Quarry Use Permit 10-14-19.pdf; BeSafe_Asphalt.pdf; GECO harris Letter 10-11.pdf; RCH AQ Comment Letter 10-14.pdf; KTC-60-mile-radius-map5.jpg; D1_2-Black B art Drive Roadshed.pdf

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www.co.mendocino.ca.us/planning/

>>> Cynthia Raiser Jeavons <cynthia2@sonic.net> 10/15/2019 4:48 PM >>>
Dear Mendocino County Planning and Building Department,
Dear Mendocino County Supervisors,

There is no valid reason to circumvent Mendocino County Code in order to accommodate an asphalt plant on Rangeland on a ridgetop in the midst of oak and fir woodlands.

There are MANY important Significant New Concerns related to this proposed project. We have attached the referenced a number of expert letters to this email for your convenience. You may have already received some of these letters under separate cover.

You will be additionally receiving a separate letter from Keep the Code's long-time attorney, Chip Wilkins III of Remy, Moose and Manley Environmental Law.

Additionally, Keep the Code has not signed off on the County's retention of The Thomas Law Group Attorney Tina Thomas, who was previously a partner of Remy Thomas Moose and Manly when Keep the Code originally retained that Law firm in 2007.

COURT ORDER AND THE LAW requires that these issues of Significant New Concern be addressed. "… the Revised Draft Environmental Impact Report (RDEIR) for the Harris Quarry Use Permit and Reclamation Plan (SCH#2006112087) because the RDEIR as published does not satisfy the requirements of the California Environmental Quality Act (CEQA) and expressly misstates the law governing the permissible scope of public comments.

Accordingly, the public has been grossly deceived by this unlawful attempt to block comment on significant and material environmental impacts that did not exist at the time the original EIR was certified in 2012." Please see the attached letter - Joe Knight PLAN BOS - regarding this legal requirement. 35-1

The Mendocino County **PLANNING COMMISSION** has never reviewed or approved any of the previous EIR's for this project. At what point in this process will there be Planning Commission review of this EIR? The attached letter from **Joe Knight** clarifies that the Supervisors took "original jurisdiction" to bypass the planning commission based on FALSE testimony and information from Northern Aggregates. "This claim that the quarry's closure is imminent is patently false; by order of the Mendocino County Superior Court, that 75,000 cubic yard production limit may not be imposed." Please see the attached Joe Knight Letter to Supervisor Gjerde for further context. This decision must be reversed. The expertise of the Planning Commission is relevant and important to this project. Why does Mendocino County have a Planning Commission if they will not be allowed to review this highly controversial project? 35-2

• **AIR QUALITY - NEW STANDARDS AND INCREASED UNDERSTANDING OF AIR POLLUTION RISKS:** The attached letter from **Paul Miller,** Principal, RCH Group, Inc., Senior Air Quality Reviewer, (attached RCH AQ Comment Letter) describes a number of ways the EIR must be updated to meet current standards and laws, including:

"A major concern of the local citizens is their health and the "accuracy" or "reliability" of the Health Risk Assessment (HRA) from the 2011 Revised EIR. While it was adequate in 2011 and showed the impact of toxic air contaminants would be less than significant, that analysis is now "stale". In February 2015, the California Office of Environmental Health Hazard Assessment (OEHHA) released the Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments (2015 Guidance Manual).
"Given the above information about larger (greater) risks under the new OEHHA *Guidance Manual*, the Harris Quarry HRA should be updated before the CEQA document is certified and the proposed project is approved. Furthermore, mitigations must be implemented (operational modifications as necessary) to reduce any increased cancer risk to less than 10 in a million.
We are also concerned that there is no consideration for the proposed new elder care home near the proposed asphalt plant. Only the receptors from 2007/2011 are considered in the 2011 Revised DEIR. Elders are considered a sensitive population as described in the 2015 Guidance Document (section 4-20)." 35-3

According to Expert **Richard Grassetti**, "The proposed plant is a large capacity facility designed for the Willits bypass which has now been completed. There are no large projects within economic range of this plant into the foreseeable future. Very unlikely that Willits bypass will be expanded to 4 lanes each direction due to lack of need and reduced population growth projections."
This is a changed condition that renders the alternatives analysis in the Revised Draft EIR obsolete." *and* 35-4

"Neither the original EIR nor the current RDEIR include an evaluation of Tribal Cultural Resources as required under AB 52. Because the project has not been approved and is currently undergoing remedial CEQA review, the 2019 DEIR must include an assessment of the project's compliance with AB 52, including consultation with applicable tribal representatives. Absent this assessment and consultation, this DEIR is deficient and fails to meet AB 52 requirements." 35-5

Both of the attached letters from Paul Thomas and Richard Grassetti raise **Significant New Considerations**. Where will the public find responses to all

the points raised in both of their letters? How will the County be meeting the new air quality standards for this project, as put forth in the California Air Toxics Hot Spots Program? https://oehha.ca.gov/media/downloads/crnr/2015guidancemanual.pdf

• **WILDFIRE** - Expert Chris Lautemberger of REAX Engineering of San Francisco and Washington DC is planned to have future comments on the very serious dangers presented by placing a heavy industry asphalt plant on a mountain in a wildfire zone. This area has not burned in many decades, has heavy loads of wildfire fuel, and the nearby devastating 2017 fires in Redwood Valley show the terror and loss of life and property that are very possible for the Ridgewood Subdivision. Please see the attached Mendocino County Planning and Building Department map of the 334 properties that ALL uses Black Bart Road as their ONLY route of ingress and egress. A wildfire at the beginning of Black Bart Road could TRAP all these residents as well as block necessary emergency crews, rescuers and firefighters. If we conservatively consider 3 people per property, that could be over a THOUSAND residents trapped by such a fire. Is Mendocino County prepared to be be responsible for this horrendous level of loss of life and property? What kind of liability insurance policy does Mendocino County currently have that would protect the county from the inevitable lawsuits that would arise from such a wildfire if the proposed asphalt plant were involved in any way, given that the County is well aware of the significantly increased fire risk to the Mendocino County residents of this area? 35-6

• How would an asphalt plant at the entrance of Black Bart Road affect the 334 property owners ability to acquire and renew fire insurance policies?

• How will **PROPERTY VALUES** of all the properties who use Black Bart Road be affected by the fire danger, visual and health impacts that a heavy industry asphalt plant inevitably produces? As property values in this subdivision will decrease (up to 56%, according to BeSafe_Asphalt.PDF, attached), so will the tax revenues from these 334 properties will also be reduced. Including increased health costs, fire danger, and reduced property values, what is the cost:benefit analysis to the residents? Including increased health and safety risks to humans and the environment, increased liability risks for the County, fire danger, and reduced property values/tax base, what is the cost:benefit analysis to Mendocino County? Do the residents or the County bear the higher cost burden of the proposed asphalt plant? Is Mendocino County more responsible for the protection the interests of residents and the environment, or individual business'? 35-7

• **ASPHALT** Expert Dr. Shakir Shatnawi has a Ph.D. in Transportation Engineering and Pavement Design, and Masters in Construction Management with over 27 years of practical and extensive engineering and transportation expertise covering industry and public agencies including Caltrans and FHWA. His expert testimony is attached to this email for your convenience. He has analyzed the Draft EIR's. Please read his full letter to understand the basis of his expert statements, including: "It is clear that the addition of an asphalt plant on the Harris Quarry site is not needed to meet the County's future demands. The e*conomic analysis of the proposed Harris Quarry Expansion Project* that was included in the 2019 Revised Draft Environmental Impact Report, indicates that large projects within the market area of the Harris Quarry, like Phase I of the Willits Bypass, are rare and the only large project planned within the next 20 years is Phase II of the Willits Bypass. The report also indicates that the increase of planned construction projects which would utilize funding from Senate Bill 1 (The Gas Tax) are either outside the market area of the Harris Quarry or are not significant in size to economically warrant the addition of the proposed asphalt plant.
There is an existing asphalt plant nearby to the Harris Quarry site which covers virtually the same market area to many of the potential project locations. Therefore, by adding an asphalt plant at the Harris Quarry, the County would not see a substantial decrease in vehicle miles traveled (VMT)."
Where in the EIR has the county addressed the issue of **RUBBERIZED ASPHALT** noxious odors and production? 35-8

Where can the public find the current **TRAFFIC COLLISION RATES AND INADEQUATE TURNING LANE LENGTHS** problems addressed? 35-9

SIGNIFICANT NEW AND CHANGED CONDITIONS AND OVERRIDING CONSIDERATIONS must be addressed. There are over **108 MITIGATIONS** to this complex project proposal because of the necessity to change the Mendocino County Code and challenging location in land zoned as Rangeland. Where in the document will the public find the required updated mitigations, evaluations and remedies, taking into full considerations the new laws which now impact the old evaluations in the EIR? These Substantial New Considerations must be included and updated before the EIR can be re-circulated. 35-10

NEW NEARBY RESIDENTS: The proposed asphalt plant project would be located 800 feet away from an Eldercare and end-of-life Palliative Care Living Facility that has been specifically designed to meet some of Mendocino County's most pressing and specialized housing needs. An asphalt plant next to this highly sensitive population would be an extreme health burden on residents, according to local health experts Lynn Meadows, P.A., Dr. Ace Barash, M.D., and Dr. Marvin Trotter, M.D. Risks to this new sensitive population must be addressed by a Revised DEIR. You will be receiving a separate letter on this very important issue. Where will the public find responses to the Significant Concerns brought forth by these local medical experts? 35-11

• What is the **CURRENT NEED** for a permanent asphalt plant at the Harris Quarry location? The Revised Draft EIR 2019 has failed to show a need for a permanent asphalt plant. Alternative 4 is based on supplying the Willits Bypass which has been completed, and no big projects are forthcoming as stated in the EIR Alternative 4. See the attached satellite map with 60 mile radius circles around five existing asphalt plants that serve the same area as the proposed Northern Aggregates Asphalt plant would serve. Please see also asphalt expert Shakir Shatnawi's letter (attached Review of the Harris Quarry Use Permit 10-14-19) who describes these issues in detail that are illustrated with isochrome maps. Mr. Shatnawi strongly recommends the rejection of Alternatives 4 & 5. Granite already has a nearby asphalt plant on North State Street in Ukiah which is successfully meeting local asphalt needs while only operating the asphalt plant several days per week, so are the potential customers going to come at the expense of the Granite asphalt business? If Harris Quarry's asphalt business model is to undercut/undersell Granite's nearby asphalt business, what is the cost:benefit ratio to Mendocino County? Assuming Mendocino County's asphalt needs are given, what is the benefit to Mendocino County tax revenue base if the asphalt originates at the Granite vs. Harris Quarry asphalt plants? What is this Harris Quarry:Granite cost:benefit ratio to the people and environment of Mendocino County, considering a potential small savings on cost of local asphalt vs. increased overall costs due to increased insurance risks, wildfire and health dangers and decreases in safety and property values and tax base? 35-12

Keep the Code has given MANY reasons that the 2019 Revised Draft EIR is both obsolete and inadequate to meet the legal requirements set forth in CEQA. Keep the Code supports the use of a state-of-the-art pollution controlled mobile asphalt unit which would reduce both VMT's and long-term pollution burden by moving the plant to wherever the asphalt production is required for projects and road repair in this far-reaching county. This option best meets the objectives of the project in a way that benefits Northern Aggregates and Mendocino County, as well as residents and the environment. 35-13

Mendocino County should NOT approve the current 2019 DEIR document, and must revise it to meet the standards put forth in California law.

Respectfully,
Cynthia Raiser Jeavons
Ann Kelly
for Keep the Code

Letter 35 Response: Cynthia Jeavons, October 15, 2019

35-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which provides information on the scope of the 2019 RDEIR, as defined by the Court of Appeal in its remand to the County. See also Master Response 2: *Significant New Information*, as well as its various sub responses (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Accidents & Transportation Improvements*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*), which provide information on the continued validity of the information contained in the 2011 RDEIR. Each of these issues have already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

35-2 The Mendocino County Planning Commission considered the proposed project and the 2011 RDEIR and/or 2012 FEIR at several hearings including the March 22, 2012 hearing in which the Planning Commission recommended to the Board approval of the Ordinance Amendment and Rezoning (#OA 1-2007 and #R 4-2011) and the May 17, 2012 hearing in which the Planning Commission approved the Use Permit Renewal/Modification (UR 19-83/2005) and the Reclamation Plan Renewal. The proposed project and associated approvals for the proposed project have not substantively changed from the versions previously considered by the Planning Commission. Release of the 2019 RDEIR does not require the Planning Commission to reconsider the recommendations and actions it previously took on the proposed project. (*Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912, 924-925.) Furthermore, on June 18, 2019, the Mendocino County Board of Supervisors considered and approved the applicants request for "direct review" of actions related to the Harris Quarry project pursuant to Chapter 2.54.010 of the Mendocino County Code. A copy of the applicant's request, associated correspondence, and minutes of the meeting documenting the Board's approval of the request can be found on the Mendocino County Website at https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes. The Board's action means that the Board of Supervisors will consider all project-related actions, including rescinding earlier Final EIR and re-certifying the new Final EIR, without returning to the Planning Commission.

35-3 With respect to the project's air quality impacts and the applicability of the project's health risk assessment, please see Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which describes how applicable case law has consistently affirmed that new or revised standards cannot be retroactively applied to projects that have already undergone environmental review. See also Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and*

Other Properties, which outlines the existing and proposed uses around the project site, and how those uses do not constitute significant new information or present new types of effects that weren't sufficiently evaluated in the 2012 FEIR. None of the issues raised by the commenter constitute a new substantial impact, or a substantially increased impact on the environment, as asserted by the commenter.

35-4 This comment asserts the commenter's opinion as to the need for an on-site asphalt plant. Ultimately, the commenter's assertion here that the asphalt plant is not needed merely conveys the opinion of the commenter as to her views on the desirability of the plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

35-5 Concerning the applicability of AB 52 to the project, the text of that law is clear, where it is stated: "This act shall apply only to a project that has a notice of preparation or a notice of negative declaration or mitigated negative declaration filed on or after July 1, 2015" (A.B. 52 Sec. 11(c)). Based on the project EIR's Notice of Preparation having been issued well before that date, (August 4, 2010), the requirements of the law do not apply to the project. However, the County did undertake extensive tribal consultation efforts as part to the 2011 RDEIR's preparation. As stated on page 347 of the 2011 RDEIR, the Native American Heritage Commission recommended that 11 individuals in 7 tribes/bands/nations be contacted to see if they were aware of any cultural resources on the site. Representatives of the Potter Valley Tribe, Pinoleville Pomo Nation, Laytonville Rancheria/Cahto Indian Tribe, Sherwood Valley Rancheria of Pomo, Noyo River Indian Community, She Bel Na Band of Pomo Indians, and a representative of the Coast Miwok and Pomo were sent letters requesting that they identify any resources or concerns associated with the project. No responses were received from any of these representatives.

35-6 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as

the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

35-7 This comment is outside the scope of the EIR, which was prepared to evaluate and disclose the environmental impacts of the proposed action. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action, and the County has fulfilled that requirement under CEQA by preparing the EIR and providing the public with the opportunity to comment on the environmental effects of the project. The ultimate decision as to whether or not to approve the project will fall to the County's elected decision-makers. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

35-8 With respect to the need for an asphalt plant at the project site, please see the response to comment 35-4, above. With respect to the commenter's remarks concerning odors produced by rubberized asphalt, the project's odor impacts were evaluated in Impact 4.6-F of the 2011 RDEIR. Mitigation Measure 4.6-F.1 was prescribed to lessen impacts from odors, and prescribed specific thresholds that could not be surpassed as part of the project's operation. The text of the measure

is as follows: "The asphalt plant shall not result in noxious odors. The plant will be a facility that meets at least the odor emission levels and controls used to assess impacts from that facility in this EIR. If MCAQMD determines that the facility selected for installation would exceed pollutant emission standards as stated in Mitigation Measures 4.6-C.1 and 4.6-E.2, then additional odor analysis will be conducted as part of the required additional CEQA review prior to MCAQMD issuing any permits for the project."

Based on the performance standards contained within the mitigation measure, even if the applicant were to manufacture rubberized asphalt, the odors emitted would not be allowed to exceed the thresholds prescribed in the measure. As such, the odor impacts of manufacturing rubberized asphalt would not be any more severe than that disclosed in the 2011 RDEIR. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

35-9 Please see Master Response 2b: *Transportation Improvements & Accidents* which documents the overall decline in collision rates over the last five years, as well as the sufficiency of the US-101 roadway improvements that have been implemented since certification of the 2012 RFEIR. No further response is required.

35-10 Please see the response to comment 35-1, above.

35-11 With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

35-12 Please see the response to comment 35-4, above. Furthermore, in evaluating the feasibility of alternatives, the decision maker is not limited to economic considerations. "Whether a mitigation measure or alternative is feasible 'involves a balancing of various 'economic, environmental, social, and technological factors.'" (*Citizens Opposing a Dangerous Environment v. County of Kern* (2014) 228 Cal.App.4th 360, 381; see also CEQA Guidelines, Section 15364 ["'Feasible' means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."].) It is the role of the decision maker to conduct this balancing and determine whether an environmentally superior alternative is feasible based on substantial evidence in the record. The commenter's concerns are noted and will be forwarded to the Board to consider when it evaluates the proposed project and the alternatives set forth in the EIR.

35-13 With respect to the consideration of a mobile asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

Comment Letter No. 36

From: PBS PBS
To: Eduardo Hernandez
Date: 10/15/2019 9:59 AM
Subject: Fwd: Harris Quarry Comments

Planning & Building Services Staff

County of Mendocino
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>>> Sheila Jenkins <glazegoddess@gmail.com> 10/15/2019 8:19 AM >>>

Mendocino County Department of Planning and Building
860 North Bush Street
Ukiah, CA 95482

SUBJECT: COMMENTS ON 2019 REVISED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE HARRIS QUARRY USE PARMIT AND RECLAMATION PLAN (SCH#2006112087)

Dear Planning Commissioners,
It is my view that the county should revise and expand upon the RDEIR for the Harris Quarry Project to take into account significant new developments. The county may be limited to considering only Alternatives 4 and 5, but it is not limited to reviewing only an outdated EIR. Rather, the county is compelled by CEQA law to consider new developments and significant new changes when considering these two alternatives.

While the County need not further expand the 2012 EIR under this court order, it still must comply with all CEQA statutes and Guidelines applicable to EIRs. Specifically, it must adequately describe impacts of the project on the environment **at the time that the project is proposed for approval**. Per CEQA Guidelines Section 15225(a), not limiting itself to considering only an old, out of date environmental setting. 36-1

I also believe that the lawyer for Northern Ag, as well as the county, whether purposefully or not, has misstated the permissible scope of public comments on the RDEIR. 36-2

The county can and should issue and re-circulate a supplemental EIR because there are significant new developments and the EIR should be revised to account for these changed conditions.

This is the path forward to get us from an over sized, high impact and dangerous project to a smart alternative that will better serve the people of this county and create a win-win for all of us.

Project Site
I've never thought that it made good sense to disregard our General Plan and put one of the smelliest, most polluting and dangerous of industries anywhere but in an industrial zone, unless you **want** to invite conflict,

Unfortunately, the Harris Quarry project has invited 15 years of conflict because it is neither compatible with the surrounding, already approved uses, nor is the site appropriate for heavy industry. The site is situated on a forested mountain top with difficult access to both the proposed plant and to the intersection of the highway. 36-3

Access to the plant allows for only one truck at a time into the plant along a narrow cut on a mountainside through dense forest. All waiting trucks must idle by the highway to wait their turn. Access at the highway is a fast moving sweeping curve with impaired visibility, undersized merging lanes and a history of severe traffic accidents. This is NOT the good access you would typically have with an industrial site,

Fire Risk
California has the longest dry season of all Mediterranean climates on earth and the projections are for an increasing dry season, drought, higher temperatures and unstable air currents. This will likely translate into more fast moving fires, especially along ridge tops. Is this not a substantial change of our historical climate regime that must be considered as a significant new development and addressed in the EIR ?

Given that both fires and explosions are associated with asphalt plants, does it not seem unwise, under these new climate conditions, to install a fire hazard in a forest with heavy fuel loads, and on a mountain top ?

Additionally, with the closing of Muir Mill Rd we now have only one escape route for over 300 properties. Does it not seem reckless to install a potential fire hazard at the only escape route for hundreds of people ? The EIR must evaluate this change in emergency access as well as the liability it imposes on the county/public. 36-4

Another problem with this site is that the property is on a very dangerous stretch of the highway and the accident rate has skyrocketed since 2011, in spite of the road improvements. The current accident rate is a substantial increase in severity and therefore doesn't this new traffic situation need to be addressed in the EIR ?

Although Northern Aggregate has improved the entrance and exit to the quarry, the new lanes are too short and do not meet the requirements of the FEIR, much less address the new, much higher, accident rate. Given this deficiency, will the entrance and exit lanes be required to at least meet the EIR design requirements, or better yet be further improved to increase safety conditions ?

Toxic waste collection ponds 36-5

Putting toxic waste ponds to collect the runoff from the plant on a geologically unstable mountain above a tributary of the Russian River seems like another bad idea. These ponds are to be monitored, but both the county and Northern Ag do not have a good track record of monitoring. 36-5

The county has not been able to even monitor the extraction of the rock that they are supposedly taxing! And Northern Ag has a history of lying about its extraction rate, among other things, and a history of not notifying their neighbors before blasting, which they're supposed to do. And neither parties have been willing to be accountable by making the extraction records available to the public.

Given this history of lying and cheating, and without penalty to Northern Ag, and given the lack of accountability by the county, is it realistic to assume that proper monitoring will be provided of these ponds for the life of the plant ? If the ponds leak and contaminate the region would the county/the public have to pay for the clean up should Northern Ag skip town ?

Project Need and Project Scale

The proposed plant is oversized based on a significant decrease in the population growth projections used in the EIR. In addition, it is unlikely that the Willits bypass will be expanded nor are there other large projects planned in the foreseeable future. Will this changed condition be considered with the EIR ? 36-6

If this large plant were to be built could it encourage the trucking of asphalt out of county, which would increase the VMT's ? 36-7

Could the installation of a large plant so close to the Granite facility potentially take Granite's market share and drive them out ?

Given that Granite only needs to produce asphalt a few days a week to meet the counties current needs, does it make sense to install another highly polluting plant on an undisturbed and environmentally sensitive site ? Shouldn't the county have done a cost/benefit analysis on this project to be able to establish the cost versus the benefits to our community with some accuracy ? 36-8

Since all of the negative environmental impacts can be reduced by a "right-sized", properly sited plant, and given this site's closeness to sensitive populations, does it make good sense to approve an oversized, therefore more polluting and impactful plant ? 36-9

Asphalt plants impose a reduction in the value of the nearby properties. Given that the need for this plant is in question, does it make sense to devalue existing properties unnecessarily, which will potentially have a negative impact on property tax assessments and on the lives of so many disappointed citizens ? 36-10

The proposed plant is outdated, not the best available technology and less versatile given its fixed design.

If the primary need for asphalt is at the more under served, rural locations, does it make sense to install a fixed plant instead of a mobile plant which could serve these outlying areas better ? 36-11

The proposed plant would be run by diesel generators which is polluting and will impose an unnecessary health hazard.
PG&E power is available, which is less polluting and less of a fire risk than diesel fuel. Why does this plan specify diesel generators when PG&E is available ? 36-12

This design also does not have the design capability to re-cycle asphalt which would increase its efficiency considerably. 36-13

Conclusion

Alternative 4 is no longer relevant or feasible. because the Willits Bypass has been constructed. This alternative could be revised to adapt to the changed conditions with a smaller, portable plant which would reduce all negative impacts: 36-14

A 75 ft. Tower would not mar the beautiful views.
Night lighting would not disturb our dark night skies.
No loss of our endangered Oak woodlands if an already disturbed site was used, and with reduced risk of fire.
No toxic waste ponds to put our drinking water and endangered steelhead at risk.
Less air pollution impacts to the nearby neighbors homes, schools and farms.
Less impacts to our property values
Locations near sensitive populations could be avoided

Please consider the most accurate and updated information available to base your decision on for this community.
Sincerely,
Sheila Jenkins
2354 Baywood Wy
Willits

Letter 36 Response: Shelia Jenkins, October 15, 2019

36-1 Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date. Finally, the commenter is in error in her application of CEQA Guidelines Section 15225(a) as a mechanism requiring recirculation of a new environmental setting and impact analysis for the project. Firstly, CEQA Guidelines Section 15225(a) concerns projects that are also subject to National Environmental Policy Act review, which is not applicable to this project. Secondly, the CEQA Guidelines do not require issuance of a new NOP when an EIR is revised and recirculated. Accordingly, the environmental baseline for analysis was not reset when the 2019 RDEIR began circulation, and the applicable environmental baseline continues to be the date of issuance of the NOP for the 2011 RDEIR, which was issued on August 4, 2010. Per the directions of the remand, the County was charged only with reconsidering the analysis for Alternatives 4 and 5. The commenter incorrectly assumes that because it believes significant new information exists, the County must recirculate the 2019 RDEIR to address such suggested new information. This is incorrect. The County must only address such information in a recirculated RDEIR if the County first finds, based on substantial evidence, that significant new information exists. (*Chaparral Greens v. City of Chula Vista* (1996) 50 Cal. App. 4th 1134, 1147 ["Only the addition of significant new information triggers the need for recirculation under section 21092.1 and thus the agency's first obligation is to determine whether the new information meets this statutory requirement."].) As discussed in Master Response 2 and throughout this FEIR, the County has not identified any significant new information as defined by CEQA that requires the recirculation of the 2019 RDEIR.

36-2 Please see the response to comment 36-1, above.

36-3 With respect to the comment concerning traffic safety associated with the project, please see Master Response 2b: *Transportation Improvements & Accidents* which documents the overall decline in collision rates over the last five years, as well as the sufficiency of the US-101 roadway improvements that have been implemented since certification of the 2012 RFEIR. No further response is required.

36-4 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to

evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Furthermore, as discussed further in Master Response 2a, Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion. Therefore, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

With respect to the comment concerning traffic safety associated with the project, please see Master Response 2b: *Transportation Improvements & Accidents* which documents the overall decline in collision rates over the last five years, as well as the sufficiency of the US-101 roadway improvements that have been implemented since certification of the 2012 RFEIR. No further response is required.

36-5 This comment refers to an issue that is outside of the scope of the 2019 RDEIR, as directed by the Court of Appeal in its remand to the County. The water quality impacts of the project that are referred to by the commenter where analyzed and disclosed in the 2012 FEIR, and the topic has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

With respect to monitoring of mitigation measure implementation for the project, when an EIR determines that a particular environmental impact would be "significant," the EIR must propose and describe feasible mitigation measures that will minimize or reduce the impact. (Pub. Resources Code, Section 21100, subd. (b)(3); CEQA Guidelines, Section 15126, subd. (e), 15126.4, 15370.) Responsibility for implementation and enforcement of individual mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (MMRP), as specified in CEQA Guidelines Section 15097. The MMRP for the project outlines the required mitigation measures, who they are implemented by, when they are implemented, who monitors the measures, when they must be verified by, and who verifies it. The proposed conditions of approval will obligate the applicant to fund the County's process to monitor compliance with the mitigation measures set forth in the EIR and, to the extent additional resources are needed, the County has the discretion to retain the services of consultants to assist County staff in confirming that the applicant complies fully with, and maintains compliance with, all requirements set forth in the MMRP. Furthermore, Mendocino County Code Section 20.216.015 provides that it is unlawful and prohibited to violate any term or condition of any permit or approval granted under Title 20, Division I of Mendocino County Code. Any member of the public who believes there has been a violation of Conditions of Approval and/or mitigation measures should file a complaint with the Mendocino County Department of Planning and Building Services Code Enforcement Division. Complaints can be filed over the phone, in person, or online on the Department website. Code Enforcement Staff will review the complaint and determine if it must be referred to other agencies for potential violation of any standards they may have. In addition to the Code Enforcement role noted above, each year during operation of a mining site, County Staff (certified by the California Division of Mine Reclamation as Surface Mine Inspectors) conducts an annual inspection, the cost of which is paid by the Applicant. At that time, County Staff verifies conformance with the Surface Mining and Reclamation Act (SMARA) and any required conditions of approval and/or mitigation measures applicable to the project.

36-6 This comment asserts the commenter's opinion as to the need for an on-site asphalt plant. Ultimately, the commenter's assertion here that the asphalt plant is not

needed merely conveys the opinion of the commenter as to her views on the desirability of the plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

36-7 The VMT associated with the project, including a future cumulative analysis that assumed the bypass's completion, was evaluated in the 2012 FEIR. The transportation impacts of the project where analyzed and disclosed in the 2012 FEIR, and the topic has already been litigated and resolved in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

36-8 This question is outside the scope of the EIR, which was prepared to evaluate and disclose the environmental impacts of the proposed action. The purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action, and the County has fulfilled that requirement under CEQA by preparing the EIR and providing the public with the opportunity to comment on the environmental effects of the project. The ultimate decision as to whether or not to approve the project will fall to the County's elected decision-makers. All public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

36-9 See the response to comment 36-6, above.

36-10 See the response to comment 36-6, above., See, also the response to comment 36-1.

36-11 Please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites are more urbanized than the project site and would have their own environmental effects (2011 RDEIR, p. 27). Regardless, the sufficiency of the alternative sites analysis in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of

mandate did not require the County to revisit the issue, or to consider additional alternatives beyond those already evaluated. As such, further analysis is not required.

36-12 The commenter is expressing her opinion on the merits of the project. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

36-13 The commenter is expressing her opinion on how the project should be designed and developed. Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.Court of Appeal

36-14 The commenter states the "a state-of-the-art asphalt plant should not rely upon diesel generators as this one does." Similar comments were raised during the administrative process leading up to certification of the 2012 FEIR. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA legal directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Additionally, as explained in the 2011 RDEIR, the project does not propose developing an asphalt plant that relies upon diesel generators. "The proposed asphalt plant will operate on electricity supplied by PG&E." (2011 RDEIR, p. 295.) The project applicant has not proposed any changes to project including any change to the requirement that the proposed asphalt plant operate on electricity supplied by PG&E. Therefore, the asphalt plant will not commence operation unless, and until, PG&E service is available for the asphalt plant. While the asphalt plant will operate on PG&E electricity, the existing quarry relies on diesel generator use. As explained in the 2011 RDEIR, because the PG&E grid may not be able to provide sufficient electricity to the site to provide all necessary electricity for both the asphalt plant and quarry, the 2011 RDEIR assumed that diesel generator use would continue to be required to generate all of the electricity required for the quarry. The 2012 FEIR, however, included a mitigation measure (Mitigation Measure 4.6-I.1), which requires "[u]se electricity provided by PG&E to the maximum extent possible to replace electricity generated by the on-site generator." As explained in the MMRP adopted by the County in 2012, this mitigation measure imposes a mandatory

requirement that must be implemented by the project applicant "as soon as… [PG&E power] is available to the site." In short, the asphalt plant will not commence operation until it can be served by PG&E electricity and, once the PG&E grid has sufficient capacity and infrastructure to replace electricity for the quarry generated by the on-site generator, the quarry will also operate in full, or in part, on electricity supplied by PG&E.

Furthermore, the 2012 FEIR evaluated the project's air quality impacts with the use of diesel generators for the quarry. The use of those generators was compared with baseline air quality emissions for the facility, and the air quality emission impacts of the project as a whole was found to be substantially less than applicable regulatory thresholds and therefore less than significant (see Impact 4.6-B in the 2011 Draft Recirculated EIR, particularly Table 4.6-12). To the extent the commenter intended to request that both the quarry and asphalt plant operate using PG&E electricity immediately, the commenter is requesting that a new alternative be evaluated for an impact that has already been found to be less than significant. Not only is consideration of such an alternative not warranted (see CEQA Guidelines Section 15126.6(a), which specifically directs analysis of alternatives towards those that would "substantially lessen any of the *significant effects* (emphasis added) of the project"), but the range of alternatives considered in the 2012 FEIR have already been litigated and resolved (with the exception of Alternatives 4 and 5, which are the subject of the 2019 RDEIR), or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. For this reason, consideration of this alternative is not warranted.

October 15, 2019

Ed Keller/Serena Jones
10755 Mobile Village Way #91
Willits, CA 95490

County of Mendocino Planning and Building Dept
860 N Bush St
Ukiah, CA 95482

To whom it may concern,

We live in the Golden Rule Mobile Village and oppose approval of the asphalt plant at Harris Quarry. It should never have gotten as far in the process as it already has. It's inappropriate to have such an industrial enterprise in agricultural zoning, particularly in that location. It's quite apparent that there will continue to be significant impact to the local communities in the area from just the quarry alone relating to sound, dust, and hazardous traffic. The operations there already spread dust over the valley here with the usual afternoon breeze. An asphalt plant will greatly exacerbate the degradation of the bucolic environment here from fumes, toxins, fire hazard, etc. Many persons in this neighborhood already suffer from pulmonary conditions. 37-1

Things have also been changing in our environment since this project was first proposed. Our community had a fire come raging toward us, only stopped by our own fire department and a fortunate wind shift. How can you justify siting an industry with such a high fire risk so close to people who would struggle with evacuation, due to limited mobility and limited egress? How can you justify the additional health risks to senior citizens? Considering there are good useful alternatives that could be achieved it seems reasonable that an updated review and design should be undertaken rather than staying with commitment to an old outdated technology, outdated regulations, and an inappropriate site. 37-2

If there where a pressing need for a stationary plant to be in this sensitive area, it would be one thing. But the option of a mobile asphalt processing plant that would be able to reuse old asphalt as well as the underutilization of current plants, apparently well into the future, suggest otherwise. The public deserves to have the best analysis of our current situation taken into full account. The county planning and Building Dept mission statement assures us that you will provide precise, up-to-date, and innovative expertise. We hope that you will fulfill that mission by obtaining a complete cost benefit analysis that takes into account the impacts of the entire thirty year anticipated life of the proposed project. 37-3

Sincerely,

Ed Keller and Serena Jones

cc: Mendocino County Supervisors

Letter 37 Response: Ed Keller & Serena Jones, October 15, 2019

37-1 With respect to the commenter's remarks about air quality emissions from the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The comment about adverse air quality effects is very general, so it is difficult to respond with specificity, but as explained in the master response, air quality considerations associated with the project have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. In other words, the analysis of air quality has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project.

37-2 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first

petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

37-3 With respect to the consideration of a mobile asphalt plant, please see Master Response 3: *Additional Alternatives for Consideration*, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

From: sonja lewis

Sent: Tuesday, October 15, 2019 4:49 PM

To: Board of Supervisors; Carre Brown; Dan Gjerde; John Haschak; John McCowen; Ted Williams

Subject: Proposed asphalt plant at Harris Quarry

As a resident 1.5 mile downwind from Harris Quarry, I ask you to *not* approve an asphalt plant at that site.

Regarding **Northern Aggregates & Harris Quarry—there are new/worsening issues if Alternative 4 (proposed expansion of rock quarry, and adding asphalt facility) were approved**

If Harris Quarry's claim of Vested Rights was overturned in 2018, how is this claim viable now? With Harris' poor record of not complying with notifying neighbors before blasting, and with scant utilization of existing county asphalt facilities, why would County Supervisors want to support a Harris asphalt plant?

Mendocino County has an existing asphalt plant that operates only part-time, in a Ukiah industrial zone. Are the County's economy, public health and environmental concerns best served by skimpy evaluation of these issues?

- Public Safety
  - **Wildfire threat would worsen for Black Bart Drive residents**. With Muir Mill Rd closed, there is only one ingress/egress, which accesses Hwy 101 by Harris Quarry's entrance. Adding flammable asphalt production beside this dry-forest area, served by a narrow and winding road, could be catastrophic. 38-1
  - **Dust and fumes, with poor compliance of notifying prior to blasting**. La Vida Charter School and the Seabiscuit Therapeutic Riding Center (newly-covered arena, and ready to expand its services) have a mandate to protect children and others with health problems. Mendocino County already has a very poor rating in air particulate matter, and asphalt plants are known to emit toxic fumes such as formaldehyde and "dry-cleaning" chemicals. How can our county improve this if we approve an additional, unneeded asphalt plant? 38-2

- *Negative* economic value, based on prior events AND future projections
  - Unless a permit is issued only for mobile asphalt plants, on site (i.e. not fixed at Harris Quarry), **storage and transport costs would be higher than necessary**. 38-3
  - **County could be forced to compensate victims of wildfire** in Black Bart areas if fire was caused by the asphalt plant. 38-4

- **County could lose the vital new amenity of Ridgewood Park's assisted living housing**, and could be forced to compensate for loss of this County-approved facility that is under construction. Would the County want to damage its good will by failing to meet housing and other human needs? 38-5

- **Projected population growth is down** from 2012, so that need for road repair may not be as high as predicted. 38-6

- **Who would pay for additional environmental oversight and monitoring** necessary if an asphalt plant is approved? 38-7

- Environmental value of a local long-term asphalt plant was hamstrung or overstated in 2012. Concerns remain. 38-8

  - Willits Bypass project contractors decided to bring in asphalt from another county, though it was available in Mendocino County.

  - A non-mobile asphalt plant would cause more transportation pollution.

  - Disposal of torn-out old asphalt would be environmentally costly. Would the County require that a mobile plant also melts and reuses old asphalt?

Although we can all appreciate the economic benefit that Northern Aggregates has brought to our region, including their contribution to Harris Quarry's safer access to Highway 101, should present and future safety, economic well-being, and environmental quality be dominated by any one business? Don't Mendocino County residents require the County to serve the best interests of all.

Sonja Lewis, resident

Golden Rule Mobile Village

Willits, CA 95490


Virus-free. www.avg.com

Letter 38 Response: Sonja Lewis, October 15, 2019

38-1 Please see Master Response 2a: *Wildfire Risk and Access/Egress*, wherein information is provided showing the analysis that has already been undertaken to evaluate the effects of wildfire. The 2011 RDEIR addressed the issue of fire risk in Impact 4.8-B, which indicated that the project could increase the risk of igniting wildland fires or being affected by a wildland fire, and analyzed this potential impact, ultimately concluding that the impact would be potentially significant requiring mitigation. The analysis considered project features, such as the 210,000-gallon water storage tank constructed by the applicant that is available for firefighting on the site and in the surrounding area, and also considered the proximity of the project area to the Howard Forest fire station and the Little Lake Fire District's (LLFD's) professional opinion that it would be unlikely for a fire to escape the site given the asphalt plant's design, ultimately concluding that (with mitigation) "because a major fire would not be expected to occur at the asphalt processing facility, the project would not be expected to impede emergency access to residential areas accessed by Black Bart Drive nor would it be expected to block emergency evacuation from those western neighborhoods." (See pp. 320-21 of the 2011 RDEIR.) Required mitigation included LLFD requirements for review of final designs, fire agency access to the water tank, and construction of a paved access road from the asphalt processing facility to Black Bart Drive. Furthermore, the commenter states that Muir Mill Road is closed. Muir Mill Road is not closed. However, Williams Ranch Road is used to access Muir Mill Road from Black Bart Drive. Because a portion of Williams Ranch Road washed out in 2017 and has not yet been repaired, Muir Mill Road is currently not accessible from Black Bart Drive. As discussed further in Master Response 2a, Williams Ranch Road was not considered a viable access or evacuation route for residents when the EIR was originally prepared and the prior analysis of potential fire safety risk included in the EIR did not rely on access to Williams Ranch Road to reach its impact conclusion. Therefore, the current unusable condition of Williams Ranch Road does not constitute significant new information as defined by CEQA.

