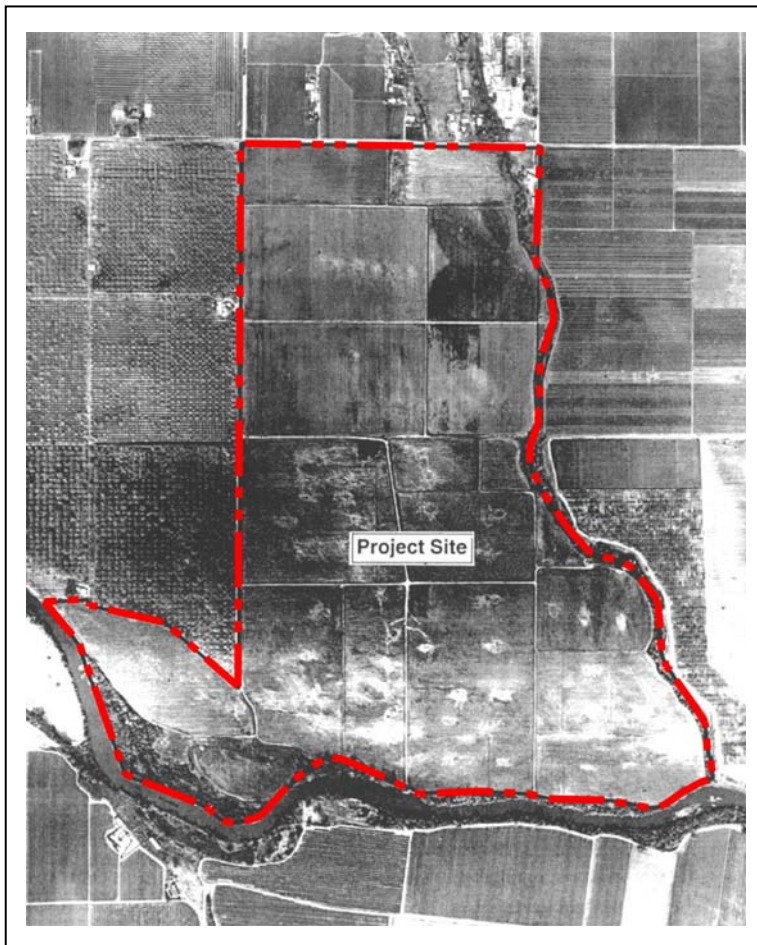


KINGS RIVER SAND AND GRAVEL PROJECT

FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

State Clearinghouse #2004081114



LEAD AGENCY:

Fresno County
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, California 93721

ENVIRONMENTAL CONSULTANT:

Resource Design Technology, Inc.
4990 Hillside Circle, Suite 400
El Dorado Hills, California 95762

NOVEMBER 2007

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1.0 Introduction

1.1 OVERVIEW

In 1999, the project proponent, Calaveras Materials Inc. (Calaveras), asked Fresno County (County), the lead agency under CEQA, to approve a conditional use permit (CUP) to excavate and process sand and gravel and operate an aggregate processing plant and a ready-mix concrete plant. This project was reviewed and subsequently approved as Fresno County IS Application No. 4865 and CUP Application No. 2765. In 2003, Calaveras applied to modify or delete certain traffic mitigation measures imposed during the public hearing approving CUP No. 2765. In an effort to reduce potential impacts associated with the previously approved Kings River Sand and Gravel Project and support modifying or deleting certain traffic mitigation measures, Calaveras filed an application to reduce the production volume approved under the original project. In particular, the modified project would reduce production volume by 50 percent (from 2 million tons per year to 1 million tons per year) and decrease the estimated volume of total traffic associated with the project. During the process of developing this SEIR, CUP 2765 expired and the applicant is seeking a new CUP (CUP Application No. 3052) to modify the project and change certain mitigation measures.

It was determined by the lead agency that a supplemental EIR, as allowed by CEQA Guidelines Section 15163, would be the appropriate environmental document to analyze the changes to the approved 1999 EIR as a result of the minor additions/changes the Applicant proposed in their 2003 CUP Application. A draft supplemental environmental impact report (DSEIR) was prepared and circulated in May and June of 2007. Comments from various agencies, businesses/organizations, and members of the public were received on the proposed Project. These comments and any subsequent changes to the Project resulting from the comments are addressed in this document – the final supplemental environmental impact report (FSEIR).

1.2 FINAL SUPPLEMENTAL EIR REQUIREMENTS

Under the California Environmental Quality Act (CEQA), following public circulation of the DSEIR, the CEQA lead agency is required to prepare a FSEIR that responds to significant environmental issues raised in comments to the DSEIR.

As delineated in CEQA Guidelines (14 CCR Section 15132), following the public review and comment period, a FSEIR must be prepared that consists of:

- DSEIR or revision of the Draft;
- List of persons, organizations, and public agencies commenting on the DSEIR;
- Comments and recommendations received on the DSEIR (verbatim or in summary); and
- Responses to the significant environmental comments raised in the review and consultation process.

1.3 USE OF THE FINAL SUPPLEMENTAL EIR IN THE DECISION-MAKING PROCESS

The 1999 EIR, as revised by this FSEIR, will be used by the lead agency decision-making body, together with economic, social, and technical information, to decide on the discretionary entitlements requested by the Applicant. Upon review of the FSEIR, and prior to rendering decisions on the discretionary actions, the lead agency decision-making body must certify that:

- The FSEIR has been completed in compliance with CEQA;
- The FSEIR was presented to the decision-making body of the lead agency; and
- The information was reviewed and considered prior to approving the Project.

Should the use permit and reclamation plan approvals be granted by the lead agency, a statement of findings would be made for any significant environmental effects identified during the EIR process, accompanied by a brief explanation of the rationale for each finding. Possible findings are that:

- Changes or alterations have been required in, or incorporated into, the Project to avoid or substantially lessen the significant environmental effects as identified in the Draft and FSEIR;
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; and/or
- Specific economic, social, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Draft and FSEIR.

If significant effects to the environment remain, subsequent to the above actions, the lead agency would need to adopt a Statement of Overriding Considerations if they

choose to approve the proposed Project. The Statement of Overriding Considerations would set forth the specific reasons why the benefits of the project outweigh the unavoidable significant environmental impacts. The Statement of Overriding Considerations (if any) and findings will be issued by the decision-makers concurrently with its decision at a public hearing.

1.4 FINAL EIR STRUCTURE

The FSEIR consists of comments received by the County on the DSEIR, responses to the comments, and a description of changes to the Project as circulated in the DSEIR.

1.5 ORGANIZATION OF THE FINAL EIR

Section 1.0 Introduction: Introduces the purpose and requirements of the FSEIR and describes the use of the FSEIR in the decision-making process.

Section 2.0 Public Review and Consultation Process: Provides information on the purpose of public review; describes the public review periods, notifications, and hearings for the project; summarizes the analysis of public responses to the DEIR; and, describes the approach taken to responding to both general and specific comments received on the DSEIR.

Section 3.0 Draft Supplemental EIR Changes: Provides a description of the corrections and clarifications to the text of the DSEIR, but includes no significant new information to that provided in the DSEIR. Recirculation requirements are also discussed and analyzed in relation to Project changes and findings. All of the information added in this section of the FSEIR clarifies, amplifies, or makes minor modifications to the DSEIR.

Section 4.0 Responses to Comments: Provides specific individual responses to comments received on the DSEIR. Individual responses were prepared for all comment letters received from agencies, organizations, and individuals.

Chapter 5.0 Preparers and Persons Consulted: Identifies lead agency staff, consultants, and other individuals involved in the preparation of the DSEIR.

Appendices: The Appendices to FSEIR provide specific information referenced in the text of this document; this information is considered important to an understanding of the responses provided. The Appendices listed below are hereby incorporated into the FSEIR by reference.

- Appendix A: Comment Letters Received on the Supplemental Draft EIR;
- Appendix B: Reclamation Plan;
- Appendix C: Conditional Use Permit No. 2765;
- Appendix D: 2007 CRRNOS Study;
- Appendix E: Revised Air Quality Study; and
- Appendix F: Mitigation Monitoring and Reporting Program.

2.0 Public Review and Consultation Process

2.0 Public Review and Consultation Process

2.1 CIRCULATION OF THE DEIR

2.1.1 Purposes of Public Review

CEQA views public participation as an essential part of the environmental impact evaluation process. The purposes of public circulation and review of a DEIR include:

- Sharing expertise;
- Disclosing agency analyses;
- Checking for accuracy;
- Detecting omissions;
- Discovering public concerns; and
- Soliciting counter proposals.

(CEQA Guidelines, Section 15200.)

CEQA explains that the focus of public review should be on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project may be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. Reviewers should therefore explain the basis for their comments, and whenever possible, should submit data or references in support of their comments (CEQA Guidelines, Section 15204).

CEQA (Public Resource Code Section 21082.2(b)) explains that, “Statements in an environmental impact report and comments with respect to an environmental impact report shall not be determinative of whether the project may have a significant effect on the environment”. Instead, according to CEQA, it is the responsibility of lead agency decision-makers to “determine whether a project may have a significant effect on the environment based on substantial evidence in the record”. Substantial evidence is

defined as facts, fact-related reasonable assumptions, and expert opinion. “Substantial evidence” does not include arguments, speculation, unsubstantiated opinion or narrative, clearly erroneous evidence, or socioeconomic impacts not related to the physical environment (California Public Resource Code Section 21080(e), 21082.2(a), 21082.2(c), and Guidelines Section 15384).

2.1.2 Public Review Period and Notifications for the Project

In accordance with the requirements of CEQA, the environmental review process for the Project has included substantial opportunities for public and agency review and comment on the environmental evaluations. This public review process is briefly summarized in the following:

- An amended SEIR Notice of Preparation (NOP) was distributed to the State Clearinghouse, responsible agencies, interested groups and individuals, and surrounding property owners on September 3, 2004 for a 30-day comment period. This superseded the NOP that was circulated on August 16, 2004;
- Two public scoping meetings were held at Sanger High School by the County to solicit comments on the scope of the DSEIR;
- The DSEIR was circulated for review from May 28, 2007 to July 9, 2007;
- A public scoping meeting was held by the County at Sanger High School on June 14, 2007 to solicit comments on the DSEIR;
- Copies of the DSEIR were sent directly to responsible, trustee, and other State, Federal, and local agencies expected to have expertise or interest in the resources that may be affected by the Project;
- In addition, copies were sent to organizations, businesses, and individuals with special expertise on environmental impacts and/or who had expressed an interest in this particular project, or other activities;
- The Notice of Completion was filed with the State of California Clearinghouse on May 28, 2007; and
- Notice of Availability of this FSEIR has been provided to agencies, organizations, and the public, who have expressed an interest in the project.

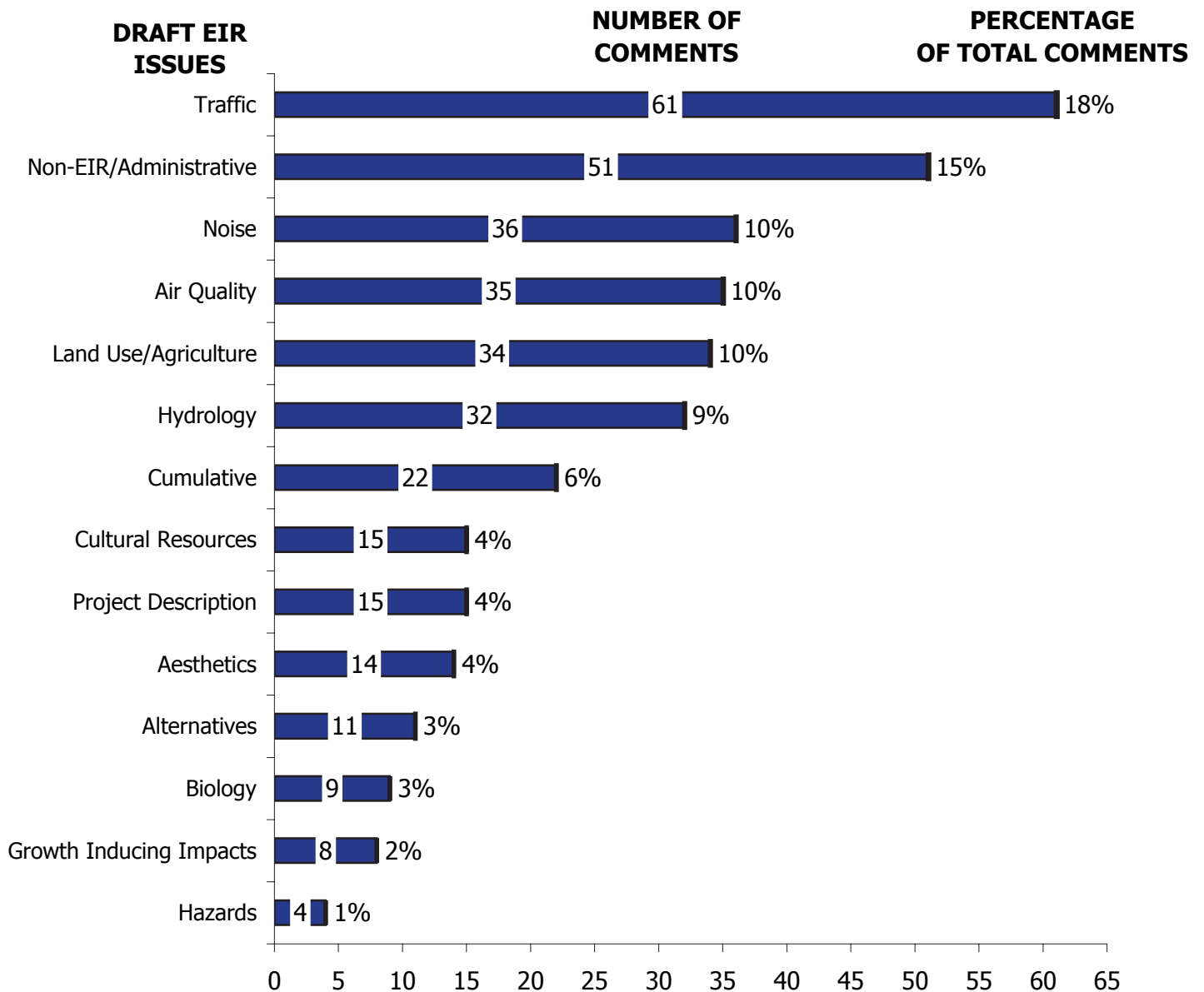
2.2 PUBLIC INPUT ANALYSIS

The DSEIR was circulated to agencies having jurisdiction over natural resources that could be affected by the Project, or having expertise or interest in environmental

resources. In addition, interested organizations, businesses, and members of the public received the documents or were notified of their availability.

During the DSEIR public review period described above, comment letters were received from eight public agencies, ten organizations and businesses, and twenty-eight private citizens. A majority of comments focused on traffic, air quality, noise, and non-EIR/administrative issues. Comments were also received in varying specificity and amount on most DSEIR sections. A graph demonstrating the number of comments received on a particular resource evaluation or non-EIR issues is shown in Figure 2.0-1, Public Input Analysis.

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EXPLANATION:

This graph shows issues evaluated in the Draft SEIR, and the frequency with which public issues were raised in comments submitted on the circulated document. The graph shows both the number of times comments were made for each subject and the percent of the total comments. For example, of the comments received, approximately 61 comments related to traffic concerns, which accounts for approximately 18 percent of about 345 comments.

Figure 2.0-1
Public Input Analysis
 KINGS RIVER
 SAND AND GRAVEL PROJECT

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3.0 Draft SEIR Changes

3.0 Draft SEIR Changes

3.1 OVERVIEW

As is common and expected with DSEIR circulation and discussed in detail in Section 2.0, Public Review and Consultation Process, comments received on the DSEIR varied in issues discussed, specificity of the comments, and questioning of the DSEIR's analysis on those issues. Many answers to questions or critiques of DSEIR analysis found in the comment letters had been addressed in DSEIR evaluations. Some comments found inconsistency in analysis, terminology, or asked for further clarification of an issue. In addition, since publication of the DSEIR, the Applicant has proposed minor changes to the Project. The sections below identify and explain changes to the DSEIR that have resulted from comment letters or Applicant changes.

3.2 RECIRCULATION CRITERIA EXPLANATION

Significant new information added to the EIR following public notice but prior to certification shall be recirculated by the lead agency (see PRC § 15088.5(a)). "Significant new information" can include:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- 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;
- 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 proponents decline to adopt it; or
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Information added to the EIR that does not deprive the public of meaningful opportunity to comment on a substantial adverse effect of the Project or feasible

mitigation the Applicant has decided to adopt; or new information that merely clarifies, amplifies, or makes insignificant modifications to the EIR does not require recirculation.

New information provided in this Final SEIR either reduces environmental impacts or clarifies and/or makes insignificant modifications to the information and analysis provided in the DSEIR therefore the new information does not require recirculation.

3.3 DESCRIPTIONS OF DRAFT EIR CHANGES

This section provides a summary of the changes to the DSEIR that have resulted from comments received during the public review process and internal County review. Evaluation of the comments submitted relative to the DSEIR impact analysis determined that, in general, the comments received did not require additional evaluation or changes to the conclusions reached in the DSEIR. Based on comments received and Applicant discussions with County staff, the Applicant revised some minor aspects of the proposed Project.

3.4 CLARIFICATIONS, AMPLIFICATIONS, AND MINOR MODIFICATIONS

Textual revisions and inadvertent omissions are provided in Table 3.0-1, Changes to the Supplemental EIR. Both new text and deleted text are shown in this revision so as to provide full disclosure of changes to the Draft EIR text.

**TABLE 3.0-1
CHANGES TO THE SUPPLEMENTAL EIR**

Section/Page	¶	Original Text	Revised Text
S-1	2	In 1999, the project proponent, Calaveras Materials Inc. (Calaveras), asked Fresno County (County), the lead agency under CEQA, to approve a conditional use permit (CUP) to excavate and process sand and gravel and operate an aggregate processing plant and a ready-mix concrete plant. This project was reviewed and subsequently approved as Fresno County IS Application No. 4865 and CUP Application No. 2765. In an effort to reduce potential impacts associated with the previously approved (now	In 1999, the project proponent, Calaveras Materials Inc. (Calaveras), asked Fresno County (County), the lead agency under CEQA, to approve a conditional use permit (CUP) to excavate and process sand and gravel and operate an aggregate processing plant and a ready mix concrete plant. This project was reviewed and subsequently approved as Fresno County IS Application No. 4865 and CUP Application No. 2765. In an effort to reduce potential impacts associated with the previously approved (now

Section/Page	¶	Original Text	Revised Text
		<p>expired) Kings River Sand and Gravel Project and to allow CUP No. 2765 to expire, Calaveras has filed an application to reduce the production volume approved under the original project and request a new CUP (CUP Application No. 3052).</p>	<p>expired) Kings River Sand and Gravel Project and to allow CUP No. 2765 to expire, Calaveras has filed an application to reduce the production volume approved under the original project and request a new CUP (CUP Application No. 3052).</p> <p><u>In 1999, the project proponent, Calaveras Materials Inc. (Calaveras), asked Fresno County (County), the lead agency under CEQA, to approve a conditional use permit (CUP) to excavate and process sand and gravel and operate an aggregate processing plant and a ready-mix concrete plant. This project was reviewed and subsequently approved as Fresno County IS Application No. 4865 and CUP Application No. 2765. In 2003, Calaveras applied to modify or delete certain traffic mitigation measures imposed during the public hearing approving CUP No. 2765. In an effort to reduce potential impacts associated with the previously approved Kings River Sand and Gravel Project and support modifying or deleting certain traffic mitigation measures, Calaveras filed an application to reduce the production volume approved under the original project. In particular, the modified project would reduce production volume by 50% (from 2 million tons per year to 1 million tons per year) and decrease the estimated volume of total traffic associated with the project. During the process of developing this SEIR, CUP 2765 expired and the applicant is seeking a new CUP (CUP Application No. 3052) to modify the project and change certain mitigation measures.</u></p>

Section/Page	¶	Original Text	Revised Text
S-2	1	<p>Where a project changes subsequent to the certification of an EIR, the State CEQA Guidelines (Section 15163) allow agencies to use a supplemental EIR rather than a subsequent EIR where only minor additions or changes to the document would be necessary to make the previous EIR adequately apply to the project in the changed situation. The purpose of this SEIR is to analyze the changed project, changed circumstances, or new information that was not known and could not have been known at the time the 1999 EIR was certified.</p>	<p>Where a project changes subsequent to the certification of an EIR, the State CEQA Guidelines (Section 15163) allow agencies to use a supplemental EIR rather than a subsequent EIR where only minor additions or changes to the document would be necessary to make the previous EIR adequately apply to the project in the changed situation. The purpose of this SEIR is to analyze the changed project, changed circumstances, or new information that was not known and could not have been known at the time the 1999 EIR was certified. <u>The SEIR also analyzes the effects of deleting traffic mitigation measures PH-5 to PH-7 in the context of current traffic conditions, reduced annual mining (and traffic) rates and changes to projected traffic flows.</u></p>
S-26	4	<p>Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease.</p>	<p>Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease.</p> <p><u>The County will require the Applicant to provide documentation regarding its monitoring results to the County. Fresno County will require the Applicant to retain monitoring records on-site. The County shall review these records during their annual SMARA inspection to monitor compliance with requirements of Mitigation Measure B-1.</u></p>
S-36	4	<p>2. If human bone is found as a result of any construction or operational activity, the developer or operator shall stop all disturbance activities and notify the Fresno County Coroner within 48 hours in compliance with California Public</p>	<p>2. If human bone is found as a result of any construction or operational activity, the developer or operator shall stop all disturbance activities and notify the Fresno County Coroner within 48 hours in compliance with California Public</p>

Section/Page	¶	Original Text	Revised Text
		<p>Resource Code Sections 5079.94 and 5097.98. If the coroner determines that the remains are of Native American origin, the California Native American Heritage</p>	<p>Resource Code Sections 5079.94 and 5097.98. If the coroner determines that the remains are of Native American origin, the California Native American Heritage <u>Commission shall be notified.</u></p> <p><u>3. If cultural resources are identified, they should be avoided if it is feasible to do so.</u></p> <p><u>4. If avoidance is not feasible, then the significance of these resources should be assessed by a qualified archaeologist and, if they are determined to be significant resources in accordance with the State CEQA Guidelines, adverse impacts should be mitigated. In the case of archaeological sites, mitigation usually consists of data recovery excavations to retrieve the data that would be lost through disturbance.</u></p>
1.0-1	2	<p>In an effort to reduce potential impacts associated with the previously-approved (now expired) Kings River Sand and Gravel Project, Calaveras Materials, Inc. (Calaveras), has filed an application to downsize the Project and request a new CUP. The proposed revisions to the Project would reduce production volume by 50% (from 2 million tons per year to 1 million tons per year) and decrease the estimated volume of total traffic associated with the Project, as currently evaluated in the 1999 EIR. Other modifications to the project description include changes to the schedule of mining operations and reclamation (see Chapter 2, "Project Description," for details). The proposed area to be disturbed is the same as approved under CUP Application No. 2765.</p>	<p>In an effort to reduce potential impacts associated with the previously-approved (now expired) Kings River Sand and Gravel Project, Calaveras Materials, Inc. (Calaveras), has filed an application to downsize the Project and request a new CUP. The proposed revisions to the Project would reduce production volume by 50% (from 2 million tons per year to 1 million tons per year) and decrease the estimated volume of total traffic associated with the Project, as currently evaluated in the 1999 EIR. <u>Traffic was reevaluated to analyze the effects of deleting traffic mitigation measures PH-5 to PH-7 in the context of current traffic conditions, the changed project to reduce annual mining (and traffic) rates and changes to projected traffic flows.</u> Other modifications to the project description include changes to the schedule of mining operations and reclamation (see</p>

Section/Page	¶	Original Text	Revised Text
			Chapter 2, "Project Description," for details). The proposed area to be disturbed is the same as approved under CUP Application No. 2765.
1.0-2	2	The SEIR focuses primarily on resource topics with potential impact changes, in light of the downsized Project and CUP amendments. Changes to the Project are expected to result in changes and/or reductions in significant impacts, necessitating the preparation of this original certified SEIR, which will be circulated for public review in the same manner as the original EIR.	The SEIR focuses primarily on resource topics with potential impact changes, in light of the downsized Project and <u>changed traffic mitigation measures</u> CUP amendments . Changes to the Project are expected to result in changes and/or reductions in significant impacts, necessitating the preparation of this original certified SEIR, which will be circulated for public review in the same manner as the original EIR.
2.0-2	4	Calaveras has submitted an application (Application No. 3052) to amend an approved Unclassified Conditional Use Permit (CUP) No. 2765 for sand and gravel (aggregate) extraction and processing and a Reclamation Plan. A total of 315 acres of the 457-acre site was approved for mining (Figure 2-3, Aerial Photograph). No mining is permitted within the Kings River, within the flood plain of the Kings River, or within 50 feet of the flood plain of the Kings River.	Calaveras has submitted an application (Application No. 3052) to amend an approved Unclassified Conditional Use Permit (CUP) No. 2765 (<u>now expired</u>) for sand and gravel (aggregate) extraction and processing and a Reclamation Plan. A total of 315 acres of the 457-acre site was approved for mining (Figure 2-3, Aerial Photograph). No mining is permitted within the Kings River, within the flood plain of the Kings River, or within 50 feet of the flood plain of the Kings River.
3.2-24	1	<i>The proposed Project could increase emissions of hazardous air pollutants that expose sensitive receptors to substantial pollutant concentrations. This is a significant and unavoidable impact.</i>	<i>The proposed Project could increase emissions of hazardous air pollutants that expose sensitive receptors to substantial pollutant concentrations. This is a <u>less than significant</u> and unavoidable impact.</i>
3.2-42	3	Operational Emissions. A mining operation's primary source of greenhouse gas emissions would be the diesel trucks used to haul aggregate both on and off-site. Because the Project would create additional local aggregate reserves, it would result in significantly shorter truck trip distances by reducing the need to haul aggregate 60 miles each way from Coalinga to meet Fresno area demands. (See DOC Aggregate Report, p. 15.) The Kings River site is approximately 20 miles	Operational Emissions. A mining operation's primary source of greenhouse gas emissions would be the diesel trucks used to haul aggregate both on and off-site. Because the Project would create additional local aggregate reserves, it would result in significantly shorter truck trip distances by reducing the need to haul aggregate 60 miles each way from Coalinga to meet Fresno area demands. (See DOC Aggregate Report, p. 15.) The Kings River site is approximately 20 10 miles

Section/Page	¶	Original Text	Revised Text
		<p>from the center of Fresno. There is a direct correlation between miles traveled and greenhouse gas emissions. Thus, comparing haul distances of 120 miles round-trip to 40 miles round-trip, truck trips from the Project site result in 66.66% less greenhouse gas emissions attributed to on-road haul trucks as compared to hauling from Coalinga.</p>	<p>from the center of Fresno. There is a direct correlation between miles traveled and greenhouse gas emissions. Thus, comparing haul distances of 120 miles round-trip to 40<u>4020</u> miles round-trip, truck trips from the Project site result in 66.66% less greenhouse gas emissions attributed to on-road haul trucks as compared to hauling from Coalinga.</p>
3.3-10	1	<p>At the time of the 1999 EIR, the Project site consisted of lands under three Williamson Act contracts (Fresno County 1999). Two of the Project site's parcels (333-061-35 and 360-020-49) have been operated under Williamson Act contracts since 1971, while a third parcel (333-061-31) has been operated under a Williamson Act contract since 1972. According to the County, the Project site is still currently under these three contracts, with the exception of APN 333-061-37, 333-061-30, and 360-20-50 (see Figure 3.3-2), although, with the Notices of Non-Renewal filed on May 26, 1999, all of the contracts will expire on December 31, 2008.</p>	<p>At the time of the 1999 EIR, the Project site consisted of lands under three Williamson Act contracts (Fresno County 1999). Two of the Project site's parcels (333-061-35 and 360-020-49) have been operated under Williamson Act contracts since 1971, while a third parcel (333-061-31) has been operated under a Williamson Act contract since 1972. According to the County, the Project site is still currently under these three contracts, with the exception of APN 333-061-37 and 333-061-30, and 360-20-50 (see Figure 3.3-21, <u>Parcels within Project Site Boundary</u>), although, with the Notices of Non-Renewal filed on May 26, 1999, all of the contracts will expire on December 31, 2008. <u>APN 360-020-050 is subject to Agricultural Land Conservation No. 2402. This parcel is located within the Project Boundary (see Figure 3.3-1). However, the Parcel will be included in the buffer between the Kings River and Phases 7 and 8, and will be used for either farming or in open space as a natural reserve (see Figure 2-5, General Phasing and Setbacks). Both of these uses are compatible with the underlying contract.</u></p>

Notes:

¶ Paragraph

For changes to EIR text or for amplification or clarification of text that cannot be easily accommodated in the table above, the following revisions to the Supplemental EIR have also been made:

3.4.1 Revisions to the Summary Table

Following public comments that certain measures added at the December 7, 1999 Board of Supervisor's hearing were added as CEQA mitigation measures rather than conditions of approval to the use permit, the County reexamined the record and determined that the measures, PH-1 to PH-9, should be treated as CEQA mitigation measures. Those measures have been added to the Summary Section of the Final SEIR, including those measures that have been deleted. As previously noted, the Applicant initiated this application in 2003, seeking to modify or eliminate several of these measures, particularly PH-5 to PH-7. To mitigate impacts previously identified by the County in the 1999 EIR and by the Board of Supervisors in approving CUP 2765 and adding measures PH-5 to PH-7, and to warrant the removal of measures PH-5 to PH-7, the Applicant reduced the annual mining rate (and accordingly, the resulting truck traffic) for the Project in half, from 2 million tons per year to 1 million tons per year. The SEIR also reanalyzed traffic impacts based on several other factors beyond the reduction in the annual mining rate: 1) the traffic analysis used updated existing traffic information; 2) the traffic analysis contains new information regarding the Kings River Bridge; 3) the traffic analysis reflects a change in traffic patterns due to changed market conditions; and 4) the traffic analysis reflects a detour route for use during the time the Kings River Bridge will be replaced.

The following mitigation measures from the Public Hearing have been added to the end of the Summary Table. Some of these mitigation measures have been deleted or modified from those contained in the 1999 EIR and the Public Hearing mitigation measures.

**TABLE S-1
SUMMARY OF PROJECT-RELATED IMPACTS AND MITIGATION MEASURES**

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
AESTHETICS Changes in Views from Goodfellow Avenue and Residences North of Roadway (Impact 3.1-1)	PS	None required. (This impact was less than significant because of a vegetated berm that was part of the previously-approved Project).	S-Mitigation Measure 3.1-3: Provide Orchard-Like Vegetative Screen The following mitigation elements are prescribed to ensure that the proposed orchard-like vegetative screen is as effective as possible. <ul style="list-style-type: none"> • Tree species shall be a citrus or evergreen variety that ensures dense screening. • The screen shall be planted in a minimum of four rows parallel to Goodfellow Avenue, with adjacent rows offset such that there are no gaps. • The screen shall be planted and maintained in a healthy state. Any dead or sickly trees shall be replaced. 	LTS
Changes in Light and Glare (Impact 3.1-2)	PS	C-1: Implement no-glare light fixtures that are strategically placed to meet minimum levels of safety and security and use non-reflective surfaces The project proponent shall implement the following measures to minimize light and glare impacts resulting from mining operations. Mitigation shall be implemented at the beginning and maintained throughout the project's existence. The following elements shall be reviewed by the County's Public Planning & Resource Management Department	Unchanged from 1999 EIR.	LTS

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	PS	<p>before the issuance of the site plan review approval:</p> <ul style="list-style-type: none"> • using light fixtures that are oriented away from the project boundaries, are focused downward or at specific necessary locations, or have shields that focus lights and minimize fugitive light; • minimizing the use of reflective surface materials and using colors that minimize contrast and glare, especially on rooftops, equipment decks, and taller structures; and • screening parking areas and other sources of daytime glare. <p>C-2: Restrict spillover light</p> <p>Lighting used on the project site shall be of such a type and arrangement that the increase in illumination on any public roadway or at any residence or in the riparian buffer area shall not increase by more than 1 foot-candle.</p>		LTS
Changes to Views from Residences West of Project Site	S	<p>J-1: Provide a Vegetative Buffer to Screen Views</p> <p>If Mitigation Measure G-1 is not adopted under the proposed project, then the project proponent should ensure that the following visual mitigation element is implemented during project construction:</p>	Unchanged from 1999 EIR.	SU

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	S	<ul style="list-style-type: none"> Where administrative and plant facilities are located adjacent to the access road, plant and maintain evergreen species as a visual screen. This treatment shall be used for parking facilities, which shall be screened from the access road and shaded by evergreen trees to minimize glare. 		SU
AIR QUALITY				
Operational Emissions During the Startup and Final Phases (Impact 3.2-1)	S	<p>F-1: Implement Dust-Reducing Measures to Reduce PM-10 Emissions</p> <p>The project operator shall implement the following measures from the SJVUAPCD 's Regulation VIII to reduce PM-10 emissions:</p> <ul style="list-style-type: none"> All disturbed areas, including storage piles, which are not actively utilized for a period of 7 days or more, shall be stabilized using water, chemical dust suppressants, or planting of vegetation, in such a manner to effectively limit visible dust emissions. All operations shall effectively limit visible dust emissions using water or chemical dust suppressants. All land clearing, excavation, and grading shall utilize effective dust control measures, such as water application or presoaking. 	Unchanged from 1999 EIR.	SU

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	S	<ul style="list-style-type: none"> • All operations shall limit or expeditiously remove the accumulation of mud or dirt from public paved roads adjacent to the site. • All areas used for storage of vehicles, equipment, and materials shall comply with the provisions of Rule 8070. <p>F-2: [Superseded by S-Mitigation Measure 3.2-1 in the SEIR]</p>	<p>S-Mitigation Measure 3.2-1: Implement Measures to Reduce Ozone Precursor Emissions.</p> <p>The project operator shall implement the following measures to reduce ozone precursor emissions from the project:</p> <ul style="list-style-type: none"> • All internal combustion engine driven equipment shall be properly maintained and well tuned according to manufacturer's specifications. • Encourage the use of reformulated diesel fuel. • Use diesel engines that meet the most recent emission standards at the time equipment is purchased. • Encourage the use of equipment powered by alternative fuel or electricity. • Use on-road engines in off-road equipment, where feasible. • Equip all motored equipment with lean-NOx or diesel-oxidation catalysts, where feasible. 	SU

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
Operational Emissions during the Phase-In of the Permanent Plant (Impact 3.2-2)	PS	See Mitigation Measures F-1 and F-2, above.	<ul style="list-style-type: none"> Work with the SJVUAPCD to determine if the Heavy Duty Vehicle Incentive Program would apply to equipment operated by CML. See Mitigation Measure F-1 and S-Mitigation Measure 3.2-1, above.	SU
Operational Emissions during the Full Production Phase (Impact 3.2-3)	S	See Mitigation Measures F-1 and F-2, above.	See Mitigation Measure F-1 and S-Mitigation Measure 3.2-1, above.	SU
Emission of Hazardous Air Pollutants (Impact 3.2-4)	LTS	None required.	None required.	LTS
Potential for Roadside Crop Damage Caused by Airborne Dust along Haul Routes (Impact 3.2-5)	PS (in 1999 EIR) LTS (in SEIR)	Mitigation Measure F-3 is no longer required because of the County's implementation of the CMAQ Road Improvement Program. See pages 3.2-29 and 3.2-30 of the Supplemental EIR.	None required.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
The Revised Project Would Result in Potential to Violate Short-Term Carbon Monoxide (CO) Concentrations (Impact 3.2-6)	LTS	Not analyzed.	None required.	LTS
The Project Could Increase Greenhouse Gas Emissions Above Baseline Conditions (Impact 3.2-7)	LTS	Not analyzed.	None required.	LTS
LAND USE				
Consistency of the Proposed Project with Applicable Plans and Policies (Impact 3.3-1)	LTS (in 1999 EIR) PS (in SEIR)	This impact was not considered significant in the 1999 EIR.	S-Mitigation Measure 3.3-1a: Document historical production on the Project site. Ensure that the Project activities do not adversely impair the amount of historical production; or S-Mitigation Measure 3.3-1b: Delay implementation of ground-disturbing activities that could significantly impair agricultural production until after the 2008 harvest.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
Compatibility with Surrounding Land Uses (Impact 3.3-2)	LTS	None required.	3.3-2: None required.	LTS
Conversion of Prime Agricultural Land to Nonagricultural Use (Impact 3.3-3)	SU	D-1: [Superseded by S-Mitigation Measure 3.3-3 in the SEIR]	<p>S-Mitigation Measure 3.3-3a: Maintain Farming Operations On-Site as Long as Possible and Salvage Topsoil</p> <p>This measure is described as D-1 in the 1999 EIR, but has been revised to reflect that the project no longer includes the construction of a berm along Goodfellow Avenue.</p> <p>This measure now states:</p> <p>Current agricultural use of portions of the project site shall continue until the land is prepared for mining activities according to the phasing plan for the adopted Kings River Sand and Gravel Surface Mining and Reclamation Plan, except as specifically approved by the County. Topsoil and vegetation removal shall not precede the initiation of surface mining activities in Phases 3 through 9 by more than 1 year. (Topsoil and overburden will be removed more than 1 year in advance of mining in Phase 2. Material from this phase will be used to prepare the plant site.) Annual inspections by the County shall review compliance with this mitigation.</p>	SU

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
NOISE			<p><u>Mitigation Measure 3.3-3b:</u> <u>In response to many comments regarding loss of farmland, preservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.</u></p>	
Potential Exposure of Nearby Residences to Noise from Construction (Impact 3.4-1)	PS	G-1: [Superseded by S-Mitigation Measure 3.4-1a and S-Mitigation Measure 3.4-1b in the SEIR]. The 1999 EIR determined that construction noise that falls within the time frames specified by the Project were considered exempt from the Noise Ordinance.	<p>S-Mitigation Measure 3.4-1a: The conditions outlined in the letter prepared by Running Luck Ranch and submitted to the County shall be implemented as a mitigation measure. These conditions include the following: The plant access from the Riverbend alignment shall be located at least 500 feet from the structure on the property immediately west of the project site. S-Mitigation Measure 3.4-1b: In addition, Calaveras will implement noise-reducing measures at the structure located west of the project site during overburden removal activities on Phases</p>	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
Potential Exposure of Nearby Residences to Noise from Soil Removal Activities (Impact 3.4-2)	PS	Mitigation Measures G-1 and G-2 are superseded by S-Mitigation Measure 3.4-2a and S-Mitigation Measure 3.4-2b.	<p>2, 3, and 4 which are within 1,600 feet of any residences to the north or west so that noise from the project does not exceed County Noise Ordinance criteria and Noise Element standards at the residence. The measures include the following:</p> <p>If permission of the owner of the caretaker dwelling is obtained, installation of acoustical upgrades to the residence, including dual-paned windows and air-conditioning for interior noise control.</p> <p>S-Mitigation Measure 3.4-2a: Obtain permission from the owner of any potentially affected properties to briefly conduct clearing operations in close proximity to existing homes, or temporarily relocate any affected tenants for a few weeks.</p> <p>OR</p> <p>S-Mitigation Measure 3.4-2b: Erect a temporary barrier that interrupts the line of sight between the scrapers and the nearest residences. A 12-foot high barrier would be required for any scraper operations within 1,600 feet of any home. The barrier could take the form of earthen berms, stackable large precast concrete blocks, hay bales (provided they stay standing for the duration necessary), plywood fencing, or other materials as approved by Fresno County Department of Community Health, Environmental Health Division.</p>	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
Potential Exposure of Existing Residences to Noise from Off-Site Project Traffic (Impact 3.4-3)	LTS	This impact was considered less than significant in the 1999 EIR. None required.	None required.	LTS
TRAFFIC				
Impacts to Traffic Capacity and Level of Services (Impact 3.5-1)	PS	Traffic Impact analysis and mitigation superseded by SEIR.	<p>S 3.5-1: Generally-accepted traffic engineering principles and methods were employed to estimate the amount of traffic expected to be generated by the project and to analyze the traffic conditions expected to exist in the future. The following provides project-specific mitigations: Exacerbation of existing unacceptable level of service at the intersection of Central and Academy Avenues. Mitigation shall be payment of pro rata share towards construction of a westbound left-turn lane and associated improvements to align eastbound and westbound through lanes.</p>	SU
Cumulative Impacts to Traffic Capacity and Level of Services (Impact 3.5-2)	PS	Traffic Impact analysis and mitigation superseded by SEIR.	<p>S-Mitigation Measure 3.5-2: Proportionate Share Responsibility (See Table 3.5-20, below) The County of Fresno requires the use of the following equation to determine a project's proportionate share of future improvements: Where: P = The proportionate share of the project's traffic impact;</p>	SU

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	PS		<p>T = The project trips generated during the peak hour of the adjacent roadway;</p> <p>T_B = The forecasted (future with project) traffic volume on the impacted roadway facility.</p> <p>Table 3.5-20, Proportionate Share Responsibility Calculations-A.M. (P.M.) Peak Hour, presents the proportionate share calculations. The County of Fresno shall require that the Project contribute a proportionate share of the cost of the future improvements if no other funding mechanism is in place.</p>	SU

**TABLE 3.5-20
PROPORTIONATE SHARE RESPONSIBILITY CALCULATIONS –
A.M. (P.M.) PEAK HOUR**

Location	Mitigation	Project Traffic	Cumulative Traffic	Proportionate Share (Percent)
Central / SR 99 interchange	Reconstruction	10 (7)	1,691 (2,437)	0.59 (0.29)
Central / Chestnut	Additional lanes	10 (6)	2,233 (3,160)	0.45 (0.19)
Central / Temperance	All-way stop control	14 (6)	798 (893)	1.75 (0.67)
Central / Academy	Signals and lanes	36 (18)	1,387 (2,099)	2.60 (0.86)
Manning / Academy	Westbound right turn	10 (4)	2,321 (2,819)	0.43 (0.14)
Central – SR 99 to Chestnut	Widening	10 (6)	1,546 (2,202)	0.65 (0.27)
Central – Chestnut to Golden State	Widening	10 (6)	1,000 (1,366)	1.00 (0.44)

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
The Proposed Project May Have Adverse Impacts on the Traffic Index of County Roads (Impact 3.5-3)	PS	Traffic Impact analysis and mitigation superseded by SEIR.	S-Mitigation Measure 3.5-3: <ul style="list-style-type: none"> • Traffic Index increase of 1.0 or more on the Goodfellow Avenue road segment between Newmark and Riverbend Avenues. Mitigation shall include pavement improvements as required by the County of Fresno. • Traffic Index increase of 1.0 or more on the Central Avenue road segment between Academy and Newmark Avenues. Mitigation shall include pavement improvements as required by the County of Fresno. • Traffic Index increase of 1.0 or more on the eastbound Central Avenue road segment between Bethel and Academy Avenues. Mitigation shall include pavement improvements as required by the County of Fresno. 	SU
HYDROLOGY				
Potential to Impair the Function of Nearby Groundwater Wells through Groundwater Pumping and Reclamation Lake Evaporation at the Project Site	PS	B-1: Monitor Water Levels in Onsite and Neighboring Wells Before mining begins, the operator shall submit a monitoring program for measuring groundwater levels in the on-site monitoring wells (Figure 3B-2). The monitoring program shall be prepared by a qualified professional (acceptable to the Fresno County Planning & Resource Management	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	PS	<p>Department) and approved by the Fresno County Planning & Resource Management Department. The wells located on the north, south, east, and west sides of the project site would be permanent monitoring wells for the life of the project, and the two wells in the center of the project site, just southeast of the plant site, would be used as control points for water level contours until the wells were removed during mining. The monitoring program shall include installation of a continuous recording water level recorder in the well nearest to the active aggregate removal area and weekly water level measurements in wells that are farther away; a water level data table prepared on a quarterly basis; and a map of water level elevation contours prepared on a quarterly basis. These will be used by the County and compared to background water level data, previous elevation contour maps, and seasonal fluctuations in depth to the water table. A report of the results will be sent to the Fresno County Planning & Resource Management Department for review and approval. If a neighbor within 2,000 feet of the project boundary reports a reduction in well yield that is potentially related to the project, and if the results of the monitoring program indicate that the project may be responsible for the reduction in yield (as determined by the County), the operator shall pay for the following:</p>		LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
(continued)	PS	<ul style="list-style-type: none"> • a study of the neighboring well, to be completed within 30 days, • to determine if project operations have created a reduction in well yield; and • deepening, rehabilitation, or replacement of the neighboring or affected well, according to the County's direction, if it is confirmed that the project has caused significant reduction in well yields in the neighboring well. <p>Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease.</p> <p>B-2: Add Surface Water to Reclamation Lakes Given the limited extent of drawdown on surrounding parcels. Mitigation B-1 should adequately reduce groundwater impacts to a less than significant level. To minimize adverse impacts, the applicant shall pursue the use of surface water rights associated with the project site to divert surface water to the reclamation lakes for the purpose of groundwater recharge. If successful, this effort would minimize off site impacts on groundwater levels. This groundwater recharge through the lakes would be used to replace reduced</p>		LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
<i>(continued)</i>	PS	groundwater recharge resulting from the loss of deep percolation of irrigation water in mined areas, and any groundwater lost to evaporation from the lakes' exposed surfaces.		LTS
Potential to Impair the Function of Nearby Groundwater Wells Due to a Net Increase in Groundwater Consumption and Loss of Recharge from Conversion of Land from Agricultural Use to Reclamation Lakes and Riparian and Upland Habitat	PS	See Mitigation Measures B-1 and B-2, above.	Unchanged from the 1999 EIR.	LTS
Potential to Increase Flooding Potential Due to Mining Activities	PS	B-3: Evaluate Flood Zone Boundaries The applicant shall have a registered surveyor or engineer survey the portion of the project site within the FEMA 100-year flood zone, define and stake the boundaries for the zone and determine the current elevations to ensure that no mining, material storage, nor grading activity will occur within the	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
<p>Potential for Cumulative Degradation of Surface Water and Groundwater Quality During Mining or After Reclamation, Impairing their Beneficial Uses</p>		<p>100-year flood zone as currently established or as may be revised by FEMA.</p> <p>B-4: Monitor Water Quality</p> <p>The operator shall establish a water quality monitoring program to be paid for by the project operator and reviewed by the Fresno County Planning & Resource Management Department. The monitoring program shall commence before mining begins to provide information about baseline conditions and shall require collection of water samples from the on-site monitoring wells, surface water upstream and downstream on both the Kings River and Cameron Slough, and the lake(s) created by mining. Samples shall be sent to a qualified laboratory for water quality analysis. A report of the analysis shall be sent to the Fresno County Planning & Resource Management Department.</p> <p>The water quality monitoring program shall meet the following requirements: All monitoring wells shall be sampled twice per year using standard protocols such as purging the well with at least three volumes of water before sample collection, using personnel trained in sample collection methods, and properly preserving and</p>	<p>Unchanged from the 1999 EIR.</p>	<p>LTS</p>

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
		<p>storing samples for laboratory analysis. Surface water samples will be collected twice per year as individual grab samples and be properly preserved and stored before analysis. Samples of surface water shall not be collected within 5 days of any previous precipitation event.</p> <ul style="list-style-type: none"> • Physical and chemical parameters to be measured will be defined in the monitoring program. At a minimum, all samples will be analyzed in the field for temperature, pH, and electrical conductivity. Samples submitted to a laboratory will be analyzed for major anions and cations, electrical conductivity, total dissolved solids, iron, and manganese. On an annual basis, monitoring well samples will also be analyzed for DBCP and trace metals regulated under Title 22 drinking water standards. • If water quality problems related to operation of the proposed project (as determined by the County) are discovered during monitoring, the operator shall pay for the following: <ul style="list-style-type: none"> - a study to determine the cause of the water quality problems; and - remediation of the water quality problems, both onsite and offsite if necessary. • If a neighbor reports water quality problems that are related to the project (as determined by the 		

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
		<p>County), the operator shall pay for the following:</p> <ul style="list-style-type: none"> - a study to determine the cause of the water quality problem; - remediation of the water quality problem; <p>Once reclamation and any remediation are completed, surfacewater monitoring would cease and groundwater monitoring would continue. If no significant degradation of groundwater quality attributable to the project were to occur for two consecutive years following completion of remediation, the requirement for groundwater quality monitoring and reporting would cease.</p> <p>B-4a: Provide Temporary Berms</p> <p>During the mining phases of the project, the applicant shall construct temporary berms between the lakes and remaining farmland to prevent agricultural surface water runoff from entering the lakes.</p>		

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
Potential for Degradation of Groundwater Quality from Construction of Septic Systems	PS	<p>See Mitigation Measure B-4, above.</p> <p>B-5: Construct Septic System that Satisfies Fresno County's Standards</p> <p>Before mining begins, the applicant shall hire a qualified professional (acceptable to Planning & Resource Management Department) to design the onsite septic systems to satisfy Fresno County's standards. The leach lines must be at least 100 feet away from domestic wells and the 100-year flood line of Hanke Ditch, Kings River, or Cameron Slough and 200 feet from the groundwater lakes.</p> <p>B-6: Replace Malfunctioning Septic System</p> <p>If the water quality monitoring program indicates that the onsite septic system is leaking into the lake or is detectable in domestic wells, the applicant shall discontinue use of the system until it is redesigned and/or relocated to the satisfaction of Fresno County Community Health Department.</p>	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
BIOLOGICAL RESOURCES				
Increased Artificial Light Along the Riparian Corridor	PS	<p>C-1: Implement No-Glare Light Fixtures that are Strategically Placed to Meet Minimum Levels of Safety and Security, and Use Non-Reflective Surfaces</p> <p>The project proponent shall implement the following measures to minimize light and glare impacts resulting from mining operations. Mitigation shall be implemented at the beginning and maintained throughout the project's existence. The following elements shall be reviewed by the County's Public Planning & Resource Management Department before the issuance of the site plan review approval:</p> <ul style="list-style-type: none"> • using light fixtures that are oriented away from the project boundaries, are focused downward or at specific necessary locations, or have shields that focus lights and minimize fugitive light; • minimizing the use of reflective surface materials and using colors that minimize contrast and glare, especially on rooftops, equipment decks, and taller structures; and • screening parking areas and other sources of daytime glare. 	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
		<p>C-2: Restrict Spillover Light</p> <ul style="list-style-type: none"> Lighting used on the project site shall be of such a type and arrangement that the increase in illumination on any public roadway or at any residence or in the riparian buffer area shall not increase by more than 1 foot-candle. 		
Potential Loss of, or Disturbance to, VELB	PS	<p>C-3: Protect Elderberry Shrubs from Construction- and Operation-Related Impacts</p> <p>The U.S. Fish and Wildlife Service (USFWS) (1996) recommends two levels of avoidance: a core avoidance area and an additional buffer. The core avoidance area includes an area within 20 feet of the dripline of any elderberry shrub with a stem measuring 1.0 inch or greater in diameter at ground level. The core avoidance area shall not be disturbed during or after construction or during operation of the project. The buffer avoidance area includes the area within 100 feet of any elderberry shrub with a stem measuring 1.0 inch or greater in diameter at ground level. Because construction or mining activities in the buffer avoidance area could adversely affect VELB, no construction or mining activities shall occur in the buffer avoidance area.</p> <p>Before the start of work in Phase 2, the project</p>	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
		<p>proponent shall:</p> <ul style="list-style-type: none"> • survey and map all elderberry shrubs with stems measuring 1.0 inch or greater in diameter; • provide the USFWS and the County's Planning and Resource Management Department with a map and written details identifying the avoidance area by the project proponent. The County's Public Works and Development Services Department shall ensure that the buffer area is fenced and flagged before the start of work on Phase 2; • brief contractors on the requirement to avoid damaging VELB habitat areas and the penalties for not complying with these requirements; • install signs every 50 feet along the edge of the avoidance areas with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected under the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs shall be clearly readable from a distance of 20 feet and must be maintained for the duration of construction and operation; • instruct work crews about the status of the beetle and the need to protect its elderberry host plant; and • implement dust control measures in the mining area to minimize dust affecting riparian shrubs and elderberry shrubs (Mitigation Measure 3F-1). 		

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
PUBLIC HEALTH AND SAFETY				
Potential Increase in Vectors Resulting from Reclamation	PS	<p>H-I: Implement Mosquito Abatement Program as Needed</p> <p>Vector control problems shall be addressed as required by CMAD (Smith pers. comm.). Vector control procedures may include routine surveillance by the CMAD, and the project proponent shall ensure that site access is available to the CMAD. Additionally, vector control procedures shall not affect riparian vegetation at the project site. Both the project proponent and the CMAD will be responsible for ensuring that the riparian vegetation is not affected by vector control measures.</p>	Unchanged from the 1999 EIR.	LTS
PUBLIC SERVICES AND UTILITIES				
Potential for Fire Hazards	PS	<p>I-I: Implement Fire Control Requirements</p> <p>The project proponent should implement the following fire control requirements of the California Public Resources Code:</p> <ul style="list-style-type: none"> • maintain a minimum 30-foot firebreak around all buildings and structures (Pub. Res. Code Section 4291), • maintain one round-point shovel and one back pack pump water-type fire extinguisher (Pub. Res. Code Section 4427), and 	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Description of Impact <i>(continued)</i>	PM ¹	Applicable 1999 EIR Mitigation Measures	SEIR Mitigation Measures	AM ²
	PS	<ul style="list-style-type: none"> attach spark arresters to any engines or vehicles operating in the project area (Pub. Res. Code Section 4442). 		LTS
CULTURAL RESOURCES				
Potential Damage to Currently Unknown Cultural Resources	PS	<p>K-1: Implement a Plan to Address the Discovery of Unanticipated Cultural Resources</p> <p>The mine operator shall implement the following plan:</p> <ol style="list-style-type: none"> If cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are discovered during construction or operational activities, the developer or operator shall stop work in the area within 100 feet of the find; retain a qualified archaeologist to assess the significance of the find; and, if necessary, develop appropriate treatment measures in consultation with the California State Historic Preservation Officer. If human bone is found as a result of any construction or operational activity, the developer or operator shall stop all disturbance activities and notify the Fresno County Coroner within 48 hours in compliance with California Public Resource Code Sections 5079.94 and 5097.98. If the coroner determines that the remains are of Native American origin, the California Native American Heritage Commission shall be notified. If cultural resources are identified, they should 	Unchanged from the 1999 EIR.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

		<p>4. <u>be avoided if it is feasible to do so. If avoidance is not feasible, then the significance of these resources should be assessed by a qualified archaeologist and, if they are determined to be significant resources in accordance with the State CEQA Guidelines, adverse impacts should be mitigated. In the case of archaeological sites, mitigation usually consists of data recovery excavations to retrieve the data that would be lost through disturbance.</u></p>		
GEOLOGY AND SOILS				
Potential Exposure of People to Slope Instability Resulting from Mining and Reclamation Activities	LTS	None required.	None required.	LTS
Potential for Ground Subsidence from Groundwater Loss	LTS	None required.	None required.	LTS
Potential Exposure of People and Structures to Earthquakes or Ground Failure	LTS	None required.	None required.	LTS
Accelerated Wind and Water Erosion During Mining	LTS	None required.	None required.	LTS
Potential Conflict with Applicable State and County Plans, Goals, and Policies	LTS	None required.	None required.	LTS

¹ PM = Prior to Mitigation; ² AM = After Mitigation

TABLE S-1 (CONTINUED)

Additional Measures	Frequency of Reporting	Implementation	Monitoring and Enforcement Responsibility	Date Completed
<p>HYDROLOGY AND WATER QUALITY</p> <p>PH-1 Monitor water levels in onsite and neighboring wells Mitigation Measure B-1 is modified as follows: B-1 Monitor water levels in onsite and neighboring wells Before mining begins, the operator shall submit a monitoring program for measuring groundwater levels in on-site monitoring wells (Figure 3B-2) shall be implemented and maintained by the County. The monitoring program shall be prepared by a qualified professional (acceptable to the Fresno County Planning & Resource Management Department) and approved by the Fresno County Planning & Resource Management Department. The cost of preparing, implementing and maintaining the program shall be paid by the operator. The wells located on the north, south, east, and west sides of the project site, just southeast of the plant site, would be used as control points for water level contours until the wells were removed during mining. The monitoring program shall include installation of a continuous recording water level recorder in the well nearest to the active aggregate removal area and weekly water level measurements in wells that are farther away; a water level data table prepared on a quarterly basis; and a map of water level elevation contours prepared on a quarterly basis. These will be used by the County and compared to background water level data, previous elevation contour maps, and seasonal fluctuations in depth to the water table. A report of The results of the monitoring program shall be retained by the County will be sent to the Fresno County Planning & Resource Management Department for review and approval. If a neighbor within 2,000 feet of the project boundary reports a reduction in well yield that is potentially related to the project, and if the results of the monitoring</p>	<p>Before and during mining and during reclamation</p>	<p>County of Fresno</p>	<p>Fresno County Planning & Resource Management Department</p>	

TABLE S-1 (CONTINUED)

Additional Measures	Frequency of Reporting	Implementation	Monitoring and Enforcement Responsibility	Date Completed
<p>program indicate that the project may be responsible for the reduction in yield (as determined by the County), the operator shall pay for the following:</p> <ul style="list-style-type: none"> • A study of the neighboring well, to be completed within 30 days, to determine if project operations have created a reduction in well yield; and • Deepening, rehabilitation, or replacement of the neighboring or affected well, according to the County's direction, if it is confirmed that the project has caused significant reduction in well yields in the neighboring well. <p>Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease.</p>				
<p>PH-2 Monitoring Water Quality Mitigation Measure B-4 is modified to require the County to establish and implement the water quality monitoring program. The operator shall continue to pay for the monitoring program.</p>	Before and during mining	County of Fresno	Fresno County Planning & Resource Management Department	
<p>PH-3 Water Agreement The provisions of Mitigation Measure B2 shall be met through an agreement with the Kings River Water District or through presentation to County Counsel of evidence that the applicant can provide water from another source in an amount sufficient to ensure mitigation.</p>				

TABLE S-1 (CONTINUED)

Additional Measures	Frequency of Reporting	Implementation	Monitoring and Enforcement Responsibility	Date Completed
RECLAMATION				
<p>PH-4 Irrigation Systems Irrigation systems shall be installed consistent with the Revegetation Plan of the Surface Mining & Reclamation Plan, Section 4.2.3f and shall include an irrigation system for the north landscape berm. The Revegetation Monitoring Plan (SMRP Sect. 4.3.2j) shall be carried out and the self-sustaining ability of the vegetation with no irrigation after two years shall be verified before final approval of the reclamation plan for the respective phase.</p>	<p>SPR landscaping and irrigation plan, Phase 1: Completion of berm and landscaping; monitor during reclamation</p>	<p>Applicant</p>	<p>Fresno County Planning & Resource Management Department</p>	
TRAFFIC				
<p>PH-5 The project applicant shall be responsible for the following traffic-related improvements to Central and Goodfellow Avenues: The improvements specified in 1 and 2 below shall be completed before commercial mining and processing activities are initiated at the project site. Prior to completion of these improvements, mining and processing activities shall be allowed only for the production of materials needed to construct the on-site berm required by Mitigation Measure AG-1 and the road improvements: 1. Improvement of the structural section of pavement adequate to provide a Traffic Index of 11 shall be made from Golden State Boulevard to Riverbend Avenue. These improvements, either reconstruction or a combination of existing and new pavement facilities, shall provide for no less than two 12-foot travel lanes with four-foot paved shoulders within a 60' right-of-way. Additional right-of-way shall be acquired as needed to accommodate said improvements. <u>Note:</u> Pavement widening will require widening of reinforced box culverts and modification of drainage and irrigation facilities along Central Avenue. Railroad</p>				

TABLE S-1 (CONTINUED)

Additional Measures	Frequency of Reporting	Implementation	Monitoring and Enforcement Responsibility	Date Completed
<p>crossings will have to be widened on Central Avenue at the Golden State and Newmark crossings.</p> <p>2. Passing lanes (acceleration lanes) shall be provided at all intersections that are controlled on Central Avenue by stop signs to provide adequate distance for the loaded trucks to achieve operational speeds while passenger cars can pass. These improvements shall provide for an additional 12 feet of pavement width and 12 feet of additional right-of-way.</p> <p><u>Note:</u> Pavement widening will require widening of reinforced box culverts and modification of drainage and irrigation facilities along Central Avenue.</p>				
<p>PH-6 Traffic Controls</p> <p>Traffic controls shall be installed when warrants are met at the following intersections:</p> <ul style="list-style-type: none"> ● Central and Golden State (signal) ● Central and Academy (signal) ● Central and McCall (4 way stop) 	<p>During Construction</p>	<p>Applicant</p>		
<p>PH-7 Kings River Bridge</p> <p>The improvements shall be completed before commercial mining and processing activities are initiated at the project site. Prior to completion of these improvements, mining and processing activities shall be allowed only for the production of materials needed to construct the on-site berm required by Mitigation Measure AG-1 and the road improvements.</p> <p>The Kings River Bridge on Goodfellow Avenue shall be reconstructed in accordance with appropriate County and CALTRANS Standards. The applicant's responsibility for the cost of this improvement shall be limited to the local share (20%)</p>	<p>During Construction</p>	<p>Applicant</p>	<p>Fresno County Planning & Resource Management Department</p>	

TABLE S-1 (CONTINUED)

Additional Measures	Frequency of Reporting	Implementation	Monitoring and Enforcement Responsibility	Date Completed
<p>if federal funding is available.</p> <p>PH-8 Onsite signage A sign shall be installed on-site a sufficient distance from the access point on Goodfellow Avenue stating that truck drivers must remove all loose sand and gravel from trucks before exiting the site.</p>	<p>Prior to start of mining, and during annual inspection</p>	<p>Applicant</p>	<p>Fresno County Planning & Resource Management Department</p>	
<p>NOISE</p>				
<p>PH-9 Noise Ordinance Compliance The Fresno County Noise Ordinance shall be complied with as set forth in Mitigation Measure G-2 and Condition 10 of the Conditional Use Permit.</p>				

3.4.2 Revisions to the Air Quality Section

Impact 3.2-4 was revised to update the Hazard Risk Assessment pursuant to the San Joaquin Valley Air Pollution Control District. The significance determination did not change from the Draft Supplemental EIR.