While fire risk is a grave community concern – highlighted by the devastating Redwood Complex Fire in 2017 and the Mendocino Complex Fire in 2018 – potential impacts of the proposed project related to fire risk were sufficiently analyzed in the 2011 RDEIR, and the issue has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. The features identified in the 2011 RDEIR that would reduce the project's risk of igniting fires, reduce the likelihood that a fire would escape the site, and ensure that emergency evacuation from nearby areas could effectively proceed via Black Bart Drive have not changed. The commenter has

not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No further analysis or response is required.

38-2 With respect to the commenter's remarks about air quality emissions from the project, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The comment about adverse air quality effects is very general, so it is difficult to respond with specificity, but as explained in the master response, air quality considerations associated with the project have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. In other words, the analysis of air quality has already been the subject of judicial review, and under the principal of res judicata, do not require re-evaluation in the 2019 RDEIR. All comments, however, will be provided to applicable decision makers as they consider the project. Please also see the response to comment 11-4.

38-3 With respect to the consideration of a mobile asphalt plant, please see Master Response 3: Additional Alternatives for Consideration, where information is provided concerning the 2011 RDEIR's analysis of additional alternatives, as well as alternative site locations. The 2011 RDEIR's analysis of Alternative 7, the Alternate Location, for example, pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects (2011 RDEIR, p. 27). This same finding would apply to mobile operations, as well. Moreover, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2011 RDEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

38-4 The purpose of an EIR is to determine and disclose the environmental effects of implementing that action. The commenter's opinion does not raise any new environmental issues that have not already been analyzed in either the 2012 FEIR or the 2019 RDEIR. Please refer to Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

38-5 With respect to environmental effects to existing and potentially future residents in the vicinity of the project, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the

analysis that has already been undertaken for the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where the White Deer Lodge is noted as a sensitive receptor location), and traffic (see Table 4.4-2 of the 2011 RDEIR, where the intersection directly abutting the White Deer Lodge is identified as a study intersection). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these sensitive receptors. These same findings would be applicable to any new sensitive receptors that may take up residence at the location. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

38-6 As implied in the comment, it can be expected that the placement of a permanent asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

38-7 Please see the response to comment 11-4.

38-8 Please see Master Response 4: *Opposition to the Project or Opinions on Why the Project Should or Should Not Be Developed*. No additional response is required here. All comments, however, will be provided to applicable decision makers as they consider the project.

PUBLIC MEETING

TO RECEIVE ORAL COMMENTS

ON THE

HARRIS QUARRY 2019 REVISED DRAFT EIR

Facilitated by HILLARY GITELMAN
Director of Environmental Planning/Bay Area
Environmental Science Associates
180 Grand Avenue, Suite 1050
Oakland, California 94612

Taken at the Board of Supervisors Chambers,
501 Low Gap Road, Ukiah, California,
On Monday, October 7, 2019,
Commencing at 5:05 p.m.,
Reported by Kathy K. Rothstein, C.S.R. 3919.

ADAIR, POTSWALD & HENNESSEY
Certified Shorthand Reporters
212 West Perkins Street, Ukiah, California 95482
(707) 462-8420 -or- (800) 747-3376

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ALSO PRESENT:

Ms. Tina Wallis
Attorney at Law
LAW OFFICES OF TINA WALLIS
3581 Westwind Boulevard
Santa Rosa, California 95403

Matthew T. Kiedrowski
Deputy County Counsel
COUNTY OF MENDOCINO
501 Low Gap Road
Ukiah, California 95482

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P R O C E E D I N G S

MS. GITELMAN: Good evening, everybody. I think we'll try and get started. It's just a few minutes after 5:00, thank you for being timely.

My name is Hillary Gitelman. I work for the environmental firm, Environmental Science Associates, and we've been retained by the county planning department to conduct this meeting, among other things. I want to thank you all for being here this evening.

As I'm sure you're aware, this is a public meeting to receive oral comments on the Harris Quarry 2019 Revised Draft EIR. We're asking that everybody sign in tonight, whether you wish to speak or not. There's a convenient check box on there to indicate if you wish to speak.

These are useful not only because I can use them to call the speakers to the microphone, but also because it makes sure we have your contact information so we can keep you informed of the next steps in the process.

You probably already are aware that the revised draft EIR was published at the end of August. We're in the public comment period right now, which extends until the close of business on October 15th. So next week.

We are accepting comments until that point, and

we urge you to submit comments in writing or by email, whatever's most comfortable for you. And then, of course, this evening you're welcome to provide oral comments.

There's no need to comment every way. You know, we'll get your comments one way or the other. And we will look forward to reviewing and responding to the substantive comments we receive in a final EIR that will be provided to the decision-makers in advance of any decision that they make on this project.

So the way we thought we'd run the meeting today is, just to be fair, we'd give everybody about three minutes. I'll be keeping score on my phone and let you know when you're getting close to the three-minute mark and ask you to wrap up. If we could have everybody just speak once tonight, that would be great. Again, just to be fair. And you can always submit written comments, of course, if you run out of time or you get back to your seat and you remember something that you forgot to say; there are other opportunities to submit those comments.

So, the meeting is scheduled to go to 7:00 tonight. With the attendance we have in the room it doesn't seem like it's going to be a problem, but we do expect people to trickle in as the evening proceeds. So

we'll make accommodations for those that join us late.

And with that, I will start calling the comments -- from the comment cards. Please make your way to the podium and speak into the microphone so those who are in the room can hear you, and also so Kathy, who is here transcribing the meeting, can hear you. We're recording and transcribing today so we can make sure we get all of the oral comments into the record and respond to the substantive comments in the final EIR.

So, the first card I received was from Ann Kelly. Ann, if you'd like to make some remarks.

ANN KELLY: I have a letter for you, for the record, and pictures, since we're not going to have pictures today.

MS. GITELMAN: Perfect. Thank you so much.

(Attached as Exhibit A.)

ANN KELLY: How's that?

My name's Ann Kelly. I'm the director of La Vida Charter School on Ridgewood Ranch, so we're neighbors of the Harris Quarry.

I wanted to show pictures. First on here is a picture of La Vida students in front of -- with the Harris Quarry dust in the background. It's takes about seven minutes for the dust to settle onto the community.

We are a school of a sensitive population, and

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intentionally cultivate a therapeutic environment. We really don't think a permanent asphalt plant is a good idea. A permanent polluting asphalt plant next door would be a detriment to the population.

There must be another -- an alternative to those listed in the EIRs. And to that end, we hired an asphalt expert, an engineer, a former division chief at Caltrans, Shakir Shatnawi. And because of time -- so I've given everybody copies -- I'm going to go down to the bottom of page two, where he talks about impacts.

"It is my opinion that such a facility would negatively impact the quality of life for nearby residents, increase truck traffic, increase pavement deterioration, increase energy usage, increase emissions, increase noise, and reduce nearby property" taxes (sic). "The 2019 EIR Proposed Alternative 4 and 5 as discussed below."

And then for Alternative 4 he concluded, "This alternative should not be considered because it was originally developed with the assumption that the plant was to provide hot mix asphalt for Phase I of the Willits Bypass; however, this alternative no longer is viable since the project was completed in 2016 and the Phase II of the Willits Bypass is not scheduled within 20 years." (Sic)

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Alternative 5, he concluded, "This alternative should not be considered since it would place unnecessary financial burden to the county, due to the split cost of the interchange. Additionally, there is an existing asphalt plant owned by Granite Construction within the 12.5 miles that already exists within the market area." (Sic)

And so on the other side, he put together a map that shows kind of an overlay. So the area in which Harris Quarry, which would be red, would serve, but Granite Construction already serves that area, along with the Geo Aggregates from the coast. So there is not really a need. The area is already served.

So then he -- I'm just going to conclude with a few of his recommendations. He says, "Do not permit the proposed Harris Quarry asphalt plant. Utilize mobile asphalt production units such as cold in-place recycling and mobile hot mix asphalt central plants." He goes into a lot of detail. "Utilize proactive pavement preservation and -- strategies that would extend the pavement life and minimize hot asphalt usage." (Sic)

Thank you.

MS. GITELMAN: Thank you so much, Ann.

The next speaker is Stacey Rohrbaugh. And after Stacey, Sheila Jenkins.

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STACEY ROHRBAUGH: Hi, I'm Stacey Rohrbaugh. I live on Ridgeview Road. I've been there for 13 years. And I'll start off by saying that I support a well-functioning quarry. We certainly all need rock at some point. However, I think there are new, significant developments in regards to building a large asphalt plant that should be considered since the first EIR was submitted many years ago.

My concern is the intersection at 101 and Black Bart Drive. An addition of asphalt trucks will make the situation worse. There has already been an increase of about 2,000 percent of accidents in that area in the past few years. The visibility, bad curve, highway speeds, all, you know, take a part in that right there at the entrance of the quarry and the intersection of Black Bart and 101.

The planned asphalt plant traffic pattern is to allow one truck at a time to fill up. The truck will need to leave by a narrow lane through the forest before another truck can go in. Trucks will be lined up in the quarry entrance idling, creating emissions. The entrance has limited space, and rock trucks will also be in and out of the same entranceway.

Another huge concern is that asphalt plants are fire hazards. Even if this is a state-of-the-art plant,

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it can not only catch fire but explode. This plant is to run by diesel power, not electricity, which will make it much more volatile and polluting.

The residents of Black Bart and beyond have only one way out if the countryside catches fire. With the speed a fire can travel, this puts us in a very dangerous situation and it creates a huge liability for Mendocino County. It is not reasonable to create the possibility of such a scenario.

There are alternatives to building a large asphalt plant that were never considered in the EIR. One would be to scale back the size of the plant by locating it on the quarry floor. Advantages are, it's already developed with a good service road and it doesn't require hot trucks running through the forest, and it has a better access to the highway.

Another idea, there has been a lot of success with mobile asphalt plants. This could cut down on emissions tremendously, be overall less polluting, and would service our rural areas where the asphalt is really needed in an efficient and cleaner way.

California has toughened its emissions standards because of climate change. The EIR needs to consider all alternatives to a safer, cleaner production of asphalt in Mendocino County. If the proposal is

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scaled back to a much smaller plan, all environmental impacts will also be scaled back.

We simply do not need an oversize asphalt plant in this county. Mendocino County's population is going down, not increasing, as the old EIR projected. The Bypass is done. Maintaining county roads does not require a huge, dangerous, polluting plant. The residents deserve to be considered in this plan, which we never have been. It is not acceptable to put our lives and homelands in danger, or pollute our watershed, when there are better alternatives available.

Thank you.

MS. GITELMAN: Thank you, Stacey.

Sheila Jenkins. And after Sheila will be Tom Buske.

SHEILA JENKINS: My name is Sheila Jenkins, and I've been building my homestead just due west of this proposal for the last 19 years. And 14 of those years have been marred by a cloud over me because of this proposal, because it's not a good proposal.

A good proposal doesn't need -- I mean a good proposal doesn't require over a hundred mitigations, and this proposal does. So I -- I think there is a project that would be a win-win for all of us, but we're not going to get there if we allow Northern Aggregate to

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dictate what can be brought to the table and what analysis is to be used, without the county's analysis and the county's ideas and good judgment, as well as our own input.

This is a corporation, mind you, that has repeatedly lied to their good neighbors and to the county, and done so without penalty. They have over-extracted for years and lied about that, and they lied about their vested rights, which the county went along with in spite of a lack of evidence.

This project was oversized even with the Bypass. Granite was able to handle the Bypass and their existing customers without any difficulty. Obviously, no great need for it then, and even less now. And at the time, Northern Ag described bringing in an asphalt truck every few minutes. There is no need for a plant of this scale now or in the future, based on updated population projections.

And because of its size, this project could encourage the movement of asphalt out of county, which would not be a good thing, because it would drive up the vehicle miles traveled, or VMTs. Could it potentially drive their competitor, Granite, out of here also? Not a good thing.

Most importantly, a scaled down project would

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reduce all of the negative impacts, which there are many.

Given how incongruous this industrial proposal is with the already established and approved uses in the area, is it not reasonable to insist that this plant, at the very least, be scaled to the appropriate size?

So it is my understanding, contrary to what county counsel advises, that you can and you should consider the significant new developments, and base your findings on our current situation. This is how you get us to a potential win-win.

A mobile unit would serve the more remote areas of the county better, which is where the primary need is. A mobile unit would not require toxic storage ponds on an unstable mountaintop, which would have to be continuously monitored and extremely difficult to clean up, a potential liability.

This is asking that we trust that this monitoring will be done, when the county hasn't even monitored the extraction of rock that it's making money off of. If we -- if a well-sited mobile plant would not require trucking hot asphalt through a forest, nor a difficult one way in, one way out traffic pattern, it would not require the destruction of an oak woodland and a forested mountainside, it wouldn't need a 75-foot

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tower, night lighting, it would be cost-effective, less polluting, safer, and better able to serve the county's needs.

I urge you to insist upon, at the very minimum, a state-of-the-art plant, which this is not; appropriately sized, which this is not; a well-sited, safe plant, which this is not. So please reject anything that doesn't meet these basic requirements so that you can get to the smart plan that will best serve us all.

MS. GITELMAN: Thank you, Sheila.

SHEILA JENKINS: We can support a smart plan, but you've just got to insist on one being brought to the table.

Thank you.

MS. GITELMAN: Thank you very much.

Tom Buske, to be followed by Ryan Hurley.

TOM BUSKE: My name is Tom Buske, I'm a resident of the Golden Rule Mobile Village. It's a retirement community. I have two things to say. The first one is: Terrifying. The second one has to do with sacred places.

If you want to be terrified, take a look -- Google, "Asphalt plant fires." Oh, my. You look at all of those fires, and then I want to ask Mendocino County,

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Cal Fires, and Harris Quarry if they're prepared to fight an asphalt fire if it happens, God forbid.

Two things come to my mind. We live in the village. If that 101 road is shut down because the fire from the asphalt plant goes onto the trees, we can't get out. Are they prepared to pay big dollars, billions of dollars, like PG&E has, because they were in neglect? They had no way to stop this fire. Does Mendocino County have a plan? Does Cal Fires have a plan? Does Harris Quarry have a plan if, in the event there is an explosion and a fire that takes off and goes out into the village, the school, all of the animals? Big, big, big liability. And I would hate to see somebody say, from Harris Ranch -- from Harris Quarry, "I'm so sorry your husband or your wife or your children or your cattle died." That's a terrific, horrendous problem.

The second one is not a problem, it has to do with sacred places. Would you put an asphalt plant next to Arlington Cemetery? Would you? Lincoln Memorial? Would you put it next to Candlestick Park? The Green Bay Packers' home, the shrine of the Green Bay Packers? Mount Rushmore? Yosemite? No, you wouldn't put an asphalt plant next to something special, sacred.

This ranch, this 5,000-acre cattle ranch, is a very special place. Some people, like myself, think

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it's a sacred place. We have healing going on, a therapeutic riding program. We also have a palliative care home there. We have a church there. We have a school there. We have organic gardeners there. We have cattle, deer, all kinds of wildlife, coyotes. That is just a sacred place. Please don't put this permanent asphalt plant there. Put it in one of the other districts.

No, I'm just kidding. Put a permanent asphalt plant in their district. Would you, John McGuire (sic), Carre, all of you all supervisors?

Thank you for hearing my thoughts.

MS. GITELMAN: Thank you, Tom.

Ryan Hurley is next. And after Ryan, Serena Jones.

RYAN HURLEY: Hello. Ryan Hurley.

I am a resident of the Ridgewood Ranch, specifically at the White Deer Lodge property, which is quite a bit closer, actually, to where the proposed site of the Harris Quarry would be. And I'm going to, you know, sort of appeal on the same grounds that Tom did here, that it is so out of line to put it in such a place, for various reasons that are totally obvious to most people. And, you know, one, especially, is the fire. We're coming up on the two-year anniversary of

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the Redwood Valley Complex Fires, of which I am a victim. That is why I'm there in the first place, and that's how I got to be, you know, on the Ridgewood Ranch; they opened up the property to victims of the fire to stay once they lost their places. For that, I am very grateful.

And that's the kind of outreach that the Ridgewood Ranch does, as a general practice. They serve the community, and, you know, they get, you know, good karma back for it, or however you want to say that.

And the plans at the property there at the intersection of Black Bart and 101 that are already under way by the Ridgewood Ranch to, you know, convert the White Deer Lodge into a palliative care facility, and turning the restaurant into a co-packing and commercial kitchen that will serve farmers and food -- local organic food providers with a place to, you know, provide even more food to the community, this is what I think is a healthy vision for the county moving forward, you know, in the climate crisis that we live, not a asphalt production plant.

It's just -- it doesn't make any sense, and I think eventually we're going to see that. And it could either come in the form of, you know, them not being allowed to build it there, or more horrifically,

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whatever kind of, you know, toxins and maybe worse that will spew out of that place should it come to operate.

I think I'll just leave it there for now, and you'll probably get a letter from me, too. So thank you for hearing all that.

MS. GITELMAN: Thank you, Ryan.

Serena Jones, followed by Cynthia Raiser Jeavons.

SERENA JONES: So my name is Serena Jones. I'm a -- I'm a citizen of this community. And I understand that the questions can only be limited to a certain amount of things, because the decision to change the code regarding this area was already made to accommodate this company many years ago. And with all respect, it is not unusual to revisit a decision when circumstances change. The supreme court, the highest court in the land, accepts cases that have been before it when significant changes have occurred, or new circumstances, or there are even new members of that group.

And we have that situation here. We have new supervisors, we've got a new governor, we've got new regulations, we've got new climate and new priorities. We have increased fire risk. It's not just a risk anymore, everyone's saying it's fire surety. And it is really important that the County Board of Supervisors

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makes good decisions to protect the people of this county, not just this one business.

If -- if there were a really pressing need for this plant in this sensitive area, then, you know, that would be another thing. But with -- the options of mobile asphalt production and the fact that the other asphalt plant is already underutilized suggests otherwise.

Thank you.

MS. GITELMAN: Thank you.

Cynthia?

CYNTHIA RAISER JEAVONS: Hello, I'm Cynthia Raiser Jeavons, president of Keep the Code.

I wanted to take this opportunity to thank the planning and building department for the opportunity to voice the public's many significant new concerns and issues around the siting of this proposed asphalt plant.

Mendocino Planning and Building is put in a challenging position, because 15 years ago the supervisors made a deal with Northern Aggregates to help make their project happen. Because of an indemnification agreement between Northern Aggregates and the county, Northern Aggregates pays the bills for pushing this project forward, using the planning department as their vehicle. This puts the public at

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significant disadvantages, because now the county is mainly supporting the project applicant.

The burdens and costs of air pollution, watershed pollution, traffic, and fire danger, especially fire danger, of this project are now carried by the public.

This project has over a hundred and eight mitigations; issues that cannot be properly resolved.

The public is put at significant danger by the siting of this proposed asphalt plant. We, Keep the Code, represent the public in this discussion. I wish we could say that the county was always representing the public, but in this discussion it's Keep the Code.

Particulate matter from asphalt production is a significant health concern causing asthma attacks, heart attacks, and strokes. Who is responsible for the increased health risks that this asphalt plant puts the public at risk for?

Who is responsible for the increased fire risk created by this project? Locating an asphalt plant on a ridgetop in the middle of an oak and fir forest is kind of insane, and it certainly is a significant danger.

Black Bart Road is the only ingress and egress for over 340 properties, potentially trapping -- if you count three people per property, potentially trapping

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maybe a thousand people in the event of a fire if that Black Bart Road, that small Black Bart Road, can't be passed. What are we going to do about all those people? How are we going to save them? Asphalt -- and who is responsible for their lives?

Asphalt production is a fire danger to all. Please reject the asphalt plant in this location. A mobile asphalt plant is safer and a smarter solution to local current asphalt needs.

Thank you so much.

MS. GITELMAN: Thank you.

Robin Leler is next. And after Robin, Barbara Burica.

ROBIN LELER: Hello. I was hoping this would be a place where I could ask a question and get response, but I will put my question out there, anyway.

I've heard the word "indemnification," an indemnification agreement between the county and Northern Aggregates, and I don't really understand what that means. Somebody's taking responsibility for somebody else's problem?

I'm guessing it means that Northern Aggregates is paying the costs. They're paying for the environmental impact report, they would pay for -- if the county is sued over this decision they would pay the

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legal costs? That's my guess, but I don't really know. I want to know what the nature of this relationship is that's called "indemnification."

And is -- how can the county represent the residents in this case? Because it seems to me this kind of relationship means a support for Northern Aggregates and helping them achieve this project. And will the county be able to represent the residents and consider the risks, you know, such as air quality and watershed and truck traffic and safety and fire danger? There are so many risks that I'm afraid that indemnification could create an obligation to be biased towards the company that is paying to protect the county in this case. And it would be negligent of the county to put the public at risk in this way.

What -- what -- for example, if the EIR comes up with severe negative impacts, what happens? What happens to the company that writes that EIR, do they get hired again by another company to do an EIR? These are the questions that I'm asking.

Thank you.

MS. GITELMAN: Thank you.

Barbara? And after Barbara, we have Kayla Cabradilla.

BARBARA BURICA: Hello, my name is Barbara

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Burica. My husband and I have resided and worked in Mendocino County since 1979, this glorious county. For the last four years, I've had the privilege to volunteer at the Seabiscuit Therapeutic Riding Center, which is located at the Ridgewood Ranch Seabiscuit area.

We have on numerous occasions been present during unexpected blasting, creating startling noise, such dust to travel down into the area that breathing becomes difficult. Many of our clients are already dealing with serious health issues, such as cystic fibrosis, autism, asthma, cancer, PTSD, just to name a few. They've had to vacate the area suddenly, due to breathing difficulties, to resume normal -- at least as normal as possible situations.

So my question is: Where is the accountability, if at this point there's still this level of intense air pollution that occurs that causes drastic, sudden change for people, myself included and I'm normal, that -- those are one of my biggest concerns as well.

The program represents people that don't have the best voice, that can't speak up for themselves, and we have a responsibility to them. And I know our board takes these responsibilities seriously. But can we pursue development without bearing in mind that there's

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residential areas, there's organic farming, there's therapeutic programs, there's highway collisions, there's all of these factors that come in?

When we just recently returned from the East Sierras, we ran into so many people, and they know Mendocino County. They love it here. They know the Seabiscuit Ranch. They know the beauty that we have to offer. And I'd like to keep it that way.

I know that we have to develop, I know we have to consider things, but that's why our beautiful board is here, to make sure that these things are respected, and accountability and process is taken care of.

So, thank you.

MS. GITELMAN: Thank you, Barbara.

Kayla? After Kayla, we'll have Rachel Lause.

KAYLA CABRADILLA: I live on Ridgewood Ranch, I'm one of the food producers that lives there. And from the meetings and everything that I've attended in regards to the project, I've come to find that the biggest significant thing I've noticed is that the consideration of what was being developed at the top of the ridge was not really as present when the initial project was done and the report was made. And being privy to a lot of the developments and plans and things that are going on up there, I think there is substantial

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research that needs to be done, new considerations that need to be made, for what is looking to be put up there.

Having an elderly assisted home care facility within feet of an asphalt plant doesn't really seem to make much sense, for their health, for, you know, potentially emergency vehicles that may need to be getting in and out of there frequently. You know, coming from somebody who had a very sick grandparent, I know that it could be up to once or twice a month that you may have an ambulance at your home. And to have that kind of traffic pressure, which already exists and which will get worse, in combination with these emergency vehicles coming in, you know, palliative care vans coming in and out, I can't imagine that that, on top of everything else, is going to help with the problem.

So I think that more research needs to be done, more considerations need to be made, for the development that's going on up there, as it wasn't taken into consideration at the time beforehand because it didn't exist.

Thank you.

MS. GITELMAN: Thank you very much.

Rachel. And after Rachel, we have Ellen. Ellen Bartholomew.

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RACHEL LAUSE: I didn't check that I wanted to speak.

MS. GITELMAN: Okay, thank you.

Oh, I don't think Ellen did, either.

ELLEN BARTHOLOMEW: Oh, I'd be happy to speak.

MS. GITELMAN: Come on up, Ellen. I'll check your "wish to speak."

ELLEN BARTHOLOMEW: Okay, thank you.

MS. GITELMAN: After Ellen, we have Nori Dolan.

ELLEN BARTHOLOMEW: Well, thank you so much for having this process. I think the one thing that's been missing in all of this in the past few years has been finding common ground. I think that if we all could come together, we all want good roads, we all want safety for our neighbors, we all want people to be successful in their business. But we also want our Board of Supervisors to represent the people that voted them in, and we'd like our planning committee to be able to -- Planning Commission to be able to do their job and not be passed over.

I think that this has been for me the most frustrating, because I do live at Ridgewood Ranch. I do work in the organic garden with Kayla. I do -- I am on the board for the Seabiscuit Therapeutic Riding Program and work with both Tom and with Barbara Burica, and I

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used to be the instructor for the program.
And I think it's very easy to sit in a seat and have an opinion already made, but there's another thing to see a child have to turn around and go home because they're choking.
We have an agreement with Northern Aggregates whenever they are to -- we understand they need to use dynamite to create more aggregate out of the rock. The agreement was to contact us ahead of time. We don't get called.
The agreement is to have a permit for the job they're doing, and as far as I know, they don't have one. And as far as I know, the Board of Supervisors hasn't looked into it and they haven't monitored anything.
I think the hardest thing about all of this is that we don't seem to have a voice. We are put in a corner. And we are speaking for all of our neighbors, and we care. And we want to work with our Board of Supervisors. We want to even work with Northern Aggregate. We especially want your Planning Commission to be able to do the job that you want to do.
And I think what's happened here has been a gross, egregious break in the way a county and a community should work, and we want to help. We want to

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be part of that process, and we just need to be listened to. That is the job of our government officials. And we're asking, and we're so appreciative of tonight and being heard. And that's all we're asking for, and that's all all of our litigation has been about, is to be heard, and we've won every single one. And we appreciate this opportunity. And I hope we can go forward and work together.
Thank you.
MS. GITELMAN: Thank you, Ellen.
Nori. And after Nori, Cody Bartholomew.
NORI DOLAN: My name's Nori Dolan, I'm a resident at the Golden Rule Mobile Village. I moved there about a year and a half ago after losing my house in the Redwood Complex Fire. I chose that place to live because of the quality of life I felt I could have there, the safety I felt there, and also the special, remarkable things about that place.
I am very concerned about an asphalt plant being put in up there. I, myself, have suffered PTSD since the fire, and occasionally I'll be revisiting the stress and the trauma around that. And especially now with the two-year anniversary coming up, it is something that comes to my mind often when I think about the possibility of an asphalt plant being there and the

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possibility of fire. We will have more fires. Why should we support and put something in that could create even more harm for our residents here?
And I just -- I just want to also say that at one point in the last six months or so I saw a plume of dust go up over the quarry, and immediately I thought it was smoke. And those are the kinds of things that happen to people who have experienced trauma like this.
It is not wise to do this asphalt plant. It will turn people away from wanting to live here. And I want to urge the Board of Supervisors to revisit your mission statement, which is to create and maintain a responsive and responsible government that enhances the quality of life of all the people of Mendocino County. The county's mission is to deliver services that meet public safety, health, social, cultural, education, transportation, economic, and environmental needs of our communities.
Thank you.
MS. GITELMAN: Thank you.
Cody. And after Cody, we have Dori Kramer.
CODY BARTHOLOMEW: Could I ask a favor first, before my time starts? Could you -- usually the time's here. And so could you tell me when I have two or one minute left?

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MS. GITELMAN: I will.
CODY BARTHOLOMEW: Thank you very much.
My name's Cody Bartholomew. I'm a lifetime resident of the ranch, and a contractor. I've done a lot of work with the planning and building department, and I felt like this process could have been, you know, a really -- a really useful part of educating the planning department on the impacts of this project. Unfortunately, the response to these comments is limited to Alternatives 4 and 5. The rest of the impacts of this project are in a 2012 environmental impact report that was -- the approval of which was ordered to be vacated by the court system. So we feel like it's our legal right to provide new -- significant new information that's outside of what's covered in the 2012 report and have that information responded to. Because it's seven years later, and a lot of things have changed.
One of the things that changed, in the 2012 EIR it talks about collision history in that stretch of highway a half a mile north and south of the entrance. That information spans from -- oh, man -- spans from 2004 to 2008. So 15 to 10 years ago it said that there were 16 collisions in that area.
I have this report from the Little Lake Fire

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Department that talks about the current situation. So from December 2017 to September of 2019, so about a year and a half, a year and nine months, there's been 84 traffic accidents. So extrapolated over the same period that we looked at where they determined there were only 16 accidents, it would be 250. And so I think that's a significant new development that needs to be researched more.

It talks about the turn lanes that are required to make the situation up there safe. In the EIR, it said in order to -- to make this a safely accessible area, the northbound approach distance of the turn lane that was required. So one of the -- oh, man -- one of the new -- one of the new developments is that turn lanes were built. The northbound approach that was required by the EIR was 470 feet. Built in place it's 340 feet. Southbound approach, the EIR said it had to be 400, the actual is 220. Southbound departure lane was supposed to be 1390 feet, and the actual is 800.

If the EIR said that's what was required to make it safe, and the situation is different, that needs to be researched and looked at.

Of the residents that are nearest to -- that were studied that are nearest to the potential location of the asphalt plant and the quarry, they looked at the

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motel that's up on the ridge. Since then, we've taken possession of the property. We took an old building, we fixed it up. I have the permit that we executed here. And that building is occupied. Much closer than anything that was studied in the environmental impact report, now an occupied residential structure. I believe that needs to be researched more.

Odors. What we saw up in Grist Creek with the crumb rubber asphalt plant and how -- how intense the smell of that was. They talked about the -- you know, the odors that people feel within a certain area. If they have the right to -- and they have the ability to produce that product up there, then how that odor affects the people that live nearby needs to be studied. It wasn't something that was studied in the EIR.

Fire danger is something that other people have talked about. In the report, Cal Fire, in the past 20 years, was able to put out, suppress, any fire with the initial attack. As we know, that's changed.

There's a lot of other things that I'll include in my written statement, but I just urge the planning and building department to kind of take a step back and measure the impacts of this project as they exist today.

Thank you.

MS. GITELMAN: Thank you, Cody.

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Dori Kramer. And after Dori, we have Lucy Kramer.

DORI KRAMER: Good afternoon, Planners.

(Laughter.)

DORI KRAMER: I'd like to say that it is quite difficult to come here and speak in what seems to be opposition to a local business. I have great support for local businesses. I have great support for the rock extraction and the product that the Northern Aggregates team has provided us. I think that if they were to select a preexisting industrial site for their asphalt plant that we would all go home.

I just wanted to very quickly mention several new conditions that did not exist in the previous EIR. These things did not exist previously, and therefore, they need to be mentioned.

One is the new sensitive population by the wonderful projects that are going on with palliative care at the top of the Ridgewood Summit.

One other condition has to do with Black Bart Road now being a one way in, one way out due to the loss of the Williams Ranch Road bridge, which is not likely to be reconstructed any time soon.

Another new condition has to do with fire risk projections. Due to climate change, the fire -- climate

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change fire models predict more intense and more swiftly moving fires, especially on ridgetops. And the EIR revision must consider this new condition.

In connection with that would be county liability. Since the public has made fire danger on our one way in, one way out roads a significant issue and the county is not taking that into consideration, there could likely be a large number of lawsuits resulting if there should be a fire involving the asphalt plant.

Another symptom of climate change is reflected in the State of California, which has made significant changes to emissions standards since the EIR was prepared. California has adopted new climate goals, and those goals should be applied to this plant and the EIR should consider this new condition.

Another condition has to do with the need for asphalt production. Our population growth has -- our projection for population growth has significantly decreased since the projections that were used in the original EIR; therefore, the revision should take that into account.

The concept of diesel generators. A state-of-the-art plant would not rely on diesel generators, as this one would. Clean, quiet PG&E power is now available, and the EIR revision should evaluate

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that new condition.
Out of scale. The proposed asphalt plant is a large-capacity facility designed for large projects such as the Willits Bypass, and it's not likely that it would be expanded to two lanes in each direction. And therefore, the economic feasibility of having this type of asphalt plant at that location should be reconsidered.
And the most important of all has to do with portable asphalt plants. The original EIR did not consider a portable asphalt plant, and I have three articles here with me today that talk about the benefits of using portable asphalt plants.
MS. GITELMAN: Thank you.
DORI KRAMER: May I leave them with you?
MS. GITELMAN: Please. Thank you.
(Attached as Exhibit B.)
UNIDENTIFIED FEMALE: Excuse me, I didn't check that I want to speak, but I do want to.
MS. GITELMAN: You do. Okay.
UNIDENTIFIED FEMALE: Yes.
MS. GITELMAN: Okay. We're almost to the end of the cards of people who checked. So Lucy is next. And following Lucy, Janae Stephens.
LUCY KRAMER: Okay, hi, thank you. I wasn't

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planning on speaking tonight, but I was so moved to do so.
My name is Lucy Kramer. I originally moved to Mendocino County to study sustainable agriculture on Ridgewood Ranch, and I fell in love with the community and the space, and of course was enchanted by the physical beauty, as well as the community, that exists down on the property.
In the past five years, I have integrated myself within the greater community and feel impassioned about Mendocino County as a whole. This past year I was a graduate of Leadership Mendocino's class of 26. And I have to say that over the course of the nine months when we had classes, it felt like there was just a broken record where everywhere that I went, every lesson that we had, the theme was that we have a dramatic need for sustainable housing, equitable housing, affordable housing, and creative developers to come to our space and develop creative housing solutions.
That fact has been reiterated by the recent EDFC, Economic Development & Financing Corporation, study on the 2018 and 2019 economic assessment, as well as in a recent conversation that I had with Jason Wells.
I had the opportunity to ask him, three weeks ago, "What is your primary barrier to success in the

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medical industry within Mendocino County?"
He said, "Housing." He said, "We need housing more than anything."
And I have just -- I can't say enough how important housing is right now to us.
Ridgewood Ranch and the Alliance for Community Endeavors, which is a new nonprofit that is working to develop the ridge property which is just adjacent to the quarry site, are creative developers who are making livable housing for those who are most at risk in our community, including palliative care individuals, agrarian community members, fire survivors, elderly, the list goes on.
To suggest that an asphalt plant is more important than these creative housing solutions is -- it just flies in the face of the goals that I know our county holds dear, and I think that it would be a profound mistake to create this ball and chain that would be the asphalt plant on that space and reduce access to livable housing forever.
Thank you.
MS. GITELMAN: Thank you, Lucy.
Janae?
JANAE STEPHENS: Hello, I'm Janae Stephens, and I've lived in the Ridgewood Park Subdivision for almost

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40 years now. We bought our property in 1980; we're on Williams Ranch Road.
I'm also one of the founding members of the Williams Ranch Road Firesafe Council, and we've been looking at a lot of the issues that we're facing now that we're not able to get out via North Williams Ranch Road and Muir Mill Road. So we only have one way in and one way out. And even without an asphalt plant there, it's a challenging situation.
There's hundreds of people who live in the subdivision who will be using that road. Putting an asphalt plant right at the foot of the road where we come out onto the highway just seems insane to me. I just -- it's a clear and present danger. Even if the asphalt plant wasn't the source of the fire itself, with the fires that we've been having, it would be so flammable, and we could very easily be trapped there. And it's of great concern.
And I think that the -- again, I know Dori touched on this, but, you know, I think it's a liability situation for the county to allow something like that to happen. So I really hope that the county will think of the hundreds of people whose lives could be endangered by having the asphalt plant there.
Thank you.

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MS. GITELMAN: Thank you.
Well, we've gone through all of the cards that I had, but we're welcome to entertain additional speakers. If you haven't already addressed us and you'd like to speak, this would be the time.
Is this Ellen?
ELLEN DRELL: Yes. Thank you.
My name's Ellen Drell, and I'm a member of the Willits Environmental Center. And unfortunately, I had to come late, and so I haven't heard what's gone before, and I don't want to just repeat what others have said.
But I think Alternatives 4 and 5 don't make any sense now that the Bypass is built. And I think the Bypass is indeed done. It's clear that it doesn't need to be doubled in size with an additional viaduct, so I don't see any point in devising alternatives that require -- that would have a -- I mean, the justification for a permanent asphalt plant doesn't make sense, because the big project nearby is no longer existing.
I worked on the Bypass for many, many years, and I'm well aware of the circumstances that brought us just one half of a viaduct instead of a parallel viaduct. The projected traffic volumes were -- were fabricated, and it turns out they will come nowhere

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close to what a double viaduct would support, 40,000 vehicles a day. Well, we'll be lucky if we get to, you know, 20,000 vehicles a day.
So the likelihood of a second viaduct being built is highly remote, and especially in the light of the climate action goals for the State of California, I think it's very unlikely that we would encourage any kind of development that would double or triple the amount of vehicular traffic going through Little Lake Valley.
So the justification for a permanent asphalt plant implied in Alternatives 4 and 5 I think is -- just evaporates.
Thank you.
MS. GITELMAN: Thank you.
SONJA LEWIS: Hello. I'm Sonja Lewis, and I have lived at Golden Rule Mobile Village and -- for almost a year. And I don't have that much new to offer, but I just want to emphasize that we've heard tremendous, really valuable testimony regarding potential health problems, existing health concerns, future intensified health concerns if an asphalt plant, particularly a large and permanent one, is added; a great heightening of fire danger, which is so much worse than the 2012 findings; and then just the economic

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and -- and I guess the ethical burden that the county supervisors and planners would have fall on them if these things came to pass.
The -- the assisted living and the special living arrangements at the top of the grade in the old White Deer Lodge, we have zoning in place for that, whereas the Harris Quarry does not. And to change the code makes no sense.
That -- the assisted living center, that area is only a thousand feet, looking -- using Google maps as a reference, it's only a thousand feet away. And of course, the entrance for Black Bart Road is even less.
The -- if you drive up Black Bart Road even a little ways, you'd see that the vegetation is a very dry forest. And I think that's typical of ridgetops. It's just -- just such -- I mean, all ridgetops are more fire prone, and this one certainly is.
The -- we've had great testimony regarding the particulate matter and the dangers to children and to the elderly. The fumes, also, are no small thing. Asphalt emits formaldehyde, it emits the serious chemicals that we find in dry-cleaning fluids. And these don't -- these don't only cause cancer or lung disease, they also affect kidneys, livers, colon disease. They're just -- they're really major things.