Impact 3.2-4 (Updated): Emission of Hazardous Air Pollutants (Less than Significant)

The proposed Project could increase emissions of hazardous air pollutants that expose sensitive receptors to substantial pollutant concentrations. This is a significant and unavoidable impact.

Methodology

An air dispersion model, known as AERMOD (Version 07026) ~~the Industrial Source Complex Model (Version 02035)~~, was used to calculate the concentration of diesel particulate around the Project site. Appendix E of the Draft Supplemental EIR, Revised Air Quality Study, was updated to use the AERMOD (Version 07026) model and is attached hereto also as Appendix E to the Final Supplemental EIR. Three years of meteorological data from Fresno Airport were used to identify the year that yields the highest concentrations and health risk. ~~Surface meteorological data from Modesto supplemented with one year (1991) of upper air data from the Oakland airport. Both the surface and upper air data were pre-processed using the EPA's RAMMET pre-processor program. The modeling region consisted of a 2 km by 2 km rectangular area with cell spacing of 100 meters in X-Y directions. A total of 400 individual receptors were modeled.~~

The output of ~~ISCAERMOD~~ AERMOD model is in terms of annual concentration of diesel particulate at each grid receptor. The results of ~~ISCAERMOD~~ AERMOD can be presented in terms of cancer risk by multiplying the emission rate by the unit risk factor. This is discussed below.

Health Risk Analysis Thresholds

The following limits for maximum individual cancer risk (MICR), cancer burden, and non-cancer acute and chronic hazard indices (HI) from Project emissions of TACs have been established for the Air Basin:

- **MICR and Cancer Burden**

MICR is the estimated probability of a maximum exposed individual (MEI) contracting cancer as a result of exposure to TACs over a period of 70 years for residential and 40 years for worker receptor locations. The MICR calculations include multipathway consideration, when applicable. Cancer burden is the estimated increase in the occurrence of cancer cases in a population subject to a MCR of greater than or equal to 1 in 1 million (1.0×10^{-6}) resulting from exposure to TACs.

The cumulative increase in MICR that is the sum of the calculated MICR values for all TAXs emitted from the Project would be considered significant if it would result in either:

- An increased MICR greater than 10 in 1 million (1.0×10^{-5}) at any receptor location (assumes the Project would be constructed with T-BACT); or
- A cancer burden greater than 0.5.

- **Chronic HI**

Chronic HI is the ratio of the estimated long-term level of exposure to a TAC for a potential MEI to its chronic reference exposure level. The chronic HI calculations include multipathway consideration, when applicable.

The Project would be considered significant if the cumulative increase in total chronic HI for any target organ system due to total emissions from the Project would exceed 1.0 at any receptor location.

- **Acute HI**

Acute HI is the ratio of the estimated maximum one-hour concentration of a TAC for a potential MEI to its acute reference exposure level.

The Project would be considered significant if the cumulative increase in total acute HI for any target organ system due to total emissions from the Project would exceed 1.0 at any receptor location.

- **Risk per Year**

The Project would be considered significant if the risk per year exceeds $1/70^{\text{th}}$ of the maximum allowable risk specified above at any receptor location in a residential area.

The principal toxic air pollutant that will be released from the Project site will be diesel particulate in the exhaust of construction equipment that will be used at the mine. Diesel particulate is regulated by the state as a carcinogen and

therefore, an estimate of cancer risk is required from exposure to diesel particulate.

On-site diesel emissions are presented in Table 3.2-7, Estimate of Diesel PM Emissions from On-Site Construction Equipment, along with an estimate of current emission rate (1,178 lbs/year) of diesel particulate. This estimate is based on estimated usage of individual pieces of equipment and emission factors that take into account the size and age of the engine. Since future diesel emissions would be substantially lower for construction equipment, it was assumed that overall emissions over the lifetime of the Project would be reduced by 65 percent over current (2006) emission standards. Current CARB rules require that all construction equipment reduce diesel PM emissions by 85 percent by 2010. Therefore, a 65 percent reduction in future emissions is reasonable.

**TABLE 3.2-7
ESTIMATE OF DIESEL PM EMISSIONS FROM ON-SITE CONSTRUCTION EQUIPMENT
(DAILY AND ANNUAL USAGE BASED ON DATA FROM CMI)**

Equipment	#	HP	Daily Hours	Annual Hours	Capacity Factor	Diesel Particulate Matter (PM)		
						(g/hp-hr)	(lbs/hr)	(lbs/yr)
Excavator	1	425	2	624	45%	0.60	0.25	158
Scraper (#1)	1	475	0.4	124.8	45%	0.60	0.28	35.3
Scraper (#2)	1	475	0.4	124.8	45%	0.60	0.28	35.3
Pit Truck (#1)	1	650	0.05	15.6	45%	0.60	0.39	6.03
Pit Truck (#2)	1	650	0.05	15.6	45%	0.60	0.39	6.03
Pit Truck (#3)	1	650	0.05	15.6	45%	0.60	0.39	6.03
Loader	1	430	8	2,496	45%	0.60	0.26	638
Water Truck	1	250	2.5	780	45%	0.60	0.15	116
Dozer	1	305	0.75	234	45%	0.60	0.18	42.4
Motor Grader	1	150	0.5	156	45%	0.60	0.09	13.9
Maintenance/Lube Truck	1	250	1	312	45%	0.60	0.15	46.4
Foreman's Vehicle	1	200	1	312	45%	0.60	0.12	37.1
Plant Pick-up	1	200	1	312	45%	0.60	0.12	37.1
Totals							3.04	1,178
Tons/Year								0.589

Notes:

1. Annual Usage: Daily Hours x 312 days/yr
2. Emissions (lbs/hr) = Emission Factor (g/hp-hr) x HP x Capacity Factor
3. Emissions (lbs/yr) = Hourly Emissions (lbs/hr) x Annual Hours

Calculation of Risk

A unit risk factor of 3.0×10^{-4} was used to calculate maximum cancer risk from annual concentrations. Specifically:

- Residential Cancer Risk = Annual Concentration x Unit Risk Factor
- Annual Concentration = Calculated using ISC-AERMOD Dispersion Model (in micrograms/m³)
- Unit Risk Factor = (3.0×10^{-4}) for diesel PM (recommended by OEHHA).

For example, if the annual concentration of diesel PM was 2 micrograms per cubic meter, then the 70-year residential cancer risk would be (2 ug/cu meter) x (3.0×10^{-4}) = 6.0×10^{-4} or 600 cancers per million. The proposed Project's expected life is approximately 30 years. Therefore, the actual risk for this Project will be reduced by 40 years of exposure, which is a 57 percent decrease in risk from the calculation of risk. Thus, the calculations for cancer risk are significantly more conservative than what the risks will be if the Project is approved.

Results

The results are presented in Revised Figure 3.2-1, Health Risk Assessment – 70-Year Inhalation Carcinogenic Health Risk. Revised Figure 3.2-1 is contained at the end of this section of the Final SEIR. The results indicate that cancer risk would be ~~less than 10~~ between 1 and 5 cancers per million at all locations using 2002 meteorological data from Fresno Airport. ~~There is one house which is located immediately adjacent to the Project site that is between the 5 cancers per million contour line and the 10 cancers per million contour line.~~ The remaining residences surrounding the Project site are either located on, or outside, the 1 cancer per million contour line. For all of these residences, the Project will have a less than significant impact.

Mitigation of Diesel PM

The risk assessment is based on construction equipment equipped with Tier I diesel engines. These emissions were conservatively estimated to be 0.6 grams/hp-hr. This emission rate would be mitigated to Tier II or Tier II levels by use of diesel particulate filters and catalyst injection systems. These aftermarket devices would reduce PM emissions by 50 percent to 75 percent. This would reduce health risks by at least 50 percent of the values shown in Figure 3.2-1.

Off-Site Diesel Emissions

The approved Project, which is based on annual production of 2 million tons/year, authorizes 838 average daily truck and automobile trips and 872 peak day truck and automobile trips. The proposed Project, which would reduce production by 50 percent (from 2 million tons/year to 1 million tons/year), authorizes an average of 386 truck and automobile trips and 462 total peak day truck and automobile trips. Therefore, any off-site diesel emissions from Project-generated truck or automobile trips will be significantly less than the environmental baseline. In addition, the daily truck and automobile trips will be dispersed over a number of potential haul routes (see Section 3.4 and Figure 3.4-3 of this SEIR for trip distribution). Thus, there will be insignificant off-site diesel emissions concentrated on any particular receptor. Impacts from off-site diesel emissions are less than significant.

Level of Significance Before Mitigation: Less than Significant

Mitigation Measures: None required

3.4.3 Revisions to the Land Use Section

Existing Mitigation Measure 3.3-3 has been changed to Mitigation Measure 3.3-3a. Mitigation Measure 3.3-3b has been added to the section as follows:

In response to many comments regarding loss of farmland, preservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

3.4.4 Revisions to the Noise Section

3.4.4.1 Revised Figure 3.4-3

Revised Figure 3.4-3, Noise Monitoring Positions at the Project Site, replaces Figure 3.4-3 and has been added to the EIR and shows monitoring positions 1, 2, and 3. Revised Figure 3.4-3 is contained at the end of this section of the Final SEIR.

3.4.4.2 Table 3.4-3B: Amplification of Noise Measurement Detail

The following text and Table 3.4-3B has been inserted after Table 3.4-3:

The noise measurement detail at each of the three 24-hour monitoring stations is provided in Table 3.4-3B, Noise Measurement Detail.

TABLE 3.4-3B
NOISE MEASUREMENT DETAIL (dB)

<u>Time</u>	<u>Site 1</u> <u>(75 feet to centerline)</u>		<u>Site 2</u> <u>(140 feet to centerline)</u>		<u>Site 3</u> <u>(30 feet to centerline)</u>	
	<u>L_{EQ}</u>	<u>L₅₀</u>	<u>L_{EQ}</u>	<u>L₅₀</u>	<u>L_{EQ}</u>	<u>L₅₀</u>
<u>16-17</u>	<u>61</u>	<u>51</u>	<u>*</u>	<u>*</u>	<u>67</u>	<u>55</u>
<u>17-18</u>	<u>61</u>	<u>51</u>	<u>*</u>	<u>*</u>	<u>67</u>	<u>54</u>
<u>18-19</u>	<u>60</u>	<u>48</u>	<u>56</u>	<u>45</u>	<u>66</u>	<u>52</u>
<u>19-20</u>	<u>58</u>	<u>47</u>	<u>45</u>	<u>38</u>	<u>63</u>	<u>48</u>
<u>20-21</u>	<u>58</u>	<u>45</u>	<u>50</u>	<u>40</u>	<u>64</u>	<u>47</u>
<u>21-22</u>	<u>56</u>	<u>45</u>	<u>44</u>	<u>37</u>	<u>62</u>	<u>45</u>
<u>22-23</u>	<u>54</u>	<u>44</u>	<u>40</u>	<u>36</u>	<u>59</u>	<u>42</u>
<u>23-24</u>	<u>57</u>	<u>44</u>	<u>50</u>	<u>41</u>	<u>59</u>	<u>42</u>
<u>00-01</u>	<u>54</u>	<u>44</u>	<u>51</u>	<u>37</u>	<u>57</u>	<u>40</u>
<u>01-02</u>	<u>52</u>	<u>44</u>	<u>48</u>	<u>36</u>	<u>54</u>	<u>40</u>
<u>02-03</u>	<u>53</u>	<u>44</u>	<u>50</u>	<u>37</u>	<u>55</u>	<u>40</u>
<u>03-04</u>	<u>50</u>	<u>44</u>	<u>45</u>	<u>34</u>	<u>51</u>	<u>39</u>
<u>04-05</u>	<u>55</u>	<u>44</u>	<u>48</u>	<u>38</u>	<u>60</u>	<u>41</u>
<u>05-06</u>	<u>60</u>	<u>49</u>	<u>53</u>	<u>46</u>	<u>64</u>	<u>50</u>
<u>06-07</u>	<u>62</u>	<u>56</u>	<u>57</u>	<u>53</u>	<u>68</u>	<u>47</u>
<u>07-08</u>	<u>63</u>	<u>54</u>	<u>56</u>	<u>52</u>	<u>67</u>	<u>57</u>
<u>08-09</u>	<u>62</u>	<u>52</u>	<u>55</u>	<u>49</u>	<u>67</u>	<u>54</u>
<u>09-10</u>	<u>60</u>	<u>48</u>	<u>54</u>	<u>48</u>	<u>66</u>	<u>53</u>
<u>10-11</u>	<u>58</u>	<u>46</u>	<u>51</u>	<u>43</u>	<u>65</u>	<u>49</u>
<u>11-12</u>	<u>57</u>	<u>47</u>	<u>*</u>	<u>*</u>	<u>64</u>	<u>47</u>
<u>12-13</u>	<u>58</u>	<u>47</u>	<u>*</u>	<u>*</u>	<u>63</u>	<u>45</u>
<u>13-14</u>	<u>58</u>	<u>47</u>	<u>51</u>	<u>44</u>	<u>64</u>	<u>46</u>
<u>14-15</u>	<u>59</u>	<u>49</u>	<u>49</u>	<u>41</u>	<u>65</u>	<u>48</u>
<u>15-16</u>	<u>60</u>	<u>51</u>	<u>51</u>	<u>44</u>	<u>66</u>	<u>52</u>

Note: * Possible localized noise contamination, readings not consistent with Sites 1 and 3.

3.4.5 Revisions to the Traffic Section

3.4.5.1 Updated Impact 3.5-4

An updated impact for the 1999 EIR has been added to the Traffic section of the SEIR, based on numerous comments regarding the safety of the Kings River bridge. The text that appeared in the 1999 EIR is in regular text while the information that has been added to the text is in underline text.

(Updated) Impact 3.5-4: Increased Potential for Safety Hazards – Kings River Bridge

Safety hazards associated with the width and weight capabilities of the Kings River bridge on Goodfellow Avenue have been a concern of local citizens. The Kings River bridge on Goodfellow Avenue, 1 mile west of Riverbend, is a continuous-steel deck-plate girder bridge with reinforced deck slab on reinforced wall piers on steel piles with timber railings. It has a clear width of 21.4 feet between curbs, with 20-inch-wide curbs on either side. The bridge accommodates two-directional lanes of travel separated by a double yellow centerline stripe, which prohibits passing. No cross or weight restrictions have been established for the bridge. Both approaches are posted with “Road Narrows” and “Narrow Bridge” signs, as well as a prohibition against standing, fishing, or jumping from the bridge.

The bridge is structurally adequate for all legal-weight vehicles, including those that will be hauling aggregate from the proposed project site. On June 12, 2002, subsequent to the 1999 EIR, a CalTrans Bridge Inspection Report noted a sufficiency rating of 47.4 with a Health Index of 80.6. The status of the Kings River Bridge was determined to be Structurally Deficient. The Report concluded that,

“The local agency should provide adequate scour countermeasures to ensure stability of the bridge. Channel degradation and scour activity at the piers should be addressed. It is highly recommended that a geotechnical engineer review this bridge as well as have a seismic analysis conducted.”

According to Tim Sandoval, the CalTrans engineer that prepared the June 12, 2002 Report, the low sufficiency rating was based on potential scour of Pier 4 of the bridge, deck geometry (not in conformance with current standards regarding lane width), and paint condition.

Subsequent to the 2002 Report, the County implemented the Kings River Bridge Scour Mitigation Project. The County originally designed a gabion system to be placed

around Pier 4, which was exposed due to scour. Changes in design were needed due to the water flow levels on the construction site being higher than anticipated during the design of the project. The initial design was based on a temporary diversion of water flow with the use of sandbags for a minimum sandbag barrier height of 2 feet. At the start of construction, the water depth was between 2 to 3.5 feet. Due to the increased depth of the water, the sandbag barrier was impractical and may have created a potential hazard.

In lieu of trying to divert the river around the work site, it was determined that contractors could work in the stream to place gravel around the piles. Large armor rock was placed over this gravel to protect the gravel from stream flow erosion. This design deleted the placement of the rock-filled mattresses and gabions originally intended to be placed around the pier.

The bridge has adequate width for legal vehicles, including trucks, to safely pass in opposing directions. The bridge width is less than the minimum width for the existing traffic volume as recommended in the Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials, and a sight-distance limitation is caused by the vertical curvature along the bridge. These conditions apply to many roads and structures countywide and are adequately addressed operationally through delineation and signing.

The restricted bridge width marginally reduces capacity on the bridge compared to the roadway itself but, at project volumes, the bridge width restriction would not affect or reduce the overall roadway LOS.

The bridge would adequately accommodate proposed project traffic. This would result in a *less-than-significant* impact.

3.4.5.2 Updated Table 3.5-20

In response to Department of Transportation's August 27, 2007 letter, Table 3.5-20, Proportionate Share Responsibility Calculations – A.M. (P.M.) Peak Hour, has been revised to show the actual cost of the proportionate share (if known).

**Table 3.5-20
Proportionate Share Responsibility Calculations – A.M. (P.M.) Peak Hour**

Location	Mitigation	Project Traffic	Cumulative Traffic	Proportionate Share (Percent)	Proportionate Share Amount (if known)
Central / SR 99 interchange	Reconstruction	10 (7)	1,691 (2,437)	0.59 (0.29)	\$6,112
Central / Chestnut	Additional lanes	10 (6)	2,233 (3,160)	0.45 (0.19)	
Central / Temperance	All-way stop control	14 (6)	798 (893)	1.75 (0.67)	
Central / Academy	Signals and lanes	36 (18)	1,387 (2,099)	2.60 (0.86)	
Manning / Academy	Westbound right turn	10 (4)	2,321 (2,819)	0.43 (0.14)	
Central – SR 99 to Chestnut	Widening	10 (6)	1,546 (2,202)	0.65 (0.27)	
Central – Chestnut to Golden State	Widening	10 (6)	1,000 (1,366)	1.00 (0.44)	

3.4.5.3 Amplification of the Analysis of Flooding Along Central Avenue

In response to comments on the Supplemental Draft EIR, the County Planning Department consulted with the County's Road Department, Maintenance & Operations Division. According to Mr. David Godfrey, Road Maintenance Supervisor, Central Avenue is no worse than many of Fresno County's more rural roadways. On September 27, 2007, Mr. Godfrey evaluated Central Avenue regarding overall flood potential. Central Avenue was assessed a flood potential ranking from 1-5, with 5 being the most severe. Figure 3.5-21, Flooding Potential Along Central Avenue, has been added to Section 3.5 of the EIR. Figure 3.5-21 is contained at the end of this section of the Final SEIR. The figure illustrates that none of the road segments have a severe potential for flooding. The most severe segments are the south side of Central Avenue 3.8 west of the McCall/Central intersection (3.5 Rating) and 3.2 to 3.3 miles west of McCall/Central Avenue (3.3 Rating). Therefore, the flooding potential was assessed for Central Avenue and such potential impacts are less than significant.

3.4.6 Revisions to the Other CEQA Topics Section

3.6 ~~GROWTH-INDUCING IMPACTS~~OTHER CEQA TOPICS

3.6.1 ~~Introduction~~Growth Inducing Impacts

3.6.1.1 Introduction

The following section provides the context for analyzing growth-inducing impacts of the Project, which is proposed for a reduction in scope over the currently approved Project. A previous analysis relating to growth-inducing impacts of the previously proposed Project is contained in Chapter 3L of the 1999 EIR.

Section 15126.2 of the State CEQA Guidelines provides guidance for analyzing the growth-inducing impacts of a project. The growth inducement analysis should discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Projects that would remove obstacles to population growth could lead to increased demand for existing community service facilities, so consideration must be given to this impact. Growth in an area is not necessarily considered beneficial, detrimental, or of little significance to the environment.

~~3.6.2~~3.6.1.2 Impact Analysis

Growth-inducing impacts identified and addressed in the 1999 EIR were reviewed for consistency with the revised Project Description. The previous EIR concluded that the Project would not have direct or indirect growth-inducing impacts. Mining gravel is a growth supporting activity. Based on professional judgment, the prior conclusion would remain current; the proposed Project, which would generate less economic activity, than previously proposed, would not result in any significant growth-inducing impacts requiring mitigation.

3.6.2 Energy Consumption and Conservation

Construction and operation of the Project would result in the consumption of non-renewable energy resources. These resources would primarily include petroleum products, such as diesel fuel and gasoline. Fuel consumption by heavy equipment would be the largest single energy requirement. One of the primary opportunities for energy conservation associated with the Project is the regularly scheduled maintenance of vehicles and equipment to maximize fuel efficiency. Vehicle and heavy equipment maintenance would be performed on-site and be conducted in conformance with Best

Management Practices outlined in the Applicant's Spill Prevention, Control and Countermeasures Plan and in the Stormwater Pollution Prevention Plan prepared for the Project.

Energy requirements for the project will be met by using electricity and diesel fuel. As Electrical energy requirements on a similar operation of similar size require an energy demand to be in the range of approximately 2,500 kilowatts (kw) of peak demand. This estimate was based on the following expectations: 1) rock plant at 1,650 kw, 2) ready-mix plant at 170 kw, and 3) dredge (if dredge is chosen method) at 690 kw. Based on this information, the demand requirements are similar to a medium size fresh fruit packing/cold storage facility or a medium size almond processing plant (Calaveras Materials, Inc. office memorandum to Terry Marshall from George Keener).

The majority of diesel fuel consumption will be associated with transportation of sand, gravel, and ready-mix concrete. As discussed in Section 3.2.2 of the Draft Supplemental EIR, aggregate is currently being imported into the Fresno area from up to 60 miles away. Market supply of aggregate from the Kings River Sand and Gravel project will reduce the amount of truck trip miles by reducing the demand for imported aggregate. The reduction in truck trip miles will equate to overall reduced energy consumption. As noted previously, the revised project will also be substantially reduced as compared with the previously approved project. Accordingly, impacts relating to energy will be less than significant.

3.4.7 Revisions to the Cumulative Impacts Section

3.7.1 Introduction

The following section provides the context for analyzing cumulative impacts of the revised project, which is proposed for a reduction in scope. A previous analysis relating to cumulative impacts of the previously proposed Project is contained in Chapter 3L of the 1999 EIR.

The State CEQA Guidelines require a reasonable analysis of the significant cumulative impacts of a proposed project (Section 15130). The cumulative impact analysis may be less detailed than the analysis of the project's individual effect. A cumulative impact is created as a result of the combination of the project evaluated in an EIR with other projects causing related impacts. Cumulative impacts can result from individually minor, but collectively significant, projects occurring over a period of time (State CEQA Guidelines, Section 15355).

An EIR does not need to discuss impacts that do not result in part from the project it evaluates, but it is required to discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable (State CEQA Guidelines, Section 15130). When a lead agency determines that the incremental effect is not cumulatively considerable, the agency does not need to consider that impact significant, but it must briefly describe its basis for that determination.

Cumulative impacts may be discussed in the form of either:

- A list of past, present, or reasonably foreseeable probable future projects producing related cumulative impacts; or
- A summary of projections contained in an adopted general plan or related planning document, or in a prior adopted or certified environmental document.

Pursuant to the recent approval of the Vulcan Sanger Sand & Gravel project and public comments received regarding the cumulative impacts discussion in the Kings River Sand and Gravel project ("CMI Kings River project") Supplemental Environmental Impact Report ("SEIR") the following discussion amplifies and clarifies the cumulative impacts section of the SEIR. The focus of this discussion is on the cumulative impacts associated with the CMI Kings River project, the Jesse Morrow Mountain Mine and Reclamation project ("Jesse Morrow Mountain project"), the Vulcan Sanger Sand & Gravel project ("Vulcan project"), the Central Valley Ready-Mix project and the construction of the Kings River Bridge on Goodfellow Avenue ("Kings River Bridge"). Aside from the bridge construction, the remaining four projects are either existing or proposed aggregate mining operations, and all five projects are located within Fresno County ("County"). Both the Jesse Morrow Mountain project and the Vulcan project were extensively analyzed in the 1999 CMI Kings River project EIR and this SEIR.

BRIEF DESCRIPTION OF PROJECTS

CMI Kings River Project

The CMI Kings River project consists of a modification to previously approved CUP and is located southwest of the cities of Fresno and Sanger. The original CMI Kings River project EIR was certified in 1999 and a CUP was approved for excavation and processing of sand and gravel. (CMI Kings River Sand and

Gravel Project Draft Supplemental EIR p. S-1). Since 1999, the applicant has downsized the project and submitted an amended CUP application, for which this SEIR has been prepared, focusing on resource topics where impacts may have changed with project revisions. (CMI Kings River Sand and Gravel Project Draft SEIR p. S-2). The public comment period on the Draft SEIR ended on July 7, 2007. The project site consists of 457 acres of various field and row crops and irrigated pasture.

Vulcan Project

A conditional use permit (“CUP”) to expand Vulcan's current Sanger-Centerville Aggregate operations from 220 acres onto adjacent property for a total of 660 acres was approved by the Fresno County Planning Commission on July 19, 2007.¹ The Vulcan project is located approximately four to five miles north of the CMI Kings River project. Mining at the Vulcan site is currently accomplished using conventional diesel-powered equipment to extract aggregate from the deposit, which requires dewatering of the active mining area to allow “dry mining.” (Vulcan project Draft EIR p. 1-1). The proposed expansion would change the extraction method to “wet mining” by employing an electric-powered, floating excavator or a dragline. (Vulcan project Draft EIR p. 1-1). The method of transporting mined material to the processing plant would change to electric-powered conveyors. (Vulcan project Draft EIR p. 3-19). The proposed Vulcan project would use the infrastructure, roads, processing plants, storage areas, mobile equipment, structures, and other facilities from the existing operations for all future activities with the exception of the potential addition of a second ready mix plant and the concrete and asphalt recycling plant. (Vulcan project Draft EIR pp. 1-1, 3-7).

Jesse Morrow Mountain Project

The Jesse Morrow Mountain project is a proposed hard rock quarry located approximately fifteen miles northeast of the CMI project. It would consist of aggregate mining, processing, recycling, ready mix and asphalt batch plants, and a distribution facility on the south side of Jesse Morrow Mountain. The proposed project site comprises approximately 824 acres including the property's ridgeline, southern side, and the base of the mountain. Only 450 acres of the 824-acre total is proposed for development: 400 acres is proposed for mining and 50 acres for processing facilities. The remaining 374 acres would remain

¹ The approval was subsequently appealed to the Fresno County Board of Supervisors, who denied the appeal (and thereby affirmed the Planning Commission's approval of the project) on August 28, 2007.

undeveloped and would be used as a buffer zone for the mining and processing operations. A Notice of Preparation (NOP) has been issued and a Draft EIR is being prepared for this project.

Central Valley Ready-Mix Project

Central Valley Ready-Mix, Inc. (“Central Valley Ready-Mix”) operates an existing rock, sand and gravel extraction site and associated concrete batch plant on 205 acres located approximately 1.75 miles east of the City of Sanger and approximately three miles north of the CMI Kings River project. On August 2, 2005, Central Valley Ready-Mix filed a CUP application (CUP #3143) for a “time-only” extension of 15 years to its original CUP (CUP #2203) approved in 1986 and thought to expire in September 2007. (See Fresno County CUP #3143 application). On July 10, 2007, County planning staff informed Central Valley Ready-Mix that another CUP (CUP #2558) had been approved in 1992 for the same property and would not expire until 2015. (See letter dated July 10, 2007 from Brian Ross, Fresno County Planner on file with Fresno County). The Environmental Assessment/Initial Study (“Initial Study/Negative Declaration”) prepared for CUP #2558 determined that the project would not have a significant impact on the environment and the Planning Commission adopted a Negative Declaration for the project. (See Central Valley Ready-Mix Initial Study/Negative Declaration #3848 on file with Fresno County).

The Kings River Bridge on Goodfellow Avenue²

The Kings River Bridge on Goodfellow Avenue was originally built in 1938 and is currently a continuous 7-span bridge constructed from riveted steel plate girders (2) with a cast-in-place reinforced concrete deck on reinforced concrete pier walls and reinforced seat abutments on steel piles. In 2002, Caltrans determined that severe scouring was occurring on the bridge supports and found that while the bridge was structurally stable, the pile bearing capacity would likely deteriorate in the future. (June 12, 2002 letter to Steve Jaques, Senior Bridge Engineer, SM&I Hydraulics to Anthony M. Gugino, DOT Division of Maintenance.)

More recently, the existing bridge has been determined to be structurally deficient and functionally obsolete according to the Federal Highways Bridge Replacement and Rehabilitation (HBRR) program. Functionally obsolete bridges

² All information on the Kings River Bridge project was taken from Fresno County extended project description (working draft current as of September 17, 2007).

are those with deck geometry (i.e., lane width), load carrying capacity, clearance, or approach roadway alignment for which the design standards have changed since the bridge was built. Nevertheless, according to FHWA a deficient bridge is not necessarily unsafe or one that requires special posting for speed or weight limitations.

Because the Kings River Bridge falls into the "structurally deficient and functionally obsolete" category, it is proposed that the Bridge be replaced using funding from the HBRR Program. The proposed project would therefore replace the existing bridge with a Cast-in-place concrete box girder and widen the approaches up to 200 feet on either side of the bridge to current American Association of State Highway Transportation Officials (AASHTO) standards. Environmental review pursuant to CEQA is being conducted by the Fresno County Planning Department. Another review is being conducted pursuant to the National Environmental Policy Act ("NEPA").

Subsequent to the 2002 Report, the County implemented the Kings River Bridge Scour Mitigation Project. The County originally designed a gabion system to be placed around Pier 4, which was exposed due to scour. Changes in design were needed due to the water flow levels on the construction site being higher than anticipated during the design of the project. The initial design was based on a temporary diversion of water flow with the use of sandbags for a minimum sandbag barrier height of 2 feet. At the start of construction, the water depth was between 2 to 3.5 feet. Due to the increased depth of the water, the sandbag barrier was impractical and may have created a potential hazard.

In lieu of trying to divert the river around the work site, it was determined that contractors could work in the stream to place gravel around the piles. Large armor rock was placed over this gravel to protect the gravel from stream flow erosion. This design deleted the placement of the rock-filled mattresses and gabions originally intended to be placed around the pier.

Because this project has not yet been approved and the necessary environmental review is still being conducted by the appropriate government agencies, any information on the project's environmental impacts is preliminary.

3.7.2 Aesthetics

JESSE MORROW MOUNTAIN PROJECT

The Jesse Morrow Mountain project would alter 450 acres of undeveloped dryland grazing land along State Route 180 (SR 180) for the construction and operation of an aggregate mining facility. The project is located immediately north of and is visible from SR 180, a County-designated scenic highway (the segment from Trimmer Springs Road to the Tulare County Line) and is visible from the County-designated highway. Jesse Morrow Mountain is undeveloped and is a prominent local feature.

CMI KINGS RIVER PROJECT

The CMI Kings River project will convert flat areas along the Kings River, some of which have been used for agricultural purposes, to a mixture of native habitat and open water. The overall views associated with the project site and the surrounding area are relatively typical of rural landscapes in the Central Valley and in the region. The project site provides visual open space to surrounding residents and users of Goodfellow Road to the north of the project site. (CMI Kings River Sand and Gravel Project 1999 Final EIR p. 3J-3, 3J-4).

The CMI Kings River project will incorporate a screen of citrus or evergreen trees along the northern portion of the project periphery and reclaim the site to open space, native habitat, and agricultural uses. This screening would also minimize the effects of mining operations on the views from nearby residences and the roadway. The proposed CMI Kings River project reclamation land uses are highly compatible with the visual character of the Kings River and the surrounding area. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-2).

The increase of water features within the reclaimed site would actually cause the CMI Kings River post-project site to have a higher visual quality than the pre-project condition. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-3). Additionally, because of the distance between the CMI Kings River project site and the other projects, cumulative effects on the viewshed would be less than significant. (CMI Kings River Sand and Gravel Project 1999 Final EIR p. 3L-6).

CENTRAL VALLEY READY-MIX PROJECT

The Central Valley Ready-Mix project is an existing operation that will be reclaimed to habitat uses. After completion of the mining operation, the project site will be returned to a natural state. (Central Valley Ready-Mix Development Plan p. 11). The 1992 Initial Study/Negative Declaration concluded that the project would not have any adverse aesthetic impacts. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 18).

VULCAN PROJECT

The Vulcan project is not anticipated to significantly impact aesthetic resources as the project plans to incorporate the installation of 10 to 12-foot high vegetated berms along portions of the project periphery and existing access, paint the excavator or dragline and the proposed ready mix plant in a low-reflectivity earth-tone color for the best blending and lowest contrast with the surrounding landscape, and reclaim the site to open space, native habitat, and a series of ponds. The proposed reclamation land uses are highly compatible with the surrounding visual character of the Kings River and the China Creek County Park. As with the CMI Kings River site, the increase of water features within the reclaimed site would actually cause the Vulcan post-project site to have a higher visual quality than the pre-project condition. (Vulcan project Draft EIR p. 5-3).

KINGS RIVER BRIDGE

The proposed bridge construction project will not involve large cut and fill areas or large structures. Additionally, the project will not produce light, glare, or shadow nor will it impact a rock outcropping. The post-construction bridge will be substantially similar to the existing bridge.

CUMULATIVE AESTHETIC IMPACTS

The five projects are not expected to result in cumulatively significant aesthetic impacts for the following reasons:

- The four mining sites are widely spaced and cannot be seen from any one viewpoint;
- All five sites must comply with Fresno County General Plan policies and ordinances and each mining site must comply with the Surface Mining

and Reclamation Act (SMARA) regarding operations and reclamation; and

- Proposed reclamation land uses for the four mining projects are highly compatible with the surrounding visual character of the area. (CMI project SEIR p. 3.7-3).

Furthermore, the CMI project will not result in significant aesthetic impacts or make a cumulatively considerable contribution to a significant aesthetic impact for the following reasons:

- Proposed CMI project reclamation land uses are highly compatible with the surrounding visual character of the Kings River and the surrounding area;
- Proposed CMI project site will not be easily visible by the public; and
- Proposed CMI project will incorporate the project-designed and EIR aesthetic mitigation measures into the site's development. (CMI project SEIR p. 3.7-3).

3.7.3 Land Use and Agriculture

JESSE MORROW MOUNTAIN PROJECT

Proposed non-agricultural uses within the Jesse Morrow Mountain project area would include mining and a processing plant. The proposed project site is under several Williamson Act contracts. The Williamson Act contract for the 50-acre parcel containing the processing plant will be the subject of a cancellation petition. According to the County's general plan, the development of natural resources with processing facilities is a compatible use under Williamson Act contracts (Table LU-3 of the Agriculture and Land Use Element of the Fresno County General Plan). The portion of the Jesse Morrow Mountain project site not mined or used for the plant will continue to be used for grazing. As each mining phase is completed, that portion of the mine site would be reclaimed to grazing land but there would be temporary impacts associated with loss of agricultural land during each phase and on the 50-acre plant site.

CMI KINGS RIVER PROJECT

The CMI Kings River project will be converting agricultural lands to mining, then reclaiming the land to open ponds, creating a net loss of up to 315 acres of agricultural lands. The planned phasing of the CMI Kings River project will

limit impacts to individual crops, but there will be a permanent loss of prime farmlands and farmlands of statewide importance, which will incrementally add to the cumulative loss of such land throughout the County. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-4).

CENTRAL VALLEY READY-MIX PROJECT

The Central Valley Ready-Mix project is an existing operation that is being reclaimed to habitat uses. The Department of Conservation (DOC) has designated the project site as "Other Land," therefore it does not appear that this project has resulted in any loss of agricultural land since the mid-1980s. (See "San Joaquin Valley Important Farmland 2004 (And Urban Change 1984-2004)" DOC map and Central Valley Ready-Mix Development Plan p. 2, 10-11). The project Initial Study/Negative Declaration concluded that the project would not result in substantial alteration of the land use in the area or reduce the acreage of an agricultural crop. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impacts 4d, 8).

VULCAN PROJECT

The Vulcan project would convert over 350 acres of agricultural lands during active mining and would reclaim these areas to open water ponds and native habitat. According to the map entitled "San Joaquin Valley Important Farmland 2004 (And Urban Change 1984-2004)" published by the California Department of Conservation, the existing Vulcan operation is designated "Other Land" and the expansion area is a mix of "Prime Farmland," "Farmland of Statewide Importance," and "Farmland of Local Importance." The planned phasing of the Vulcan project would limit impacts to individual crops, however, the permanent loss of these DOC-designated farmlands will incrementally add to the cumulative loss of farmland throughout the County. (Vulcan project Draft EIR p. 5-5).

KINGS RIVER BRIDGE

The Kings River Bridge project is consistent with the Fresno County General Plan. Goodfellow Avenue is classified as an Arterial in the Fresno County General Plan and a Major Collector on the Federal Functional Classification System. Land use in the area is generally designated as Agriculture/Open Space and the zoning districts are AL20 (Limited Agriculture), O (Open Conservation)

and RC40 (Resource Conservation). The project will operate within an existing right-of-way; therefore no farmland will be impacted.

CUMULATIVE LAND USE AND AGRICULTURE IMPACTS

The County's General Plan EIR determined that individual development projects could result in the loss of agricultural resources and considered these impacts cumulatively significant. Implementation of General Plan policies related to agriculture (LU-A.1 through LU-A.20 and LU-B.1 through LU-B.14) would reduce cumulative impacts to agriculture but not to less than significant levels. The total farmland acreage affected by the five projects is approximately 1,115 acres, of which approximately 450 acres will be reclaimed to agriculture (see Table 3.7-1 below). Potential impact of the loss of agricultural lands from the proposed CMI project, in conjunction with the other mining projects and ongoing conversion of farmlands to development under the General Plan, is considered cumulatively significant.

TABLE 3.7-1
CURRENT AND FUTURE AGRICULTURAL LANDS STATUS

<u>Project</u>	<u>Current Agricultural Status</u>	<u>Status During Project</u>	<u>Proposed End Status</u>	<u>Post-Project Agricultural Status</u>
<u>Vulcan project</u>	<u>Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance (350 acres)</u>	<u>Mineral extraction and processing (14 phases ranging from 9 to 101 acres in size)</u>	<u>Riparian and upland habitat</u>	<u>0 acres</u>
<u>Jesse Morrow Mountain project</u>	<u>Grazing Land (450 acres)</u>	<u>Mineral extraction and processing (200 acre phases)</u>	<u>Grazing land/agricultural</u>	<u>450 acres</u>
<u>CMI Kings River project</u>	<u>Total project size 457 acres. Loss of up to 315 acres of Prime and Unique Farmland from mining</u>	<u>Mineral extraction and processing (9 phases ranging from 7 to 50 acres in size)</u>	<u>Two groundwater lakes with riparian habitat (285 acres) with the remainder to be reclaimed to riparian and upland habitat or preserved as farmland</u>	<u>73 acres</u>

<u>Project</u>	<u>Current Agricultural Status</u>	<u>Status During Project</u>	<u>Proposed End Status</u>	<u>Post-Project Agricultural Status</u>
<u>Central Valley Ready-Mix project</u>	<u>Total project size 208 acres; unknown number of acres currently being used for agriculture (0)</u>	<u>Mineral extraction and processing (88 acres in phases)</u>	<u>None; reclaim to agricultural</u>	<u>0 acres</u>
<u>Kings River Bridge</u>	<u>Existing Road Right-of-way; 0 acres currently being used for agriculture</u>	<u>Existing Road Right-of-way; 0 acres used for agriculture</u>	<u>Existing Road Right-of-way; 0 acres used for agriculture</u>	<u>0 acres</u>
<u>TOTAL</u>	<u>1,115 Acres</u>			<u>523 Acres</u>

3.7.4 Air Quality

The long-term operation emissions of the five projects would contribute to cumulative air quality impacts.

The Jesse Morrow Mountain project operations are expected to increase tailpipe emissions from mobile equipment and fugitive dust from mining operations.

The CMI Kings River project will have a significant reduction in emissions as compared to the project evaluated in the 1999 EIR and approved by Fresno County on December 7, 1999. The project will also implement mitigation measures and comply with ARB and San Joaquin Valley Air Pollution Control District (“SJVAPCD”) rules.

The Central Valley Ready-Mix project Initial Study/Negative Declaration indicated that the project would not result in substantial air emissions, deterioration of ambient air quality, creation of objectionable odors, nor would it alter air movement, moisture or ambient temperature. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 2).

No significant air quality impacts would occur as a result of the Vulcan project. Compliance with SJVAPCD rules and regulations, and implementation of mitigation measures and proposed conditions of approval will further reduce Vulcan project emissions to less than significant levels. (Vulcan project Draft EIR p. 4.3-22).

Currently, the San Joaquin Valley Air Basin (“the Basin”) is in nonattainment for PM₁₀, PM_{2.5} and ozone. The Vulcan project, in conjunction with other projects within the cumulative study area, would contribute to the existing nonattainment status. The nature of air impacts is inherently cumulative. Therefore, the following discussion will address the CMI Kings River's contribution to the Basin as a whole, rather than each project individually.

Emission thresholds established by the air district are used to manage total regional emissions within an air basin, based on the air basin attainment status for criteria pollutants. These emission thresholds were established for individual projects that would contribute to regional emissions and pollutant concentrations that may affect or delay the projected attainment target year for certain criteria pollutants.

DIESEL EXHAUST EMISSIONS

The study included in the “Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant” (ARB, June 1998) estimated that the population-weighted average outdoor diesel exhaust PM₁₀ concentration in California for 1995 was 2.2 micrograms per cubic meter (µg/m³), with it reaching as high as 10 µg/m³ near a freeway. These concentrations of diesel particulates present a carcinogenic health risk ranging from 130 in a million to 2,400 in a million (using a 70-year exposure duration). The study suggests that virtually all residents of California are being exposed to large doses of PM₁₀ from diesel exhaust. Based on the health risk assessment conducted for the proposed CMI Kings River Project, the concentration of diesel particulates from on-site project operations at sensitive receptor locations in the project vicinity will be decreased by 57 percent from the original calculation of risk done for the approved project. Individuals living and working in the project vicinity or the entire state of California may be exposed to levels of diesel emissions that are cumulatively significant; however, that circumstance is not created by the CMI Kings River Project. Despite the reduction in output that is requested in the application filed by CMI, the impacts to air quality from the proposed project in combination with other projects will be cumulatively considerable. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-5).

Nevertheless, out of the 230 nonattainment areas identified during the 1990 Clean Air Act Amendment designation process, 124 areas remain under nonattainment status or designation today. In these nonattainment areas, however, the severity of air pollution episodes has decreased. Air quality in the

San Joaquin Valley in the past 20 years has improved steadily, even with the increase in population and vehicles and other sources. Because of the conservative nature of the thresholds and the basin-wide context of individual project emissions, there is no direct correlation of a single project to localized health effects. One individual project having emissions exceeding a threshold does not necessarily result in adverse health effects for residents in the project vicinity.

KINGS RIVER BRIDGE

The Kings River Bridge project is unique when compared to the four mining projects in that the project's effects were included in a conforming Regional Transportation Plan prepared by the Council of Fresno County Governments (COFCG) adopted November 29, 2001 and the Federal Transportation Improvement Program prepared by the COFCG and adopted by Federal Highway Administration on October 4, 2002.³

Regarding project design, the proposed bridge project would have a negligible impact on air quality because the project would not increase capacity, cause or contribute to any new localized CO or PM₁₀ violations or increase the frequency or severity of any existing CO or PM₁₀ non-attainment. As Fresno County is a designated non-attainment area for PM₁₀ and ozone, the project specifications will require actions during construction to reduce particulate matter in accordance with SJVAPCD Regulation VIII.

CUMULATIVE AIR QUALITY IMPACTS

Based on the above discussion, the potential for an individual project to significantly degrade regional air quality or contribute to significant health risk is small, even if the emission thresholds are exceeded by the project. Because of the overall improvement trend in air quality in the air basin, it is unlikely the regional air quality would worsen or cause a health risk increase from the current condition due to emissions from an individual project. Due to the planned use of electric excavation equipment and overland conveyors at the Vulcan project site, implementation of control measures, and compliance with ARB and SJVAPCD rules at the Vulcan, CMI Kings River and Jesse Morrow Mountain sites, cumulative emissions from the mining projects will be similar to the existing emissions. Despite the above, the four mining projects would

³ The Kings River Bridge project is exempt from the requirement to determine conformity to State or Federal Implementation Plans or Transportation Plans under Table 2 of 40 CFR 93.126.

generate substantial emissions of air pollutants beyond defined significant levels, and impacts to air quality from the CMI Kings River project are expected to be cumulatively considerable. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-5). Additionally, the Jesse Morrow Mountain project, even with compliance with required rules and regulations, would be producing new emissions which would also likely be cumulatively considerable.

3.7.5 Biological Resources

JESSE MORROW MOUNTAIN PROJECT

Non-native grassland is the dominant vegetation community within the Jesse Morrow Mountain project site. Despite the disturbed condition of the site due to grazing, the on-site non-native grasslands provide foraging habitat for several wildlife species. Common wildlife at the Jesse Morrow Mountain project site includes those species associated with foothill grassland and valley grassland plant associations, such as reptiles, birds, and ground squirrels. Special-status species documented in the Jesse Morrow Mountain project area include San Joaquin adobe sunburst, prairie falcon, golden eagle, loggerhead shrike, pallid bat and spotted bat.⁴ The project has the potential to result in the temporary reduction of vegetation and wildlife habitat in Fresno County. The loss of such biological resources would be considered a significant impact, but implementation of mitigation measures would reduce the project's biological impact to a less than significant level and would mitigate any potential contribution to cumulative biological impacts to a less than significant level.

CMI KINGS RIVER PROJECT

The CMI Kings River project 1999 EIR stated that the project could result in the direct loss or disturbance of valley elderberry longhorn beetle habitat. In addition, indirect impacts from spillover lighting could affect biological resources. Mitigation measures proposed for the CMI Kings River project impacts in Chapter 3C of the 1999 EIR would reduce impacts to less than significant levels. The 1999 EIR concluded that the project would not contribute to significant cumulative impacts on biological resources and new wetland and aquatic habitat would be established following reclamation of the site, which

⁴ Additional special-status species with a low potential to occur in the Jesse Morrow Mountain project area include Keck's checkerbloom, succulent owl's clover, spiney-sepaled button-celery, Green's tuctoria, San Joaquin orcutt grass, California linderiella, vernal pool fairy shrimp, Molestan blister beetle, valley elderberry longhorn beetle, California tiger salamander and San Joaquin kit fox.

would result in beneficial cumulative impacts. (CMI Kings River Sand and Gravel Project 1999 Final EIR p. 3L-4).

The CMI Kings River Sand and Gravel Project Draft SEIR concluded that the project's contribution to potential cumulative impacts to biological resources was less than significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

CENTRAL VALLEY READY-MIX PROJECT

The Central Valley Ready-Mix project is an existing operation that will be reclaimed to habitat uses. The Development Plan states that the County required restoration of topsoil and temporary stream diversions, as well as implementation of all reasonable protection methods for wildlife habitat. (Central Valley Ready-Mix CUP #2558, Attachment B, Standard 22). The prolific generation and growth of plant life in the river bottom lands will reclaim disturbed areas in less than two years. The proposed use of the site after completion of mining operations is a natural habitat for water fowl, wildlife and fish. (Central Valley Ready-Mix Development Plan p. 1 and 11). The Central Valley Ready-Mix Initial Study/Negative Declaration stated that the project may reduce the number of rare or endangered species of animals, but it would not have an impact on the diversity or habitat of plant or animal species. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impacts 4, 5).

VULCAN PROJECT

The Vulcan project will not impact native vegetation. Impacts to biological resources from operations are anticipated to be less than significant with implementation of project design features and mitigation measures. After reclamation, approximately 641 acres of additional native habitat will exist on-site, for an approximate total of 796 acres. At project completion, the site will be able to support a higher diversity, density, and abundance of wildlife and plant species than before, resulting in a net benefit to the area's biological resources. Therefore, the Vulcan project is not anticipated to add to cumulative biological impacts. (Vulcan project Draft EIR p. 5-6).

KINGS RIVER BRIDGE

The County will hire a qualified biologist to perform, at a minimum, a reconnaissance level survey to assess project impacts on biological resources in the project area and to determine if State and/or Federally listed Threatened and

Endangered species or State Species of Concern will be impacted. The County would obtain the necessary permits, including a Department of Fish and Game Stream Alteration Agreement, Army Corps of Engineers Section 404 permit, Regional Water Quality Control Board Section 401 certification, and a permit from the State Reclamation Board.

Vegetation will be removed within the footprint of the bridge and the temporary access roads on both the southeast and southwest corners. There are no trees of significant size within the footprint of the bridge and the temporary access roads can be built to miss trees of significant size. There is an elderberry bush approximately 200 feet west of the bridge and 50 feet north of the road, which is well outside the limits of the project.

CUMULATIVE BIOLOGICAL RESOURCES IMPACTS

The five projects' cumulative effects on biological resources are expected to be minimal due to the previously disturbed nature (e.g., agriculture and grazing) of all five of the project sites. In addition, post-reclamation land uses of the Vulcan, CMI Kings River, and Central Valley Ready-Mix projects will actually increase available habitat. Therefore, the projects would not result in cumulatively significant impacts to biological resources.

3.7.6 Cultural Resources

JESSE MORROW MOUNTAIN PROJECT

There is a difference of opinion among the Choinumni regarding the cultural significance of Jesse Morrow Mountain, which is known as *Wahahlish* by the Choinumni Tribe. Further, based on a Native American's request, the Native American Heritage Commission has listed Jesse Morrow Mountain on its Sacred Sites List. Previously undiscovered cultural resources could potentially be uncovered by construction and operation activities on-site. The project will include mitigation measures to reduce project impacts on cultural resources to the extent feasible. Fresno County has not determined whether such impacts will be reduced to a significant level at this time.

CMI KINGS RIVER PROJECT

The 1999 CMI Kings River project EIR found that no significant cultural resources are known to exist at the project site and therefore the impact to known cultural resources was considered less than significant. In the case of unknown

or unanticipated cultural resources, the 1999 EIR set forth mitigation measures to reduce any potentially significant impact to a less than significant level. (CMI Kings River project 1999 Final EIR p. 3K-8).

The CMI Kings River Sand and Gravel Project Draft SEIR concluded that the project's contribution to potential cumulative impacts to cultural resources was less than significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

CENTRAL VALLEY READY-MIX PROJECT

The Initial Study/Negative Declaration for the Central Valley Ready-Mix project concluded that the project would not have an impact on cultural resources in the area because it would not result in: alteration or destruction of prehistoric or historic archaeological sites; adverse physical or aesthetic effects to prehistoric or historic structures or objects; a physical change affecting unique ethnic cultural values; or restriction of existing religious or sacred uses within the impact area. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 20).

VULCAN PROJECT

A records search did not indicate any significant presence of previously recorded prehistoric or historic resources that would be impacted by the Vulcan project. (Vulcan project Draft EIR p. 5-6). However, in 1997, a small fragment of human tibia was discovered in the area designated as Phase 14C development. In light of this find, additional human remains or other cultural resources eligible for listing in the California Register could be discovered within this area. Disturbance of such resources is considered a significant but mitigable impact. This potential impact is mitigated to a less than significant level by mitigation measures CR-1 through CR-6. (Vulcan project Final EIR p. F-18, F-19).

KINGS RIVER BRIDGE

The Kings River Bridge at Goodfellow Avenue was built in 1938 and will be evaluated for eligibility in the National Register of Historic Places. The County will consult the Southern San Joaquin Valley Information Center at CSU Bakersfield to determine the presence of recorded archaeological sites within or adjacent to the proposed project. Additional archaeological studies may be required.

CUMULATIVE CULTURAL RESOURCES IMPACTS

Based on the nature of cultural resources, adverse impacts are site-specific and not generally affected by cumulative development in the region. Therefore, no cumulative impacts to cultural resources are anticipated. (CMI Kings River project 1999 Final EIR p. 3L-7.)

3.7.7 Geology and Soils

JESSE MORROW MOUNTAIN PROJECT

No unique geologic features would be affected by the Jesse Morrow Mountain project. The geologic, soil, and seismic impacts of the Jesse Morrow Mountain project are restricted to the project site, and other development planned in the County would not contribute to on-site geologic, soil, and seismic impacts.

CMI KINGS RIVER PROJECT

The CMI Kings River project SEIR concluded that the project's contribution to potential cumulative geology and soils impacts was less than significant because mining impacts affect site-specific geologic and soil resources and do not contribute to regional or cumulative impacts. (CMI Kings River project 1999 Final EIR p. 3L-3 and CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

CENTRAL VALLEY READY-MIX PROJECT

The rock types found in the existing Central Valley Ready-Mix project pits contain no geologic features unique to the region. (Central Valley Ready-Mix Development Plan p. 2). The Initial Study/Negative Declaration concluded that the project would not impact geology or soils. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 1). The geologic, soil, and seismic impacts of the project are restricted to the project site.

VULCAN PROJECT

The Vulcan project Draft EIR concluded that potential impacts related to soil instability, landslide, subsidence and liquefaction would be less than significant. (Vulcan project Draft EIR p. 4.6-8). In addition, the project will be required to comply with Uniform Building Code (UBC) requirements for construction of new facilities and standard operational regulations and mitigation measures will

reduce potential impacts from slopes and erosion to less than significant levels. No geological impacts are anticipated offsite. (Vulcan project Draft EIR p. 5-7).

CUMULATIVE GEOLOGY AND SOILS IMPACTS

Geologic, soil, and seismic impacts are site-specific and are not generally affected by cumulative development in the region. Given the above, no cumulative impacts to geology and soils are anticipated other than the cumulative extraction of aggregate reserves. (CMI Kings River project 1999 Final EIR p. 3L-3.)

3.7.8 Hazards and Hazardous Materials

JESSE MORROW MOUNTAIN PROJECT

The Jesse Morrow Mountain project is unlikely to adversely affect public health and safety based on the existing zoning and surrounding environment. The types of hazardous wastes anticipated to be produced and stored at the Jesse Morrow Mountain project site are those typically associated with equipment use and servicing and would be stored on-site and periodically recycled. Existing state and federal regulations require pollution controls, release prevention plans, and accident response plans for commercial and industrial facilities to minimize the potential risk to the surrounding populations. Because compliance with these regulations is required, potential exposure to public health and safety hazards would not be significantly increased with cumulative development.

CMI KINGS RIVER PROJECT

The 1999 EIR found a potentially significant health and safety impact related to vector control at the reclamation lakes. The new water bodies would add to existing mosquito breeding areas. Implementation of project mitigation would reduce this impact to a less than significant level. (CMI Kings River project 1999 Final EIR p. 3L-6).

The CMI Kings River Sand and Gravel Project Draft SEIR concluded that the project's contribution to potential cumulative impacts to hazards and hazardous materials was less than significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

CENTRAL VALLEY READY-MIX PROJECT

The Development Plan requires the stabilization of waste rock and overburden piles and the removal or confinement of toxic materials to control leaching. (Central Valley Ready-Mix CUP #2558, Attachment B, Standard 22). The project Initial Study/Negative Declaration concluded that the project would not result in hazards or hazardous materials impacts. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 10).

VULCAN PROJECT

The Vulcan project will store, use, and dispose of hazardous materials and waste typical of equipment and motor vehicles. The County Environmental Health Division oversees hazardous materials and waste. Currently, Vulcan's hazardous materials control programs include: a Hazardous Materials Business Plan, hazardous materials inventory, Spill Prevention Control and Countermeasure Plan, employee training, record keeping, preventive maintenance, best management practices, and a Storm Water Pollution Prevention Plan. (Vulcan project Draft EIR p. 5-7).

KINGS RIVER BRIDGE

Hazardous materials were not found in the project area. There were no signs of staining on the soil or landfills or rail yards in the vicinity of the proposed project. The project will also require measures to limit impacts related to hazardous materials.

CUMULATIVE HAZARDS AND HAZARDOUS MATERIALS IMPACTS

Hazards and hazardous waste impacts are site-specific and not generally affected by cumulative development in the region. Given the above, the cumulative hazard impacts are considered less than significant.

3.7.9 Hydrology and Water Quality

JESSE MORROW MOUNTAIN PROJECT

Groundwater from fractured hardrock at the site would be used for the Jesse Morrow Mountain project's water supply. This groundwater is not hydrologically connected to the groundwater near the Kings River. Pumpage or evaporation of the relatively small amount of groundwater in the hardrock

would have no significant impact on groundwater levels in the alluvium near the Vulcan or CMI Kings River project sites.

The Jesse Morrow Mountain project is not located along the Kings River and therefore will not directly affect river flows. However, potential impacts of the Jesse Morrow Mountain project on water resources include: potential spills and contaminant discharges during construction; sediment discharges in watercourses from construction; obstruction and alteration of watercourses; increased runoff from soil compaction; and construction activities affecting the flow of springs and wells. Cumulative impacts related to contaminant and sediment discharges, soil compaction, and associated runoff effects could occur in and downstream of the Jesse Morrow Mountain project area. New construction associated with the other projects will meet federal, state, and local permit requirements, in a similar manner as required for the Jesse Morrow Mountain project and would include appropriate mitigation measures. As such, the potential cumulative impacts would be less than significant.

CENTRAL VALLEY READY-MIX PROJECT

The Development Plan requires that extraction adjacent to a flowing stream be separated from the stream by closed dikes. In addition, all water used in plant operations must be disposed of behind a closed dike. (Central Valley Ready-Mix CUP #2558, Attachment B, Standards 11, 12). The Initial Study/Negative Declaration determined that the project would not have an impact on hydrology and water quality. The project would not change water movements, drainage patterns, surface runoff amounts, the course of flood waters, or the amount of surface water or absorption rates. The project would not discharge into surface waters. The project would not change the direction, rate of flow, quality or quantity of ground waters. The project would not cause a substantial reduction in the public water supplies or expose people or property to water related hazards. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 3).

VULCAN AND CMI KINGS RIVER PROJECTS

The cumulative impacts of the Vulcan and CMI Kings River projects can be evaluated by comparing the existing or pre-project values for various items in the water budget with those for the mid-project and post-mining phases. Groundwater used by the Vulcan project would be extracted from a deep aquifer which is not tapped by other supply wells in the vicinity. (Vulcan project Draft

EIR p. 5-7). Vulcan will also no longer divert water from the Kings River. The CMI project, in combination with other projects would not change groundwater elevations or result in a cumulative impact more significant than the impact of the proposed project alone. (CMI Kings River project 1999 Final EIR p. 3L-4.) The area is already developed with agricultural uses and agricultural wells, which were extensively discussed in Chapter 3B of the 1999 Draft EIR. (CMI Kings River project 1999 Final EIR p. 3L-4.)

MID-MINING PHASE

For the mid-mining phase of the Vulcan and CMI Kings River projects there would be a total reduction in groundwater pumping and evaporation of 1,020 acre feet per year compared to the pre-project baseline conditions. There would be an increase in consumptive use of 785 acre feet per year. There would be from 310 to 1,240 acre feet per year less surface water used at the sites compared to the pre-project uses, depending on the CMI Kings River project alternative selected.

POST-MINING PHASE

For the post-mining phase of the Vulcan and CMI Kings River projects, there would be a reduction in groundwater pumping and evaporation of 3,385 acre feet per year compared to the pre-project conditions. There would be an increased consumptive use compared to the pre-project condition of 445 acre feet per year. There would be from 850 to 2,050 less acre feet per year of surface water used at the site than for the pre-project condition, depending on the CMI Kings River project alternative selected. Thus, there could be from 850 to 2,050 acre feet per year of surface water available for other uses. (See August 22, 2007 letter from Ken Schmidt to the Fresno County Board of Supervisors regarding hydrology and water use.)

WATER QUALITY

The CMI Kings River project excavation will be set back a minimum of 100 feet from the property line or the top of the banks of the Kings River and Cameron Slough. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-5; Vulcan project Draft EIR p. 5-8). Similarly, the Vulcan project will be setback 100-200 feet from the top of the bank of the Kings River. (Vulcan project Final EIR p. F-29). The project is not expected to create any significant impacts to hydrology or water quality.

Vulcan maintains a Storm Water Pollution Prevention Plan (SWPPP) that identifies and evaluates sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-storm water discharges from the facility.

Site-specific Best Management Practices minimize storm water impacts by implementing structural and non-structural run-off control practices. (Vulcan project Draft EIR p. 5-8).

KINGS RIVER BRIDGE

A review of the proposed project indicates that the project is not within the 0.25 mile protected corridor of a Wild or Scenic River. This project would not affect base flood plain elevations of a water course or lake, would not support base flood plain development, and would not permanently encroach on a regulatory floodway.

The bridge construction will necessitate use of construction equipment in the channel including:

- Backhoes and dump trucks will be used for excavation at the abutments and light equipment will be used for backfill compaction;
- For the construction of cast-in-drilled-hole piling, a drilling machine weighing 100 tons will be used and the excavated material will be hauled away by dump trucks;
- For cast-in-steel-shell piling, a 150 ton crane with a driving hammer attachment will be used as well as baker tanks to store and recirculate slurry;
- Concrete trucks will be used to place concrete in the drilled holes;
- Falsework would consist of steel driven piles and would need a pile driver to construct. Falsework construction typically requires a crane, forklift and earth moving equipment (i.e. backhoe, grader, etc);
- Superstructure construction will require cranes to move material and concrete pumps and trucks to enter the river bed;
- Superstructure prestressing will require hydraulic jacks for post-tensioning; and
- The contractor's personal vehicles would park at a staging area outside the river bank. The staging area would also store falsework material, column rebar cages, etc.

Equipment will most likely be moved via an access road to the river located on the southwest quadrant of the bridge. Cofferdams can be built upstream of the project and water can be diverted through the work site using corrugated metal pipes and discharged downstream. Alternatively, the contractor may allow the low flows to pass naturally and use a 60-70 foot railroad flatcar or similar temporary bridge to allow construction access to both sides of the river.

The State Reclamation Board allows construction activities between mid-July and the end of October. However, large discharges occur during the irrigation months starting in June and generally decline at the beginning of September. Large storm flow discharges also occur during the winter months when Mill Creek flows into the Kings River. These flows generally peak between late December and March. Construction of the falsework and substructure is planned for September when discharge is low and construction of the superstructure is expected to proceed in December and end in June, which is the start of the irrigation season. The expected construction duration is approximately 12 months, beginning with removal of the existing bridge and ending with falsework removal and concrete surface finishing.

CUMULATIVE HYDROLOGY AND WATER QUALITY IMPACTS

Pumpage and evaporation of the relatively small amount of groundwater in the hardrock at the Jesse Morrow Mountain project would have no significant impact on groundwater level in the alluvium near the Kings River. For the Vulcan and CMI Kings River projects the cumulative impact on groundwater levels in the alluvium near the Kings River would be positive due to the overall reduction in groundwater pumpage compared to that for the pre-project baseline conditions. Also, most of the pumping for the Vulcan project would be from deep groundwater, which is not tapped by other wells in the vicinity. The Vulcan project would also no longer divert water from the Kings River. Use of surface water at the mining sites, to the maximum extent feasible, would be a good management practice, and retain more of this water in the vicinity. Setbacks at the CMI and Vulcan sites and the use of Best Management Practices at all of the project sites would prevent the projects from significantly impacting water quality on the Kings River. In-stream work anticipated by the Kings River Bridge project is isolated and relatively short-term in nature.

Given the above, project impacts to hydrology and water quality are not expected to be cumulatively significant.

3.7.10 Noise

JESSE MORROW MOUNTAIN PROJECT

The only noise-sensitive land uses located in the vicinity of the Jesse Morrow Mountain project site are scattered rural residential dwellings to the north and west. Development of the Jesse Morrow Mountain project would require construction and operation activities to be performed in the vicinity of these residential dwellings. Construction-related noise would be a short-term project-specific impact.

Maintenance would occur on the project site on any day as needed. Night-time operations are also possible for the purposes of supplying materials needed for Caltrans night-time projects. As described above, noise resulting from construction and operation of the Jesse Morrow Mountain project could exceed the permissible noise standards, resulting in a potentially significant impact. However, recommended mitigation measures would likely restrict the hours of operation, reducing this impact to a less than significant level.

CMI KINGS RIVER PROJECT

The CMI Kings River Sand and Gravel Project Draft SEIR concluded that the project's contribution to potential cumulative noise impacts was less than significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6). The distance between the mine projects precludes cumulative noise impacts associated with on-site activities. (CMI Kings River project 1999 Final EIR p. 3L-6). However, the 1999 EIR found that the CMI Kings River project would contribute to increased truck trips and related noise impacts that would be cumulatively significant. (CMI Kings River project 1999 Final EIR p. 3L-6). The 1999 EIR also found that operational noise impacts, in comparison to ambient conditions, are considered significant and unavoidable. (CMI Kings River project 1999 Final EIR p. 3L-6).

CENTRAL VALLEY READY-MIX PROJECT

Several conditions require limited hours of operation and good operating practices to reduce noise impacts. (Central Valley Ready-Mix CUP #2558, Condition 5 and Attachment B, Standards 13, 14). In addition, the project's Development Plan contains mitigation measures to limit noise impacts. (Central Valley Ready Mix Development Plan pp. 8-9). The Initial Study/Negative Declaration concluded that the project might increase existing noise levels but

would not expose people to severe noise levels. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 6).

VULCAN PROJECT

Potential noise impacts from the Vulcan project were determined to be less than significant with implementation of project design features and mitigation measures. These include the construction of 10 to 12 foot berms along portions of SR 180, Riverbend Road, the east side of the existing access road, and along the project periphery near sensitive noise receptors. Temporary berms are also required south and east of Centerville to reduce potential night-time noise impacts when adjacent mining is conducted. (Vulcan project Draft EIR p. 5-8).

KINGS RIVER BRIDGE

While the construction activities associated with the project would cause temporary noise impacts, the project specifications limit construction activities to daytime hours and weekdays to limit construction noise impacts.

Additionally, the proposed project is not a Type 1 project according to 23 CFR 772.5(h). The project would not change the alignment or increase the number of through lanes, therefore, would not cause permanent noise impacts to the area or result in increased capacity.

CUMULATIVE NOISE IMPACTS

Two of the four projects (Vulcan and Jesse Morrow Mountain) would increase truck trips mainly on SR 180. However, truck trips would still represent a small percentage of the daily traffic on SR 180, and would not result in any measurable increase in the traffic noise (in terms of dBA) along SR 180. Single-event haul truck pass-by noise would be similar to existing conditions. Noise impacts from distant sources are not typically aggregated in a way that results in compounding of impacts. Here, the distance between the projects precludes any cumulative impacts from onsite activities. In addition, the potential noise impacts of each project are mitigated to a less than significant level, as discussed above. Given the above, no cumulatively significant noise impacts are expected. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

3.7.11 Recreation

JESSE MORROW MOUNTAIN PROJECT

The cumulative impact of the Jesse Morrow Mountain project on recreation is considered less than significant, as the site is private property not used for recreational purposes.

CMI KINGS RIVER PROJECT

The CMI Kings River Sand and Gravel Project Draft SEIR concluded that the project's contribution to potential cumulative recreation impacts was less than significant because it is located on private property not used for recreational purposes. Thus, the project is not anticipated to significantly impact recreational uses in the vicinity or along the river. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

CENTRAL VALLEY READY-MIX PROJECT

The Central Valley Ready-Mix project Initial Study/Negative Declaration concluded that the project would not result in any impact upon the quality or quantity of existing recreational opportunities. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 19).

VULCAN PROJECT

China Creek County Park and Kings River Access Park are located near the Vulcan project. The Vulcan project is not anticipated to significantly impact the recreational uses at these parks or along the river. (Vulcan project Draft EIR p. 5-8).

The reclamation of the Vulcan project would enhance the existing site conditions by removing existing and proposed mining operations and creating open water, wetlands, and riparian areas. The reclaimed native habitat would enhance biological resources and be compatible with the recreational uses at the two parks and along the river. (Vulcan project Draft EIR p. 5-9).

KINGS RIVER BRIDGE PROJECT

The Kings River Bridge project is not anticipated to have a significant impact on recreational uses. Any impacts to recreational uses will be temporary during the construction of the Kings River Project.

CUMULATIVE RECREATION IMPACTS

The CMI Kings River project would not add to potential cumulative recreational impacts. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

3.7.12 Traffic and Circulation

CENTRAL VALLEY READY-MIX PROJECT

The Central Valley Ready-Mix project's share of impacts to traffic and circulation were assessed at the time its CUP was originally approved. (Central Valley Ready Mix CUP #2558, Attachment B, Standard 7). The Initial Study/Negative Declaration concluded that the project would not have an impact on traffic or circulation. (Central Valley Ready-Mix Initial Study/Negative Declaration #3848, Impact 13). This project was included as part of the baseline traffic condition in the Vulcan traffic assessment (see below).

VULCAN, CMI KINGS RIVER, AND JESSE MORROW MOUNTAIN PROJECTS

Cumulative Traffic Impact Assessments were prepared for the CMI Kings River project and the Vulcan project by Peters Engineering and TPG Consulting respectively. Both studies incorporated proposed truck traffic from the Vulcan, CMI and Jesse Morrow Mountain projects. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6). The Cumulative Traffic Impact Assessments specifically included an analysis of future conditions in 2009, 2015 and 2025 anticipating the traffic increases to account for projected growth in the area at a rate of 3 percent annually as recommended by the County and Caltrans. (Vulcan project Draft EIR p. 5-9 and CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

Mitigation measures are included in the CMI Kings River Draft SEIR with recommended road improvements to mitigate direct and cumulative traffic impacts. Along with CMI, the applicants of the Jesse Morrow Mountain and Vulcan projects will pay their Equitable Share Responsibility per Caltrans "Guide

for Preparation of Traffic Impact Studies” for state routes improvements and County Proportionate Share Percentages for County road improvements. However, since it is unclear when these measures will actually be implemented, the potential cumulative traffic impacts remain significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

KINGS RIVER BRIDGE

Within the project limits Goodfellow Avenue is a two-lane undivided roadway with a four-foot paved shoulder on the north side and no paved shoulder on the south side within a 60-foot right of way. The Average Daily Trip estimate for Goodfellow Avenue is 2500 ADP. Local traffic patterns will not permanently change. The bridge will be closed during construction and a detour will be provided, however access control will not change and available parking will not be reduced. An analysis of the traffic impacts relating to the bridge project are set out in the Traffic Section.

CUMULATIVE TRAFFIC IMPACTS

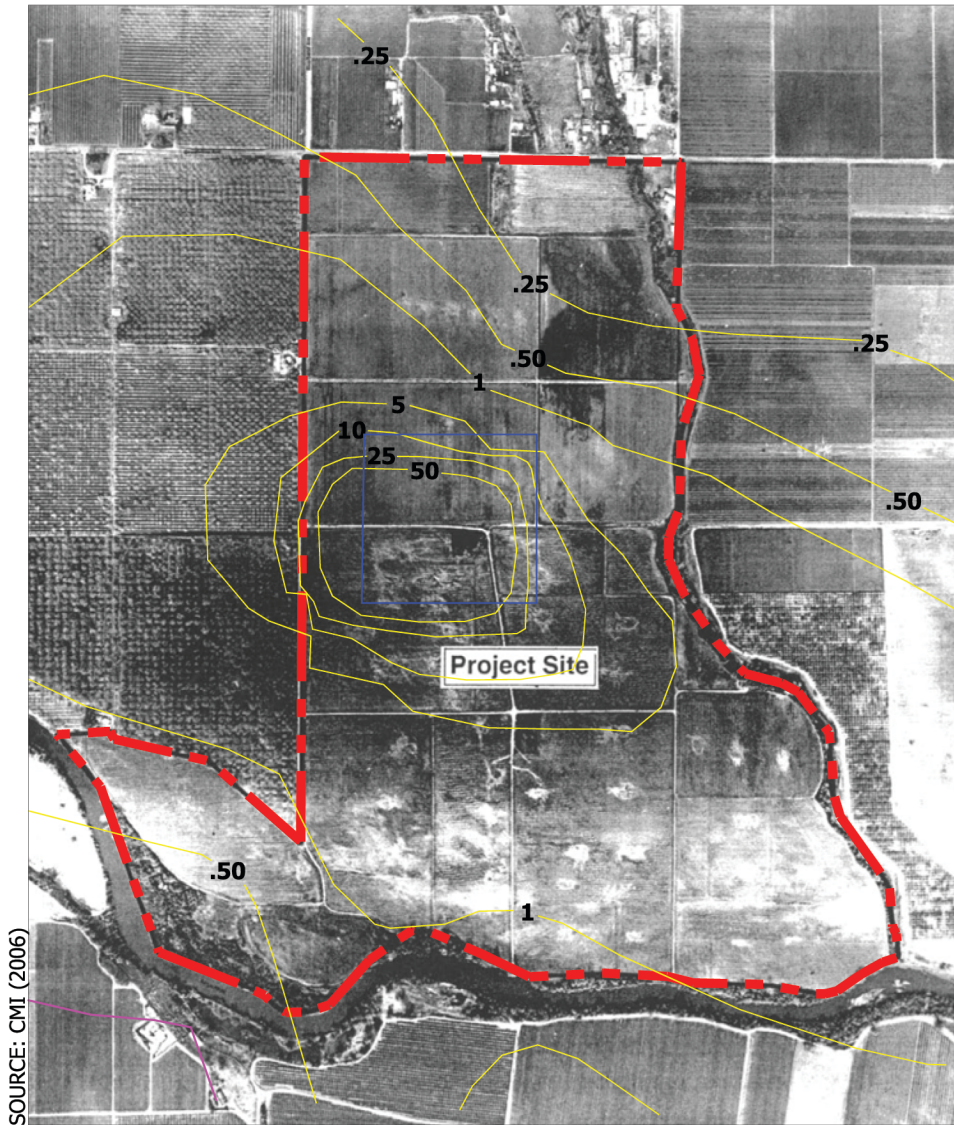
The nature of off-site traffic and circulation impacts is inherently cumulative. The traffic impacts caused by the CMI Kings River Sand and Gravel project will be cumulatively significant. It should be noted that traffic from the CMI Kings River Sand and Gravel Project will largely impact different roads than the other mining projects. Implementation of the required CMI Kings River Sand and Gravel project traffic mitigation measures would reduce future cumulative traffic impacts to less than significant. However, since it is unclear when these measures will actually be implemented, the potential cumulative traffic impacts remain significant. (CMI Kings River Sand and Gravel Project Draft SEIR p. 3.7-6).

3.7.13 Summary of Cumulative Impacts

The CMI Kings River project would contribute to potentially significant cumulative impacts to Agriculture and Traffic. As discussed above, the CMI Kings River project’s contribution to potential cumulative impacts to aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, and recreation is not cumulatively considerable.

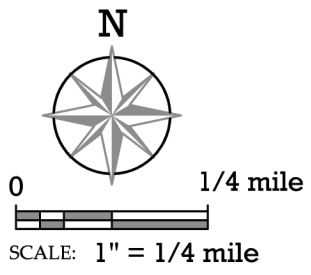
The loss of farmlands of local importance is considered a cumulatively significant impact without feasible mitigation. Implementation of the required

traffic and air quality mitigation measures would reduce cumulative traffic and specified air quality impacts to less than significant levels. However, since it is unclear when these measures will be implemented, traffic and specified air quality impacts are considered cumulatively significant.

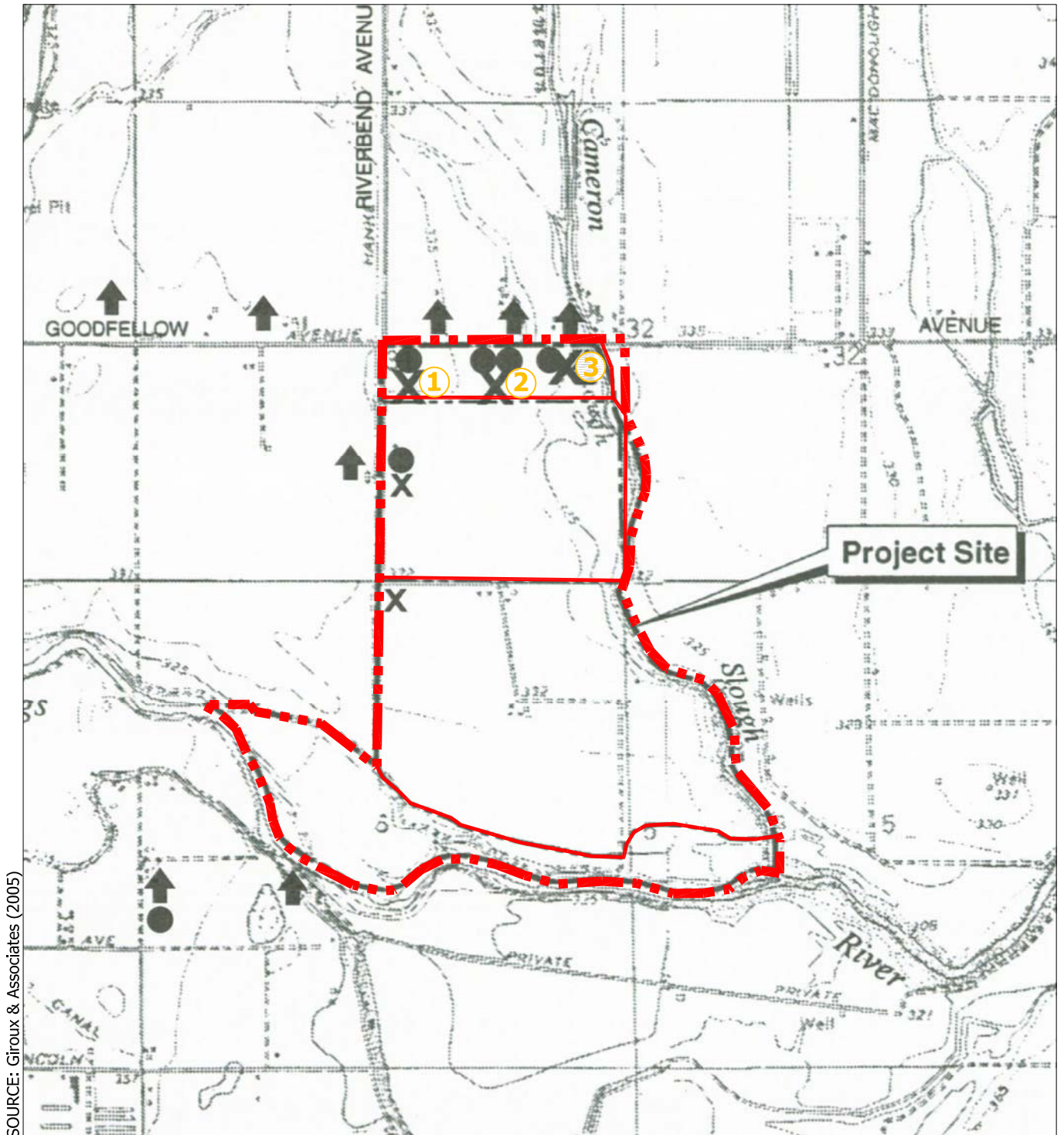


SOURCE: CMI (2006)

- - - - - - Property Boundary
- 5 — - Cancer Per Million Contour
- - Average Area of Concentrated Mobile Equipment Activity



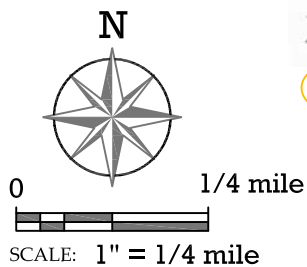
Revised Figure 3.2-1
Health Risk Assessment
70-Year Inhalation Carcinogenic Health Risk
 KINGS RIVER
 SAND AND GRAVEL PROJECT



SOURCE: Giroux & Associates (2005)

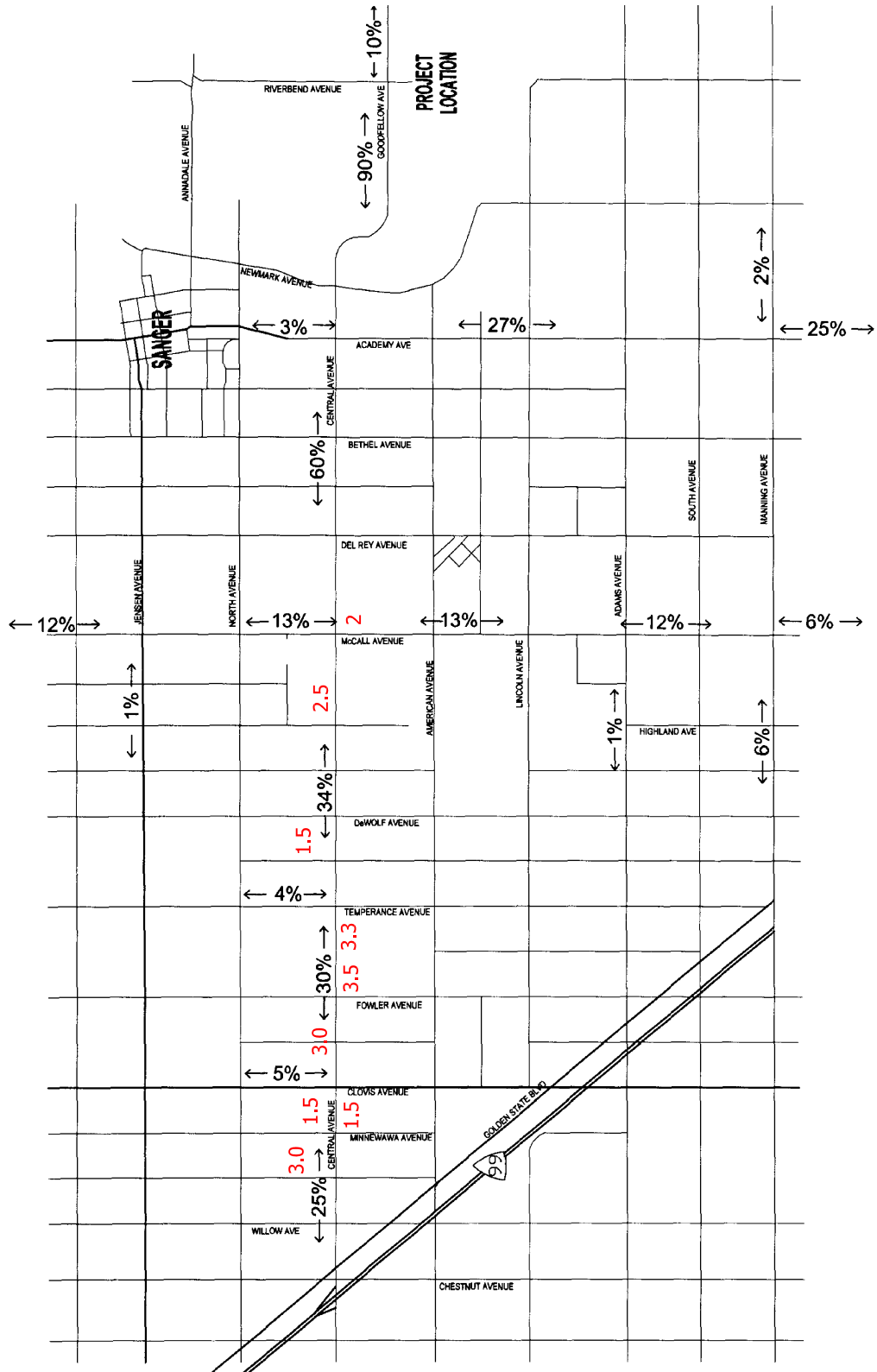
- ↑ Existing Residential Uses
- Noise Monitoring Positions (1997-98)
- X Noise Monitoring Positions (2005- 24 Hour)
- X Noise Monitoring Positions (2005-Short-Term)
- ① Noise Monitoring Position Numbers

- - - - - Project Boundary
- Parcel Boundaries



Revised Figure 3.4-3
Noise Monitoring Positions
at the Project Site
 KINGS RIVER
 SAND AND GRAVEL PROJECT

SOURCE: Peters Engineering Group (January, 2007)



Scale 1 - 5. 1 Being Least. 5 Being Worst.

**Figure 3.5-21
Flooding Potential
Along Central Avenue**

KINGS RIVER
SAND AND GRAVEL PROJECT



SCALE: NOT TO SCALE

RESOURCE DESIGN
TECHNOLOGY, INC.

4.0 Response to Comments

Responses to comments received on the SEIR are provided in this section of the Final SEIR. Individual responses were prepared for all comment letters received from Agencies (Section 4.1), Organizations (Section 4.2), and Private Citizens (Section 4.3).

Letters reproduced in this section of the Final SEIR were scanned, and then divided into specific comments. Thus, a letter covering only one topic received only one response. Most letters included comments on more than one issue. These letters were divided into Comments 1, 2, 3, 4, and so on. A response to each comment is provided immediately following the comment itself. In some instances, comment text has been summarized to facilitate clarity and organization of this section. All comment letters are reproduced in their original form in Appendix A, Comment Letters Received on the Supplemental Draft EIR.

When comments have resulted in changes to the text of the SEIR, additional and/or deleted text is provided in underline format following the response to the comment and in FEIR, Part II, Supplemental EIR.

4.1 AGENCIES

4.1.1 Department of Fish and Game, July 9, 2007

Comment 1-1

The Department is concerned about the permanent loss of approximately 315 acres of farmland that would occur as a result of this Project. Depending upon the crops grown and management regimes used, agricultural land can provide foraging habitat, nesting habitat and dispersal habitat for a variety of wildlife species.

Response 1-1

To ensure that agricultural activities continue as long as possible prior to mining activities, the Project will proceed in nine phases. Under S-Mitigation Measure 3.3-3, agricultural uses of un-mined phases of the Project site are required to continue until

the land is prepared for mining. Further, S-Mitigation Measure 3.3-3 requires that removal of topsoil for Phases 3 through 9 shall not precede initiation of surface mining activities. Therefore, the biological benefits of agricultural activities will remain in place as long as feasible consistent with the Project's objectives of aggregate production.

The commenter states that the Project will result in a permanent loss of approximately 315 acres of farmland. The commenter acknowledges that the ultimate value of agricultural land to wildlife depends on the crops grown and management regimes used. Therefore, the biological values of the site could fluctuate even under the No Project Alternative depending on the preferences of the land owner. Indeed, as recognized on page 3C-2 of Volume I of the 1999 EIR, the current agricultural use of the Site involves intensive agricultural management including discing, harvesting, and the application of insecticides and herbicides, which substantially reduce the value of the site for wildlife.

As the Project proceeds, agricultural activities will remain in use for as long as possible. At the conclusion of the Project, the Reclamation Plan (provided in Appendix B of this Final EIR) for the Site calls for two lakes consisting of a total of approximately 285 acres. These lakes will be constructed and implemented to include riparian vegetation with the purpose of providing wildlife values. In contrast to a uniform single species landscape of row and cover crops, open water lakes provide opportunity for riparian and fringe wetland habitat creation. These habitats include a diverse landscape of tree/canopy species, understory species, and emergent herbaceous wetlands that provide food, water, and shelter to many types of terrestrial and aquatic species not typically found in agricultural settings. Further, please note that the borders of the Project site will remain in open space and the Project includes a 50-foot excavation setback from designated floodway and a 100-foot excavation setback from top of bank (or 1 ½ times the width of dripline from the trunks or nearby riparian trees, whichever is greater). See Figure 2-5, General Phasing and Setbacks.

Comment 1-2

The SEIR recognizes the contribution of this Project to the County-wide net loss of agricultural land; however, page 3.7-6 of the SEIR states that mitigation is infeasible. The 1999 EIR for this Project states that no feasible mitigation exists and the land cannot be converted back to agriculture due to the amount of sand and gravel resources that will be extracted (page 3D-7). The land will instead be reclaimed mostly as open water wetland habitat in the form of two lakes of approximately 115 and 170 acres. The EIR and SEIR do not address the possibility of acquiring offsite land and placing it in a permanent

agricultural easement. A permanent agricultural easement would offset the loss of agricultural land that would occur in Fresno County as a result of this Project. If the County finds that the conversion of agricultural land is a significant but unavoidable impact, the County will need to issue a Statement of Overriding Consideration (SOC). The SOC should fully identify all possible mitigation measures to reduce impacts to a less than significant level with evidence to support why each would be infeasible. This would include an estimate of the cost of acquiring agricultural lands and placing them under a permanent agricultural easement and how that relates to the Project proponent's ability to incur such costs.

Response 1-2

See Response 1-1. The project site is classified MRZ-2, indicating that the current agricultural uses may not be the highest and best use for the property, and therefore 1:1 mitigation may not be appropriate. Nonetheless, the County conservatively concluded the loss of prime farmland would be significant. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use but that those impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been

envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 1-3

The Department feels that the County could be setting a precedent of "approval" for projects that result in the conversion of agricultural land without fully evaluating all available mitigation measures. The County should further evaluate potential mitigation options for the loss of agricultural land in order to determine if mitigation is in fact infeasible.

Response 1-3

As described in Response 1-2, the Applicant has agreed to restrict the use on one of its Project parcels to uses consistent with agricultural values. The County will adopt appropriate findings regarding the feasibility of mitigation and consider specific economic, environmental, legal, social, and technological factors (see Guidelines Section 15021[b]). The County's duty to prevent or minimize environmental damage is implemented through the findings required by Guidelines Section 15091 (see Guidelines Section 15021[c]).

4.1.2 Department of Transportation, August 27, 2007

Comment 2-1

The traffic study projects that a portion of the trips generated by this mining site would impact the State Route (SR) 99 partial interchange at Central Avenue. However, the study failed to analyze if trips generated by this mining site would impact the SR 99 partial interchange at Chestnut Avenue.

Response 2-1

The EIR preparer and its traffic consultant, Peters Engineering Group, met with both Fresno County and Caltrans staff in developing the scope of the traffic study. CalTrans staff did not identify the SR 99 partial interchange at Chestnut Avenue for evaluation. This was due to the fact that CalTrans and Fresno County staff believed that the anticipated volume and distribution of traffic generated by the Project did not merit close evaluation of this intersection in the scope of the Traffic Study and Traffic Section of the EIR.

Comment 2-2

The operational analysis indicates that the SR 99 southbound off-ramp to Central Avenue currently operates with a satisfactory level-of-service during the evening peak travel period and an unsatisfactory level-of-service during the morning peak travel period. The study also indicates that Signal Warrant 3 (Peak Hour) is currently met during both the morning and evening peak travel periods; however, Ca MUTCD Section 4C.04 indicates that this Peak Hour signal warrant should be applied only in unusual cases. Therefore, the traffic study should have analyzed the data to determine if one of the other signal warrants was also met. Also, the operational analysis indicates that the SR 99 southbound off-ramp to Central Avenue would operate with an unsatisfactory level-of-service during both the morning and evening peak travel periods by the year 2025. Although the study indicates that the off-ramp to Central Avenue currently operates with an unsatisfactory level-of-service during the morning peak travel period, a review of the projected future traffic volumes shows that the conditions during the evening peak travel period will be significantly worse than the morning peak by 2025.

Response 2-2

Peak-hour traffic signal warrants may be appropriately applied in the analysis of a freeway interchange. An interchange is considered an “unusual” condition and is also a very critical location in which a breakdown in operation for even a very short period of time may have impacts to the freeway mainline. It is not standard practice to perform complete traffic signal warrant analyses for each study intersection in a traffic impact study. However, it is common practice to refer to peak-hour signal warrants as an indicator of the likelihood that traffic signals are warranted at an intersection. No further analyses are required as a result of Comment 2-2.

Comment 2-3

Based on the data and analysis provided in the traffic study, Caltrans concludes that this development, and all future proposed developments that impact the SR 99 southbound off-ramp to Central Avenue, should contribute their proportional share to place future signals and a right-turn lane at this ramp intersection. The cost of this improvement is estimated to be \$1,150,500. Based on data from this traffic study, the cost-per-trip estimate for these improvements has been calculated to be \$1,528. Therefore, since the study indicates that four trips generated by this proposed development would impact this ramp intersection; this development’s proportional share is estimated to be \$6,112 ($\$1,528 \times 4$ trips).

Response 2-3

Comment noted. S-Mitigation Measure 3.5-2 already included a proportionate share responsibility for the Central/SR 99 Interchange. The numerical value, however, was not included because at the time of EIR preparation CalTrans had not calculated an estimate of the improvement. Table 3.5-20, which provides for the Proportionate Share Responsibility Calculations, is hereby clarified by updates based on this calculation. A sixth column entitled ‘Proportionate Share Amount (if known)’ has been added. The amount of \$6,112 has been added to the Central/SR 99 Interchange row.

Comment 2-4

Upon this amount being made a condition of approval for the project, the applicant will need to enter into a “Traffic Mitigation Agreement” with Caltrans.

Response 2-4

The County will incorporate this amount into the Conditions of Approval for the Project and require that the Applicant enter into a Traffic Mitigation Agreement with Caltrans to ensure implementation of the mitigation.

4.1.3 Department of Water Resources, May 31, 2007

Comment 3-1

The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted food control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities.

Response 3-1

The Project includes a 50-foot excavation setback from designated floodway and a 100-foot excavation setback from top of bank (or 1 ½ times the width of dripline from the trunks or nearby riparian trees, whichever is greater) (see Figure 2-5, General Phasing and Setbacks). Therefore, the Project will not encroach on the State Adopted Plan of Flood Control.

4.1.4 Fresno County – Development Engineering, July 2, 2007

Comment 4-1

No comment from Development Engineering.

Response 4-1

Comment noted.

4.1.5 Fresno County – Development Services, June 28, 2007

Comment 5-1

The Supplemental EIR notes that APNs 333-061-35, 360-020-49, and 333-061-31 are subject to Williamson Act Contracts. However, APN 360-020-50 is listed as not being subject to a Williamson Act

Contract. It appears that this parcel is subject to Agricultural Land Conservation Contract No. 2402. This parcel has not been non-renewed.

Response 5-1

APN 360-020-050 is within the Project Boundary. However, as noted on Figure 2-5, General Phasing and Setbacks, this parcel will be used as a buffer between the excavation areas in Phase 7 and 8 and the Kings River. The County agreed with the Applicant that the proposed use of either farming or leaving the site in open space and natural reserve is compatible with the underlying contract (see Comment 5-2, below). Therefore, there was no need to file a non-renewal for this parcel. The applicable text of Impact 3.3-1 is revised to read as follows:

~~At the time of the 1999 EIR, the Project site consisted of lands under three Williamson Act contracts (Fresno County 1999). Two of the Project site's parcels (333-061-35 and 360-020-49) have been operated under Williamson Act contracts since 1971, while a third parcel (333-061-31) has been operated under a Williamson Act contract since 1972. According to the County, the Project site is still currently under these three contracts, with the exception of APN 333-061-37 and 333-061-30, and 360-20-50 (see Figure 3.3-21, Parcels within Project Site Boundary), although, with the Notices of Non-Renewal filed on May 26, 1999, all of the contracts will expire on December 31, 2008. APN 360-020-050 is subject to Agricultural Land Conservation No. 2402. This parcel is located within the Project Boundary (see Figure 3.3-1). However, the Parcel will be included in the buffer between the Kings River and Phases 7 and 8, and will be used for either farming (see Figure 2-5, General Phasing and Setbacks). This use is compatible with the underlying contract.~~

Comment 5-2

Figure 2-4 identifies the proposed use of this parcel as farmland and nature reserve. This use appears to be consistent with the Williamson Act Contract restricting the use of the property.

Response 5-2

Comment noted. Impact Discussion 3.3-1 has been revised to clarify that the proposed uses are compatible with the underlying contract. See text provided in Response 5-1, above. See also Table 3.0-1, provided in Section 3.0, Draft EIR Changes.

Comment 5-3

With the implementation of the mitigation measures identified in the Supplemental EIR, the proposed use appears to be consistent with the Williamson Act.

Response 5-3

Comment noted. The significance determination for Impact 3.3-1 concludes that implementation of S-Mitigation Measure 3.3-1a and -1b will reduce the potentially significant impact of Williamson Act compatibility to a less than significant level.

Comment 5-4

On Page 3-3.10 is a reference to Figure 3.3-2. This should instead reference Figure 3.3-1, which shows the APNs for the parcels included in the project site.

Response 5-4

The reference to the figure depicting APNs has been revised to refer to Figure 3.3-1 rather than Figure 3.3-2.

4.1.6 Fresno County – Environmental Health Division, July 3, 2007

Comment 6-1

The Fresno County Department of Community Health, Environmental Health Division has reviewed the Kings River Sand and Gravel Project Screen Check Version of the Draft Supplemental Environmental Impact Report and has no additional comments at this time.

Response 6-1

Comment noted.

4.1.7 San Joaquin Valley Unified Air Pollution Control District, July 19, 2007

Comment 7-1

The DSEIR does not adequately describe the project's operation and project emissions from the facility

- include criteria pollutants and Toxic Air Contaminants (TACs)
- quantify emissions (permitted and non-permitted as well as direct and indirect)

Response 7-1

Emissions from all sources (mobile and stationary and portable) were quantified. Hourly, daily and annual emissions of CO, NO_x, PM₁₀, SO₂ and CO were quantified. See Table 3.2-6 in Section 3.2 of the Supplemental EIR.

The main toxic air pollutant associated with the project is diesel particulate. This was quantified and health risks associated with diesel PM were used to perform a health risk assessment.

Comment 7-2

The project was not developed/operational after it was approved in 1999. Therefore, the baseline emissions for the project will be the emissions from the project as it is currently proposed.

Response 7-2

As provided for in the State CEQA Guidelines, the focus of the SEIR has been limited to those incremental impacts resulting from project revisions, changed circumstances, and new information that was not known and could not have been known at the time of the preparation of the EIR. See CEQA Sections 15162 and 15163. Section 3.2 also includes supporting information necessary to understand these impacts and mitigation measures as necessary. Setting information has been updated where necessary due to changes in existing conditions since 1999. The updated “existing setting” or “baseline” against which project impacts are measured is the currently approved Project in accordance with *Benton v. Board of Supervisors*, 226 Cal.App.3d 1467 (1991).

Comment 7-3

The URBEMIS model used and the results are summarized in Appendix D to the Supplemental EIR.

Response 7-3

Project emissions were calculated using a combination of URBEMIS modeling and estimates based on projected equipment, hours of use and site conditions (e.g., distance

on unpaved roads, size of trucks, etc.). See Section 3.2.4 of the Supplemental EIR and Appendices D and E thereto.

Comment 7-4

Off-site diesel emissions: The District does not concur with the SDEIR that off-site diesel emissions will be less than significant. Off-site diesel emissions (indirect emissions) must be calculated based on the project as currently proposed. The DSEIR states that the project site is 20 miles from the center of Fresno. Therefore, it is assumed that the average one-way truck trip is 20 miles.

Response 7-4

See Response 7-2 for a discussion of environmental baseline. The County concluded that impacts from off-site diesel emissions would be less than significant because the revised project would result in substantially fewer truck trips than the previously approved project. See DSEIR pp. 3.2-27 to 3.2-28. The revised Project is expected to generate 318 average daily truck trips, which is only 38% of the estimated 838 daily truck trips analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, table 3.5-1).

Comment 7-5

The District concurs that the project is subject to Regulation VIII.

- The District has determined that compliance with Regulation VIII will constitute sufficient mitigation to reduce fugitive dust related PM₁₀ impacts from construction to a level considered less than significant; however, compliance with Regulation VIII does not mitigate the PM₁₀ impact from equipment exhaust.

Response 7-5

Compliance with S-Mitigation Measure 3.2-1 will reduce ozone precursor emissions from the project and will also serve to reduce PM₁₀ impacts from equipment exhaust.

Comment 7-6

On-site diesel emissions: "...it is assumed that overall emissions over the lifetime of the Project would be reduced by 65 percent over current (2006) emission standards." The DSEIR did not indicate there is a policy to upgrade/replace equipment

nor does it indicate that the applicant owns the equipment and, therefore; has control over the equipment fleet.

Response 7-6

S-Mitigation Measure 3.2-1 requires the Applicant to implement several measures that reduce ozone precursor emissions, including use of diesel engines that meet the most recent emission standards at the time the equipment is purchased, which will also serve to reduce on-site diesel emissions.

Comment 7-7

When making an air quality assessment for a land use project going through the CEQA process, the District considers all sources of potential emissions whether they are permitted, not permitted, or to be permitted in the future. If the modeling submitted does not include sources that may be permitted in the future, the District would have to assume that the impact from Toxic Air Contaminant (TAC) emissions for a project is significant (cancer risk greater than 10 in a million and/or hazard indices greater than one (1)). It was noted in the DSEIR, "Ready-mix concrete produced on-site will be hauled by Calaveras mixer trucks."

Response 7-7

The risk assessment considered all sources of potential emissions, not just sources subject to air permits. For example, the risk analysis included emissions from on-site trucks and other mobile equipment that will not be subject to the SJVAPCD's Authority to Construct and Permit to Operate permitting requirements. For a detailed list of equipment evaluated, please see Table 2 of Appendix E.

Comment 7-8

The discussion of potential risks should include the emissions generated from operational processes, both permitted and non-permitted, as well as direct and indirect emissions.

- Methodology: The District has its own guidelines for modeling and has not accepted the 1993 South Coast Air Quality Handbook for standard methodologies and emission factors
- The Industrial Source Complex Model is not accepted if modeling occurred after December 9, 2006. Documentation is

required if modeling occurred prior to December 9, 2006. Modeling occurring after December 9, 2006, must use AERMOD.

- Use 2004 meteorological data from Fresno rather than Modesto.
- For more information, please refer to the District's Air Quality Modeling page at <http://www.valleyair.org/busind/pto/ToxResources/AirQualityMonitoring.htm>
- The project consultant should contact the District to review the proposed modeling approach before modeling begins. For more information on Toxic Air Contaminants (TACs) analysis, please contact Mr. Leland Villalvazo, Supervising Air Quality Specialist, at ramodeler@valleyair.org.

Response 7-8

Section 3.2 of the Supplemental EIR evaluates the revised Project's impacts to air quality based on changed circumstances and new information discovered since the certification of the 1999 EIR. The air models used for the updated studies are the most advanced and accurate available. Modeling was done using both the ISCST3 and AERMOD models utilizing meteorological data supplied by the SJVAPCD. The AERMOD model was used to reanalyze potential impacts from hazardous air pollutants. The AERMOD modeling results are found in Appendix E to the Final SEIR, and are summarized in Section 3.0 of this document. The 2007 modeling revealed lower health risks and lower impacts at all locations as compared to the 1999 and 2003 studies.

Comment 7-9

Please note, the District requests that all input files used to conduct a Health Risk Assessment (HRA) be submitted in electronic format. This will allow the District to expedite its review and determine the appropriateness of the emissions and modeling runs used to derive the final conclusions presented by the author.

Response 7-9

Software from Lakes Environmental was used to conduct the ISCST3 modeling. Input, output and Meteorological data files used in preparation of the Draft SEIR were forwarded to the SJVAPCD for their review. Mr. Leland Villalvazo, Supervising Air Quality Specialist, SJVAPCD, provided the Fresno meteorological data used by the County's consultants to perform the AERMOD modeling contained in Appendix E.

Thus, the County received concurrence from Mr. Leland Villalvazo regarding its approach to the AERMOD methodology.

Comment 7-10

This project will be subject to District permitting requirements. The applicant has not submitted an Authority to Construct (ATC) application to the District. Depending on the nature and complexity of the application and staff workload, permitting approval may take several months. For further information or assistance regarding permitting, you may contact the District's Small Business Assistance Offices at (559) 230-5888. If District permits are required for your project, permit applications should be submitted to the District as soon as possible to avoid delays in your project.

Response 7-10

The facility operator will submit the appropriate application forms for all equipment that is subject to SJVAPCD permits. The Applicant's conditions of approval will require that the applicable permits are secured before equipment will be operated.

Comment 7-11

Based on the information provided, the proposed project will be subject to the District rules identified below. These rules have been adopted by the District to reduce emissions throughout the San Joaquin Valley, and are required. This project may be subject to additional District Rules not enumerated below. To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found at www.valleyair.org/rules/1_ruleslist.htm.

Regulation VIII (Fugitive PM10 Prohibitions) Rules 8011-8081 are designed to reduce PM10 emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and track out, landfill operations, etc. The District's compliance assistance bulletin for construction sites can be found at [www.valleyair.org/busind/comply/PM10/Reg VIII CAB.pdf](http://www.valleyair.org/busind/comply/PM10/Reg_VIII_CAB.pdf).

Rule 2010 (Permits Required) This rule applies to any person who plans to or does operate, construct, alter, or replace any source operation, which may emit air contaminants or may reduce the emission of air contaminants. This project may be subject to District permitting requirements. If District permits are required, permit applications should be submitted to the District as soon as possible to avoid delays in the project. For further information or assistance regarding permitting, the District's Small Business Assistance Office can be reached at (559) 230-5888.

Rule 4102 (Nuisance) This rule applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Response 7-11

Comment noted.

Comment 7-12

The District encourages the applicant and fleet operators using the facility to take advantage of the District's Heavy-Duty Engine program to reduce project emissions. The Heavy Duty program provides incentives for the replacement of older diesel engines and the re-power of older, heavy-duty trucks with new, cleaner, fuel-efficient diesel engines. New alternative fuel heavy-duty trucks also qualify. For more information regarding this program contact the District at (559) 230-5858 or visit our website at www.valleyair.org/transportation/heavydutyidx.htm.

Response 7-12

Comment noted.

Comment 7-13

Heavy equipment powered by alternative diesel fuel blends and equipment that meets current off-road engine emissions standards reduce construction related air impacts. Alternative-fueled equipment may use Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electricity, or other designated alternative fuels to achieve greater emission reductions than current diesel equipment. Equipment with uncontrolled engines may be repowered

with an emissionized engine that meets current standards. Tier I, Tier II, and Tier III engines have significantly less NOx and PM emissions compared to uncontrolled engines. For more information regarding alternative fuels and equipment retrofits, visit the California Air Resources Board (CARB) website at www.arb.ca.gov/diesel/diesel.htm.

Response 7-13

Comment noted.

4.1.8 State Clearinghouse, July 10, 2007

Comment 8-1

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

Response 8-1

Comment noted.

4.2 ORGANIZATIONS

4.2.1 El Rio Reyes Conservation Trust, July 5, 2007

Comment 9-1

The paramount question arises of the need for a draft supplemental EIR when as stated in the county's "Notice of Availability" that "...changes to the project subsequent to the certification of the EIR in 1999..." and "...in light of the new project and (U)CUP application" does not constitute the requirement for a new project EIR to be enacted? Therefore, the El Rio Reyes Conservation Trust advises that if this SEIR is approved in light of the question of the applicability of the 1999 FEIR project there may be land use and planning policy issues drawn into question. It is imperative that a thorough representation of all aspects (CEQA Guidelines Section 15065(a)(3) and Section 15355) be available for public debate prior a decision by the Fresno County Board of Supervisors concerning this document and the 1999 FEIR.

Response 9-1

As explained in the Supplemental EIR Summary p. 5-2 and Section 1.2 of the Supplemental EIR, the environmental document for this Project is the Supplemental EIR and the 1999 Final SEIR. To assist the public and decision makers with understanding how the documents should be utilized, the Supplemental EIR's summary table provides all applicable mitigation measures, which includes still-applicable mitigation measures from the 1999 EIR. Further, Appendix A of the Supplemental EIR provided Existing Mitigation Measures from the 1999 EIR. Additionally, Section 1.3 of this Final Supplemental EIR provides detailed guidance to decision makers regarding the use of the documents contained in the administrative record. To facilitate the public's understanding of how the 1999 EIR and the Supplemental EIR constitute the environmental document, the County held a public meeting on June 14, 2007 at the Sanger High School Multi-Purpose Room in Sanger, California. The County's planning website contained all three volumes of the 1999 EIR and the Supplemental EIR during the public review period for the Supplemental EIR.

Comment 9-2

Currently, the Fresno County General Plan addresses the Kings River and riparian conservation issue ambiguously. Ecological impacts must be more broadly considered in the 1999 FEIR, if it is still applicable to the new proposed project, in terms of physical, geographic, temporal, and biological factors.

Response 9-2

The purpose of this Final Supplemental EIR is to respond to comments on the Supplemental EIR. The 1999 EIR has been certified as adequate and it would be inappropriate for this Supplemental EIR to address comments regarding the adequacy of the 1999 EIR. Regarding ecological issues, the County and the EIR preparer evaluated the 1999 EIR's biological resources section and appendices as it related to the revised Project. The County and EIR preparer evaluated new information, revisions to the Project and changed circumstances since the certification of the 1999 EIR. It was determined that the 1999 EIR's biological resources evaluations adequately analyzed the revised Project's impacts to biological resources. Section 3.0, Biological Resources subsection, provides the County's rationale regarding its reliance on the 1999 EIR's biological resources evaluations. Section 3C (Biological Resources), Appendix D-1 (Common Names of Plants and Wildlife Species Mentioned in the Text), and Appendix D-2 (Biological Assessment Report) of the 1999 EIR provide an evaluation of the Project's impacts on biological resources.

Comment 9-3

Hydrologic and riparian ecosystem components have been inadequately represented in light of changes in governmental concerns and environmental changes over the last eight years. The documents fail to acknowledge the potential of the currently-disturbed (agricultural) riparian biome to recover through natural succession. Additionally of major concern are inevitable flood events that will compromise the project's infrastructure and threaten the environmental health of the region. During flood events erosion will change the course of the Kings River. This natural fluvial effect will undercut the riverbank. An example of this action may be seen where the Kings River is undercutting Highway 180 immediately west of Pierce's Park. In the spring of 2006, the river eroded its north bank three to six feet during a time of high water flow. It is not useful to construct levees to heights much higher than the maximum flood stage elevation because the hydraulic erosive action of the water will occur on the lower portion of levee sides, not on the top. If erosion breaches the levee, the project area could fill with river water and undesirable silts and other pollutants could enter the Kings River to the detriment of the ecological environment.

The documents do not address the cumulative impact of the mining operations' massive use of the valley's life blood: water. How do we as a community decide who has a priority on this limited resource? Additionally, the issue of global warming and its potential impacts on the earth were not a governmental and civic concern in 1999.

Response 9-3

It was determined that the 1999 EIR's biological resources and hydrological evaluations adequately analyzed the revised Project's impacts to biological resources and hydrological resources. Section 3.0, Biological Resources subsection, provides the County's rationale regarding its reliance on the 1999 EIR's biological resources evaluations. Section 3C (Biological Resources), Appendix D-1 (Common Names of Plants and Wildlife Species Mentioned in the Text), and Appendix D-2 (Biological Assessment Report) of the 1999 EIR provide an evaluation of the Project's impacts on biological resources. Further, the Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to hydrology issues (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and

Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

As stated by the 1999 Final EIR, groundwater movement through the reclamation lakes could be limited by silting, plugging, or other means, making the lake lining less permeable. Groundwater will still be able to flow through the levee between the lakes as well as beneath the lakes following the pre-mining flowpath from north to south. Also, groundwater would tend to flow around the levee on the east and west. Because most water-producing wells in the area top station below the area to be excavated and additional sources of recharge exist (seepage from Hanla Ditch, Cavern Slough, the Kings River and groundwater from the North), excess algae and/or silting reducing the yield for groundwater recharge is considered a less than significant impact. (See 1999 Final EIR, p. 3B-17.)

A discussion of climate change, including regulatory context and potential project impacts, was included in the Supplemental EIR pp. 3.2-3 to 3.2-15 and 3.2-42 to 3.2-43.

Comment 9-4

Realistic consideration of long-term public safety hazards should include post mining activities. The recreational attraction that the Kings River will always present will draw people near this mine site. A resolution for management of the deadly risks associated with the cumulative impacts of gravel mining operations in close proximity to the Kings River should be clearly identified so that the adequacy of that management plan can be judged by the community. Long-term management, from completion of mining activities into the future, should become a component of the final environmental impact report. Without this, it will not be possible to identify issues of great importance to future generations of people.

Response 9-4

Post-mining land use will be private lakes, agricultural and open space. Any recreational attraction that the Kings River will present will not be related to the post-mining land uses on the Project Site. The cumulative impacts of the gravel mining operations are evaluated in both Section 3.5 and Section 3.7 of the Supplemental EIR. More specifically, Impact 3.5-2 in Subsection 3.5.4 and subsection Traffic and Circulation discussion provided in subsection 3.7.3 discuss the cumulative impacts of the applicable mining operations.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 9-5

The continuing public safety concern is the risk of increased traffic collisions. Although a projection of the total number of truck trips for this isolated project is contained in the document, the increased likelihood of injury, death and traffic congestion during the daily commute is not discussed as an impact.