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And with Harris Quarry having a bad record of complying with monitoring, with notification, advance notification, that just seems inexcusable. And it also seems inexcusable that the county is not holding them to that. That would be a very small measure that the county, whoever it might be, will take.
And I would hate for -- for the county to take the blame and for taxpayers to foot the bill. The -- also the emotional bill, if there are just major losses of life and property from the greatly increased risk of wildfire.
So I'm just -- I'm hoping, you know, that better action can be taken. Thanks.
MS. GITELMAN: Thank you.
Is there anyone else who has not spoken who would like to put their comments on the record this evening?
(Male audience member raises hand.)
MS. GITELMAN: Please.
WALTER WILLIAMS: Thank you for having us. My name is Walter Williams. My wife and I moved up here in 1969 and have lived on the ridge. And the last 23 years we've lived in Golden Rule Mobile Village.
Some years ago, I took a weather -- a meteorological course from my employer, and I can almost

quote the words from the book. It says, "Mendocino County of northwestern California has some of the cleanest air in the world." And I can almost quote that.

Now, of course, when they had an opportunity to observe how the wind pattern is coming down across the Golden Rule Mobile Village, and -- it comes from the northwest. And if there's an asphalt plant there, it's going to scoop up any toxic fumes and bring them down across the hundred or so people, elderly people, there. And many have -- their lungs are not as good as they used to be. So I'd hate to have us breathing these toxic fumes day after day.

So, if -- unless the quarry is going to provide the sand for the asphalt plant, I do not see any plus in having a plant there.

Thank you very much.

MS. GITELMAN: Thank you.

WALTER WILLIAMS: You're welcome.

MS. GITELMAN: Anybody else who would like to speak this evening?

(No response.)

MS. GITELMAN: Fantastic.

Well, thank you all for coming this evening and for making your comments. As I indicated in the

beginning, we're going to have a transcription of the comments. So we're going to be able to identify those comments, and respond to the substantive issues that have been raised, in the final EIR.

We'll be sticking around for a little while longer just in case anyone straggles in who wasn't able to make it in a timely way, but again, thank you so much for coming this evening. Appreciate it.

(Meeting remains open until 7:00 p.m.
No further speakers appear.)

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C E R T I F I C A T E

COUNTY OF MENDOCINO)
) SS
STATE OF CALIFORNIA)

I hereby certify that the within and foregoing proceedings were taken down, as stated in the caption, and the foregoing 43 pages represent a true and correct transcript of the proceedings had thereon;

And I further certify that I am not of kin or counsel to any of the parties to said cause nor am I in the regular employ of any counsel or party thereto, nor am I in any way interested in the outcome of said cause.

DATED: October 10, 2019

KATHY K. ROTHSTEIN, C.S.R. 3919

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462-8420 1:25
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747-3376 1:25
75-foot 12:25

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95403 2:17
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Public Meeting: Multiple Commenters, October 7, 2019

The discussion below provides a summary overview of the principal topics raised by each commenter at the October 7, 2019 public meeting for the project, followed by the County's response.

Ann Kelly

This commenter expressed concerns for air quality impacts from project operations on the school-age children she oversees in her role as director of La Vida Charter School at Ridgewood Ranch. Ms. Kelly provided supplemental testimony from Shakir Shatnawi (see Letter 7, earlier in this chapter) describing the project's impacts to traffic, energy usage, air quality emissions, noise, and decreased property values. She also provided supplemental testimony concerning the viability of Alternatives 4 and 5, and the demand for asphalt in the project area. Finally, Ms. Kelly suggested that use of a mobile asphalt plant would be a better alternative for the project.

With respect to the comments about the project's impacts from traffic, energy usage, air quality emissions, and noise, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. Each of these issues has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit these issues. Supplemental responses concerning air quality and traffic impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology* and Master Response 2b: *Transportation Improvements & Accidents*, respectively, which provide information concerning the continued applicability of the analysis for those topics as presented in the 2011 RDEIR. Potential project effects on property values is not an environmental issue, so no further response on that issue is required.

With respect to the continued viability of Alternatives 4 and 5, those two alternatives are the subject of the 2019 RDEIR, as directed by the Court of Appeal. Alternative 4 presents the possibility of a temporary asphalt plant at the project site to be used during periods of high demand. As presented in the 2019 RDEIR, this alternative is not solely reliant upon the construction of Phase I of the Willits bypass, which has since been completed, and a temporary asphalt plant could potentially be utilized during periods of high demand for other projects. The alternative therefore remains potentially viable. Alternative 5 would allow a permanent asphalt plant at the site, but would limit the extent of nighttime operations, and would also require the applicant to finance construction of an interchange at the project entrance's intersection with US-101. The construction of an interchange was deemed economically infeasible in the 2012 RFEIR, and this finding was updated with supplemental information in the 2019 RDEIR, as directed by the Court of Appeal in its remand to the County. The County has therefore complied with the direction of the Court with respect to this alternative.

As for the suggestion that a mobile plant should be considered as an additional alternative, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the

requirements of alternatives selection and evaluation under CEQA. Further, alternative locations to the project were already evaluated as part of Alternative 7 in the 2012 FEIR, where it was pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects, some of which could be more severe (2011 RDEIR, p. 27). The same finding would be true for a mobile asphalt plant. More importantly, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the decision-makers as they consider whether or not to approve the project.

Stacey Rohrbaugh

This commenter expressed concerns for traffic safety associated with the project, particularly at the intersection of US-101 and Black Bart Drive. Ms. Rohrbaugh also expressed concern about diesel truck emissions, diesel generator emissions, the project's climate change impacts, and wildfire hazards. She also suggested a number of project alternatives, including a smaller asphalt plant on the quarry floor or mobile asphalt plants.

With respect to the comments about the project's impacts to traffic safety, climate change impacts, air quality emissions, and wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. Each of these issues has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit these issues. Supplemental responses concerning air quality and traffic impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology* and Master Response 2b: *Transportation Improvements & Accidents*, respectively, which provide information concerning the continued applicability of the analysis for those topics as presented in the 2011 RDEIR, as well as verified information that shows that the number of traffic collisions near the project site has *decreased* over the last five years. Additional information concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which also describes the continued applicability of the analysis presented in the 2011 RDEIR.

As for the suggestion that a mobile plant should be considered as an additional alternative, or placement of an asphalt plant on the quarry floor, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. Further, alternative locations to the project were already evaluated as part of Alternative 7 in the 2012 FEIR, where it was pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting

that these sites would have their own environmental effects, some of which could be more severe (2011 RDEIR, p. 27). The same finding would be true for a mobile asphalt plant. More importantly, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Sheila Jenkins

This commenter suggested that there is no need for an asphalt plant of the size proposed, and that a scaled-down alternative or a mobile asphalt plant was preferable.

Ultimately, the commenter's assertion that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

As for the suggestion that a scaled-down asphalt plant or a mobile plant should be considered as an additional alternative, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. Further, alternative locations to the project were already evaluated as part of Alternative 7 in the 2012 FEIR, where it was pointed out that "there are alternative sites the applicant could seek to purchase and get approval for operation of an asphalt facility" noting that these sites would have their own environmental effects, some of which could be more severe (2011 RDEIR, p. 27). The same finding would be true for a mobile asphalt plant. More importantly, in the prior litigation both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Tom Buske

This commenter raised concerns associated with wildfire risk and impacts to surrounding residents and land uses.

With respect to the comments about the project's impacts to wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The projects effects related to wildfire have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issues. Supplemental information concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which describes the continued applicability of the analysis presented in the 2011 RDEIR.

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Ryan Hurley

This commenter raised concerns associated with wildfire risk and project impacts to surrounding residents and land uses. Mr. Hurley also pointed out that there are plans pending to convert a portion of the former White Deer Lodge to a senior care facility and other uses.

With respect to the comments about the project's impacts to wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The projects effects related to wildfire have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issues. Supplemental responses concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which describes the continued applicability of the analysis presented in the 2011 RDEIR.

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Serena Jones

This commenter suggested that there have been changes in the area that warrant investigation. Ms. Jones also suggested that there are other alternatives to the proposed project and that the existing demand for asphalt did not warrant construction of the project.

With respect to reported changes in the project area warranting further investigation, please see Master Response 2: *Significant New Information* and its various subsections (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Transportation Improvements & Accidents*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*) which outline the various purported changes in the project area as raised by a number of commenters, and then present responses concerning the continued applicability of the information contained in the 2011 RDEIR.

As for the suggestion that other alternatives are available that should be analyzed, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. In the prior litigation, both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

The commenter's assertion that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Cynthia Raiser Jeavons

This commenter raised concerns associated with air quality impacts and wildfire risk.

With respect to the comments about the project's impacts to air quality emissions and wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. Each of these issues has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit these issues. Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. Additional responses concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which also describes the continued applicability of the analysis presented in the 2011 RDEIR.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Robin Leler

This commenter raised concerns associated with air quality, water quality, traffic safety, and fire risk. The commenter also raised a number of additional questions concerning indemnification that are not environmental in nature.

With respect to the comments about the project's impacts to air quality emissions, water quality, and wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. Each of these issues has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit these issues. Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. Additional responses concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which also describes the continued applicability of the analysis presented in the 2011 RDEIR.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Barbara Burica

This commenter raised concerns over the project's compatibility with surrounding land uses.

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Kayla Cabradilla

This commenter raised concerns on the project's effects on pending plans to convert a portion of the former White Deer Lodge to a senior care facility and other uses.

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Ellen Bartholomew

This commenter raised concerns over monitoring of project operations and alleged violations at the project site.

When an EIR determines that a particular environmental impact would be "significant," the EIR must propose and describe feasible mitigation measures that will minimize or reduce the impact. (Pub. Resources Code, Section 21100, subd. (b)(3); CEQA Guidelines, Section 15126, subd. (e), 15126.4, 15370.) Responsibility for implementation and enforcement of individual mitigation measures are set forth in a Mitigation Monitoring and Reporting Program (MMRP), as specified in CEQA Guidelines Section 15097. The MMRP for the project outlines the required mitigation measures, who they are implemented by, when they are implemented, who monitors the measures, when they must be verified by, and who verifies it. The proposed conditions of

approval will obligate the applicant to fund the County's process to monitor compliance with the mitigation measures set forth in the EIR and, to the extent additional resources are needed, the County has the discretion to retain the services of consultants to assist County staff in confirming that the applicant complies fully with, and maintains compliance with, all requirements set forth in the MMRP. Furthermore, Mendocino County Code Section 20.216.015 provides that it is unlawful and prohibited to violate any term or condition of any permit or approval granted under Title 20, Division I of Mendocino County Code. Any member of the public who believes there has been a violation of Conditions of Approval and/or mitigation measures should file a complaint with the Mendocino County Department of Planning and Building Services Code Enforcement Division. Complaints can be filed over the phone, in person, or online on the Department website. Code Enforcement Staff will review the complaint and determine if it must be referred to other agencies for potential violation of any standards they may have. In addition to the Code Enforcement role noted above, each year during operation of a mining site, County Staff (certified by the California Division of Mine Reclamation as Surface Mine Inspectors) conducts an annual inspection, the cost of which is paid by the Applicant. At that time, County Staff verifies conformance with the Surface Mining and Reclamation Act (SMARA) and any required conditions of approval and/or mitigation measures applicable to the project.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Nori Dolan

This commenter expressed concerns over the project's fire risk.

With respect to the comments about the project's impacts to wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The issue of the project's wildfire risk has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issues. Supplemental responses concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which describes the continued applicability of the analysis presented in the 2011 RDEIR.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Cody Bartholomew

This commenter expressed concerns over allegedly increased rates of collision associated with the existing quarry operation on US-101. Mr. Bartholomew also suggested that the roadway improvements constructed by the applicant do not meet the requirements of the 2012 RFEIR's

mitigation measures. He also discussed recent developments in the vicinity of the project. The commenter discussed the odor impacts of the project, as well as wildfire risks.

With respect to the commenter's assertion that traffic collisions have increased along US-101 in the vicinity of the project site, please see Master Response 2b: *Transportation Improvements & Accidents*, earlier in this chapter. The actual *decline* in collision rates in the area over the last five years is documented there. With respect to the commenter's representation of the completed roadway improvements in the area, the errors in the commenter's measuring methodology are also explained there, as is confirmation that the constructed improvements meet the requirements of the 2012 RFEIR's mitigation measures (see Appendix H of this RFEIR, which provides a comprehensive record supporting this conclusion).

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties, including the White Deer Lodge site, are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

With respect to the project's odor impacts, this topic was evaluated in Impact 4.6-F of the 2011 RDEIR. Mitigation Measure 4.6-F.1 was prescribed to lessen impacts from odors, and prescribed specific thresholds that could not be surpassed as part of the project's operation. The text of the measure is as follows: "The asphalt plant shall not result in noxious odors. The plant will be a facility that meets at least the odor emission levels and controls used to assess impacts from that facility in this EIR. If MCAQMD determines that the facility selected for installation would exceed pollutant emission standards as stated in Mitigation Measures 4.6-C.1 and 4.6-E.2, then additional odor analysis will be conducted as part of the required additional CEQA review prior to MCAQMD issuing any permits for the project."

Based on the performance standards contained within the mitigation measure, even if the applicant were to manufacture rubberized asphalt, the odors emitted would not be allowed to exceed the thresholds prescribed in the measure. As such, the odor impacts of manufacturing rubberized asphalt would not be any more severe than that disclosed in the 2011 RDEIR.

Accordingly, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid. No additional analysis or response is required.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Dori Kramer

This commenter expressed concern over changed conditions around the project site, including pending plans to convert a portion of the former White Deer Lodge to a senior care facility and other uses. Ms. Kramer also referenced ingress and egress along Black Bart Road in the event of an emergency, as well as increased fire risk. The commenter also referred to new regulations associated with climate change that should be considered for the project. The provision of PGH&E electric power to the site in lieu of diesel generators was also discussed. Finally, the commenter questioned the need for the project and the economic viability of an asphalt plant at the site, and how a portable asphalt plant would be a preferable alternative.

With respect to reported changes in the project area warranting further investigation, please see Master Response 2: *Significant New Information* and its various subsections (Master Response 2a: *Wildfire Risk and Access/Egress*; Master Response 2b: *Transportation Improvements & Accidents*; Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*; and Master Response 2d: *Air Quality Health Risk Assessment Methodology*) which outline the various purported changes in the project area as raised by a number of commenters, and then present information concerning the continued applicability of the information contained in the 2011 RDEIR.

The project's effects to surrounding properties, including the White Deer Lodge site, was adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties, including the White Deer Lodge site, are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new

information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

With respect to the comments about the project's impacts to wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The projects effects related to wildfire have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issues. Supplemental response concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which describes the continued applicability of the analysis presented in the 2011 RDEIR.

With respect to the applicability of new regulations that must be considered in the project's environmental review related to climate change and air quality emissions, please again see Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. On the point of changing analytical standards and thresholds, applicable CEQA case law is clear, and courts have consistently found that lead agencies cannot be subjected to endless rounds of re-review based on changing standards. (See, e.g., *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, 532; *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301, 1320; *Citizens Against Airport Pollution v. City of San Jose* (2014) 227 Cal.App.4th 788, 808.) For this project, the issue at hand is whether or not project's impacts were evaluated sufficiently in the 2011 RDEIR. To this, the answer is "yes," in that the 2011 health risk assessment and other evaluations considered the health risk to multiple sensitive receptors in the area, including the White Deer Lodge, using the standards in effect at the time (2011 RDEIR, page 287 through 289). The analysis found that the project, as mitigated, would not emit pollutants or greenhouse gas emissions in excess of regulatory standards (2011 RDEIR, page 291 and 292). As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

The commenter states the "a state-of-the-art asphalt plant would not rely upon diesel generators as this one would." Similar comments were raised during the administrative process leading up to certification of the 2012 FEIR. Please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, wherein explanation is provided that demonstrates that the scope of the RDEIR as presented was in compliance with the Appeal Court's direction, and in compliance with applicable CEQA legal directives, as supported by relevant case law. Further, please see Master Response 2: *Significant New Information*, wherein evidence is provided to show the lack of support for assertions that significant new information negates the findings of the 2012 FEIR, or that the non-remanded portions of that EIR are stale or otherwise out-of-date.

Additionally, as explained in the 2011 RDEIR, the project does not propose developing an asphalt plant that relies upon diesel generators. "The proposed asphalt plant will operate on electricity supplied by PG&E." (2011 RDEIR, p. 295.) The project applicant has not proposed any changes to project including any change to the requirement that the proposed asphalt plant operate on

electricity supplied by PG&E. Therefore, the asphalt plant will not commence operation unless, and until, PG&E service is available for the asphalt plant. While the asphalt plant will operate on PG&E electricity, the existing quarry relies on diesel generator use. As explained in the 2011 RDEIR, because the PG&E grid may not be able to provide sufficient electricity to the site to provide all necessary electricity for both the asphalt plant and quarry, the 2011 RDEIR assumed that diesel generator use would continue to be required to generate all of the electricity required for the quarry. The 2012 FEIR, however, included a mitigation measure (Mitigation Measure 4.6-I.1), which requires "[u]se electricity provided by PG&E to the maximum extent possible to replace electricity generated by the on-site generator." As explained in the MMRP adopted by the County in 2012, this mitigation measure imposes a mandatory requirement that must be implemented by the project applicant "as soon as… [PG&E power] is available to the site." In short, the asphalt plant will not commence operation until it can be served by PG&E electricity and, once the PG&E grid has sufficient capacity and infrastructure to replace electricity for the quarry generated by the on-site generator, the quarry will also operate in full, or in part, on electricity supplied by PG&E.

Furthermore, the 2012 FEIR evaluated the project's air quality impacts with the use of diesel generators for the quarry. The use of those generators was compared with baseline air quality emissions for the facility, and the air quality emission impacts of the project as a whole was found to be substantially less than applicable regulatory thresholds and therefore less than significant (see Impact 4.6-B in the 2011 Draft Recirculated EIR, particularly Table 4.6-12). To the extent the commenter intended to request that both the quarry and asphalt plant operate using PG&E electricity immediately, the commenter is requesting that a new alternative be evaluated for an impact that has already been found to be less than significant. Not only is consideration of such an alternative not warranted (see CEQA Guidelines Section 15126.6(a), which specifically directs analysis of alternatives towards those that would "substantially lessen any of the *significant effects* (emphasis added) of the project"), but the range of alternatives considered in the 2012 FEIR have already been litigated and resolved (with the exception of Alternatives 4 and 5, which are the subject of the 2019 RDEIR), or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. For this reason, consideration of this alternative is not warranted.

As for the suggestion that other alternatives are available that should be analyzed, including portable asphalt plants, please see Master Response 3: *Additional Alternatives for Consideration*, which outlines the requirements of alternatives selection and evaluation under CEQA. In the prior litigation, both the trial court and Court of Appeal held that the seven alternatives included in the 2011 RDEIR constituted a reasonable range of alternatives pursuant to CEQA. Therefore, the sufficiency of the range of alternatives included in the 2012 FEIR has already been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 FEIR, and the writ of mandate did not require the County to revisit the issue. As such, further analysis is not required.

The commenter's assertion that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation

was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Lucy Kramer

This commenter raised concerns on the project's effects on pending plans to convert a portion of the former White Deer Lodge to a senior care facility and other uses.

The project's effects to surrounding properties was adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental responses on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental information concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Janae Stephens

This commenter expressed concerns about wildfire risks and ingress egress from the area in the event of a wildfire.

With respect to the comments about the project's impacts to wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The projects effects related to wildfire have been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issues. Supplemental information concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which describes the continued applicability of the analysis presented in the 2011 RDEIR.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Ellen Drell

This commenter expressed concerns that Alternatives 4 and 5 are no longer viable since construction of Phase I of the Willits Bypass has been completed, and that an asphalt plant at the site is not needed.

With respect to the continued viability of Alternatives 4 and 5, those two alternatives are the sole subject of the 2019 RDEIR, as directed by the Court of Appeal. Alternative 4 presents the possibility of a temporary asphalt plant at the project site to be used during periods of high demand. As presented in the 2019 RDEIR, this alternative is not solely reliant upon the construction of Phase I of the Willits bypass, which has since been completed, and a temporary asphalt plant could potentially be utilized during periods of high demand for other projects. The alternative therefore remains potentially viable. Alternative 5 would allow a permanent asphalt plant at the site, but would limit the extent of nighttime operations, and would also require the applicant to finance construction of an interchange at the project entrance's intersection with US-101. The construction of an interchange was deemed economically infeasible in the 2012 RFEIR, and this finding was updated with supplemental information in the 2019 RDEIR, as directed by the Court of Appeal in its remand to the County. The County has therefore complied with the direction of the Court with respect to this alternative.

The commenter's assertion that the asphalt plant is not needed merely conveys the opinion of the commenter as to his views on the desirability of the asphalt plant. It can be expected that the "necessity" of an asphalt plant at the site will be determined by market forces. This expectation was noted in the 2011 RDEIR (see RDEIR page 80). Construction of such a plant would constitute a significant outlay of capital by the project applicant, and "[n]o proponent, whether wealthy or not, is likely to proceed with a project that will not be economically successful." (*Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 600, citing *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430.) Furthermore, the purpose of an EIR is not to determine the desirability of a particular course of action, but rather to determine and disclose the environmental effects of implementing that action.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Sonja Lewis

This commenter expressed concerns about the project's impacts to air quality, wildfire risk, and the project's effects on pending plans to convert a portion of the former White Deer Lodge to a senior care facility and other uses.

With respect to the comments about the project's impacts to air quality emissions and wildfire hazards, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. Each of these issues has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit these issues. Supplemental information concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. Additional information concerning wildfire risk is provided in Master Response 2a: *Wildfire Risk and Access/Egress*, which also describes the continued applicability of the analysis presented in the 2011 RDEIR.

The project's effects to surrounding properties was also adequately evaluated in the 2011 RDEIR, as upheld by the Court of Appeal. For supplemental information on this topic, please see Master Response 2c: *Existing and Proposed Uses of White Deer Lodge and Other Properties*, which lays out the analysis that has already been undertaken for project impacts to the surrounding properties in the vicinity of the project site. The 2011 RDEIR considered impacts to multiple sensitive receptors in the area, including the White Deer Lodge, Golden Rule Mobile Home Park, Ridgewood Ranch, and other properties. This analysis included risks to health from toxic emissions (see 2011 RDEIR, page 287 through 292), noise (see 2011 RDEIR, page 233, where various nearby properties are noted as sensitive receptor locations), traffic (see Table 4.4-2 of the 2011 RDEIR, which lists area intersections that were studied), and aesthetics and visual resources (see 2011 RDEIR pages 305 through 341, which analyzed changes to views of the project site from surrounding areas). Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR. In all instances, the analysis found that the project, as mitigated, would not result in any significant impacts to these surrounding areas. As such, the commenter has not identified any significant new information as defined by CEQA and the impact evaluation and the mitigation provided in the 2011 RDEIR remain valid.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public

comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

Walter Williams

This commenter expressed concerns about the project's air quality impacts.

With respect to the comments about the project's impacts to air quality emissions, please see Master Response 1: *Scope of the 2019 RDEIR & the Principle of Res Judicata*, earlier in this chapter, which lays out the scope of the 2019 RDEIR and the issues that are currently under consideration. The issue of the project's air quality impacts has been litigated and resolved, or could have been litigated and resolved, in connection with the first petition challenging the 2012 RFEIR, and the writ of mandate did not require the County to revisit the issue. Supplemental responses concerning air quality impacts are provided in Master Response 2d: *Air Quality Health Risk Assessment Methodology*, which provides information concerning the continued applicability of the analysis for this topic as presented in the 2011 RDEIR.

While none of the comments provided by the commenter present new significant environmental information that would require additional analysis or recirculation of the EIR, all public comments, including this one, will be provided to the applicable decision-makers as they consider whether or not to approve the project.

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CHAPTER 3
Revisions to the 2019 Revised Draft EIR

3.1 Introduction

This section summarizes text changes made to the 2019 Revised Draft EIR (RDEIR) initiated by County staff.

3.2 Text Changes to the 2019 RDEIR

New text is indicated in underline and text to be deleted is reflected by a ~~strike-through~~. Text revisions provide clarification, amplification, and corrections that have been identified since publication of the 2019 RDEIR. The text changes do not result in a change in the analysis or conclusions of the EIR.

Chapter 2, Summary

As indicated on page 2-1 of the 2019 RDEIR, changes to the text of two alternatives presented in the alternatives chapter of the 2011 Revised Draft EIR were necessary following the court's decision on the 2012 Final EIR. These text changes were provided in the 2019 RDEIR and conforming changes to the descriptions of Alternatives 4 and 5 in the Summary section of the 2011 Revised Draft EIR (pp. 24-25) are included here for addition to Chapter 2 of the 2019 RDEIR:

Alternative 4 - Quarry and Temporary Asphalt Plant

Description

This alternative includes all elements of the proposed project except the asphalt processing facility would be issued a temporary use permit that extends for ~~the~~ a period of only five years. ~~that the Willits Bypass is being constructed.~~ The County Zoning Ordinance (Section 20.036.010) currently allows mineral processing "of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project..." The installation of such a temporary facility would require County approval of a use permit. ~~Based on discussions with Phil Dow of the Mendocino Council of Governments, the bypass, if funding is restored, is projected to take about 4 years to construct.~~[1] This alternative would include a zoning variance to allow the asphalt silo to be 75 feet high. The alternative would modify the proposed Mineral Processing

[1] ~~Phil Dow, MCOG Director, personal communication, 7/10/07.~~

Combining District to allow ~~only~~ temporary asphalt production ~~for one discrete~~ project not exceeding one 5- year period during the 30-year permit process. ~~Alternatively, the new zoning district could be eliminated (since County zoning does allow this limited processing use), and the time limits described in the previous section would be included in the Use Permit.~~ The asphalt facility site would be reclaimed after 5 years consistent with the Reclamation Plan for the proposed project. The intent of including this alternative is to allow comparison of the project with an alternative that meets most of the project objectives but eliminates the long-term impacts from the asphalt facility.

Conclusions

Alternative 4 (Quarry and Temporary Asphalt Plant) would reduce the impacts associated with the making of asphalt since the asphalt plant would only be allowed to operate for a maximum of five years of the 30-year permit. The main advantage of this alternative is that a major industrial use would not be a permanent facility in the rural environment. It would reduce the two significant visual impacts to Black Bart Drive to a less-than-significant level. It would substantively reduce noise and air quality impacts.

It is possible that a smaller pad would be needed for a temporary asphalt plant. If that were the case, there would be a reduction in a range of impacts, including soil erosion, slope stability, increased runoff, potential for water pollution, loss of native vegetation, and visual impacts.

The alternative would be environmentally superior to the project as proposed. The alternative meets two of the applicant's five objectives (maintain the quarry and expand the maximum rate of production), and partially meets three other objectives (develop an asphalt facility, locate processing facilities adjacent to the quarry, and locate the project in a central location between Willits and Ukiah).

Alternative 5 - Project Redesign

Description

This alternative includes the project as proposed including all EIR-recommended mitigation measures. In addition, it includes the following two elements:

- Nighttime activities will not be allowed more than 20 nights a year to serve a major road construction project; the County would need to authorize this nighttime use. The applicant has requested the ability to operate at night up to 100 nights a year. The rationale for such a request appears to <u>have been the possibility</u> ~~be~~ that Caltrans might request nighttime operations when constructing the Willits Bypass in order to minimize traffic congestion impacts. However, <u>the bypass has been constructed and</u> it is speculative that nighttime operations would be needed for <u>other projects.</u> ~~a new bypass around the City. In fact, nighttime operations might be very unpopular with people living near the bypass route.~~ In any case, this alternative limits nighttime operations to 20 nights a year.

- The applicant will finance their fair share of construction of at least a partial interchange at the project access driveway intersection. At a minimum, this partial interchange would include northbound on and offramps with a highway overcrossing; these improvements would eliminate turns in or out of the quarry across oncoming traffic. Southbound turns into or out of the quarry could either be via the deceleration and acceleration lanes as recommended for the project in this EIR, or the interchange could be fully developed to also include southbound on and offramps. It is expected that Caltrans would require connection of Black Bart Drive to this interchange.

The intent of including this alternative is to allow comparison of the project with an alternative that meets most project objectives and further mitigates project traffic and visual impacts.

Conclusions

Alternative 5 (Project Redesign) reduces the significant and unavoidable visual impacts of night lighting of the processing facilities to a less-than-significant level. It eliminates existing and future traffic safety impacts. It reduces nighttime noise impacts. It is environmentally superior to the project as proposed. The alternative meets all of the applicant's five objectives.

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CHAPTER 4
Mitigation Monitoring and Reporting Program

4.1 Purpose of this Document

This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) prepared in compliance with Public Resources Code Section 21081.6(a). The MMRP will be considered for adoption by the County Board of Supervisors and will aid the County in its implementation and monitoring of measures included in the EIR and adopted by the Board. The MMRP has not changed since it was previously considered and adopted by the Board of Supervisors in 2012.

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.1 Geology and Soils					
Impact 4.1-A: Quarry activities could result in unstable slopes.	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.	Applicant's geo-technical consultant	Biannually	Applicant's geo-technical consultant Final slope stability – DPB & OMR	DPB Final slope stability analysis would be approved after meeting all SMARA requirements
	4.1-A.2: The uppermost 20-foot quarry cut shall be sloped no steeper than 1.5h:1v in accordance with recommendations of the report prepared by Blackburn Consulting (Cut Slope Evaluation for Harris Quarry Haul Road (BCI) February 2007, with addendum dated July 2008).	Applicant	Final reclamation grading	DPB	DPB Completion of mining under the permit
	4.1-A.3: Final cut slopes on the quarry walls shall be cut at the gradient required to attain a factor of safety of 1.3, with intervening 12-foot benches every 40 vertical feet.	Applicant	Final reclamation grading	DPB	DPB Completion of mining under the permit
Impact 4.1-B: Unstable geology and slopes at the asphalt processing facility site could cause failure of improvements at that site.	4.1-B.1: A Certified Engineering Geologist and a Geotechnical Engineer shall be identified to conduct the mitigation measures recommended below. The choice of Certified Engineering Geologist and Geotechnical Engineer shall be approved by the County Department of Planning and Building Services.	Applicant	Prior to pad construction	DPB	DPB Prior to asphalt facility pad construction
	4.1-B.2: The processing building pad will be designed and constructed to be stable for the maximum credible earthquake for the area. A supplement to the previous design level study prepared by BCI shall be performed in the area of the proposed asphalt processing area that will verify design measures needed to ensure building pad stability, including for the design seismic event. The following will be included in the supplement. 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 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.	Applicant's geo-technical consultant	Prior to construction	Applicant's geo-technical consultant and DPB	DPB Prior to approval of Plan Sheets

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.1 Geology and Soils (cont.)					
Impact 4.1-B (cont.)	3) 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. 4) Construction observation and testing (special inspections) will be done during construction to ensure conformance with design requirements and geotechnical recommendations.				
	4.1-B.3: The site of proposed fills in the west- southwestern portion of the expansion area will also be evaluated and appropriate measures to stabilize proposed fills shall be determined and incorporated into project design, consistent with the requirements of Section 3704(d) of the State Mining and Geology Board Reclamation Regulations. Proposed fills shall be properly compacted to a minimum 90% compaction relative to the maximum dry density and shall be no steeper than 2h:1v unless measures to reinforce the fills are included in project plans and a slope stability analysis is completed by the Project Geotechnical Engineer and Certified Engineering Geologist which finds that proposed fills will be stable.	Applicant's geo-technical consultant	Prior to construction of fills	Applicant's geo-technical consultant and DPB	DPB Completion of reclamation
Impact 4.1-C: The project site is subject to seismic events and strong seismic ground shaking.	The mitigations recommended for Impacts 4.1- A and 4.1-B also apply to this impact.	See the cited mitigations			
Impact 4.1-D: The new access road and the new road to the water tank could fail if not properly constructed.	4.1-D.1: A Certified Engineering Geologist and a Geotechnical Engineer shall be identified to conduct the mitigation measures recommended below. The choice of Certified Engineering Geologist and Geotechnical Engineer shall be approved by the County Department of Planning and Building Services.	Applicant	Prior to road construction	DPB	DPB Prior to road construction
	4.1-D.2: 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.	Applicant's geo-technical consultant	Prior to road construction	Applicant's geo-technical consultant and DPB	DPB Prior to approval of Plan Sheets
	4.1-D.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.	Applicant's civil engineer	Prior to road construction	Applicant's civil engineer and DPB	DPB Prior to approval of Plan Sheets

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.1 Geology and Soils (cont.)					
Impact 4.1-F: Improper construction and operation of the project could result in soil erosion and the loss of topsoil.	The project shall comply with Mitigation Measures 4.2-A.1 through 4.2-A.6 and 4.2-B.1 through 4.2-B.4.	See the cited mitigations			
4.2 Hydrology and Water Quality					
Impact 4.2-A: Stormwater runoff containing sediments, metals, dust suppressants, total petroleum hydrocarbons, oil and grease, and other pollutants associated with mining activities and vehicle and equipment use would potentially violate water quality standards and/or impact habitat.	4.2-A.1: The project shall comply with the RWQCB's Construction General Permit conditions.	Applicant	Throughout project construction	Applicant's contractors DPB	DPB Termination of construction
	4.2-A.2: The applicant shall not cause or contribute to a violation of an applicable water quality standard. The applicant shall comply with the NPDES Permit Requirements for the Industrial General Permit (Order No. 97-03- DWQ). The specific elements of this mitigation measure are: *Water Quality Monitoring and Sampling* The applicant shall develop and implement a facility-specific monitoring program to provide indicator monitoring information for the following: (1) BMPs addressing pollutants in stormwater discharges and authorized non- stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of this General Permit, (2) the presence of pollutants (and their sources) in stormwater discharges and authorized non-stormwater discharges that may require immediate corrective action, additional BMP implementation, or SWPPP revisions, and (3) the effectiveness of BMPs to prevent or reduce pollutants in stormwater discharges and authorized non-stormwater discharges. The applicant shall be required to: 1. Collect and analyze stormwater samples from the first two qualifying storm events of the wet season. Analysis must include: (a) the minimum indicator parameters: pH, total suspended solids (TSS), total organic carbon (TOC) or Oil and Grease, and specific conductance, (b) parameters that indicate the presence of materials that are mobilized by contact with stormwater (such as rock salt) and are likely to be exposed to stormwater (based upon the discharger's pollutant source assessment required in the SWPPP), (c) parameters listed in	Applicant	Annually throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry review and report RWQCB When reviewing project compliance with NPDES Permit Requirements for the Industrial General Permit

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-A (cont.)	Table VIII "Additional Analytical Parameters" (these parameters are dependent on the facility's SIC code), and (d) parameters indicating the presence of industrial materials that may be causing or contributing to an exceedance of a water quality standard in the receiving waters. Water sampling shall be conducted by a third-party consultant and water samples shall be submitted to a California-certified analytical laboratory for analysis. 2. Visually observe the facility before every anticipated storm event to locate and manage obvious pollutant sources. The Industrial General Permit requires dischargers to collect samples from all drainage areas. The following actions are required: 1. Facility operators shall visually observe and collect samples of stormwater discharges from all project drainage areas. The samples shall represent the quality and quantity of the facility's stormwater discharges from the storm event. 2. If the facility's stormwater discharges are commingled with run-on from surrounding areas, the facility operator shall identify other visual observation and sample collection locations where project discharges have not been commingled by run-on and that represent the quality and quantity of the facility's stormwater discharges from the storm event. 3. If visual observation is not possible or sample collection locations are difficult to sample (e.g., sheet flow, submerged outfalls), facility operators shall identify and collect samples from other locations that represent the quality and quantity of the facility's stormwater discharges from the storm event. If facility operators determine that the industrial activities and BMPs within two or more drainage areas are substantially identical, they may either (i) collect samples from a reduced number of substantially identical drainage areas, or (ii) collect samples from each substantially identical drainage area and analyze a combined sample from each of these drainage area. Facility operators must document such a determination in the annual report. Sample collection sites shall include, at a minimum: 1. Due to the steep slope and associated inaccessibility for sampling at the existing 36-inch CMP outfall from the existing				

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-A (cont.)	sump pond at the southeast corner of the quarry site, another point upstream shall be used for sampling. This location shall be the outlet of the proposed 48-inch pipe entering the sump pond, or sampling can be conducted via installation of a vertical CMP clean-out in the proposed 48-inch pipe within the quarry site. 2. Outfall of the proposed 12-inch pipe outlet for the bio-retention area at the processing site. 3. All associated records of stormwater quality monitoring, sampling, and analyses shall be retained and submitted per RWQCB permit requirements. The applicant shall submit a monitoring report to the RWQCB with a copy submitted to the County Department of Planning and Building Services. Frequency of reporting shall be determined by the RWQCB but shall not be less frequent than twice each rainy season. The qualified water quality professional conducting the monitoring shall provide an analysis of the data and an evaluation of the overall effectiveness of the sediment control system. If the water quality objectives have been exceeded, the report shall include analysis as to the specific causes of the exceedances and recommended measures to bring the discharges into compliance.				
	4.2-A.3: If necessary, implement corrective measures to meet water quality objectives. Once mining commences, if annual surface water monitoring indicates that discharges from the quarry exceed the water quality objectives, the applicant shall propose changes to the sediment control program that will improve its performance sufficiently to meet the performance criteria. Corrective action may include, but is not limited to, implementation of additional source control BMPs, use of chemical flocculation, installation of mechanical filtration of the discharge, and/or construction of extended wet ponds and/or treatment wetlands. The proposed changes shall be submitted to the RWQCB for comment, revised as needed to address their comments, and then implemented by the applicant. If the performance criteria are not met for two consecutive years, the County Department of Planning and Building Services will confer with the applicant and the RWQCB to determine whether further changes in the sediment control plan are likely to result in compliance. If suitable changes are not identified, then the County shall require the quarry to reduce production as needed to meet the performance criteria.	Applicant	Throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry inspection and report RWQCB When reviewing project compliance with NPDES Permit Requirements for the Industrial General Permit