Response 9-5

Safety along Central/Goodfellow Avenues is discussed on page 3E-18 of the 1999 EIR. Truck frequencies are a point of reference, but are not considered to be an indicator of traffic impacts. In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Further, anticipated traffic congestion is evaluated in Section 3.5 of the Supplemental EIR. Subsection 3.5.4 not only addressed project-specific traffic impacts of the proposed

haul route and impacts associated with the planned detour during the construction of the proposed Goodfellow Bridge replacement (see Impact 3.5-1), but also evaluated cumulative impacts (Impact 3.5-2).

Comment 9-6

In conclusion El Rio Reyes Conservation Trust once again advises that if this proposed project is carried out as presented in the SEIR and the 1999 FEIR there will be dramatic and irreversible effects on the development and conservation of the Kings River, its resources, and its environs for generations to come. Therefore, the issue of "cumulatively considerable" impacts of past, present and future gravel mining permits and applications as defined in CEQA Guidelines Section 15065(a)(3) and Section 15355 is of serious concern to El Rio Reyes Conservation Trust. We request a complete review of our concerns and a resolution to these issues.

Response 9-6

Section 3.7 (Cumulative Impacts) of the Supplemental EIR and Chapter 3L of the 1999 EIR evaluate cumulative impacts in determining whether any such impacts are cumulatively considerable. The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

4.2.2 Ewy Enterprises, July 5, 2007

Comment 10-1

Currently, the noises (voices, animal sounds {roosters, cows, etc.}, tractors, etc.) that occur on the north and south sides of Kings River are carried "down-wind" to our homes. My concern is regarding the noise that will be created by the mining operation. The proposal states that operations will start as early as 4:00 AM and continue as late as 7:00 PM with the option of "continuous 24-hour daily operations". This will have a definite impact on our quality of life. We propose that the operation times be shortened to 8:00 AM - 5:00 PM, 5 days/ week,

year-round to allow our families a rest from the obnoxious sounds that will result from the mining operation. **Please ensure that this is addressed in the EIR.

Response 10-1

The Applicant has determined that to meet its Project objectives of meeting market demands in the production region, it needs to be able to meet client demands for late night or early morning delivery of materials. Therefore, it is necessary to operate hours before and after the Commenter's proposed schedule of 8:00 a.m. to 5:00 p.m., 5 days per week and to operate the Ready-Mix plant on Saturdays. The commenter notes that operations will start as early as 4:00 a.m. This is a correct comment regarding operation of the ready-mix concrete plant during May through October. (See Table 2-1, SDEIR, p. 2.0-15) However, excavation and aggregate processing and loading and aggregate hauling will typically begin no earlier than 6:00 a.m. for loading and aggregate trucking and 7:00 a.m. for excavation and aggregate processing. The evaluation and associated impacts and mitigation for noise-generating activities are provided in Section 3.4 and Appendix F of the Supplemental EIR.

Comment 10-2

The additional pollutants that result from the mining operation and large number of trucks hauling sand and gravel are of concern, especially since our farm and homes are "down-wind" from the proposed mining operation. **Please ensure that this is addressed in the EIR.

Response 10-2

Air quality, including air pollution issues, is evaluated in Section 3.2 and Appendices D and E of the Supplemental EIR. Section 3.5 and Appendix G of the Supplemental EIR evaluate impacts associated with trucks hauling sand and gravel.

Comment 10-3

The San Joaquin Valley has been blessed with few treasured natural resources, one of which is the Kings River. The beauty of the river, for those of us who enjoy it on a regular basis, is more than the flowing water with a border of oak trees and other natural vegetation. The beauty includes the surrounding river basin, hearing the sound of the water, and looking at the sunset over fertile fields. My concern is that the EIR does not completely address the destruction of this natural resource. **Please ensure that this is addressed in the EIR.

Response 10-3

The Supplemental EIR provides updated information and analysis regarding potential aesthetics impacts of the project and concludes they are less than significant with mitigation (Section 3.1). In addition, Section 3.0 details the reasons the County concluded that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to the Kings River and associated biological resources (e.g., oaks trees and riparian habitat), after a careful review of revisions to the Project, new information, and changed circumstances. Specifically, Section 3B (Hydrology and Water Quality) and Appendices C-1 through C-17 and Section 3C (Biological Resources) and Appendix D-1 (Common Names of Plants and Wildlife Species Mentioned in the Text) and Appendix D-2 (Biological Assessment Report) of the 1999 EIR adequately analyze the revised Project's impacts to Kings River and associated biological resources.

Comment 10-4

The San Joaquin Valley is known for the production of quality foods. As the towns and cities continue to grow and invade farmland, there is concern for the existence of farming in the Central Valley for future generations. The permanent destruction of farmland, especially rich farmland, is of grave concern. The EIR does not address how the mining company will replace for future generations the 315 acres of farmland it plans to destroy with the mining operation. **Please ensure that this is addressed in the EIR.

Response 10-4

Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR evaluate the Project's impacts on farmland availability and production. Although the classification of the site as MRZ-2 indicates that current agricultural uses on the site may be temporary, and thus, that 1:1 mitigation would be inappropriate, the County nonetheless conservatively concluded that the loss of farmland would be significant. S-Mitigation Measure 3.3-3 provides mitigation for the revised Project's impacts associated with the conversion of prime agricultural to nonagricultural use. Further, please note that 285 acres, rather than 315 acres, will be converted to the nonagricultural use of private lakes. See also Responses 1-1 and 1-2.

Comment 10-5

Contamination of the ground water by direct contact between the underground water strata and deep stagnant pool, threatens the quality of the water supplied by wells into the homes on our farms on the south side of the Kings River. An additional concern is the interruption of ground water flow by the deep pools, decreasing the current supply of ground water. **Please ensure that this is addressed in the EIR.

Response 10-5

Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to groundwater resources, after a careful review of revisions to the Project, new information, and changed circumstances. Specifically, Section 3B (Hydrology and Water Quality) and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's impacts to groundwater resources. Specifically, the 1999 EIR concluded that water quality monitoring would mitigate any potentially significant impacts to groundwater quality, and that potential impacts to water supply would be less than significant due to the character of the hydrologic connections and the reduction in water usage that is currently attributable to agricultural uses.

Comment 10-6

The comments from persons in the audience during the hearing made it evident that there are many conflicting and incomplete pieces of information in the EIR. My request is that the Fresno County Public Works and Planning Department reevaluate the EIR and ensure that the facts are complete and accurately reflect the impact that this gravel quarry will have on the community and that each concern brought forth regarding the EIR is addressed.

Response 10-6

The commenter does not identify specific instances of conflicting and incomplete pieces of information. The County has reviewed comments regarding specific conflicting and/or incomplete information and has revised the EIR to the extent necessary to eliminate inconsistencies and to include information that augments or clarifies the document.

4.2.3 Friends of Jesse Morrow Mountain, July 8, 2007

Comment 11-1

The Friends of Jesse Morrow Mountain supports the objectives of the Public Task Force on Gravel Mining as set forth in their Statement of Purpose regarding the need for a hold on approval of increased mining until an independent study of the cumulative effects of mining in Fresno County has been completed.

Response 11-1

Cumulative impacts are evaluated in both Section 3.5 and Section 3.7 of the Supplemental EIR and Chapter 3L of the 1999 EIR.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 11-2

Four aggregate mining operations are proposed for eastern Fresno County, some projects will last up to a century. We do not know the future, but believe the impacts of these mines will have a grave impact on our resources and environment. No cumulative impact studies for these four projects have been completed.

Response 11-2

See Response 11-1.

Comment 11-3

We request a hold on all mining projects, expansions, and renewals until cumulative impacts can be gathered and:

1. New county regulations are in place to monitor the mining in our county.

2. Air quality monitoring to protect our environment, and enforcement of reduced production on poor air quality days. (This is already mandated by San Joaquin Valley Air Quality Control District but not enforced.)
3. Maximum 5 year mining permit, renewals with extensions to be approved after inspections. (How can we issue 25 or 30 year permits when we do not know how these projects will impact our environment?)
4. Verification of permit renewals through all permitting agencies prior to extensions.
5. Water meters on wells, local well examinations for levels (this must be done prior to any project beginning operation), depletions, over draft conditions and testing for pollutants.
6. County permit checks to verify facilities are within production permit limits.
7. Mandatory shut downs and fines for non compliance with public noticing.
8. Verification of ownership, changes of ownership, leases, and partnerships at time of change and renewal.
9. Checks on Williamson Act contracts to verify withdrawals prior to each phase.
10. Third party monitor for inspections. (This third party monitor can be paid by incurred fines after the first year.)
11. Mandatory fines for infractions and monetary payments on a schedule increasing with each infraction or by severity of infraction.
12. Mandatory reclamation of all previously mined land not mandated under previous mining permits to be completed to State and Federal Requirements prior to expansion or new permitting of facilities.
13. Mandatory facility shutdown due to water shortage or drought.
14. All EIR's must describe the water quality monitoring program and also the contingency plans to address spills or leaks at the site.
15. The EIR's allow for possible future changes in projects, like deeper mining. Any changes should be looked at for additional environmental impacts or NO changes should be allowed after permitting without a new EIR,, public notice and comment period.

Response 11-3

Response 11-1, above, provides the commenter the appropriate response to its request for additional cumulative impact analysis. Regarding the 15 additional enumerated requests:

1. New regulations in place to monitoring mining in Fresno.

The County has adequate regulatory authority to monitor mining projects in Fresno County. Section 858 of the Fresno County Ordinance Code provides extensive regulation and monitoring of mining operations in the County including regulations on mining, processing, environmental information production and monitoring, reporting requirements, financial assurances, annual inspections and reclamation standards. Additionally, the California Surface Mining and Reclamation Act found in the Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. comprehensively regulates all surface mining and reclamation throughout the State of California including annual reporting and inspections of mine sites. Additionally the California State Mining and Geology Board has promulgated extensive regulations implementing and interpreting SMARA to which all mining projects throughout the State are subject. These regulations are found in the California Code of Regulations Title 14, Division 2, Chapter 8, Subchapter 1. Compliance with the tenants of SMARA, including the State Mining and Geology Board regulations, are strictly monitored by the State Department of Conservation. No new regulations are proposed or needed at this time.

2. Air quality monitoring and reduced production on poor air quality days.

Section 3.2, Air Quality, provides appropriate impact evaluations and mitigation requirements regarding air quality impacts, including recommendations regarding monitoring. Further, the Applicant will be required to comply with a Mitigation Monitoring and Reporting Program that will specify monitoring requirements. The SJVAPCD has the exclusive authority to require appropriate operational limitations pursuant to its authority to address air quality impacts.

3. Maximum 5-Year mining permit.

Fifty to one-hundred year permit terms are standard industry practice. The imposition of a five-year permit limit in Fresno County, which has one of the most extreme shortfalls of permitted aggregate in the State, would make mining in this County economically infeasible. The County evaluates the Applicant's proposal, together with its proposed length of operations. Given the length of time it takes to prepare and process mining applications and obtain permits, a

five-year mine permit term is not feasible. The County has the authority to increase or decrease the length of the proposed operations during the public hearing process. Further, the Applicant is required to comply with its conditions of approval. The County may enforce conditions of approval using a variety of enforcement approaches including fines, revisions to conditions and revocation of the underlying permit.

4. Verification of permit renewals through all permitting agencies prior to extensions.

The County would be required to coordinate with responsible agencies regarding implementation and compliance with subsequent permit approvals prior to issuing an extension to this or any other proposed use permit.

5. Water meters, local well examinations, etc.

Mitigation Measure B-1 from the 1999 EIR remains applicable and unchanged. This measure requires preparation of a monitoring program that needs to be approved by the County. The performance standards and implementation requirements are provided in Mitigation Measure B-1. To facilitate additional oversight by the County, Mitigation Measure B-1 has been revised to read:

Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease. The County will require the Applicant to provide documentation regarding its monitoring results to the County. Fresno County will require the Applicant to retain monitoring records on-site. The County shall review these records during their annual SMARA inspection to monitor compliance with requirements of Mitigation Measure B-1

6. County permits checks to verify facilities are within production permit limits.

The County will require the Applicant to provide documentation regarding its annual production to the County. Fresno County will require the Applicant to retain production records on site. The County shall review these records during their annual SMARA inspection to monitor compliance with the production limits. Provided that the Applicant is within the tonnage limitations, the County will keep the actual amount private to protect the Applicant's proprietary information.

7. Mandatory shut downs and fines for noncompliance with public noticing.
If the Applicant fails to comply with applicable public notice requirements, the County may enforce failure to comply through a variety of enforcement approaches including fines, revisions to conditions and revocation of the underlying permit. The ultimate selection of enforcement will depend on the gravity of the alleged violation consistent with procedural due process requirements and County requirements.

8. Verification of ownership, changes of ownership, leases and partnerships at the time of change and renewal.
The County requires verification of ownership and documentation of ownership change as part of a mining conditions of approval. The Surface Mining and Reclamation Act requires owners and subsequent owners to notify the Lead Agency and the Department of Conservation.

9. Williamson Act and verification of withdrawals.
S-Mitigation Measure 3.3-1a and -1b requires the Applicant to avoid activities that could adversely impair agricultural operations on contracted parcels until after the contracts are non-renewed in the fall of 2008.

10. Third party monitor for inspections.
The County will require the Applicant to pay for monitoring of compliance of the conditions of approval. The County may either monitor or retain a third party to monitor compliance with conditions of approval.

11. Mandatory fines for infractions and increasing with each infraction.
If the Applicant fails to comply with its conditions, the County may enforce condition of approvals through a variety of enforcement approaches including fines, revisions to conditions and revocation of the underlying permit. The ultimate selection of enforcement will depend on the gravity of the alleged violation consistent with procedural due process requirements and County requirements.

12. Mandatory reclamation of all previously mined land
The Project Description envisions 9 phases. See Figure 2-5, General Phasing and Setbacks. Further, under the Surface Mining and Reclamation Act, the Applicant will be required to post a financial assurance mechanism to cover the cost of disturbed land as well as areas to be disturbed over the next twelve months.

13. Mandatory facility shutdown due to water shortage or drought.

If there is a water shortage or drought unrelated to the Project's use of water, a shutdown would not be required. If, however, the Applicant's mining activities are linked to groundwater shortages, the County will enforce applicable conditions of approval to reduce impacts to a less than significant level.

14. All EIRs must describe the water quality monitoring program and also the contingency plans to address spills or leaks at the site.

Mitigation Measure B-1 of the 1999 EIR provides a description of the water quality monitoring program. Further, Chapters 3B (Hydrology and Water Quality) and Chapter 3H (Public Health and Safety) provide a description of how the Applicant will address any spills and/or leaks that may occur at the site. Specifically, Impact Discussion in 3H discusses the various plans (e.g., Hazardous Materials Business Plan, Spill Prevention Control and Containment Plan) that have been incorporated into the Project.

15. Additional environmental review for future changes in projects, including a new EIR, public notice and comment period.

If the Applicant proposes activities not authorized by the use permit, the County will ensure that the proposed revisions are evaluated pursuant to the California Environmental Quality Act.

4.2.4 Grassroots America, July 9, 2007

Comment 12-1

STALE EIR: The EIR for the Kings River Sand and Gravel Mining is clearly out of date, ancient by the fast pace of today's serious environmental concerns, and should not be allowed its use in the current mine application. Since the SEIR is not a separate document it cannot stand alone, even if it had accuracy.

Response 12-1

EIRs do not become "stale," and in fact, CEQA presumes that a certified EIR is sufficient for a project unless substantial changes are proposed that require revisiting environmental determinations (CEQA Guidelines §§15162-15163). In this instance, the County reviewed the sufficiency of the 1999 EIR prior to determining the appropriate environmental document for the revised Project. It was determined, based on a careful review of the Project revisions, changed circumstances, and new information, that the Supplemental EIR was the appropriate environmental document for the revised Project.

Comment 12-2

CMI chose to wait until the expiration of the previous CUP 2765 (5 years) and let the information go stale and beyond its shelf life. This mine should not be resurrected in light of all the grave environmental repercussions, and the many additional silly premises stated in the SEIR. Either require CMI to do it fully, correctly and timely or deny their access to the planning departments attention. STOP frustrating the public having to live under the "dredge" of this company's applications.

Response 12-2

The environmental review process provides an impartial evaluation of the environmental impacts should the Project be implemented and not opinions on whether the Project should be approved or denied. The decision-makers, typically the Planning Commission and/or Board of Supervisors, weigh factors outside the scope of the EIR, including public support, taxes, jobs, economic benefits, and other non-environmental factors, in considering approval of a Project. The commenter's position on this Project is hereby noted and referred to the decision-makers for consideration in their deliberations for approval or denial of the Project.

Comment 12-3

PURPOSE OF EIR, P1.0-1: The stated purpose of the EIR is "to avoid or mitigate impacts where feasible. It should state avoid not mitigating almost everything to make the applicant happy or at least more contented. There is only a few areas where mitigation is not used because there is there is no avoidance of significant impacts.

Response 12-3

The majority of the impacts identified in the 1999 EIR and the Supplemental EIR have been mitigated to a less than significant level. For impacts that have not been reduced to a less than significant level, the County has required all feasible mitigation and will make appropriate findings of overriding consideration if it approves the Project.

Comment 12-4

Any Cultural Resources found after a valid archaeological survey should be avoided.

Response 12-4

Chapter 3K of the 1999 EIR evaluates cultural resources impacts. Specifically, Mitigation Measure K-1 provides applicable mitigation if cultural resources are discovered during mining activities. Mitigation Measure K-1 is included in the Summary Table of the Supplemental Draft EIR. The Summary Table inadvertently omitted the last two measures. These measures have been included in the Errata version, which is located in Section 3.0 of this Final EIR. To assist the commenter in reviewing the applicable measures, the entire measure is provided below:

K-1: Implement a Plan to Address the Discovery of Unanticipated Cultural Resources

The mine operator shall implement the following plan:

1. If cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are discovered during construction or operational activities, the developer or operator shall stop work in the area within 100 feet of the find; retain a qualified archaeologist to assess the significance of the find; and, if necessary, develop appropriate treatment measures in consultation with the California State Historic Preservation Officer.
2. If human bone is found as a result of any construction or operational activity, the developer or operator shall stop all disturbance activities and notify the Fresno County Coroner within 48 hours in compliance with California Public Resource Code Sections 5079.94 and 5097.98. If the coroner determines that the remains are of Native American origin, the California Native American Heritage Commission shall be notified.
3. If cultural resources are identified, they should be avoided if it is feasible to do so.
4. If avoidance is not feasible, then the significance of these resources should be assessed by a qualified archaeologist and, if they are determined to be significant resources in accordance with the State CEQA Guidelines, adverse impacts should be mitigated. In the case of archaeological sites, mitigation usually consists of data recovery excavations to retrieve the data that would be lost through disturbance.

Comment 12-5

The applicant calls future "lakes" open space, that is after it is strafed of all vegetation, life giving oxygen, and wildlife habitat, artifacts and potential burial grounds. First you have to look before you leap into these holes, because it becomes irretrievable in those 80 foot pits and after rock crushing.

Response 12-5

The Lakes will contain riparian vegetation with associated wildlife values. The reclamation plan is described in Section 2.0 in the subsection entitled Project Buffers and Final Reclamation. Figure 2-7, Reclamation Site Plan: Landform, provides a graphical depiction of the reclaimed site.

Comment 12-6

CULTURAL RESOURCES, Table S-1, p S-36: The silliest obvious failure in the EIR/SEIR is the failure to include any cultural survey. *There was no consultation with Native Americans.* That is ridiculous and a deceitful manner to treat those we stole land from and fail to give even a nod in their direction under today's laws that are supposed to preserve the remains indigenous culture. The Choinumni inhabited this region, as water was as essential to their culture as it is ours. *The letter from the Native American Heritage Commission, Dave Singleton, June 6, 300T regarding this silly SEIR portion on cultural, resources recommends Specific "action", not the consistently flaccid action under the EIR and SEIR. Listen up, it is a STATE AGENCY, not some funky company paid by CMI to come up with " I want what I paid for", so make it feasible and mitigate it". I request Fresno County to do something right, start this EIR over and do it for the environment and our lives, and those who come after us.*

Response 12-6

Section 3.0 of the Supplemental EIR provides the County's rationale of why the cultural resources evaluation, among others, was not updated since the 1999 EIR. Chapter 3K of the 1999 EIR evaluates cultural resources impacts. Specifically, Mitigation Measure K-1 provides applicable mitigation if cultural resources are discovered during mining activities.

Comment 12-7

PREVIOUS CONDITIONS: Clearly, CMI did not want to pay for the funding the improvements on Fresno County bridges as previously required. Now we learn that the good citizens of Fresno County will be funding the bridges on Goodfellow. Grants come from tax dollars regardless whether its state of federal or the county's own tax funds, it come our pockets. *CMI should be required to agree to reimburse all the funding for those bridges a pre-condition in this application being filed, or any future applications.* When the county wants a road right of way or easements they withhold permits to build from any other resident, why not the conglomerate CMI.

Response 12-7

The Applicant has been required to pay for its proportionate share of road and bridge improvements. Section 3.5 and Appendix G of the Supplemental EIR provides an evaluation of the Project's impacts to roads and bridges.

Comment 12-8

POLITICAL DISCRETION: CMI, for 7 million dollars, can afford to fund a slew of campaign contributions to politicians and the "wannabes successors" to support nonpayment of that one previous condition for bridges. Which politician(s) will sell (by CEQUA certification of the EIR and SEIR) what is left of our precious life's, blood, our water, river habitat, (in this particular application) and the ecosystem and that supports it to the highest bidder? Stay tuned its coming near you.

Response 12-8

Commenter offers no evidence to support its assertions regarding campaign contributions, and County staff has no record of private contributions to elected officials. The Supplemental EIR and the 1999 EIR do not advocate for the approval or denial of the Project. Calaveras Materials, Inc. submitted an application for a Conditional Use Permit and Reclamation Plan for mining activities on the Project site. The Planning Department provides information and recommendations on land development to the Planning Commission and Board of Supervisors. The environmental review process provides an impartial evaluation of the environmental impacts should the Project be implemented and not opinions on whether the Project should be approved or denied. The decision-makers, typically the Planning Commission and/or Board of Supervisors, weigh factors outside the scope of the EIR,

including public support, taxes, jobs, economic benefits, and other non-environmental factors, in considering approval of a Project. The commenter's position on this Project is hereby noted and referred to the decision-makers for consideration in their deliberations for approval or denial of the Project.

Comment 12-9

In the SEIR it states "that all state and local government agencies consider the environmental consequences over which they have discretionary authority". Will this discretion further curse the environment and cripple the taxpayers that must deal with it?

Response 12-9

Comment noted.

Comment 12-10

GROWTH IMPACT, p.S-12, 1st and 2nd paragraph: This is a silly conclusion, unless you are basing it on the silly notification distance of 1/4 mile. The sheer number of trucks, employees, vendors and ancillary service providers will increase the number of people in the area, the use of community services and those wanting to be closer to their employment and live here. It has great significance on the environment. This is just absolutely silly. It will result in "significant growth-inducing impacts" by the volume alone of those coming into this rural life and the communities. Just add up the number of mitigation measures, that is significant by itself. In addition, who determines the "LTS", the consultant ultimately paid by CMI, Table S-1. This section just gets sillier.

Response 12-10

The 1999 EIR specifically noted that employees of the Project were expected to be supplied by the existing regional labor pool, and thus the Project would not result in an influx of people to the area or induce construction of additional housing nearby. Section 3.6 of the Supplemental EIR and Chapter 3L of the 1999 EIR evaluate growth-inducing impacts. As discussed in Chapter 3L of the 1999 EIR, and confirmed in the Supplemental EIR, the Project would have no direct or indirect growth-inducing impacts and thus no significant growth-inducing impacts requiring mitigation.

Comment 12-11

This project must be scaled back further and all improvements must be in place prior to any reduced mining, not after the residents have paid the peak price for CMI's admission!

Response 12-11

The Supplemental EIR evaluated the revised Project and did not find that the Project should be scaled back further, nor did it conclude that all improvements needed to be completed prior to mining at the site. The Supplemental EIR and the 1999 EIR provide appropriate mitigation for the revised Project's impacts.

Comment 12-12

HYDROLOGY/WATER WELL, Table S-p 24-26): But even more silly is, "if it confirmed that the project caused significant reduction in well yields in the neighboring well" (which well- that is singular, not plural). By another study consultant paid by CMI, or independent from CMI and independent from the county. *2000 feet from the project* in the country where water generally flows downhill (even in the river), *is insufficient*.

The volume of water CMI will extract will make many flora, fauna and homesites extinct. This mitigation measure is totally insufficient, and potential loss of water is more than significant. The assumptions, in 3.7 cumulative impacts that this project would add "to water consumption and potential degradation of water quality over time" appears greatly understated. What happens when they suck the water rapidly down stream and dry up "bedrock aquifers" (cracks and crevices) upstream.

Response 12-12

Section 3.7 of the Supplemental EIR discusses the cumulative impacts of the revised Project. Regarding impacts on water supply, Section 3.0 of the Supplemental EIR details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to water supply, after a careful review of revisions to the Project, new information and changed circumstances. Specifically, Section 3B (Hydrology and Water Quality) and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's impacts to groundwater resources.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 12-13

The volume of water to be extracted is approximately 6.5 million gallons per day at this operation. Water projections from DOC, ECHO Summit (snowpack), the Sierra Nevada Water Reservoir, project the volume of water will decrease 40% to 80% in this century. That is 4% to 8% a decade, or more. The CMI use of water in the current magnitude of this application will be astronomical within the period of the project. The cumulative effect of water use from the four (4) projects (not 3) would equal the use of the City of Fresno. Hydrologist, David Cehers, estimated Fresno's aquifer overdraft to be 150,000 acre feet per year.

Response 12-13

See Response 12-12, above, regarding the revised Project's cumulative impact to water supply. Further, Section 3B and Appendices C-1 through C-17 of the 1999 EIR evaluate whether the cumulative conditions would result in a cumulatively considerable impact on the applicable aquifer.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 12-14

More water overdrafts may mean less cooling for the earth and less vegetative growth. Voids where water used to fill lead to the greater *subsidence* (S-37) than discussed as "LTS", and are potentially *cumulatively significant* (not just which way the clay fines in the clay layer). The water is going down and our sky is turning brown, which cannot encourage clean green growth or tourism into Fresno County. Tulare County stinks of cow gas and Fresno County will become sinkholes.

Response 12-14

See Responses 12-12 and 12-13 regarding the 1999 EIR and Supplemental EIR analyses of potential water overdraft.

Comment 12-15

When wells nearby, upstream or downstream, must go deeper, degradate or run dry, CMI will claim it's not their fault. Those less financially connected will take it in the shorts and be forced to give up homes and businesses. *The project is too large and needs to be on a five and no more than a 10-year review for BIR reevaluation with independent reliable monitoring not brash statements about potentials.*

Response 12-15

The County will require the Applicant to pay for monitoring of compliance of the conditions of approval. The County may either monitor or retain a third party to monitor compliance with conditions of approval.

Comment 12-16

AESTHETICS, 3.1-2: The statement that this "could change the view from Goodfellow Avenue and residences north of the roadway" is super silly. It will change the view, and it will be significant by truck traffic, noise, large equipment, lighting and the activity proposed. Once its changed to this degree, it will be just an another degradation of the environment that cannot be replaced in any time.

O.E. Wilson, Harvard Naturalist, states that we know less than 10% of what is in our environment. Each loss of a portion of the land or ponds inevitably causes loss in our own ability to learn from nature its curative elements. In addition, this means that

we will be less able to sustain ourselves on this planet, in our county or in our natural environment. *Planting some trees to lessen the view of this destruction is significant.* Humans do not live by bread alone, and rocks and concrete are not appetizers.

Response 12-16

Section 3.1 of the Supplemental EIR evaluates the revised Project's potential impacts regarding aesthetic resources. Section 3.1 requires mitigation for potentially significant impacts.

Comment 12-17

Lighting, by following the County codes, should not be entitled to mitigation status. Lighting by itself interrupts the nocturnal portion of this riparian and wildlife habitat. Candlelight should not increase at all.

Response 12-17

Some lighting will be required for security purposes as well as for nighttime and early morning activities. The Applicant will be required to adhere to County requirements as well as comply with Mitigation Measures C-1 and C-2 from the 1999 EIR, which are still applicable to the revised Project. See Summary Table and restated under Impact 3.1-2 in Section 3.1 of the Supplemental EIR.

Comment 12-18

AIR QUALITY, 3.2: The absurdity of giving credit for closing a plant in another county and receive credits in Fresno County shows that the SJVAPCD has misplaced the interests of this county. That impact is still significant and "unavoidable". The mitigation measures to "encourage" are absurd. Who is going to check on maintenance of equipment? Who in the air resources is going to read the manual and understand scheduled maintenance? This is the silliest mitigation language used.

Response 12-18

The Applicant has closed several businesses within the San Joaquin Valley Air Basin. Specifically, an aggregate and asphalt batch plant located on the San Joaquin River near the unincorporated community of Pinedale (Fresno County). Based on this closure, the San Joaquin Valley Air Pollution Control District (APCD) issued Emission Reduction Credits (ERCs) with the understanding these credits could be used for the start up of

new business(s) or sold to other businesses in need of ERCs. Although ERCs are available, the Project is not relying on these credits to reduce air impacts to a less than significant level. In order to obtain an air permit, an application must be submitted to the APCD. Evaluation of the permit application will determine whether ERCs are required and whether the proponents ERCs are sufficient in quantity and applicable for the type of emissions proposed. If they are not, other ERCs may need to be purchased or traded through the ERC market to offset the impacts of opening a new operation. As stated in Section 3.2 of the Supplemental EIR, some aspects of the Project air impacts are considered significant.

Comment 12-19

The conclusions, on printing the SEIR, based on SJVAPCD passing a plan for reaching air emission standards was false and misleading. It did not pass anything but the ball. Nothing is going to happen for about 20 years, p 3.2-3. Does this mean CMI will be able to pollute by the blessing of board's inaction? Asthma is a great valley death sentence. Bad air means sickness and that financial responsibility is piled on the backs and into lungs of the citizens because that board was impotent.

Response 12-19

Air quality impacts that have the potential to affect respiratory health are regional phenomena and thus there is currently no scientific basis for determining the asthma-related health impacts of an individual project. In addition, neither CARB nor SJVAPCD, nor any other air district in California, have adopted thresholds of significance for potential asthma-related effects. Therefore, there is no regulatory guidance for assessing such effects. However, because this revised project will have reduced air quality impacts as compared to the version approved in 1999, any potential respiratory health impacts would be less than under the previously-approved project. Furthermore, mitigation proposed for other identified air quality impacts will have the ancillary benefit of reducing potential respiratory effects.

Comment 12-20

What does the term "cumulatively considerable" mean (3.7-5)? Does it mean more than highly significant? Or more likely to kill sooner rather than later?

Response 12-20

According to Guidelines Section 15065(a)(3):

“Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

Comment 12-21

NOISE. 3.4: Noise makes you tired, affects your mental processes and sound carries in the county, especially after removing all the vegetation for mining. Vulcan is now flat gray land and sound travels further. The ding, ding, ding of the equipment bells is incessant. Not just the residences but the environment is *significantly affected*. Helping some of the neighboring residences does not mean that "sound does not travel".

Response 12-21

The Supplemental EIR evaluates noise impacts in Section 3.4 and Appendix F. The Supplemental EIR recognizes that sound does travel. The evaluation quantifies the sound as it travels and offers mitigation for noise impacts that exceed applicable County Code and CEQA requirements.

Comment 12-22

TRAFFIC, 3.5: As stated above the new traffic study is based on an end run around the improvements required on the approval of the previous EIR, bridges. The cumulative impacts of two existing plants. Central Valley and Vulcan and the tremendous number and weight of truck traffic should prevent any additional mining without all improvement being done on opening day. Why make the travelers suffer because CMI chose to wait and save money on improving the bridges.

Response 12-22

Neither the 1999 EIR nor the Supplemental EIR mandated improvements of the Kings River Bridge that crosses the river along Goodfellow Avenue those improvements were instead required only at the Board of Supervisors hearing. Cumulative impacts are evaluated in Section 3.5 and 3.7 of the Supplemental EIR and Chapter 3E and 3L in the 1999 EIR.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 12-23

Why does Central Valley get a pass on paying for impacts and not being required to contribute to the improvements? Cumulative is cumulative except apparently when you do not want to acknowledge the magnitude of 4 projects (not three). The SEIR show only three projects: CMI, Cemex and Vulcan, *but not Central Valley*.

Central Valley RediMix is certainly discussed in the first EIR. Maybe Central Valley is under the county's EIR radar because they have no valid county permits. Maybe the county is also blind to another project at Gerawan Farms, which also has no permits to mine for that aggregate. Is that because Gerawan Farms now has a financial interest in the Vulcan project by lease, water exchange or some other form of gain or ownership. There appears to be too much handholding in all of these EIR's. Who is responsible for the sand being swept under the carpet?

We can't even "suck wind" with all these projects because we are sick front the accumulation of the emissions in the air and an impotent air board passing wind. *It will be significant alone and cumulatively it is a disaster waiting to peak cumulatively.*

Response 12-23

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 12-24

LAND USE AND AGRICULTURE, 3.7: The county loses 11 acres per day of agricultural land from production. Combining these 4 projects, not three (3.7.2, -2, -5) would account for one-third or more of that annual loss from these 4 projects and expansions alone. You cannot eat, breathe or wear aggregate or concrete. Agricultural products cannot be regrown on mined (wet or dry) land along the Kings River. *It will not help sustain the environment and is a significant impact.* Nothing seems to grow during or after mining except holes (lakes or scum ponds) on the desecrated agriculture land. Afterwards its termed "open land", but without any recognizable natural form.

Response 12-24

To ensure that agricultural activities continue as long as possible prior to mining activities, the Project will proceed in nine phases. Under S-Mitigation Measure 3.3-3, agricultural uses of un-mined phases of the Project site are required to continue until the land is prepared for mining. Further, S-Mitigation Measure 3.3-3 requires that removal of topsoil for Phases 3 through 9 shall not precede initiation of surface mining activities. Therefore, the current agricultural activities will remain in place as long as feasible consistent with the Project's objectives of aggregate production.

As the Project proceeds, agricultural activities will remain in use for as long as possible. At the conclusion of the Project, the Reclamation Plan for the Site calls for two lakes consisting of a total of approximately 285 acres.

In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use but that impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland,

creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 12-25

Why doesn't the county require cancellation of Williamson contracts before the mining company mines? Why does the county declare that open land, with ponds is compatible with agriculture? It seems misfeasance not to cancel these contracts and charge breach of contract with penalties on each contract. The county claims insufficient tax revenues each fiscal year, but is giving tax our dollars to these mining companies. This matter should be referred to the California legislature for review of Fresno County agriculture land policies, the Attorney General for its opinion. If a Williamson (aggregate) tax shelter exists, or is allowed to exist illegally, repayment should be exacted from those in charge, not the taxpayers.

Response 12-25

The applicable Williamson Act contracts for the parcels that will involve mining will be terminated by non-renewal by December 31, 2008. Therefore, implementation of S-Mitigation Measure 3.3-1a and -1b will reduce the potentially significant impact of Williamson Act compatibility to a less than significant level.

Comment 12-26

How can this EIR state that Jesse Morrow Mountain Project will implement phasing and (*specifically*) concurrent reclamation, when that project has not even reached the DEIR stage (3.7, 3.7-4) Vulcan is not planning to reclaim the area it has already destroyed mining for the last 60 years until 40 more years from now. How is an area to recover after 90 plus years of annihilation?

Response 12-26

Due to extensive comments on the cumulative impacts of this Project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion, located in Section 3.4.4 of this Final SEIR, evaluates cumulative agricultural impacts in Section 3.7.3 of the Draft SEIR.

Comment 12-27

In conclusion, as a taxpayer, without big corporate funding, attempting to decipher how far will the county go to destroy those who are good stewards of the land. Eventually this county will lose taxpayers as its stable tax base when these environmental reviews (EIR's) turn the "fruit basket of the world" into the new Owens Valley. "The County shall minimize or eliminate the potential adverse impact of mining operations on surrounding properties" (OS-C.4) and the impacts to scenic qualities of the site. The EIR and SEIR do not comply with the apparent intent of the ordinances significantly.

Response 12-27

Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR evaluated the Project's consistency with the general plan and applicable ordinances and determined that the Project was consistent with such requirements.

Comment 12-28

Go ahead, lean back and take a deep breath of smog, look at the tinted brown sky line, drink some bottled water and enjoy your environment. Ask yourself, have you done a good job for the environment or should you change all your filters and ways.

Response 12-28

Comment noted.

4.2.5 Kings Canyon Unified School District, May 31, 2007

Comment 13-1

Kings Canyon Unified School District has no comment regarding the above application.

Response 13-1

Comment noted.

4.2.6 Kings River Water Association, July 6, 2007

Comment 14-1

The KRWA has met with representatives of Project proponents to discuss the KRWA's concerns about the Project's potential impacts on Kings River water supplies, water quality and fisheries. Specifically, the KRWA was concerned with (i) the potential use of Kings River water in connection with the Project, (ii) the possibility of water quality impacts on the Kings River resulting from Project and (iii) potential damage to the Kings River fishery from the Project.

Response 14-1

The Hydrology Resources subsection of Section 3.0 details the reasons the County concluded that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to hydrology issues (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

Comment 14-2

The KRWA has been assured by the Project proponents that:

- a) No Kings River surface water will be used in connection with the Project. Surface water delivered by the Kings River Water District may be used to irrigate portions of the Project site prior to mining, but no surface water will be used as process water for the Project's mining operations.
- b) There will be absolutely no discharge of any water from the Project site into the Kings River, Cameron Slough, or any other surface water body.
- c) There will be complete separation of the ponds created by the Project from the Kings River, Cameron Slough, or any other surface water body.
- d) All mining operations conducted on the Project site will be set back sufficiently far from the Kings River and Cameron Slough to eliminate any risk that the ponds on the site would be inundated or otherwise "captured" during high flows in the Kings River and/or Cameron Slough.

Response 14-2

- a) Comment noted.
- b) There will be no discharge of any water from the Project site into the Kings River, Cameron Slough, or any off-site waterbody. However, the Applicant may discharge water into on-site ponds for water management during mining operations.
- c) Process water will not be discharged to Cameron Slough, Kings River, or any other off-site surface water feature. Further, the Project will have a 50-foot excavation setback from a designated floodwater or Flood Zone (FEMA Zone A) or 100-foot excavation from top or bank or 1 1/2 times the width of the dripline as measured from the trunks of nearby riparian trees, whichever is greater.

Comment 14-3

Each of these assurances is of significant importance to the KRWA and its members, as they reduce concerns over (i) over violations of Kings River water rights, (ii) unacceptable impacts to Kings River water supplies and local groundwater conditions, (iii) discharges affecting water quality in the Kings River and (iv) detrimental intermixing of habitat created in the ponds with the Kings River fishery. Because its concerns

have largely been addressed by these assurances, the KRWA is not providing detailed comments on the SEIR. However, the KRWA wishes to emphasize the importance of these assurances by the Project proponent, and requests that they be (i) included in the final environmental impact report certified for the Project and (ii) incorporated into any conditional use permit ultimately granted by the County for there Project.

Response 14-3

As discussed in the Supplemental EIR Summary, the County will incorporate mitigation measures from the 1999 EIR and the Supplemental EIR as Conditions of Approval for the revised Project.

Comment 14-4

Finally, the Project must not be permitted to increase the consumptive use of Kings River water indirectly by increasing groundwater consumption (by evaporation from ponds) that will result in impacts on the Kings River due to hydrologic connectivity between the river and groundwater supplies. The Kings River Service Area is already water short, and increased losses of water will exacerbate that shortage. The Project proponents have explained that the standing water level in ponds to be created by the Project will be essentially the same as water levels in the Kings River and Cameron Slough, and that those water levels will be carefully monitored as a part of the Project. As long as there is no significant difference in water levels between the ponds and the channels, there should not be any material migration of water from one to the other, and therefore no loss of Kings River water through evaporation of groundwater in the ponds should occur. However, if the levels in the ponds fall below those in the Kings River and Cameron Slough, the result could be increased migration of water from those channels to the ponds due to the difference in water elevation. That would adversely impact water supplies administered by the KRWA due the evaporation experienced in the ponds.

Response 14-4

The revised Project actually proposes to use less than half of the water it planned to use under the previously approved Project (2.7 million tons a day compared to 5.4 million tons a day). Further, Mitigation Measures B-1 through B-6 affords a large array of monitoring and remediation measures to mitigate for potential water quality impacts of the revised Project.

Comment 14-5

Accordingly, the monitoring commitment of the Project proponent, and a commitment to take appropriate remedial actions to avoid damage to the KRWA and its members if water elevations result in seepage to the ponds created by the Project, is important to the KRWA and its members. We request that those commitments be required in any conditional use permit issued for the Project.

Response 14-5

All mitigation measures adopted by the County will be required as conditions of approval for the revised Project.

4.2.7 LASER (William Kopper), Valley Citizens Association, and Mike Brown, June 6, 2007

Comment 15-1

My clients oppose the Project.

Response 15-1

Comment noted. The Supplemental EIR does not advocate approval or denial of the revised Project.

Comment 15-2

In the case of the Kings River Sand and Gravel Project, the SEIR does not provide a sufficient project description and also includes an unstable and shifting project description. The project description is inadequate because there is no site plan in the Environmental Impact Report that shows the location of the residences that are close to the sand and gravel plant and the distance between the noise generators and the residences.

Response 15-2

Please see Figure 2-3 (Aerial Photograph), 3.2-1 (Health Risk Assessment), and 3.4-3 (Noise Monitoring Positions at the Project Site) for both aerial photographs and scaled figures showing the location of residences that are close to the Project site.

Comment 15-3

The SEIR does not include a scale drawing of where the residences are located with respect to the sand and gravel operations. There is no site plan that shows the residences on the west side of the sand and gravel operation and on the north side of the sand and gravel operation. Without this information it is very difficult to verify the SEIR conclusions as to the noise impacts of the Project. It is also difficult to verify the SEIR conclusions as to the air and pollution impacts of the Project on neighboring residences.

Response 15-3

Please see Response 15-2. All of the referenced figures provide scales. Figure 2-3 shows the residence to the west and the residences to the north of the Project site. Figure 3.2-1 provides an aerial photograph of the nearby residences to assist in evaluating the air pollution impacts of the Project.

Comment 15-4

The project description is shifting because it is unclear where the internal roads will be located on the Project site and where cars and trucks will access the Project. The Project description section of the EIR states that the EIR includes an application (Application # 3052) to amend an approved unclassified Conditional Use Permit (CUP) # 2765 for sand and gravel (aggregate) extraction and processing a Reclamation Plan. Therefore, the EIR includes the Reclamation Plan as part of the Project. The Reclamation Plan includes in an appendix figure 6, figure 7, figure 8, figure 9, figure 10, figure 11, figure 12, figure 13, figure 14, figure 15, figure 16, and figure 17; all showing a 30 foot paved road on the west side of the Project site turning east at the north boundary of the Project and then entering Goodfellow Avenue on the north end of the Project site equidistant between the east boundary and west boundary. The primary entrance and exit from the site is on Goodfellow Avenue. Additionally, figures 3.5-3, 3.5-4, 3.5-5, 3.5-6, 3.5-7, and 3.5-8 in the traffic section of the SEIR all show that all truck traffic is on Goodfellow Avenue and there is no truck traffic on Riverbend Avenue. The traffic section states that the only time there is truck traffic on Riverbend Avenue is when a detour will be created to provide for the construction of a bridge on Goodfellow Avenue. In contrast to the description in the Reclamation Plan and traffic section of the SEIR, Appendix F of the SEIR (the Noise Study Update) on page 21, states as follows:

In addition, CMI has agreed to reroute the access for the project so that the project vehicles access the property along the Riverbend Avenue alignment, located west of the site. This access route will be utilized in lieu of routing trucks along the northern property boundary, as formerly proposed. This minimizes the on-site project traffic impacts to the homes located North of Goodfellow Avenue, as the access route distance is now sufficient to almost attenuate noise levels below the significance threshold.

Access on Riverbend Avenue is also assumed on page 3.4-24. The SEIR states as follows: "The plant access from the Riverbend alignment will be located at least 500 feet from the structures on the property immediately west of the property site." The SEIR is therefore inconsistent as to where the primary ingress and egress will be located for the Project site. In order to assess both the noise and traffic impacts, it is absolutely essential to have a stable project description that identifies the primary ingress and egress to the project site. If the ingress and egress to the Project site will be Riverbend Avenue, then the Reclamation Plan needs to be redrafted to reflect that fact and also the traffic section of the SEIR needs to be revised accordingly. The draft Environmental Impact Report needs to be recirculated. If the primary ingress and egress is going to remain on Goodfellow Avenue, then the noise section of the SEIR needs to be revised and the SEIR needs to be recirculated.

Response 15-4

Since the 1999 Final SEIR, access to the property was changed from a north-central location off Goodfellow Avenue to the western boundary of the property at Riverbend Extension. The Mining and Reclamation Plan was modified to reflect this change prior to circulation of the Supplemental EIR, and therefore recirculation is not necessary. Refer to the Mining and Reclamation Plan available at Fresno County's website (<http://www.co.fresno.ca.us/4510/4360/environmental/DevsServs-Environmental.pdf>) as well as in hard copy at the local library. Riverbend Extension south of Goodfellow Avenue is neither a maintained County road nor a through street and is only accessed by 2 property owners located south of the intersection of Goodfellow Avenue and Riverbend Extension. Therefore, traffic on Riverbend Extension (south of Goodfellow Avenue) was not relevant for the purposes of traffic studies. The plant entrance is located off the Riverbend Extension approximately ½-mile south of Goodfellow Avenue, which will be at least 500 feet south of the residential structure located adjacent to the western boundary of the property. Refer to Figures 3.4-2 and 3.4-3.

Comment 15-5

The Project description is also inadequate because it does not inform the public as to the status of the current Conditional Use Permit. It is our understanding that the Conditional Use Permit has expired, but the SEIR is silent on this fact. Further, the Conditional Use Permit is not attached to the SEIR.

Response 15-5

The Project Description is contained at Section 2.0. The Project Description is unrelated to the legal status of the conditional use permit previously approved in 1999 (CUP 2765). CUP 2765 has been attached to the Final SEIR as Appendix C. As previously noted, beginning in 2003 the Applicant applied to the County to make changes in the conditions/mitigation measures relating to CUP 2765. CUP 2765 was valid at that time. Since the beginning of 2007, the County has treated the permit as expired.

Based on the comments received, the County reviewed the record and has determined to treat the measures added at the public hearing as mitigation measures. Accordingly, Mitigation Measures PH-1 through PH-9 have been added to the summary table contained in the SEIR and treated as CEQA mitigation measures added to the 1999 EIR. The measures deleted in the SEIR, PH-5 through PH-7, are indicated. As noted above, the applicant applied for a revised CUP in 2003, which application proposed the modification of the Project and the deletion of certain mitigation measures and conditions of approval. To address concerns relating to traffic and the elimination of these mitigation measures, the Applicant modified the Project to reduce the maximum allowable annual mining rate in half, thereby reducing truck traffic related to the project. As part of the SEIR process, the County has reevaluated all traffic impacts relating to the project, including reflecting the reduced truck traffic, analyzing changed traffic flows related to changed market demand and analyzing the potential detour route during the period the Kings River Bridge will be closed.

Comment 15-6

In order to inform the public as to when the Project is going to operate, the SEIR needs to include information as to the hours of operation. In the original EIR, it included a proposal for ready mix operations beginning at 4:00a.m. It is impossible to determine from the SEIR what the proposed hours of operation are for the Project. For examination of the noise impacts of the Project, this information is extremely important.

Response 15-6

Table 2-1 in Section 2.0 of the Supplemental EIR (page 2.0-15) clearly identifies the proposed hours of operation.

Comment 15-7

Scientific, engineering, and technical reports and studies in similar documents relied on in preparing an EIR need not be incorporated in the body of an EIR or in an EIR appendix. The EIR must include citations to such documents for accountability and to allow for verification of the statements made in the EIR. (See the discussions following Guidelines section 15148)¹. The citations in the EIR, should, where feasible, refer to the pages and sections in the documents that were used as the basis for any statements in the EIR. (Guidelines Section 15148.)

In the Noise Study, there are repeated references to studies with absolutely no citations. For example, on page 17 of Appendix F (the "Noise Study") is a reference to a study for the International Border Pipeline Project in San Ysidro in 1994. On page 19 there is a reference to a study of noise for truck movement at the "Jamul Quarry in San Diego County in 1994." There is absolutely no citation to this study. On page 15 of the noise study is a reference to measurement of excavation and hauling activity noise at the "Stewart and Nuss Quarry in Fresno in 1998." There is no citation to the noise study. On page 13 there is a reference to rock plant noise study at the "Central Valley Ready Mix Facility in 1996." There is no citation to this noise study. On page 11 there is reference to a truck loading and unloading noise study at the "Central Valley Ready Mix Plant in 1996." Likewise, there is no citation to this study. In the traffic section of the EIR, there is a reference to the "Florida Department of Transportation Table 4-7 Generalized Peak Directional Volumes for Florida Urbanized Areas." There is no citation in the SEIR to the document relied upon. While there are a few citations to references relied upon in the SEIR included in section 5.0, many of the references relied upon in the EIR simply are not cited. Therefore, the EIR is inadequate. The references should be cited in the EIR, and made available at County offices, so that the public has the opportunity to check the material that was relied upon in preparation of the SEIR. In *San Francisco for Reasonable Growth v City and County of San Francisco* (1987) 193 Cal.App.3d 1544, the court referred to guideline section 15147 stating that an EIR must include underlying technical data so that readers can evaluate the

conclusion. In this case it is impossible for the readers to find the technical data because the citations are not present.

[Footnote¹: "Guidelines" refers the California Code of Regulations Title 14, sections 15000-15387.]

Response 15-7

The noise study contained in Appendix F and summarized in the SEIR represents an update to the technical noise data contained in the previous 1999 Kings River Aggregate EIR. The noise measurement references contained in the SEIR (and Appendix F) were carried over from the previous 1999 EIR and the Noise Appendix to the 1999 EIR. Please see Chapter 3G of the 1999 EIR and Appendix F-1 to the 1999 EIR.

These references represent specialized studies for specific aggregate or construction industry clients that do not appear in the open literature. They appeared in CEQA documents for previous aggregate industry or construction projects. The reported noise levels from various types of aggregate operations are identical as those previously reported. These documents are referenced as follows:

- Loading & RMC Batching: "Noise Impact Study for Central Valley Ready-Mix." County of Fresno, California, Conducted by Giroux and Associates, Sept. 5, 1996.
- Rock Plant Operations: "Noise Impact Study for Central Valley Ready-Mix." County of Fresno, California, Conducted by Giroux and Associates, Sept. 5, 1996.
- Ladder Dredge/Drag Line: "Ladder Dredge Noise Monitoring of Irvine Lake (Memo to Buada Associates)," County of Orange, California, Conducted by Giroux and Associates, April 2, 1998.
- Excavator/Haul Truck: Personal communication with RGP Planning & Development Services, Results of acoustical tests performed at CMI Fresno Facility, County of Fresno, June 1999.
- Scrapers: "Noise & Vibration Impact Analysis for Dairy Mart Road & Bridge Improvements." City of San Diego, California, Conducted by Giroux and Associates, April 11, 1996
- Private Entry Road: "Noise Impact Analysis for Jamul (Daley) Quarry." County of San Diego, California, Conducted by Giroux and Associates, July 25, 1997

Comment 15-8

The SEIR is somewhat confusing and misleading. Impact 3.2-4 states, "The proposed project could increase emissions of hazardous air pollutants that expose sensitive receptors to

substantial pollutant concentrations. This is a significant and unavoidable impact." However, on page 3.2-28, the SEIR contradicts itself and states, "The impact is "less than significant." The EIR is confusing and needs to be corrected so the public can understand the conclusions of the Environmental Impact Report.

Response 15-8

Comment regarding a typographical error in the Supplemental EIR is noted. As indicated in the Impact Header, by the impact discussion and evaluated in Appendix E, the revised Project's impacts regarding Hazardous Air Pollutants are less than significant. The text of the last sentence in the impact statement will be revised to read: "This is a less than significant impact."

Comment 15-9

Pages 3.2-24 to pages 3.2-28 include the report of a health risk assessment that was completed for the Project. However, it is impossible for the public to evaluate the health risk assessment because the EIR does not include sufficient information for such an assessment. The information that is missing is a site plan of the Project and the location of the sensitive receptors with respect to the pollutant generators on site. There is no site plan that scales the location of the residences around the Project site to the location of the toxic emission generators. Without this information, the Health Risk Analysis cannot be evaluated. The SEIR is inadequate because it does not include sufficient information for the public decision makers to evaluate the carcinogenic health risk.

Response 15-9

Please see Figure 3.2-1 to see the site and its nearby residences. This Figure provides a scale. Further, the Figure depicts the location of the average area of concentrated mobile equipment activity. Lastly, Figure 2-5 shows the location of the various phases of the Project and the location of the permanent site location. Figure 2-6, Conceptual Plant Site Layout, provides a general idea of how the plant site area will be configured.

Comment 15-10

Impact 3.3-3 states "the conversion of prime agricultural land to non-agricultural use would be a significant and unavoidable impact from the project." A letter from the Department of Conservation to the County of Fresno dated August 23, 1999 states

that at least the 3 parcels covered by Williamson Act Contracts include lands classified as "prime farm land" and "farmland of statewide importance" under the Farmland Mapping and Monitoring Program.

Response 15-10

Comment noted.

Comment 15-11

The EIR is defective because it fails to discuss feasible mitigation measures. It fails to discuss the Project's consistency with the County's General Plan policy LU-A.16, which states as follows:

The County should consider the use of agricultural land preservation programs that improve the competitive capabilities of farms and ranches, thereby insuring long-term conservation of viable agricultural operations. Examples of programs to be considered should include: land trust; conservation easement; dedication incentives, new and continued Williamson Act contracts; Farmland Security Act contracts; the California Farmland Conservancy Program Fund; agricultural education programs; zoning regulations; agricultural mitigation fee programs; urban growth boundaries; transfer of development rights; purchase of development rights; and agricultural buffer policies.

The General Plan clearly contemplates "conservation easements" as a mitigation measure for the loss of prime agricultural land. Nevertheless, the SEIR does not discuss or include a program to implement conservation easements as a mitigation measure. The CEQA guidelines recognize that mitigation may include "compensating for the impact by replacing or providing substitute resources or environment." (Guidelines section 15370 (e).) Moreover, the Legislature has recognized that conservation easements are an appropriate and desirable means of protecting agricultural lands against conversion to urban use. (Public Resource Codes sections 10201-10202.) The conversion of agricultural land to other uses has been a matter of significant concern to the Legislature for nearly four decades.

Response 15-11

In this case, the County has determined that S-Mitigation Measure 3.3-3 provides feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact to the conversion of prime agricultural farmland. In addition, in response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this Project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

A perpetual off-site agricultural easement is also inappropriate for this Project because the MRZ-2 classification indicates that the current agricultural use may only be envisioned as a temporary use, thus, 1:1 mitigation would not be appropriate.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Given the lack of feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 15-12

Under CEQA, mitigation is not limited to measures that would entirely avoid the environmental impacts of a project; rather, mitigation includes measures that would substantially lessen the significant environmental effects of the Project. (Public Resources Code Section 21002.) Obviously, when farmland is converted to urban use, a requirement that conservation easements be obtained on other land, will not replace the converted land. However, conservation easements can diminish the development pressures created by the conversion of farmland and can provide important assistance to the public and private sectors in preserving other farmland against the danger of the domino effect created by the Project. In this respect, conservation easements fall well within the concept of mitigation under CEQA.

Response 15-12

See Response 15-11, above.

Comment 15-13

The Project will remove from production approximately 315 acres of agricultural land. This significant environmental impact may be mitigated. It is clearly the law in California that when a project takes agricultural land of statewide significance, the SEIR must include a discussion of mitigation fees for the acquisition of conservation easements or the acquisition of conservation easements by the developer to help mitigate the impact of the Project on agricultural land. The SEIR's failure to undertake this analysis makes the EIR defective as a matter of law.

Response 15-13

Approximately 285 acres will be removed from agricultural production. Regarding the feasibility of mitigation fees, see Response 15-11, above.

Comment 15-14

On page 3.4-7 the SEIR states as follows: "The Fresno County General Plan was updated in 2000. The most stringent noise exposure standard was adjusted upward from 55 dB L_{dn} to 60 dB L_{dn}. The County Noise Ordinance levels remain unchanged." The SEIR should provide the basis for this claim. The attached chart

(Exhibit A) is Table K from the Noise Impact Analysis Sanger-Centerville Expansion Project. Table K is a reproduction of Chart HS-1 from the Fresno County General Plan. The chart states that up to 60 dB (CNEL or L_{dn}) is normally acceptable for residential low-density, single-family areas. But the chart also states that above 55 dB (CNEL or L_{dn}) is conditionally acceptable for residential low-density single-family areas. Therefore, the General Plan is vague and cannot serve as a standard. Unless the authors at the SEIR can produce another document other than the attached Exhibit A for the basis of the statement on page 3.4-7, it is improper to state that the Noise Exposure Standard was adjusted upward from 55 dB L_{dn} . Further, the chart is vague because it states that the standard is (CNEL or L_{dn}). These metrics are different. On page 3.4-13 of the SEIR the first sentence states, "the general plan standards use a 24-hour weighted average called CNEL or L_{dn} ." The General Plan noise element cannot serve as a basis for a standard of significance in an Environmental Impact Report because it does not specify the standard that should be applied. Nevertheless, if the authors of the EIR choose to use L_{dn} for analysis, this metric should only be used for traffic noise. It is not appropriate to use the L_{dn} noise standard for on-site noise. If the authors of the EIR contend that the L_{dn} standard is appropriate to measure on-site project noise, the authors must cite some reference to support this position.