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-A (cont.)	4.2-A.4: The applicant shall revise and implement an updated Storm Water Pollution Prevention Plan (SWPPP) for the project. The erosion control portion of the SWPPP shall include an aggressive sediment source and delivery control program. It shall place greater emphasis on establishing temporary and permanent protection of disturbed fill slopes and drainages in the processing areas that drain to Forsythe Creek. Most importantly the plan must include an annual winterization report that documents the location and application of best management practices to mitigate reduction in water quality due to sediment in storm runoff. The SWPPP shall be regularly updated as BMPs are updated and new BMPs are constructed and/or the quarry operation changes. The SWPPP shall be implemented during the initial stage of quarry construction and stay in effect through the completion of reclamation. The required detailed SWPPP, including the erosion control plan shall also include: 1. A formal plan for preventing the inadvertent side cast of materials from the quarrying area entering Forsythe Creek and its tributary shall be developed. 2. All fill slopes draining to Forsythe Creek shall be stabilized prior to October 15 of each year. The plan shall include a detailed design plan for annual stabilization. Stabilization measures include fill slopes suitable for hydraulic application of surface stabilizing compounds, hydroseeding, mulching, or other measures to prevent erosion, and the application thereof. It shall include a description of the erosion control materials to be used and application rates. Seed mixes shall be specified. A schedule for completion of stabilization shall be included, and the stabilization shall be completed by October 15 each year. 3. Silt fences, fiber rolls, and straw bale barriers shall be used on bare slopes not being actively mined to intercept and trap sediment carried by sheet flow. 4. The site plan shall show work areas, indicating the year the initial reclamation occurred, active mining, stockpiling, work areas, and areas to be mined the following year. 5. The site plan shall show erosion and drainage problem areas, and proposed emergency stormwater runoff flow directions, in addition to the planned retention, bio-retention, and treatment areas.	Applicant	Throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry inspection and report RWQCB When reviewing project compliance with NPDES Permit Requirements for the Industrial General Permit

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-A (cont.)	6. The applicant shall place all hazardous materials and fueling areas above predicted 100-year 24-hour flood elevations and above observed seasonal high-water elevations. 7. A plan to annually monitor and treat stormwater outlets that discharge to slopes and drainages to insure that gullying, incision, or other erosion and mass wasting processes are not occurring as a result of project area operations and site drainage will be implemented.				
	4.2-A.5: During mining and reclamation activities, the following measures shall be included in the SWPPP required under the General Construction Permit and implemented to reduce the potential for erosion and sediment discharge: 1. Topsoil suitable for use in revegetation shall be stockpiled in a stable manner for use in reclamation and replanting of cut slopes. Prior to October 15 of each year, all topsoil stockpiled for future use in revegetation shall be seeded and mulched in order to prevent soil loss through erosion. Topsoil shall be stored in locations that are not immediately above or adjacent to stream drainages.	Applicant	Throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry inspection and report RWQCB When reviewing project compliance with General Construction Permit Requirements
	4.2-A.6: The applicant shall implement best management practices to reduce the potential for discharge of contaminants to stormwater runoff. These BMPs shall be included in the General Construction Permit SWPPP and shall be designed by a civil engineer, and the design engineer shall oversee BMP installation. To minimize the introduction of contaminants, which may degrade the quality of water discharged from the site, the following measures shall be taken: • 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. • Fueling and maintenance of all rubber-tired loading, grading, and support equipment shall be prohibited within 100 feet of drainage ways. Fueling and maintenance activities associated with other less mobile equipment shall be conducted with proper safeguards to prevent releases of hazardous material. All refueling and maintenance of mobile vehicles and equipment shall take place in a designated area with an impervious surface and berms to contain any potential spills.	Applicant	Throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry inspection and report RWQCB When reviewing project compliance with General Construction Permit and Industrial General Permit Requirements

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-A (cont.)	• All chemical dust suppressants, slope stabilization chemicals or polymers, and sediment detention basin enhancement chemicals or polymers shall be used strictly according to the manufacturer's specifications. An accurate accounting of all these materials purchased and used on the site shall be maintained, including kinds and quantities of material. • 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.				
Impact 4.2-B: Quarry expansion and use will alter the runoff regime to Forsythe Creek.	4.2-B.1: The bio-retention basin will be designed to minimize erosion at the point of outlet. To meet this standard, the following actions will be taken: 1. The flow from the basin must be attenuated via an increase in basin size and/or decrease in pipe outlet sizing to match post-construction runoff volume to pre- construction runoff volume for the smallest storms up to the 85th percentile storm event (or the smallest storm event that generates runoff, whichever is larger). 2. A slotted pipe dissipater shall be designed to capture and disperse outflow from the basin to the hillslopes below. The design will be provided by the applicant engineer and is subject to review and approval by RWQCB per the NPDES discharge requirements. 3. Visual observations shall be made at the bio-retention basin outlet after each rain event. Photos from two photo points (one upslope and one downslope of the pipe outlet) shall be taken before (October- November) and after (March-April) the rainy season of each year of quarry operation. Photos shall be available for review by RWQCB and will be submitted with the Construction and Industrial General Permits' annual reporting.	Applicant	Throughout the use permit period	Applicant DPB RWQCB	DPB Annual quarry inspection and report RWQCB When reviewing project compliance with General Construction Permit and Industrial General Permit Requirements
Impact 4.2-D: *Cumulative impact* - The project in combination with other projects would generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.	The mitigation measures listed under Impact 3.3-A also apply to this impact.	See the cited measure			

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.2 Hydrology and Water Quality (cont.)					
Impact 4.2-E: *Cumulative impact* - Future mining of the quarry could generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.	The mitigation measures recommended for Impact 4.2-A apply to this impact.	See the cited measure			
4.3 Biological Resources					
Impact 4.3-A: Project development could impact special status plant species, either directly or through habitat modification.	4.3-A.1: Project construction or operation shall not adversely affect special status species of plants. If feasible, surveys for special status species of plants will be conducted by a qualified biologist approved by the County prior to certification of the Final EIR or project approval. Otherwise, surveys will be conducted prior to project-related vegetation removal. New surveys shall be conducted every three years in areas that have not yet been mined. If special status species of plants are found, the plant will be avoided, or, if that is not feasible, the biologist will confer with the Department of Fish and Game to identify suitable mitigation. The applicant will abide by the decision of the Department of Fish and Game concerning the special status species.	Applicant's biologist	Prior to initial vegetation removal and then every 3 years	DPB	DPB Annual quarry inspection and report CDFG (if special status species found)
Impact 4.3-B: Project development could impact special status wildlife species, either directly or through habitat modification.	All mitigations required for 4.1-E and 4.2-A are required for this impact.	See the cited measures			
	4.3-B.1: As required by law, the project applicant shall not remove nests or den sites of any special status species of wildlife when constructing the project or expanding the quarry. Because special status species may move into the project area in the following years, additional biological surveys will be conducted at least every 3 years to ensure that special status species are not present in the area where vegetation will be removed. The surveys shall be conducted by a qualified biologist, during the spring, in the specific area proposed for vegetation removal. If dens or nest sites of special status species of wildlife are found, the den or nest site will be avoided, or, if that is not feasible, the biologist will confer with the Department of Fish and Game to identify suitable mitigation. The applicant will abide by the decision of the Department of Fish and Game concerning the special status species.	Applicant's biologist	Every 3 years	DPB	DPB Annual quarry inspection and report CDFG (if special status species found)

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.3 Biological Resources (cont.)					
Impact 4.3-C: Project development would result in the loss of about 24 acres of native vegetation.	4.3-C.1: The Final Reclamation Plan shall be submitted to the State Office of Mine Reclamation for review. All conditions recommended by OMR during that review shall become part of the final Reclamation Plan for the project.	Applicant	Prior to initiation of project	DPB	OMR Review of Final Reclamation Plan DPB Approval to construct the project and mine the expansion area
Impact 4.3-D: Project development could impact wetlands and "waters of the U.S."	4.3-D.1: The applicant shall conduct all improvements set forth on EIR Figures 3-11 through 3-13. The applicant shall prepare a final improvement plan describing how and when these improvements will be done and monitored and the responsibility for follow-up work if monitoring finds that the improvements are failing or not operating as planned. This plan shall be submitted to the Army Corps and DFG when applying for required permits/agreements.	Applicant	Prior to filing wetlands or waters of the U.S.	DPB CDFG USACE	Army Corps Approval of delineation and permit if needed) CDFG Streambed Alteration Permit DPB Approval of Plan Sheets
	4.3-D.2: When constructing the on-site haul road, no construction shall occur within the wetland between the haul road and Black Bart Drive. Drainage improvements will be incorporated to allow the area above the road that currently drains to the small on-site wetland to continue to do so. Level spreaders or other structures shall be installed below the road to spread runoff before it enters the wetland.	Applicant's contractor	Prior to haul road construction	DPB	DPB Prior to approval of road construction
Impact 4.3-E: Project development could conflict with the State law regarding oak woodland conversion (Public Resources Code 21083.4).	4.3-E.1: During site preparation for the access road to the asphalt processing facility, the access road to the water tank, and the asphalt processing facility itself, the applicant shall flag the actual area to be graded or disturbed. A qualified biologist shall inventory the species and number of true oaks that will actually be removed or encroached in such a fashion that could lead to future mortality. Similar inventories shall be done when trees are removed for quarry expansion.	Applicant's biologist	Prior to road and asphalt pad construction	DPB	DPB Prior to road and pad construction
	4.3-E.2: Plant replacement oaks on the applicant's property (Assessor's Parcel Nos. 147-180-07, & -08 and/or 147-140-07) within three years of project approval or tree removal, whichever is later. The new oaks will be replanted at a ratio of 3:1 for each oak removed. New seedlings will be the same species as the tree removed except that canyon live oak will be used instead of interior live oak. If black oak in the area become infected with SOD, then a non-susceptible species of oak will be used to replace black	Applicant	Plant within 3 years of project approval Maintain as stated though the end of reclamation	DPB	DPB Annual mine inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.3 Biological Resources (cont.)					
Impact 4.3-E (cont.)	oak. The oaks shall be fertilized, irrigated, protected, and maintained until they are 5 years old. Any trees dying within that period shall be replanted until there are new live trees at the 3:1 ratio described above on the property that have been alive for at least 7 years. Tree seedlings should be planted no closer than 10 feet apart from other tree seedlings and no closer than 20 feet apart from the trunk of any mature tree. Compacted ground shall be broken to an area three times the diameter of the root ball prior to planting to allow root growth. Trees shall be watered weekly by the property owner in weeks with no natural precipitation (usually April 15 through October 15 of each year) and shall be watered three times per week when temperatures exceed 100 F□ for the first three years after planting. During site reclamation, additional oaks will be planted at a 2:1 ratio. So, at least 5 new oaks will be established for each one removed by the end of site reclamation.				
Impact 4.3-K: *Secondary Impact* - Widening Highway 101 Widening Highway 101 per Mitigation Measure 4.4-B.1 will impact biological resources.	Mitigation Measures 4.3-E.1 and 4.3-E.2 also apply to this impact.	See the cited measures			
	4.3-K.1: The applicant shall implement the proposed expansion and improvements of the vernal pool as shown on Figure 3-14. Final improvement plans will be approved by the Army Corps and the Department of Fish and Game, and the applicant shall be responsible for implementing any changes or additions the Corps and/or Department make to the improvement plan. It is expected that the Corps or the Department of Fish and Game will require a functional or qualitative assessment of the vernal pool that will be expanded to ensure that it is considered a "higher resource" than the two small roadside wetlands that would be filled. At least the following additional conditions will apply: • To ensure success of the vernal pool expansion, a water budget for the given drainage area shall be developed to ensure the site can support a larger pool feature. If it cannot, then runoff from other nearby slopes shall be directed to the vernal pool. • Prior to construction, baseline data shall be gathered at the vernal pool mitigation site, over multiple hydrologically different years (three years minimum), to determine characteristics such as the size, depth, duration of inundation, slope, and biologic species present before construction. This will ensure existing wetlands are not damaged and provide a reference for the performance of the new wetlands. After construction, monitoring shall occur every year for at least 7 years or until specific performance standards are met.	Applicant	Prior to filing wetlands or waters of the U.S.	DPB CDFG USACE	U. S. Army Corps Approval of delineation and permit (If needed) CDFG Streambed Alteration Permit DPB Approval of Plan Sheets

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.3 Biological Resources (cont.)					
Impact 4.3-K (cont.)	• Pool expansion shall mimic existing habitat characteristics. Construction plans shall be adjusted based on baseline data collection. • Maintain the hydrology of the pool after construction by preparing horizontal and vertical relief plans for the contractor- operator. The plan should mimic the existing pool as much as possible as regards the depth, no berm, and the back slope, and ensuring the soil type is continuous. A final plan shall describe all details and operation of the pool. • Written protocols shall be developed for each stage of construction. Protocols shall cover the collection of baseline data, post construction hydroperiod, and the establishment of vegetation and wildlife. • Inoculation materials shall be raked from the existing vegetation during the end of the dry season and then spread over the raked constructed pool during the beginning of the wet season. • A conservation easement shall be established to ensure the vernal pool is protected.				
4.4 Traffic and Circulation					
Impact 4.4-B: The project would increase traffic turning in and out of the project access, and this would increase the existing safety hazard in the area.	4.4-B.1: The applicant shall construct the following improvements prior to increasing aggregate production or selling asphalt: • Highway 101 Northbound Approach – Provide a left-turn deceleration/storage lane on Highway 101 at least 470 feet in length. • Highway 101/Southbound Approach – Provide a right-turn deceleration lane on Highway 101 at least 200 feet in length. • Highway 101 Northbound Departure – Provide a speed change acceleration lane for left turns from the project site extending at least 1,410 feet in length (which would extend through and north of the Black Bart Drive intersection) as well as a 300-foot taper (total length 1,710 feet). • Highway 101 Southbound Departure – Provide a speed change/acceleration lane for right turns extending at least 1,090 feet from the project site as well as a 300-foot taper (total length of 1,390 feet). Although only a 300-foot-long acceleration taper is theoretically warranted, observations of truck driver turns and their disruption to the flow of traffic on southbound Highway 101 indicate the need for the full acceleration lane with Base volumes.	Applicant	Prior to increasing aggregate production or selling asphalt	DPB	Caltrans Improvements meet all Caltrans requirements DPB Prior to allowing sale of asphalt or an increased amount of aggregate (over current permitted level)

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.4 Traffic and Circulation (cont.)					
Impact 4.4-B (cont.)	• A lighted sign with a flashing beacon (with a solar panel) that warns southbound Highway 101 travelers of slow and turning trucks shall be placed on the west side of Highway 101 about 925 feet north of the project access driveway. A similar sign and beacon that warns northbound Highway 101 travelers shall be placed on the east side of Highway 101 south of the project access driveway, at a distance that meets Caltrans' requirements.				
	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: • Traffic operational and accident conditions shall be monitored at the Highway 101/Harris Quarry Access and Highway 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. • 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 Highway 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 2 years of Caltrans' approval of the final design and funding mechanism. The applicant shall be responsible for paying its fair share (as determined by Caltrans and the County) of the improvements.	Applicant's traffic engineer	Biannually throughout the permit period (or until an interchange is constructed)	DOT Caltrans	DOT and DPB Annual quarry inspection and report Caltrans Approval of any additional highway improvements

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.4 Traffic and Circulation (cont.)					
Impact 4.4-B (cont.)	4.4-B.3: Aggregate production and project- generated traffic shall not exceed the levels predicted and assessed in this EIR. Every three (3) years, an aerial survey of the site shall be submitted to the Department of Planning and Building Services to evaluate the volume of material extracted during the 3-year period. The survey shall include topographic mapping developed from aerial photos taken in such a manner as to clearly show the full extent of the extraction area. The aerial survey aerial shall delineate the limits of extraction for the previous 3 years. A report shall be prepared by a licensed engineer or land surveyor or photogrammetrist, and shall quantify the extraction volume based on the aerial survey. Photos and topographic mapping shall include a standard reference scale and north arrow, and shall be of size and quality acceptable to the Department of Planning and Building Services. A baseline aerial photo and topographic map shall be taken and submitted to the Department of Planning and Building Services within 90 days of approval of this permit."	Applicant	Every 3 years after project initiation	DPB	DPB Annual quarry inspection and report
Impact 4.4-C: Nighttime use of the project access would increase the safety hazard in the area.	4.4-C.1: During nighttime operations that will occur more than 5 days a year, the applicant will provide lighting that illuminates the access intersection. The lighting can be permanent lighting or temporary lighting such as Caltrans uses in construction zones.	Applicant	During nighttime operations exceeding 5 nights a year	DPB	DPB During extended nighttime operations
Impact 4.4-D: Use of the project access during times with limited visibility would increase the safety hazard in the area.	4.4-D.1: The southfacing 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 Highway 101/Highway 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.	Applicant and haul truck drivers	Throughout the permit process	DOT DPB	DPB Annual quarry inspection and report
	4.4-D.2: The monitoring done by the County- approved monitor recommended in Mitigation Measure 4.4-B.2 shall include monitoring of safety and compliance with Mitigation 4.4-D.1 during periods of limited visibility.	Applicant's traffic engineer	Biannually throughout the permit period (or until an interchange is constructed)	DOT Caltrans	DOT and DPB Annual quarry inspection and report Caltrans Approval of any additional highway improvements

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.4 Traffic and Circulation (cont.)					
Impact 4.4-E: *Cumulative Impact* - The project would increase 2014 traffic volumes at the intersections of Highway 101 with Black Bart Drive and the quarry access.	Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1 and 4.4-D.1 are required for both 2014 scenarios.	See the cited measures			
Impact 4.4-F: *Cumulative Impact* - The project would increase 2030 traffic volumes at the intersections of Highway 101 with Black Bart Drive and the quarry access.	Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1 and 4.4-D.1 are required for both 2030 scenarios.	See the cited measures			
4.5 Noise					
Impact 4.5-B: The project would generate noise and vibration from quarry blasting.	4.5-B.1: Blasting shall be done as needed, but no more than ten times per year.	Applicant	Throughout the use permit period	DPB	DPB Annual quarry inspection and report
4.6 Air Quality					
Impact 4.6-A: Project construction would increase air emissions from equipment operation and fugitive dust from earth-moving activities.	4.6-A.1: Implement the measures recommended by MCAQMD under their Rule 430 for Fugitive Dust Emissions as listed below: 1. All visibly dry disturbed soil road surfaces shall be watered to minimize fugitive dust emissions. 2. All unpaved surfaces, unless otherwise treated with suitable chemicals or oils, shall have a posted speed limit of 10 miles per hour. 3. Earth or other material that has been transported by trucking or earth moving equipment, erosion by water, or other means onto paved streets shall be promptly removed. 4. Asphalt, oil, water or suitable chemicals shall be applied on materials stockpiles, and other surfaces that can give rise to 5. All earthmoving activities shall cease when sustained winds exceed 15 miles per hour.	Applicant	Throughout the use permit period	MCAQMD	DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.6 Air Quality (cont.)					
Impact 4.6-A (cont.)	6. The operator shall take reasonable precautions to prevent the entry of unauthorized vehicles onto the site during non-work hours. 7. The operator shall keep a daily log of activities to control fugitive dust.				
Impact 4.6-B: The quarry project would generate direct emissions of criteria pollutant emissions (NOx, CO, VOCs, PM10, and PM2.5) from on-site activities during operation of the quarry and asphalt plant which could exceed applicable significance levels.	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.	Applicant	Prior to issuance of an Authority to Construct and a Permit to Operate	MCAQMD	MCAQMD Authority to Construct and a Permit to Operate DPB (if subsequent CEQA review is required) Approval to operate asphalt facility or sell aggregate beyond currently permitted level
	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.	Applicant	Prior to issuance of an Authority to Construct and a Permit to Operate	MCAQMD	MCAQMD Authority to Construct and a Permit to Operate DPB (if subsequent CEQA review is required) Approval to operate asphalt facility or sell aggregate beyond currently permitted level
Impact 4.6-E: Emissions of toxic air contaminants from the project could injure the health of workers and residents living in the area.	4.6-E.1: The applicant shall build and operate the project so that it does not exceed MCAQMD threshold indices for cancer and acute and chronic non-cancer health effects. The applicant shall comply with all MCAQMD requirements all facilities, including for the asphalt facility at least: 1) venting the asphalt storage silos to a Blue Smoke system, and 2) controlling load-out emissions by use of a fiberbed mist collector (part of the Blue Smoke System), unless MCAQMD determines such measures are not required or alternate control measures should be used.	Applicant	Prior to issuance of an Authority to Construct and a Permit to Operate And then throughout the use permit process	MCAQMD	MCAQMD Authority to Construct and a Permit to Operate DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.6 Air Quality (cont.)					
Impact 4.6-E (cont.)	4.6-E.2: The asphalt plant will be a facility that meets at least the emission levels and controls used to assess impacts from that facility in this EIR. If MCAQMD determines that the facility selected for installation would exceed pollutant emission standards as stated in Mitigation Measure 4.6-B.1, then additional risk analysis will be conducted as part of the required additional CEQA review prior to MCAQMD issuing any permits for the project.	Applicant	Prior to issuance of an Authority to Construct and a Permit to Operate	MCAQMD	MCAQMD Authority to Construct and a Permit to Operate DPB (if subsequent CEQA review is required) Approval to operate asphalt facility or sell aggregate beyond currently permitted level
Impact 4.6-F: The asphalt plant would generate odors.	4.6-F.1: The asphalt plant shall not result in noxious odors. The plant will be a facility that meets at least the odor emission levels and controls used to assess impacts from that facility in this EIR. If MCAQMD determines that the facility selected for installation would exceed pollutant emission standards as stated in Mitigation Measures 4.6-C.1 and 4.6-E.2, then additional odor analysis will be conducted as part of the required additional CEQA review prior to MCAQMD issuing any permits for the project.	Applicant	Prior to issuance of an Authority to Construct and a Permit to Operate	MCAQMD	MCAQMD Authority to Construct and a Permit to Operate DPB (if subsequent CEQA review is required) Approval to operate asphalt facility or sell aggregate beyond currently permitted level
Impact 4.6-I: *Cumulative Impact* - The proposed project could conflict with applicable GHG plans, policies, or regulations of an agency adopted for the purpose of reducing greenhouse gases.	4.6-I.1: The applicant shall reduce greenhouse gas emissions from the project by conducting at least the following actions: • Comply with California Air Resource Board standards for light duty and heavy duty vehicles. All vehicles will need to continue to abide by these standards, including possibly stricter standards set in the future. • Restrict idling of diesel engines on the site to less than 5 minutes. • When replacing diesel mobile equipment, purchase new equipment meeting the most recent CARB emission requirements. • Maintain facility mobile equipment in good working order. • Reclaim the site. • Use energy efficient appliances and lighting. All new equipment shall be energy efficient. Except where needed for outdoor work or security, all new lighting shall use fluorescent lighting.	Applicant And Applicant's energy auditor	Energy audit conducted prior to construction Use PG&E power as soon as it is available to the site Solar panels installed prior to the end of construction All other measures complied with throughout the use permit period	MCAQMD DPB	MCAQMD Authority to Construct and a Permit to Operate DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.6 Air Quality (cont.)					
Impact 4.6-I (cont.)	• Increase new building efficiency by 20% over Title 24 standards. • Meet Green Building Code standards for new building construction. • If available, use clean alternative fuels. • Use electricity provided by PG&E to the maximum extent possible to replace electricity generated by the on-site generator. • Install solar panels to power the electrical demands of the office and outdoor lighting. • Install any additional features recommended by the MCAQMD. • Have an energy audit conducted by a qualified individual or firm to identify additional methods to conserve energy (this may include installation of solar panels or other on-site electrical generation facilities). The audit shall be done prior to construction and will confirm that all new equipment and appliances meet accepted standards for energy efficiency.				
4.7 Aesthetics					
Impact 4.7-A: The processing facilities site would change views from Black Bart Drive and Ridgewood Subdivision.	4.7-A.1: The asphalt processing facility site shall be planted to screen views from Back Bart Drive. Once the asphalt processing site grading is completed, the applicant shall contract with an arborist to develop a final tree planting plan along the frontage of the site. Plantings will start as the applicant has proposed about 500 feet west of the existing driveway and extend to a point opposite the northeast corner of the facility site. The arborist will determine whether the trees the applicant has available are suitable for the site, or, if not what species of trees shall be planted along this frontage to provide rapid screening of the site from the road. The planting should incorporate fast- growing trees that can quickly provide screening. If feasible, native trees and shrubs should be used. Preferably native oaks and Douglas fir will be incorporated in the planting scheme (which would count against the previous requirement for tree replacement), with oaks being planted behind the faster- growing screening plants or intermixed with them so that at the reclamation phase any non-native species can be removed to leave oak woodland. The plan will detail site preparation, planting, fertilization, irrigation, and performance monitoring as well as replacement standards.	Applicant Applicant's arborist	Completion of site grading for asphalt facility pad	DPB	DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.7 Aesthetics (cont.)					
Impact 4.7-C: Lighting of the processing facilities would impact night views in the area.	4.7-C.1: Final design and construction shall include no lighting of the asphalt processing facility site except when there are active nighttime operations occurring and for security lighting. The lights will be shielded (90 degree cut-off shielding) lights at no greater than 10 feet in height. Operational lighting will be on light poles distributed to have forward-throw lighting and light trespass cut-off shields. No direct lighting shall be visible from off the site. Lights will be selected from the list of approved security lights adopted by the International Dark Sky Association (IDA). No pinkish, yellowish, or bluish colored light sources will be used. The minimum number of security lights needed for security purposes as determined by the Mendocino County Sheriff's Department will be installed.	Applicant	Prior to final design	DPB	DPB Approval of Plan Sheets
Impact 4.7-E: *Cumulative Impact* - The quarry expansion and highway improvements would change views from Highway 101.	4.7-E.1: The area west of Highway 101 between the highway and the newly constructed access road shall be replanted to screen views of the quarry from Highway 101. The tree planting plan required in Mitigation 4.7-A.1 shall include a plan for replanting the area between the project access driveway intersection with Highway 101 and the south end of the quarry site along the highway frontage. This area shall be planted with fast-growing trees that can quickly provide screening to twenty feet above the highway elevation. These trees shall be fertilized, irrigated and maintained by the applicant.	Applicant Applicant's arborist	Completion of road and highway grading	DPB	DPB Annual quarry inspection and report
	4.7-E.2: The sign at the quarry entrance off the highway shall be kept small and unobtrusive; it shall not exceed 40 square feet.	Applicant	Prior to sale of asphalt or additional aggregate beyond currently permitted level	DPB	DPB Annual quarry inspection and report
4.8 Public Services					
Impact 4.8-A: The project would generate increased calls for fire response and emergency medical aid.	4.8-A.1: The applicant shall comply with all Little Lake Fire Protection District (LLFPD) requirements, including: • A sign that complies with LLFPD signage requirements shall be installed at the project entrance. • Liquid on-site storage tanks (other than water tanks) shall be reviewed and approved by LLFPD. If multiple tanks are placed in close proximity to one another, the spacing between tanks must be reviewed and approved by LLFPD. • LLFPD shall review and approve the final project design to ensure adequate hydrant location and fireflow to the hydrants.	Applicant	Prior to sale of asphalt or additional aggregate beyond currently permitted level	LLFPD CAL FIRE	DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.8 Public Services (cont.)					
Impact 4.8-A (cont.)	• LLFPD will approve the size, type, and number of fire extinguishers for the project. Approved spark arrestors must be installed on all internal combustion engines that require them. These items are required during and after construction. • The water storage tank will be fit with the apparatus that LLFPD and/or CAL FIRE require to be able to access the water in the tank.				
	4.8-A.2: An emergency-only, gated, and paved access shall be provided from the asphalt processing facility site to Black Bart Drive.	Applicant	During construction of the asphalt facility pad	DPB	DPB Prior to sale of asphalt
Impact 4.8-B: The project would increase the risk of igniting wildland fires or being affected by a wildland fire.	The mitigation measures recommended for Impact 4.8-A also apply to this impact.	See the cited measure			
Impact 4.8-D: The project would generate increased demand for water.	4.8-D.1: The quarry shall cease operations if the applicant cannot provide 7,200 gallons of water per day for dust control. The amount of required water for dust control may be reduced by the Mendocino County Air Quality Management District if it determines that the applicant, using alternative methods of dust control, is preventing dust from drifting off the property.	Applicant	Throughout the use permit period	DPB MCAQMD	DPB When apprised by MCAQMD that the project cannot meet dust control requirements
4.9 Hazards and Hazardous Materials					
Impact 4.9-A: Transport, storage, and use of diesel fuels and other chemicals on-site pose a potential safety risk.	All mitigations required for Impacts 4.1-B, 4.1- C, 4.4-B, 4.4-D, and 4.8-A also apply to this impact.	See the cited measures			
	4.9-B.1: Trucks transporting diesel fuel will be restricted to turning left into the site no later than 10 a.m. If deliveries occur after 10 a.m., the delivery truck must access the site from the north.	Applicant and truck drivers	Throughout the use permit period	DPB	DPB Annual quarry inspection and report
4.12 Cultural Resources					
Impact 4.12-A: Future development of the site could damage cultural resources.	4.12-A.1: If cultural resources are discovered on the site during construction activities, all earthmoving activity in the area of impact shall be halted until the applicant retains the services of a qualified archaeological consultant who shall examine the findings, assess their significance, and develop proposals for any procedures deemed appropriate to further investigate and/or mitigate adverse impacts to those resources. The applicant shall abide by the recommended proposals.	Applicant Applicant's archaeologist	Throughout the use permit period	DPB	DPB Annual quarry inspection and report

HARRIS QUARRY EXPANSION
MITIGATION MONITORING AND REPORTING PROGRAM (Continued)

	Mitigation	Implemented By	When Implemented	Monitored By	Verified By And Date
4.12 Cultural Resources (cont.)					
Impact 4.12-A (cont.)	4.12-A.2: In the event that human skeletal remains are discovered, work shall be discontinued in the area of the discovery and the County Coroner shall be contacted. If skeletal remains are found to be prehistoric Native American remains, the Coroner shall call the Native American Heritage Commission within 24 hours. The Commission will identify the person(s) it believes to be the "Most Likely Descendant" of the deceased Native American. The Most Likely Descendant would be responsible for recommending the disposition and treatment of the remains. The Most Likely Descendant may make recommendations to the landowner or the person responsible for the excavation/grading work for means of treating or disposing of the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.	Applicant	Throughout the use permit period	DPB County Coroner	DPB Annual quarry inspection and report
	4.12-A.3: If any paleontological resources are discovered, work at the place of discovery shall be halted, and a qualified paleontologist shall be consulted to assess the significance of the finds. Prompt evaluations can then be made regarding the finds, and a management plan consistent with CEQA cultural resources management requirements shall be adopted	Applicant Applicant's paleontologist	Throughout the use permit period	DPB	DPB Annual quarry inspection and report

Appendix E

EnviroMINE Supplement to 2019 Report, November 14, 2019

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EnviroMINE, Inc.
Environmental & Mine Permitting Services

November 14, 2019

Ms. Tina Wallis
Law Offices of Tina Wallis, Inc
3581 Westwind Blvd.
Santa Rosa, CA 95403

RE: Extending Analysis of Alternative 4 over 5-years and Including a Portable Plant Scenario

Dear Ms. Wallis:

EnviroMINE, Inc. is providing this supplemental information for our 2019 Addendum of the "Economic Analysis of the Proposed Harris Quarry Expansion Project – An Evaluation of Alternatives 4 & 5" to include an analysis of extending Alternative 4 over a 5-year period. In addition, we have been asked to include an analysis for operating a portable plant over a 5-year period.

For background, Harris Quarry is owned by Northern Aggregates, Inc. ("NAI") and on January of 2010, NAI submitted a downsized application to the County of Mendocino ("County") to, among other things, increase the quarry's maximum annual production to 200,000 cubic yards and for a permanent asphalt plant on the quarry site.[1] The EIR included seven alternatives to the quarry expansion and asphalt plan project. The Mendocino County Board of Supervisors rejected Alternative 4 and 5 for multiple reasons, including economic infeasibility. EnviroMINE previously submitted reports illustrating how these alternatives are economically infeasible. This letter shall supplement EnviroMINE's 2019 report.

Alternative 4 Over 5 Years

Alternative 4 would allow the quarry expansion with a temporary asphalt plant. The County Zoning Ordinance (Section 20.036.010) allows mineral processing *"of a temporary nature and carried on in conjunction with, and only for the duration of a specific construction project..."* Therefore, the asphalt plant would be permitted only if there was a specific project under construction and the asphalt produced would only be allowed to supply that same project. No additional asphalt could be produced to supply other customers for projects unrelated to the target project. The County ordinance also requires after the project is completed, the asphalt plant must be removed, and the plant site reclaimed consistent with the reclamation plan. To date Alternative 4 has been evaluated with 2 years of asphalt production because the County ordinance required that the temporary asphalt plant could only be used for one specific project. The project evaluated for the alternative was the Willits Bypass and the assumption was made that it would take two years to supply asphalt for the

[1] NAI submitted the 2010 application revisions to modify approvals it had been pursuing since 2004. The January 2010 description was the final project description.

project. This assumption was based on the construction schedule for the bypass project. This analysis extends the production of asphalt over a 5-year period because the County ordinance would allow the temporary asphalt plant to be present for that period of time. It is important to note, that this would also require that a construction project would have to extend over a 5-year period. Phase I of the Willits Bypass started in 2013 and opened to traffic in 2016; in other words, it was a 3-year project. This was the largest project planned for Mendocino County, therefore, a 5-year project would need to be larger than the Willits Bypass to extend over a 5 year period.

An expanded analysis over a 5-year period is offered to illustrate the economic viability of Alternative 4 if the temporary asphalt plant is able to supply asphalt for a project over the maximum allowable time of 5 years. It is assumed that the annual production of the temporary asphalt plant is extended three years from the example provided in the 2019 Report where the project required 35,650 tons annually. Therefore, the amount produced annually is evaluated over a 5-year period. This scenario illustrates whether extending production would result in an economically viable option.

Table 1 provides the results of the analysis. It includes the capital investment of an asphalt plant of $4.3 million and asphalt revenues over a 5-year period. In addition, the cost for site preparation, reclamation bonding, and final reclamation is included. It is also assumed that the asphalt plant can be sold for salvage value at the end of the project.

Table 1: Expanded Temporary Asphalt Production Scenario (values in thousand $s)

Year	**0**	**1-5**	**6**
Revenue	-	$2,959	0
-Operating Costs	-	-$2,246	0
Net Income		**$713**	**0**
- Capital Costs	-$4,338		
-Site Prep & Plant Set up Costs	-$700		
- Financial Assurance Cost Estimate	-$2.9	-$1	-$1
- Financial Assurance Mechanism		-$2	-$2
+ Salvage Value			$2,503
- Cost of Reclamation			-$148
Before Tax Cash Flow	**-$5,039**	**$710**	**$2,352**
	Discount Rate		
Before Tax NPV	**12%**	**15%**	**30%**
	-$1,289	**-$1,643**	**-$2,823**

The results of the expanded production schedule over a 5-year period indicates the losses are reduced from the 2019 Report example but continue to result in nearly a $3-million loss at a 30 percent discount rate and a $1.6 million loss at a 15 percent discount rate. Even at a 12 percent discount rate the loss is $1.3 million. This

scenario does not meet the minimum 30 percent rate of return necessary for NAI to justify investing capital in this alternative. Even at a lower risk assumption, 12 percent discount rate, the project is estimated to have a significant loss. This analysis reveals that even though the total asphalt produced is significantly higher, the volume of asphalt needed for the project is not great enough to cover the capital investment in the plant and site development. This is evidence that the reduced profitability or substantial loss of income is sufficiently severe; making the alternative infeasible even when production is extended over a 5-year period.

Portable Asphalt Plant

An additional production scenario using a portable plant is also offered. The portable plant would avoid the site preparation and reclamation costs at the Harris Quarry location. The portable asphalt plant would instead be placed at a specific job. The portable plant would then be torn down and moved to a different job in a different location each year. As a result, there are annual mobilization costs for tearing down, removing and rebuilding the asphalt plant. The cost of mobilization was estimated at $60,000[2]. For comparison purposes, all capital costs and net income remain the same as the extended Alternative 4 scenario discussed above. Therefore, the following assumptions are consistent with the two scenarios for comparison purposes:

- Production is 35,650 tons per year
- Capital Investment for Asphalt Plant: $4.3 million
- Salvage Value: $2.5 million

Table 2: Portable Asphalt Production Scenario (values in thousand $s)

Year	0	1-5	6
Revenue	-	$2,959	0
-Operating Costs	-	-$2,246	0
Net Income		**$713**	**0**
- Capital Costs	-$4,338		
-Mobilization Site Prep & Plant Set up Costs	-$60	-$60	-$60
- Financial Assurance Cost Estimate			
- Financial Assurance Mechanism			
+ Salvage Value			$2,503
- Cost of Reclamation			-$148
Before Tax Cash Flow	**-$4,398**	**$653**	**$2,502**
	Discount Rate		
Before Tax NPV	**12%**	**15%**	**30%**
	-$776	**-$1,126**	**-$2,288**

[2] This cost of mobilization includes tear down, moving the plant and rebuilding the plant. This estimate was provided by a phone interview of an asphalt industry expert on November 11, 2019.

The results of the portable plant production over a 5-year period indicates the losses are reduced but continue to result in more than a $2-million loss at a 30 percent discount rate and a $1.1 million loss at a 15 percent discount rate. Even at a 12 percent discount rate the loss is $776-thousand. This scenario does not meet the minimum 30 percent rate of return necessary for NAI to justify investing capital in this alternative. Even at a lower risk assumption, 12 percent discount rate, the project is estimated to have a significant loss.

It is important to note that this is a conservative analysis because there will be additional costs associated with the portable plant that are not included in this initial evaluation. Additional costs include:

- Air quality permits
- Cost of transporting aggregate to the plant, this cost is avoided when the plant is located at the quarry.
- Potential land use entitlements associated with each new location for the plant.

An updated cost estimate for a portable plant was also requested for this analysis. The cost of the portable plant was $4.9 million and is attached to this letter. This estimate was not used for comparison purposes between the two scenarios discussed in this supplemental report because it was a higher cost.

Conclusion

This supplemental report provided an evaluation of two scenarios that include producing asphalt over a five-year period. The first is an extension of Alternative 4, where the asphalt plant is located at the Harris Quarry. The second scenario assumes the asphalt plant is portable and able to move around the County and be built at a location to serve a construction project. Both scenarios assumed the same capital cost for the asphalt plant and volume of production. Net income was also kept constant. The difference was evaluated in the costs of site preparation, reclamation, and mobilization. In both cases, the results illustrated that the time frame is not long enough to recover the capital investment for the asphalt plant. As a result, both scenarios are economically infeasible.

Thank you for the opportunity to provide this analysis, please do not hesitate to contact me anytime with questions or concerns.