Response 15-14

Prior to 2000, the Fresno County target noise exposure for usable rural residential space was 55 dB L_{dn} . Since 2000, the policy is to mitigate noise to 60 dB L_{dn} in such space as a reflection of the expanding urbanization of the county. CEQA implementation guidelines specifically state that significance is to be evaluated relative to "Exposure of persons to or generation of noise levels in excess of standards in the local general plan..." The noise element of the Fresno County general plan does establish a range of levels to be considered acceptable for a given land use. There is no vagueness as suggested in this comment. It should also be pointed out that L_{dn} and CNEL are typically less than 1 dB different which is imperceptible (Caltrans, TENS, 1998, p. N-49). L_{dn} was applied to on-site noise generation at the request of County staff in the original EIR as a further basis for significance evaluation, that analysis was carried forward in the SEIR. However, the County noise ordinance standards were used for analysis as well. In essence, both standards were used to verify that neither was exceeded. It should be noted that Fresno County Noise Ordinance standards are considerably more restrictive than the Noise Element standards, and ended up driving the findings of noise impacts and development of noise mitigation measures.

Comment 15-15

Figure 3.4-3 sets forth the noise monitoring positions for 3 positions that are reported in table 3.4-3. Positions 1, 2 and, 3 are not identified by numbers. Therefore it is impossible to determine which position on Figure 3.4-3 is 1, which position is 2, and which position is 3. Further, the X's are so large designating the positions on the Figure 3.4-3 that they are almost an eighth of a mile in diameter in accordance to the scale on the map. Therefore, it is impossible to pinpoint with any accuracy the location of the measurement sites. Without knowledge of the location of the measurement sites, it is not possible to reproduce the information in the Noise Study.

Response 15-15

The exact setbacks from Goodfellow Avenue are detailed in the Noise Study in Appendix F to the Supplemental Draft EIR. Obviously, the map is not of a scale that would allow for precise pin-pointing of the monitoring location within a few feet as suggested. For precise locations of the measurements, please refer to the setback distances contained in Appendix F. Please see Revised Figure 3.4-3 for a graphic showing the location of monitoring positions 1, 2 and 3.

Comment 15-16

The Noise Study is also inadequate because it includes no noise measurements at the location of the existing residential uses. To determine whether the addition of the Project noise is going to have an impact on the existing residential uses in accordance with the County Noise Ordinance, it is necessary to complete noise measurements at the site of the outdoor activity areas of the residences. The EIR fails as an informational document because it does not include these measurements.

Response 15-16

The Applicant has no authority to place noise monitoring instrumentation on the potentially affected private properties. Therefore, measurements were made using the concept of acoustical equivalence where meters were placed with similar exposures as the nearby residences, but on the opposite side of the street. Traffic noise would be expected to be symmetrical about the roadway centerline.

The use of this methodology is an industry accepted practice. In fact, page N-60 of the Caltrans Technical Noise Supplement – an industry authority for the practice of noise

measurement and control – states: “For the purposes of describing existing noise levels at selected receivers, measured noise levels are normally preferred. Restricted access, or adverse site conditions may force the selection of noise measurement sites at locations that are physically different from, but acoustically equivalent to the intended receivers.” (Caltrans, TENS, 1998, p. N-60)

Comment 15-17

Further, the EIR fails to identify where the outdoor activities areas are to be located. Many people use the front yards of their houses, and the front yard should be considered outdoor activity areas.

Response 15-17

Residential recreation typically is more intense at the rear of the homes where patios, pools/spas or outdoor cooking is more likely to occur. Front yard use in areas with frequent existing agricultural truck activity is less likely. Nonetheless, the sensitive receptor areas were scaled to the nearest residences, without taking additional corrections for shielding provided by outdoor activity areas by the residences themselves. As a result, the noise analysis results are considered conservative.

Comment 15-18

The noise measurements that were taken over a 24-hour period have very limited utility. Neither the Noise Study (Appendix F) nor the SEIR include any information about the actual noise measurements. Table 3.4-3 includes "computed median noise levels for 24-hour measurement data." It is unclear what applicability the median noise level over 24 hours has to any standard set forth in the Fresno County General Plan or the Fresno County Noise Ordinance. The Fresno County Noise Ordinance sets forth, in part, what is an L_{50} metric for an hourly period. It states that for a period of 30 minutes in any one hour time period may not exceed 50dB from 7a.m. to 10 p.m. or 45dB from 10 p.m. to 7 a.m. This is to be measured in the outdoor activity area for the residences. The 24-hour median noise level has no relevance to this standard. The information necessary to evaluate existing levels and to determine whether there is compliance with the County Noise Ordinance must be set forth on an hourly basis. This was done from the Sanger-Centerville Expansion Project and is shown in Exhibit B.

Response 15-18

The presentation of the median level in Table 3.4.3 is included to show that the overall prevailing noise level is relatively quiet. The much higher L_{eq} levels at the same locations show that longer quiet periods are interspersed with brief periods of high noise associated with fast-moving traffic and a moderate number of trucks associated with agricultural activity. Project site noise impacts were evaluated relative to all metrics in the Fresno County Noise Ordinance as required (see Supplemental Draft EIR at p 3.4-11 to 3.4-26), not just to the median level presented in this table.

By way of clarification, the noise measurement detail at each of the three 24-hour monitoring locations has been added as Table 3.4-3B, Noise Measurement Detail (see Section 3.4.4). The table shows the hourly energy-weighted (L_{eq}), and the L_{50} metric which is the most stringent County noise standard. The measurements show that the daytime L_{50} levels are often less than 50 dB, and nocturnal values are often less than 45 dB. Because ambient levels are predominantly quiet, no adjustment of the most stringent applicable County noise ordinance standard is indicated as it would be if the Project were developed in a high background noise environment.

Comment 15-19

As was done in the case of the Sanger-Centerville EIR, the measurements must be taken at the residences that are the sensitive receptors. The Fresno County Noise Ordinance sets forth the following time periods for which noise measurements must be completed: zero, which is L_{max} ; 1 minute, which is L_{02} ; 5 minutes, which is L_{08} ; 15 minutes, which is L_{25} ; and 30 minutes, which is L_{50} . An EIR's noise measurements and calculations must address all the parameters of the Noise Ordinance as was done in the Sanger-Centerville EIR Noise Analysis. The noise analysis included in the Kings River Sand and Gravel SEIR does not include the information necessary to determine whether there is current compliance with the Fresno County Noise Ordinance standards. The noise data does not provide information about the level of quiet at different periods of the day. The SEIR does not contain sufficient information to evaluate whether the Project will cause an exceedance of the standards of the Fresno County Noise Ordinance.

Response 15-19

The SEIR's calculations and analysis are based upon each required noise metric in the Fresno County Noise Ordinance. Any possible exceedances of the ordinance levels for each parameter are detailed in Tables 3.4-5 through -8.

Comment 15-20

The SEIR states on page 3.4-12: "the quietest median noise periods are shown in table 3.4-3." However, all Table 3.4-3 shows is the median 24-hour noise measurement data. The SEIR further states "Table 3.4-3 data indicates that each measurement site experienced hourly noise levels below the most stringent County standard." Table 3.4-3 does not show any hourly measurement data.

Response 15-20

Table 3.4-3 inadvertently did not include the quietest one-hour readings. Therefore, Table 3.4-3B has been added to show the requested information. The conclusions of the EIR are not altered based on the inclusion of this information into Table 3.4-3B (please see Section 3.4.4).

Comment 15-21

With respect to the residents of the western side of the Project site, there was not even a long-term noise measurement taken in the vicinity of residence. Long-term noise measurement data should be collected at the site of the residence that is located west of the Project, as well as those that are north of the Project.

Response 15-21

Activities at the home to the west are variable as a function of current agricultural activity, especially nut hulling, and the site is not occupied full-time. The land-owner has agreed to not require full noise ordinance compliance. Nonetheless, the noise monitoring positions were located sufficiently close to existing residential uses so as to provide reasonable representations of the ambient noise environment at the existing residences in the immediate Project vicinity.

Comment 15-22

On page 3.4-14, there is a list of generic noise-generating activities that were associated with the 1999 EIR. However, the list of noise generating activities does not include noise from a gravel pit dragline. Dragline operations can generate substantial noise, but there is no information included in the SEIR regarding the noise to be generated from dragline operations. Further, the Environmental Impact Report includes no data or reference to data that sets forth the levels of noise

that will be generated adjacent to the noise-generating equipment. The SEIR should provide a list of equipment that will be used by the Project, and how much noise each item of equipment will generate.

Response 15-22

A dragline and an excavator are powered by similar engines and perform similar functions. The excavator reference noise levels were therefore considered applicable to the dragline as well. However, it is worth pointing out that dragline operations are actually slightly quieter than excavator activities.

For example, the noise measurements taken at a dragline operation at Holcim Quarry in Crystal River, Florida included a dragline, water splashing when the bucket was dropped and raised, and rocks and dirt being dropped onto stockpiles. See Table I as provided below, which lists the dragline noise levels measured. As this operation is away from other noise sources such as roadway traffic, noise associated with the dragline operations dominated the ambient noise measured.

TABLE I
DRAGLINE MEASURED NOISE LEVELS (DBA) AT HOLCIM QUARRY IN CRYSTAL RIVER, FL

Location	Noise Sources	L _{eq}	L _{max}	L _{min}	L ₂	L ₈	L ₂₅	L ₅₀
1. Across channel from dragline, approximately 100 feet away.	Dragline machine, water splashing when the bucket was dropped and raised, rocks and dirt being dropped onto pile.	63.4	68.8	58.8	67.3	66.4	65.4	61.6
2. Across channel from dragline, approximately 150 feet away.	Same as above.	59.0	64.3	53.0	62.5	62.0	61.2	57.4
3. Next to dragline, approximately 50 feet away.	Same as above.	75.7	78.8	70.8	77.6	77.3	76.5	75.6
4. Next to dragline, approximately 100 feet away.	Same as above.	68.3	71.6	65.2	69.0	68.7	68.0	67.4
5. Next to dragline, approximately 150 feet away.	Same as above.	65.8	67.7	63.4	66.8	66.5	66.1	65.8

Source: Appendix J, Vulcan EIR.

Noise measurements were also taken at a similar dragline operation at Lecanto Quarry in Florida. The site is situated in a large circular pit with a circular water body in the center. Noise sources included a dragline, water splashing when the bucket was dropped and raised, and rocks and dirt being dropped onto stockpiles. See Table II as provided below, which lists the dragline noise levels measure. Similar to the Holcim Quarry, the Lecanto Quarry is located in a remote area away from other noise sources.

TABLE II
DRAGLINE MEASURED NOISE LEVELS (DBA) AT LECANTO QUARRY IN CRYSTAL RIVER, FL

Location	Noise Sources	L _{eq}	L _{max}	L _{min}	L ₂	L ₈	L ₂₅	L ₅₀
1. Next to dragline, approximately 50 feet away. Also adjacent to the rock pile.	Dragline machine, water splashing when the bucket was dropped and raised, rocks and dirt being dropped onto pile.	75.4	82.4	69.0	81.0	79.2	76.0	73.3
2. Next to dragline, approximately 100 feet away. Also adjacent to the rock pile.	Same as above.	69.3	74.7	65.1	72.6	71.9	70.1	68.6
3. Next to dragline, approximately 50 feet away. On the opposite side of the dragline from the rock pile.	Same as above.	79.0	83.9	73.8	82.2	81.2	79.7	78.5
3. Next to dragline, approximately 100 feet away. On the opposite side of the dragline from the rock pile.	Same as above.	74.4	79.5	66.7	78.5	77.1	75.4	73.8

Source: Appendix J, Vulcan EIR.

When the above noise levels are adjusted for distance equivalence, they demonstrate that dragline noise levels are typically 1 to 3 dB lower in amplitude than excavator operations. For that reason, noise levels resulting from the use of an excavator has been utilized in the EIR to demonstrate worst-case noise levels.

Comment 15-23

On page 3.4-5, the SEIR addresses the noise impacts of the batch plant and aggregate loading. The SEIR sets forth distances between the residences to the north and the residences to the west from the batch plant and aggregate loading operations. However, the SEIR includes no site plan that sets forth the location of these facilities with respect to the residences. Without this information, it is not possible to evaluate the accuracy and the information in the SEIR. Further, the SEIR states that from the period of time between 5a.m. and 11 a.m. the batch plant operations and aggregate loading operations L_{dn} will equal the L_{eq} . Since the L_{dn} is a 24-hour noise average, the SEIR should set forth the calculations that show how these two figures will be equal. This information is not included in the SEIR or the noise study contained in Exhibit F.

Although the SEIR does not include the time that the batch operations are to begin, the County circulated a document (Exhibit C) showing the batch plant operations are to begin at 4a.m. It should be obvious to the authors of the EIR that the hourly noise data must be collected and shown in the EIR so that the public and the decision makers will know how quiet the area adjacent to the Project site is at 4a.m., when cement trucks will start moving cement from the batch plant. If the noise of the cement trucks pulling onto Goodfellow from the Project site is likely to disturb and awaken residents who live on the north side of Goodfellow, this impact must be addressed.

Response 15-23

Please see Figure 2-3 (Aerial Photograph), 3.2-1 (Health Risk Assessment), and 3.4-3 (Noise Monitoring Positions at the Project Site) for both aerial photographical and graphical depictions of the location of residences that are close to the Project site.

Table 2-1 of the SEIR does state that the ready mix concrete plant (batch plant) could start as early as 4:00 a.m. during weekdays between May and October. Loading and aggregate trucking off-site, however, will not take place before 6:00 a.m. unless situations described in Notes 1 and 2 of Table 2-1 occur.

The County noise ordinance does not distinguish between nocturnal hours in that the most stringent noise standard must be met for all hours between 10 p.m. and 7 a.m. The SEIR demonstrates that batch plant noise will be met with a substantial margin of safety for any nocturnal hour (i.e., > 7 dB). This finding applies regardless of whether there is a plant start-up at 4 a.m. or at 6:59 a.m. It should further be noted that noise from

trucks pulling onto Goodfellow are not governed by the ordinance because they occur on a public roadway. Noise impact significance from on-road travel is evaluated separately in the SEIR.

Comment 15-24

For the SEIR to comply with law, the SEIR must address the effect of single event noise levels as early as 4 a.m. when cement trucks will begin to enter Goodfellow from the main Project exit. Further, the cement trucks will pass by a residence on the west side of the Project site. The authors of the EIR are required to calculate the SEL, and also to assess the impact of the calculated SEL level on the residences on the north and west side of the Project site.

There is a further impact of diesel trucks entering Goodfellow from the Project site. The start up of the movement of diesel trucks generates pure tone sound levels. The pure tone sound levels are substantially more irritating to people than broadband sounds. In fact, the State Model Noise Ordinance provides a 5dB penalty for pure tone sounds. The SEIR is inadequate because it does not address the impact of pure tone sounds generated from diesel trucks starting up.

Response 15-24

While single event noise impacts were analyzed, the SEL metric is neither required nor preferred by regulatory agencies; contrary to what is stated in the comment, the preferred (and required) metric for analysis of on-road traffic impacts is that of the hourly L_{eq} and 24-hour L_{dn} , even when analyzing single event noise levels as here.

For instance, page 44 of the Caltrans Technical Noise Supplement (Caltrans, TENS, 1998, p. 44) states "All Caltrans highway traffic noise analysis should be done in terms of worst noise hour L_{eq} ." Page 38 of the "Handbook of Environmental Acoustics" (Cowan, James P. 1994. Handbook of Environmental Acoustics. Van Nostrand Reinhold: New York. Page 38) states "The L_{eq} is recognized as the descriptor of choice by the Federal Highway Administration for traffic sources in environmental noise assessments." Since the SEL metric compresses all noise event energy into a 1-second value, it has been found to produce exaggerated results.

The only area of environmental noise analysis where the SEL metric was commonly utilized in the past was in the area of airport and aircraft noise impact assessment. However, the use of this descriptor has become nearly obsolete even in airport analysis.

In years past, there was some concern that the energy-averaged hourly L_{eq} and 24-hour L_{dn} metrics might not adequately describe the potential annoyance of sound. This concern was caused by the notion that since L_{eq} and L_{dn} are long-term descriptors and many noise events such as discrete traffic events, aircraft flyovers, and train pass-bys are short-term in duration, the potentially high noise levels associated with these short term events would be averaged out to make the noise levels seem lower, and therefore less annoying than they actually are. However, countless government studies have proven that, in fact, the logarithmic nature of these energy averaged descriptors (such as L_{eq} and L_{dn}) cause them to stress the loudest events of their measurement periods and that any arguments with this fact stem from a misunderstanding of the metric (Ficon. 1992. Federal Agency Review of Selected Airport Noise Analysis Issues. Washington, D.C.: Federal Interagency Committee on Noise.)

Consequently, the United States Federal Aviation Administration, the Federal Transit Administration, the Environmental Protection Agency, the Department of Housing and Urban Development, the Department of Veterans Affairs, and the Department of Defense all use a long-term energy average noise metric such as hourly L_{eq} and 24-hour L_{dn} to assess noise impacts. (Cowan, James P. 1994. Handbook of Environmental Acoustics. Van Nostrand Reinhold: New York. Page 39). In developing their conclusions, the authors of the EIR have used all of the noise metrics that are appropriately required by local, state and federal regulations.

Furthermore, it is not true that the start up of the movement of diesel trucks represents a pure tone. A pure tone is defined as a sound that is dominated by energy within a single frequency. It is sound which is of a sinusoidal nature, such as the sound that is produced by a tuning fork.

The start up and operation of a diesel truck is a complex noise source with broadband, non-sinusoidal energy. On a spectrum analysis, it contains elements of noise ranging in frequency from 40 Hz up to 8,000 Hz with nearly equal amounts of energy throughout each octave in between. It does not qualify as a pure tone sound.

Comment 15-25

The authors of the Noise Study realized that there was a problem with the noise generated from the movement of trucks on the Project site and onto Goodfellow. Because the trucks moving on the Project site would be subject to non-transportation noise standards, the authors of the noise study attempted to circumvent this significant environmental impact by suggesting that the plant access be provided on Riverbend so that the noise would be on streets instead of the Project site. However, other

than the statements in Noise Section of the SEIR, the SEIR includes absolutely no evidence that the Project ingress and egress will be on Riverbend. Therefore, the SEIR is required to find that the Project's allowance of traffic ingress and egress onto Goodfellow will generate a significant impact on noise levels and to address mitigation. The noise section of the SEIR does not address these issues.

Response 15-25

The decision to change the access point was made by the applicant in a good faith effort to alleviate a traffic noise impact that was identified in the previous 1999 EIR that would otherwise have adversely affected several homes north of the Project site, along Goodfellow. By changing the ingress/egress point, impacts to the residences north of the Project site have been reduced to less than significant levels.

Regarding the ingress and egress of the Project site, please see Figures 2-4, 2-5, 2-6, and 2-7, which show that the entrance will be along the alignment of Riverbend. To clarify this revision to the Project, the second paragraph located in Section 2.4, Mining Operations, Transportation subsection, has been revised to add the following sentence: "The Project site's ingress/egress has been relocated to the intersection of Riverbend Avenue and Goodfellow Avenue." This sentence has also been added as the last bullet in Section 3.0, Proposed Revisions to the Project.

Comment 15-26

The EIR states that the shielding effect of the depressed pit is adequate to allow all noise thresholds to be met during excavation. In fact, the shielding effect of the pit is reported to reduce the noise impact by 15dBA. However, the SEIR in the noise study does not provide citation to any studies that would suggest such a high level of noise reduction due to the effect of the pit walls. The SEIR authors should provide the references that they rely upon for the 15dBA reduction.

Response 15-26

Noise propagation across a physical barrier (the lip of the depressed quarry) depends upon the path-length difference between the direct and a refracted sound wave. This difference is expressed in terms of a parameter called a "Fresnel Number" which is directly related to the noise level reduction. For a 15-foot depression and a 1,000-foot source-receiver separation, the Fresnel Number for a 5-foot source height and a 5-foot receiver height at 15 feet from the quarry edge (a typical site geometry), the Fresnel

Number is approximately 2.9, which translates into a noise level reduction of 19 dB for a 500-hertz noise source. A value of 15 dB used in the analysis is consistent with this calculation and is in fact highly conservative. As such, the shielding effect of the pit will reduce the noise impact by at least the reported 15 dBA.

Comment 15-27

On page 3.4-20, the SEIR states: The noise levels in Table 3.4-9 "do not account for the fifty percent reduction in truck traffic associated with the Project, and baseline noise levels currently exceed the predicted levels of the residents to the north." The authors of the SEIR need to support this statement. It does not appear from the Noise Study in Appendix F, that the data for Table 3.4-9 should be adjusted downward because of a 50% reduction in truck traffic. There is no evidence in the Noise Study that such an adjustment was contemplated. Further, the SEIR and the Noise Study do not indicate the hourly measurements so it is impossible to tell if the background exceeds the noise generated by the Project. The SEIR should include the modeling data, not just tables, that justify tire prediction of sound from the onsite truck movement noise levels at the nearest residences. It is impossible to determine how the levels were arrived at. Likewise, for table 3.4-8 and table 3.4-7, table 3.4-6 and table 3.4-5, the SEIR needs to include the actual modeling data with the inputs to the computer model that were used to generate the information. Without this information, it is impossible to check the work in the SEIR to determine if it is accurate.

Response 15-27

The Noise Study contained in Appendix F addressed the subject of truck traffic noise reductions. Page 2 of the study recognizes "The annual production is being reduced from 2 million tons per year to 1 million tons per year. This will cut truck traffic in half."

Further, page 19 states "The frequency of pass-by trucks will be reduced, but the noise from each individual event will not. The data from the previously approved EIR was used in this analysis update, but it may represent a slight over-prediction because of reduced event frequency."

In addition, page 23 states "Roadway traffic noise from Project haul trucks and minor additional traffic was recalculated under a one-million ton per year production scenario compared to the two million tons per year previously analyzed. The reduced

production decreases the project contribution by -3dB. The Project contribution was derived from the [1999] EIR and reduced by -3dB to adjust for the halving of the Project traffic since day/night patterns will remain essentially the same as those provided in the 1999 analysis.

Thus, the summary referenced in the SEIR is supported by the technical data contained in Appendix F. A basic principle of acoustics is that a halving of a noise source (such as a 50 percent reduction in traffic volumes) produces a 3 dB reduction in average noise levels (L_{eq} or L_{dn} , but not L_{max}). These facts and adjustments were thoroughly contemplated and included in the technical noise studies, which are Appendices F-1 through F-4 to the 1999 EIR.

The reference noise levels for moving trucks are documented by Caltrans in the Technical Noise Supplement (TENS, 1998). The document is available at the Caltrans Environmental Program website. Section N-5511 of TENS shows the reference energy mean emission levels (REMELs) for individual truck passages, Section N-5512 shows the adjustment for hourly volumes, and Section N-5513 provides the formulas for distance adjustment from the reference distance (50 feet from centerline).

Comment 15-28

It appears that Mitigation Measure 3.4-1a and 3.4-1b may not be sufficient to lower the significance level to less than a significant level. It is unclear whether both or one of the mitigation measures are sufficient to reduce the level of significance to a less than significant level. If Mitigation Measure 3.4-1b is necessary, then it cannot be said that the level of significance will be reduced to a less than significant level. The mitigation measure is contingent upon the owner's consent.

Response 15-28

Implementation of both measures will reduce impacts to the caretaker residence to a less than significant level. Furthermore, the owner has given signed, written consent to this measure.

Comment 15-29

With respect to the Noise Study (Appendix F) on page 13, 14, 17, and 19, the SEIR reports that noise propagation will be reduced by the following factors: "Distance spreading", "absorption losses", and "storage piles". The SEIR should put forth the data

and studies that support the noise reductions due to these factors. If there are any calculations or formulas used to derive the numbers, the SEIR should put forward that information.

Response 15-29

The accepted methodology for calculating attenuation of outdoor noise sources is both well-established and well-documented. For instance, Section N-2140 of the Caltrans Technical Noise Supplement (Caltrans, TENS, 1998, p. 24) contains a detailed explanation of how distance, ground absorption, and shielding by intervening barriers between source and receiver affect sound attenuation. These adjustments take into account the nature of the source (point source or line source), distance and geometrical spreading characteristics, terrain characteristics (hard site or soft site), and acoustical density, length and height of barriers.

The project analysis contained in Appendix F has been prepared using the same industry accepted practices outlined in the technical manual referenced above. Individual attenuation contributions caused by distance, ground absorption and intervening barriers have been included in the analysis.

Comment 15-30

The SEIR needs to put forward measurements as to the sound generated by cement trucks, aggregate trucks, or other trucks used by the Project as they accelerate and enter onto Goodfellow. These noise levels are critical to modeling whether the County Noise Ordinance will be violated at the outdoor areas of the sensitive receptors.

Response 15-30

Vehicles operating on public roads are not subject to the County Noise Ordinance. Fresno County is pre-empted by State and Federal laws from imposing noise standards to on-road traffic sources except to enforce the noise performance standards through the state vehicle code. Measurements of truck noise in stop-and-go traffic show that the very low travel speed substantially offsets a portion of the excess noise created by low-gear acceleration and deceleration effects. The one major noise source that would create excess noise and annoyance is the use of engine compression for braking (“jake brakes”). The analysis assumed that drivers will be prohibited from the use of jake brakes.

Comment 15-31

In the Conditional Use Permit for the Project, Fresno County determined that the construction of the widened bridge over Goodfellow Avenue was a necessary condition of the Project. The sand and gravel Project could not go forward without the widening of the bridge. Unlike other cases where the court may find that a secondary project is a separate project, such is not the case with the Goodfellow Bridge. The Goodfellow bridge is completely tied to the sand and gravel Project and without the Goodfellow bridge, the sand and gravel Project cannot proceed. Therefore, the environmental impacts of the widening of Goodfellow Bridge should be considered in the EIR for the King's River Sand and Gravel Project.

Response 15-31

The proposed Project would delete the condition of approval requiring construction of the Kings River Bridge prior to commencing the Project activities. Impacts relating to the construction of the bridge are also discussed within the cumulative impacts section and within the Traffic Section. The bridge project and proposed mining Project are not within the "whole of an action" as defined under CEQA. Both projects are independent of each other. The Kings River Bridge qualifies for federal funding through the Highway Bridge Replacement and Rehabilitation Program. This funding is based on an independent review of bridge condition and has no association with traffic levels from the Kings River Sand and Gravel Project or any other specific project.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 15-32

In this case, there is no discussion of the energy issues. The SEIR does not include a discussion of "the Project's energy requirements and energy use efficiencies by amount and type of fuel used for each stage of the Project's lifecycle, including construction, operation, maintenance and/or removal."

Response 15-32

Energy requirements for the project will be met by using electricity and diesel fuel. As Electrical energy requirements on a similar operation of similar size require an energy demand to be in the range of approximately 2,500 kilowatts (kw) of peak demand. This estimate was based on the following expectations: 1) rock plant at 1,650 kw, 2) ready-mix plant at 170 kw, and 3) dredge (if dredge is chosen method) at 690 kw. Based on this information, the demand requirements are similar to a medium size fresh fruit packing/cold storage facility or a medium size almond processing plant (Calaveras Materials, Inc. office memorandum to Terry Marshall from George Keener).

The majority of diesel fuel consumption will be associated with transportation of sand, gravel, and ready-mix concrete. As discussed in Section 3.2.2 of the Draft Supplemental EIR, aggregate is currently being imported into the Fresno area from up to 60 miles away. Market supply of aggregate from the Kings River Sand and Gravel Project will reduce the amount of truck trip miles by reducing the demand for imported aggregate. The reduction in truck trip miles will equate to overall reduced energy consumption. As noted previously, the revised Project will also be substantially reduced as compared with the previously approved Project. Accordingly, impacts relating to energy will be less than significant.

Comment 15-33

Additionally, the SEIR does not discuss "the project's projected transportation energy use requirements and its overall use of efficient transportation alternatives." There is no discussion of cumulative energy demand in conjunction with other Fresno County Projects.

Response 15-33

See Response 15-32.

Comment 15-34

The SEIR does not include any mitigation measures to reduce energy consumption and does not discuss any of the following items:

1. Potential measures to reduce wasteful and inefficient and unnecessary consumption of energy during construction, operation, maintenance and/or removal. The discussion should explain why certain measures were incorporated in the Project and why other measures were dismissed;

2. The potential site, orientation and design to minimize energy consumption, including transportation energy. (The only exception is the optional passive solar orientation.)
3. The potential for reducing peak energy demand;
4. Alternative fuels (particularly renewable ones or energy systems).
5. Energy conservation which could result from recycling efforts

Response 15-34

See Response 15-32.

Comment 15-35

There was no discussion in the SEIR about avoiding the wasteful, inefficient and unnecessary consumption of energy during the project construction, operation and maintenance of the Project. Finally, there was no discussion of the short term gains versus long term impacts that could be compared by calculating the energy costs over the lifetime of the Project.

Response 15-35

See Response 15-32.

4.2.8 LASER (John Williams), Valley Citizens Assoc., and Mike Brown, July 9, 2007

Comment 16-1

Here are comments for Valley Citizens, LASER, and Mike Brown regarding the SEIR for the Kings River mining project. I am e-mailing these comments also, with an attached PDF file that contains dozens of articles about very serious gravel truck accidents with school busses, and with multiple vehicles and that resulted in fatalities and many injuries.

Response 16-1

Comment noted. The County does not see the relevance of these articles about gravel truck accidents at locations that are not near the project site, with different road conditions, weather, roadways, etc.

Comment 16-2

The commentors feel that these articles are evidence that the proposed project increases the likelihood of a severe gravel truck vehicle accident, which is a significant adverse unmitigated impact.

Response 16-2

The County does not understand how evidence of accidents at different locations indicates how the revised Project's traffic will impact this area. In fact, there is evidence that large trucks such as gravel trucks do not increase the likelihood of fatalities. A summary of the findings of Federal Highway Administration study have been added to Section 3.5 to amplify the EIR's conclusion that the revised Project does not have a potentially significant impact regarding traffic safety.

Further, safety along Central/Goodfellow Avenues is discussed on page 3E-18 of the 1999 EIR. Truck frequencies are a point of reference, but are not considered to be an indicator of traffic impacts. If sufficient roadway capacity exists, the truck frequencies documented in the comment can be accommodated.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Comment 16-3

The SEIR fails to evaluate the most significant change in the current project, as compared to the former project. The current project intends to begin generating almost 500 gravel haul truck trips a day over substandard roads and a narrow bridge prior to reconstruction of the King River Bridge (Table 3.5-1). The pit could operate for several years before the bridge is rebuilt and widened. The Use Permit for the former permitted project did not allow quarry operations before the bridge improvements are completed.

Response 16-3

The 1999 EIR's mitigation for both project-specific and cumulative impacts on the Goodfellow bridge did not mandate specific improvements; those improvements were added at the Board of Supervisor's hearing on December 7, 1999. Regarding specific evaluation of the Project's impact on the Kings River Bridge, please see Chapter 3E-18 and -19 of the 1999 EIR. The evaluation regarding the Kings River Bridge has been updated in the Errata Section (Section 3.0 of this Final SEIR) to describe how the Project has been revised and how changed circumstances and new information have been considered. The conclusion of the 1999 EIR, however, remains valid under the current situation.

Comment 16-4

But the proposed mining operations will take place before the bridge reconstruction is commenced. This is an adverse and significant impact under the SEIR's cited criteria presented on p. 3.5-47, which states that a project's increase of hazards due to road design features such as sharp curves, are a significant impact. The Bridge has dangerous design features that render it unacceptable for a haul road route. This Bridge is steep and narrow, with poor visibility of oncoming traffic and lanes that barely allow two gravel haul trucks to pass each other by only a few inches.

Response 16-4

See Response 16-3.

Comment 16-5

NEPA review of the Bridge repair is not yet completed. No agency has yet obtained funding authorization for the bridge work. Bridge reconstruction could be years in the future. Mining traffic could travel over local roads and the Bridge itself in the meantime. The proposed project will operate for years before the Kings River Bridge is repaired. This is a significant, adverse project modification that was not discussed in the SEIR.

Response 16-5

Caltrans completed NEPA review (programmatic exclusion with studies) of the Bridge reconstruction in September, 2007.

The proposed detour that will be used during construction of the Kings River Bridge was evaluated in the Supplemental EIR (See, e.g., Section 3.4 and 3.5).

As part of preparation of the Supplemental EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project.

Comment 16-6

The FEIR, completed in 1999, stated that a County inspection of the bridge found it was adequate. Several persons speaking at the June, 2007 public hearing said that subsequent inspections by several agencies such as the County and CalTrans have found that the Bridge is no longer considered structurally adequate and the river bed at the bridge pilings are scoured. These inspection results are new information that has arisen since the certification of the FEIR and should have been discussed in the SEIR.

Response 16-6

See Response 16-5.

Comment 16-7

The SEIR claims that traffic impacts are halved because the annual gravel production over the three-decade life of the mine will be half of the average production of the previous project (one million tons/year now as opposed to a peak of two million tons/year in the former project). But the SEIR at p. 2.0-15 admits that the annual production of any single year could vary widely and states that the amount of materials mined in any one year is not limited to one million tons/year but is ruled by actual market demand.

This means that in a busy year, the mine could still produce two million tons a year of construction materials, just as the former project desired. In those busy years the traffic and noise impacts from gravel and cement trucks will be just as adverse and significant as in the previous project. In fact, there are no formal, legal limitations proposed in the SEIR or in any other forum, such as CUP conditions, that would prevent the mine from mining all the aggregate in 14 years at the rate of 2 million tons per year.

Response 16-7

The commenter overstates the potential annual production. Market demand is the primary factor for determining production levels, which can vary as often as hourly. However, plant processing volumes are expected to range up to 1 million tons per year, and the maximum shipped under the revised use permit would be 1 million tons per year which will be monitored by the County. (See Supplemental EIR, p. 2.0-7.)

Comment 16-8

For this reason all of the previous traffic and related noise and public health impacts are still valid. All of the former EIR and CUP traffic mitigation measures and conditions are still appropriate. In fact, the FEIR studied a "reduced mining" alternative, and concluded at p. 4-10 that even if the mining rates were lessened, the traffic impacts would still be significant and all mitigation measures should still be required. The SEIR's conclusion that reduced mining allows deletion of traffic mitigation measures is not justified. The FEIR stated that a reduced mining alternative (such as the current project) would still have significant traffic impacts that must be mitigated.

Response 16-8

Mitigation measures PH-1 to PH-9 were added at the December 7, 1999 Board of Supervisor's hearing, and were not required as mitigation for impacts analyzed in the 1999 EIR. The revised Project that is analyzed in this Supplemental EIR involves a reduction in the average annual mining rate, from 2 million tons per year to one million tons per year, which proportionally reduces the projected number of truck trips by half. The SEIR also reanalyzed traffic impacts based on several other factors beyond the reduction in the annual mining rate: 1) the traffic analysis used updated existing traffic information; 2) the traffic analysis contains new information regarding the Kings River Bridge; 3) the traffic analysis reflects a change in traffic patterns due to changed market conditions; and 4) the traffic analysis reflects a detour route for use during the time the Kings River Bridge will be replaced.

These Project revisions support the modification/deletion of measures PH-5 to PH-7, but the modification/deletion of these measures does not affect the conclusions of the 1999 EIR.

Comment 16-9

The SEIR failed to establish that peak truck traffic from the proposed mine will not equal or exceed the traffic impacts from the former project. The SEIR also failed to describe the impacts of the mine's truck traffic during busy years, by studying only average years. The following discussion illustrates why the proposed gravel truck traffic is a significant adverse impact.

The SEIR claimed that the peak hourly truck traffic would be 40 trucks/hour, while the peak daily truck traffic would be 462 trucks (Table 3.5-1). But the FEIR's methodology stated that the maximum hourly truck traffic will be 10% of the daily maximum truck traffic. This means that the proposed project's maximum hourly truck traffic will be 46 trucks, not the 40 claimed in the SEIR. In other words, the SEIR underestimated maximum hourly truck traffic by 15%, according to the FEIR's certified methodology.

Response 16-9

Table 3.5-1 indicates that peak season average daily truck trips would be 408 trucks, and that the combined peak season average truck and employee vehicle trips would be 462 (commenter's number). Table 3.5-2 shows 40 truck trips in the A.M. peak hour during the peak season, but this number is based on a different set of calculations related to daily peak hours and is not correlated to the peak season daily average in Table 3.5-1. Thus, comment is factually incorrect and no further response is required.

Comment 16-10

The FEIR originally considered the cumulative impacts of the former project, in combination with the Central Valley Ready-Mix project, but dropped consideration of the Central Valley operation after it was delayed. Since then, Central Valley has begun operations, and at least two new, very large mines are also undergoing permitting: Sanger/Centerville, and Jesse Morrow. Central Valley's initiation of operations, and the imminent permitting of Sanger/Centerville and Jess Morrow are new information that was not available at the time of the original FEIR, and the cumulative effects from traffic and other impacts should have been carefully described and analyzed in the SEIR.

Response 16-10

The County is obligated by law to analyze and decide individual projects as they are applied to comply with Constitutional Due Process requirements. Nevertheless, CEQA requires each project to analyze cumulative impacts in relation to past, present and future projects in the area. As applicable here, the cumulative impacts of the CMI Kings River, Vulcan Materials, Jesse Morrow Mountain, and Central-Valley Ready Mix projects were fully analyzed in both the 1999 EIR and this SEIR. Additionally, due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 16-11

The original FEIR acknowledged that occasional highway work would require nighttime trucking of materials from the quarry. Since these highway projects were essential, nighttime trucking could not simply be banned. (FEIR, 3G-15)

But the proposed project includes night time trucking not only for essential highway projects, but for any large construction project that demands it. Any shopping center or subdivision that is in a hurry could demand nighttime trucking of aggregates. Nighttime trucking is a new, significant adverse impact whose scope and impacts are significantly increased in the currently proposed project.

Response 16-11

The 1999 EIR concluded that potential nighttime noise could result in significant noise impacts and that banning nighttime trucking would be infeasible due to the need for nighttime operation on some roadway projects (FEIR 3G-15). The Supplemental EIR evaluated the potential occurrence of nighttime load-out of materials as well as the associated noise, aesthetic, and traffic impacts from such activities, and noted that major construction projects may be required to be completed during the nighttime hours or on weekends. The potential for nighttime noise was evaluated in the 1999 EIR and is not a new significant impact. The 1999 EIR concluded the potential impact would be significant and unavoidable even with mitigation, therefore, the slight variation in language regarding the types of projects that may receive nighttime operations does not change the significance conclusion.

Comment 16-12

I have conducted a search of twenty-three newspaper archives using the search term "gravel truck accident." This research yielded articles describing 135 accidents involving gravel trucks. A total of 142 people were killed in 84 accidents with gravel trucks, and another 261 persons were injured in 65 gravel truck accidents.¹

These articles show that many traffic accidents involving gravel trucks have very serious consequences. Perhaps the most disturbing statistic is the five horrifying collisions between school busses and gravel trucks. This issue is especially important since p. 3h-3 in the FEIR listed over a dozen school bus stops on the likely gravel truck haul routes.

[Footnote: ¹ The archives provided articles going back between five and 20 years from 2006, depending on the newspaper.]

Response 16-12

See Response 16-2.

Comment 16-13

There are many reasons why gravel trucks are involved in traffic accidents that cause multiple deaths and injuries. Gravel is frequently delivered in double sets of trucks and trailers. These vehicles are unwieldy and hard to steer and maneuver. Gravel is an extremely heavy and dense material. A typical freight truck, if it is filled with a material such as paper towels, will not be carrying its full rated weight. But a gravel truck will almost always be loaded to (and often over) capacity, because of the dense nature of the freight. That makes gravel trucks difficult to stop. In several of the accidents studied, gravel trucks were unable to stop at stop signs or lights, or to stop in heavy traffic, and rear-ended or broadsided other traffic, including a school bus in one case.

Response 16-13

See Response 16-2.

Comment 16-14

Ever since deregulation of the trucking industry, many gravel truck drivers are also being paid by the ton, rather than by the

hour. This factor also encourages the practice of heavily loading gravel trucks, occasionally to over capacity. Because gravel is piled to the very brim of these trucks, a fully loaded gravel truck also has a high center of gravity. This high center of gravity is another factor that makes these trucks hard to stop, and hard to steer. A driver who is braking and steering a fully loaded gravel truck is going to feel their load shift, throwing tons of materials against the side of the trailer. In at least 30 of the 135 accidents reviewed, these factors have caused gravel trucks to overturn and spill, their loads, in some instances burying other vehicles.

Deregulation of the trucking industry, and the resulting shift to the use of owner operated trucks; also means that gravel truck drivers are going to be in a hurry. Gravel deliveries are usually part of the construction industry, which is another factor that makes the speed of delivery important. There may be dozens of highly paid construction workers who are forced to stand around a construction site, being paid for waiting, which cannot perform their craft until after the gravel truck gets to the site and makes the delivery. This factor increases the pressure on gravel truck drivers to speed up their driving times.

Response 16-14

See Response 16-2.

Comment 16-15

The driver's compartment in a gravel truck is also high off of the ground. It is difficult for gravel truck drivers to see the area immediately in front of them, because their elevation and the large size of the hood over the engine compartment means there is a considerable blind spot in front of them. If a gravel truck is stopped at a cross walk, and a pedestrian is crossing the street in front of the truck, the driver may not be able to see them. In at least three of the accidents studied, gravel truck drivers ran over and killed pedestrians without even seeing the person or knowing they had run them over.

Response 16-15

See Response 16-2.

Comment 16-16

The unwieldy nature of gravel trucks, and the heavy load they carry that makes them difficult to stop, means that other drivers, and pedestrians, often misjudge how much room to give a gravel truck. Drivers pull out in front of gravel trucks, or pedestrians and folks on bicycles try to cross the street in front of gravel trucks, not figuring that a fully loaded gravel truck "cannot stop on a dime," as the police said after one fatal accident.

Response 16-16

See Response 16-2.

Comment 16-17

This study and discussion is not meant to demean gravel truck drivers. I was a professional driver myself for over 15 years. I drove for logging and mining operations, and for commercial freight and delivery companies. I drove flatbeds and bobtails and winch trucks and semis.

In many of the accidents studied, the gravel drivers were clearly not at fault. But that is part of the problem. Gravel trucks are so big, and so hard to steer and stop, that other drivers and pedestrians tragically misjudge how much room to give them. The result is many accidents resulting in deaths and injuries, not because of the drivers' fault, but because gravel trucks on the road adds an unpredictable and risky factor that other drivers and pedestrians often fail to take into account.

Response 16-17

See Response 16-2.

Comment 16-18

Add that factor into the occasional cases where drivers are at fault, when they are driving while ill or sleepy, or are using drugs or alcohol, or are driving unsafe or overloaded trucks, and some of the results are the 135 accidents, 142 deaths, and 261 injuries chronicled in the attached study. In at least six of the cases studied, drugs, alcohol, unsafe vehicles, or criminal negligence was cited as a cause of the accidents.

Response 16-18

See Response 16-2.

Comment 16-19

Even if there is only one chance in 10,000 of a gravel trunk accident, please remember that there could be over 140,000 truck trips a year from this mine (462/day times 312 days/year). This risk could be greatly diminished by simply continuing the original use permit conditions, which required reconstruction of the Bridge prior to the Mine operations. Here is a partial list of school bus accidents and other notable accidents with gravel and dump trucks. I am attaching a PDF file of articles about additional school bus/gravel truck and serious gravel and dump accidents.

Response 16-19

See Response 16-2.

Comment 16-20

The SEIR claims that noise from truck traffic will be reduced because of the cuts in traffic (3.4-2, 20, 21). As stated above, market demand could cause the mine to produce two million tons/year or more, especially over the short term. Several large, concurrent construction projects could demand these amounts of aggregates from the proposed project over periods of months or years. Annual and short term gravel production could still occur at the rate of 2 million tons/year or more. As a result, the significant noise violations from 2 million/tons/year production that were identified in the original FEIR will still occur at the nearby residence on Goodfellow (p.3.4-20, SEIR) and other locations.

Response 16-20

See Response 16-7.

Comment 16-21

The SEIR claims that the facility will not have settling ponds but the list of needed permits at p. 2.0-25 includes Army Corps #404 permits for wetlands filling, and Water Quality Board Waste Discharge Requirements for mining waste water pits. This is an

inconsistent project description that claims there are no waste water pits but at another point admits the project will need permits for waste water pits. The SEIR also states that increased amounts of flocculants will be used for stepped-up control of solids in the waste water (p. 2.0-13). This is apparently an expanded project feature compared to the former project.

The SEIR fails to describe the nature and make up on these flocculants. Some flocculants chemicals are metals, and can be toxic and hazardous. This proposed project's expanded use of flocculants is a potentially significant and adverse water quality impact that was not discussed In the SEIR.

Response 16-21

The 404 permit requirements and water discharge requirements discussed on page 2.0-25 are contained in Table 2-4, Potential Permits, Approvals and Processes. Please note that these are potential permits. Therefore, there is no definitive requirement that all permits and approvals will apply to the revised Project. In addition, there is no correlation between use of settling ponds and the need for an Army Corps 404 permit for filling wetlands unless the settling ponds are created in an area under jurisdiction of Army Corps. The Project will use areas (mined phases) to dispose of silts. These phases will be created by mining upland (i.e., farmland) areas and are therefore not likely to be located in Army Corps jurisdictional areas. The need for Waste Discharge Requirements through the California Regional Water Quality Control Board (Board) is an issue independent from the 404 permit. A Report of Waste Discharge may be required by the Board and in turn may result in a Waste Discharge Requirement. If needed, this permit will be obtained prior to discharge. Process water used to wash excavated materials will be recycled via a recirculation system using mined phases as both a water source and silt placement area. Initially, supplemental groundwater will be required for processing and will be pumped from existing on-site wells. Once sufficient groundwater is exposed in the excavation phases, process water will be pumped from the excavated lakes.

Flocculants may not be used on-site; however, they are proposed as an option if conditions arise where they are needed. Regarding the nature and make up of the proposed flocculants, they are not expected to bioaccumulate. The product itself, as well as the substances in the product, are not hazardous, and agency notification of spills is not required. In addition, metals are not a constituent of product to be used.

Comment 16-22

The FEIR stated that DBCP, a highly toxic chemical, and VOCs, was found in on-site wells. Spread of DBCP and VOCs into nearby ground and surface water bodies would be a significant and adverse impact. DBCP and VOCs could very well have dispersed throughout the area groundwater in the decade since the original tests. The SEIR did not revisit this topic. The SEIR is obligated to reconsider whether the potential of significant impacts has measurably changed in the many years since the original evaluation, especially in impact areas, such as contaminated groundwater, where existing impacts could easily worsen. The FEIR originally concluded that given the state of knowledge in 1999, the presence of DBCP and VOCs was not considered significant. But that conclusion should be re-justified in the SEIR, given the lengthy period since the initial studies, and the possibility for the contamination to spread.

Response 16-22

Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to hydrology issues (after a careful review of revisions to the Project, new information, and changed circumstances). There is no evidence that the revised Project, new information or changed circumstances would change the 1999 EIR's conclusions about DBCP and VOCs made in the 1999 EIR. Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts regarding DBCP and VOCs.

Comment 16-23

Likewise, the white tailed kite was not found on the site in the late 1990s, although it was there in 1995. (Table 3c-1, FEIR). Since the site contains appropriate habitat for the kite and for the Coopers' and Swainson Hawks, these earlier surveys should be repeated to insure that these species have not re-colonized the project site during the last 10 years.

Response 16-23

Section 3.0, Biological Resources subsection, provides the County's rationale regarding its reliance on the 1999 EIR's biological resources evaluations. Based on a review of recent CNDDDB data and the unchanged land uses on the site, the County concluded that no further analysis of Biological Resources was required. Section 3C (Biological

Resources), Appendix D-1 (Common Names of Plants and Wildlife Species Mentioned in the Text), and Appendix D-2 (Biological Assessment Report) of the 1999 EIR provide an evaluation of the Project's impacts on biological resources, including the white tailed kite, Coopers Hawk and Swainson's Hawk.

Comment 16-24

The SEIR's analysis of Project impacts on public health fails to take into account health effects from crystalline silica. The FEIR admitted that Silica was a common contaminant in the project area's dust, but did not study the potential impact from increased silica emissions. Regulatory positions towards silica dust have changed since the 1999 FEIR. Public health concerns about exposure to silica dust have expanded greatly also. The SEIR's public health risk assessment utterly fails to discuss the silica impact and is therefore inadequate, as discussed in the comments below.

Response 16-24

As demonstrated in Appendix D in this Final EIR, the 2007 study of PM₄ crystalline silica emission factor testing and ambient monitoring conducted under the sponsorship of the Coalition for the Reasonable Regulation of Naturally Occurring Substances ("CRRNOS") confirmed that aggregate-producing plants and other similar mineral extraction processes in California that use appropriate dust control measures to limit PM₁₀ emissions are in compliance with the California Non-Cancer Chronic Health Hazard Reference Exposure Level ("REL") Reference Exposure Levels ("REL") for crystalline silica adopted on February 10, 2005.

The California Office of Environmental Health Hazard Assessment ("OEHHA") adopted the REL standard to limit long-term public exposure to crystalline silica in ambient air. The crystalline silica REL is three micrograms per cubic meter for particulate matter in the PM₄ size range. OEHHA chose the PM₄ basis for the standard to be consistent with the PM₄ health effects data in various published studies used by OEHHA as a basis for the new REL.

Air Control Techniques, P.C. developed a PM₄ crystalline silica test method by adapting the U.S. EPA PM_{2.5} reference method (40 CFR Part 50, Appendix L) promulgated in 1997. This is a well accepted method for PM_{2.5} measurement and is used extensively in California. After making the necessary adjustments, Air Control Techniques, P.C. confirmed that the performance of the Appendix L-based PM₄ monitor had a minimum detectable limit of less than 0.30 micrograms per cubic meter (10 percent of REL) and

closely matched the particle size-capture efficiency performance curve of NIOSH Method 0600. CRRNOS submitted the PM₄ ambient crystalline silica method development report to CARB and the California Air Pollution Control Officers Association ("CAPCOA") in July 2005.

The report generated by Air Control Techniques, P.C. concludes that the PM₄ crystalline silica emission factors and ambient air monitoring data demonstrate that aggregate plants and other similar mineral extraction sources using appropriate dust control practices are in compliance with the new California REL for ambient PM₄ crystalline silica. As the CMI Kings River project will comply with SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions in all disturbed areas the project will be in compliance with the California REL for ambient PM₄ crystalline silica. (CMI Kings River project 1999 Final SEIR p. 3F-10, Mitigation Measure F-1; CMI Kings River Project Draft Supplemental EIR pp. 3.2-2, 3.2-16-17, 3.2-20, 3.7-4).

Comment 16-25

Quartz dust (aka Crystalline Silica) and trace amounts of metals will be present in the dust generated on and near this site from truck traffic on unpaved roads and from dust generated from road shoulders (FEIR, 3f-12). The materials processed at California aggregates producers typically contain quartz. These materials are present in trace amounts in the dust. The massive volume of rock processed means that significant concentrations of these toxic materials will be present in the airborne dust emitted by this facility.

Quartz dust is an airborne pollutant produced during the processing and crushing of rock that has a known human health effect. Crushed quartz creates a fine dust, and the effect on humans is the same effect as breathing fine particles of broken glass. Inhalation of quartz dust is a known cause of a lung disease known as silicosis, and the State of California also considered quartz dust to be a known cancer causing agent.

Response 16-25

See Response 16-24.

Comment 16-26

But the SEIR never mentions the potential for quartz dust emissions from this site, and never discusses the potential effects on human health from this pollutant, on the folks who

live near the plant. This is not acceptable and does not comply with CEQA.

Response 16-26

See Response 16-24.

Comment 16-27

The SEIR utterly failed to evaluate the public health impacts of crystalline silica emissions from quarrying operations.

Response 16-27

See Response 16-24.

Comment 16-28

The Project will generate fugitive dust that contains crystalline silica. The SEIR did not estimate crystalline silica emissions from the Project and generally does not include the type of information required to estimate these emissions. The Applicant should be required to measure crystalline silica in its feed materials. A redrafted SEIR should be prepared to analyze the public health risks from these emissions.

Response 16-28

See Response 16-24.

Comment 16-29

This project contains Williamson Act lands that are Prime agricultural farmland (the most valuable ranking). The Department of Conservation has recently begun warning Counties that even though a Contract may eventually be cancelled, if the site was Prime farmland or lands of statewide importance, than the conversion of hundreds of acres out of agriculture is a significant adverse impact. DOC's stance on requiring mitigation such as conservation easements for losses of "Williamson Act lands is a relatively new position that has arisen since the 1999 EIR.

The SEIR states that canceling a Williamson Act contract mitigates to non-significance these losses of prime agricultural lands. That is simply not true. The land remains lost to

agricultural uses forever since the mined land is not reclaimed to agriculture.

The SEIR should have discussed the alternative mitigation of conservation easements for the lost lands. The USDA warned in its comment letter on the FEIR that conservation easements are an appropriate partial mitigation for the losses of prime farmland.

The SEIR has failed to respond to DOC's heightened concerns, since 1999, about mitigating for losses of prime farmland.

Response 16-29

The Supplemental EIR specifically recognized the Department of Conservation's shift in policy regarding compatibility of mining operations on Williamson Act contracts. In fact, Mitigation Measure 3.3-1a and -1b were added to reduce the revised Project's impacts to a less than significant level for Williamson Act issues. Regarding prime farmland impacts, the 1999 EIR and the Supplemental EIR consistently conclude that the revised Project's impacts are significant and unavoidable. However, because of the MRZ-2 designation of the site, existing agricultural operations may have only been envisioned to be temporary, therefore, 1:1 mitigation would be inappropriate. Nonetheless, the EIR, which includes both the 1999 EIR and the Supplemental EIR, provide some feasible mitigation for this significant and unavoidable impact. See also Response 1-1.

Furthermore, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use, but that impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location

of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

4.2.9 Native American Heritage Commission, June 6, 2007

Comment 17-1

After reviewing the supplemental Environmental Impact Report (SEIR), we are concerned that there was little discussion about cultural resources in the project area. In order to comply with the CEQA Guidelines with regard to cultural resources, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. The Commission, urges, specifically, adequate consultation with local Native American tribes.

Response 17-1

As explained in the Summary under the subsection Supplemental EIR and Section 1.2 in the Introduction of the Supplemental EIR, the environmental document for this Project is the Supplemental EIR and the 1999 Final SEIR. To assist the public and decision makers with understanding how the documents should be utilized, the Supplemental EIR's summary table provides all applicable mitigation measures, which includes still-applicable mitigation measures from the 1999 EIR. Further, Appendix A provided Existing Mitigation Measures from the 1999 EIR. Additionally, Section 1.3 of this Final Supplemental EIR provides detailed guidance to decision makers regarding the use of the documents contained in the administrative record. To facilitate the public's understanding of how the 1999 EIR and the Supplemental EIR constitute the environmental document, the County held a public meeting on June 14, 2007 at the Sanger High School Multi-Purpose Room in Sanger, California. Last, the County's planning website contained all three volumes of the 1999 EIR and the Supplemental EIR.

Regarding cultural resources, Section 3.0 of the Supplemental EIR explains the County's rationale of why the County relied on the three-volume 1999 EIR regarding certain resource sections, including cultural resources. Please see Chapter 3K of Volume 1 of the 1999 EIR. Impacts to cultural resources would not have changed since 1999 (PGM).

Comment 17-2

To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278) / <http://www.ohp.park5.ca.aov/1068/files/IC%20Roster.pdf>
The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present

Response 17-2

The California Historic Resources Information System was searched in 1997, and the results of that search were documented and analyzed in the 1999 EIR. (1999 EIR, p. 3K-5.) Impacts to cultural resources would not have changed since 1999. See also Response 17-1.

Comment 17-3

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

Response 17-3

A pedestrian field study was conducted for the project site in preparation of the 1999 EIR. The results of the study were documented and analyzed in that document. (1999 EIR, p. 3K-6.) Impacts to cultural resources would not have changed since 1999. See also Response 17-1.

Comment 17-4

√ Contact the Native American Heritage Commission (NAHC) for:

- A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section;

Response 17-4

See Response 17-1.

Comment 17-5

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE).

Response 17-5

See Response 17-1.

Comment 17-6

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f)- In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.

Response 17-6

See Response 17-1.

Comment 17-7

- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

Response 17-7

See Response 17-1; see also the still applicable Mitigation Measure K-1 on pages 3k-8 and 3K-9 of Volume 1 of the 1999 EIR.

Comment 17-8

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

Response 17-8

See Response 17-1; see also the still applicable Mitigation Measure K-1 on pages 3k-8 and 3K-9 of Volume 1 of the 1999 EIR.

Comment 17-9

- CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

Response 17-9

See Response 12-4 regarding Project mitigation measures related to potential discovery of remains.

Comment 17-10

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Response 17-10

See Response 12-4 regarding the applicability of Mitigation Measure K-1 on pages 3K-8 and 3K-9 of Volume 1 of the 1999 EIR.

Comment 17-11

√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

Response 17-11

See Response 17-1.

4.2.10 Wolf Farms, July 9, 2007

Comment 18-1

The proposed aggregate project does not seem to be very friendly towards agriculture.

Response 18-1

The revised Project's impacts to agricultural resources are evaluated in Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR.

Comment 18-2

I am not pleased that this proposed project provides none or little protection from visual and noise pollution. Since my property is located directly north across the street on Goodfellow Avenue from the site, I will be the first to be exposed to any sight and noise produced-- and that it will be a constant 24 hour problem.

Response 18-2

The County has required the Applicant to implement mitigation to reduce visual and noise impacts to residences north of Goodfellow Avenue to a less than significant level. Regarding visual impacts and related mitigation, please see Section 3.1 of the Supplemental EIR and Mitigation Measures 3.1-1, C-1, C-2 and J-1. Regarding noise impacts and mitigation, please see Section 3.4 of the Supplemental EIR and Mitigation Measures 3.4-1a and -1b and 3.4-2a and -2b.

Comment 18-3

The original proposal of 10 years ago called for an earthen embankment to be placed along the site's property parallel with Goodfellow Avenue. This latest proposal only calls for a little plant material that is to be planted as a screen. This is not acceptable. An earthen embankment of at least 10 feet high and 30 feet wide should be erected around the perimeter of the proposed site. It should be heavily planted with trees and shrubs and an adequate irrigation system must be installed to maintain good growth. This earthen embankment must also be set

back from Goodfellow Avenue at a distance of at least 50 feet with additional tree and shrub plantings on the street side to continue to provide a visual and noise barrier. All plantings must be properly landscaped with a well thought-out plan created by a landscape designer. All plantings must be cared for properly with respects to water, fertilizer, pruning, shaping, and pest control--which includes disease, insect and weed control.