Sincerely,
EnviroMINE, Inc.

Crystal Howard
Economist

SALES PROPOSAL
PREPARED EXCLUSIVELY FOR

Mr. Pat Allen - Northern Aggregates

PROPOSAL for PORTABLE 300 TPH ASPHALT FACILITY WITH 400 TON SILO STORAGE CAPACITY

April 19, 2019

PORTABLE 300 TPH ASPHALT FACILITY WITH
400 TON SILO STORAGE CAPACITY *as per the following specifications:*

1 PCF-1014-5 Portable 10' x 14' Five-Bin Cold Feed System

1	SF.03	Telescoping support legs with base plates
1	SF.04	Triple axle air bag suspension
1	SF.05	Cable tray
1	OF.01	30" belt feeders with troughing idlers i.l.o. 24"
1	OF.03	36" collecting conveyor i.l.o. 30"
1	OF.04	Tubular foundation supports for legs
1	OF.07	Bin vibrator with dancing plate
1	OF.10	Folding 2-sided bin dividers
1	EO.04A	PM Electrical in power center, cables
1	EO.07	No flow limit switches
1	EO.08	Low flow limit switches (CA requirement)
1	EO.09	Bin vibrator control (per vibrator)
1	EO.10	Collecting conveyor safety switch
1	EO.14	Cable tray covers
1	SP.01	Return idler guards to 8'

$415,500.00

1 PSS-412-60 Portable 30" x 60' Conveyor/4' x 12' Screen

1	SF.01	Single axle portability
1	SF.02	Telescoping supports
1	SF.03	Built in foundation in the main frame
1	SF.04	Transfer conveyor mounted over screen
1	SF.05	Cable tray
1	OF.03	Gravity take-up
1	EO.04A	PM Electrical in power center, cables
1	EO.08	Cable tray covers
1	EO.09	Conveyor safety switch
1	SP.01	Return idler guards to 8'

$169,550.00

1 RDB-8438 Relocatable 7' x 38' Double Barrel® Drum Mixer

1	SF.01	Steel support legs to grade
1	SF.02	Gravity feed chute
1	SF.03	Infrared temperature sensor for aggregate
1	SF.04	Saddle chain drive
1	SF.05	Infrared temperature sensor for mix
1	SF.06	Self cleaning drum
1	SF.07	Tubular skid foundations
1	OF.01	Remote bypass chute at virgin inlet
1	OF.02	Remote bypass chute at RAP inlet
1	OF.04	Service platform 3'-6" x 22' at hydraulic door
1	EO.04A	PM Electrical in power center, cables
1	EO.05	Cable tray
1	EO.05A	Cable tray covers

$677,830.00

1 PT-75-O Phoenix Talon II 75 MBTU "VP" Burner

1	OF.03	LP train (no pump)
1	OF.04	Burner set-up for LP (no LP train)
1	OF.05	Deduct No. 2 fuel pump and strainer
1	OF.11	Combustion air blower silencer
1	OF.18	Combustion Air Mass Flow
1	OF.19	Natural Gas Mass Flow
1	EO.04A	PM Electrical in power center, cables

$123,750.00

1 PEBH-61-21 Portable 60,975 CFM Express Baghouse with Inertial Dust Separator

1	SF.01A	BCS490 fan, (2) 125 HP motors, sheave drive (use w/separator)
1	SF.02	VFD compatible exhaust fan
1	SF.03	Inertial dust collector with duct to drum
1	SF.04	Hopper cross screw
1	SF.05	Nominal 16 oz. Aramid fiber bags (1,344) and cages
1	SF.06	Telescoping support legs with landing pads
1	SF.07	Multi-axle portability
1	SF.08	Cable tray
1	OF.01	Bags and cages factory installed (1,344)
1	OF.02	14" x 24' dust transfer screw
1	OF.17	Cleanout plugs on 4' centers
1	OF.07	60HP air compressor (use with compressed air burner) w/Enclosure
1	OF.08	Waste cross screw (twin screw design)
1	EO.04A	PM Electrical in power center, cables
1	EO.07	Cable tray covers
1	SP.01	Quick change hanger bearings

$753,640.00

1 DC-3686-1 36" Drag Conveyor - 200T/14'D/75 HP

1	SF.01	Stairway on one side of drag
1	SF.02	Hot oil channels on drag bottom
1	SF.03	Drag drive access platform
1	OF.02	2nd drag stair
1	OF.03	Bottom drag drop out
1	EO.04A	PM Electrical in power center, cables

$284,720.00

2 NGW-200 200 Ton New Generation Storage Silo, 14' Diameter

2	SF.02	Electric blanket heat on cone
2	SF.03	Standard seismic design
2	SF.04	3 ton enclosed bin loading batcher
2	OF.01	Full 1/2" ceramic cone liners
2	OF.03	1/2" ceramic batcher liners
2	EO.04A	PM Electrical in power center, cables
2	EO.10	Fireball strobelight for truck location (per silo)
2	OF.08	Ceramic Spool liners 8' above cone per Silo

$442,240.00

Standard Seismic design is ok with Portable Silo foundations

1 TC-3614 36" Traverse Conveyor

1	SF.01	Hot oil heat on traverse conveyor
1	OF.03	Walkway along one side
1	EO.04	PM electrical mounted in silo power panel, cables
1	EO.05	Cable tray & Covers

$87,580.00

1 STSF-SS-2 Silo/Truck Scale Foundation for Two (2) Silos

1	SF.01	For Astec Standard Seismic Design Silo
1	SF.02	Drag Conveyor Base Support
1	SF.03	Truck Scale Load Cell Supports

$127,640.00

1 LPSII-10011 11' x 100' Low Profile Truck Scale

1	SF.01	Single Pipe Rails Schedule 40 Pipe, 1/2" Support Brackets

$84,110.00

1 OCH-12 Observer Control Center, 11'-6" x 11'-10"

1	SF.01	2-ton wall mounted heating/air conditioning unit
1	SF.02	Cable tray & Covers
1	OF.08	Red night lighting system
1	OF.10	Mini blinds on windows
1	OF.17	Quick disconnect for transport on power center load
1	SP.01	Desk writing surface at window height

$76,790.00

1 PH-1030 Power Center 10' x 30'

1	SF.01	(2) 5 ton wall-mounted air conditioning system
1	OF.07	Dual axle portability
1	OF.06	Extend portable frame for control center (excluding house)

$168,960.00

1 PMIII Continuous Mix Blending Control

1	SF.01	MPIII Blending Control Base Unit
1	SF.02	BCIII Burner Control System (Nexus for Canada)
1	SF.03	MCIII Motor Control Start/Stop System (32 motors)
1	SF.04	SCIII Silo Control System
1	SF.05	Control - Virgin Scalping Screen & Conveyor & Belt Scale
1	SF.06	Control - Drum (D.B., Unified, DWD, TSM, Duo Drum
1	SF.07	Control - Baghouse
1	SF.08	Control - Hot Mix Silo & Drag or Bucket Elev (3 Silos) (6 max)
1	SF.09	Control - RAP Feed Bin (1) Feeder (4 max)
1	SF.10	Control - RAP Scalping Screen & Conveyor & Belt Scale
1	SF.11	Control - Collecting Conveyor(s)
1	SF.12	Control - Dry Mass Flow Additive (1) (4 max)
1	SF.13	Control - Liquid Asphalt Cement (1) (3 max)
1	SF.14	Control - Liquid Anti-Strip Additive (1) (4 max)
1	SF.15	Control - Warm Asphalt DB Green System
1	SF.16	Control - Motor Control Center Start/Stops
1	SF.17	Control PLC Burner
1	SF.18	Control - fuels (3)
1	SF.19	Control - Infrared Aggregate & Mix Temperature Probes
1	SF.20	Control - Aggregate Feed Bins (6) Feeders (16 max)
1	SF.21	Control - Third Party Loadout Interface
1	OF.10	Additional RAP Bin(s) (per bin more than 1, 4 max)

1	OF.18	Control - Smart Tank Farm (1 Tank) (6 max) (Reqs Actuators)
1	OF.21	Combustion air servo motor
15	OF.22	Tach and Shaft Adapters (each)

$165,300.00

1 WM-2000 Weigh Mate 2000 Truck Loadout and Management System

$17,520.00

1 ELIF-PM PM Electrical Interface (MCC Panels, Main Breaker, etc)

1	EO.04A	PM-Power Center

$46,400.00

1 PRB-1014-2 Portable 10' x 14' Dual Bin Recycle Feed System

1	SF.01	Two (2) 42" belt feeders with troughing idlers, 5 HP motors
1	SF.02	Telescoping support legs with base plates
1	SF.03	36" collecting conveyor to feed scalping screen load
1	SF.05	Air cannon for each bin
1	SF.06	Cable tray
1	OF.02	Built-in retaining wall
2	OF.04	6" slotted grizzly (price per grizzly)
1	OF.06	Folding 2-sided bin dividers (winch erect)
1	EO.04A	PM Electrical in power center, cables
1	EO.05	No flow limit switches
1	EO.06	Low flow limit switch (CA requirement)
1	EO.07	Collecting conveyor safety switch
1	EO.08	Cable tray covers
1	SP.01	Return idler guards to 8'

$261,190.00

1 PSS-48-50 Portable 30" x 50' Conveyor/4' x 8' Screen

1	SF.01	Single axle portability
1	SF.02	Telescoping supports
1	SF.03	Built in foundation in the main frame
1	SF.04	Transfer conveyor over screen
1	SF.05	Cable tray
1	OF.03	Gravity take-up
1	OF.04	Belt scale
1	EO.04C	PM Electrical in control center, cables
1	EO.06	PM electrical for belt scale, load cell, tach, cables
1	EO.08	Cable tray covers
1	EO.09	Conveyor safety switch
1	SP.01	Return idler guards to 8'

$175,390.00

1 HT-30DPAS 30,000 Gallon Portable Asphalt Tank w/HC-120 Heater

1	SF.01	HTA-30-35 Steel plate foundations, 5 plates
1	OF.09	HTA-PLG Pressure sensitive level gauge
1	OF.20	MACC-2028AS 3", 10HP VFD asphalt Micromotion metering system
1	OF.23	ACAP-006AS 4" asphalt unloading pump is mounted on the front
2	OF.24	Mixer/Agitator: w/7-1/2HP motor, 2, 4-bladed, 48" diameter mixers
2	OF.29	Centrifugal hot oil pump mounted on the gooseneck
1	OF.37	Air bag suspension system i.l.o. spring suspension, triple axle
1	OF.40	1,000 gallon calibration tank mounted on rear frame
1	OF.10	Tank vent condenser 200 gpm, 12 tubes, 6" flange

$545,730.00

All piping included with first Tank

1 TA-30DP 30,000 Gallon Portable Asphalt Tank

1	SF.01	HTA-30-35 Steel plate foundations, 5 plates
1	OF.09	HTA-PLG Pressure sensitive level gauge
2	OF.24	Mixer/Agitator: w/7-1/2HP motor, 2, 4-bladed, 48" diameter mixers
1	OF.36	Air bag suspension system i.l.o. spring suspension, triple axle
1	OF.10B	Tank vent condenser interconnect piping with Tank #1

$257,160.00

1 HACC-1449 3" Piping - AC Unloading Pump to 2nd Tank

$6,740.00

1 HACC-1443 3" Piping - 2nd Tank to Metering Package

$16,910.00

FOB **$4,904,650.00**

OPTIONS:

WM-2000 WM-2000 Remote Ticket Printer with Signature KIOSK

Net Price...ADD: **$11,000.00**

Appendix F

Review of Harris Quarry Economic Analysis, HATCH, November 26, 2019

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Mendocino County

Review of Harris Quarry Economic Analysis for Alternatives 4 and 5 as Evaluated by EnviroMINE

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1. Executive Summary

Hatch reviewed the methodology used to evaluate the project economics of Alternatives 4 & 5 in the report *Economic Analysis of the Proposed Harris Quarry Expansion Project* prepared by EnviroMINE on March 18, 2019. Hatch further reviewed the supplemental memo *RE: Extending Analysis of Alternative 4 over 5-years and Including a Portable Plant Scenario* dated November 14, 2019.

It is Hatch's opinion that EnviroMINE reasonably evaluated the project economics of Alternatives 4 & 5 using a methodology aligned with best practices for resource project economic evaluation at the option screening stage.

The cash flows EnviroMINE generated as the basis for this analysis are found in Appendix E of its report. Hatch generated its own version of these cash flows and confirms that the internal rate of return (IRR) and net present value (NPV) results obtained by EnviroMINE are consistent with the inputs and assumptions provided.

Alternative 4 proposes a quarry expansion with a temporary asphalt plant. The very short two-year operating life of the asphalt plant is the key factor rendering the project economically infeasible. The -11.1% IRR result obtained by EnviroMINE is reasonable and within the expected range given the input assumptions. Extending the production duration to five years does not improve the project returns to the point of being economically feasible.

Alternative 5 proposes a 30-year quarry operation with proponent funding some portion of the adjacent interchange through a *Fair Share Payment.* Hatch agrees with EnviroMINE's assertion that the project alternative is economically infeasible.

For Alternative 5, EnviroMINE's model calculates an IRR of 3.6%, which is below the expected minimum commercial threshold of 8-10% for such projects. The Fair Share Payment is calculated by multiplying the proponent's equitable share of road use by the cost of the interchange and is the majority of the expected investment cost. Hatch believes the interchange cost is underestimated due to low contingency. In addition, the tax depreciation base used in the EnviroMINE model does not include the Fair Share Payment. Adjusting for these factors brings the after tax IRR to 5.0%, still below the typical commercial threshold.

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2. Methodology Applied in EnviroMINE Report

EnviroMINE evaluated Alternatives 4 & 5 using a discounted cash flow (DCF) method and based its judgment of the economic feasibility of each alternative on their respective resulting IRR and NPV. This is the standard approach used to economically evaluate resource extraction projects at the development and production stages. These projects typically have a long term, well defined plan to extract a finite amount of mineral reserves. The long-term plans are often based on engineering studies and enable one to make detailed long-term cash flow projections.

The DCF method becomes more precise as a project is defined. In the earliest stages of project screening alternatives are typically evaluated using only basic resource definitions and revenue and cost research. It is understood that certain detailed elements are missing as they require significant future study. Due to this uncertainty in the earlier project phases the calculated returns from an economic evaluation must exceed the target economic return by a significant margin as further project definition tends to reduce returns.

The premise of the DCF method is that the NPV, or project value, is equal to the expected after-tax cash flows to be generated over the project life. A positive NPV suggests the project is economically feasible, while a negative or zero values suggest the project is economically infeasible and should be rejected.

The NPV is calculated by converting expected after-tax cash flows into a present value using a discount rate. The discount rate reflects the time value of money and risk factors. The industry standard discount rate used for non-gold mining projects in stable geographies is typically in the range of 8-10%.

The IRR is equivalent to the compound annual rate of return of an investment and must typically exceed a minimum threshold for the project to be considered economically feasible. The IRR is related to NPV in that it is mathematically defined as the discount rate which makes the NPV equal to zero. Given this fact, if the IRR resulting from a cash flow is less than the discount rate, the NPV will be negative.

In a project economic evaluation IRR and NPV are normally shown before and after taxes. Roughly speaking, IRRs from different project options can typically be compared directly, but NPVs for multiple options can be compared directly only when the same discount rates are used. Decision making with these metrics is done at management discretion, taking into account risk-adjusted return requirements and other factors.

In the EnviroMINE report the detailed cash flows for *Alternative 4: Quarry and Temporary Asphalt Plant* and *Alternative 5: Project Redesign* are shown in Appendix E. Sufficient detail is provided to evaluate the reasonableness of the analysis.

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3. Alternative 4: Quarry and Temporary Asphalt Plant

Alternative 4 proposes a quarry expansion with a temporary asphalt plant. The duration of asphalt plant operations would be limited by an ordinance to the duration of a single construction project that would purchase the asphalt product.

The cash flows EnviroMINE generated for Alternative 4 are found in Appendix E of the EnviroMINE report. Hatch generated its own version of the cash flows in Appendix E and confirms that the IRR and NPV results obtained by EnviroMINE are consistent with the inputs and assumptions provided. An image of the Hatch Excel model for Alternative 4 is shown in Figure 3-1.

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Harris Quarry Economic Analysis for Mendocino County Alternative 4: Quarry and Temporary Asphalt Plant - Hatch model reconstruction *Basis: Economic Analysis of the Proposed Harris Quarry ExpansionProject An evaluation of Alternatives 4 & 5 by EnviroMINE, Page 114, Appendix E*							*Document #: H361172-00000-100-0066-0002 Revision A*
			Year				
	Input	Units	0	1	2	3	Hatch notes on mechanistic calculation
Revenue							
Avg. annual asphalt production		ton	-	35,650	35,650	-	*Assumption*
Avg. selling price per ton	$ 83.00	$/ton	-	83.00	83.00	-	*Assumption*
Total asphalt revenue		**$**	**-**	**2,958,950**	**2,958,950**	**-**	*'Total asphalt revenue' Calculated correctly*
Operating costs							
Avg. annual asphalt production		ton	-	35,650	35,650	-	*Assumption*
Avg. cost per ton	$ (63.00)	$/ton	-	(63.00)	(63.00)	-	*Assumption*
Asphalt production costs		**$**	**-**	**(2,245,950)**	**(2,245,950)**	**-**	*'Asphalt production costs' Calculated correctly*
Net asphalt revenue		**$**	**-**	**713,000**	**713,000**	**-**	*'Net asphalt revenue' Calculated correctly. Not typically labelled 'net revenue'.*
Total net revenue		**$**	**-**	**713,000**	**713,000**	**-**	*'Total net revenue' Calculated correctly. Not typically labelled 'net revenue'.*
Cost of capital		$	(4,337,500)	-	-	-	*Assumption*
Bond		$	-	(1,849)	(1,849)	(1,849)	*Assumption*
FACE		$	(2,914)	(1,165)	(1,165)	(1,165)	*Assumption*
Reclamation		$	-	-	-	(147,948)	*Assumption*
Site prep and installation costs		$	(699,240)	-	-	-	*Assumption*
Total other costs			**(5,039,654)**	**(3,014)**	**(3,014)**	**(150,962)**	*'Total other costs' Calculated correctly*
Salvage value		$	-	-	-	2,502,500	*Assumption*
Net operating income		**$**	**(5,039,654)**	**709,986**	**709,986**	**2,351,538**	*'Net operating income' Calculated correctly*
Pre-tax project economics							*Hatch note: Project economics based on pre-tax cash flows*
NPV @ 15%		$	(2,339,250)				*Calculated correctly in reference to end of Year 0*
NPV @ 30%		$	(3,003,061)				*Calculated correctly in reference to end of Year 0*
IRR		%	-11.1%				*Standard IRR formula in Excel correctly applied. Tested NPV = 0 using IRR as discount rate.*
End of Enviromine model							***Model calculations are correct as shown in Appendix E based on input assumptions***

Additional Hatch comments

1 Unclear if selling, general, and administrative (SG&A) costs and royalties are include as part of production cost. Addition of these items would weaken economics.
2 Initial capital cost is included, but sustaining capital estimate not provided. Sustaining capital likely not required for two year expected use of asset. Addition of this item would weaken economics.
3 Working capital estimate not included. For mining projects in populated geographies inventory is typically low and working capital is not a large net cost. Addition of this item typically weakens economics.
4 Project economics (NPV, IRR) are shown on a pre-tax basis only. They should also be shown on an after tax basis for comparison with other 'Alternatives'.
5 Related to Comment 4 above, tax impact has not been calculated. Addition of a tax calculation would be immaterial based on the current negative IRR of the pre-tax cash flows.
6 Payback period is typically calculated as part of project economics, but is omitted from the model.

Figure 3-1: Hatch reconstruction of EnivroMINE Alternative 4 cash flow model

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The cash flow correctly shows a construction period (year 0), an operations period (years 1 and 2), and a closure period during which reclamation takes place (year 3).

A typical cash flow summary for mining and processing plant economic evaluations includes, at minimum: production volume, unit sales price, revenue, production cost, working capital, initial capital, sustaining capital, reclamation cost, and taxes. Table 3-1 shows these typical cash flow items and comments on their application in the EnviroMINE cash flow model in Appendix E.

All typical line items should be listed in a standard cash flow model even if they do not apply in a particular instance and the same calculations should be applied in each alternative to allow for an 'apples-to-apples' comparison. Where a line item does not apply or is not calculated in a particular instance its label should still be listed with values of zero, to avoid confusion about whether or not it applies.

Table 3-1: Alternative 4 cash flow line items

Typical cash flow item	Line item explicitly included in model?	Notes
Production volume	YES	-
Unit sales price	YES	-
Revenue	YES	-
Production cost	YES	Includes mining, loadout, maintenance, labor, utilities, mechanics, fuel, and other equipment. No incremental overhead costs associated with quarry expansion.
Working capital	NO	Not included, addition would modestly lower returns
Initial capital	YES	Asphalt plant slightly higher than internal benchmark. Decreased cost would slightly increase returns.
Sustaining capital	NO	Reasonable to exclude given short term project with two year useful life.
Reclamation	YES	-
Taxes	NO	Should be calculated for consistency with Alternative 5. Addition would not impact returns under the current assumptions.
Salvage value	YES	Reasonable to include. This is a unique case since operations are modeled to cease after only two years, after which the asphalt plant would not be fully depreciated.

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Referring to Table 3-1, EnviroMINE correctly includes line items for production volume, unit sales price, revenue, production cost, initial capital, and reclamation in Appendix E. The application of salvage value is also appropriate in this case, since the asphalt plant is only used for two years (typically there is no salvage value or terminal value associated with mining-related projects since reserves are normally expended and most assets are fully depreciated). Revenue and salvage value are the only positive contributions to cash flow.

Under initial capital, the asphalt plant cost is slightly higher than internal Hatch benchmarks, but adjusting the cost slightly downward would not render the option economically feasible (this would require an asphalt plant with a cost at least 85% lower, which is not reasonable). Sustaining capital is reasonably excluded as the project life is very short. Taxes are reasonably excluded given the negative pre-tax result. Working capital is excluded, though adding to the existing assumptions would only worsen economics.

EnviroMINE obtained revenue and production costs from local market research. This is an appropriate method for bulk commodities where transportation costs can be very high relative to sales price, which can cause prices to vary significantly from region-to-region. For asphalt, an $83/ton sales price and $63/ton production cost gives a margin of about 24%, which is reasonable.

EnviroMINE correctly calculates a pre-tax IRR of -11.1% based on the input assumptions. The negative value indicates the project does not even recover its undiscounted initial capital investment and is well below any reasonable threshold for investment. Discussion contained within the EnviroMINE report of the discount rates used to calculate the NPV is irrelevant since the project does not break even on an undiscounted basis and NPV is negative along the spectrum of all discount rates.

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3.1 November 14, 2019 Supplemental Cases

This section is based on the supplemental EnviroMINE memo from November 14, 2019 *RE: Extending Analysis of Alternative 4 over 5-years and Including a Portable Plant Scenario.* The memo discusses two expanded scenarios for Alternative 4. In the first case, the plant is modeled to operate for five years rather than two, while in the second case a portable asphalt plant is modeled to operate for five years (as opposed to a permanent one).

3.1.1 Alternative 4 Over 5 Years

From the EnviroMINE memo: *an expanded analysis over a 5-year period is offered to illustrate the economic viability of Alternative 4 if the temporary asphalt plant is able to supply asphalt for a project over the maximum allowable time of 5 years.*

Hatch generated the cash flow series (Figure 3-2) used to produce the results in EnviroMINE Table 1. The NPVs calculated by EnviroMINE are consistent with the assumptions. The pre-tax IRR is not calculated by EnviroMINE; however, Hatch calculates the pre-tax IRR to be 3.9%, well below a commercial threshold. This result renders the scenario economically infeasible.

Harris Quarry Economic Analysis for Mendocino County
Alternative 4: Quarry and Temporary Asphalt Plant
Extended Scenario 1: Asphalt Plant over 5 years
Basis: Memo *Extending analysis of Alternative 4 over 5-years and including a portable plant scenario*

	Input	Units	Year 0	1	2	3	4	5	6
Revenue									
Avg. annual asphalt production		ton	-	35,650	35,650	35,650	35,650	35,650	-
Avg. selling price per ton	$ 83.00	$/ton	-	83.00	83.00	83.00	83.00	83.00	-
Total asphalt revenue		$	-	2,958,950	2,958,950	2,958,950	2,958,950	2,958,950	-
Operating costs									
Avg. annual asphalt production		ton	-	35,650	35,650	35,650	35,650	35,650	-
Avg. cost per ton	$(63.00)	$/ton	-	(63.00)	(63.00)	(63.00)	(63.00)	(63.00)	-
Asphalt production costs		$	-	(2,245,950)	(2,245,950)	(2,245,950)	(2,245,950)	(2,245,950)	-
Net asphalt revenue		$	-	713,000	713,000	713,000	713,000	713,000	-
Total net revenue		$	-	713,000	713,000	713,000	713,000	713,000	-
Cost of capital		$	(4,337,500)	-	-	-	-	-	-
Bond		$	-	(1,849)	(1,849)	(1,849)	(1,849)	(1,849)	(1,849)
FACE		$	(2,914)	(1,165)	(1,165)	(1,165)	(1,165)	(1,165)	(1,165)
Reclamation		$	-	-	-	-	-	-	(147,948)
Site prep and installation costs		$	(699,240)	-	-	-	-	-	-
Total other costs			(5,039,654)	(3,014)	(3,014)	(3,014)	(3,014)	(3,014)	(150,962)
Salvage value		$	-	-	-	-	-	-	2,502,500
Net operating income		$	(5,039,654)	709,986	709,986	709,986	709,986	709,986	2,351,538

Pre-tax project economics

NPV @ 12%	$	(1,288,952)
NPV @ 15%	$	(1,643,037)
NPV @ 30%	$	(2,823,252)
IRR	%	3.9%

Figure 3-2: Expanded temporary asphalt plant production scenario

Salvage value is the estimated resale value of an asset at the end of its useful life. In the base case for Alternative 4 (Figure 3-1) the salvage value for the $4.3 million asphalt plant is $2.5 million after two years of useful life, or 60% of the original value. Extending the useful life past two years should reduce the salvage value based on the accumulated book depreciation of the asset.

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In the *Asphalt Plant Over Five Years* case (Figure 3-2) the same salvage value of $2.5 million is applied after five years of useful life. Since the useful life has been extended by three years the salvage value would typically be much lower. Reducing the salvage value would reduce the pre-tax IRR below 3.9%.

3.1.2 Portable Asphalt Plant

From the EnviroMINE memo: *an additional production scenario using a portable plant is also offered. The portable plant would avoid the site preparation and reclamation costs at the Harris Quarry location.*

Hatch generated the cash flow series (Figure 3-3) in an attempt to reproduce the results in EnviroMINE Table 2; however, in EnviroMINE Table 2, the cash flow for year 6 was not added correctly. With the corrected (lower) value the NPVs are NPV@12% = $(881,090) NPV@15% = $(1,216,545) and NPV@30% = $(2,331,696) with an IRR of 5.8%, well below a commercial threshold. This result renders the portable asphalt plant scenario economically infeasible.

Harris Quarry Economic Analysis for Mendocino County
Alternative 4: Quarry and Temporary Asphalt Plant
Extended Scenario 1: Asphalt Plant over 5 years with portable plant
Basis: Memo *Extending analysis of Alternative 4 over 5-years and including a portable plant scenario*

	Input	Units	Year 0	1	2	3	4	5	6
Revenue									
Avg. annual asphalt production		ton	-	35,650	35,650	35,650	35,650	35,650	-
Avg. selling price per ton	$ 83.00	$/ton	-	83.00	83.00	83.00	83.00	83.00	-
Total asphalt revenue		$	-	2,958,950	2,958,950	2,958,950	2,958,950	2,958,950	-
Operating costs									
Avg. annual asphalt production		ton	-	35,650	35,650	35,650	35,650	35,650	-
Avg. cost per ton	$(63.00)	$/ton	-	(63.00)	(63.00)	(63.00)	(63.00)	(63.00)	-
Asphalt production costs		$	-	(2,245,950)	(2,245,950)	(2,245,950)	(2,245,950)	(2,245,950)	-
Net asphalt revenue		$	-	713,000	713,000	713,000	713,000	713,000	-
Total net revenue		$	-	713,000	713,000	713,000	713,000	713,000	-
Cost of capital		$	(4,337,500)	-	-	-	-	-	-
Bond		$	-	-	-	-	-	-	-
FACE		$	-	-	-	-	-	-	-
Reclamation		$	-	-	-	-	-	-	(147,948)
Site prep and installation costs		$	(60,000)	(60,000)	(60,000)	(60,000)	(60,000)	(60,000)	(60,000)
Total other costs			(4,397,500)	(60,000)	(60,000)	(60,000)	(60,000)	(60,000)	(207,948)
Salvage value		$	-	-	-	-	-	-	2,502,500
Net operating income		$	(4,397,500)	653,000	653,000	653,000	653,000	653,000	2,294,552

Pre-tax project economics

NPV @ 12%	$	(881,090)
NPV @ 15%	$	(1,216,545)
NPV @ 30%	$	(2,331,696)
IRR	%	5.8%

Figure 3-3: Portable asphalt production scenario

As in the *Alternative 4 Over 5 Years* case the salvage value in year 6 is overstated. In addition, the higher cost of the portable asphalt plant ($4.9 million portable vs $4.3 million non-portable) was not included in the cash flow and the $4.3 million was applied, as indicated in the memo. Decreasing the salvage value and updating the asphalt plant cost to $4.9 million would reduce the IRR below 5.8%.

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4. Alternative 5: Project Redesign

The cash flows EnviroMINE generated for Alternative 5 are found in Appendix E of the EnviroMINE report. Hatch generated its own version of the cash flows in Appendix E and confirms that the IRR and NPV results obtained by EnviroMINE are consistent with the inputs and assumptions provided. A truncated image of the full Hatch Excel model for Alternative 5 is shown in Figure 4-1 with years 0-10, 15, 20, 25, and 30.

The cash flow correctly shows a construction period (year 0), an operations period (years 1 to 30), and a closure period during which reclamation takes place (year 30).

Table 4-1 shows typically included cash flow items and comments on their application in the EnviroMINE cash flow model in Appendix E.

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Harris Quarry Economic Analysis for Mendocino County — *Document #: H361172-00000-100-0066-0002 Revision A*
Alternative 5: Project Redesign - Hatch model reconstruction
Basis: Economic Analysis of the Proposed Harris Quarry Expansion Project An evaluation of Alternatives 4 & 5 by EnviroMINE, Page 115-117, Appendix E

	Input	Units	Year 0	1	2	3	4	5	6	7	8	9	10	15	20	25	30	Hatch notes on mechanistic calculation
Aggregate																		
Aggregate production	80,000	ton		80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	*Assumption*
Avg. price	$ 14.00	$/ton		14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	14.00	*Assumption*
Aggregate revenue		$		1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	1,120,000	*Calculated correctly*
Avg. cost	$ 10.10	$/ton		10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	10.10	*Assumption*
Operating costs		$		808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	808,000	*Calculated correctly*
Net aggregate revenue		**$**		**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	**312,000**	*Calculated correctly*
Rip rap																		
Rip rap production	20,000	ton		20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000	*Assumption*
Avg. price	$ 23.00	$/ton		23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	23.00	*Assumption*
Rip rap revenue		$		460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	460,000	*Calculated correctly*
Avg. cost	$ 12.12	$/ton		12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	12.12	*Assumption*
Operating costs		$		242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	242,400	*Calculated correctly*
Net aggregate revenue		**$**		**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	**217,600**	*Calculated correctly*
Asphalt aggregate																		
Asphalt aggregate production	100,000	ton		100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	*Assumption*
Avg. price	$ 18.00	$/ton		18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00	*Assumption*
Asphalt aggregate revenue		$		1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	1,800,000	*Calculated correctly*
Avg. cost	$ 11.00	$/ton		11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	11.00	*Assumption*
Operating costs		$		1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	1,100,000	*Calculated correctly*
Net asphalt aggregate revenue		**$**		**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	**700,000**	*Calculated correctly*
Asphalt																		
Asphalt production	105,000	ton		105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	105,000	*Assumption*
Avg. price	$ 83.00	$/ton		83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	83.00	*Assumption*
Asphalt revenue		$		8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	8,715,000	*Calculated correctly*
Avg. cost	$ 63.00	$/ton		63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	63.00	*Assumption*
Operating costs		$		6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	6,615,000	*Calculated correctly*
Net asphalt revenue		**$**		**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	**2,100,000**	*Calculated correctly*
Total net revenue		**$**		**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	**3,329,600**	*Assumption*
Other costs																		
Mitigation and reclamation costs		$		119,044	109,173	122,734	109,173	113,217	16,604	11,131	7,087	20,648	7,087	20,648	7,087	11,131	490,370	*Assumption*
Depreciation		$		433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	-	-	-	-	*Assumption*
Total additional costs		**$**		**552,794**	**542,923**	**556,484**	**542,923**	**546,967**	**450,354**	**444,881**	**440,837**	**454,398**	**440,837**	**20,648**	**7,087**	**11,131**	**490,370**	*Calculated correctly*
Income before taxes		**$**		**2,776,806**	**2,786,677**	**2,773,116**	**2,786,677**	**2,782,633**	**2,879,246**	**2,884,719**	**2,888,763**	**2,875,202**	**2,888,763**	**3,308,952**	**3,322,513**	**3,318,469**	**2,839,230**	*Interim step. A non-cash line item for tax calculation purposes.*
Taxes																		*Assumption*
Tax rate	40%	$		1,110,722	1,114,671	1,109,247	1,114,671	1,113,053	1,151,698	1,153,887	1,155,505	1,150,081	1,155,505	1,323,581	1,329,005	1,327,387	1,135,692	*Calculated correctly*
Income after taxes		**$**		**1,666,084**	**1,672,006**	**1,663,870**	**1,672,006**	**1,669,580**	**1,727,548**	**1,730,831**	**1,733,258**	**1,725,121**	**1,733,258**	**1,985,371**	**1,993,508**	**1,991,081**	**1,703,538**	*Interim step. A non-cash line item.*
Add back depreciation		$		433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	433,750	-	-	-	-	*Cash flow, depreciation added back.*
Minus initial investment		$	37,102,571															*Assumption: see Page 111 Appendix E for details*
After tax cash flow		**$**	**(37,102,571)**	**2,099,834**	**2,105,756**	**2,097,620**	**2,105,756**	**2,103,330**	**2,161,298**	**2,164,581**	**2,167,008**	**2,158,871**	**2,167,008**	**1,985,371**	**1,993,508**	**1,991,081**	**1,703,538**	*Calculated correctly*
After tax project economics																		
NPV @ 12%		$	(20,321,551)															*Calculated correctly in reference to end of Year 0*
NPV @ 15%		$	(23,374,461)															*Calculated correctly in reference to end of Year 0*
IRR		%	3.6%															*Standard IRR formula in Excel correctly applied.*
End of Enviromine model																		***Model calculations are correct based on input assumptions***
Additional Hatch comments																		
For comparison with Alternative 4 based on IRR, Hatch calculates the pre-tax cash flow and associated project economics below:																		
Pre-tax cash flow		$	(37,102,571)	3,210,556	3,220,427	3,206,866	3,220,427	3,216,383	3,312,996	3,318,469	3,322,513	3,308,952	3,322,513	3,308,952	3,322,513	3,318,469	2,839,230	
Pre-tax project economics																		
NPV @ 12%		$	(10,768,060)															
NPV @ 15%		$	(15,673,648)															
IRR		%	7.9%															

Figure 4-1: Hatch reconstruction of EnivroMINE Alternative 5 cash flow model

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Table 4-1: Alternative 5 cash flow line items

Typical cash flow item	Line item explicitly included in model?	Notes
Production volume	YES	-
Unit sales price	YES	-
Revenue	YES	-
Production cost	YES	Includes mining, loadout, maintenance, labor, utilities, mechanics, fuel, and other equipment. No incremental overhead costs associated with quarry expansion.
Working capital	NO	Not included, addition would modestly lower returns
Initial capital	YES	Asphalt plant slightly higher than internal benchmark. Decreased cost would slightly increase returns.
Sustaining capital	NO	Not included. These are separate from ongoing mitigation costs. Addition would lower returns.
Reclamation	YES	-
Taxes	YES	Tax depreciation base does not include all capital costs. Additional would increase after tax returns.
Salvage value	NO	Does not typically apply. Reasonable to exclude.

Referring to Table 4-1, EnviroMINE correctly applies line items for production volume, unit sales price, revenue, production cost, initial capital, reclamation, and taxes in Appendix E. Compared to Alternative 4, there is no salvage value applied, and this is reasonable given planned reserves are extracted and typically most assets are fully depreciated. Under initial capital, the asphalt plant cost is slightly higher than internal Hatch benchmarks, but adjusting the cost slightly downward would not render the option economically feasible (as in Alternative 4).

Sustaining capital is excluded over the 30 year project life. The model assumes the existing mining equipment will be used and does not account for replacement of mobile equipment and components of the asphalt plant. Given the quarry production limits would increase from 75,000 cubic yards to 200,000 cubic yards incremental sustaining capital should be included. Adding sustaining capital would decrease returns. Working capital is excluded, though adding it would also decrease returns.

EnviroMINE obtained revenue and production costs from local market research. This is an appropriate method for bulk commodities where transportation costs can be very high relative

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to sales price, which can cause prices to vary significantly from region-to-region. The product margins based on sales price and production costs are 1.) Aggregate: 28%, 2.) Rip rap: 47%, 3.) Asphalt aggregate: 39%, and 4.) Asphalt: 24%. Overall margin is 27%. Each of these is reasonable and falls within the expected range for aggregate and mining commodities.

EnviroMINE correctly calculates an after-tax IRR of 4% (3.6% without rounding) using its input assumptions. Hatch additionally calculated the pre-tax IRR to be 7.9% to allow for comparison with Alternative 4 for which the pre-tax IRR is -11.1%.

Hatch considers the overall methodology be reasonable despite the omission of sustaining capital and working capital. The judgment is subject to the qualifications pertaining to the Fair Share Payment and tax depreciation base which are described below.

4.1 Fair Share Payment

Alternative 5 proposes a 30 year quarry operation with proponent funding some portion of the adjacent municipal interchange through a *Fair Share Payment*. The Fair Share Payment as estimated comprises over three-quarters of the initial capital cost and consequently impacts the economics materially. Increases in the Fair Share Payment will weaken economics, while decreases will improve economics. The Fair Share Payment is calculated in Section 5.1 of the report with details in Appendix D.

The EnviroMINE report calculates an equitable share of 77% based on the projected traffic impacts. The Fair Share Payment of $28.6 million is based on $37.1 million in expected interchange capital costs. The $37.8 million stated on Page 17 of the EnivroMINE report was incorrectly transcribed and should have read $37.1 million. This transcription error does not impact the calculations in the report.