Response 18-3

S-Mitigation Measure 3.1-3, provided in the Summary Table in the Summary Section and in Section 3.1 of the Supplemental EIR, provides a detailed description of the orchard-like vegetative screen that will replace the previously proposed vegetated berm. The Project Description provides that the vegetation will be contained in a 100-foot setback between Goodfellow Avenue and excavation activities where the screen will be planted. Please see Figure 2-6, General Phasing and Setbacks, in Section 2.0 of the Supplemental EIR.

Comment 18-4

The earth used in erecting this embankment can easily come from the proposed project land, as much rich topsoil will be taken off and forever lost as it is transported away. Retain some of that topsoil by providing barriers around the site so that established neighbors, as well as visitors to the area, will not be subjected to its negative sights and noise. I hope that this proposed project would want to cooperate with established neighbors and the surrounding area landscape.

Response 18-4

The berm, proposed in the project evaluated in the 1999 EIR, is no longer proposed by the Applicant.

Comment 18-5

If this site wants to be good neighbor, then it must do whatever it can to "hide" itself (or to blend in) within the surrounding landscape. This project entity is completely different from any already established in the area and will bring with it many problems and negative that will be apparent. If it is approved, then it must do all it can to lessen its negative impact on the area.

Response 18-5

See Responses 18-2 and 18-3 regarding mitigation for visual impacts.

4.3 PRIVATE CITIZENS

4.3.1 Kay Barnes, July 3, 2007

Comment 19-1

In 1999 of the 79 items listed in the draft environmental report, 42 required mitigation or 53% of the total. In 2007 the supplemental EIR for the Calaveras project in the same area of 39 items listed, only 13 required mitigation, however the categories listed were quite different and comparison became a matter of apples and oranges. Some areas - same project "down sized" different items. How? Why?

Response 19-1

As explained in the Summary under the subsection Supplemental EIR and Section 1.2 in the Introduction of the Supplemental EIR, the environmental document for this Project is the Supplemental EIR and the 1999 Final SEIR. To assist the public and decision makers with understanding how the documents should be utilized, the Supplemental EIR's summary table provides all applicable mitigation measures, which includes still-applicable mitigation measures from the 1999 EIR. Further, Appendix A provided Existing Mitigation Measures from the 1999 EIR.

As described in the Supplemental EIR, many of the revisions to the Project have reduced impacts that were evaluated in the 1999 EIR. Therefore, many of the mitigation measures provided in the 1999 EIR were either still applicable and not repeated in the Supplemental EIR, or were no longer necessary based on the reduced scope of the revised Project.

Comment 19-2

In 1997 the DEIR showed that every air standard would be violated; 4 or 5 water issue studies showed violations. The quality of the environment would be violated. There would be a permanent increase in ambient noise levels. The visual quality and esthetics require mitigation of 4 of 7 items. How were all of these fixed in 2007?

Response 19-2

The purpose of the Supplemental EIR was not to “fix” the impacts from the 1999 EIR. Rather, the Supplemental EIR should be read as augmenting the 1999 EIR’s conclusions. Therefore, in their original form and thus not repeated in the Supplemental EIR, many of the mitigation measures regarding water and air quality that were included in the 1999 EIR are still applicable or have been updated based on current regulatory standards.

Comment 19-3

The pits 80-100 ft. deep are said to be "Private Lakes" and pose a less than Significant risk.

When mining is over will the pits, which will be permanent, be given to the County?

Will the company retain ownership and therefore be responsible forever? Page 3-11, February 12, 2007 "a positive benefit to the aquifer will be the increase in water recharge due to the large storage basin created by mining" I understand the hole in the ground, but I do not understand how exposure of ground water to evaporation helps recharge of the aquifer.

Response 19-3

The current proposal is for the lakes to remain in private ownership. The property owner will be responsible for the maintenance and security of the lakes once the Site has been closed and the reclamation plan’s obligations have been satisfied. The Commenter did not provide reference to page 3-11, February 12, 2007. However, the County provides a brief response to the question of how exposure of groundwater to evaporation helps recharge of the aquifer. As a general matter, vegetative land evaporates more than open water because of evapotranspiration of the vegetation is typically greater than evaporation from open water.

Comment 19-4

The Goodfellow bridge condition was rated as fair by CalTrans in 1994. The 1997 DEIR says it is rated to carry "green loads". In the same section "County staff says of the bridge that it "can carry way above legal loads". Is "way above" an engineering term? What are the other designations in this scale? Who is "County staff"?

Response 19-4

The purpose of this Final Supplemental EIR is to respond to comments on the Supplemental EIR. As part of the 1999 EIR, the safety/suitability of the bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle the traffic using the bridge, including traffic from the proposed Project. The 1999 EIR has been certified as adequate and the County has determined that further analysis of the bridge is unnecessary. It would therefore be inappropriate for this Supplemental EIR to address comments regarding the adequacy of the 1999 EIR.

Comment 19-5

The original DEIR called for a 12 ft. berm as a noise baffle and visual barrier. This berm is to be replaced by several rows of oranges and other evergreens. Such a barrier will take many years to provide either goal.

Response 19-5

S-Mitigation Measure 3.1-3 provides a detailed description of the orchard-like vegetative screen that will replace the previously proposed vegetative berm (Supplemental EIR, pp. 3.1-2 to 3.1-3.) The County has required the Applicant to implement mitigation to reduce all but one visual impact and all noise impacts to a less than significant level. Regarding visual impacts and related mitigation, please see Section 3.1 of the Supplemental EIR and Mitigation Measures 3.1-1, C-1, C-2 and J-1. Regarding noise impacts and mitigation, please see Section 3.4 of the Supplemental EIR and Mitigation Measures 3.4-1a and -1b and 3.4-2a and -2b.

Comment 19-6

The widths of setbacks from the Kings River and Hanke Canal are unclear to me - however, if the county is sincere in its contention that the area along the Kings is an important remnant of a unique ecosystem, allowing mining any closer than 500 ft. from the river or canal is unacceptable and should not be allowed. The Kings River regional plan states the importance of this environment as well as anyone could.

Response 19-6

The Project will retain 142 acres as Project buffers and be set back a minimum of 100 feet from the back of either Cameron Slough or the Kings River (Supplemental EIR, p. 2.0-

2.1). Please see Figure 2-5, General Phasing and Setbacks, of Section 2.0 of the Supplemental EIR regarding the proposed setbacks. Further, Section 2.4.4, subsection Project Buffers and Final Reclamation, provides a detailed explanation of the proposed setbacks for the revised Project.

Comment 19-7

And finally, by approving this mine several miles south of the Vulcan expansion, you will open the entire area from Hwy 180 to Goodfellow to aggregate companies. At the present time, Fresno County does not have a mineral policy. There is a description as to where minerals are and each project is evaluated with no general protection for the rights of the residents of the area or for the right of the citizens of Fresno County to enjoy and pass down to future generations a slice of the unspoiled county in which they live.

Response 19-7

Fresno County's mineral policies are discussed and evaluated in Section 3.3 of the Supplemental EIR and Section 3D of the 1999 EIR.

Comment 19-8

You owe it to all of us to back away from these approvals and establish a policy. None of these mines should receive a CUP for 30-50 or 100 years. If they are approved for these long periods with no periodic re-evaluation as new environmental regulations come into play, they will be grandfathered in. This is wrong.

Response 19-8

The County decision-makers have the authority to lengthen or shorten the proposed length of CUP for mining operations. The Supplemental EIR evaluated the proposed duration of mining operations as proposed by the Applicant.

4.3.2 Norman Cedarquist, July 4, 2007

Comment 20-1

The Fresno County Supervisors should consider all three of these projects together, not as individual projects. I will discuss and propose alternatives to these projects as to production, transportation and energy supplies.

Response 20-1

The County is obligated by law to analyze and decide individual projects as they are applied for in order to comply with Constitutional Due Process requirements. Nevertheless, CEQA requires each project to analyze cumulative impacts in relation to past, present and future projects in the area. The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 20-2

The Kings River Sand and Gravel is planned for 30 years. What will happen then? The sand and gravel operations along the San Joaquin river began approximately 125 years ago. Why won't the Kings River project last as long?

Response 20-2

The length of the proposed operation is based on the current understanding of reserves on the site and market conditions. The actual duration of the project could be more or less than currently estimated based on actual reserves and market conditions. If the project proponent wishes to extend the term of the Conditional Use Permit, it must apply for a modification of the permit.

Comment 20-3

Therefore the County and City Fresno needs to plan for at least 100 years of operation not 30 years. The planners must be aware of the gasoline and diesel costs for transportation may escalate to more that \$10. per gallon and after 2025 becoming prohibitive.

Response 20-3

The County evaluates the Project as proposed by the Applicant. The County's role is not to dictate to the Applicant its plans for mining. Instead, it is required to evaluate

the environmental impacts of the proposal and make appropriate findings if it decides to approve the proposed Project. As stated by the Project Characteristics Section of the Draft SEIR (Section 2.4.1 p. 2.0-7), the Project permit only proposes to mine for 30 years. Future or speculative market conditions which may affect the Project's economics and financial viability are not evaluated for purposes of CEQA.

Comment 20-4

The production of rock and gravel should be returned to the Piedra area where there is nearly unlimited supply and locations for operation by all three companies, and others who may be interested. Transportation should be by rail. The Kings River Sand and Gravel could be by three sixty car load trains per day as compared to the 700 to 1000 truck loads proposed.

Response 20-4

As stated above, the County only evaluates the project as proposed by the Applicant. A full range of alternatives was considered by the County when the 1999 EIR was published and certified. The County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the revised Project. Chapter 4 of the 1999 EIR provides the alternatives to the Project. Included among off-site alternatives were sites along the Kings River as well as the San Joaquin River.

Comment 20-5

There are a number of sand deposits located in the south eastern Fresno area, along the old channel of the Kings River. A few locations of 50 acres or more on the east side of Chestnut Avenue at Lincoln Avenue, south of Malaga, 160 acres are on the east side of Clovis Avenue, south of American and on both sides of American Avenue east of the Consolidated Irrigation District ponds located at American and Temperance Avenues. These sites are all located much closer to the Fresno metropolitan area, the borrow pits could be turned over to the Fresno and Consolidated Irrigation Districts for use as a water recharge ponds.

Response 20-5

See Response 20-4.

Comment 20-6

With rock and gravel production concentrated in Piedra, transportation should be by rail. The San Joaquin Valley RR

should be extended from the Sanger area to Piedra. Several alternatives are available;

1. North of Sanger, south of Highway 180 crossing the river and extending along the old railroad bed through Tivy Valley to Piedra
2. South of Sanger somewhere between Annandale and Goodfellows Avenues.
3. East of Reedley along the old Whatoke right of way.

Assuming the three proposed projects will each produce 1 million tons of rock and gravel each year. This would produce 100 rail car loads of rock and gravel per day, 300 days a year, or 2 - 50 car trains per day.

The marketing area would be northern Tulare County, Easter Fresno County and most of Kings County. Transportation of sand in the Fresno area would be by short haul trucks.

The additional benefits of a railroad to Piedra could be a passenger service from Fresno to Sanger, Tivy Valley and Piedra as was from 1910 through the 1930's.

Response 20-6

See Response 20-4.

Comment 20-7

The third major factor in these operations is the energy supply needed for these projects. The energy needs comprise of two components; production and transportation. They can use different sources or a common source. When rails rather than trucks are used to transport the rock, gravel and sand to the areas of usage, primarily Fresno. The San Joaquin Valley RR should be converted to electric, a stationery generation source of electric could be used for both production and transportation.

Currently there is only one non-polluting source of energy available in quantity providing for all of our needs over the next 100 years; nuclear generation. It has been reported that Russia has 38 tons of plutonium in storage, and the US has a larger supply.

Scientists at the Idaho Research Lab have proposed constructing either sodium-potassium or lead-bismuth power plants to utilize

our supply of uranium and plutonium. They propose these as high temperature, atmospheric pressure facilities that use carbon dioxide as a turbine propellant and no evaporation of water. Iran has a sodium-potassium plant under construction in the south eastern desert portion of their country.

This facility should be constructed by the Kings River Conservation District (KRCDD) in the area east of Sanger. The Idaho scientists stated in an article that these plants operate at atmospheric pressure, there would be less danger and chance of an accident using this method of high pressure water reactors.

The reason the KRCDD should be involved is that they are a local public organization and would be more accountable to the concerns of the public in the San Joaquin Valley. It is my understanding that two basic size facilities would be available; 231 MW or 460 MW plants. The US has a good supply of knowledgeable naval retirees from our submarine and aircraft carrier programs. These individuals have a first class record over the last 40 years providing excellent design, construction and operation experience.

Response 20-7

Nuclear power, as an alternative energy source, is not pertinent to the environmental impacts of the revised Project. The County will evaluate the substantive merits as well as the potential environmental impacts of such an operation at the time that such application is filed with the County. To the extent the commenter is proposing an alternative to the Project as proposed, the proposed alternative is infeasible for the following reasons:

- The Applicant does not own any of the property proposed in the South Eastern Fresno area.
- Nuclear power is not a viable source of power for the Project.
- A nuclear power plant is not a proposed part of this Project.
- The infrastructure for the proposed rail line does not currently exist and its construction is not a feasible addition to the Project as proposed.

Comment 20-8

What I am proposing may seem as a radical approach to our future sand and gravel production; methods of transport and energy supply. We should be planning over 100 years, not 30 years.

Response 20-8

See Responses 20-7 and 20-4.

Comment 20-9

A program of this nature will require our county and city governments take a leading role in the planning financial and construction of the facilities. The KRCD already is in the energy business and in this program will become major supplier of energy for this area. This is especially relevant since PG&E seems to have little interest in planning and constructing new power plants.

Response 20-9

See Response 20-3. Additionally, the County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the revised Project. Chapter 4 of the 1999 EIR provides the alternatives to the Project. Included among off-site alternatives were sites along the Kings River as well as the San Joaquin River.

4.3.3 David Cehrs, July 2, 2007

Comment 21-1

Groundwater monitoring - elevation and water quality. The 1999 EIR Appendix C-3 page 8 has a figure that shows how, beneath the site, the aquifer is separated by a clay layer. The clay's depth varies from 60 to 100' below ground surface and separates the upper unconfined aquifer from a lower semi-confined aquifer. The upper aquifer has poorer water quality (TDS of 330 mg/l, higher Mn levels) while the lower aquifer has better water quality (TDS of 190 mg/l, low Mn levels) (1999 FEIR, Appendix C-3, Tables 2&3). The applicant is currently scheduled to only monitor water levels and water quality in shallow wells, 40' deep (1999 FEIR, Appendix C-3, p.28) and only twice a year (SEIR, S-28, Table s-1). This should be changed to a double set of monitoring wells that monitor not only the upper aquifer but the lower aquifer up gradient, down gradient, and off site with a monitoring interval of at least quarterly if not bi-monthly. This is needed to protect the water quality of the lower aquifer beneath the clay. As mining proceeds this 60-100' clay will be extracted and the upper and lower waters will commingle within the ponds and lakes on site. This commingling has the potential/probability to contaminate the better quality lower water with the poorer

quality upper water to the detriment of the surrounding land owners and all down gradient wells.

Response 21-1

As Comment 21-1 states, the lower aquifer is only semi-confined because the referenced clay layers located at 90-100 feet deep are not considered thick or extensive enough to be substantial confining beds. Therefore, and as stated in the 1999 EIR, only one aquifer is considered to be present at the project site because of the general absence of thick clay layers above a depth of 200 feet (1999 Final EIR p. 3B-3). As such, the County has determined that the current monitoring requirements adequately address the project impacts. Additionally, the Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to hydrology issues (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

Comment 21-2

The applicant indicates that they will place overburden and non-salable , processing fines (SEIR, 2.0-17&18) in the southwest and southeast corners of the northern lake (SEIR, 2.0-13, Figure 2.5) to prevent sealing of the pond bottoms allowing "windows" to recharge water, allow groundwater flow, and prevent interference with shallow pumping neighboring wells; the consultant (1999, FEIR, Appendix C-3, p.25&28) and the Regional Water Quality Control Board (SEIR, Appendix C, letter of 5 Oct 2004) indicates this could be a problem. The clays will stay suspended in the water column and move further from the settling pond infalls than will the silts. The clay can and will settle out and remain on the lake bottom, even up to 1:1 bottom slopes. The clays will act as a bottom seal preventing groundwater recharge and altering groundwater flows.

Response 21-2

See Response 21-1.

Comment 21-3

Comment 21-3(a)

The water budget, specifically consumed process water, found throughout the SEIR, the 1999 FEIR, and Appendices, are not

internally consistent, use consistent units of measure, or presented so that the reader can understand them. Process water volumes listed include:

2007 SEIR p. 3.0-1&2 180 AF/yr
 1999 EIR 3B-12, listed as 290 AF/yr)2 = 145 AF/yr
 "table adds to 420 AF/yr)2 = 210 AF/yr
 1999 Appendix C-1, Table 2 420 AF/yr)2 = 210 AF/yr

Complete water budgets, on a yearly basis are presented within the FEIR Table 3B-4:

	Surface diversion	Crop ET	Project Process Water	Lake Evap	= Total
Pre	1400 AF	-1180 AF	0	0	= +220AF
Mid	470	-767	(-420/2) = -210	-464	= -971
Post	200	-442	0	-827	= -1069

This water budget assumes a lake evaporation of 2.9 AF/acre (FEIR, 3B-10) yet the same consultant has used a value for pond evaporation of 3.4 AF/acre (2007 Vulcan FEIR) for a facility only 3 miles away. The 2007 evaporation value must be assumed to be more up to date. Using this 3.4 AF/acre value for evaporation the above table then becomes:

	Surface diversion	Crop ET	Project Process Water	Lake Evap	= Total
Pre	1400 AF	-1180 AF	0	0	= +220 AF
Mid	470	-767	(-420/2) = -210	-544	= -1051 AF
Post	200	-442	0	-969	= -1211 AF

Comment 21-3(b)

The results of the water budgets are consistent in one regard the CMI aggregate operations will extract more water from the hydrologic system than it returns to the system. The proposed project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

Response 21-3

Response 21-3(a)

Dr. Kenneth D. Schmidt made calculations of lake evaporation for both the CMI Kings River project and the Vulcan Sanger project. Three factors were used in

these calculations: 1) precipitation, 2) pan evaporation, and 3) a pan factor. The same values for precipitation and pan evaporation were used in both cases. The pan factor is used to account for the fact that the lake considered is much larger than an evaporation pan. A pan factor of 0.7 is commonly used for relatively large lakes, and this was used for the CMI project, resulting in a value of 2.9 acre-feet per acre per year of evaporation. When the calculations were made later for the Vulcan Sanger project, a slightly greater pan factor of 0.8 was used. This was used to account for the size of the lakes being evaluated, and resulted in a lake evaporation equal to that used by the Kings River Water District consultant (3.4 acre-feet per acre per year). The resulting changes in the water budget table are small (i.e., only about 40 acre-feet per year for the post mining phase). These small changes do not alter conclusions in the evaluation.

Response 21-3(b)

The water budget for the EIR is based on using 2.7 million gallons a day rather than 5.4 million gallons a day as was evaluated in the 1999 EIR. Regarding the variations in numbers between the Project's water budget and Vulcan Project's water budget, the County evaluated the sufficiency of the 1999 EIR's impact evaluations and mitigation for hydrology and water quality issues and determined that the 1999 EIRs analyses adequately addressed the revised Project's hydrological impacts. The County's rationale for this determination is provided Section 3.0 of the Supplemental EIR, hydrology resources subsection. Last, the mitigation measures identified in the 1999 EIR adequately mitigate for the hydrological impacts of the revised Project.

Comment 21-4

The FEIR (3B-4&7) only alludes to the possibilities of flood waters inundating the property. They do not take into consideration the possibility that lateral erosion will occur during the high stage flows cutting into and eroding out the eastern and southern berms. If this were to happen it would open up the lakes to the river.

Response 21-4

CEQA does not require the evaluation of a worst case scenario. Because of the Project's setbacks and design, the scenario suggested by the commenter is not reasonably foreseeable and therefore speculative and was not required to be evaluated in the 1999 EIR.

Comment 21-5

The following items have not been addressed or adequately addressed in depth by either the CMI Final SEIR(1999) or in the SEIR (2007). Until the County has a handle on the following items the SEIR can not be adequately evaluated or addressed by the Planning Commission or the Board of Supervisors. The items that need coverage in the CMI SEIR include: a) cumulative impacts - local water, specifically with regard to the other two proposed gravel projects - Vulcan Materials Co. and CEMEX Jesse Morrow Mountain; b) growth inducing impacts - singly and collectively (CMI, Vulcan, CEMEX); and c) cumulative impacts - distributed, non-local water in conjunction with b)

Response 21-5**Response 21-5(a)**

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Response 21-5(b)

Aggregate demand is inelastic – it does not drive growth, demonstrated by the fact that per capita use of aggregates changes little in response to availability. Growth inducing impacts are evaluated in Section 3.6 of the Supplemental EIR and Chapter 3L of the 1999 EIR.

As discussed in Chapter 3L of the 1999 EIR, the Project would have no direct or indirect growth-inducing impacts and thus no significant growth-inducing impacts requiring mitigation. The previous EIR concluded that mining gravel is a growth supporting activity, as opposed to a growth inducing activity. Therefore, the Project would not have either direct or indirect growth-inducing impacts.

Response 21-5(c)

See Response 21-5(a), above.

Comment 21-6

The cumulative impacts (SEIR, 3.7-1,2,&5) of water extraction from the CMI plant on Goodfellow Ave., Vulcan plant at Highway 180, and the Jesse Morrow Mountain plant on Watoke Creek and its watershed all need to be evaluated. The three plants would be the single largest water extractors in the local area and could/would have a cumulative impact on the groundwater of the Sanger-Centerville area. This has not been done in the previous CMI EIR. The SEIR (SEIR, 3.7-5) indicates that the project would increase total consumptive use but it would be offset by an increase in groundwater outflow and make additional groundwater available to down-gradient well users. This misses the point that if more water is extracted, for all project site uses, that it will affect the total water balance of the area in a negative way. Changing the groundwater gradient only effects the rate of groundwater flow into or out of an area. And with groundwater being a finite resource if more is extracted than recharged there is net deficit water balance.

Response 21-6

See Response 21-5(a) above.

Comment 21-7

Mining gravel is a growth supporting/inducing impact that has only been briefly addressed in the SEIR (3.6-1&2). But the larger effects need to be addressed as sand and gravel are used for new construction of houses, businesses, roads and freeways. This new construction is then filled by an ever increasing population. This new increasing population then demands water for it uses, taxing our finite water supplies even more. CMI alone or CMI with Vulcan and CEMEX will all singly or collectively supply/promote this County wide and regional growth.

Response 21-7

See Response 21-5(b) above.

Comment 21-8

There are distributed, non-local water impacts that result from the growth inducing impacts of aggregate mining. This is due to the increasing populations demand for water, associated with the new growth. As the growth will be not only in Fresno County but the adjacent counties this will become not only a County-wide problem but a valley-wide problem and needs to addressed as such.

Some facts:

1. Water (surface and ground) is a finite resource, variable through both time and space, but finite.
2. Nine out of ten years there is no San Joaquin River or Kings River flows to their natural outlets, the San Francisco Bay and Tulare Lake respectively. We, as a society, are using all of our local surface water resources most of the time.
3. Groundwater beneath Fresno Irrigation District, Consolidated Irrigation District, Alta Irrigation District, or Kings River Conservation District has been in decline since 1945. Again, we as a society have been using more groundwater than is being recharged. This groundwater mining can not go on forever as it is a finite resource. The latest data from the Upper Kings Basin Water Forum, Technical and Data Committee modeling report indicates that between 1965 and 2005 the annual overdraft beneath Fresno County has been in excess of 150,000 acre-feet per year. New growth will only exacerbate this groundwater decline.
4. Within Fresno Irrigation District (using FID Annual Report data) the best correlation between groundwater decline is with Fresno County population ($r^2=.887$). As the population grows the groundwater declines. Ever increasing populations demand ever increasing amounts of water but the resource is finite with the result that all surface water is used and we are using more groundwater per year than is being recharged. This is not sustainable!

Some facts about the future of water in the southwest U.S., of which we are a part:

1. Modeling for water supply in the American southwest during climate warming indicate that by the year 2020 water demand will be greater than water supply within the region (Intergovernmental Panel on Climate Change, April 2007, Summary for Policymakers, Working Group II; M. Hoerling &

J. Eischeid, SW Hydrology, vol. 6, no. 1, p.18; R. Seager, et.al., Science, vol. 316, p. 1181).

2. The latest data (S. Rahmstorf, et.al., Science, vol. 316, p. 709) indicate that the 2001 Intergovernmental Panel on Climate Change models have been conservative with regard to their estimates. This indicates that global warming and its effects have been greater than expected. Since most of the water models have temperature and moisture components this means that the southwestern U.S. might be even dryer than the models predict.

Response 21-8

See Response 21-5(b) above.

Comment 21-9

Factoring in Fresno County and valley wide population growth with climate change reductions in water supplies has significant implications for Fresno County and the Valley in general. Increasing demand (growth) for water with declining supplies of water (climate change) indicate Fresno County and the Central San Joaquin Valley will be in sever water deficit in the very near future (2020). To achieve anything approaching sustainability will require sever reductions, possibly as great as 75% in residential, industrial, and agricultural (our food supply) water use.

None of the above has been addresses by the SEIR. It needs to be addressed and taken seriously.

Response 21-9

See Response 21-5(b) above.

4.3.4 Richard Cosgrave, July 5, 2007

Comment 22-1

It is apparent that the downsized project has little to do with reducing adverse impacts and everything to do with defaulting on promises made to the Board of Supervisors in 1999 and avoiding financial responsibility for the impacts on public safety and on the infrastructure of Fresno County. Although the project original called for maximum production of two million tons per year, John Buada testifying before the Board of Supervisors on

December 7, 1999, stated "The Applicant's has been, is, that the maximum production that they've had is a million tons." It appears that the "downsized" project is about what they intended to mine in the first place.

Response 22-1

The previously-approved project authorized production of up to two million tons of year. In the revised Project, the Applicant is requested a maximum production of up to one million tons a year. The Commenter appears to be quoting the previous consultant's estimate of what the Applicant had produced at existing permitted sites rather than what was proposed for the Kings River Project. Additionally, the Applicant is required to pay its proportionate share of traffic impacts (see SEIR Section 3.5 and Appendix G).

Comment 22-2

At the public meeting in Sanger on June 14, 2007, there was considerable discussion about whether the requirements added by the Board of Supervisors were mitigation measures or conditions of approval. It is clear from the transcript of the closed portion of the Hearing of October 13, 1999; the Supervisors clearly thought they were adding mitigation measures. After many hours of public testimony, the Supervisors came to the conclusion that the EIR failed to provide sufficient mitigation to meet many of the public concerns, particularly in the area of traffic safety. Supervisor Oken ask Mr. Briggs, County Counsel, "So we, in other words, by accepting the EIR, we can still have the flexibility to change the recommended mitigation measures that were in the EIR. That's what I want to make certain." Mr. Briggs replied, "Yes. You can incorporate mitigation measures into the Project..." Based upon the recommendation of the County Counsel, the Board approved the EIR and directed staff to incorporate into the Project further mitigation measures based upon the record, testimony and discussion. As a result, Mitigation Measures PH-1 through PH-9 were added. The Board of Supervisors clearly thought that the original EIR was deficient in several areas and thought they had added mitigation measures to correct it. These are referred to as Kings River Sand and Gravel Project Mitigation Measures Resulting from the Public Hearing Process in Table 3 of the Mitigation Monitoring and Reporting Plan. The term "conditions of approval" is not mentioned.

Response 22-2

Based on the comments received, the County reviewed the record and has determined to treat the measures added at the public hearing as mitigation measures. Accordingly, Mitigation Measures PH-1 through PH-9 have been added to the summary table contained in the SEIR and treated as CEQA mitigation measures added to the 1999 EIR. The measures deleted in the SEIR, PH-5 through PH-7, are indicated. As noted above, the Applicant applied for a revised CUP in 2003, which application proposed the modification of the project and the deletion of certain mitigation measures and conditions of approval. To address concerns relating to traffic and the elimination of these mitigation measures, the Applicant modified the project to reduce the maximum allowable annual mining rate in half, thereby reducing truck traffic related to the project. As part of the SEIR process, the County has reevaluated all traffic impacts relating to the project, including reflecting the reduced truck traffic, analyzing changed traffic flows related to changed market demand and analyzing the potential detour route during the period the Kings River Bridge will be closed.

Comment 22-3

On July 19, 2003, Judge Rosendo Pena ruled in favor of the County in the case of *Kings River Conservancy Group and Gary Gray v. County of Fresno*. The Petitioners had claimed that the County failed to comply with CEQA in certifying the EIR and approving the CMI project. In defense arguments, the County cited the mitigation measures PH-5 and PH-6 and PH-7 added by the Board of Supervisors as evidence that County had adequately addressed safety issues. Judge Pena also cited these mitigation measures to support his decision that the SEQA process had been followed. One can only speculate, but it seems likely that his decision would have been different if these mitigation measures not been added and the project had been approved solely on the basis of the EIR.

Response 22-3

As noted by the commenter, it would be speculative to evaluate whether the court's opinion would have been different. That is also beyond the scope of this SEIR evaluation. However, as noted above in Response 22-2, the SEIR has reevaluated traffic impacts including the effects of reducing annual mining rates by half.

Comment 22-4

The original EIR provided for the construction of a berm 12 foot high and the planting of shrubs and trees in an orchard like

pattern along Goodfellow Avenue. That has now been replaced with an orchard-like vegetative screen of citrus or an evergreen variety that insures dense screening. I find no explanation of the removal of the berm from the project. The berm would provide more effective screening as well as provide some sound barrier. Even before the comment period on the DSEIR is complete, it appears the applicant does not intend to comply with the intent of the vegetative screen. Running Luck, the current lessee of the property, has planted seven rows of olive trees along Goodfellow which are apparently meant to provide the vegetative screen. The trees are of a low-growing variety and are trained on wires. They are the same as those planted by Running Luck on the north side of Goodfellow west of the project site. They are meant to be picked with a mechanical picker which I believe will be a modified mechanical grape picker. The trees will probably reach a maximum height of five to six feet and will provide little screen for the project. This is totally unacceptable and the trees should be replaced by a taller, more-dense species. A more desirable solution would be to reinstate the berm as part of the project.

Response 22-4

The Summary Section of the Supplemental EIR, Section 3.0 and Section 3.1 discuss the elimination of the berm from the Project. Further, Section 3.1 details the proposed vegetation screen proposed as part of the revised Project. Impact 3.1.1 and Mitigation Measure 3.3-1 discusses the revised Project's impacts and the associated Mitigation Measure, including specification that the tree species being citrus or evergreen and the fact that there will be a minimum of four rows of trees.

Comment 22-5

Page S-2 of the Summary states: *The site has been farmed with various low-value row crops and irrigated pasture for the past several years.* This is a misleading statement no doubt intended to make it appear that the land is not suitable for high-value crops. Most of the site was, in fact, planted to peaches, plums and nectarines for decades. It was only after the purchase by the applicant in 1994, that the trees were removed and the land was converted to *low-value crops*.

Response 22-5

The appropriate baseline of the Project is the state of the environment at the time the Notice of Preparation was issued for the preparation of the EIR. Please note, however,

the Land Use Chapter of the 1999 EIR (Chapter 3D) and the Land use Section of the Supplemental EIR (Section 3.3) recognize the Project site as being prime farmland and evaluates and the Project site accordingly. The EIR concludes that the revised Project's impacts on prime farmland are significant and unavoidable and require feasible mitigation.

Comment 22-6

The EIR does state that the fine sandy loam Class I soil is considered prime agricultural soil. I can attest to productivity of the soil in the area of the project site. I farmed some .6 miles northwest of the site for 26 years raising plums and grapes. I consistently had above average yields and above average size on the plums that I produced. Fertile soil with a depth of approximately 15 feet and no hardpan is not easy to find in Fresno County. The quality and quantity of the surface water available adds to the land's value for farming. Our State and County leaders agree on the importance of preserving prime farmland. To needlessly waste this valuable resource when so much farm land has already been lost to urbanization is unacceptable.

Response 22-6

See Response 22-5.

Comment 22-7

The EIR states that the impact of the loss of the prime agricultural land is a *significant and unavoidable impact that cannot be mitigated to a less-than-significant level*. That statement is certainly correct at the project site. This is why the project must be located on another site. One of the major deficiencies of the Draft EIR and the DSEIR is the failure to adequately address the alternatives which would preserve prime farmland. I shall discuss this subject in detail later in this letter.

Response 22-7

See Response 1-1. The Project site is classified MRZ-2, indicating that the current agricultural uses may only be temporary, and therefore 1:1 mitigation may be inappropriate. Nonetheless, the County conservatively concluded the loss of prime farmland would be significant. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's

conversion of prime agricultural land to non-agricultural use but that those impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Additionally, the County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the revised Project. Chapter 4 of the 1999 EIR provides the alternatives to the Project. Included among off-site alternatives were sites along the Kings River as well as the San Joaquin River.

Comment 22-8

The mitigation measures for water monitoring (pages S-24 to S-25) return to those proposed in the original EIR and leave the monitoring to the operator. The Fresno County Board of Supervisors wisely changed that in PH-1 to give the County responsibility to implement and maintain the groundwater measuring program. The results of the monitoring program would be retained by the County. The groundwater monitoring mitigation measures in the DSEIR should be changed to give responsibility to the County and not the operator. This would give greater protection and confidence to nearby landowners.

Response 22-8

The Regional Water Quality Control Board requires mine operators to perform water quality monitoring. Therefore, it is not improper for the operator to perform the monitoring. There are specific reporting requirements with specific numeric limitations that have been objectively determined. Therefore, the system protects against bias or manipulations. Further, the Regional Board has the authority to cite the operator for violations if it determines that the operator is falsifying documents. Further, the monitoring program set forth in Mitigation Measure B-1 specifically requires the Fresno County Planning and Resource Management Department to approve the monitoring program. Mitigation Measure B-1 also contains monitoring well location and reporting requirements and mandates that the Applicant submit a report of the results to the Fresno County Planning and Resource Management Department for review and approval. The Measure also contains remedy provisions if a report is identified. Nonetheless, to facilitate additional oversight by the County regarding the monitoring data compiled by the Applicant, Mitigation Measure B-1 has been revised to provide, in pertinent part:

B-1: Monitor Water Levels in Onsite and Neighboring Wells

Before mining begins, the operator shall submit a monitoring program for measuring groundwater levels in the on-site monitoring wells (Figure 3B-2). The monitoring program shall be prepared by a qualified professional (acceptable to the Fresno County Planning & Resource Management Department) and approved by the Fresno County Planning & Resource Management Department.

The wells located on the north, south, east, and west sides of the Project site would be permanent monitoring wells for the life of the Project, and the two wells in the center of the Project site, just southeast of the plant site, would be used as control points for water level contours until the wells were removed during mining. The monitoring program shall include installation of a continuous recording water level recorder in the well nearest to the active aggregate removal area and weekly water level measurements in wells that are farther away; a water level data table prepared on a quarterly basis; and a map of water level elevation contours prepared on a quarterly basis. These will be used by the County and compared to background water level data, previous elevation contour maps, and seasonal fluctuations in depth to the water table. A report of the results will be sent to the Fresno County Planning & Resource Management Department for review and approval. If a neighbor within 2,000 feet of the Project boundary reports a reduction in well yield that is potentially related to the project, and if the results of the monitoring program indicate that the project may be responsible for the reduction in yield (as determined by the County), the operator shall pay for the following:

- A study of the neighboring well, to be completed within 30 days,
- To determine if Project operations have created a reduction in well yield; and
- Deepening, rehabilitation, or replacement of the neighboring or affected well, according to the County's direction, if it is confirmed that the Project has caused significant reduction in well yields in the neighboring well.

Groundwater monitoring shall continue beyond the completion of reclamation. If no reduction in well yields attributable to the project in any neighboring well were to occur for two consecutive years in which rainfall is either normal or below normal, the groundwater monitoring would cease. The County will require the Applicant to provide documentation regarding its monitoring results to the County. Fresno County will require the Applicant to retain monitoring records on-site. The County shall review these records during their annual SMARA inspection to monitor compliance with requirements of Mitigation Measure B-1.

Comment 22-9

By far my greatest concerns about this project are in the area of traffic safety. Unfortunately, "safety" seems to be a foreign word to the applicants and those preparing the EIR. Since the original application for the project some 10 years ago, the

applicant has shown a complete lack of concern or sympathy for public safety. Their only concern seems to be to get by as cheaply as possible. There were many hours of testimony from the public at many hearing since 1998 concerning traffic safety along Goodfellow and Central Avenues and the Kings River Bridge. All of the testimony was ignored as were the mitigation measures added by the Board of Supervisors in drafting the DSEIR.

Response 22-9

Safety issues along Central/Goodfellow Avenues are thoroughly analyzed and discussed on page 3E-18 of the 1999 EIR.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard. Truck frequencies may provide a point of reference for safety, but are not considered to be an indicator of traffic impacts. If sufficient roadway capacity exists, the truck frequencies documented in the comment can be accommodated.

In addition, as part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed project. Finally, CMI will pay a proportionate share of funding for traffic and roadway improvements as mitigation for the project impacts (see Mitigation Measure 3.5-2).

Comment 22-10

Of prime concern to me has been the Goodfellow Bridge over the Kings River. We are told that the County is planning to replace the bridge within the next few years. It is still uncertain just when that will happen. The DSEIR indicates that project traffic would use the bridge until such time as it was closed for replacement. There was, however, no analysis of the bridge in the DSEIR. The bridge is only 21 feet, five inches wide between the curbs. The CALTRANS minimum standard for two-lane bridges calls for 12-foot lanes with a minimum of a 5-foot shoulder on either side. This would be a minimum of clearance between curbs of 34 feet or 12 feet seven inches more that the current bridge. Furthermore, the bridge has a vertical curvature which makes it

difficult to see oncoming traffic until one is on the bridge. This makes the narrow width more dangerous. Many times I have driven onto the bridge and met an oncoming truck with its wheels on my side of the double line. Furthermore, in summer the bridge is used extensively by tubers floating down the Kings River. An inspection of the bridge by Caltrans in 2002 found the bridge to be "structurally deficient". The addition of a large number of trucks to the roadway would intensify an already dangerous situation.

Response 22-10

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project. Additionally, the revised cumulative impacts section of the Final SEIR discusses the status and impacts of the bridge reconstruction (see Section 3.7.9).

Comment 22-11

The Board of Supervisors was most emphatic that mining not begin until the bridge is replaced. (See PH-7) This must also be a condition of the revised project. I am also concerned that 20% of the cost of replacing the bridge would fall on the taxpayers of Fresno County and the applicant would escape any responsibility for a portion of the cost.

Response 22-11

See Responses 22-10 and 22-9 above.

Comment 22-12

The DSEIR provides for the detour of project traffic north on Riverbend Avenue to Annadale Avenue, west to Newmark Avenue, and south to Central during the period when a new Kings River Bridge is being constructed. Riverbend Avenue is narrow with travel lanes with a width of 10 feet and no paved shoulder and is not suitable for heavy truck traffic. I am particularly concerned about the intersection of Annadale and Newmark. Trucks westbound on Annadale have a sharp left turn to proceed south on Newmark. Drivers traveling northbound on Newmark and stopping at the stop sign at Annadale have an obstructed view of vehicles coming up the hill from the east. I see many vehicles pulling partially into the intersection for clear visibility. This would be

particularly dangerous if large trucks are turning left onto Annadale. Also, the bridge over the CID canal along Newmark creates a sharp turn for a truck and trailer to turn right from Newmark onto Central. Clearly the proposed detour route is not suitable for a large volume of heavy trucks and mining should not begin until such time as no detour of project traffic would be required.

Response 22-12

Section 3.5 of the Supplemental EIR evaluates the detour route for the revised Project. The detour route was selected as the best option based on peak season/peak hour project traffic volumes and close coordination with Fresno County Roads staff.

Comment 22-13

Central Avenue has been the focus of much discussion since the inception of this project in 1998. Central Avenue is a narrow country road, most without a shoulder, that is not suitable for heavy truck traffic. Unfortunately, all traffic analysis of the original and modified project has been focused only on level of service and structural integrity. The fact remains that there are safety issues raised by a large number of citizens during the prior comment and hearing process which have not been addressed in the DSEIR. The Board of Supervisors added Mitigation Measure PH-5 to address the safety issues. These have not even been considered in the DSEIR. I find no indication that the traffic studies have investigated accident rates on Central Avenue.

In testimony before the Board of Supervisors on December 7, 1999, Mr. Ed Gaylord of the Public Works Department addressed the matter of the width of Central Avenue. He stated that the County's standard for a two-lane road would be a twelve foot travel lane, a four foot paved shoulder and a four foot dirt shoulder. He further stated that the County right-of-way on Central is restricted in that parts have prescriptive right-of-way, and there are parts with twenty foot right-of-way and twenty-five foot right-of-way. He went on to state that there are numerous flooding problems along Central Avenue. During times of flooding, the road is actually signed with flooding signs at numerous. I find no mention of the flooding problems in the DSEIR. Clearly this needs to be addressed.

It should be obvious that the narrow width, lack of proper shoulders and flooding problems, Central Avenue is not a suitable road as a haul route for numerous heavy gravel trucks

until such time as the County acquires adequate right-of-ways and completely reconstructs the roadway with suitable shoulders and correction of the drainage problems.

Response 22-13

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard. See also Response 22-9.

While Section 3.B of the 1999 EIR evaluated flooding along Central Avenue, the commenter expressed concern about this issue. In an effort to amplify the EIR's discussion, the County Planning Department consulted with the County's Road Department, Maintenance & Operations Division. According to Mr. David Godfrey, Road Maintenance Supervisor, Central Avenue is no worse than many of Fresno County's more rural roadways. On September 27, 2007, Mr. Godfrey evaluated Central Avenue regarding overall flood potential. Central Avenue was assessed a flood potential ranking from 1-5, with 5 being the most severe. Figure 3.5-21, Flooding Potential Along Central Avenue, has been added to Section 3.5 of the EIR. The figure illustrates that none of the road segments have a severe potential for flooding. The most severe segments are the south side of Central Avenue 3.8 west of the McCall/Central intersection (3.5 Rating) and 3.2 to 3.3 miles west of McCall/Central Avenue (3.3 Rating). Therefore, the flooding potential was assessed for Central Avenue and such potential impacts are less than significant. Please see Section 3.4.5.

Comment 22-14

In the Final SEIR on page 3E-18 it states that because of safety concerns raised by the County over trucks entering and exiting the project site, "the project was redesigned during the preparation of the Draft EIR to move the project access driveway to the middle of the project site and add acceleration/deceleration lanes to Goodfellow Avenue". Please confirm that access point and acceleration/deceleration lanes are still a part of the project. If not, both should be reinstated into the project.

Response 22-14

The ingress and egress have been moved to the western boundary of the Project Site at the Riverbend Extension. Riverbend Extension south of Goodfellow Avenue is neither a maintained County road nor a through street, and is only accessed by two property owners located south of the intersection of Goodfellow Avenue and Riverbend Extension. The acceleration and deceleration lanes remain a component of the revised Project.

Comment 22-15

I find no alternatives analysis in the DSEIR. As I understand CEQA, the revised project would require this for two reasons. The passage of nearly 10 years since the original EIR was prepared makes it possible that there are alternatives possibilities that were not available in 1998. There may be land for sale now that was not available ten years ago. Also, the downsized project may make it feasible to consider a smaller parcel which was rejected when the larger project was evaluated. For example, the original EIR identified offsite alternative A consisting of 490 acres within the San Joaquin MRZ near the Lone Star site. The site was estimated to contain 33 million tons. While this was a limiting factor under the original project, it would provide a 30 year supply of material under the revised plan.

Response 22-15

The County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the Project as revised. Chapter 4 of the 1999 EIR provides the alternatives to the Project. The parcel identified by the Commenter remains an alternative to the revised Project. The analysis contained in the 1999 EIR continues to apply to the revised Project.

Comment 22-16

I also believe that the original EIR is wholly inadequate in its analysis of alternatives to the proposed project. I am particularly disturbed by the lack of any in depth study of Coalinga as an alternate site. Page 4-4 of the Final SEIR acknowledges presence of aggregate reserves at Coalinga but quickly rejects it because of the hauling distance which the EIR claims would result in increased traffic and air quality impacts. However, this assumes the only method of transporting materials would be by diesel trucks. No consideration was given

to the hauling of material by train rather than truck even though it had been suggested at public hearings and in written comments which were submitted. In fact, Coalinga and Fresno are connected by rail service through the southern San Joaquin Valley. Transportation by rail rather than truck would reduce rather than increase air quality impacts, reduce the impact on Fresno County roads, increase safety and not require the destruction of prime Ag land. It would seem that this alternative was rejected without any analysis because the motive of the preparers of the EIR was to justify the project for the applicant, not to provide an environmentally superior project. This is a violation of the intent of CEQA.

Response 22-16

CEQA has a presumption that the previous certified EIR is sufficient for a project analysis. Substantial changes are proposed that require revisiting environmental determinations (CEQA Guidelines §§15162-15163). The purpose of this Final Supplemental EIR is to respond to comments on the Supplemental EIR. The 1999 EIR has been certified as adequate and it would be inappropriate for this Supplemental EIR to address comments regarding the adequacy of the 1999 EIR. Regarding comments related to the adequacy of the alternatives raised during the public review of the 1999 EIR and the County's responses thereto, please see Volume 2, Response to Comments.

Comment 22-17

The DSEIR and the previous EIR fail to provide a thorough, complete and unbiased study which would enable the County to thoroughly evaluate this project. The "revised" project is little more than an attempt by CMI to circumvent the mitigation measures wisely added by the Board of Supervisors in 1999 after hours of public testimony. As there are now four new members of the Board of Supervisors, the hope is, no doubt, that this Board will focus on the County's need for aggregate and be less concerned with the safety issues and the other deficiencies of this project.

Response 22-17

The purpose of this Final Supplemental EIR is to respond to comments on the Supplemental EIR. The 1999 EIR has been certified as adequate and it would be inappropriate for this Supplemental EIR to address comments regarding the adequacy of the 1999 EIR. The County and the EIR preparer will not speculate as to the motives of the Applicant regarding its decision to revise the Project evaluated in the 1999 EIR.

Comment 22-18

The whole focus of the EIR and DSEIR is on what the applicant might get by with legally, not on protection of the environment and public. For example, while it is legal for heavy gravel trucks to cross the Kings River Bridge and travel on Central Avenue, it is not in the interest of public safety to advocate a project that would make that the primary haul route. When and if, replacement of the Kings River Bridge is completed, that will provide a safe crossing over the Kings River. While it is legal for large trucks to drive on Central Avenue, this says nothing about the safety of making it the primary haul route for a large number of heavy gravel trucks. When and if, Central Avenue is rebuilt with proper drainage, twelve foot travel lanes, a paved shoulder and an additional dirt shoulder, the addition of passing lanes and the upgrading of appropriate intersections, it would be an acceptable haul route for the gravel trucks from this project. If the entrance to the project site is located at the middle of the project and acceleration and deceleration lanes are added along Goodfellow, trucks could more safely exit and enter the project.

Response 22-18

Chapter 3E of the 1999 EIR, Section 3.5 and Section 3.7.9 of the Supplemental EIR evaluate the Project's impacts to the Kings River Bridge, Central Avenue, and the ingress and egress from the Project Site to Goodfellow Avenue. See also Response 22-9.

Comment 22-19

I would reiterate my comments about alternative analysis. A reexamination of the potential site on the San Joaquin River and a thorough analysis of the hauling of aggregate material from Coalinga by rail are essential to the integrity of the DSEIR. The fact that CMI made a business decision to purchase the proposed site in 1994, in no way makes this the ideal location for a large sand and gravel project. As I understand CEQA, justifying the proposed location should be a prime requirement of the EIR. Clearly this has not been done.

Response 22-19

See Response 22-15.

Comment 22-20

It is unfortunate CMI has chosen to default on the additional mitigation measures added by the Board of Supervisors in 1999 in response to public testimony. Had they embraced the measures and worked toward compliance, the project might well already be in operation. Instead they now return with a recycled project and continue to ignore the concerns of the public and Board of Supervisors when preparing the DSEIR. Be assured that these concerns which have not been addressed will be a major focus in all public hearings on this project.

Response 22-20

The revisions to the Project are presented in the subsection entitled the Proposed Revisions to the Project located in the Summary and Section 3.0, Environmental Analysis, sections of the Supplemental EIR.

4.3.5 Merrilaine Deaver, July 5, 2007**Comment 23-1**

Regarding the Kings River Bridge on Goodfellow. CMI did not keep its word, so lets see some action from the county. The mining operation should be stopped, until they reconstruct that bridge.

Response 23-1

Neither the 1999 EIR, nor the Supplemental EIR, mandated improvements of the Kings River Bridge that crosses the river along Goodfellow Avenue. Therefore, reconstruction of the Kings River Bridge is not necessary prior to the commencement of the Project.

Comment 23-2

If a loaded truck pulls out on the road it should be confiscated and impounded. Watch how fast that bridge gets built. Then there are two kinds of courts. 1) the Court of Public Opinion, and 2) Legal Courts. CMI has lost in the Court of Public Opinion, due to their lack of action, no one respects or trusts them anymore. Don't let the County lose in a Legal Court, from the law suits that would occur if the bridge collapses with a busload of kids on it! It would be the county's fault for not enforcing agreements made!

Response 23-2

The EIR does not advocate the approval or denial of the revised Project. As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project.

4.3.6 Al and Donna Dodds, July 5, 2007

Comment 24-1

We are distressed to learn of the CMI Company's application for a conditional use permit to mine gravel at a site across the street from our horse training stable. We opposed this action fifteen years ago and do so now.

Response 24-1

Comment noted. The EIR Preparer does not advocate for the approval or denial of the revised Project.

Comment 24-2

In 2000 the company was granted the right to do mining on this site against the wishes of most of the people who would be affected by it. The exception was those who would directly receive money from the venture. When this company was given conditional approval, there were many conditions required of them that would have given the neighbors and others considerable protection from some of the negative effects of the operation. In the ensuing seven years the company (Heidelberg Cement Company of Germany) has not made a single effort at compliance. One item of particular concern is berm. There is no protection from noise across like you promised to give us.

Response 24-2

The County has required the Applicant to implement mitigation to reduce noise impacts to a less than significant level, including operational restrictions based on distance to structures, prohibitions on exceeding the County's noise ordinance and noise element, and construction of an eastern barrier. For the potential noise impacts and referenced mitigation, please see Section 3.4 of the Supplemental EIR and Mitigation Measures 3.4-1a and -1b and 3.4-2a and -2b.

Comment 24-3

We notice that this latest permit application shows the company are up to their old tricks of misrepresenting facts and their intentions. When reviewing the file for the legal action taken against them, we found dozens of examples. They state they will be mining a 440 acre site adjacent to a 220 acre site they have previously mined. The 220 acres was not mined by them. They acquired it to gain the use of the old use permits. They also state it is adjacent to the new mining site. Adjacent according to Webster has the following definitions, having a common border, abutting, immediately preceding or following, having a common vertex or side, or having a common boundary or dividing line. None of these definitions apply. It is close but not adjacent. They are giving dates when their current supply of gravel will run out. In 1992 they stated that they would run out of gravel within two years and yet they still operate.

Response 24-3

Regarding the 440-acre site adjacent to a 220-acre site that has been previously mined; it is unclear which parcels the commenter is referring to in its comment. It appears that the commenter is referring to the Vulcan Expansion Project, which involved an expansion of an existing mining operation. The parcel acreages of this revised Project are provided in Section 2.0 of the Supplemental EIR.

Comment 24-4

All of the many reasons that caused concern in the 1990' have only become more serious since then. The traffic on the two lane road is now heavier as a result of the growth of the county.

Response 24-4

Section 3.5 of the Supplemental EIR evaluated traffic in the fall of 2006. Therefore, the evaluation is based on updated traffic counts.

Comment 24-5

The air quality has become a much greater concern to all of the people in the valley...

Response 24-5

Section 3.2 of the Supplemental EIR evaluates the revised Project's impacts to air quality based on changed circumstances and new information discovered since the certification of the 1999 EIR. The air models used for the updated studies are the most advanced and accurate available. Modeling was done using both the ISCST3 and AERMOD models utilizing meteorological data supplied by the SJVAPCD. The 2007 modeling revealed lower health risks and lower impacts at all locations as compared to the 1999 and 2003 studies.

Comment 24-6

...and loss of agriculture land is a nationwide problem and especially serious in the San Joaquin valley.

Response 24-6

See Response 1-1. The Project site is classified MRZ-2, indicating that the current agricultural uses may only be intended to be temporary, and therefore 1:1 mitigation would be inappropriate. Nonetheless, the County conservatively concluded the loss of prime farmland would be significant. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use but that those impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Section 3.3 of the Supplemental EIR evaluates the revised Project's impacts to agricultural land based on changed circumstances and new information discovered since the certification of the 1999 EIR.

Comment 24-7

Not one condition that was a concern then has improved in the past seven years.

Response 24-7

The Supplemental EIR has evaluated revisions to the Project, changed circumstances and new information discovered since the certification of the 1999 EIR. See also Response 24-5.

Comment 24-8

We worry that public officials have the mistaken notion that they justify their salaries only when they promote and not when

they protect. We hope this project will die an early and final demise and never rear its ugly head again. But if the process continues, know that we will fight to stop it.

Response 24-8

Comment noted.

4.3.7 Linda, Edwin, and Mildred Ewy, July 5, 2007

Comment 25-1

Currently, the noises (voices, animal sounds {roosters, cows, etc.}, tractors, etc.) that occur on the north and south sides of Kings River are earned "down-wind" to our homes. Our concern is regarding the noise the will be created by the mining operation. The proposal states that operations will start as early at 4:00 AM and continue as late as 7:00 PM with the option of "continuous 24-hour daily operations". This will have a definite impact on our quality of life. We propose that the operation times be shortened to 8:00 AM - 5:00 PM, 5 days/ week, year-round to allow our families a rest from the obnoxious sounds that will result from the mining operation. **Please ensure that this is addressed in the EIR.

Response 25-1

The Applicant has determined that to meet the Project objectives of meeting market demands in the production region, it needs to be able to meet client demands for late night or early morning delivery of materials. Therefore, it is necessary to operate hours before and after the Commenter's proposed schedule of 8:00 a.m. to 5:00 p.m., 5 days per week and to operate the Ready-Mix plant on Saturdays. The commenter notes that operations will start as early as 4:00 a.m. This is a correct comment regarding operation of the ready-mix concrete plant during May through October (see Table 2-1, SDEIR, p. 2.0-15). However, excavation and aggregate processing, loading and hauling will typically begin no earlier than 6:00 a.m. for loading and aggregate trucking and 7:00 a.m. for excavation and aggregate processing. The evaluation and associated impacts and mitigation for noise-generating activities are provided in Section 3.4 and Appendix F of the Supplemental EIR.

Comment 25-2

The additional pollutants that result from the mining operation and large number of trucks hauling sand and gravel are of

concern, especially since our farm and homes are "down-wind" from the proposed mining operation. **Please ensure that this is addressed in the EIR.

Response 25-2

Air quality, including air pollution issues, is evaluated in Section 3.2 and Appendices D and E of the Supplemental EIR. Section 3.5 and Appendix G of the Supplemental EIR evaluate impacts associated with trucks hauling sand and gravel.

Comment 25-3

The San Joaquin Valley has been blessed with few treasured natural resources, one of which is the Kings River. The beauty of the river, for those of us who enjoy it on a regular basis, is more than the flowing water with a border of oak trees and other natural vegetation. The beauty includes the surrounding river basin, hearing the sound of the water, and looking at the sunset over fertile fields. Our concern is that the EIR does not completely address the destruction of this natural resource. **Please ensure that this is addressed in the EIR.

Response 25-3

Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to the Kings River and associated biological resources (e.g., oaks trees and riparian habitat), after a careful review of revisions to the Project, new information, and changed circumstances. Specifically, Section 3B (Hydrology and Water Quality) and Appendices C-1 through C-17 and Section 3C (Biological Resources) and Appendix D-1 (Common Names of Plants and Wildlife Species Mentioned in the Text) and Appendix D-2 (Biological Assessment Report) of the 1999 EIR adequately analyze the revised Project's impacts to Kings River and associated biological resources.

Comment 25-4

The San Joaquin Valley is known for the production of quality foods. As the towns and cities continue to grow and invade farmland, there is concern for the existence of farming in the Central Valley for future generations. The permanent destruction of farmland, especially rich farmland, is of grave concern. The EIR does not address how the mining company will replace for future generations the 315 acres of farmland it plans to destroy with the mining operation. **Please ensure that this is addressed in the EIR.

Response 25-4

Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR evaluate the Project's impacts on farmland availability and production. Specifically, S-Mitigation Measure 3.3-3 provides mitigation for the revised Project's impacts associated with the conversion of prime agricultural to nonagricultural use. Further, please note that 285 acres, rather than 315 acres, will be converted to the nonagricultural use of private lakes.

Comment 25-5

Contamination of the ground water by direct contact between the underground water strata and deep stagnant pool threatens the quality of the water supplied by wells into the homes on our farms on the south side of the Kings River. An additional concern is the interruption of ground water flow by the deep pools, decreasing the current supply of ground water. **Please ensure that this is addressed in the EIR.

Response 25-5

Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to groundwater resources, after a careful review of revisions to the Project, new information, and changed circumstances. Specifically, Section 3B (Hydrology and Water Quality) and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's impacts to groundwater resources.

Comment 25-6

The public meeting brought up the concern regarding the lack of a plan for traffic flow for the gravel transported to Tulare County. Our concern is the impact this transportation may have on the City of Reedley and school safety.

Response 25-6

In preparing the Final SEIR, the County and the EIR preparer considered and carefully reviewed the comments made during public hearings as well as written comments submitted during the public review of the document. Section 3.0 of the Final SEIR provides clarifications and revisions to the SEIR that resulted from comments made on the SEIR. County Planning staff has determined that the Final SEIR and the 1999 EIR, ready together, provide a good faith effort at full disclosure of the potential

environmental impacts of the revised Project, including traffic and safety information. The traffic and traffic-related safety information can be found in Section 3E of the 1999 Final SEIR.

Comment 25-7

The comments from persons in the audience during the hearing made it evident that there are many conflicting and incomplete pieces of information in the EIR. Our request is that the Fresno County Public Works and Planning Department reevaluate the EIR and ensure that the facts are complete and accurately reflect the impact that this gravel quarry will have on the community and that each concern brought forth regarding the EIR is addressed.

Response 25-7

In preparing the Final SEIR, the County and the EIR preparer considered and carefully reviewed the comments made during public hearings as well as written comments submitted during the public review of the document. Section 3.0 of the Final SEIR provides clarifications and revisions to the SEIR that resulted from comments made on the SEIR. County Planning staff has determined that the Final SEIR and the 1999 EIR, read together, provide a good faith effort at full disclosure of the potential environmental impacts of the revised Project.

4.3.8 Gary Gray, July 3, 2007

Comment 26-1

Perfecting litigation immediately after BOS November 1999 approval - 2000, 2001 and 2002 trumps any "supplemental" or "new" considerations by any lead agency or applicant at this point in time on this project.

More succinctly - folks don't (you can't - it's illegal) proceed with any consideration until a new bridge is designed, NEPA process completed, a new bridge built and completed and the entire expense to be born by CMI because:

1. Litigation perfected, clarified, and confirmed lead agency permission granted CMI November 1999 for the Kings River Sand and Gravel Pit Project.
2. Litigation also perfected, clarified, and confirmed CMI statements by CEO Peter Schepanovich for approval before

BOS November 1999 that - CMI would build and pay for a new bridge before starting any mining activities.

3. The judge also in the litigation perfecting process, clarified and confirmed "conditions for approval" and "mitigation measures" must be ONE, and can't ever be separated for this project as the applicant wanted.

Response 26-1

Based on the comments received, the County reviewed the record and has determined to treat the measures added at the public hearing as mitigation measures. Accordingly, Mitigation Measures PH-1 through PH-9 have been added to the summary table contained in the SEIR and treated as CEQA mitigation measures added to the 1999 EIR. The measures deleted in the SEIR, PH-5 through PH-7, are indicated. As noted above, the Applicant applied for a revised CUP in 2003, which application proposed the modification of the Project and the deletion of certain mitigation measures and conditions of approval. To address concerns relating to traffic and the elimination of these mitigation measures, the Applicant modified the Project to reduce the maximum allowable annual mining rate in half, thereby reducing truck traffic related to the Project. As part of the SEIR process, the County has reevaluated all traffic impacts relating to the Project, including reflecting the reduced truck traffic, analyzing changed traffic flows related to changed market demand and analyzing the potential detour route during the period the Kings River Bridge will be closed.

Comment 26-2

Lastly, Heidelberger Zement, CMI's German Holding Parent Corporation has not shown any real concern nor real progress on this project in 7-years. One of the largest international cement corporations in the world, HZ does not need Fresno County PWPDP folks hand-holding at this point in time; because there is a bonafied offer-to-purchase this 457-acre parcel when the current sand and gravel pit permit expires by a responsible neighbor to restore it to agricultural purposes. So be it. Let it be. Chalk one up for the small folks this time. We all know there are other alternative sites in the county for sand and gravel.

Response 26-2

Alternatives to the Project were evaluated in Chapter 4.0 of the 1999 EIR.

4.3.9 John Gray, July 8, 2007

Comment 27-1

Today's letter is in regards to CUP application 3052 and the associated Draft Supplemental EIR. I hope today's comments help you and other county staff better prepare the Final SEIR so the Planning Commissioners and Board of Supervisors have a good document on which to make their final decisions on this revised project. Additionally I hope my comments help you formulate a strategy to keep the mining haul route safe, because this is what these modifications are all about... **public safety**.

Response 27-1

Safety along the Central/Goodfellow Avenue haul route is discussed on page 3E-18 of the 1999 EIR.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Comment 27-2

I was surprised to see my written Scoping comments I submitted via Fax to Deborah Amshoff on 9/29/04 omitted from the public record and left unpublished. Moreover, I am concerned the issues I raised in the 8 pages of comments were not considered when organizing the Scope of the Supplemental EIR. Subsequently, I feel significant issues have been omitted from this Draft EIR: such as 1) no discussion of Pedestrian and river floater access at the Kings River Bridge 2) the 16 areas along Central Ave prone to flooding 3) Signalization of the Central/Bethel Avenues intersection. Attached is a copy of my Scoping Comments (8 pages) please accept and make these resubmitted comments part of the administrative record, please see that each comment is now considered in the Final SEIR.

Response 27-2

The County received your scoping comments and considered them in preparing the Supplemental EIR. Your scoping comments are provided in Appendix C. The scoping

comments have been included as if they were comments on the Supplemental EIR and this Section of the Final SEIR summarizes all your written scoping comments and provides written responses. Regarding pedestrian and river floater access at the Kings River Bridge, the County has determined that the Chapter 3E of the 1999 EIR adequately evaluated pedestrian and bicycle traffic (see page 3E-19 of Volume 1 of the 1999 EIR). Regarding flooding along Central Avenue, Chapter 3E of the 1999 EIR and Section 3.5 of the Supplemental EIR evaluated Central Avenue road conditions.

While Section 3.B of the 1999 EIR evaluated flooding along Central Avenue, the commenter expressed concern about this issue. In an effort to amplify the EIR's discussion, the County Planning Department consulted with the County's Road Department, Maintenance & Operations Division. According to Mr. David Godfrey, Road Maintenance Supervisor, Central Avenue is no worse than many of Fresno County's more rural roadways. On September 27, 2007, Mr. Godfrey evaluated Central Avenue regarding overall flood potential. Central Avenue was assessed a flood potential ranking from 1-5, with 5 being the most severe. Figure 3.5-21, Flooding Potential Along Central Avenue, has been added to Section 3.5 of the EIR. The figure illustrates that none of the road segments have a severe potential for flooding. The most severe segments are the south side of Central Avenue 3.8 west of the McCall/Central intersection (3.5 Rating) and 3.2 to 3.3 miles west of McCall/Central Avenue (3.3 Rating). Therefore, the flooding potential was assessed for Central Avenue and such potential impacts are less than significant. Please see Section 3.4.5.

Regarding the intersection of Central and Bethel Avenue, it currently has a four-way stop and the traffic evaluation contained in Section 3.5 determined that signalization was not warranted.

Comment 27-3

It has come to my attention, the mitigation measures being considered for elimination by the proposed changes namely PH-5, PH-6, PH-7, PH-8 are now being classified as "Conditions of Approval" by county staffers. The very issue as to whether these Mitigations (PH) should be viewed as Conditions of Approval or mitigation measures was discussed by the then BOS when CMI asked specifically in a letter ("Applicant's response to County's staff proposed conditions" Dated December 7th 1999) for these measures to be considered as Conditions of Approval and not mitigation measures. **It was agreed by the then BOS all the Public Hearing (PH) mitigations added by the BOS be termed and treated as Mitigations Measures not Conditions of Approval.** Furthermore, the characterization of the mitigation measures as mitigation measures is relied upon by the Honorable Judge

Rosendo Pena, in his written court ruling handed down July 18th, 2003. This ruling clearly states (pages 24-27) the FEIR (1999) could be viewed as deficient however the mitigation measures added by the BOS in response to the Public Hearings in which implementation was agreed to by the applicant, to be implemented prior to mining activities addresses the concerns of the public. **I urge the staff to review the administrative record of CUP 2765 and review the genesis of the PH mitigations and come to terms with how these PH mitigations supported the final Certification of the original (1999) FEIR. BOS transcripts will show had these Mitigations not been accepted by the applicant, the EIR would not have been Certified and the project would have been denied.** The point is... there are clear distinctions between Conditions of Approval and mitigation measures. It is wrong for the County Staff to mischaracterize and further not even include a description of these mitigations measures in every document in regards to this project. This has clearly not happened in this SDEIR process.

Response 27-3

Based on the comments received, the County reviewed the record and has determined to treat the measures added at the public hearing as mitigation measures. Accordingly, Mitigation Measures PH-1 through PH-9 have been added to the summary table contained in the SEIR and treated as CEQA mitigation measures added to the 1999 EIR. The measures deleted in the SEIR, PH-5 through PH-7, are indicated. As noted above, the Applicant applied for a revised CUP in 2003, which application proposed the modification of the Project and the deletion of certain mitigation measures and conditions of approval. To address concerns relating to traffic and the elimination of these mitigation measures, the Applicant modified the Project to reduce the maximum allowable annual mining rate in half, thereby reducing truck traffic related to the Project. As part of the SEIR process, the County has reevaluated all traffic impacts relating to the Project, including reflecting the reduced truck traffic, analyzing changed traffic flows related to changed market demand and analyzing the potential detour route during the period the Kings River Bridge will be closed.

Comment 27-4

I urge the County Staff to recirculate the SDEIR with complete copies of the original (1999) mitigation and monitoring report Exhibit C to resolution #99-610. I do not make this request lightly, the mitigations being omitted had provided in excess of 8 million dollars of road, bridge and safety improvements for the citizens of Fresno County. Now, we are facing the original first phase of the 1999 project with 8 million dollars of safety

measures being removed by the applicant, CMI. This scares me and raises my level of concern for my friends and neighbors safety.

Response 27-4

The public hearing conditions were added after the circulation of the 1999 EIR. The 1999 EIR did not mandate inclusion of the additional public hearing conditions. Further, the Applicant has reduced the production at the Project site from 2 million tons per year to 1 million tons per year; therefore, the associated Project-related traffic impacts will be substantially less than those evaluated in the 1999 EIR. The revised Project is expected to generate 318 average daily truck trips, which is only 38 percent of the estimated 838 daily truck trips analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, Table 3.5-1).

Comment 27-5

This mining project lies within the boundaries of Fresno Counties "Kings River Regional Plan", this plan was last updated in 1983. I have concerns the Kings River Regional Plan, which supports aggregate mining, never contemplated today's influx of mining to this region of the magnitude we are experiencing (JMM, Vulcan, CVRM, and CMI).

Response 27-5

Section 3.3 of the Supplemental EIR evaluates the Project's consistency with applicable Fresno County Planning documents. The intent behind the applicable policies was not evaluated as part of this EIR evaluation. As the Kings River Regional Plan was not updated since the certification of the 1999 EIR, the Supplemental EIR relied on the evaluation contained in Chapter 3D of the 1999 EIR. Regarding the overall assessment of aggregate conservation and recovery, Fresno County has addressed this topic in its planning documents for almost 30 years. A Regional Plan for the conservation and recovery of aggregate resources on the Kings River has been part of the Fresno County General Plan since 1976. In 1987, Fresno County amended the Kings River Regional Plan to include MRZ-2 zones. After preparation of an EIR, including a sector-by-sector environmental analysis of 42 sectors on the Kings River, the State Department of Conservation (DOC) and Fresno County designated 37 sectors of MRZ-2 as resources of regional significance on the Kings River (SMARA EIR No. 8, Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, 1988).

The State of California and Fresno County have classified the Project site as a Regionally Significant Mineral Resource Zone (MRZ-2), which indicates that significant mineral deposits are present or there is a high likelihood for their presence. Pursuant to Cal. Pub. Res. Code § 2761 in 1986, the State classified the Project area as MRZ-2 in the Kings River area. In 1987, the County incorporated the MRZ-2 classification into the County General Plan. In 1988, nearly 20 years ago, the DOC designated the construction aggregate deposits in the portion of the Kings River that includes the Project site as being of regional significance. (14 CCR § 3550.13). This is in addition to the Project site's MRZ-2 classification. By utilizing the MRZ-2 classification, the State and the Fresno County General Plan recognize that the Project site is an area not planned for long-term agricultural use.

Comment 27-6

The Fresno County General Plan update of 2000 called for the Kings River Regional plan to be updated to specifically address these issues... the General Plan update relied on the timely update of the Kings River Regional Plan. To date, the Kings River Regional Plan as well as Fresno Counties General Plan have yet to provide updated Aggregate mining policies for this region. As such, I question whether regional county policy is sufficient to provide modern guidelines that will accommodate this new era of Aggregate extraction, and further provide sufficient safeguards to protect this delicate region. Fresno County residents do not deserve nearly 25 year old policies when it comes to these types of land use issues and safeguards.

Response 27-6

See Response 27-5.

Regarding the overall assessment of aggregate conservation and recovery, Fresno County has addressed this topic in its planning documents for almost 30 years. A Regional Plan for the conservation and recovery of aggregate resources on the Kings River has been part of the Fresno County General Plan since 1976. In 1987, Fresno County amended the Kings River Regional Plan to include MRZ-2 zones. After preparation of an EIR, including a sector-by-sector environmental analysis of 42 sectors on the Kings River, the State and Fresno County designated 37 sectors of MRZ-2 as resources of regional significance on the Kings River (SMARA EIR No. 8, Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, 1988).

Comment 27-7

With regards to the comments on the Kings River Bridge, the same flaw which doomed the 1999 EIR is appearing in this SDEIR. The county staff makes the assumption the Kings River Bridge will be replaced and therefore omits the detailing and discussing of the bridges current deficiencies. **Cal-Trans uses descriptions such as " functionally obsolete and structurally deficient" in their inspection reports of the Goodfellow Bridge.** This is misleading to the reader and historically has doomed this project. I ask the staff to expand the Bridge discussion to include; the latest Cal-Trans inspection reports, make available in the appendix NEPA and other bridge documentation. I often wonder if we will live to see a new Bridge cross the Kings River.... I've heard talk of a new bridge and nothing has become of it. Mitigation E-4 on page 8 of the Kings River Sand and Gravel Mitigation Monitoring and Reporting Plan (1999) calls for a four lane bridge across the Kings River... Has this Changed too???

Response 27-7

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project.

Comment 27-8

Pedestrian and Kings River access at the Kings River Bridge has not been reviewed or acknowledged. Please note it is not uncommon to have 300+ floaters enter the river at Goodfellow Bridge on summer days. Currently Fresno County Sheriff Department is mired in traffic and pedestrian congestion at this location. It scares me to think of these innocent folks competing with anticipated peak heavy truck traffic. Please study and identify mitigations for this before someone gets killed.

Response 27-8

Regarding pedestrian and river floater access at the Kings River Bridge, the County has determined that Chapter 3E of the 1999 EIR adequately evaluated pedestrian and bicycle traffic (see page 3E-19 of Volume 1 of the 1999 EIR). Please see Response R2-19 of Volume 2 of the 1999 EIR, which is provided below for the commenter's convenience:

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed project.

In preparation of the TIS, the traffic counters observed very little, if any, pedestrian or bicycle use along Central/Goodfellow Avenues. The majority of the Central/Goodfellow Avenue corridor is rural in nature, with few uses to generate or attract pedestrians or bicyclists, and few locations within a distance of each other that would normally support pedestrian or bicycle use. To clarify that no significant adverse impact on pedestrians or bicyclists is expected, additional text has been added to the Final SEIR in Chapter 3E, Traffic, under the heading "Impact: Increased Potential for Safety Hazards – Goodfellow/Central Avenues".

Regarding traffic levels, the EIR did find that Central/Goodfellow Avenues between Academy and Riverbend Avenues should be widened to 4-lanes. When done, this widening will include the addition of paved shoulders, which would increase bicycle and pedestrian safety. This widening also includes the widening of the Kings River Bridge, although this may not have been clear in the Draft EIR. For clarity, a statement regarding the need for CMI to pay a pro rata share of expense of the widening of this bridge has been incorporated into Mitigation E-4 in the Final SEIR.

Comment 27-9

There is no discussion or mitigations for roadway flooding along Central Ave.

Response 27-9

Regarding flooding along Central Avenue, Chapter 3E of the 1999 EIR and Section 3.5 of the Supplemental EIR evaluated Central Avenue road conditions, and potential flooding was analyzed in Section 3.B.

While Section 3.B of the 1999 EIR evaluated flooding along Central Avenue, the commenter expressed concern about this issue. In an effort to amplify the EIR's discussion, the County Planning Department consulted with the County's Road Department, Maintenance & Operations Division. According to Mr. David Godfrey, Road Maintenance Supervisor, Central Avenue is no worse than many of Fresno

County's more rural roadways. On September 27, 2007, Mr. Godfrey evaluated Central Avenue regarding overall flood potential. Central Avenue was assessed a flood potential ranking from 1-5, with 5 being the most severe. Figure 3.5-21, Flooding Potential Along Central Avenue, has been added to Section 3.5 of the EIR. The figure illustrates that none of the road segments have a severe potential for flooding. The most severe segments are the south side of Central Avenue 3.8 west of the McCall/Central intersection (3.5 Rating) and 3.2 to 3.3 miles west of McCall/Central Avenue (3.3 Rating). Therefore, the flooding potential was assessed for Central Avenue and such potential impacts are less than significant. Please see Section 3.4.5.

Comment 27-10

The project description is vague and misleading when addressing the type of actual mining processes to be used. How can a reliable noise and emission study be concluded without fully understanding the processes and when they will be used? The DSEIR text leaves me to wonder specifically how mining will be accomplished??

Response 27-10

Subsection 2.4 of the Supplemental EIR provides an extensive discussion of how mining is proposed to take place at the Site. Further, Sections 3.2 (Air Quality) and Section 3.4 (Noise) of the Supplemental EIR provide a summary of the methodology used as well as graphics. Further, Chapter 3.0 of the Reclamation Plan, provided in Appendix B to the Final SEIR and available throughout the public review period on the County's website, provides the current Reclamation Plan that summarizes project operations.

Comment 27-11

The cumulative Impacts section has omitted Central Valley Ready Mix operations in all their discussions. CEQA guidelines require all past, present, and future projects be considered and included in analysis. This same section has not taken into account water usage of the Jesse Morrow Mountain Project... dismissing this project's water usage because the mine does not front the Kings River... this is wrong and misleading to the reader.

Response 27-11

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including

both Central Valley Ready-Mix and Jesse Morrow Mountain water use. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 27-12

I ask that a comprehensive and full inclusive cumulative impact analysis be written to inform the reader of the overall Cumulative Impacts brought to this region along and near the Kings River. To be informative and provide a comprehensive analysis one should look at total numbers first and then look to the projects contribution to that. For example... The traffic generated by these four operations (JMM, Vulcan, CVRM, and CMI) will be 3500 truck trips per day, of which CMI will contribute 475 truck trips. The daily water consumption by these four operations will be 8.5 million gallons per day (Enough water for a City the size of Lemoore) of which CMI will consume 2.7 million gallons per day. The overall air Emissions will be...of which CMI contributes...tons per day. I Question, could the courts look at the current cumulative impacts analysis as a piecemeal approach??

Response 27-12

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided regarding traffic, water supply and air impacts. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 27-13

The court has explained: *"It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them,"* A cumulative impact analysis which understates the information concerning the severity and significance of cumulative impacts impedes meaningful discussion and skews the decision makers perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decision maker has fully analyzed and considered the environmental consequences of

it's actions. (Excerpt from 11th Edition Guide to CEQA, page 467 cited from case Citizens to Preserve the Ojai).

Response 27-13

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 27-14

I hope these comments and observations help you move this process forward in a helpful and constructive way. Please do your best to bring forth a document which will give our elected officials meaningful information on which they can make a truly informed decision. This is a tough process for me to watch this applicant ask to remove measures put in place to increase public safety.

Response 27-14

Comment noted.

4.3.10 John Gray – Comment Letter 1, September 24, 2004**Comment 28-1**

The 1999 FEIR omits any discussion of pedestrian usage on or around the Kings River Bridge. Please have the traffic analysis and safety analysis look at the ingress/egress of summertime river floaters/ tubers at the bridge.

Response 28-1

Regarding pedestrian and river floater access at the Kings River Bridge, the County has determined that the Chapter 3E of the 1999 EIR adequately evaluated pedestrian and bicycle traffic (see page 3E-19 of Volume 1 of the 1999 EIR). Please see Response R2-19 of Volume 2 of the 1999 EIR, which is provided below for the commenter's convenience:

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as

currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed project.

In preparation of the TIS, the traffic counters observed very little, if any, pedestrian or bicycle use along Central/Goodfellow Avenues. The majority of the Central/Goodfellow Avenue corridor is rural in nature, with few uses to generate or attract pedestrians or bicyclists, and few locations within a distance of each other that would normally support pedestrian or bicycle use. To clarify that no significant adverse impact on pedestrians or bicyclists is expected, additional text has been added to the Final SEIR in Chapter 3E, Traffic, under the heading "Impact: Increased Potential for Safety Hazards – Goodfellow/Central Avenues".

Regarding traffic levels, the EIR did find that Central/Goodfellow Avenues between Academy and Riverbend Avenues should be widened to 4-lanes. When done, this widening will include the addition of paved shoulders, which would increase bicycle and pedestrian safety. This widening also includes the widening of the Kings River Bridge, although this may not have been clear in the Draft EIR. For clarity, a statement regarding the need for CMI to pay a pro rata share of expense of the widening of this bridge has been incorporated into Mitigation E-4 in the Final SEIR.

Comment 28-2

Sergeant Dooley of the Fresno County Sheriffs department can easily substantiate that hundreds of people use the Kings River Bridge at Goodfellow avenue as an ingress/egress on a daily basis most summer days (June through August). I have personally seen families crossing the bridge with their arms full of coolers and tubes, and kids walking on the bridge with boats over their heads.

Response 28-2

See Response 28-1, above.

4.3.11 John Gray – Comment Letter 2, September 24, 2004

Comment 29-1

Please expand scope of SEIR to include a new review of the alternatives analysis.

Response 29-1

After taking into account project revisions and current conditions, the County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the revised Project. Chapter 4 of the 1999 EIR provides the alternatives to the Project.

Comment 29-2

Specifically please review alternative haul routes in light of current Kings River Bridge ratings of "functionally obsolete and structurally deficient". Please evaluate Highway 180 alternative to the Fresno area. Please evaluate this alternative supposing a new Kings River Bridge will never be built (today's status).

Response 29-2

Alternative haul routes have been evaluated and will be used during the construction of the Kings River Bridge replacement. Please see Section 3.5 of the Supplemental EIR for a description of the detour.

Comment 29-3

Secondly, alternative site analysis should be conducted using a specification of 28 million tons of aggregate reserves. The current FEIR alternative analysis factors 42 million tons reserves.

Response 29-3

See Response 29-1.

Comment 29-4

Lastly, an alternative site analysis should be conducted using both factors combined (i.e. 28 million tons reserves and assumption bridge is never replaced).

Response 29-4

The County determined that the Alternatives Analysis contained in the 1999 EIR adequately evaluated alternatives to the revised Project. Chapter 4 of the 1999 EIR provides the alternatives to the Project. However, as explained in Response 29-2, a detour route has been identified.

4.3.12 John Gray – Comment Letter 3, September 24, 2004

Comment 30-1

I have concerns gravel trucks will travel east on Goodfellow Avenue to Reed Avenue to either access Tulare County or state Highway 180. To date no traffic analysis has been conducted (level of service and road bed index) on this section of roadway.

Response 30-1

The EIR preparer and the County Planning Department coordinated closely with the County Road Department and Caltrans regarding the scope of the traffic evaluation. This scope was based on the anticipated volume and distribution of traffic expected to be generated by the Project.

Comment 30-2

Furthermore, I have concerns based on the recent increase in traffic accidents that the Goodfellow/Reed intersection may require traffic controls. Please consider expanding traffic analysis to include this roadway and intersection.

Response 30-2

The EIR preparer and the County Planning Department coordinated closely with the County Road Department and Caltrans regarding the scope of the traffic evaluation. This scope was based on the anticipated volume and distribution of traffic expected to be generated by the Project.

4.3.13 John Gray – Comment Letter 4, September 24, 2004

Comment 31-1

The 1999 FEIR traffic analysis omits any discussion regarding the 16 areas on Central Avenue that are prone to flooding. The project as proposed looks to revise or eliminate all traffic mitigation measure.

Response 31-1

Regarding flooding along Central Avenue, Chapter 3E of the 1999 EIR and Section 3.5 of the Supplemental EIR evaluated Central Avenue road conditions, and section 3.B

analyzed potential flooding. The revised Project is expected to generate 318 average daily truck trips, which is only 38 percent of the estimated 838 daily truck trips analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, Table 3.5-1).

While Section 3.B of the 1999 EIR evaluated flooding along Central Avenue, the commenter expressed concern about this issue. In an effort to amplify the EIR's discussion, the County Planning Department consulted with the County's Road Department, Maintenance & Operations Division. According to Mr. David Godfrey, Road Maintenance Supervisor, Central Avenue is no worse than many of Fresno County's more rural roadways. On September 27, 2007, Mr. Godfrey evaluated Central Avenue regarding overall flood potential. Central Avenue was assessed a flood potential ranking from 1-5, with 5 being the most severe. Figure 3.5-21, Flooding Potential Along Central Avenue, has been added to Section 3.5 of the EIR. The figure illustrates that none of the road segments have a severe potential for flooding. The most severe segments are the south side of Central Avenue 3.8 west of the McCall/Central intersection (3.5 Rating) and 3.2 to 3.3 miles west of McCall/Central Avenue (3.3 Rating). Therefore, the flooding potential was assessed for Central Avenue and such potential impacts are less than significant. Please see Section 3.4.5.

Comment 31-2

Having once lived on Central Avenue I've personally experienced first hand the flooding which occurs with small amounts of rain. The flooding forces the closure of either an east or westbound lane of traffic.

Response 31-2

See Response 31-1, above.

Comment 31-3

This subject of road flooding was completely omitted in prior EIR Text. Please include a discussion and mitigations for the flood prone areas of Central Avenue.

Response 31-3

See Response 31-1, above.

4.3.14 John Gray – Comment Letter 5, September 24, 2004

Comment 32-1

Mitigation PH-7 was specifically added to this project by staff at the direction of the Board of Supervisors "to make the bridge **SAFE** for trucks to pass on the Kings River Bridge." Prior to any gravel trucks from this project using the bridge.

CEQA's Legislative policies mandate "to identify critical thresholds for health and safety of the people of California."

I comment today to encourage staff and consultants to expand the scope of the supplemented EIR to include a discussion into public health and safety.

Response 32-1

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project.

Comment 32-2

Specifically elimination or modification of mitigation PH-7 puts the public in immediate danger by forcing the public to use the bridge in its current condition, with no "feasible" mitigation available.

Response 32-2

See Response 32-1.

Comment 32-3

CEQA defines Feasible as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors."

Response 32-3

Commenter correctly quotes Guidelines Section 15364.

4.3.15 John Gray – Comment Letter 6, September 24, 2004

Comment 33-1

Proposed change #12 - extending excavating and processing hours. This makes little sense in light of the applicant's request to reduce the overall plant output.

Response 33-1

The revision of hours was based on the Applicant's intent to meet the needs of its expected customers. The extension of hours was also an attempt to capitalize on longer hours during the summer months when the demand is typically higher for the Applicant's products. Please see Section 2.4.2, including Table 2-1, of the Supplemental EIR.

Comment 33-2

Why does CMI need more operational hours to mine and process less aggregate?? Do these extended hours conflict with the Fresno County noise ordinance? Do these extended hours conflict with peak traffic patterns?? Fewer tons of aggregate should result in fewer hours of operation.

Response 33-2

Regarding the commenter's first question, please see Response 33-1, above. Regarding the second question, the compliance and applicability of the Fresno County Noise Ordinance is provided in Section 3.4 of the Supplemental EIR. The extended hours are after peak P.M. hours. While the Applicant will be producing fewer tons of aggregate than proposed under the 1999 EIR, the Applicant still wishes to expand its ability to service its expected clients beyond those hours of operations anticipated under the 1999 EIR.

4.3.16 John Gray – Comment Letter 7, September 24, 2004

Comment 34-1

Elimination of the berm along Goodfellow Avenue will have negative impacts in regards to both noise and visual screening (specifically night lighting) to surrounding property owners.

Response 34-1

S-Mitigation Measure 3.1-3 provides a detailed description of the orchard-like vegetative screen that will replace the previously proposed vegetative berm (Supplemental EIR, pp. 3.1-2 to 3.1-3.) The County has required the Applicant to implement mitigation to reduce all but one visual impact and all noise impacts to a less than significant level. Regarding visual impacts and related mitigation, please see Section 3.1 of the Supplemental EIR and Mitigation Measures 3.1-1, C-1, C-2 and J-1. Regarding noise impacts and mitigation, please see Section 3.4 of the Supplemental EIR and Mitigation Measures 3.4-1a and -1b and 3.4-2a and -2b.

Comment 34-2

Please review proposal night lighting as well as noise differences with and without the berm.

Response 34-2

As discussed in 34-1, the berm is no longer proposed. Section 3.1 of the Supplemental EIR evaluates the potential impacts of night lighting.

4.3.17 Cheryl and Terry Kershaw, July 13, 2007**Comment 35-1**

We oppose the approval of this proposed expansion of gravel mining on the Kings River until Fresno County updates the antiquated Kings River Regional Plan.

Response 35-1

The EIR does not advocate the approval or denial of the Project. Comment noted.

Regarding the overall assessment of aggregate conservation and recovery, Fresno County has addressed this topic in its planning documents for almost 30 years. A Regional Plan for the conservation and recovery of aggregate resources on the Kings River has been part of the Fresno County General Plan since 1976. In 1987, Fresno County amended the Kings River Regional Plan to include MRZ-2 zones. After preparation of an EIR, including a sector-by-sector environmental analysis of 42 sectors on the Kings River, the State Department of Conservation (DOC) and Fresno County designated 37 sectors of MRZ-2 as resources of regional significance on the Kings River (SMARA EIR No. 8, Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, 1988).

The State of California and Fresno County have classified the Project site as a Regionally Significant Mineral Resource Zone (MRZ-2), which indicates that significant mineral deposits are present or there is a high likelihood for their presence. Pursuant to Cal. Pub. Res. Code § 2761 in 1986, the State classified the Project area as MRZ-2 in the Kings River area. In 1987, the County incorporated the MRZ-2 classification into the County General Plan. In 1988, nearly 20 years ago, the DOC designated the construction aggregate deposits in the portion of the Kings River that includes the Project site as being of regional significance. (14 CCR § 3550.13). This is in addition to the Project site's MRZ-2 classification. By utilizing the MRZ-2 classification, the State and the Fresno County General Plan recognize that the Project site is an area not planned for long-term agricultural use.

Comment 35-2

This is a critical moment for this area and should be given careful scrutiny. Since the 1999 original application by Calaveras Materials Incorporated, a number of other mining operations have begun the process expanding or initiating mining in this unique and sensitive region. These include Vulcan Materials, Jesse Morrow Mtn. and Sanger Rock and Gravel. Until an assessment of the cumulative effect on Air Quality, traffic infrastructure, loss recreation, ground water resources, total loss of Agricultural lands and the competing urban development from Sanger, Parlier and Fresno City's Southeast expansion, a moratorium on mining applications in this area should be put in place.

Response 35-2

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 35-3

Having a family grape vineyard within the Kings River Region we have great concerns over the effect of this mining on our ground water quality and quantity and the additional loss of Agricultural lands.

Response 35-3

The Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to hydrology issues (after a careful review of revisions to the Project, new information, and any changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

Regarding loss of agricultural land, Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR evaluate the Project's impacts on farmland availability and production. Specifically, S-Mitigation Measure 3.3-3 provides mitigation for the revised Project's impacts associated with the conversion of prime agricultural to nonagricultural use.

Comment 35-4

The potential of a loss of ground water and further erosion of the agricultural viability in this area in conjunction with the urban sprawl that the mining process is feeding puts our living environment in jeopardy.

Response 35-4

Due to comments on the cumulative impacts of this Project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including an extensive cumulative impacts analysis on water supply and water quality. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 35-5

We recommend a moratorium on this project until an updated Kings River Regional Plan is implemented and until the potential cumulative effect of all the proposed mining expansion in this area is made known to the people in this community.

Response 35-5

See Response 35-1.

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided. The

clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

4.3.18 Kent Kinney, July 2, 2007

Comment 36-1

Although mining can occur in other locations, the natural Kings River riparian resource can only yield its aesthetic pleasure if left undisturbed by mining and other irreversible development.

Response 36-1

Section 3.1 of the Supplemental EIR and Chapter 3J of the 1999 EIR evaluate the Project's impacts on aesthetic resources. The Alternatives Section of the 1999 EIR, Chapter 4, evaluated off-site alternatives, concluding that the alternatives were infeasible.

Comment 36-2

Within the mining plan there is an intention to screen the project from view of motorists driving on Goodfellow Avenue by constructing a berm along that road. This type of linear mound would be visually unacceptable in this area that has no natural feature of this type. Topography of this area is flat, with occasional swales left by meandering stream channels. A long, straight raised border would be visually offensive while eliminating from view the oak trees along the southern property boundary.

Response 36-2

The berm is no longer proposed for the Project site. The Applicant now is proposing a screen of citrus or other evergreen trees instead of the berm. The vegetative berm is described in Section 3.1 of the Supplemental EIR.

Comment 36-3

Residents on the south side of the Kings River will be forced to look at the mining and processing equipment until completion of the project. From that time on this scene will only present abandoned mine pits.

Response 36-3

Chapter 3J of the 1999 EIR evaluated changes in views from the Kings River and residences south of Kings River. The EIR concluded that such impacts were less than significant because the existing dense vegetation of the riparian habitat along the Kings River and proposed screening as a component of the Project.

Comment 36-4

The Kings River Sand and Gravel Quarry project will permanently degrade the aesthetic quality of the Kings River throughout this large proposed mine area.

Response 36-4

Section 3.1 of the Supplemental EIR and Chapter 3J of the 1999 EIR evaluate the Project's impacts on aesthetic resources as well as the proposed mitigation measures, such as vegetative screening to mitigate the potential aesthetic impacts. The Reclamation Plan is attached as Appendix B provides a description of the end use and ameliorative reclamation efforts. The Project is anticipated to last 30 years and will be mined in 9 separate phases. Therefore, the temporal impacts will be spread over 30 years.

Comment 36-5

Gravel extraction removes a nonrenewable resource that can be harvested only once, while destroying the sustainable natural system. That natural system is currently providing both farmland for our food production and a valuable natural habitat.

Response 36-5

Both the State of California's Department of Conservation and Fresno County have designated this area as a source of MRZ-2 aggregate, slated to be mined to provide a local source of aggregate which is necessary to maintain the well-being of the County. Impacts to agricultural land are evaluated in Section 3.3 of the Supplemental EIR and Chapter 3D of the 1999 EIR.

See Response 1-1. The Project site is classified MRZ-2, indicating that the current agricultural uses were only intended to be temporary, and therefore 1:1 mitigation would be inappropriate. Nonetheless, the County conservatively concluded the loss of prime farmland would be significant. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the

Project's conversion of prime agricultural land to non-agricultural use but that those impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 36-6

The project will restore almost none of the renewable resource. It would be impossible to ever restore this area after the projected enormous quantity of earth is removed with only deep pits remaining.

Response 36-6

The Reclamation Plan is attached as Appendix B provides a description of the end use. As stated therein, the majority of the Project Site will be two private lakes.

Comment 36-7

Currently, there are at least four mine projects being considered within the eastern Sanger area. There has not been adequate planning to limit environmental degradation and loss of farmland in Fresno County. Many other impacts on public safety and quality of life are being compromised as this single resource is exploited.

Response 36-7

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided on each mining project. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 36-8

Before irreversible changes are approved, long range planning done in a fair and public forum should be complete. The Kings River Sand and Gravel Quarry Project should not be approved at this point in time.

Response 36-8

The EIR preparer does not advocate approval or denial of the Project. Long-range planning issues were evaluated in Section 3.3 of the Supplemental EIR.

4.3.19 Georgia Linsheid, July 10, 2007

Comment 37-1

I am deeply concerned about the mining along the Kings River and the destruction of the Riparian Forest along the river. It is one of the last truly riparian forests left in the State of California. All others have been destroyed by building homes next to the rivers or mining next to the rivers. The Riparian Forest is truly an asset to our ground water, flood protections animal habitat, endangered plants and bushes and fish in the river. It protects the water from warming and stabilizes the soil from washing into the river during high water and floods.

Response 37-1

The Project will avoid riparian habitat along Kings River. The setbacks are described in Figure 2.5, General Phasing and Setbacks and Section 2.4.4 of the Project Description, subsection Project Buffers and Final Reclamation of the Final Supplemental EIR.

Comment 37-2

The deep pits formed by extracting gravel becomes a hazard to children and adults, we know the river is used for floating and the deep pools are dangerous.

Response 37-2

Post-mining, the land will be reclaimed to a combination of private lakes, agricultural uses and open space. The lakes are set back from the river and will be located on private property not accessible by the public. Any recreational attraction that the Kings River will present will not be related to the post-mining land uses on the Project site.

Comment 37-3

It also contaminates our underground water supply as well as uses an enormous amount of underground aquifer water.

Response 37-3

The Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to groundwater quality and quantity (after a careful review of revisions to the Project, new information, and changed circumstances). Nevertheless, the material to be mined is not toxic, only non-toxic biodegradable

materials will be used during processing, and the water in the settling pond will contain only native silts. Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

Comment 37-4

I am definitely against mining the Kings River.

Response 37-4

Comment noted. The EIR preparer does not advocate for or against the Project.

4.3.20 Catherine Ratmeyer, July 6, 2007

Comment 38-1

The possibility that Cemex Corporation could begin strip-mining beautiful Jesse Morrow Mountain for gravel is extremely alarming for several reasons.

Response 38-1

This Supplemental EIR evaluated potential impacts of the Kings River Sand and Gravel Project not the Jesse Morrow Mountain Project. A separate Environmental Impact Report evaluating the environmental impacts of the Jesse Morrow Mountain Project will be evaluated in a separate EIR prepared by Fresno County.

Comment 38-2

One of the reasons is environmental. A number of endangered plants, animals and birds will be harmed if the mountain is blasted.

Response 38-2

See Response 38-1.

Comment 38-3

The Kings River, already being ruined by three existing gravel-mining operations, is too fragile to sustain any more damage.

Response 38-3

The revised cumulative impacts section of the Final SEIR, which discusses the cumulative impacts of the mining projects along the Kings River, is located in Section 3.4.4. The 1999 EIR and this SEIR also provide mitigation measures reducing many impacts to less than significant levels. Additionally, the Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices adequately address the revised Project's impacts to the Kings River (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's impacts on the Kings River.

Comment 38-4

And what about our water supply? The mines on the Kings River and Jesse Morrow Mountain will use millions of gallons of water, most of it from underground water sources, to wash the gravel. Will there be any water left for cities and farms?

Response 38-4

The cumulative impacts of the CMI Kings River, Vulcan Materials, Jesse Morrow Mountain and Central-Valley Ready Mix projects were fully analyzed in both the 1999 EIR and this SEIR. Additionally, due to extensive comments on cumulative impacts of this project, additional clarifications and amplifications of cumulative impacts for area projects have been provided including water supply impacts. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR. Section 3.7.9 of the revised Cumulative Impact section addresses hydrology issues.

Comment 38-5

Several thousand trucks per day will use our county and state roads to transport the gravel. We could all be stuck behind trucks on crowded, damaged roads, our windshields cracked or broken.

Response 38-5

See Response 38-4. Additionally, Section 3.4.4 of this Final EIR evaluated cumulative impacts regarding traffic.

Comment 38-6

That leads to the question of air pollution and associated health problems. Diesel fuel and unthinkable amounts of dust will be added to the air we breathe every day. Asthma attacks are already on the rise from our current air quality levels.

Response 38-6

Air quality impacts that have the potential to affect respiratory health are regional phenomena and thus there is currently no scientific basis for determining the asthma-related health impacts of an individual project. In addition, CARB, SJVAPCD, or any other air district in California has not adopted thresholds of significance for potential asthma-related effects. Therefore, there is no regulatory guidance for assessing such effects. However, because this revised Project will have reduced air quality impacts as compared to the version approved in 1999, any potential respiratory health impacts would be less than under the previously-approved project. Furthermore, mitigation proposed for other identified air quality impacts will have the ancillary benefit of reducing potential respiratory effects.

Additionally, the CMI Kings River Project will comply with SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions in all disturbed areas (CMI Kings River Project 1999 Final SEIR p. 3F-10, Mitigation Measure F-1; CMI Kings River Project Draft Supplemental EIR pp. 3.2-2, 3.2-16-17, 3.2-20, 3.7-4).

Additionally, the 2007 modeling revealed much lower health risks and air impacts at all locations as compared to the 1999 and 2003 studies. Section 3.2 of the Supplemental EIR evaluates the revised Project's impacts to air quality based on changed circumstances and new information discovered since the certification of the 1999 EIR. The air models used for the updated studies are the most advanced and accurate available. Modeling was done using both the ISCST3 and AERMOD models utilizing meteorological data supplied by the SJVAPCD. The AERMOD model was used to reanalyze potential impacts from hazardous air pollutants. The AERMOD modeling results are found in Appendix E to the Final SEIR, and are summarized in Section 3.0 of this document.

Comment 38-7

You and I know that our community cannot remain livable when air, land and water is used and abused for the sake of greed and profit. Please, honorable members of the county board of supervisors, can you in good conscience support an operation that will rob us of our health and welfare?

Response 38-7

Comment noted. The EIR preparer does not advocate for or against the Project.

4.3.21 Mary Lou Slender, June 16, 2007

Comment 39-1

#1 The safety of the Kings River Bridge crossing Goodfellow.

Response 39-1

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed project. Additionally traffic impacts on this site are discussed beginning on page 3E-18 of the 1999 EIR.

Comment 39-2

#2 Traffic on Goodfellow and River Bend.

Response 39-2

Safety along Central/Goodfellow Avenues is discussed on page 3E-18 of the 1999 EIR. Truck frequencies are a point of reference, but are not considered to be an indicator of traffic impacts. If sufficient roadway capacity exists, the truck frequencies documented in the comment can be accommodated.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Comment 39-3

#3 Our well water - 2000 ft of monitoring is not far enough!

Response 39-3

The Hydrology Resources subsection of Section 3.0 details the reasons why the County believes that the 1999 EIR's hydrology section and technical appendices, including Mitigation Measure B-1, which monitors the areas water walls, adequately address the revised Project's impacts to nearby wells (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's impacts on nearby wells.

Comment 39-4

#4 Dust from the roads.

Response 39-4

Please see Impact 3.2-5 on pages 3.2-28 through 3.2-34 of the Supplemental EIR regarding the Project's impacts related to dust from roads. The CMI Kings River Project will comply with SJVUAPCD's Regulation VIII to reduce PM₁₀ emissions in all disturbed areas. (CMI Kings River Project 1999 Final SEIR p. 3F-10, Mitigation Measure F-1; CMI Kings River Project Draft Supplemental EIR pp. 3.2-2, 3.2-16-17, 3.2-20, 3.7-4).

Additionally, the 2007 modeling revealed much lower health risks and air impacts at all locations as compared to the 1999 and 2003 studies. Section 3.2 of the Supplemental EIR evaluates the revised Project's impacts to air quality based on changed circumstances and new information discovered since the certification of the 1999 EIR. The air models used for the updated studies are the most advanced and accurate available. Modeling was done using both the ISCST3 and AERMOD models utilizing meteorological data supplied by the SJVAPCD. The AERMOD model was used to reanalyze potential impacts from hazardous air pollutants. The AERMOD modeling results are found in Appendix E to the Final SEIR, and are summarized in Section 3.0 of this document.

Comment 39-5

#5 Air Pollution

Response 39-5

See Response 39-4. Section 3.2 of the Supplemental EIR and Chapter 3F of the 1999 EIR evaluate the Project's air quality impacts.

Comment 39-6

#6 Why are we letting a group from another country come in and destroy our beautiful farmlands?

Response 39-6

Impacts to farmlands are evaluated in Section 3.3. of the Supplemental EIR and Chapter 3D of the 1999 EIR.

See Response 1-1. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use but that impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the

feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 39-7

#7 Heidelberg should have to contribute more than 20% to the construction of the bridge!

Response 39-7

Section 3.5 of the Supplemental EIR and Chapter 3E of the 1999 EIR evaluate the Project's impacts to the Kings River Bridge. The Applicant will pay a proportionate share of the cost of the future roadway improvements. The County is constitutionally barred from demanding more than a proportionate share, based upon Project-related impacts, from any land owner.

Comment 39-8

I feel that before ANYONE votes on this very serious matter, you should have to drive out to the-site with your families in the car. Cross the bridge, imagine HUGE trucks all around you. Are you feeling that your family is in a safe environment? You will be inflicting great danger to anyone who travels on this road should you vote in favor of this project All of the roads are very narrow, they were NOT meant for numerous truck travel Imagine doing this in the FOG!

Response 39-8

Comment noted. As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed project.

Comment 39-9

Traffic has greatly increased on Goodfellow. Some due to the fact that it is a direct route to Reed Ave. Students traveling to Reedley College travel this route. There are numerous school bus stops on, Goodfellow with NO room to get off the road for their stops. Special Education buses cross the bridge. They are not in a safe area surrounded by trucks. Farmers drive their tractors, crossing the bridge against them is not a safe feeling either.

Response 39-9

Safety along Central/Goodfellow Avenues is discussed on page 3E-18 of the 1999 EIR. Truck frequencies are a point of reference, but are not considered to be an indicator of traffic impacts. If sufficient roadway capacity exists, the truck frequencies documented in the comment can be accommodated.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Comment 39-10

Has anyone CHECKED with the Highway Patrol for some SAFETY input?

This will be known as the next Blood Alley. Why? Because a very greedy group from out of the country has more concerns about making a dollar than the safety of our citizens.

Imagine going to their country and attempting to do such a thing. We would be run out of the country.

Response 39-10

The Highway Patrol received copies of the Notice to Proceed and Supplemental EIR. No comments were received from the Highway Patrol.

Comment 39-11

Why should we have to sacrifice our wells because of their dredging? We have two wells, I want to go on record, holding them responsible for the continued operation of BOTH wells.

Response 39-11

See Response 39-3, above.

Comment 39-12

PLEASE travel to this site and witness the dangers. Without the numerous trucks it's dangerous, they will only make an already dangerous situation Worse!

Heidelberg Cement Group has MORE options which aren't in such a populated area.

Don't endanger our citizens, It's our country let's keep it safe!

Response 39-12

Safety along Central/Goodfellow Avenues is discussed on page 3E-18 of the 1999 EIR. Truck frequencies are a point of reference, but are not considered to be an indicator of traffic impacts. If sufficient roadway capacity exists, the truck frequencies documented in the comment can be accommodated.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Central/Goodfellow Avenues assessed on page 3E-18 of the 1999 EIR found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

The revised Project is expected to generate 318 average daily truck trips, which is only 38% of the estimated 838 daily truck trips analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, Table 3.5-1).

4.3.22 Trish Sorensen, July 9, 2007

Comment 40-1

Why have the plans for the berm across the North end of the site been abandoned? Is there a shortage of over-burden soil to use? That was a mitigation to protect the neighbors from noise was it not? 3G-12 (final)

Response 40-1

The Summary Section of the Supplemental EIR, Section 3.0, and Section 3.1 discuss the elimination of the berm from the Project. Further, Section 3.1 details the proposed vegetation screen that will replace the previously proposed vegetation berm as part of the revised Project. Section 3.4 of the Supplemental EIR and Appendix F of the Supplemental EIR provide an evaluation of the revised Project's noise impacts and provides mitigation for potentially significant impacts. Please note that this Final SEIR contains revisions to the Section 3.4 and Appendix F based on responses to comments.

Comment 40-2

The noise studies for residences along Central Avenue are flawed because they do not take into account the residences that are closer than 100 feet from the *centerline* of the road. There are under 10.

Response 40-2

The noise evaluation evaluated on-site and traffic-related noise to residences along Central Avenue. Section 3.4, Appendix I of the Supplemental EIR, Chapter 3G, and Appendices F-1 through F-4 of the 1999 EIR provide the methodology used for the noise evaluations. Off-site truck noise along Central Avenue was addressed and explained in Table 7.4-11. The noise imports are 50 percent less than the previously approved project. The Project-related increase in off-site traffic is predicted to be 0-1 dB at existing residences located along the Project haul routes. Because a 3dB change in similar noise sources is commonly considered to be the threshold of significance, changes in the order of 0-1 are not considered to be clearly noticeable. (SEIR, p. 3.4-26.)

Comment 40-3

The noise impact is much more severe at these residences and some of these houses will shake with the heavy vibration.

Response 40-3

Impact 3.4-3, located in Section 3.4 of the Supplemental EIR, and impact analyses continued in Chapter 3G, evaluate noise and vibration impacts to nearby residences. Also, see Response 40-2.

Comment 40-4

Impacts and mitigation measures have not been discussed. Night time noise at these residences have not been evaluated.

Response 40-4

Section 3.4 of the Supplemental EIR, Chapter 3G of the 1999 EIR, and Appendices attached thereto provide both impacts and mitigation measures for the houses along Central Avenue. Further, these impacts and mitigation measures are provided in the Summary Table.

Comment 40-5

In general the noise studies did not consider that some residences stand to be severely impacted for one reason or another. Does a residence at an intersection experience excessive noise? What about residences near the plant on Goodfellow at night. What about with other plant operating noises combined with the truck noise?

Response 40-5

Please see Section 3.4 and Chapter 3G for a detailed discussion of all the issues and impacts raised in Comment 40-5.

Comment 40-6

Night time noise has severe health consequences. There are so few houses so severely affected that a huge company could build cinder block walls as a mitigation. Most of these homes are just east of Bethel on the North side of Central. There is a church there to that was not recognized. The EIR did not explore *mitigation* of significant impacts of nighttime noise either. It stated that night road projects "requirements" mandated night time hauling of materials and that prohibiting hauling materials was not feasible. It did not discuss the mitigation that materials could be trucked during business hours (day) and stockpiled at the Calaveras asphalt plant on Cedar or some other

industrially zoned location and loaded as needed for night time operations. The proponents have not answered repeated questions on this point. The Fresno County General Plan details how seriously night noise can impact citizens!

The 24 hour operation clause is vague and needs a lot more discussion! Nighttime noise impacts health and has been found to be a significant impact but it has not been proven that it is an *unavoidable impact*. The applicant offers more vague words trying to reassure us that "Major public road projects, major construction projects, Federal road projects" don't happen "very often" and "don't last long" but the clause in the official Operation Mining Plan does not define what Major public road projects means-it is wide open. We don't know if it is Federal, State or County or all of the above. The official wording in the Operational Mining Plan is "Public road projects"- who declares what is a "Public road project?" Who declares when it starts and when it ends or if 24 hour trucking is necessary? To whom will harassed residents complain? Will miners at the project soon do all operations including mining whenever they find it convenient? Where is the control? Other companies are coming to the Kings River area. They will also want 24 hour flexibility! The proponents tell us that loading and trucking only will be 24 hours but again the legalese in the Operational Mining Plan says "continuous 24 hours a day *operations* may be required." That could mean more operations than loading and trucking. All of this is a ploy to gain wider operating flexibility and to out compete their rivals. The finding by this EIR that the significant impact of nighttime noise is *unavoidable* has absolutely not been discussed! There are alternatives available. The proponent could truck materials during normal operating hours and stock pile it at an industrial location with the zoning to allow 24 hour activities. Like the Calaveras Materials facility in Fresno which is near Freeway 99. The proponent absolutely refuses to answer questions about this alternative. The EIR has failed to consider reasonable mitigation for a major impact and questions about mitigation have been flatly ignored!

Response 40-6

Nighttime noise impacts were evaluated in both Chapter 3G of the 1999 EIR (see pages 3G-14 and -15 of Volume I) and Section 3.4 (Table 3.4-3 details nighttime baseline data). Further, Section 3.4 and Appendix F incorporate, by reference, Chapter 3G's noise and transportation analyses.

Additionally, aggregate is a high weight/low unit value commodity. Loading, transitioning, unloading, and reloading the material would render the Project economically infeasible. Nighttime loading and trucking ends at 7 pm with a possible exception for major construction projects or emergencies. (SEIR Table 2.1, p. 2.0-15.)

Comment 40-7

The county seems to be feel it is compelled to approve these mining projects and seems to be moving at a pace that does not allow for careful consideration. The supply of gravel for the area, we have been told, is dangerously low. Is the gravel that comes out of the Kings River area to stay in Fresno County or will it be shipped off to L.A. or the Bay area? Miners will assure us that it would be too expensive to ship that far but they also tell tales of L.A. and Bay area desperately importing gravel on barges from who knows where. Could "our" gravel be exported elsewhere to the highest bidder? Is there any control on that? There will be harm done by the mining and will we see that it was worth it for the County when it is finally over? Why should mining operations not pay an assessment per ton to contribute to County expenses, County planning, County recreational and educational site development, the Kings River Conservancy, mitigation for severely impacted residents, for a fund to handle any problems that could arise from the reclamation (deep, steep lakes with nothing but a barbwire fence around them) The proponent is not answering this question.

Response 40-7

According to the Department of Conservation (DOC), the supply of construction grade aggregates in the Fresno area is critically low. As of December 2006, only 11 percent of the 50-year demand was permitted. Based on this information alone, it is very unlikely that aggregate from the Kings River Project would be shipped outside of the local area. In addition, aggregate would not likely leave the Fresno area due to the presence of other suppliers located closer to outside markets. The Bay Area does import large amounts of aggregates which emphasize the importance of permitting new aggregate sites. However, transportation of local aggregate to the Bay Area would not be economically feasible due to the high cost of trucking.

Requiring mining companies to pay a per ton assessment would be considered a tax imposed upon a specific industry which has been determined to be inappropriate. However, note that sales of aggregate are assessed a general sales tax and property taxes increase, which provides funds to the County.

Reclamation bonds are required to be in place prior to the start of mining which would be available to Fresno County to address reclamation problems. In addition, these bonds are evaluated annually and are calculated based on how much mining has occurred and how much reclamation is required.

Comment 40-8

Please give a verbal description of where the noise generating "tower" will be located on the property.

Response 40-8

The Applicant is not proposing a noise generating tower.

Comment 40-9

What will be done with the excellent top soil scraped from the project site? If it is sold why can't you donate the proceeds to the Farmland Trust?

Response 40-9

The Reclamation Plan is described in Section 2.0 in the subsection entitled Project Buffers and Final Reclamation. As set out in the FEIR, topsoil will be removed from each phase using excavation equipment and stored for later use in the reclamation process (SEIR, p. 2.0-16). Figure 2-7, Reclamation Site Plan: Landform, provides a graphical depiction of the reclaimed site and describes the disposition of top soil. The Reclamation Plan was available on the County's website concurrent with the public review of the Supplemental EIR. It was also lodged with the Supplemental EIR at the County planning office in Fresno. Further, the Reclamation Plan was lodged with the Supplemental EIR at both the Sanger library and the Fresno County library. Last, to assist the decision makers, the County has included the proposed final version of the Reclamation Plan is attached as Appendix B to this Final Supplemental EIR.

Comment 40-10

Question relates to impact mitigation-lost farmland. No mitigations were considered possible for farmland lost which is an inadequate discussion. Monetary contributions could be made at the very least!

Response 40-10

See Response 1-1. In addition, in the Draft SEIR, the County determined that S-Mitigation Measure 3.3-3 provided some feasible mitigation for the Project's conversion of prime agricultural land to non-agricultural use but that impacts would remain significant and unavoidable. The County will be required to make appropriate findings regarding this determination and include overriding considerations of the Project that outweigh the Project's significant and unavoidable impact related to the conversion of prime agricultural farmland. In response to numerous comments requesting the exploration of additional feasible mitigation for the conversion of prime agricultural farmland, the Applicant has agreed to incorporate the following mitigation measure into the Project:

Mitigation Measure 3.3-3b:

Conservation of an approximate 73-acre parcel (APN 360-020-50) of land located along the Kings River on the southern boundary of the site will be protected as farmland. The location of this parcel of land will provide benefits including preservation of farmland, creation of a buffer between the Kings River and mining operations, as well as preserving open space for wildlife movement. See Figure 3.3-1 of the Supplemental EIR for location of the approximate 73-acre parcel. Preservation of this parcel may be accomplished by, but not limited to, use of conservation easements or deed restrictions.

In short, the Applicant has agreed to preserve 73 acres of farmland on-site. A perpetual off-site agricultural easement on 315 acres is inappropriate for this project because the MRZ-2 classification indicates that the current agricultural use may have been envisioned as a temporary use. In addition, given groundwater levels, it is not feasible to reclaim the mined areas to agricultural land uses.

The Project proponent does not own any off-site agricultural lands within Fresno County or neighboring counties that could be placed under an agricultural easement. The Project proponent also does not own any non-agricultural land that could be converted to agricultural use. Agricultural land is typically held by private owners. Therefore, where a project proponent does not own other agricultural lands, the feasibility of agricultural easements depends largely on the availability of willing private sellers of such easements. During the EIR process, it was found there is no agricultural land in Fresno County is available for placement in the Williamson Act or Farmland Security Zone programs at a cost which does not render the project economically infeasible. Thus, the acquisition of off-site agricultural conservation easements is infeasible. Additionally, Fresno County does not have an established farmland protection program or uniform agricultural conservation banking program to

which the Project proponent could contribute. Even after the application of feasible mitigation, the conversion of farmland of local importance remains a significant and unavoidable impact. Given the lack of additional feasible mitigation, the conversion of farmland of local importance is a significant and unavoidable impact.

Comment 40-11

Criteria for Determining Significance Appendix G of CEQA guidelines pg. 3C-6 lists: "*substantial long-term interference with the movement of resident wildlife species*"

Where will the overburden be put? Will there be any overburden soil stored in the setback areas? The impact of these storage piles on wildlife trails could be severe and has not been investigated. Will access roads run through the setback areas? The criteria has not been met. Proponents have not answered this question.