4.1.1 Estimate Scaling

The $37.1 million used as the basis for this calculation is an escalated and early stage $24.3 million estimate by *RAU and Associates Inc. Rough Opinion of Probable Costs* from November 2013. The estimate includes a 20% contingency, which are funds set aside for known unknowns that are expected to be consumed. This amount is low for this stage of project development. The Caltrans *Project Development Procedures Manual, Chapter 20* states that for a *Project Feasibility Cost Estimate* the *contingencies should be between 30 and 50 percent at this stage, depending on the factual data available for preparing the estimate*. Increasing the contingency to 40% (midpoint of 30-50%) would increase the estimate from $24.3 million to $28.3 million. The scaled estimate would increase from $37.1 million to $44.1 million and would weaken returns. The impact of this increase is shown in Table 4-2.

The EnviroMINE report used the *California Department of Transportation Price Index for Selected Highway Construction Items Third Quarter Ending September 30, 2018* (Figure 4-2) to escalate the *RAU and Associates* $24.3 million estimate from Q4 2013 to Q4 2018. This method is consistent with the guidance provided in *Section 1 - General Guidelines: Previous*

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Bid Prices Method of the *Preparation Guidelines for Project Development Cost Estimates* published by the California Department of Transportation in 2014.

At the time of the report EnivroMINE did not have access to the Last 12 Months' Index for Q4 2018. The Q4 2018 index was estimated by averaging the Last 12 Months' Index for Q1,Q2,and Q3 2018, which equals 148.4. Taking the Q4 2013 index of 97.1, the cost was calculated as $24.3 million x (148.4/97.1) = $37.1 million.

EXHIBIT A

Price Index for Selected Highway Construction Items
2007 = 100, Fisher formula

YEAR		Quarterly Index	Last 12 Months' Index
2012	(1st Quarter)	81.1	82.9
2012	(2nd Quarter)	84.6	81.3
2012	(3rd Quarter)	76.4	79.3
2012	**(4th Quarter)**	**82.8**	**79.2**
2013	(1st Quarter)	117.9	80.7
2013	(2nd Quarter)	134.9	82.5
2013	(3rd Quarter)	81.6	85.7
2013	**(4th Quarter)**	**106.2**	**97.1**
2014	(1st Quarter)	135.3	96.88
2014	(2nd Quarter)	109.11	104.56
2014	(3rd Quarter)	110.39	107.37
2014	**(4th Quarter)**	**120.17**	**108.32**
2015	(1st Quarter)	138.22	107.88
2015	(2nd Quarter)	110.93	109.91
2015	(3rd Quarter)	117.91	119.69
2015	**(4th Quarter)**	**128.21**	**122.02**
2016	(1st Quarter)	127.93	124.29
2016	(2nd Quarter)	130.75	128.71
2016	(3rd Quarter)	145.73	138.13
2016	**(4th Quarter)**	**144.73**	**140.75**
2017	(2nd Quarter)	153.06	145.33
2017	(2nd Quarter)	166.59	148.09
2017	(3rd Quarter)	149.96	152
2017	**(4th Quarter)**	**140.87**	**145.08**
2018	(1st Quarter)	152.38	145.10
2018	(2nd Quarter)	170.53	146.60
2018	(3rd Quarter)	191.47	153.52

Figure 4-2: California Department of Transportation Price Index for Selected Highway Construction Items

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4.1.2 *Equitable Share Responsibility and Cost*

The EnviroMINE report references the *Caltrans Guide for the Preparation of Traffic Impact Studies* from 2002, which provides guidance on the application of the formula to calculate the equitable share for the proposed project's traffic impact (*Method for Calculating Equitable Mitigation Measures, p.2)*.

The key quantitative elements from the *Caltrans Guide* are shown in Figure 4-3. Referring to Equation C-1, parameters T, T_B, and T_E must be in vehicles per hour (vph) to allow for the calculation of P.

EQUITABLE SHARE RESPONSIBILITY: **Equation C-1**
NOTE: $T_E < T_B$, see explanation for T_B below.

$$P = \frac{T}{T_B - T_E}$$

Where:
P = The equitable share for the proposed project's traffic impact.
T = The vehicle trips generated by the project during the peak hour of adjacent State highway facility in vehicles per hour, vph.
T_B = The forecasted traffic volume on an impacted State highway facility at the time of general plan build-out (e.g., 20 year model or the furthest future model date feasible), vph.
T_E = The traffic volume existing on the impacted State highway facility plus other approved projects that will generate traffic that has yet to be constructed/opened, vph.

EQUITABLE COST: **Equation C-2**

$$C = P\ (C_T)$$

Where:
C = The equitable cost of traffic mitigation for the proposed project, ($). (Rounded to nearest one thousand dollars)
P = The equitable share for the project being considered.
C_T = The total cost estimate for improvements necessary to mitigate the forecasted traffic demand on the impacted State highway facility in question at general plan build-out, ($).

Figure 4-3: Caltrans Guide for the Preparation of Traffic Impact Studies

EnviroMINE calculates P = 77% in the report on p. 19 and in Appendix D. In EnviroMINE's calculation, T_E = 180 vph, existing traffic, was calculated by dividing by 24 calendar hours. Harris Quarry traffic, T = 150 vph was calculated by dividing by 11 working hours, which is a conservative estimate for the peak hour road use. EnviroMINE's calculation of the equitable cost appears to be reasonable.

4.2 Tax depreciation

The tax depreciation methodology applied by EnviroMINE is incomplete in Hatch's opinion. The depreciable base includes only the cost of the asphalt plant at $4.3 million out of a total investment cost of $37.1 million. A majority of investment costs are typically classified as capitalized and depreciated once a project is in operation. Hatch would expect more costs itemized in the $37.1 million investment cost buildup in Appendix E page 111 to be included and for after-tax economics to improve as a result. The indicative impact of including the full cost is shown in Table 4-2.

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4.3 Sensitivities

Table 4-2: Key Sensitivities

Item	Base case: EnviroMINE Appendix E cash flow	Add: Full tax depreciation base (only)	Add: Increased contingency in interchange estimate (only)	Composite: Impact of both sensitivities
Interchange estimate contingency	20%	20%	40%	40%
Interchange estimate scaled	$37.1 million	$37.1 million	$44.1 million	$44.1 million
Equitable share (P)	77%	77%	77%	77%
Fair Share Payment	$28.6 million	$28.6 million	$34.0 million	$34.0 million
Balance of capex	$8.5 million	$8.5 million	$8.5 million	$8.5 million
Total investment cost	$37.1 million	$37.1 million	$42.5 million	$42.5 million
Tax depreciation base	$4.3 million	$37.1 million	$4.3 million	$42.5 million
Pre tax IRR	7.9%	7.9%	6.6%	6.6%
After tax IRR	**3.6%**	**6.1%***	**2.6%***	**5.0%**
Impact on after tax IRR	*N/A*	*+2.5%*	*-1.0%*	*+1.4%*

**Includes Hatch modeled carry forward of net operating losses*

Table 4-2 shows the impact of including the most significant recommended Hatch adjustments: the full tax depreciation base and the increased contingency for the interchange. Increasing the tax depreciation base to the full investment cost increases the after tax IRR to 6.1%. Further, increasing contingency for the interchange estimate as part of the Fair Share Payment decreases the after-tax IRR to 5.0%. Assuming for the moment these two changes to the base case are justified, the addition of missing working capital, sustaining capital, and overhead costs would drop the IRR by likely 1 to 2%. Thus, even after adjusting for potential omissions in EnviroMINE methodology, Alternative 5 would not achieve the standard benchmark IRR of 8-10% and would remain infeasible.

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5. Conclusion

Hatch concludes that EnviroMINE reasonably evaluated the project economics of Alternatives 4 & 5 using the DCF methodology. The DCF methodology is the most common method used in the resource industry for development and production stage projects.

Hatch independently verified that the IRR and NPV results calculated by EnviroMINE are consistent with the assumptions provided in their report. Hatch agrees that Alternatives 4 and 5 are economically infeasible with the given assumptions.

In Alternative 4, the only notable omission was working capital. Adding this item would weaken returns and Alternative 4 would remain economically infeasible.

In Alternative 5, the contingency amount in the capital estimate for the interchange should be higher according to Caltrans guidance. In addition, Hatch believes the tax depreciation is too low and should be increased. Adjusting the financial model for these factors does not make the project alternative economically feasible.

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Appendix A

Hatch Resumes

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Stefan Hlouschko

Specialist, Investment and Business Planning, Hatch Advisory

Summary of Experience

Stefan is a Specialist in Hatch Advisory's Investment & Business Planning practice and is highly skilled in investment evaluation and financial modelling. He has eleven years of combined experience in financial and technical roles, including three years as a private equity and corporate development analyst. Stefan was on the deal team to commercialize and finance a capital-intensive heavy oil technology, which involved negotiations with potential lenders and equity investors. He has assessed and evaluated financing options for mining, infrastructure, and energy project transactions and developed course materials on project delivery models for the Sustainable Infrastructure Fellowship Program G7 Initiative at the Schulich School of Business at York University.

Relevant Experience

- Nevsun Resources, Cukaru Peki Project, Managed the financial model and value improvement program for a European greenfield copper project at the pre-feasibility stage and contributed to the pre-feasibility study. The financial model provided sufficient options analysis using capital budgeting metrics for the company to maximize its value and negotiate a multi-billion dollar takeover price.
- Confidential base metals project, Built the financial model and wrote the financial analysis portion for a pre-feasibility study contemplating a large prospective open pit and underground base metals mine in the Canadian north.
- Confidential gold producer, Completed a techno-economic review of gold assets in Asia, with a particular focus on operating costs and parameters.
- Confidential polymetallic projects , Reviewed the financial and operating cost models for two prospective polymetallic mining projects in the United States.
- Confidential operator, Co-managed and executed a business improvement engagement at a large iron ore mine in Central Asia, assisting corporate executives with inputs into capital budgeting-based decision making.
- Confidential, Steel Meltshop, Rolling and Finishing Plant , Reviewed the financial and operating cost model for a steel facility acquisition in the United States.
- Confidential, Steel Meltshop, Rolling and Finishing Plant , Reviewed the financial and operating cost model for a prospective integrated steel facility greenfield project in the United States.
- Confidential, Titanium Meltshop, Rolling and Finishing Plant , Reviewed the financial and operating cost model for a prospective specialty metals processing facility in the United States.

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- Confidential energy developer, Designed an investor-focused financial model for a client aiming to build a billion dollar petrochemical facility in the United States and advised on the corresponding confidential information memorandum.
- Confidential energy developer, Designed an investor-focused financial model for a client aiming to build a multi-billion dollar petrochemical facility in the middle east.
- Confidential real estate developer, Completed an economic and financial business case for a rail transit hub in Toronto on behalf of a real estate developer.
- Confidential bulk materials client, Developed a financial model for a client engaging in a private equity transaction to build and finance railroad assets in a remote location.
- Confidential ports investor, Managed a technical due diligence review of several major North American ports for a prospective investor.
- Canadian Shield Capital LP, Senior Analyst. Private equity senior analyst for confidential transactions. Responsible for financial modelling, research, board materials and presentations, draft term sheets, and investor facing materials.
- Nsolv Corporation, Worked with a corporate development team to pursue commercialization of an oil extraction facility in North America. The role included extensive financial modeling, presentations to the company board of directors, market research, and support of negotiations with large oil companies.

Career History

2018 - Present Hatch , Mississauga, Ontario, Canada. Specialist, Hatch Advisory, Investment and Business Planning

2016 - 2018 Canadian Shield Capital , Toronto, Ontario, Canada. Senior Analyst, Private Equity

2014 - 2016 Nsolv Corporation , Calgary, Alberta, Canada. Analyst, Corporate Development

2008 - 2014 Hatch, Mississauga, Ontario, Canada. Engineer

Education

MScE, Mechanical Engineering, Queen's University, Kingston, Ontario, Canada, 2008

BScE, Engineering Physics, Queen's University, Kingston, Ontario, Canada, 2006

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Ryan Cote

Regional Director, Investment & Business Planning

Summary of Experience

Ryan is the Regional Director for Hatch Advisory's Investment & Business Planning practice in North America. He has fourteen years of experience in the mining and metals, energy, and infrastructure sectors. His experience includes M&A due diligence, lender's technical advisor, valuation, business improvement, strategy, benchmarking and market research for iron ore, copper, coal, gold and other industries.

In addition to his experience at Hatch, Ryan has worked in corporate finance at Baffinland Iron Mines, an iron ore mining JV part owned by the global major iron & steel company ArcelorMittal. He was with the firm from the beginning of initial construction through the first years of operation. While there, he was responsible for financial budgeting, forecasting and analysis, and product sales. He also worked on corporate strategy, management reporting and insurance. He worked on raising multiple financings from various lenders for project construction, operating working capital, equipment leases and receivables.

Relevant Experience

- Confidential, Titanium Meltshop, Rolling and Finishing Plant Lender's Engineer, South Carolina, United States, Engagement Manager. Hatch Advisory was retained to act as technical advisor to potential lenders to a greenfield titanium melting, rolling and finishing plant in the United States. Hatch's scope included an independent review on technical, environmental, cost, project execution, contractual, and social and permitting aspects of the project.
- North American Palladium, NAP Lac des Iles Palladium Mine and Concentrator Review, Northern Ontario, Canada, Engagement Manager. Hatch Advisory conducted a technical due diligence review of North American Palladium's Lac des Iles underground palladium mine and concentrator on behalf of BNP Paribas to support a lending decision. The review included geology, mining, concentrating, environmental and social management, project and sustaining capital, operating costs and off-take contracts. The memo was used by the bank as part of the successful credit approval process for a new $US 125M corporate loan.
- Confidential, Project River, Minas Gerais, Brazil, Project Sponsor. Hatch Advisory was retained by a financial institution to conduct a due diligence of an iron ore operation, including geology, mine, beneficiation, rail, port and other associated
- infrastructure. The main objective of the review was to develop an independent assessment of the technical risks presented by the underlying assets to inform a royalty investment decision.

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- Confidential, Review of Iron Ore Project, Minnesota, United States, Project Sponsor. Hatch completed a due diligence review of a partially complete iron ore mine, concentrator and pelletizing plant project in the United States. The main objective of the review was to develop an independent assessment of technical, environmental, market and cost and financial opportunities and risks of the project to support a potential investment.
- BlueOak Arkansas, BlueOak Arkansas Expert Witness, Arkansas, United States, Engagement Manager. Hatch was retained by BlueOak's legal counsel to provide testimony during hearings at the International Chamber of Commerce's International Court of Arbitration in Paris. Hatch provided commentary on the performance leading up to a failure of a third party supplied furnace for processing electronic waste.
- Harte Gold, Harte Gold Sugar Bush Technical Due Diligence, Northern Ontario, Canada, Engagement Manager. Engagement Manger for a technical due diligence on behalf of a BNP Paribas to support the credit approval process for a $US 82.5M loan to Harte Gold, operator of the Sugar Bush underground gold mine in Ontario. The review focused on a review of resources and reserves, but also covered metallurgy, environmental permitting and social management, operating costs, capital costs, sales contracts and the financial model.
- Equinox Gold, Review of Equinox Gold, United States and Brazil, Engagement Manager. Engagement Manager for a technical due diligence on behalf of Mubadala to support an investment decision, later executed, in Equinox Gold. The review covered the Equinox's three assets, Mesquite: an open pit, heap leach operation in the United States, Aurizona: an open pit restart project in Brazil, and Castle Mountain: a development project in the United States. The scope of the review included geology, mining, metallurgy, environmental and social management, operating and capitals costs, project execution and the company's financial model.
- Independent Engineer for Polymetallic Mine, Minnesota, United States, Engagement Manager. Engagement manager for an independent engineer review of a polymetallic mine and beneficiation plant in Minnesota. The scope of the review included geology, mining, beneficiation, tailings, rail, environmental and social management, project execution, capital costs, operating costs and the financial model.
- Confidential, Lithium Concentrator Review, Western Australia, Australia, Project Sponsor. Hatch Advisory was retained to do a fatal flaws review of a lithium mineral concentrator in Australia for potential investment in the mining and processing assets. The scope included review of mineral processing, mining, and operating and capital costs.
- Confidential, Review of Beneficiation and Pelletizing Assets, Orissa, India, Engagement Manager. Hatch Advisory completed review of a partially commissioned beneficiation and pellet plant in Indian state of Orissa. Hatch conducted a site visit,

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reviewed the assets, assessing the anticipated quality of products, reviewed capital and operating cost projections, and developing a high level restart plan and economic model in order to develop the bid price for the assets.

- Confidential, Rail Company Sell Side Support, Nunavut, Canada, Engagement Manager. Hatch Advisory was retained to produce a financial model for a new captive rail company, which was to be created as part of a large expansion of an existing iron ore mine. The model, along with a confidential information memorandum to which Hatch also provided input, were used to describe the transaction to potential investors in the rail development.
- Alderon Iron Ore, Kami Project Value-In-Use Study, Quebec, Canada, Engagement Manager. Using an internally developed iron ore value-in-use model, Hatch Advisory estimated the value-in-use of the concentrate from Alderon's Kami project compared to the typical burden of a generic Chinese steel mill. This value (price) was compared to an estimated selling price based on current benchmarks.
- Confidential, Review of Gold Mine Project, Nunavut, Canada, Engagement Manager. Hatch Advisory was retained by a junior gold mining company's financial advisor to produce an independent engineer report on their arctic gold mine development project. The scope of the review included geology, mining, mineral processing, tailings and other infrastructure, environmental permitting and social management, management and organization, project execution, capital and operating costs, and financial analysis.
- Baffinland, Senior Financial Analyst. Responsible for annual budgeting, and revenue, production, cost, profit and cash flow forecasting and performance analysis. Responsibilities also included insurance, invoicing, and the relationship with the lender's independent engineer.

  Ryan also worked successfully with the CFO on negotiation, execution and implementation of agreements that provided the company with hundreds of millions in financing for initial project capital costs and operating working capital.

Career History

2018 - Present Hatch Ltd., Mississauga, Ontario, Canada. Western North American Regional Director, Investment & Business Planning

2016 - 2018 Hatch Ltd., Mississauga, Ontario, Canada. Engagement Manager

2013 - 2016 Baffinland Iron Mines, Oakville, Ontario, Canada. Corporate Finance, Financial Planning & Analysis

2005 - 2013 Hatch Ltd., Mississauga, Ontario, Canada. Consultant

Education

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BScE, Engineering Physics, Queen's University, Kingston, Ontario, Canada, 2005

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Appendix G
W-Trans Traffic Monitoring Reports

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June 2, 2016

Mr. Pat Allen
Northern Aggregates
P.O. Box 1566
Willits, CA 95490

Mitigation Monitoring for the Harris Quarry Access

Dear Mr. Allen;

As requested and with the approval of Mendocino County staff, W-Trans has prepared Mitigation Monitoring for the Harris Quarry project located in the County of Mendocino. Condition of Approval (COA) No. 31 for the Harris Quarry project requires that monitoring be performed during the July and October peak periods every other year, and shall be scheduled to include observation during foggy conditions if feasible. The purpose of this letter is to address observations regarding truck driver behavior, operational results, and safety analysis, and to make recommendations regarding any identified issues.

Existing Conditions

The study area consists of US 101, which runs along the frontage of the project site, and the study intersection of US 101 at Black Bart Drive as well as US 101 at the Harris Quarry driveway in the County of Mendocino. Black Bart Drive generally runs east-west. Improvements required under COA No. 30 to provide an inbound left-turn lane and acceleration lane for outbound left turns has been completed. Traffic counts were obtained on July 16 and October 15, 2015, to reflect worst-case conditions per the project's EIR, and conditions videotaped for a week-long period each between July 16-22 and October 14-22. While weather forecasts were consulted to allow observations during foggy weather, due to limited occurrences of fog, insufficient advance predictions of fog, and scheduling conflicts, none of the observations occurred when there was fog. Further efforts will be expended to try and observe conditions during foggy weather as part of the 2017 review.

Capacity Analysis

Data available from the *Harris Quarry Expansion Draft EIR* (DEIR) and *Harris Quarry Use Permit and Reclamation Plan Final Environmental Impact Report* (FEIR), February 2012 relative to operation of the study intersection on US 101 at Black Bart Drive and at the Quarry Entrance under "Existing (2010 – Base Case)" conditions are shown in Table 1. As required per the Mitigation Monitoring Plan from the FEIR, operation of these two locations was again reviewed in July and October of this year. This most recent evaluation shows that both locations are operating at LOS A overall and LOS B on the stop-controlled minor approaches, with nearly identical results from the July and October data. It is noted that while the concept of "Level of Service" is typically not applied to driveways, for comparative purposes relative to the FEIR, the service level is provided. These results are summarized in Table 1.

Table 1 – Comparison of Peak Hour Intersection Levels of Service

Study Intersection	DEIR[1]		July 2015		October 2015	
Approach	Delay	LOS	Delay	LOS	Delay	LOS
1. US 101/Black Bart Dr	n/a	n/a	0.2	A	0.3	A
Eastbound (Black Bart) Approach	*25.5*	*D*	*11.6*	*B*	*11.7*	*B*
2. US 101/Harris Quarry Entrance	n/a	n/a	0.2	A	0.3	A
Eastbound (Quarry Driveway) Approach	*23.5*	*C*	*12.0*	*B*	*11.8*	*B*

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service;
Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*
[1] Reference documents obtained at: https://www.co.mendocino.ca.us/planning/HarrisQuarry.htm

It is noted that delay for trucks exiting the site has decreased substantially from conditions when the DEIR was written; per the DEIR the delay for the driveway approach averaged 23.5 seconds compared to 12.0 seconds with the project. This is attributable to the construction of an acceleration lane for trucks turning left out of the quarry onto US 101 North. Similarly, delay for drivers exiting Black Bart Drive has decreased to half what it was without the acceleration lane constructed as part of the project.

Finding: Traffic operation remains well within accepted standards with peak traffic generated by the quarry added to existing background volumes. In fact, the calculated delays current encountered at both Black Bart Drive and when exiting the quarry are lower than were predicted for 2014 without the Bypass trips added (Tables 4.4-7 and 4.4-8 of the DEIR).

Collision Analysis

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports were reviewed for January 1, 2013 through December 31, 2014; this was the most recent data available when the analysis was prepared. During this period there was one collision reported near either study intersection; it involved a northbound passenger vehicle that rear-ended a truck with trailer on July 15, 2013, and it occurred about 100 feet south of Black Bart Drive.

The single crash translates to a collision rate of 0.09 collisions per million vehicles entering (c/mve), which is about half the statewide average for rural tee (three-way) intersections of 0.16 c/mve. Given that there was only one crash reported and there is a below-average collision rate, there does not appear to be any safety concern associated with continued operation of the project.

No crashes were reported at the quarry entrance, and none have been reported since the improvements to US 101 were constructed. It seems reasonable to conclude that the construction of the left-turn lane on northbound US 101 substantially improved safety at this location.

Driver Behavior

Video records were obtained over the course of a week in both July and October 2015 to document behavior of drivers exiting the site and turning both right and left onto US 101. These videos indicate that drivers are behaving in a reasonable manner and following normal rules of the road, including yielding the right-of-way to oncoming drivers. No specific concerns were identified based on the review performed.

Due to clear weather during both weeks, no observations were performed during foggy weather; however, given the lack of any reported collisions over the two-year period discussed above it appears that there is not a safety issue relative to behavior of drivers exiting the site, regardless of the weather.

Conclusions and Recommendations

- The intersection of US 101/Black Bart Drive is operating at LOS A overall and LOS B for the eastbound approach, and well above the County's minimum standard.
- Delay experienced by drivers exiting the site has decreased substantially due to the construction of the acceleration lane, and safety has improved due to provision of the left-turn lane on northbound US 101 as indicated by the lack of collisions at this location compared to the history reported in the DEIR.
- There were no safety concerns identified either through the collision review or observations of drivers exiting the site.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

Dalene J. Whitlock, PE, PTOE
Principal



DJW/dt/MEX092.L1

Enclosures: Level of Service Calculations
Collision Rate Calculation

July 2015 Conditions
Harris Quarry Mitigation Monitoring Program
County of Mendocino

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 US 101/Black Bart Drive

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[11.6]

Street Name:	US 101									Black Bart Drive					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled					Uncontrolled					Stop Sign					Stop Sign				
Rights:	Include					Include					Include					Include				
Lanes:	1	0	2	0	0	0	0	2	0	1	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 16 Jul 2015 << 11:00 a.m. - 12:00 Noon																				
Base Vol:	3	589	0	0	625	12	7	0	12	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	3	589	0	0	625	12	7	0	12	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
PHF Volume:	3	638	0	0	677	13	8	0	13	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	3	638	0	0	677	13	8	0	13	0	0	0
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.8	6.5	6.9	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:																				
Cnflict Vol:	690	xxxx	xxxxx	xxxx	xxxx	xxxxx	1003	1322	339	xxxx	xxxx	xxxxx
Potent Cap.:	914	xxxx	xxxxx	xxxx	xxxx	xxxxx	242	158	663	xxxx	xxxx	xxxxx
Move Cap.:	914	xxxx	xxxxx	xxxx	xxxx	xxxxx	242	157	663	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	453	391	xxxxx	412	387	xxxxx
Volume/Cap:	0.00	xxxx	xxxx	xxxx	xxxx	xxxx	0.02	0.00	0.02	xxxx	xxxx	xxxx
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	9.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	A	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	567	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	11.6	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	B	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			11.6			xxxxxx		
ApproachLOS:	*			*			B			*		

Note: Queue reported is the number of cars per lane.

July 2015 Conditions
Harris Quarry Mitigation Monitoring Program
County of Mendocino

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #2 US 101/Harris Quarry Entrance

Average Delay (sec/veh): 0.2 Worst Case Level Of Service: B[12.0]

Street Name:	US 101									Harris Quarry Entrance					
Approach:	North Bound			South Bound			East Bound			West Bound		
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled					Uncontrolled					Stop Sign					Stop Sign				
Rights:	Include					Include					Include					Include				
Lanes:	1	0	2	0	0	0	0	1	1	0	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 16 Jul 2015 << 11:00 a.m. - 12:00 Noon																				
Base Vol:	8	584	0	0	634	3	6	0	5	0	0	0
Growth Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Initial Bse:	8	584	0	0	634	3	6	0	5	0	0	0
User Adj:	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
PHF Adj:	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
PHF Volume:	9	633	0	0	687	3	7	0	5	0	0	0
Reduct Vol:	0	0	0	0	0	0	0	0	0	0	0	0
FinalVolume:	9	633	0	0	687	3	7	0	5	0	0	0
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx	6.8	6.5	6.9	xxxxx	xxxx	xxxxx
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx	3.5	4.0	3.3	xxxxx	xxxx	xxxxx
Capacity Module:																				
Cnflict Vol:	690	xxxx	xxxxx	xxxx	xxxx	xxxxx	1022	1339	345	xxxx	xxxx	xxxxx
Potent Cap.:	914	xxxx	xxxxx	xxxx	xxxx	xxxxx	235	154	657	xxxx	xxxx	xxxxx
Move Cap.:	914	xxxx	xxxxx	xxxx	xxxx	xxxxx	234	153	657	xxxx	xxxx	xxxxx
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	447	386	xxxxx	407	382	xxxxx
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx	0.01	0.00	0.01	xxxx	xxxx	xxxx
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx
Control Del:	9.0	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx
LOS by Move:	A	*	*	*	*	*	*	*	*	*	*	*
Movement:	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT	LT	-	LTR	-	RT
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	523	xxxxx	xxxx	xxxx	xxxxx
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx	xxxxx	xxxx	xxxxx
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	12.0	xxxxx	xxxxx	xxxx	xxxxx
Shared LOS:	*	*	*	*	*	*	*	B	*	*	*	*
ApproachDel:	xxxxxx			xxxxxx			12.0			xxxxxx		
ApproachLOS:	*			*			B			*		

Note: Queue reported is the number of cars per lane.

October 2015 Existing Conditions
Harris Quarry Mitigation Monitoring Program
County of Mendocino

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #1 US 101/Black Bart Drive

Average Delay (sec/veh): 0.3 Worst Case Level Of Service: B[11.7]

Street Name:	US 101									Black Bart Drive					
Approach:	North Bound			South Bound			East Bound			West Bound					
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign					
Rights:	Include			Include			Include			Include					
Lanes:	1	0	2	0	0	0	0	2	0	1	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 15 Oct 2015 << 11:00 a.m. - 12:00 noon																				
Base Vol:	10	495	0			0	547	17			13	0	6			0	0	0		
Growth Adj:	1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00		
Initial Bse:	10	495	0			0	547	17			13	0	6			0	0	0		
User Adj:	1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00		
PHF Adj:	0.94	0.94	0.94			0.94	0.94	0.94			0.94	0.94	0.94			0.94	0.94	0.94		
PHF Volume:	11	524	0			0	579	18			14	0	6			0	0	0		
Reduct Vol:	0	0	0			0	0	0			0	0	0			0	0	0		
FinalVolume:	11	524	0			0	579	18			14	0	6			0	0	0		
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx					6.8	6.5	6.9	xxxxx	xxxx	xxxxx				
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx					3.5	4.0	3.3	xxxxx	xxxx	xxxxx				
Capacity Module:																				
Cnflict Vol:	597	xxxx	xxxxx	xxxx	xxxx	xxxxx					863	1125	290	xxxx	xxxx	xxxxx				
Potent Cap.:	989	xxxx	xxxxx	xxxx	xxxx	xxxxx					298	207	713	xxxx	xxxx	xxxxx				
Move Cap.:	989	xxxx	xxxxx	xxxx	xxxx	xxxxx					295	205	713	xxxx	xxxx	xxxxx				
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					508	438	xxxxx	469	428	xxxxx				
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx					0.03	0.00	0.01	xxxx	xxxx	xxxx				
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx		xxxx	xxxx	xxxxx							
Control Del:	8.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx		xxxxx	xxxx	xxxxx							
LOS by Move:	A	*	*	*	*	*	*	*	*		*	*	*							
Movement:	LT - LTR - RT			LT - LTR - RT			LT - LTR - RT				LT - LTR - RT									
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	558	xxxxx		xxxx	xxxx	xxxxx							
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx		xxxxx	xxxx	xxxxx							
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	11.7	xxxxx		xxxxx	xxxx	xxxxx							
Shared LOS:	*	*	*	*	*	*	*	B	*		*	*	*							
ApproachDel:	xxxxxx			xxxxxx			11.7				xxxxxx									
ApproachLOS:	*			*			B				*									

Note: Queue reported is the number of cars per lane.

October 2015 Existing Conditions
Harris Quarry Mitigation Monitoring Program
County of Mendocino

Level Of Service Computation Report
2000 HCM Unsignalized Method (Base Volume Alternative)

Intersection #2 US 101/Harris Quarry Entrance

Average Delay (sec/veh): 0.3 Worst Case Level Of Service: B[11.8]

Street Name:	US 101									Harris Quarry Entrance					
Approach:	North Bound			South Bound			East Bound			West Bound					
Movement:	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R	L	-	T	-	R
Control:	Uncontrolled			Uncontrolled			Stop Sign			Stop Sign					
Rights:	Include			Include			Include			Include					
Lanes:	1	0	2	0	0	0	0	1	1	0	0	0	1!	0	0	0	0	0	0	0
Volume Module: >> Count Date: 16 Oct 2015 << 11:00 a.m. - 12:00 noon																				
Base Vol:	10	495	0			0	547	17			13	0	6			0	0	0		
Growth Adj:	1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00		
Initial Bse:	10	495	0			0	547	17			13	0	6			0	0	0		
User Adj:	1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00			1.00	1.00	1.00		
PHF Adj:	0.94	0.94	0.94			0.94	0.94	0.94			0.94	0.94	0.94			0.94	0.94	0.94		
PHF Volume:	11	527	0			0	582	18			14	0	6			0	0	0		
Reduct Vol:	0	0	0			0	0	0			0	0	0			0	0	0		
FinalVolume:	11	527	0			0	582	18			14	0	6			0	0	0		
Critical Gap Module:																				
Critical Gp:	4.1	xxxx	xxxxx	xxxxx	xxxx	xxxxx					6.8	6.5	6.9	xxxxx	xxxx	xxxxx				
FollowUpTim:	2.2	xxxx	xxxxx	xxxxx	xxxx	xxxxx					3.5	4.0	3.3	xxxxx	xxxx	xxxxx				
Capacity Module:																				
Cnflict Vol:	600	xxxx	xxxxx	xxxx	xxxx	xxxxx					876	1139	300	xxxx	xxxx	xxxxx				
Potent Cap.:	987	xxxx	xxxxx	xxxx	xxxx	xxxxx					292	203	702	xxxx	xxxx	xxxxx				
Move Cap.:	987	xxxx	xxxxx	xxxx	xxxx	xxxxx					290	201	702	xxxx	xxxx	xxxxx				
Total Cap:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx					501	434	xxxxx	467	427	xxxxx				
Volume/Cap:	0.01	xxxx	xxxx	xxxx	xxxx	xxxx					0.03	0.00	0.01	xxxx	xxxx	xxxx				
Level Of Service Module:																				
2Way95thQ:	0.0	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx		xxxx	xxxx	xxxxx							
Control Del:	8.7	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx		xxxxx	xxxx	xxxxx							
LOS by Move:	A	*	*	*	*	*	*	*	*		*	*	*							
Movement:	LT - LTR - RT			LT - LTR - RT			LT - LTR - RT				LT - LTR - RT									
Shared Cap.:	xxxx	xxxx	xxxxx	xxxx	xxxx	xxxxx	xxxx	551	xxxxx		xxxx	xxxx	xxxxx							
SharedQueue:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	0.1	xxxxx		xxxxx	xxxx	xxxxx							
Shrd ConDel:	xxxxx	xxxx	xxxxx	xxxxx	xxxx	xxxxx	xxxxx	11.8	xxxxx		xxxxx	xxxx	xxxxx							
Shared LOS:	*	*	*	*	*	*	*	B	*		*	*	*							
ApproachDel:	xxxxxx			xxxxxx			11.8				xxxxxx									
ApproachLOS:	*			*			B				*									

Note: Queue reported is the number of cars per lane.

Intersection Collision Rate Calculations

County of Mendocino

Intersection # 1: US 101 & Black Bart Drive

Date of Count: Thursday, July 16, 2015

Number of Collisions: 1
Number of Injuries: 0
Number of Fatalities: 0
ADT: 15600
Start Date: January 1, 2013
End Date: December 31, 2014
Number of Years: 2

Intersection Type: Tee
Control Type: Stop & Yield Controls
Area: Rural

$$\text{collision rate} = \frac{\text{Number of Collisions x 1 Million}}{\text{ADT x 365 Days per Year x Number of Years}}$$

$$\text{collision rate} = \frac{1 \times 1{,}000{,}000}{15{,}600 \times 365 \times 2}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Intersection	**0.09 c/mve**	**0.0%**	**0.0%**
Statewide Average*	**0.16 c/mve**	**1.7%**	**39.2%**

ADT = average daily total vehicles entering intersection
c/mve = collisions per million vehicles entering intersection
* 2010 Collision Data on California State Highways, Caltrans

December 1, 2017

Mr. Pat Allen
Northern Aggregates
P.O. Box 1566
Willits, CA 95490

Mitigation Monitoring for the Harris Quarry Access

Dear Mr. Allen;

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Existing Conditions

The study area consists of US 101, which runs along the frontage of the project site, and the study intersection of US 101 at Black Bart Drive as well as US 101 at the Harris Quarry driveway in the County of Mendocino. Black Bart Drive generally runs east-west. Improvements required under COA No. 30 to provide an inbound left-turn lane and acceleration lane for outbound left turns has been completed. Traffic counts were obtained on July 18 and October 3 and 4, 2017, to reflect worst-case conditions per the project's EIR, and conditions videotaped for a week-long period each between July 15 and 21 and October 1 to 7. While weather forecasts were consulted to allow observations during foggy weather, due to limited occurrences of fog, insufficient advance predictions of fog, and scheduling conflicts, none of the observations occurred when there was fog. Further efforts will be expended to try and observe conditions during foggy weather as part of the 2019 review.

Capacity Analysis

Data available from the *Harris Quarry Expansion Draft EIR* (DEIR) and *Harris Quarry Use Permit and Reclamation Plan Final Environmental Impact Report* (FEIR), February 2012 relative to operation of the study intersection on US 101 at Black Bart Drive and at the Quarry Entrance under "Existing (2010 – Base Case)" conditions are shown in Table 1. As required per the Mitigation Monitoring Plan from the FEIR, operation of these two locations was again reviewed in July and October of this year. This most recent evaluation shows that both locations are operating at LOS A overall and LOS B and C on the stop-controlled minor approaches, with fairly similar delays experienced during both July and October. It is noted that while the concept of "Level of Service" is typically not applied to driveways, for comparative purposes relative to the FEIR, the service level is provided. These results are summarized in Table 1.

Table 1 – Comparison of Peak Hour Intersection Levels of Service

Study Intersection	DEIR[1]		July 2017		October 2017	
Approach	Delay	LOS	Delay	LOS	Delay	LOS
1. US 101/Black Bart Dr	n/a	n/a	0.4	A	0.4	A
Eastbound (Black Bart) Approach	*25.5*	*D*	*16.7*	*C*	*14.5*	*B*
2. US 101/Harris Quarry Entrance	n/a	n/a	0.1	A	0.3	A
Eastbound (Quarry Driveway) Approach	*23.5*	*C*	*13.0*	*B*	*15.2*	*C*

Notes: Delay is measured in average seconds per vehicle; LOS = Level of Service;
Results for minor approaches to two-way stop-controlled intersections are indicated in *italics*
[1] Reference documents obtained at: https://www.co.mendocino.ca.us/planning/HarrisQuarry.htm

The delay for trucks exiting the Harris Quarry driveway continues to be substantially lower than conditions when the DEIR was written; per the DEIR, the delay for the driveway approach averaged 23.5 seconds compared to 15.2 seconds with the project. This remains attributable to the construction of the acceleration lane serving left-turning trucks from the quarry onto northbound US 101. Similarly, delay for drivers exiting Black Bart Drive has decreased from 25.5 seconds to 14.5 to 16.7 seconds due to the acceleration lane constructed as part of the project.

Finding: Traffic operation remains well within accepted standards with peak traffic generated by the quarry added to existing background volumes. In fact, the calculated delays currently encountered at both Black Bart Drive and when exiting the quarry are lower than were predicted for 2014 without the Bypass trips added (Tables 4.4-7 and 4.4-8 of the DEIR).

Collision Analysis

The collision history for the study area was reviewed to determine any trends or patterns that may indicate a safety issue. Collision records available from the California Highway Patrol as published in their Statewide Integrated Traffic Records System (SWITRS) reports were reviewed for January 1, 2012 through December 31, 2016; this was the most recent data available when the analysis was prepared. During this period there were four collisions reported near either study intersection.

These four crashes translate to a collision rate of 0.16 collisions per million vehicles entering (c/mve), which is equal to the statewide average for rural tee (three-way) intersections. However, with an injury rate of 25 percent, which is much less than the statewide average of 39.2 percent, there does not appear to be a safety problem associated with the average incidence of collisions.

No crashes were reported at the quarry entrance, and none have been reported since the improvements to US 101 were constructed. It seems reasonable to conclude that the construction of the left-turn lane on northbound US 101 improved safety at this location.

Driver Behavior

Video records were obtained over the course of a week in both July and October 2015 to document behavior of drivers exiting the site and turning both right and left onto US 101. These videos indicate that drivers are behaving in a reasonable manner and following normal rules of the road, including yielding the right-of-way to oncoming drivers. No specific concerns were identified based on the review performed. In fact, it was noted that left-turning drivers typically waited for a sufficiently long gap in traffic that they were able to complete their turn and begin the ascent toward Black Bart Drive before an approaching vehicle reached the driveway. Of the hundreds of truck

turns observed, there were no occasions where an oncoming driver had to adjust their speed due to a truck entering the highway.

It is noted that the weather was clear during both weeks videotaped, so no observations were performed during foggy weather; however, given the lack of any reported collisions over the two-year period discussed above it appears that there is not a safety issue relative to behavior of drivers exiting the site, regardless of the weather.

Conclusions and Recommendations

- The intersection of US 101/Black Bart Drive is operating at LOS A overall and LOS B or C for the eastbound approach, and well above the County's minimum standard.
- Delay experienced by drivers exiting the site has decreased substantially due to the construction of the acceleration lane, and safety has improved due to provision of the left-turn lane on northbound US 101 as indicated by the lack of collisions at this location compared to the history reported in the DEIR.
- There were no safety concerns identified either through the collision review or observations of drivers exiting the site.

Thank you for giving W-Trans the opportunity to provide these services. Please call if you have any questions.

Sincerely,

Kevin Rangel, EIT

Dalene J. Whitlock, PE, PTOE
Principal

REGISTERED PROFESSIONAL ENGINEER
DALENE J. WHITLOCK
TR001552
TRAFFIC
STATE OF CALIFORNIA

DJW/kr/MEX092.L2

Enclosures: Level of Service Calculations
Collision Rate Calculation

Intersection Level Of Service Report
Intersection 1: US 101 and Black Bart Drive

Control Type:	Two-way stop	Delay (sec / veh):	23.3
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.074

Intersection Setup

Name	US 101		US 101		Black Bart Drive	
Approach	Northbound		Southbound		Eastbound	
Lane Configuration						
Turning Movement	Left	Thru	Thru	Right	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	10.00	10.00
No. of Lanes in Pocket	1	0	0	1	0	0
Pocket Length [ft]	150.00	100.00	100.00	350.00	100.00	100.00
Speed [mph]	65.00		65.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	US 101		US 101		Black Bart Drive	
Base Volume Input [veh/h]	6	557	659	13	13	16
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	6	557	659	13	13	16
Peak Hour Factor	0.8600	0.8600	0.8600	0.8600	0.8600	0.8600
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	162	192	4	4	5
Total Analysis Volume [veh/h]	7	648	766	15	15	19
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			Yes
Storage Area [veh]	0	0	1
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.01	0.01	0.00	0.07	0.03
d_M, Delay for Movement [s/veh]	9.36	0.00	0.00	0.00	23.31	11.47
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh]	0.03	0.00	0.00	0.00	0.24	0.24
95th-Percentile Queue Length [ft]	0.64	0.00	0.00	0.00	5.94	5.94
d_A, Approach Delay [s/veh]	0.10		0.00		16.69	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.43					
Intersection LOS	C					

Intersection Level Of Service Report
Intersection 2: US 101 and Harris Quarry Access

Control Type:	Two-way stop	Delay (sec / veh):	27.5
Analysis Method:	HCM 6th Edition	Level Of Service:	D
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.006

Intersection Setup

Name	US 101		US 101		Harris Quarry Access Driveway	
Approach	Northbound		Southbound		Eastbound	
Lane Configuration						
Turning Movement	Left	Thru	Thru	Right	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0
Pocket Length [ft]	345.00	100.00	100.00	220.00	100.00	100.00
Speed [mph]	65.00		65.00		10.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	US 101		US 101		Harris Quarry Access Driveway	
Base Volume Input [veh/h]	6	648	809	2	1	9
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	6	648	809	2	1	9
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	178	222	1	0	2
Total Analysis Volume [veh/h]	7	712	889	2	1	10
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	3
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.01	0.01	0.00	0.01	0.02
d_M, Delay for Movement [s/veh]	9.80	0.00	0.00	0.00	27.49	11.53
Movement LOS	A	A	A	A	D	B
95th-Percentile Queue Length [veh]	0.03	0.00	0.00	0.00	0.02	0.05
95th-Percentile Queue Length [ft]	0.70	0.00	0.00	0.00	0.47	1.36
d_A, Approach Delay [s/veh]	0.10		0.00		12.98	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]	0.13					
Intersection LOS	D					

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Version 5.00-00

Intersection Level Of Service Report
Intersection 1: US 101 and Black Bart Drive

Control Type:	Two-way stop	Delay (sec / veh):	19.4
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.051

Intersection Setup

Name	US 101		US 101		Black Bart Drive	
Approach	Northbound		Southbound		Eastbound	
Lane Configuration						
Turning Movement	Left	Thru	Thru	Right	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	10.00	10.00
No. of Lanes in Pocket	1	0	0	1	0	0
Pocket Length [ft]	150.00	100.00	100.00	350.00	100.00	100.00
Speed [mph]	65.00		65.00		30.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	US 101		US 101		Black Bart Drive	
Base Volume Input [veh/h]	11	471	598	7	12	15
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	11	471	598	7	12	15
Peak Hour Factor	0.9000	0.9000	0.9000	0.9000	0.9000	0.9000
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	3	131	166	2	3	4
Total Analysis Volume [veh/h]	12	523	664	8	13	17
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			Yes
Storage Area [veh]	0	0	1
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.01	0.01	0.00	0.05	0.03
d_M, Delay for Movement [s/veh]	8.99	0.00	0.00	0.00	19.44	10.75
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh]	0.04	0.00	0.00	0.00	0.16	0.16
95th-Percentile Queue Length [ft]	1.00	0.00	0.00	0.00	4.02	4.02
d_A, Approach Delay [s/veh]	0.20		0.00		14.52	
Approach LOS	A		A		B	
d_I, Intersection Delay [s/veh]	0.44					
Intersection LOS	C					

Intersection Level Of Service Report
Intersection 2: US 101 and Harris Quarry Access

Control Type:	Two-way stop	Delay (sec / veh):	19.2
Analysis Method:	HCM 6th Edition	Level Of Service:	C
Analysis Period:	15 minutes	Volume to Capacity (v/c):	0.031

Intersection Setup

Name	US 101		US 101		Harris Quarry Access Driveway	
Approach	Northbound		Southbound		Eastbound	
Lane Configuration						
Turning Movement	Left	Thru	Thru	Right	Left	Right
Lane Width [ft]	12.00	12.00	12.00	12.00	12.00	12.00
No. of Lanes in Pocket	1	0	0	1	0	0
Pocket Length [ft]	345.00	100.00	100.00	220.00	100.00	100.00
Speed [mph]	65.00		65.00		10.00	
Grade [%]	0.00		0.00		0.00	
Crosswalk	No		No		No	

Volumes

Name	US 101		US 101		Harris Quarry Access Driveway	
Base Volume Input [veh/h]	8	446	612	9	7	6
Base Volume Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Heavy Vehicles Percentage [%]	2.00	2.00	2.00	2.00	2.00	2.00
Growth Rate	1.00	1.00	1.00	1.00	1.00	1.00
In-Process Volume [veh/h]	0	0	0	0	0	0
Site-Generated Trips [veh/h]	0	0	0	0	0	0
Diverted Trips [veh/h]	0	0	0	0	0	0
Pass-by Trips [veh/h]	0	0	0	0	0	0
Existing Site Adjustment Volume [veh/h]	0	0	0	0	0	0
Other Volume [veh/h]	0	0	0	0	0	0
Total Hourly Volume [veh/h]	8	446	612	9	7	6
Peak Hour Factor	0.9100	0.9100	0.9100	0.9100	0.9100	0.9100
Other Adjustment Factor	1.0000	1.0000	1.0000	1.0000	1.0000	1.0000
Total 15-Minute Volume [veh/h]	2	123	168	2	2	2
Total Analysis Volume [veh/h]	9	490	673	10	8	7
Pedestrian Volume [ped/h]	0		0		0	

Intersection Settings

Priority Scheme	Free	Free	Stop
Flared Lane			
Storage Area [veh]	0	0	3
Two-Stage Gap Acceptance			No
Number of Storage Spaces in Median	0	0	0

Movement, Approach, & Intersection Results

V/C, Movement V/C Ratio	0.01	0.00	0.01	0.00	0.03	0.01
d_M, Delay for Movement [s/veh]	9.01	0.00	0.00	0.00	19.22	10.52
Movement LOS	A	A	A	A	C	B
95th-Percentile Queue Length [veh]	0.03	0.00	0.00	0.00	0.09	0.03
95th-Percentile Queue Length [ft]	0.75	0.00	0.00	0.00	2.36	0.80
d_A, Approach Delay [s/veh]	0.16		0.00		15.16	
Approach LOS	A		A		C	
d_I, Intersection Delay [s/veh]	0.26					
Intersection LOS	C					

Intersection Collision Rate Calculations

County of Mendocino

Intersection # 1: US 101 & Black Bart Drive

Date of Count: Tuesday, October 3, 2017

Number of Collisions: 4
Number of Injuries: 1
Number of Fatalities: 0
ADT: 13900
Start Date: January 1, 2012
End Date: December 31, 2016
Number of Years: 5

Intersection Type: Tee
Control Type: Stop & Yield Controls
Area: Rural

$$\text{collision rate} = \frac{\text{Number of Collisions} \times 1 \text{ Million}}{\text{ADT} \times 365 \text{ Days per Year} \times \text{Number of Years}}$$

$$\text{collision rate} = \frac{4 \times 1{,}000{,}000}{13{,}900 \times 365 \times 5}$$

	Collision Rate	Fatality Rate	Injury Rate
Study Intersection	**0.16 c/mve**	**0.0%**	**25.0%**
Statewide Average*	**0.16 c/mve**	**1.7%**	**39.2%**

ADT = average daily total vehicles entering intersection
c/mve = collisions per million vehicles entering intersection
* 2010 Collision Data on California State Highways, Caltrans

November 8, 2019

Mr. Pat Allen
Northern Aggregates
P.O. Box 1566
Willits, CA 95490

Supplemental Analysis of Collisions During 2017 for the Harris Quarry Vicinity

Dear Mr. Allen;

This is a supplemental analysis of reported collisions for 2017 only. The analysis concerns three crashes in the vicinity of the study area during 2017, which includes the intersections of US 101 with Black Bart Drive and the intersection of US 101 with the quarry driveway. There were no crashes reported at the quarry driveway.

Table 1 provides details about these three crashes, including the date on which they occurred, where they occurred in relation to the intersection at Black Bart Drive, the direction the driveway was traveling, what type of crash it was, and the primary collision factor cited in the collision report.

Table 1 – Summary of Collision Details

Date	Location	Direction	Type of Collision	PCF
Feb 2, 2017	317' south of BBD	SB	Single vehicle hit object	DUI
July 1, 2017	At BBD	NB	Single vehicle hit object	DUI
Aug 17, 2017	70' south of BBD	NB	Two vehicles hit an object	Other hazardous movement

Note: BBD = Black Bart Drive, NB = Northbound, PCF = Primary Collision Factor

We hope this information adequately addresses any questions about the area's collision history in 2017. Please call if you have any questions.

Sincerely,

Dalene J. Whitlock, PE, PTOE
Principal

DJW/djw/MEX092.LC



Appendix H
RAU and Associates Mitigation Compliance Documentation

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LAW OFFICES OF TINA WALLIS

3581 Westwind Boulevard
Santa Rosa, California 95403

(707) 595-8681 twallis@twallislaw.com
www.twallislaw.com

December 3, 2019

Julia Acker,
Chief Planner
Mendocino County Planning & Building
501 Low Gap Road
Ukiah, CA 95482

Sent via email and U.S. Mail

RE: Harris Quarry

Dear Ms. Acker:

I am forwarding the following items for Mendocino County's consideration:

1. Letter from Chandler Koehn, dated November 20, 2019, three pages long;
2. Letter from Matthew Herman with SHN Engineering, dated November 19, 2019, seven pages long;
3. Letter from George Rau, dated December 3, 2019, eight pages long;
4. Letter from Rick Sands, dated December 3, 2019, one page long;
5. CalTrans Memorandum, dated March 1, 2018, seven pages long;
6. CALCIMA Distance Matters, 2019 update, three pages long.

Please let me know if you have any questions about this letter or its attachments.

Very truly yours,

Tina M. Wallis,
Law Offices of Tina Wallis, Inc.

Encl.: As stated
cc: Client

CHANDLER KOEHN CONSULTING

November 20, 2019

Project No.: 2013044

Northern Aggregates Inc.
Attn: Mr. Pat Allen, Project Manager
Email Address: Pat@mcsnai.com

Subject: Summary of Engineering Services for the Quarry Entrance Highway 101 Channelization Project at 16410 North Highway 101, Willits, Mendocino County, California.

References:
1) Highway Improvement Plans, Highway 101 Channelization, Willits, CA, 01-Men-101-40.51/41.14, Caltrans EA# 01-05601, prepared by Rau and Associates Inc., dated August 2013.
2) Special Provisions For Construction on State Highway in Mendocino County about 4 miles south of Willits on Ridgewood Grade, In District 01 on Route 101, 01-MEN-101-40.53/41.13, by Rau and Associates Inc., revised September 11, 2013.
3) "Response to Caltrans Comments, Harris Quarry @ US Route 101, Mendocino County, California," prepared by Blackburn Consulting, dated August 31, 2012.
4) "Geotechnical Report, Harris Quarry Entrance Road, Mendocino County, California," prepared by Blackburn Consulting, dated February 2007.

Dear Mr. Allen:

In accordance with your request, I am providing a summary of my services provided as Resident Engineer and Geotechnical Engineer for the Harris Quarry entrance highway 101 project. My services were performed during September and October of 2013 and consisted of the following:

- Preparation and Submittal of Resident Engineer's Report of Assignment (Form CEM-0101) and Notification of Construction (Form CEM-2002)
- Oversight of a Full-time Assistant Resident Engineer .
- Review and concurrence of Change Order Memorandum with Project Engineer (Form CEM-4903).
- Review and submittal of daily reports by the Assistant Residence Engineer (Form CEM4601).
- Preparation and submittal of weekly Residence Engineer reports (Form CEM-4501).
- Review of Vendor's Certificate of Compliance (Form MR-0543).
- Preparation and submittal of Relative Compaction Summaries (Form CEM 3702).
- Preparation and submittal of Relief from Maintenance (Form CEM-0501).

It is my opinion that the project was completed in substantial compliance with the referenced plans and provisions. I hope this letter provides the information that is needed at this time.

Sincerely,

Chandler H. Koehn, P.E., G.E.
Civil and Geotechnical Engineer

REGISTERED PROFESSIONAL ENGINEER
CHANDLER H. KOEHN
No. C-63119
Exp. 6-30-12
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
CHANDLER H. KOEHN
GE 2895
Exp. 6-30-12
GEOTECHNICAL
STATE OF CALIFORNIA

P.O. Box 760
Cloverdale, CA 95425
Phone (707) 972-2897

STATE OF CALIFORNIA • DEPARTMENT OF TRANSPORTATION

RELIEF FROM MAINTENANCE

CEM-0501 (REV 6/1997)

CONTRACT NUMBER	COUNTY, ROUTE, BRIDGE OR POST MILES, OR POST KILOMETERS	FEDERAL NO.
01-OA5604	01-MEN-101-40.51/41.14	NOT APPLICABLE

CONTRACTOR NAME AND BUSINESS ADDRESS

MENDOCINO CONSTRUCTION SERVICES (CONTRACTOR)
NORTHERN AGGREGATES, INC. (PERMITTEE)
P.O. BOX 1566
WILLITS, CA 95490

DESCRIPTION

HIGHWAY WIDENING AND CHANNELIZATION PER ENCROACHMENT PERMIT # 0113-6-OP-0357 (ORIGINAL PERMIT) AND ENCROACHMENT PERMIT #0113-6-OP-0357, RIDER # 0113-N-RD-0375.

BY LETTER(S) DATED 10-14-14 , THE CONTRACTOR HAS REQUESTED RELIEF FROM

MAINTAINING THE FOLLOWING COMPLETED PORTIONS OF THE PROJECT:
ALL PORTIONS OF THE PROJECT HAVE BEEN CONSTRUCTED IN SUBSTANTIAL CONFORMANCE WITH THE PLANS AND SPECIFICATIONS FOR THE ABOVE NOTED ENCROACHMENT PERMIT INCLUDING; HIGHWAY PAVEMENT, SLOPES, LIGHTS, SIGNS, CHANNELS AND OTHER DRAINAGE FACILITIES. RELIEF OF MAINTENANCE IS REQUESTED FOR ALL PORTIONS OF THE PROJECT.

REGISTERED PROFESSIONAL ENGINEER
CHANDLER H. ROGAN
C-63119
CIVIL
STATE OF CALIFORNIA

RELIEF FROM MAINTENANCE AND RESPONSIBILITY AS INDICATED ABOVE IS RECOMMENDED.

Signature, Resident Engineer

RELIEF FROM MAINTENANCE AND RESPONSIBILITY GRANTED IN ACCORDANCE WITH THE ABOVE RECOMMENDATION

Signature, Deputy District Director, Dist. _____

Date

ADA Notice For individuals with sensory disabilities, this document is available in alternate formats. For information call (916) 654-6410 or TDD (916) 654-3880 or write Records and Forms Management, 1120 N Street, MS-89, Sacramento, CA 95814.

CEM0501

Dist - Co - Rte - PM 01-MEN-40.51/41.14
EA 01-OA5604
Project ID# 0100020276
Description Widen for Quarry Access

Certify Compliance with Americans with Disability Act (ADA) prior to completion of construction

This certification documents that pedestrian facilities have been designed and constructed in compliance with the ADA Standards in Design Information Bulletin (DIB) 82 *"Pedestrian Accessibility Guidelines for Highway Projects"* for the above referenced project.

This certification must be completed before the construction work is accepted by Caltrans.

☒ There were no pedestrian facilities involved within the State Right of Way in this project.

☐ The required pedestrian facilities were designed in accordance with the ADA standards in DIB-82.

☐ The Resident Engineer proposed changes that resulted in modifications to the ADA elements. The modified ADA elements were re-designed in compliance to ADA standards in DIB-82.

Project Engineer Date 11/10/14

☒ There were no pedestrian facilities constructed within the State Right of Way in this project.

☐ The designed pedestrian facilities were constructed without modifications in accordance to the plans, specifications and special provisions.

☐ Modifications to the ADA elements were consulted with the Project Engineer. The modified ADA elements were constructed as agreed to by the Project Engineer.

Resident Engineer Date 11/10/14

(New 12/10/2012)

Phone: (707) 459-4518 Email: info@shn-engr.com Web: shn-engr.com
335 S. Main Street, Willits, CA 95490-3977

Reference: 418002

November 19, 2019

Pat Allen
Northern Aggregates Inc.
P.O. Box 1566
Willits, CA 95490-3977

Subject: **Harris Quarry Operation Highway 101 Channelization Construction Staking**

Dear Pat Allen:

SHN Engineers (SHN) contracted with Northern Aggregates Inc. (NAI) in September, 2013 to provide construction surveying services to Mendocino Construction Services Inc. (MCS) for the Harris Quarry High 101 Channelization Project. To ensure the project was constructed per the approved design plans, MCS requested SHN to establish reference points along the length of the project on both sides of the design centerline at 50' stations, angle points and other necessary design elements. The calculated reference points were based on the design AutoCAD Civil 3D files provided by Rau and Associates Inc. (RAU). The reference points were staked in the field using conventional survey methods and per Cal Trans Survey Standards. All field survey data was provided to MCS and the Resident Engineer along with SHN staking plans (see attached) depicting the reference point number and design station and offset to the design centerline.

Sincerely,

SHN

Matthew T. Herman

Matthew Herman
Survey Manager



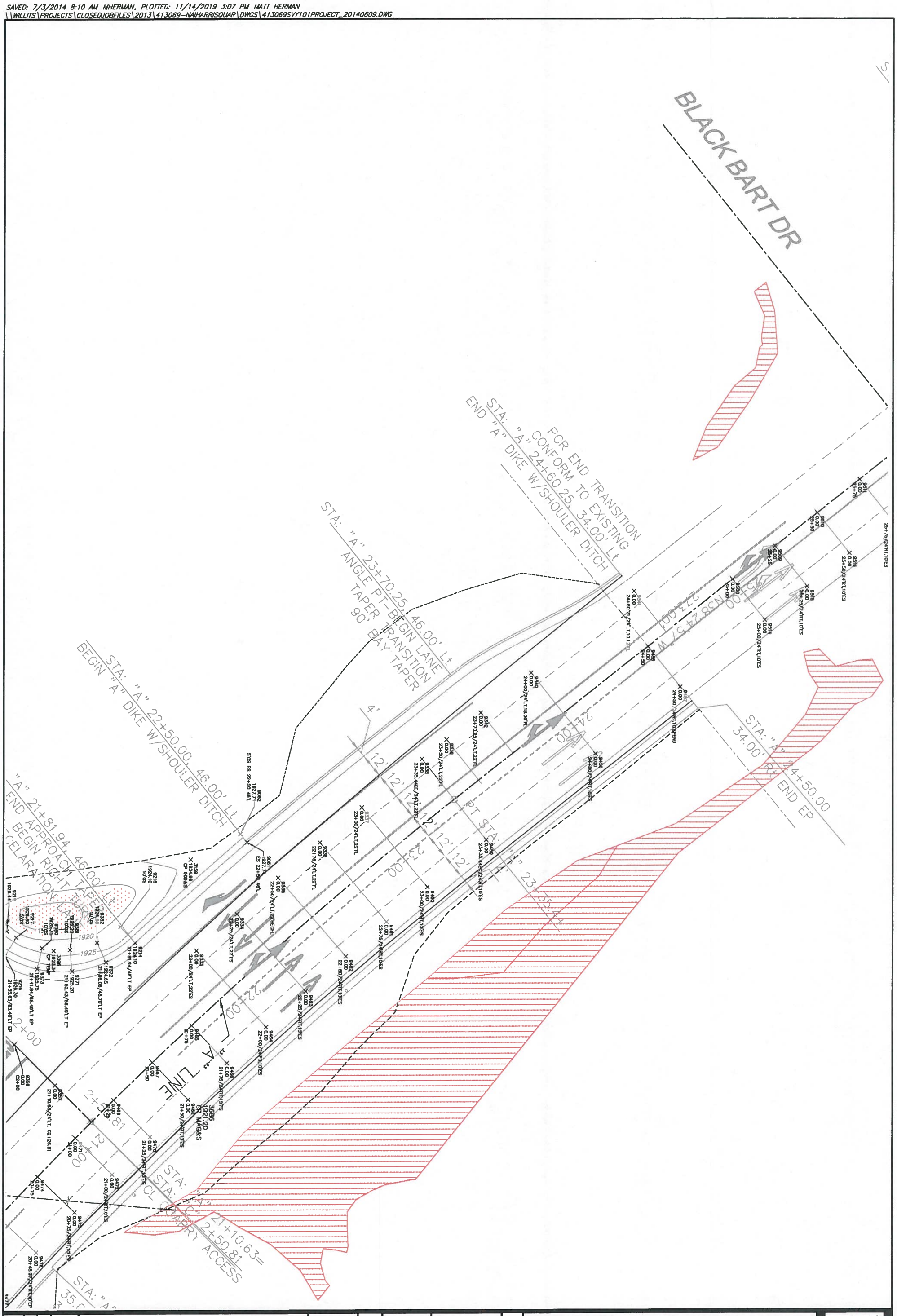
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Attachment: 1. SHN Staking Plans 1-5

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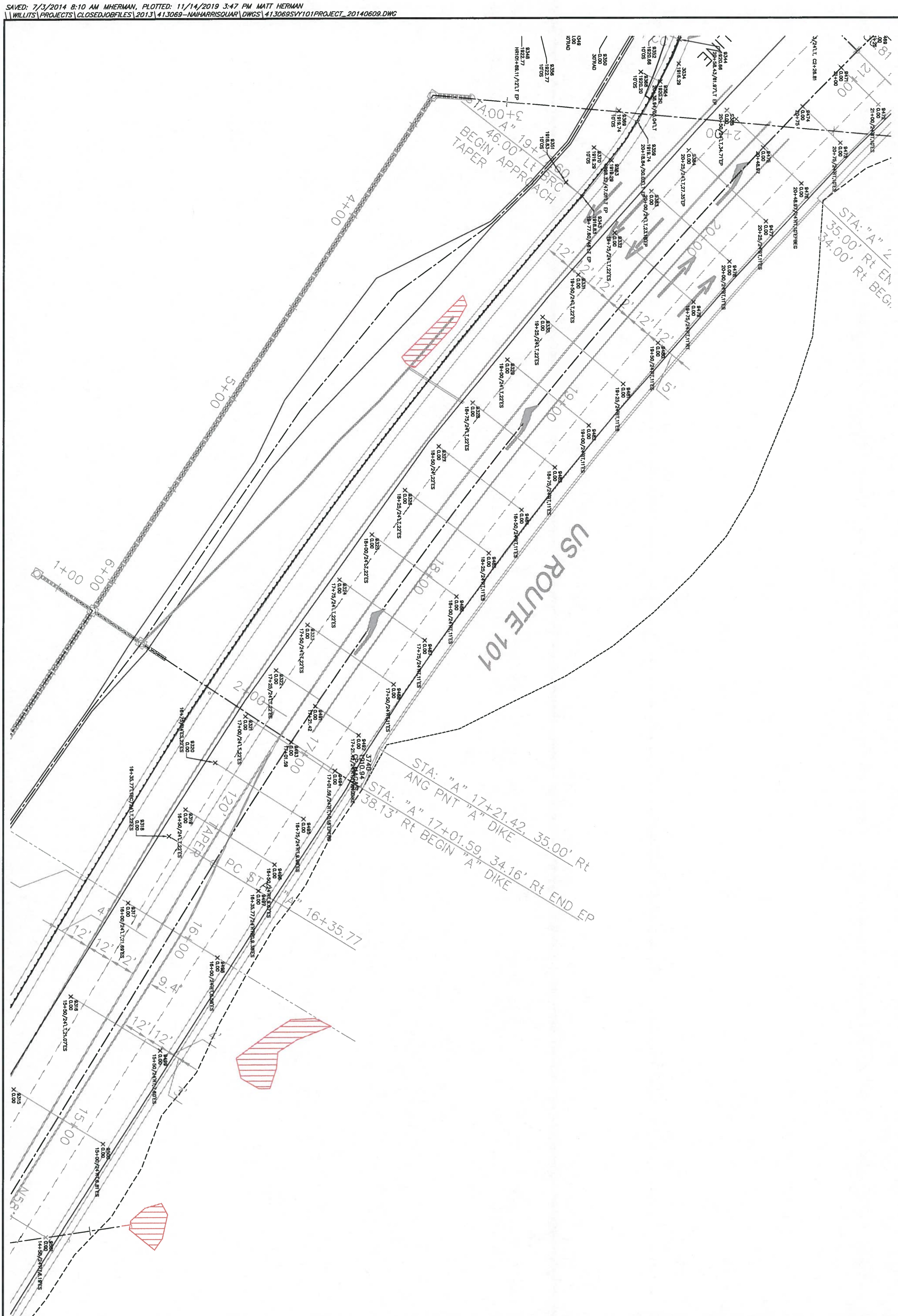
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PROJ. NO. 413069	DRAWING 1	Northern Aggregates, INC. Highway 101 Channelization Willits, CA	DSGN				SHN CONSULTING ENGINEERS & GEOLOGISTS, INC. 335 SOUTH MAIN STREET (707)459-4518 WILLITS, CA 95490 FAX (707)459-1884
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Northern Aggregates, INC.
Highway 101 Channelization
Willits, CA

101 Channelization Staking Plan

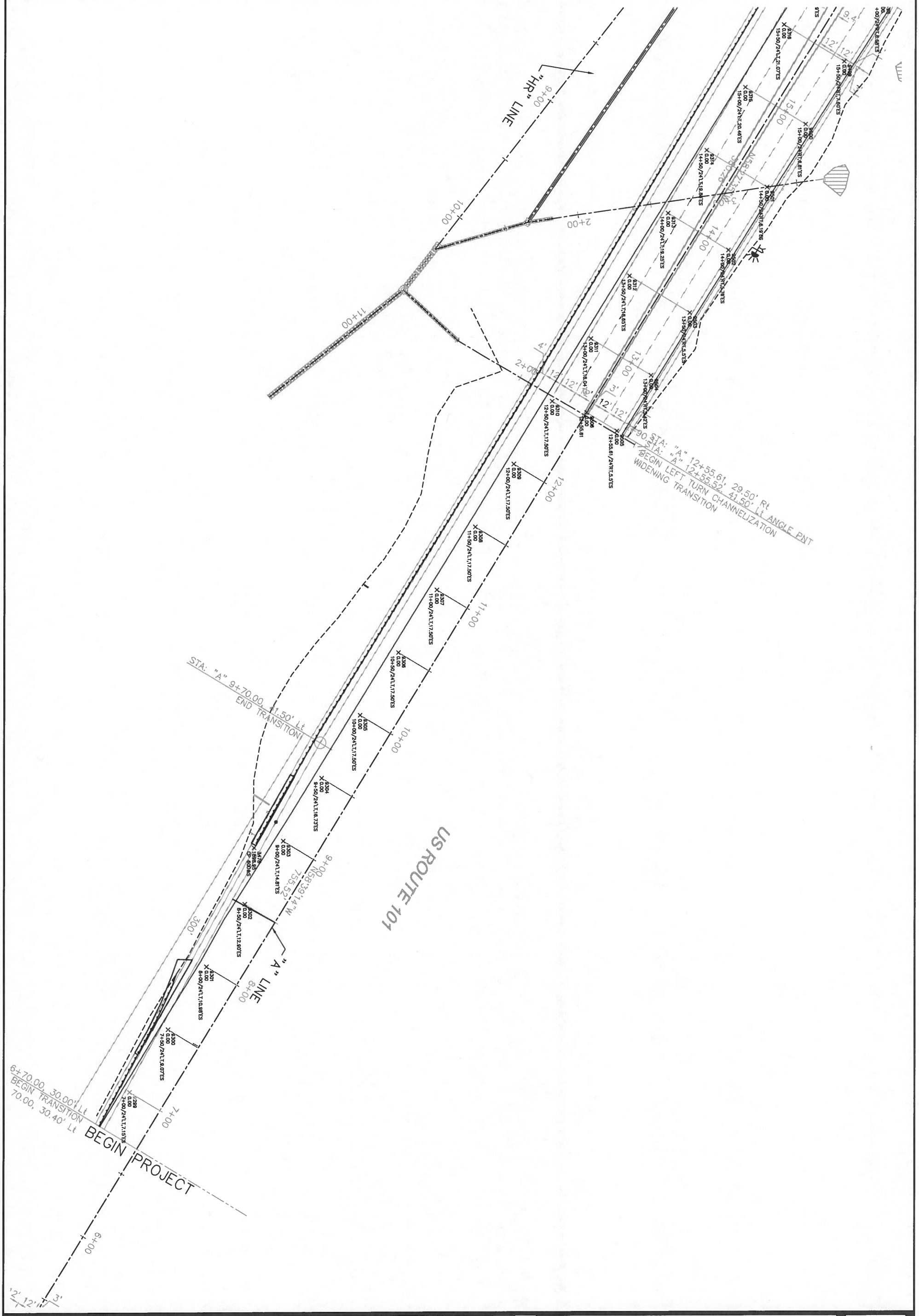
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335 SOUTH MAIN STREET (707)459-4518
WILLITS, CA 95490 FAX (707)459-1884

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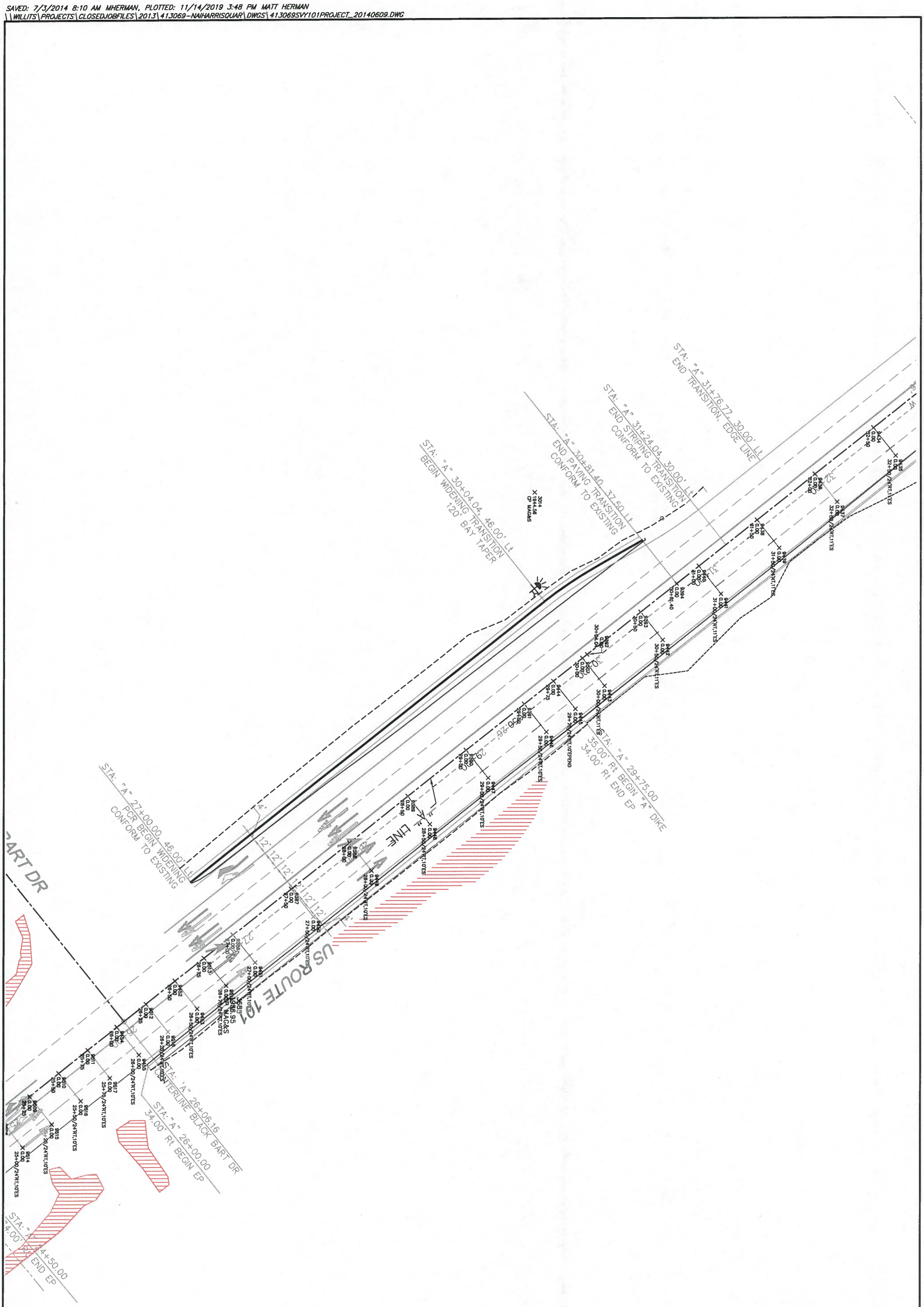


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SHN CONSULTING ENGINEERS & GEOLOGISTS, INC.
335 SOUTH MAIN STREET (707)459-4518
WILLITS, CA 95490 FAX (707)459-1884

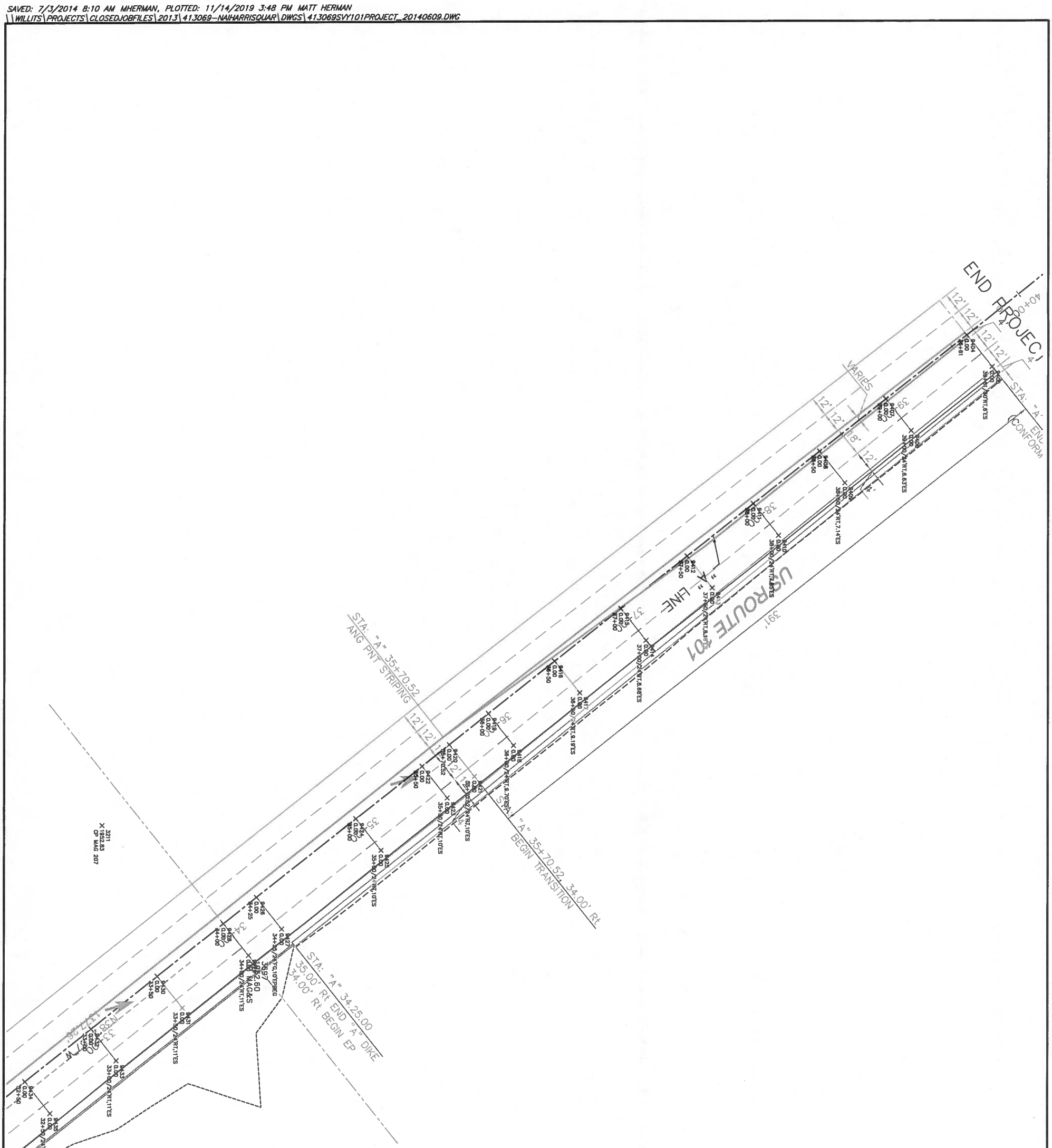
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PROJ. NO. 413069	DATE June/14	SHT 5	DRAWING 5	Northern Aggregates, INC. Highway 101 Channelization Willits, CA **101 Channelization Staking Plan**	DSGN DR MTH CHK MTH APVD	NO.	DATE	REVISION	BY

SHN CONSULTING ENGINEERS & GEOLOGISTS, INC.
335 SOUTH MAIN STREET (707)459-4518
WILLITS, CA 95490 FAX (707)459-1884

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RAU AND ASSOCIATES INC.
CIVIL ENGINEERS • LAND SURVEYORS

December 2, 2019

Pat Allen
Northern Aggregates, Inc.
P.O. Box 1566
Willits, CA 95490

Job Number R04056.4

RE: EVALUATION OF ALLEGED SUBSTANDARD CONSTRUCTION OF US HIGHWAY 101 ACCELERATION AND DECELERATION LANES AT HARRIS QUARRY

Dear Mr. Allen:

At your request, I reviewed a letter from Cody Bartholomew of the Golden Rule Church Association which alleges that some of the acceleration and deceleration lanes are deficient in length and the construction does not conform with the conditions of approval for the project. The purpose of this letter is to explain that the painted stripe is not the correct measurement to compare to the stipulated conditions in two of the cases cited. In the third case cited, Mr. Bartholomew is in error in what he states as the requirement.

In conducting my evaluation, I reviewed the document entitled "Updated Supplemental Traffic Impact Analysis for the Harris Quarry for the County of Mendocino" dated January 27, 2010, produced by Whitlock and Weinberger Transportation Inc. (W-Trans) and two letters from Jesse Robertson of Caltrans, District 1.

I also reviewed the "As-Built" construction drawings prepared by the office of Rau and Associates, Inc. which show the design of the improvements which were constructed. These drawings are entitled "Highway Improvement Plans – Highway 101 Channelization – Willits, CA-01-MEN-101-40.51/41.14-Caltrans EA # 01-05601". Caltrans approved the plans for construction and the staking for construction was done by SHN, Inc, an independent firm of Professional Land Surveyors and Engineers. The "As-Built" drawings were updated from the original approved plans for construction by adding information as the construction progressed and the drawing sheets related to pavement delineation (showing the planned striping) which were reviewed are identified as Sheet PD-1 and Sheet PD-2, signed and sealed by Cathy A. Mckeon, P.E. and George C. Rau, P.E. on 9-12-2013. The drawing sheets which were reviewed to determine lane widths are identified as Sheet X-1 and Sheet X-2, signed and sealed by Cathy A. Mckeon, P.E. and George C. Rau, P.E. on 8-14-2013. Hereafter this set of drawings is referred to as the "Plans".

My comments and observations are as follows:

Northbound Approach

This location is a left turn channelization creating a left turn lane where traffic into the quarry entrance can decelerate and come to a stop in the median between two full traffic lanes northbound and two full traffic lanes southbound. The first Caltrans letter, dated August 8, 2006, states that the there should be a deceleration lane of 493 feet in length and a storage length of 98 feet in length for a total length of 591 feet. A subsequent letter from Caltrans agreed that the deceleration lane length could be reduced to 371 feet, retaining the storage length of 98 feet for a total length of 469 feet. The W-Trans document is

consistent with their recommendation in Table 18 on Page 31, stating that the total length should be 469 feet.

Mr. Bartholomew states that the left-turn lane should be 469 feet and shows measurements of the painted stripe, which actually encloses the storage area plus a part of the deceleration lane, but neglects the length of the "Bay Taper", as explained below.

Consulting the Sixth Edition of the Highway Design Manual published by Caltrans, Figure 405.2A (copy attached) indicates that the length of the "Median Deceleration Lane Plus Storage" commences at the beginning of the "Bay Taper" and ends at the end of the paint stripe enclosing the storage area. In the approved Plans for this feature the Taper begins at Engineer's Station 15+91 and ends at Engineer's Station 17+11, a length of 120 feet. The left turn lane then begins at Engineer's Station 17+11 and ends at the end of the stripe near the quarry entrance, at Engineer's Station 20+60, for a total length of 349 feet. The total length of the deceleration lane plus storage is then 120 feet plus 349 feet or 469 feet as required.

Southbound Approach

This location is the right-turn channel to accommodate southbound traffic turning right into the driveway to the Harris Quarry. The W-Trans documents states on Page 31, first paragraph, "While a southbound right turn lane is not warranted, due the proximity to Black Bart Drive and since a right turn deceleration taper is warranted, it is recommended that a short right turn lane of approximately 200 feet be installed for the Harris Quarry Entrance." The Caltrans letter of August 8, 2006, supports this premise with the statement "We agree with the need for a 200-foot (approximate) southbound right-turn lane at the Northern Aggregates access driveway."

The Final EIR, Page 436, Paragraph 15, shows the change from 400 feet to 200 feet, with the statement revising Mitigation Measure 4.4-B.1 as follows: "Highway 101/Southbound Approach- Provide a right-turn deceleration lane on Highway 101 at least 200 feet in length."

At this location, the striping shown on the Plans is to begin at Engineer's Station 21+61 and end at Engineer's Station 23+70.25, for a length of 209.75 feet. Mr.Bartholomew's allegation that the length is supposed to be 400 feet in length is in error. His measured distance of 222 feet in length indicates that what was constructed is in substantial compliance with the approved plans.

Southbound Departure

This location is the acceleration lane for southbound trucks and quarry traffic to merge into the two lanes of southbound traffic on the US 101 Highway. The length of the acceleration lane is to be 1090 feet as shown in Table 8 of the W-Trans document, and as stated by Mr. Bartholomew.

The length of the striping shown in the approved plans begins at Engineer's Station 12+55.52 and ends at Engineer's Station 20+60, a distance of 804.48 feet. This distance correlates substantially with Mr. Bartholomew's length of 830 feet. The striping in this acceleration lane begins as an 8 inch wide solid white line to indicate to the driver to remain in his or her lane. At about 330 feet south of the quarry entrance, it is changed to a 4 inch wide dashed white line to indicate that it can be crossed when safe to do so, but to maintain some guidance for the driver. From Engineer's Station 12+55.52 on southerly to Engineer's Station 9+70.52, a distance of 285 feet, there is no striping, but the acceleration lane width is still 12 feet wide. This is to allow the driver more time to merge into the traffic lane beside him or her. So the total length of merging lane is 804.48 feet plus 285 feet, for a total length of 1089.48 feet or substantially the 1089 feet required. Following the full 12 foot width is a taper varying from 12 feet to zero feet wide between Engineer's Station 9+70.52 south to Engineer's Station 6+70.39 for a length of 300.12 feet. This taper length corresponds substantially to the W-Trans recommendation in Table 18 of 300 feet.

Conclusion

Conclusion

The allegations of Mr. Bartholomew are incorrect in all three cases which he cited. The constructed facility substantially conforms to the requirements from W-Trans and from Caltrans, two independent entities. The Plans prepared by Rau and Associates conform substantially to the requirements. I understand that SHN has written a letter confirming that their construction stakes followed the approved Plans. To the best of my knowledge, information and belief, the construction was performed in accordance with the approved Plans as staked on the ground.



Very truly yours,

George C. Rau

George C. Rau, P.E.
Principal Civil Engineer
Registered Civil Engineer 21908
Expires 9-30-2021

Cc: Tina Wallace
Enclosures:
Table 18, Page 31 from W-Trans Document
Figure 405.2A from Caltrans Highway Design Manual, 6th Edition
Letters from Caltrans dated August 8, 2006 and September 18, 2006

Table 18
Turn and Acceleration Lane Lengths (feet)

	Northbound Left-Turn Lane	Northbound Acceleration Lane	Southbound Acceleration Lane
Taper	120	300	300
Storage	98	N/A	N/A
Deceleration/Acceleration	251	1,410	1,090
Total	**469**	**1,710**	**1,390**

While a southbound right turn lane is not warranted, due to the proximity to Black Bart Drive and since a right turn deceleration taper is warranted, it is recommended that a short right turn lane of approximately 200 feet be installed for the Harris Quarry Entrance. The length of this turn lane is supported by Caltrans staff as communicated in a letter dated August 8, 2006, from Mr. Jesse Robertson; a copy of this letter is provided in Appendix I. To avoid potential conflicts with other movements, the southbound right turn lane for the Quarry Entrance should not extend the entire distance to Black Bart Drive so that southbound through movements destined for the Quarry do not enter the right-turn lane north of Black Bart Drive, causing confusion for drivers exiting Black Bart Drive.

Circulation Improvements

The following circulation improvements are recommended for both Base Permit and Project conditions:

Left Turns into Project Driveway From Northbound US 101

A left turn deceleration lane is needed on the northbound US 101 approach to the Quarry entrance. This would significantly reduce safety concerns associated with trucks slowing and turning left into the Quarry from the high speed left lane on the expressway, and would be a significant benefit.

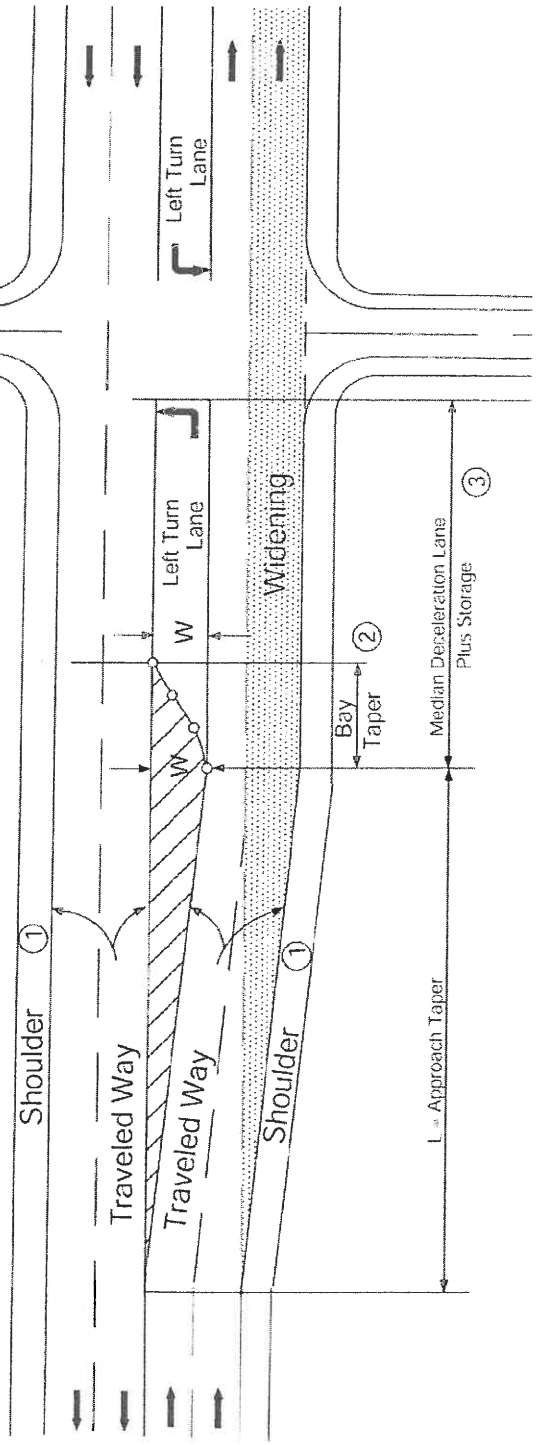
Right Turns into Project Driveway from Southbound US 101

A right turn deceleration lane is needed on the Southbound US 101 approach to the Quarry entrance. This would allow vehicles turning right into the Quarry to slow outside of the through travel lane where speeds are often in excess of 60 miles per hour. Due to its proximity to the Quarry entrance, this right turn lane could also be used as a right turn acceleration lane by vehicles exiting Black Bart Drive. This would be a significant benefit.

Right Turns from Project Driveway to Southbound US 101

A southbound right turn acceleration taper was determined to be warranted for all but the 2040 conditions to allow loaded trucks leaving the quarry to enter the highway. Under the 2040 conditions an acceleration lane will be needed to allow trucks turning right from the quarry to get fully or partially up to prevailing travel speeds on US 101 before merging.

Figure 405.2A
Standard Left-turn Channelization



EQUATION: L = Use WV, for $V \geq 45$mph ④
Or $WV^2/60$, for $V < 45$mph

Where L = Length of Approach Taper - feet
V = Design Speed - mph
W = Width of Median Lane - feet

NOTES:

① Where width is restricted, shoulder width may be reduced and parking restricted with an approved design exception pursuant to Index 82.2.
For bicycle use, a minimum 4-foot shoulder is required (5-foot if gutter is present).

② Bay taper length = 60 feet to 120 feet. (See Table 405.2A)

③ For deceleration lane length see Table 405.2B.

④ Where both sides of roadway are widened, use a fraction of "W" that is proportional to widening on each side.

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)

Flex your power!
Be energy efficient!

August 8, 2006

1-MEN-101-40.88
Harris Quarry Access
APN: 147-180-07

Jason McConnell
Northern Aggregates, Inc
P.O. Box 1566
Willits, CA 95490

Dear Mr. McConnell,

Since our meeting on July 17, 2006, our office has had the chance to review the proposed access plan, traffic, and site distance data provided by Northern Aggregates for the Harris Quarry Expansion project. The project proposes to use the site's existing access for all Quarry traffic. Turn lanes would be constructed for left and right turn movements on US 101 to accommodate northbound and southbound traffic, respectively. The width of the existing access would remain the same, but would be relocated further to the north to decrease the slope of the driveway and better facilitate trucks turning on and off of US 101. We have the following comments:

- We agree with the need for a 200-foot (approximate) southbound right-turn lane at the Northern Aggregates access driveway.

- We agree with the provision of a left turn lane for northbound traffic at this location as it is likely to be an improvement over the existing situation, however, the 218-foot left turn lane does not provide adequate deceleration and storage lengths. A total of 591 feet will be required to accommodate both a deceleration lane length of 493 feet (per Table 405B of the Caltrans Highway Design Manual for 55 mile per hour traffic) and a storage length of 98 feet.

- The existing access opening serving the project is 30 feet wide. As discussed in our July 17th meeting, we will consider adjusting the location of the project access, however, the ultimate driveway width will be limited to 30 feet. The District will need to prepare a Director's Deed in order to modify the location of the access opening. The final location of the access opening will need to be determined and agreed upon before Northern Aggregates submits a formal encroachment permit application to the District.

- Any work within the Caltrans right of way will require an encroachment permit. As part of the permit review process, we will require an engineering report this project. Upon receipt of an encroachment permit application, our District Permit Engineer will determine which of the following engineering reports will need to be prepared: Permit Engineering Evaluation Report (PEER), Combined Project Study Report/Project Report (PSR/PR), or Project Report

(PR). These reports address issues affecting operation, maintenance, and tort liability on the State highway, as well as document conformance of proposed work to current Caltrans policies, practices, and standards. The type of engineering report selected will depend on a number of factors, including project cost and project complexity. PEER documents are typically prepared by Caltrans for non-complex, non-controversial State highway projects that cost under $1,000,000 for construction, while PSR/PR and PR documents are prepared by a registered engineer representing the applicant for complex projects that cost over $1,000,000. Please contact John Carson, Chief of the District 1 Permits Office, at (707) 445-6385 for more information about the permit requirements.

We look forward to continuing cooperation with you on this project. If you have questions or need further assistance, please contact me at the number above, or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

c: Nash Gonzalez, County of Mendocino

K040560

DEPARTMENT OF TRANSPORTATION
DISTRICT 1, P. O. BOX 3700
EUREKA, CA 95502-3700
PHONE (707) 441-2009
FAX (707) 441-5869
TTY (Teletypewriter #707-445-6463)

Flex your power!
Be energy efficient!

September 18, 2006

1-MEN-101-40.88
Harris Quarry Access
APN: 147-180-07

Jason McConnell
Northern Aggregates, Inc
P.O. Box 1566
Willits, CA 95490

Dear Mr. McConnell,

At your request, we have revisited our previous written comments (August 8, 2006) requiring 591 feet for the proposed left turn lane at Northern Aggregates' access driveway, to be located on northbound US 101 near Black Bart Drive.

We will not support Northern Aggregates' proposal to construct a 218-foot left turn lane, based on the information we have now, as it does not meet State standards. We have, however, revised our requirement from August 8, and reduced the required left-turn lane length from 591 feet to 469 feet. The Highway Design Manual (HDM) allows for some deceleration (10-20 mph) to take place on the through lanes to reduce the length of the deceleration lane (HDM Index 405.2d). Using this criterion, we would support a reduced design speed from the posted 65 mph to minimum speed of 43.5 mph, resulting in a deceleration lane length of 371 feet. The total length of the 469-foot turn lane includes the revised 371 feet of deceleration lane length plus 98 feet of storage length.

If you wish to pursue an exception for a reduced deceleration lane length, you will have to demonstrate that the proposed length is either infeasible or appropriate, based on prevailing speeds, highway grade, widening constraints, etc. Any assertions made in support of reduced lane length must be based on substantive, independently verifiable information.

If you have questions or need further assistance, please contact me at the number above, or contact Lezlie Kimura of District 1 Community Planning at (707) 441-4542.

Sincerely,

Jesse Robertson
Associate Transportation Planner
District 1 Community Planning

c: Nash Gonzalez, County of Mendocino

Rick Sands
1600 Road D
Redwood Valley, CA 95470

December 2, 2019

Northern Aggregate, Inc.
Attn: Pat Allen
P.O. Box 1566
Willits, CA 95490

Re: Summary of Construction Inspection Services for HIGHWAY 101 CHANNELIZATION, WILLITS, CA, 01-MEN-40.51/41.14 CALTRANS EA # 01-0560

Dear Pat,

Pursuant to your request, I'm providing a summary of the construction inspection services that I performed on the above referenced project. In September 2013, I contracted with Northern Aggregate, Inc. to provide construction inspect services throughout the construction of the highway improvements for said project. The services that I provided are as follows:

1. I was present at the site daily during construction to inspect construction activities and materials used for compliance with the approved project plans, specification and approved change orders.
2. I prepared Assistant Resident Engineer's Daily Reports which detailed the work performed, the materials used and the progress made for each day of construction. These reports were submitted weekly to Chandler Koehn, the projects Resident Engineer.
3. I was liaison with Chandler Koehn, the projects Resident Engineer.
4. I was liaison with Rau and Associates, the projects design engineer.
5. I was liaison with Caltrans staff at the site and provided copies of construction photos to Caltrans on a regular basis.
6. I documented "as-built" conditions on my field copy of the project plans. At the completion of the project I submitted my field "as-built" drawings to Rau and Associates.

To the best of my knowledge, this project was constructed in substantial conformance with the approved plans, specifications and approved change orders.

Sincerely,

Rick Sands

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

Making Conservation a California Way of Life.

To: DISTRICT DIRECTORS

Date: March 1, 2018

From: MALCOLM DOUGHERTY for
Director

Subject: **2018 AGGREGATE RESOURCE POLICY STATEMENT AND TOOLS**

With the recent passage and ongoing implementation of Senate Bill 1, the Road Repair and Accountability Act of 2017, the California Department of Transportation (Caltrans), counties, cities, and other transportation entities will generate a significant increase in the need for aggregates—the basic material in roadway and structure work. It is therefore appropriate to reiterate our aggregate mining policy. This memorandum clarifies the policy and provides tools for districts to encourage an increased supply of aggregate material.

Having aggregate sources of sufficient quality and quantity close to project sites is essential in supporting a safe and sustainable transportation system that enhances California's economy, environment, and livability. Having local aggregate resources is vital in reducing truck hauling to projects and processing facilities. This, in turn, reduces the wear on the highway system, reduces greenhouse gas and other pollutant emissions, and results in increased safety by decreasing the number of trucks making longer and more frequent trips. It also allows for the more efficient use of trucks. Although we are exploring the increased use of recycled aggregates, the demand for virgin aggregates will continue to grow.

With this in mind, Caltrans must continue to work with local and State agencies to help gain approval of new aggregate mining sites throughout the state. Caltrans will continue to provide technical assessment and information pertaining to local aggregate availability, aggregate needs for infrastructure projects, education of local stakeholders, and early public engagement regarding long-term aggregate issues.

The following documents are attached to assist you in these efforts:

(1) A modifiable sample letter to send to your local and regional transportation planning partners. The letter outlines our policy toward mineral resource development in general.
(2) The updated Construction Aggregate Supply Limitations Fact Sheet (February 2018)
(3) The Aggregate Sustainability in California map (2012), also known as Map Sheet 52, which shows the permitted aggregate materials supply in relation to projected demand over 50 years. The California Geological Survey is currently working on a 2018 update. The map and supporting report are also at: http://www.conservation.ca.gov/cgs/minerals/mlc

Please take the time to review and use the attached tools. This issue has been important for some time and its significance has grown with the increased long-term funding provided through Senate Bill 1. It is my hope that ongoing collaboration will help secure the resources needed to provide world-class transportation options for years to come.

Attachments:

(1) Sample Policy Statement Letter
(2) Construction Aggregate Supply Limitations Fact Sheet, February 2018
(3) Department of Conservation Map Sheet 52 (2012), Aggregate Sustainability in California map

DEPARTMENT OF TRANSPORTATION
DIVISION OF TRANSPORTATION PLANNING
DISTRICT
ADDRESS
CITY, CA ZIPCODE
PHONE
FAX
WEB URL

Making Conservation a California Way of Life.

Dear Recipient,

As you are aware, aggregate resources play a vital role in our efforts to build and improve our State's infrastructure. Indeed, our State's mineral resource development is essential to our economic well-being. The statewide modal plans and Regional Transportation Plans shape California's transportation future and outline extensive improvements to the current system. It is important we find ways to meet current needs for construction materials and expand future aggregate supply. However, we need to do so in a manner that provides for the long-term sustainability of California's environment and future generations. Caltrans and local transportation agencies have been challenged to find new ways to reduce Green House Gas (GHG) emissions while providing world class transportation facilities for our citizens.

In 2011, Assembly Bill (AB) 566 amended Sections 2711 and 2761 of the Public Resource Code to add findings that mineral extraction is essential to the needs of California. Of equal importance is the State's commitment to long term sustainability of our environment, as enacted by AB 32 - Global Warming Solutions Act, and Senate Bill 375, to find new ways to reduce GHG emissions. Yet, between long truck hauls averaging 50 miles and international importing of materials, the GHG impact of aggregate delivery continues to mount. An increased aggregate reserve that is closer to construction sites is key to addressing our dire air quality and climate change concerns.

The California Department of Transportation (Caltrans) continues to coordinate with public decision-makers, the construction industry, and government officials in exploring opportunities to improve the reclamation and permitting processes, and to increase California's aggregate supply. While the pressure for resources has eased due to the decline in residential construction, the transportation sector continues to build projects, and the housing market is regaining strength. This is not a time to relax our efforts, but, rather, to increase them as the economy recovers.

Caltrans plans to award an increasing number of State Highway Operation and Protection Program contracts for highway projects over the next ten years and a similar amount will probably come through local agencies. This does not include State Transportation Improvement Program or other projects. Many will need substantial amounts of aggregates to complete. Highway projects are only one part of the story, however, as the California High Speed Rail Authority, Department of Water Resources, and other entities deliver projects with their own sand, gravel, and crushed stone needs.

While we are continuing to work with local and State agencies to help gain approval of new aggregate mining sites throughout the State, there is still much work to be done to ensure that these essential resources will be available for development in the far reaches of our long-range plans.

I would like to encourage you to explore new strategies to increase aggregate reserves in your region, including education of local stakeholders, early public engagement, and willingness to collaborate in

the mitigation of environmental and transportation system impacts from aggregate production and distribution.

The attached Construction Aggregate Supply Limitations fact sheet provides information on the potential economic, social, air quality, and environmental factors that are affected by local aggregate supply. This is a good starting point for collaborative discussions that aim to find solutions to issues regarding aggregate availability. Also attached is a map that shows statewide aggregate supply and demand.

Finally, I would like to invite you to contact <CALTRANS DISTRICT REPRESENTATIVES>, who are available upon request to speak at public meetings regarding the importance of increasing California's aggregate supply. While the permitting of new mining facilities must be done with attention to all of the possible impacts to surrounding areas, Caltrans encourages the development of new sources for construction aggregate. Our economy and our environment depend on it.

Please share this information with your planning commissions, city councils, and county boards of supervisors.

Thank you in advance for helping to provide a safe, sustainable and integrated transportation system to enhance California's economy and livability.

Sincerely,

District Director

Attachments:
(1) Construction Aggregate Supply Limitations Fact Sheet, February 2018
(2) Aggregate Sustainability in California Map

Construction Aggregate Supply Limitations Fact Sheet
Some Estimates of Economic Impact
February 2018

- Aggregates are heavy-weight building materials used in construction, including sand, gravel, crushed stone, and recycled concrete. Aggregates are mined and either used as raw material (for example, as foundations) or serve as composite materials in the production of concrete and asphalt. The main end markets for aggregates, with approximate percentages, include private residential construction (34 percent), commercial construction (17 percent), and public infrastructure projects (43 percent, which includes 26 percent for public highways, streets and transit).

- Aggregates are usually shipped from quarries or production sites close to their end market because transportation is a major element in the cost of delivered aggregates and the cost depends on the distance of the delivery. According to the industry, shipping costs for aggregates can outweigh production costs if the material is trucked more than 20 miles.[1] Permitting new aggregate sites would lead to shorter haul distance to minimize transport and shipping cost.

- According to the California Geological Survey (CGS), California has an estimated 78 billion tons of aggregate resources underlying mineral lands studied by the State Geologist.[2] However, only approximately five to six percent have actually been permitted by local agencies for mining activities. Permitting of mining sites is difficult and time consuming due to environmental, land development, and zoning laws, and could take between five and ten years. At the current rate of production, available aggregate supply in some areas in the State could be depleted in a decade.

- According to the California Department of Finance, housing construction activity in California nearly tripled between 2009 and 2016 (from 36 to 101 thousand units), which has contributed to an increase in the demand for construction aggregate in recent years.

- According to the CGS, California produced 148.9 million tons (valued at $1.64 billion) of construction sand, gravel, and crushed stone in 2015, compared to 133.5 million tons (valued at $1.4 billion) in 2009, an increase of 11.5 percent. The transportation of 148.9 million tons of construction aggregates generates nearly 6.0 million truckloads (at 25 tons per truck), or a total of 11.9 million truck trips a year (including empty trucks returning to the aggregate sites) related to the transportation of construction aggregates in the State.[3]

- Truck transportation accounts for approximately 99 percent of shipping aggregates for 40 miles or less.[4] At an average 50-mile distance, the total aggregate-truck vehicle miles traveled (VMT) would be 595 million miles per year (11.9 million truck trips x 50 miles).[3]

- Assuming that permitting additional mining facilities would reduce the average hauling distance from 50 to 35 miles statewide, and using an average hauling distance of 35 miles, the total annual aggregate-truck miles of travel would be 417 million miles (11.9 million truck trips x 35 miles). The 15-mile shorter hauling distance would reduce aggregate-truck miles of travel by 178 million miles per year (595-417), and annual diesel fuel consumption by 23 million gallons [using California Air Resources Board (CARB) diesel fuel consumption rate of 0.13 gallons per vehicle-mile at 55-60 mph. A University of California, Berkeley, study[5] confirms that the most likely, and dominant, effect of the opening of new sites for the production of construction aggregates would be a reduction in truck miles of travel for

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[1] Therese Dunphy, "Evening the Playing Field," *Aggregates Manager*, August 2006.

[2] California Geological Survey, *Aggregate Sustainability in California, 2012* http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS_52.pdf; http://www.conservation.ca.gov/cgs/information/publications/ms/Documents/MS_52_2012.pdf

[3] California Geological Survey, http://www.conservation.ca.gov/cgs/minerals/min_prod/Documents/FINAL_NON-FUEL_2015_7-26-17.pdf

[4] Tina Grady Barbaccia, "Off-highway Transportation," *Aggregates Manager*, July 2006.

[5] Peter Berck, "A Note on the Environmental Costs of Aggregates," *Working Paper No. 994*, Dept. of Agricultural and Resource Economics and Policy, University of California, Berkeley, January 2005.

hauling aggregates (i.e., new quarries will be located closer to the users to minimize transportation costs), thus a reduction in emissions from trucks. Based on earlier CARB emission factors estimates, and assuming an average 55-60 miles per hour speed, a reduction of 178 million miles of truck travel (or 20 million gallons of diesel fuel consumption) would reduce carbon dioxide emissions by approximately 223,800 tons a year.[6]

- The total transportation cost of aggregates (at $0.10 per ton per mile) shipped 35-miles average distance throughout California would be slightly above $1.0 billion (11.9 million truck trips x 25 tons x 35 miles x $0.10), and nearly $1.5 billion if shipped an average distance of 50 miles. The statewide transportation cost savings due to reduced hauling distance would amount to $446 million a year, a 30 percent cost savings. More and closer quarries would save costs by the use of less fuel, decreased use of the trucks, and decreased wear on highways.

- The California Department of Transportation (Caltrans) estimates that on average, approximately $2.5 billion is spent on State and local capital outlay projects each year, and on average, aggregates account for 8-10 percent of total project costs, or approximately $250 million annually. A 30 percent increase/decrease in shipping cost of aggregates would increase/decrease the total annual project costs by $75 million.

- The reduction in aggregate-related truck miles of travel would also reduce traffic congestion and traffic accidents on roads, but these impacts would be difficult to estimate. An additional benefit from truck trip reduction would be reduced pavement deterioration. Caltrans expects to spend approximately $1.5 billion annually on pavement rehabilitation projects. Assuming trucks account for 60 percent of the pavement damage on the State highways, and aggregate-trucks on average account for 5 percent of all heavy truck travel on the State highways, the trucks shipping aggregates would account for approximately $45 million of cost savings in the pavement rehabilitation each year.

- Project delays due to lack of aggregate supply in the area would also result in project cost escalation and reduced user benefits (reduced travel time and accidents) that would have otherwise been generated.

- Generalizing, and pro rating, the user benefits estimated for the Interregional Transportation Improvement Program projects, a delay of ten percent of the capital outlay program for one year could also pose significant costs for California in increased roadway congestion and traffic accidents.

In conclusion, with a limited supply of construction aggregates, increased homebuilding, and more long-term funding provided through Senate Bill 1, there is concern that there will be a severe shortage of construction materials.

***Data based on the most recent information of the California Department of Conservation (2012), which is to be updated in 2018.**

[6] U.S. Energy Information Administration, https://nnsa.energy.gov/sites/default/files/nnsa/08-14-multiplefiles/DOE%202012.pdf


CALIFORNIA GEOLOGICAL SURVEY
AGGREGATE SUSTAINABILITY IN CALIFORNIA
Fifty-Year Aggregate Demand Compared to Permitted Aggregate Reserves
By
John P. Clinkenbeard (PG #4731)
2012
Contributions By:
Joshua Smith and John Church
GIS Design and Map Layout By:
Milton Fonseca
LEGEND
50-year demand that will not be met by existing permitted reserves.
Permitted aggregate reserves
50-year demand is 25 to 200 million tons.
50-year demand is > 200 to 500 million tons.
50-year demand is > 500 to 800 million tons.
50-year demand is more than 800 million tons.
Examples
50-year demand for aggregate is 100 million tons; permitted resources total 25 million tons of the 50-year demand.
25/100 Million Tons (permitted reserves/ 50-year demand)
17 to 20 Years (years of permitted reserves remaining)
50-year demand for aggregate is 310 million tons; permitted reserves are greater than or equal to the 50-year demand.
550/510 Million Tons (permitted reserves/ 50 year demand)
More Than 50 Years (Years of permitted reserves remaining)
Areas With Short Term Aggregate Supply
< 10 years of permitted reserves remaining in the study area.
Aggregate Production Areas
(Symbols represent one or more aggregate mines, tonnage represents 2010 annual production)
< 0.5 Million Tons per Year
> 0.5 - 1.5 Million Tons per Year
> 1.5 - 3 Million Tons per Year
> 3 - 5 Million Tons per Year
> 5 Million Tons per Year
Population
1 Dot = 100 Persons
(based on 2010 Census Data)
City
Interstate Route
U.S. Route
State Route
Primary Highway
Secondary Highway
County Boundary
River
Lake/ Ocean
Map Usage and Limitations

DISTANCE MATTERS

CalCIMA created DistanceMatters.org in support of reducing carbon emissions by thinking globally and acting locally.
Click here to learn more about CALCIMA.

California's infrastructure projects have a carbon footprint. Construction materials that build California's roads, mass transit, single family homes and high-density smart growth--all depend on large quantities of construction aggregates (sand and gravel) transported to job sites by heavy-duty trucks. Reducing the distances these trucks travel is a key strategy in reducing greenhouse gases and reducing the state's carbon footprint.
Learn more

What You Can Do

fact

A single mile of a single lane of road construction requires 20,000 tons of aggregate. That's 40,000,000 pounds of sand and gravel!

The aggregate is delivered to road construction projects in trucks carrying 25 tons. A single mile of a single lane requires 850 truckloads and twice that number of trips, 1700 trips. CalTrans estimates that these trucks burn .153 gallons of diesel per mile (getting only 6-7 miles per gallon).

See more carbon emissions facts

source

What is a TON of Carbon?

A ton of carbon is released each time you:

- Travel 5,000 miles in an airplane
- Drive 2,500 miles in a medium-sized car
- Cut down and burn a tree that was about one foot in diameter and 40 feet tall

CalCIMA stands for California Construction and Industrial Materials Association. We are California's statewide trade association for aggregate, ready mixed concrete, and industrial mineral producers. In all, there are over 100 producer member companies that include over 500 production sites in California. Our members also include over 60 supplier and service providers to the industry. **Learn more**

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Carbon Emissions Facts and Figures

Shorter material haul trips means...

CalTrans has prepared several estimates that demonstrate the benefits of using local material supplies. Based on CalTrans' work, if material haul trips can be reduced on average by 15 miles, then:

- Material haul miles would be reduced by 282 million miles per year.
- Diesel fuel consumption would be reduced by 44 million gallons.
- The diesel fuel saved not only reduces air pollutants, but also removes over 400,000 metric tons of greenhouse gases.

Transporting from shorter distances saves money.
Most aggregates are transported by truck. The cost of trucking aggregates increases 15 cents per ton for every mile hauled. Given that even one mile of a six lane highway requires over 110,000 tons of aggregates, each mile of transport would add one-half million dollars to the base cost of the aggregates for such a project.

Transporting from shorter distances protects the environment and reduces traffic.
CalTrans estimates a current average hauling distance of 50 miles. If the trip length can be reduced by even 15 miles, then diesel fuel consumption can be reduced by 44 million gallons annually, and truck emissions by 835 tons per year. Traffic congestion would be reduced. And an estimated $705 million per year would be saved on material transportation costs.

fact

The 335 metric tons of CO_2 equivalent emissions produced from the average CalTrans road construction project that requires delivering construction materials 50 miles is equivalent to driving a Hummer H-1 more than nine times around the equator.

source

fact

In 2005, California imported enough cement, mostly from Asia, to produce enough concrete to construct five Hoover Dams.

source

fact

Cement imported to California from Asia—which accounts for 40 percent of the total cement used in this state—creates an estimated 25 percent more CO_2 emissions, or greenhouse gases, than cement produced in California.

source

fact

Carbon Emissions Definitions

- Global Warming
- Greenhouse Gases
- Carbon Footprint
- Sustainability
- Reduce, Reuse, Recycle
- Construction Aggregate (Aggregate)
- Recycled Aggregate
- Portland Cement Concrete (Concrete)
- Asphalt Concrete (Pavement, Blacktop)

View entire list

CalTrans Districts

Learn how Distance Matters affects your region.



Learn More

What is a TON of Carbon?



A ton of carbon is released each time you:

- Travel 5,000 miles in an airplane
- Drive 2,500 miles in a medium-sized car
- Cut down and burn a tree that was about one foot in diameter and 40 feet tall

What do GLOBAL carbon dioxide emissions look like?

This is a presentation that displays a simulation of the carbon dioxide emission levels of every country in the world, as well as their birth and death rates – all in real-time.

View the Presentation

The 1.3 million metric tons of CO2 from importing foreign cement accounts for about 10 percent of greenhouse emissions from all the international commercial jet travel in and out of California based on 2004 reporting, the most recent year for which data is available.

source

fact

Decreasing the distance aggregate is shipped by an average of 15 miles across the state, saving 44 million gallons of diesel fuel, would also reduce tail pipe emissions by 835.4 tons a year of pollutants regulated by the state Air Resources Board that are linked to incidents of cancer, asthma and other serious health problems.

source

fact

In 2005, California imported enough cement to make nearly 24 million cubic yards of concrete. That's enough concrete to build a sidewalk four feet wide and three inches deep five times around the earth at the equator.

source

fact

In 2005, California imported enough cement to build a sidewalk four feet wide and three inches deep halfway to the moon.

source

fact

In 2005, California imported enough cement to produce concrete that would fill the Louisiana Superdome five times over.

source

Carbon Calculator



Click here to use UC Berkeley's Carbon Calculator, designed specifically for California households and businesses. It can be used to evaluate both direct and indirect emissions of greenhouse gases from a variety of sources including the transportation choices we make, how we consume energy at home and at work, and which goods and services we choose.

Calculate your carbon footprint

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