Response 40-11

The overburden will be transported to previously excavated areas to shape the lake edges (SEIR p. 2.0-16). The Reclamation Plan is described in Section 2.0 in the subsection entitled Project Buffers and Final Reclamation. Figure 2-7, Reclamation Site Plan: Landform, provides a graphical depiction of the reclaimed site and describes the disposition of overburden and setback requirements. The Reclamation Plan was available on the County's website concurrent with the public review of the Supplemental EIR. It was also lodged with the Supplemental EIR at the County planning office in Fresno. Further, the Reclamation Plan was lodged with the Supplemental EIR at both the Sanger library and the Fresno County library. Last, to assist the decision makers, the County has included the proposed final version of the Reclamation Plan is attached as Appendix B to this Final Supplemental EIR.

Comment 40-12

Why have you decided not to excavate so deeply as planned before? Isn't it imperative to get as much material as possible from the pit? The County has pledged to conserve the gravel resource.

Response 40-12

The Applicant will reduce the maximum mining depth from 100 feet below ground surface to 80 feet below ground surface. This intent of this reduction was to reduce hydrology impacts based on needing to access less reserves necessary to meet the

Applicant's plan maximum annual production requirements. This revision will reduce environmental impacts. The commenter notes that the County is required to conserve gravel resources and the commenter seems to imply that the fact that the 20 feet of material is not mined is a failure of the County to conserve that resource. This is not the case. In this instance, the 20 feet of reserves will still be accessible by dredge at a later date if the Applicant, or another property owner, wishes to request an amendment to the use permit issued for this Project or request a new permit. Please note that any subsequent permit request would be a Project under the California Environmental Quality Act subject to environmental review.

Comment 40-13

Questions relate to Project Objective ES-2 Proponent Objective: "Restore the project site to such condition as to maximize riparian habitat values on completion of the proposed project" (Is the reclamation plan consistent with this objective?)

Is it possible to use a design for these lakes that has shallow areas that would accommodate more wildlife diversity? Is the lake you have designed for this project just the "standard issue" that meets SMARA regulations for slope but is not the best design to accommodate a variety of wildlife? (After all you have not been really asked for more by the County) If the company produced a beautiful restoration wouldn't that be good for the industry, for your company in particular?

Response 40-13

At the conclusion of the Project, the Reclamation Plan for the Site calls for two lakes consisting of a total of approximately 285 acres. These lakes will be constructed and implemented to include riparian vegetation with the purpose of providing wildlife values. In contrast to a uniform single species landscape of row and cover crops, open water lakes provide opportunity for riparian and fringe wetland habitat creation. These habitats include a diverse landscape of tree/canopy species, understory species, and emergent herbaceous wetlands that provide food, water, and shelter to many types of terrestrial and aquatic species not typically found in agricultural settings. Further, please note that the borders of the Project site will remain in open space and the Project includes a 50-foot excavation setback from designated floodway and a 100-foot excavation setback from top of bank (or 1 ½ times the width of dripline from the trunks or nearby riparian trees, whichever is greater). See Figure 2-5, General Phasing and Setbacks.

Comment 40-14

On page 3D-6 and 7 Impact: Compatibility with Surrounding Land Uses. The Fresno County General Plan update process completed 2000 left the detailing of how mining was going to be accommodated without ill effect to the up and hopefully coming revision Kings Rivers Regional plan. It is overdue. I do not see how consistency with this plan can be examined until it is revised. The relevant objectives are listed and bulleted on 3D-2. The second objective: Promote the reasonable and orderly development of mineral resources while preserving the area's values for recreation, watershed, wildlife, agriculture, and aesthetic enjoyment. We can not have an orderly, reasonable development of mineral resources and protect the area from negative impacts until the Kings River Regional Plan is updated. The Fresno County General Plan proceedings promised that mining policy would be handled the Kings River Regional Plan. The plan is overdue and badly needed. No more mining projects should be considered until the update is done.

Response 40-14

Regarding the overall assessment of aggregate conservation and recovery, Fresno County has addressed this topic in its planning documents for almost 30 years. A Regional Plan for the conservation and recovery of aggregate resources on the Kings River has been part of the Fresno County General Plan since 1976. In 1987, Fresno County amended the Kings River Regional Plan to include MRZ-2 zones. After preparation of an EIR, including a sector-by-sector environmental analysis of 42 sectors on the Kings River, the State and Fresno County designated 37 sectors of MRZ-2 as resources of regional significance on the Kings River (SMARA EIR No. 8, Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, 1988). The State of California and Fresno County have classified the Project site as a Regionally Significant Mineral Resource Zone (MRZ-2), which indicates that significant mineral deposits are present or there is a high likelihood for their presence. Pursuant to Cal. Pub. Res. Code § 2761 in 1986, the State classified the Project area as MRZ-2 in the Kings River area. In 1987, the County incorporated the MRZ-2 classification into the County General Plan. In 1988, nearly 20 years ago, the DOC designated the construction aggregate deposits in the portion of the Kings River that includes the Project site as being of regional significance (14 CCR § 3550.13). This is in addition to the Project site's MRZ-2 classification. By utilizing the MRZ-2 classification, the State and the Fresno County General Plan recognize that the Project site is an area not planned for long-term agricultural use.

Comment 40-15

The hours of operation are wrapped up vague legal trappings. It is bad enough that the "typical" hours have been lengthened

Response 40-15

For a concise description of the hours of operation, please see Table 2-1 in Section 2.0 of the Supplemental EIR.

Comment 40-16

Would your company object to paying an assessment fee per ton for use by the County to develop well planned controlled recreational access and education opportunities along the Kings River? Don't you think a bond funded across the board by all Kings river aggregate companies to correct any problems that might occur with reclaimed mining sites (after companies have left) would be a good guarantee to offer? What about really being proactive about funding the Kings River Conservancy? Do you think that generosity and visionary thinking could pay off for your company?

Response 40-16

The SEIR preparer is not the Project proponent and does not advocate for or against the Project or speak for the Applicant. Please see Response 40-7 regarding tax assessment/fees and reclamation.

Additionally, the Project proponent has informed County staff that contributions to the Kings River Conservancy has occurred as well as volunteering staff time to assist with projects. However, details of this effort are beyond the purview of this document and CEQA. As noted above, the project is also required to post a reclamation bond (see Response 40-7).

Comment 40-17

The Impacts of dust from trucking operations along Central Ave. have not been discussed. Dust causes mite populations to spike and farmers must pay extra money to control the problem. Dust will impact farmers—never discussed in EIR and question never answered.

Response 40-17

Please see Impact 3.2-5 on pages 3.2-28 through 3.2-34 of the Supplemental EIR regarding the Project's impacts related to dust from roads and mitigation measures designed to minimize this impact. The Applicant must comply with SJVAPCD's Regulation VIII to reduce dust generation (Mitigation Measure F-1).

Comment 40-18

In conclusion I hope that the proponents will finally answer some of these questions. The EIR process was faulty and did not examine mitigations to the significant impacts of this project.

Response 40-18

Please see Responses 40-1 through 40-18 for responses the comments contained in this letter and citations to the appropriate sections of the 1999 EIR and the 2007 SEIR addressing the commentary concerns.

4.3.23 Zoe Ann Taylor, July 1, 2007

Comment 41-1

1. Adjacent Property owner's access to property via Riverbend extension.
2. Use of Riverbend Ave as detour for trucks due to bridge.
3. Bridge remodel coordination [**without**] plant development and processing.
4. Prospect of widening Riverbend Ave to accommodate detour

Response 41-1

1. & 2. The detour route is described in Section 3.5 of the Supplemental EIR and describes how the route will be used during the construction of the new Kings River Bridge and access to neighboring property.
3. It is unclear what commenter is asking – no response required.
4. The traffic study did not determine that widening Riverbend Avenue was necessary. (Table 3.5-22, p. 3.5-75.)

4.3.24 Jack and Margaret Thorburn, July 6, 2007

Comment 42-1

Dr. Thorburn and I are not enthusiastic but not opposed to sand and gravel mining operations on the Kings River and realize its significance to Fresno County. We do, however, strongly believe there should be an ad hoc committee of representatives from the county, the community and industry. If the most pertinent problems were discussed and problem solving techniques applied consensus could be found. This might also alleviate some of the tensions and bitterness the public has toward the industry, not only CMI, because of the influx of mining and its cumulative effects. This concept has been presented before but no action has materialized.

Response 42-1

The Project proponent has met with Fresno County staff and has agreed to future meetings to discuss the public's issues associated with the mining in the Kings River area. However, general public issues not specific to this Project are outside the purview of this document and CEQA.

Comment 42-2

We have, both as citizens and active members of the Kings River Conservancy, found CMI management willing to listen to our goals and questions. They tell us they want to partner with the community in a variety of ways that will be very beneficial. As an example, KRC is involved in a project that will need gravel to finish and they asked us to contact them as the project proceeds to see how they can assist.

Response 42-2

Comment noted.

Comment 42-3

Of primary importance causing difficulty for everyone is the fact that the 1983 Kings River Regional Plan is extremely outdated so adequate data is not being applied to current EIRs. This may have some untoward effects with CEQA and the future. The Plan should be re-written or revised before any of the current applications are implemented.

Response 42-3

The State of California and Fresno County have classified the Project site as a Regionally Significant Mineral Resource Zone (MRZ-2), which indicates that significant mineral deposits are present or there is a high likelihood for their presence. Pursuant to Cal. Pub. Res. Code § 2761 in 1986, the State classified the Project area as MRZ-2 in the Kings River area. In 1987, the County incorporated the MRZ-2 classification into the County General Plan. In 1988, nearly 20 years ago, the DOC designated the construction aggregate deposits in the portion of the Kings River that includes the Project site as being of regional significance (14 CCR § 3550.13). This is in addition to the Project site's MRZ-2 classification.

Regarding the overall assessment of aggregate and consistency with the Regional Plan, Fresno County has addressed this topic in its planning documents for almost 30 years. A Regional Plan for the conservation and recovery of aggregate resources on the Kings River has been part of the Fresno County General Plan since 1976. In 1987, Fresno County amended the Kings River Regional Plan to include MRZ-2 zones. After preparation of an EIR, including a sector-by-sector environmental analysis of 42 sectors on the Kings River, the State and Fresno County designated 37 sectors of MRZ-2 as resources of regional significance on the Kings River (SMARA EIR No. 8, Designation of Regionally Significant Construction Aggregate Resources in the Fresno Production Consumption Region, 1988).

Comment 42-4

Traffic: This not only a concern of the natives. It affects the whole of Fresno County and visitors to the area plus farming, business, the Blossom Trail, Fresno County Tourism, clean air, taxes, safety etc. etc. Traffic must be measured on a CUMULATIVE basis of all the mines and impending mines in the area. Mitigation must be carefully calculated and properly applied.

Response 42-4

Due to extensive comments on cumulative impacts, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including traffic. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 42-5

Safety: A very serious problem. There should be no truck traffic on Riverbend Avenue between Annadale and Kings Canyon and no traffic passing Centerville School except on Kings Canyon Road.

Response 42-5

The County selected a broad array of intersections and roadways for the examination of traffic and safety impacts focusing on the specific sites the proposed Project may affect. The discussion germane to the above comment is discussed on pages 3E-16, -17, -18 and Table 3E-7 of the 1999 EIR and Table 3.2-13, 3.2-14 and Section 3.5 of the SEIR.

In a traffic impact analysis, roadway safety is typically evaluated by determining whether there are any roadway capacity deficiencies and whether there are any roadways impacted by the Project with safety deficiencies. The impact related to potential safety hazards along Riverbend/Central/Goodfellow Avenues assessed on above-referenced EIR and SEIR pages and tables found that these roadways have no unusual roadway conditions or sight-distance deficiencies that would create a safety hazard.

Comment 42-6

Air Quality Control: Even though mining capacity of the project is being decreased the Cumulative effect of all the mines will increase. Because respiratory and health problems in the area are increasing dramatically preventive measures must be of primary importance.

Response 42-6

See Response 42-4.

Comment 42-7

Health problems both physical and psychological: There will be a relationship between the very long hours the industry is requesting and the need for some time to be free of the constant chaos caused by the mines. Circadian rhythm disruption also causes serious health problems.

Response 42-7

See Response 42-4. The revised cumulative chapter analyses noise impacts, and mitigation measures specific to noise impacts are provided (Mitigation Measures 3.4-1(a) and (b), 3.4-2(a) and (b)).

Comment 42-8

A minimum 200 foot setback from the measured water line would help the overall health of the river through the years. This would be a tremendous benefit.

Response 42-8

The Project includes a 50-foot excavation setback from designated floodway and a 100-foot excavation setback from the top of the bank (or 1 ½ times the width of dripline from the trunks or nearby riparian trees, whichever is greater) (see Figure 2-5, General Phasing and Setbacks). Therefore, the Project will not encroach on the State Adopted Plan of Flood Control and has adequate setbacks from the river and riparian habitat.

Comment 42-9

The setback should also help with the Wildlife Corridor that must be preserved. The Corridor should be helped with its development so there will still be one when the mining permit expires in 30 years long after many of us have preceded it.

Response 42-9

See Response 42-8. This setback will preserve a corridor for wildlife passage.

Comment 42-10

There should be a careful and routine monitoring schedule of the permit requirements throughout its life.

Response 42-10

The County will require the Applicant to pay for monitoring of compliance of the conditions of approval. The County may either monitor or retain a third party to monitor compliance with conditions of approval throughout the life of the Project.

Comment 42-11

Water quality and supply: Before the permit is granted this issue should be carefully studied by qualified hydrologists to prevent misunderstanding and later consequences with particular attention paid to dry wells.

Response 42-11

The Hydrology Resources subsection of Section 3.0 details the reasons why the 1999 EIR's hydrology section, including the hydrological studies conducted for same (as set out in the technical appendices) adequately address the revised Project's impacts to water quality and water supply (after a careful review of revisions to the Project, new information, and changed circumstances). Specifically, Section 3B, Hydrology and Water Quality, and Appendices C-1 through C-17 of the 1999 EIR adequately analyze the revised Project's hydrology resource impacts.

Comment 42-12

On the Draft Supplemental EIR distributed June 14, 2007 there was a discrepancy in the hourly schedules on pages 8 and 9. This needs to be explained. It would help to change all hours of operation from 7am - 7pm Mon. through Fri. and if necessary to work on Saturday from 8am - 2pm.

Response 42-12

For a detailed description of the hours of operation, please see Table 2.1 in Section 2.0 of the Supplemental EIR.

Comment 42-13

There should be a guarantee that production of the mine will be reduced to 1 million tons of aggregate per year for the life of the permit as stated in the Draft Supplemental EIR distributed at the June 14th public meeting.

Response 42-13

The County will require the Applicant to provide documentation regarding its annual production to the County. Fresno County will require the Applicant to retain production records on-site. The County shall review these records during their annual SMARA inspection to monitor compliance with the production limits. Provided that

the Applicant is within the tonnage limitations, the County will keep the actual amount private to protect the Applicant's proprietary information.

Comment 42-14

The bonding for the project and money for total restoration must be in place. Restoring the land must be assured for future generations.

Response 42-14

The Applicant has submitted a financial assurance estimate of \$38,484. The County and the Department of Conservation's Office of Mine Reclamation will review the financial assurance for adequacy prior to issuing the Applicant its Conditional Use Permit. The County will review the financial assurance amount each year regarding its adequacy vis à vis reclamation plan progress during the last year.

Comment 42-15

CUMULATIVE IMPACT: This is exceedingly important. There are a minimum of four Sand and Gravel Companies who plan to have operations on or near the Kings River imminently. Essentially this indicates that all the concerns associated with mining will be multiplied by 4 (four.) No permits should be granted until the cumulative results are fully evaluated and necessary changes are in place.

Response 42-15

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 42-16

This is a precedent setting time for future mining on the Kings. We have been told that once a permit is granted it can not be changed and that any permits granted subsequently will operate

under the same rules. This is the opportune time to re-evaluate and and update the process.

Response 42-16

The County may review conditions of approval at any time and will review the mine operations at least once a year under its obligations to perform an annual review under the Surface Mining and Reclamation.

Comment 42-17

Special attention must be paid to CEQA review so all permits will conform to state regulations.

Response 42-17

The conditions of approval for this Project will require compliance with all permits that are subsequently required by applicable state and federal agencies.

Comment 42-18

Pedestrian traffic must be safe on Goodfellow Avenue on both sides of the river. There should be good public access to the Kings River at this strategic point.

Response 42-18

As part of the EIR, the safety/suitability of the Kings River Bridge was assessed. As part of this assessment, the County found that this bridge, as currently built, is both structurally and geometrically adequate to handle traffic using the bridge including the traffic from the proposed Project. The proposed Project does not include any modification to public access along either side of the Kings River Bridge or along Goodfellow Avenue.

Comment 42-19

Please reference Draft Supplemental EIR page 16, Bullet 2 distributed June 14, 2007 at the Public Meeting. "Fresno County required additional road and bridge miltigation beyond those required in the certified EIR as part of Public Hearing conditions of approval." This requirement must stand for all the reasons stated in the 1999 EIR.

Response 42-19

The 1999 EIR did not require the public hearing conditions that were adopted by the Board of Supervisors. Mitigation Measures PH-1 to PH-9 were added at the December 7, 1999 Board of Supervisor's hearing, and were not required as mitigation for impacts analyzed in the 1999 EIR. The revised Project that is analyzed in this Supplemental EIR involves a reduction in the average annual mining rate, from 2 million tons per year to one million tons per year, which proportionally reduces the projected number of truck trips to 318 per day, which is 38 percent of the estimated 838 daily truck trips analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, Table 3.5-1).

The SEIR also reanalyzed traffic impacts based on several other factors beyond the reduction in the annual mining rate: 1) the traffic analysis used updated existing traffic information; 2) the traffic analysis contains new information regarding the Kings River Bridge; 3) the traffic analysis reflects a change in traffic patterns due to changed market conditions; and 4) the traffic analysis reflects a detour route for use during the time the Kings River Bridge will be replaced.

These Project revisions support the modification/deletion of measures PH-5 to PH-7, but the modification/deletion of these measures does not affect the conclusions of the 1999 EIR.

4.3.25 Gloria Unruh, June 21, 2007

Comment 43-1

I would like to request an extension on the comment period. There are too many projects in progress, and much too much reading material to digest in such a short period of time. The Calaveras EIR has been in progress since 1999 and we, the public, have had minimal time to look at the documents and respond.

Response 43-1

The public comment period adhered to the legally mandated 45-day Comment Period. The County also considered comments submitted after the close of the Comment Period. For example, the commenter's letter (letter 44) received one-day after the close of the Comment Period, has been included in this Final SEIR. The County has responded to the comments raised therein.

Comment 43-2

The cumulative impact of these projects will effect our neighborhood for a century.

Response 43-2

The proposed Project is slated to last for only 30 years (SEIR p. 2.0-7). The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 43-3

The previous Board of Supervisors required the bridge be replaced and paid for by Calaveras and now Calaveras has chosen to go through a new permitting process to change the demands of the previous Board of Supervisors.

Response 43-3

Based on the comments received, the County reviewed the record and has determined to treat the measures added at the public hearing as mitigation measures. Accordingly, Mitigation Measures PH-1 through PH-9 have been added to the summary table contained in the SEIR and treated as CEQA mitigation measures added to the 1999 EIR. The measures deleted in the SEIR, PH-5 through PH-7, are indicated. As noted above, the Applicant applied for a revised CUP in 2003, which application proposed the modification of the Project and the deletion of certain mitigation measures and conditions of approval. To address concerns relating to traffic and the elimination of these mitigation measures, the Applicant modified the Project to reduce the maximum allowable annual mining rate in half, thereby reducing truck traffic related to the Project. As part of the SEIR process, the County has reevaluated all traffic impacts relating to the Project, including reflecting the reduced truck traffic, analyzing changed traffic flows related to changed market demand, and analyzing the potential detour route during the period the Kings River Bridge will be closed.

Comment 43-4

I think this project should be placed on hold till all the information is available to the public for comment and legal examination.

Response 43-4

Comment noted. The EIR preparer does not advocate approval or denial of the Project; however, all Project information, including the projected environmental impacts, have been fully disclosed to the public and the County decision makers.

4.3.26 Gloria Unruh, July 8, 2007

Comment 44-1

Vulcan 2004 EIR, Attachment C. page 22, Moratto (1988), states; 'Gordon Hewes surveyed the central Valley region and discovered 107 sites, most near streams and marshes on the east side of the valley ...it is apparent that the Yokuts occupied most of the San Joaquin Valley. Because there has been little systematic arehaeological investigations in the immediate area it is unclear whether the cultural phases identified in the adjacent foothills or southern valley extend to this area.'" (per the local Choinumni Tribe they do) Page 23, 'Noren was able to identify 20 habitation sites around the Reedley area.' Per 2007 Final SEIR,, Appendix M. Cultural Resources, page 2. 'project area is highly sensitive for cultural resources and there is a strong possibility that human burials and other arehaeological deposits may become uncovered during mining'

There is also no mention of preservation, replanting, or avoidance of traditional basketry such as sedge, white root, deergrass and other medicinal plants.

Response 44-1

As explained in the Summary under the subsection Supplemental EIR and Section 1.2 in the Introduction of the Supplemental EIR, the environmental document for this Project is the Supplemental EIR and the 1999 Final SEIR. To assist the public and decision makers with understanding how the documents should be utilized, the Supplemental EIR's summary table provides all applicable mitigation measures, which includes still-applicable mitigation measures from the 1999 EIR. Further, Appendix A provided Existing Mitigation Measures from the 1999 EIR. Additionally, Section 1.3 of this Final Supplemental EIR provides detailed guidance to decision makers regarding the use of

the documents contained in the administrative record. To facilitate the public's understanding of how the 1999 EIR and the Supplemental EIR constitute the environmental document, the County held a public meeting on June 14, 2007 at the Sanger High School Multi-Purpose Room in Sanger, California. Last, the County's planning website contained all three volumes of the 1999 EIR and the Supplemental EIR.

Regarding cultural resources, Section 3.0 of the Supplemental EIR explains the County's rationale of why the County relied on the three-volume 1999 EIR regarding certain resource sections, including cultural resources. Please see Chapter 3K of Volume 1 of the 1999 EIR. Cultural resources would not have changed since 1999.

The California Historic Resources Information System was search in 1997, and the results of that search were documented and analyzed in the 1999 EIR (1999 EIR, p. 3K-5). Cultural Resources would not have changed since 1999. See also Response 17-1.

A pedestrian field study was conducted for the Project site in preparation of the 1999 EIR. The results of the study were documented and analyzed in that document (1999 EIR, p. 3K-6). Cultural Resources would not have changed since 1999. See also Response 17-1.

Section 3.0 of the Supplemental EIR provides the County's rationale of why the cultural resources evaluation, among others, was not updated since the 1999 EIR. Chapter 3K of the 1999 EIR evaluates cultural resources impacts. Specifically, Mitigation Measure K-1 provides applicable mitigation if cultural resources are discovered during mining activities.

Additionally, traditionally basketry plants and the Project's impacts to same are discussed on p. 3K-4 of the 1999 EIR.

Comment 44-2

History tells of the trail of tears, but do we know our own local history? The trail of tears from Fort Miller, now at the bottom Millerton Lake and the deadly march to Fort Tejon. Many Native Americans died on the march or were starved to death at the local slave labor camps. Pasqual's Rancheria is near the proposed new Calaveras mine. The Native Americans lived in the most beautiful, productive part of this valley and thrived with numbers in the thousands.

Per the Native American Heritage Commission letter dated 6/6/07 to the County of Fresno, 'After reviewing the SEIR we are

concerned that there was little discussion about cultural resources in the project area."

Per letter dated 8/19/1998 from the California Historical Resources Information System, "...a portion of this site was not field surveyed.

The Cultural Resources portion of this EIR is inadequate

Response 44-2

See Response 44-1.

Comment 44-3

Per letter dated 9/8/1998 from San Joaquin Valley Air Pollution Control Board, "The District concurs with the conclusions of the Draft EIR that the impacts from ozone precursor emissions, and potentially from fine particulate matter (PM-10) emissions will remain significant after mitigation."

A letter from the San Joaquin Air Quality Board dated 8/15/05 to Rick Thaxton regarding the Vulcan project, states:

A preliminary analysis indicates that the potential emissions from this project exceed the district's thresholds of significance for adverse air quality impacts....**Recommends a traffic impact analysis be conducted to determine the total number of vehicle trips and the related emissions.** There should be a traffic impact analysis and also a cumulative traffic impact study done on this facility. "An adequate cumulative impact analysis considers a project over time and in conjunction with other related past, present, and reasonably foreseeable future projects whose impacts might compound or interrelate with those of the project being assessed," states the Air Pollution Control Board Rules.

Per the Regional Air Quality Planning Framework, "The California Clean Air Act (CCAA) provides the San Joaquin Valley Air Pollution Control District (SJVAPCD) with the authority to manage transportation activities at indirect sources (like idling trucks) and regulate stationary source emissions (at the plant). Indirect sources of pollution are generated when minor sources collectively emit a substantial amount of pollution."

The Vulcan FEIR, Air Quality Assessment, page 14 states: 0-2 exceeded the State and standard level and exceeded the federal eight-hour standard in each of the past three years. PM-10 or

PM-10 levels, in the areas surrounding the project site exceeded the State standard in each of the past three years...

We cannot meet our *Valley Clean Air Standards* but our County may accept permit expansions and new projects with **no cumulative** air quality impact studies.

The San Joaquin Valley Is listed as having some of the worst air quality in the United States. Our asthma rates are among the highest in the Nation and California's health industry is struggling along with it's people to pay medical costs.

There is no way the cumulative effects from these projects will have NO SIGNIFICANT IMPACT.

Response 44-3

As provided for in the State CEQA Guidelines, the focus of the SEIR has been limited to those incremental impacts resulting from project revisions, changed circumstances, and new information that was not known and could not have been known at the time of the preparation of the EIR. See CEQA Sections 15162 and 15163. Section 3.2 also includes supporting information necessary to understand these impacts and mitigation measures as necessary. Setting information has been updated where necessary due to changes in existing conditions since 1999. The updated "existing setting" or "baseline" against which Project impacts are measured is the currently approved Project in accordance with *Benton v. Board of Supervisors*, 226 Cal.App.3d 1467 (1991).

Air quality impacts that have the potential to affect respiratory health are regional phenomena and thus there is currently no scientific basis for determining the asthma-related health impacts of an individual project. In addition, CARB, SJVAPCD, or any other air district in California has not adopted thresholds of significance for potential asthma-related effects. Therefore there is no regulatory guidance for assessing such effects. However, because this revised Project will have reduced air quality impacts as compared to the version approved in 1999, any potential respiratory health impacts would be less than under the previously-approved project. Furthermore, mitigation proposed for other identified air quality impacts will have the ancillary benefit of reducing potential respiratory effects.

Section 3.2 of the Supplemental EIR evaluates the revised Project's impacts to air quality based on changed circumstances and new information discovered since the certification of the 1999 EIR. The air models used for the updated studies are the most advanced and accurate available. Modeling was done using both the ISCST3 and AERMOD models utilizing meteorological data supplied by the SJVAPCD. The AERMOD model

was used to reanalyze potential impacts from hazardous air pollutants. The AERMOD modeling results are found in Appendix E to the Final SEIR, and are summarized in Section 3.0 of this document. The 2007 modeling revealed lower health risks and lower impacts at all locations as compared to the 1999 and 2003 studies.

Additionally, due to extensive comments on cumulative impacts of this Project, additional clarifications and amplifications of cumulative impacts for area projects have been provided including cumulative air quality impacts. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 44-4

With the impact of 3500 trucks from 4 mining projects within a 2 1/2 mile area, there will be a huge impact on our air quality and our breathing health.

The Vulcan FEIR Air Quality Health Risk Assessment in Appendix D, states there will be **LESS THAN SIGNIFICANT IMPACTS** with their mitigation measures. If you are foolish enough to believe it, you may want to read the Vulcan FEIR letter #72 from the San Joaquin Valley Air Pollution Control District dated 4/6/07. the light will shine through on all the problems these facilities will bring to our Valley. While reading this letter examine the mistakes in monitoring which resulted in flawed studies for the Health Assessment along with no asthma related studies. Vulcan should be forced to properly redo this study and the new calculations can be used by the Calaveras project for a similar study with cumulative impacts from their 872 trucks and the 889 Vulcan trucks.

Response 44-4

Commenter appears to be referring to the Vulcan expansion project. To the extent commenter is addressing the Project at issue here, please see Response 44-3. Air quality impacts that have the potential to affect respiratory health are regional phenomena and thus there is currently no scientific basis for determining the asthma-related health impacts of an individual project. In addition, CARB, SJVAPCD, or any other air district in California has not adopted thresholds of significance for potential asthma-related effects. Therefore there is no regulatory guidance for assessing such effects. However, because this revised Project will have reduced air quality impacts as compared to the version approved in 1999, any potential respiratory health impacts would be less than under the previously-approved project. Furthermore, mitigation proposed for other

identified air quality impacts will have the ancillary benefit of reducing potential respiratory effects.

Comment 44-5

Cumulative impacts on our County water supply will be major. No longer will the river mines be using the free riparian water. All new water will be pumped from deep water wells depleting our overstressed aquifer. Water for these four projects could reach close to 40 million gallons per day. The City of Fresno uses 139 million gallons of water per day and this includes two major industries which use enormous amounts of water.

Wells in my neighborhood produce minimal amounts of water from 400 foot to 1000 foot deep wells and the draw from four mining projects may deplete our private water sources. I want a guarantee that if myself and my neighbors lose our water source, we will be paid fair market value for our property.

Per the EIR, when the project is complete and the ponds are full, evaporation totals will be 80% of the total water use for crop production.

Kern County has declared a Federal water emergency for farming because of drought conditions and the farmers will be pumping all their water from our aquifer.

Subsidence is occurring in our valley due to the overdraft of water from our aquifer and the collapse of the earth's surface.

We must think before we approve these mines. What is more important, our production of food or production of aggregate. New regulations must be in place prior to operation which will mandate shutdown for water emergencies.

Well level and well draft monitoring within the area must be mandatory.

Wells must also be monitored for pollutants.

If you want the true amount of water to be used you must consult the Water Resources Board. They have a complete list of use while the EIR is too hard to read and has many inconsistencies. The Vulcan projection for water use is approximately 6.2 million gallons of water per day.

The Vulcan mine plans to use 9.2 million gallons of water per day, the production total for this use could be 1 million tons or 2.5 million tons of aggregate. (the EIR is not clear) Central Valley Ready-Mix uses 1.6 million gallons per day plus riparian water currently (unknown production aggregate amount) and the Jesse Morrow Mt/Cemex project states they will use 150,000 gallons of water per day and will produce 2.5 million tons of aggregate per year. We the people are not that stupid to suppose this total is correct. The fact is the water totals will probably be as much or greater than the Vulcan mine. These cumulative water totals could be as high as 35-50 million gallons per day.

Per the EIR, when this project is complete and all the ponds are in place they will seep water from the river and ground water table. The evaporation rate will be 80% of the amount a farmer would use to farm crops. In a drought year a farmer may not want to plant is he cannot get the necessary water, but these ponds will continue to evaporate year after year.

Response 44-5

Commenter appears to be referring to the Vulcan expansion project. To the extent commenter is addressing the Project at issue here: Subsidence was addressed in the 1999 EIR, concluding that the Project site and surrounding land is not subject to subsidence because of soil types found in the immediate area.

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Notably, vegetative land evaporates more than open water. See Response 19-3 and table 3-B-4 of the 1999 EIR.

Comment 44-6

Why do we the people have no input regarding the reclamation deposits? Central Valley has \$10,000, which will not even pay

for the clean up of their mess. Vulcan states this issue will be discussed (**mitigated**) after the Final SEIR. The costs to clean up the San Joaquin River, after the mining industry has raped and pillaged, are astronomical and the State, us taxpayers and our tax dollars, are going to pay the bill. Why are the taxpayers not included in this discussion and decision on the mining deposits for reclamation? In 50 years who will be responsible for 100-150 foot deep pits that the river channel has engulfed and hazard the safety of all activities near the Kings River. (Per the Federal Emergency Management Agency (FEMA).... waters during the 100-year storm event could leave the Kings River channel and flood the lowlands.

The EIR response to the 9/8/1998 letter on flooding concerns from California Regional Water Quality Control Board states, "Although this portion of the project site is now slightly above the 100-year flood zone elevation, flooding of a higher magnitude could result in flood flows into the lakes. Who will pay for the bank repairs after a major flood when this company gone? Who will be responsible for maintaining the river banks after 50 years? I speak for many when I say, I am tired of paying for the County mistakes and I want our voices heard.

Per the 1999 EIR, Reclamation, states, ponds must be monitored for excess algae. If not controlled the seepage to replenish the underground water could be sealed off.

4.1.3 of June 1999 Final SEIR states, "Deeper mining could possibly take place in the future with an additional permit if economical methods are found to mine deeper." What this means is; at a later time changes can be made to the current plan and no public notice or input would be required.

Response 44-6

1. SMARA requires the Applicant to post Financial Assurance bonds sufficient to cover the cost of disturbed land as well as areas to be disturbed over the next twelve months. The amount of this bond is reviewed and adjusted yearly. The Applicant will submit a financial assurance estimate of \$38,484.
2. Regarding damages and repairs to the property; the Applicant will continue to own and maintain the property post-mining. No mining will occur within the river channel or within the designated floodway or flood zone (Reclamation Plan Section 1-2, p. 1-1). As was made clear by the letter from the Regional Water Quality Control Board in its letter and the County's response, if there is a need to

file a Report of Waste Discharge based on the current FEMA mapping, the project will comply with that requirement (1999 FEIR Response A5-1, p. 11).

3. As stated by the 1999 Final EIR, groundwater movement through the reclamation lakes could be limited by silting, plugging, or other means, making the lake lining less permeable. Groundwater will still be able to flow through the levee between the lakes as well as beneath the lakes following the pre-mining flowpath from north to south. Also, groundwater would tend to flow around the levee on the east and west. Because most water-producing wells in the area are situated below the area to be excavated, so additional sources of recharge exist (see page from Hanla Ditch, Cavern Slough, the Kings River and groundwater from the North), excess algae and/or silting reducing the yield for groundwater recharge is considered a less than significant impact (see 1999 Final EIR, p. 3B-17).
4. The Applicant will reduce the maximum mining depth from 100 feet below ground surface to 80 feet below ground surface. This intent of this reduction was to reduce hydrology impacts based on needing to access less reserves necessary to meet the Applicant's planned maximum annual production requirements. This revision will reduce environmental impacts. In this instance, the 20 feet of reserves will still be accessible by dredge at a later date if the Applicant, or another property owner, wish to request an amendment to the use permit issued for this Project or request a new permit. Please note that any subsequent permit request would be a Project under the California Environmental Quality Act subject to environmental review.

Comment 44-7

(a)

Per the EIR many Elderberry trees are located on the property. I found no mention of avoidance or impact and due to the proximity of the Vulcan project, below are comments..

Per the Vulcan 2004 EIR, Attachment A, table of contents i, page 7, 4.0 Conclusion, states: 'A detailed cost estimate to implement this **mitigation is beyond the scope of this analysis**. However, Wildlands, a commercial habitat mitigation bank, sells elderberry mitigation units for \$1,800. Approximately 330 units would be needed for the required 1,000 elderberry plants and 2,200 associated species, at a cost of \$594,000(2).

'In summary, we believe the project site is severely constrained by the presence of elderberry plants and assumed presence of the Valley Elderberry Longhorn Beetle (VELB). Any use of the site

that involves disturbance of elderberry plants would face substantial regulatory obstacles and **mitigation requirements.**'

(b)

How much money is to be put aside for reclamation on the Calaveras project? What is the plan for the last area of riparian forest? This information is not clear in the EIR and many points are lost in transmission.

(c)

No comment is made in the EIR regarding long term maintenance (after the project has depleted all the resources and is gone) of the berms between the river channel and the ponds. I do not want to be a member of the County of Fresno who must pay taxes to maintain this projects mess. I would also like to know who will maintain the ponds and be liable for the after effects of this project.

(d)

Are there State or Federal updates to this reclamation plan due to the length of time (1999 to 2007) since this plan was developed?

Response 44-7

Response 44-7(a)

The commenter appears to be commenting on the EIR prepared for the Vulcan project rather than the Kings River Sand and Gravel Project. This Final SEIR evaluates comments made on the latter project not the former project. The commenter is referenced to the Final SEIR for the Vulcan project for guidance on how comments were addressed relative to the Vulcan project.

For this Project, no elderberry shrubs or VELB habitats are expected to be directly effected by the proposed Project footprint. Any other potential VELB impacts were found to be mitigated to less than significant (1999 EIR, pp. 3-C-9 to 10).

Response 44-7(b)

The Applicant has submitted a financial assurance estimate of \$38,484. The County and the Department of Conservation's Office of Mine Reclamation will

review the financial assurance for adequacy prior to issuing the Applicant its Conditional Use Permit. The County will review the financial assurance amount each year regarding its adequacy vis à vis reclamation plan progress during the last year. The Project will avoid riparian habitat along Kings River. The setbacks are described in Figure 2.5, General Phasing and Setbacks, and Section 2.4.4 of the Project Description, subsection Project Buffers and Final Reclamation of the Final Supplemental EIR.

Response 44-7(c)

The revised Project will be reclaimed to private lakes and open space. The Applicant will be responsible for ensuring proper reclamation pursuant to the Reclamation Plan. However, once the County, with the concurrence of the Office of Mine Reclamation, ascertains that the Applicant has attained its reclamation objectives, the Applicant's bond is returned to them and the Applicant is no longer responsible for the site. The property owner will have the responsibility to maintain the site post-reclamation.

Response 44-7(d)

There are no State or Federal updates to the Reclamation Plan. However, the Applicant has revised its Reclamation Plan to apply to the currently proposed Project and has incorporated applicable State requirements into its updated Reclamation Plan. The Reclamation Plan was available for public review during the comment period for the Draft Supplemental EIR at the Sanger and Fresno libraries, the County Planning Department and the County Planning Department's website. Further, the Reclamation Plan is also attached hereto as Appendix B.

Comment 44-8

My comment is no hauling or selling of materials should be allowed until all berms and plantings are in place.

Response 44-8

The evergreen tree screen will be planted along the northern boundary of the Project site concurrent with Phase I of Project operations. Please see Section 3.1 of the Supplemental EIR for a discussion of the vegetation berm.

Comment 44-9

(a)

The current mining, reclamation and expansion of *Calaveras*, will remove a total of 455 acres of prime river bottom land from ag production.

The *Vulcan* mine will remove 881 acres of prime river bottom farm land.

Central Valley Ready Mix has removed 172 acres and possibly an additional 80 acres of prime river bottom farm land.

The *Cemex/Jesse Morrow Mountain* project will use 2200 acres of ag land over its productive life.

A total of 3,888 acres will be taken out of ag related production. Remember trees and plants recycle our carbon dioxide to oxygen and this removal alone will increase our air pollution.

(b)

Thousands of Williamson Act ag reservation land has and will be removed to accommodate mining. Some projects have mined Williamson Act land prior to removal and paid no fines. (Central Valley Ready-Mix) Why?

(c)

Per EIR, USDA letter dated 8/31/1998, concerns regarding the impact of conversion of prime ag land to non ag land.

Response A1-1, 'In assessing project impacts, the conversion of prime farmland to non agricultural uses was considered an indicator of a **significant land use impact**. Presently the County does not have an adopted mechanism for mitigating the loss of prime farmland. Because the proposed project would convert prime farmland with the resultant loss in agricultural production, **the project was found to have a significant and unavoidable impact.**'

(d)

Per EIR, Department of Conservation letter dated 8/19/1998, "If the project is approved as a use compatible with the Williamson Act, the County must make the finding that the 'underlying contractual commitment to preserve prime land....will not be

significantly impaired', and that the site will be reclaimed back to prime farmland in accordance with the reclamation standards set forth in the California Code".

Response A2-1, The contracts were found by the County to be in compliance with the applicable enabling statutes provided under the Williamson Act in place at the time of recording the agreement.

The county has determined that revisions to the Williamson Act and enabling legislation made after the date of contract recording can not be made to restrict land uses allowed under the existing contracts. Therefore, this project is exempt from Government Code Sections 51238.1 and 51238.2. Mined lands will be reclaimed to lakes and natural habitat.

Per the California Farm Bureau Federation letter dated 9/8/1998, "This statement clearly exemplifies the county's misinterpretation of the Williamson Act's compatible use provisions. This statement implies that as long as the property in question is reclaimed to an open-space use, it meets the purposes and intent of the Williamson Act.. This is clearly not the case when one considers the legislative history and the statutory definition of open-space uses within the Act."

(e)

When this mine has depicted the natural resources, who will pay for the State fight regarding the restoration of this project to prime farmland? The County (our Planning Commission and Supervisors) may say this facility is exempt, but we the people will pay for the mistake.

(f)

Why is this facility only paying minimal taxes under the Williamson Act when they are making millions of dollars as a huge commercial company.

Response 44-9

Response 44-9(a)

The Project will remove up to 315 acres from prime farmland; 285 acres of which will be reclaimed to private lakes on-site. The cumulative impacts of this project along with the Vulcan, Jesse Morrow Mountain, and Central Valley Ready-Mix projects are evaluated in the cumulative impacts evaluation of the Supplemental

EIR (Section 3.7) and additional amplification/clarification of cumulative agricultural land conversion is found in Section 3.4 of this Final EIR. The Central Valley Ready Mix facility is an existing facility and was considered in establishing the environmental baseline for the Project.

Response 44-9(b)

Many of the Williamson Act contracts in Fresno County included mineral extraction as a compatible use. Based on the California Department of Conservation's policy interpretation that many mining projects are configured in such a way as not be compatible with the Williamson Act contract, therefore the Applicant filed non-renewal of the parcels on which mining will occur. The contracts will terminate by non-renewal on December 31, 2008. Further, the Applicant will be required to comply with S-Mitigation Measures 3.3-1a and 3.3-1b, which require that historical production not be adversely impaired and requires the delay of ground disturbing activities until after the 2008 harvest.

Response 44-9(c)

Please see Volume 2 of the 1999 EIR regarding the County's response to comments made on the 1999 EIR. The County has required mitigation to the extent feasible, but the Supplemental EIR still concludes that impacts reflected to conversion of agricultural land remains a significant and unavoidable impact.

Response 44-9(d)

Please see Volume 2 of the 1999 EIR regarding the County's response to comments made on the 1999 EIR. However, as discussed above, in Response 44-9(b), the County no longer relies on the contractual language. However, regarding the applicable parcels, the Applicant will be required to comply with S-Mitigation Measures 3.3-1a and 3.3-1b, which require that historical production not be adversely impaired and requires the delay of ground disturbing activities until after the 2008 harvest (thus the mining operations will not impair existing agricultural activities until after the contracts are terminated through non-renewal).

Response 44-9(e)

Mitigation Measure 3.3-3 provides feasible mitigation for prime agricultural land impacts. The impact, however, remains significant and unavoidable. The

County will make the applicable findings regarding overriding considerations for this impact. Regarding who will be financially responsible if the State of California files suit regarding the Project's conversion of agricultural land; in that unlikely event, the Applicant has signed an indemnity agreement with the County.

Response 44-9(f)

The Williamson Act tax reductions will not longer apply to the parcels that will involve mining activities after December 31, 2008.

Comment 44-10

Three of these mines, Vulcan, Calaveras and Central Valley Ready Mix are within 1 mile of the expanding Sanger City limits. Where is LAFCO? I was of the understanding they were the watch dog for the ag industry and the gobbling up of ag land. Our local Supervisor has resigned under pressure from LAFCO, what damage has been done to cistern Fresno County prior to his resignation.

Response 44-10

Fresno County LAFCO has not commented on the Supplemental EIR. Traditionally, LAFCO evaluates annexations and sphere of influence determinations. The Project does not involve land use authority of any other jurisdiction other than Fresno County nor does it involve annexation or sphere of influence issues.

Comment 44-11

(a)

My concerns are safety related. Traffic studies were updated in the May 2007 Supplement and no bridge improvements were required prior to beginning operation. The previous group of Supervisors required the bridge be improved prior to operation and certified this requirement. How can this company be allowed to reapply several years later and use the same out of date EIR, yet not be held to the prior requirements? Why should state, federal or local funds pay for this bridge? Why are these requirements suddenly changed with the new Supplemental EIR? This is not a mitigation measure and the local public are incensed.

(b)

This project will increase traffic on all the local County roads and the taxpayers will be required to pay for their repair. Why is there no requirement to maintain or pay for additional road repairs? Why would this County allow this project to start production prior to the bridge repair? School busses will be crossing with 116 cement trucks each day and the safety factors are extreme. I suggest a two year moratorium on this project if approved to facilitate the replacement of this antiquated unsafe bridge.

(c)

With 889 trucks from Vulcan, 900 trucks from Cemex/Jesse Morrow Mt. most of the 628 trucks from Central Valley Ready-Mix, and probably the majority of the 872 trucks from Calaveras, will use Highway 180 while the Goodfellow bridge is under construction. I see traffic at a stand-still. No cumulative impact studies have been done on the Highway 180 traffic.

(d)

Per Dept of Transportation letter 8/20/1998, "Recalculated pro rata share funding improvements to Caltrans is \$76,736." I cannot believe this is the correct amount of bridge funding as of 2007.

(e)

Per County response to letter 9/8/1998 A12, from the City of Sanger Attorney regarding traffic signals and excessive truck traffic through Sanger. Concrete mixer trucks from the project site will be driven to construction job-sites in and around Sanger (not to Fresno or Clovis). **This study is so old none of this information is accurate.**

(f)

This EIR pretty much states Calaveras trucks may travel any roads and it is too bad if there is extra wear on Sanger inner city or country road structures. This means more tax dollars to pay for problems these projects should be paying for.

Response 44-11**Response 44-11 (a)**

EIRs do not become “stale”, and in fact, CEQA presumes that a certified EIR is sufficient for a project unless substantial changes are proposed that require revisiting environmental determinations (CEQA Guidelines §§15162-15163). In this instance, the County reviewed the sufficiency of the 1999 EIR prior to determining the appropriate environmental document for the revised Project. It was determined, based on a careful review of the Project revisions, changed circumstances, and new information, that the Supplemental EIR was the appropriate environmental document for the revised Project.

Mitigation Measures PH-1 to PH-9 were added at the December 7, 1999 Board of Supervisor's hearing, and were not required as mitigation for impacts analyzed in the 1999 EIR. The revised Project that is analyzed in this Supplemental EIR involves a reduction in the average annual mining rate, from 2 million tons per year to one million tons per year, which proportionally reduces the projected number of truck trips from 838 average daily truck trips, to 318 daily truck trips, which is 38 percent of the estimated traffic analyzed in the 1999 EIR (1999 EIR Table 2-3; SEIR p. 3.5-6, Table 3.5-1). The SEIR also reanalyzed traffic impacts based on several other factors beyond the reduction in the annual mining rate: 1) the traffic analysis used updated existing traffic information; 2) the traffic analysis contains new information regarding the Kings River Bridge; 3) the traffic analysis reflects a change in traffic patterns due to changed market conditions; and 4) the traffic analysis reflects a detour route for use during the time the Kings River Bridge will be replaced.

Response 44-11 (b)

The Supplemental EIR provides mitigation that will be required for the revised Project's impacts on local County roads. Please Section 3.5.4 for a detailed discussion of impacts and mitigation. Further, Table 3.5-22 provides a summary of mitigation applicable to the Project.

Response 44-11 (c)

See Response 44-5 (e.g., see Tables 3.5-17 and 3.5-18, pages 3.5-68 to 3.5-69 of the Supplemental EIR, and Section 3.4 of this Final EIR for discussion of cumulative traffic impacts).

Response 44-11 (d) and (e)

Please see Volume 2 of the 1999 EIR for response to comments made during the preparation of the 1999 EIR. EIRs do not become “stale”; on the contrary, CEQA presumes that a certified EIR is sufficient for a project unless substantial changes are proposed that require revisiting environmental determinations (CEQA Guidelines §§15162-15163). In this instance, the County reviewed the sufficiency of the 1999 EIR prior to determining the appropriate environmental document for the revised Project. It was determined, based on a careful review of the Project revisions, changed circumstances, and new information, that the Supplemental EIR was the appropriate environmental document for the revised Project.

Response 44-11 (f)

The Supplemental EIR provides mitigation that will be required for the revised Project’s impacts on wear and tear on County road structures. Impacts to roads within the City of Sanger are beyond the jurisdiction of Fresno County and the County lacks authority to require mitigation for such impacts. Please Section 3.5.4 for a detailed discussion of impacts and mitigation. Further, Table 3.5-22 provides a summary of mitigation applicable to the Project.

Comment 44-12

Calaveras plans to extract 2 million tons of aggregate per year. What percentage will be Trucked to the temporary Calaveras Central / Cedar cement plant. Will this aggregate for cement be counted in the 2 million ton extraction limit or will this be above the proposed extraction amount? How is this to be calculated? There is no specific information in the EIR yet it states 8,000 gal per day of water for the ready mix plant when in operation on site.

Response 44-12

Shipment of aggregate will be limited to a maximum of 1 million tons per year rather than the 2 million tons a year mentioned in the comment. The ready-mix concrete plant will produce an average of approximately 700 cubic yards per day. Aggregate used in the production of the ready-mix concrete is included within the 1 million tons per year. The Applicant will be required to maintain production records on site for inspection by the County. The County shall confirm compliance with annual tonnage limitations during the annual SMARA inspection. The County agrees to keep the number private

unless the Applicant exceeds the annual tonnage limitation. The exact amount of ready-mix concrete as a percentage of aggregate exported from the site has not been determined at this time. The Applicant, will, however report both aggregate and ready-mix production to the County. The aggregate amount shall not exceed 1 million tons in any one calendar year. Regarding water use, the total amount of water used will be 2.7 million gallons per day, with 2.43 million gallons per day being recycled. This amount is down from the 5.4 million gallons per day evaluated in the 1999 EIR. The County will require the Applicant to comply with these requirements. Regarding an explanation, page 3-11 (Section 3.2.9) of the Reclamation Plan, which is attached as Appendix B to this Final Supplemental EIR, provides:

Water Use

Excavation: Dewatering, or removal of exposed groundwater from excavation phases to assist the mining process will not take place. No pumping will occur from the lakes except for makeup water to compensate for stockpile and evaporation losses at the processing plant. A positive benefit to the aquifer will be the increase in water recharge due to the large storage basin created by mining.

Permanent Aggregate Plant: At full production, approximately 2.7 million gallons per day (gpd) will be used to wash the aggregate. Approximately 2.43 million gpd will be recycled back to the plant. The balance of 270,000 gpd is retained by the sand and gravel during processing (some of which percolates into the groundwater from the stockpiles) or is lost to evaporation. The lost water, 270,000 gpd, will be supplemented by water from the lakes. The water in the settling pond contains native silts washed out when the excavated material is processed. Only non-toxic, biodegradable materials will be added during processing.

Ready-Mix Concrete Plant: The concrete plant will use approximately 24,500 gpd at full production in the mixing of concrete and the rinsing of trucks. The water is derived from a groundwater well on the site. The water is considered lost from the water budget due to either being trucked out in the concrete or dispersed as evaporation losses from the concrete recycle system's holding basins (see 3.2.7d).

Dust Control: Water-tank trucks and/or automated sprinklers will spray unpaved roads, the temporary, portable plant site area and the main plant site area as needed to control dust. Approximately 96,000 gpd will be used during the dry summer months and will be considered lost due to evaporation.

Domestic Use: Restrooms will utilize 1,000 gpd.

Summary of Water Usage: At full production, consumptive use of water is anticipated to total 391,500 gpd (aggregate processing 270,000 gpd, ready-mix concrete 24,500 gpd, dust control 96,000 gpd, and domestic use 1,000 gpd).

Comment 44-13

Some facilities have operated without proper permits for over a decade and have not been fined. Permits and inspections are not regulated. Pollution has been allowed to dissipate naturally over many years at old project sites. Where is the enforcement of the laws put in place to protect the public and our environment. Why are the laws not enforced and why have no fines been imposed and paid.

All mining regulations used in Fresno County are State and Federal laws. Fresno County has no mining rules or regulations of their own and little means of monitoring. (per the County, State, and Federal staff) Our County is unique with it's scenic vista's, tourism, National Parks, agriculture that produces food for a great part of the world, and the possibility that Fresno County could produce more aggregate than any other county in California. With this information our County Leaders must take the time and initiative to preserve our natural resources.

I request a moratorium on all new mining projects, expansions, and renewals till:

1. New County regulations are in place to monitor the mining in our County.
2. Air quality "hot spot" monitoring to protect our environment, and enforcement of reduced production on poor air quality days. (this is already mandated by SJVAQCD but not enforced)
3. Maximum 5 year mining permit, renewals with extensions to be approved after inspections, (how can we issue 25 or 30 year permits when we do not know how these projects will impact our environment)
4. Verification of permit renewals through all permitting agencies prior to extensions.
5. Water meters on project wells, local private well examinations for levels (this must be done prior to any project beginning operation), depletions, over draft conditions and testing for pollutants.
6. County permit checks to verify facilities are within production permit limits.

7. Mandatory shut downs and fines for non compliance with public noticing.
8. Verification of ownership, changes of ownership, leases, and partnerships at time of change and renewal.
9. Checks on Williamson Act contracts to verify withdrawals prior to each phase.
10. Third party monitor for inspections. (this third party monitor can be paid by incurred fines after the first year)
11. Mandatory fines for infractions and monetary payments on a schedule increasing with each infraction or by severity of infraction.
12. Mandatory reclamation of all previously mined land not mandated under previous mining permits to be completed to State and Federal Requirements prior to expansion or new permitting of all facilities.
13. Mandatory facility shutdown due to water shortage or drought.
14. All EIR's must describe the wafer quality monitoring program and also the contingency plans to address spills or leaks a the site.
15. The EIR's allow for possible future changes in projects, like deeper mining. Any changes should be looked at for additional environmental impacts or no changes should be allowed after permitting without a new EIR, public notice and comment period.

Response 44-13

The County has the authority to enforce conditions of approval. Absent identification of specific violations from a particular facility, the County is unable to respond in a specific fashion. The County has adequate regulatory authority to monitor mining projects in Fresno County. Section 858 of the Fresno County Ordinance Code provides extensive regulation and monitoring of mining operations in the County including regulations on mining, processing, environmental information production and monitoring, reporting requirements, financial assurances, annual inspections, and reclamation standards. Additionally, the California Surface Mining and Reclamation Act found in the Public Resources Code, Division 2, Chapter 9, Section 2710 *et seq.* comprehensively regulates all surface mining and reclamation throughout the State of California including annual reporting and inspections of mine sites. Additionally, the California State Mining and Geology Board has promulgated extensive regulations implementing and interpreting SMARA to which all mining projects throughout the State are subject. These regulations are found in the California Code of Regulations

Title 14, Division 2, Chapter 8, Subchapter 1. Compliance with the tenets of SMARA, including the State Mining and Geology Board regulations, are strictly monitored by the State Department of Conservation. No new regulations are proposed at this time.

The remainder of this comment, requiring 15 different conditions prior to a moratorium being lifted on the approval of mining projects repeats verbatim Comment 11-3. Therefore, please see Response 11-3 for the County's response to these comments.

Comment 44-14

Per the Kings River Water District letter dated 9/8/1998, the Draft EIR docs not satisfy the requirements of the California Environmental Quality Act and related Regulations. Therefore, the Draft EIR should be rejected by the County of Fresno as inadequate and deficient.

Response 44-14

Volume 2 of the 1999 EIR provides the County's response to the Kings River Water District letter dated September 8, 1998. That EIR was certified by the County and is not at issue here. This volume is available at the County's website at the following link: [http://www.co.fresno.ca.us/4510/4360/environmental/KingsRiverSandGravel-3-a-EIR\(1999\)-Volume1.pdf](http://www.co.fresno.ca.us/4510/4360/environmental/KingsRiverSandGravel-3-a-EIR(1999)-Volume1.pdf).

Comment 44-15

The cumulative impact analysis required by CEQA must identify related projects, summarize the effects of those projects, and provide a reasonable analysis of cumulative impacts. All aspects of this EIR are inadequate, deficient and out dated. This study is almost ten years old and many updates and changes are needed.

Response 44-15

The cumulative impacts of the CMI Kings River, the existing Vulcan Materials, and Central-Valley Ready Mix projects were fully analyzed in the 1999 EIR. This SEIR also evaluated the Vulcan Materials expansion project and the Jesse Morrow Mountain project. Additionally, due to extensive comments on the cumulative impacts of this project and the recently approved Vulcan Materials project, additional clarifications and amplifications of cumulative impacts for area projects have been provided, including water supply. The clarifications found in the discussion do not alter the overall levels of significance previously set out in the Draft SEIR. The revised Cumulative Impacts discussion is located in Section 3.4.4 of this Final SEIR.

Comment 44-16

It is my understanding the Planning Commission must approve all mitigation measures proposed. Many of these measures are not good for the environment or fair to the residents of eastern Fresno County who live within the sphere of these four mines. Our future generations will be greatly impacted by **YOUR** decisions.

Response 44-16

The Supplemental EIR and the 1999 EIR evaluated the Project's impacts on the environment. Further, any potential adverse impacts resulting from the mitigation measures were evaluated as required by CEQA. Absent identification of which mitigation measures are not good for the environment or are not fair to the residents of eastern Fresno County and the rationale thereof, the County is unable to offer a specific response to this comment.

4.3.27 Russell Wilkins, July 6, 2007

Comment 45-1

I am opposed to this project.

Response 45-1

Comment noted. The EIR is not a decision document and does not either advocate approval or denial.

Comment 45-2

The increased traffic, and air pollution alone would have detrimental effects not only to the project, but would extend for twenty miles across the area.

Response 45-2

Section 3.2 (Air Quality), Section 3.5 (Traffic), and Section 3.7 (Cumulative Impacts) of the Supplemental EIR evaluate the Project impacts raised by the comment.

Comment 45-3

If the effects were to be mitigated by corrective measures, the county would be responsible for monitoring compliance and would

have to use increased funds to support the operation of a private venture.

Response 45-3

The County will be responsible for monitoring compliance with identified Conditions of Approval. However, the County may charge the Applicant a reasonable fee to monitor compliance with mitigation measures rather than using its budget/funding.

4.3.28 Timothy Wilkins, June 5, 2007

Comment 46-1

This letter is in response to the "...gravel project" near the Kings River. I am opposed to the project in particular to transport rock to Malaga. Railroad exists near the raining area and could easily be used. This would eliminate the pollution associated with the enormous trucking proposed.

Response 46-1

Commenter's opposition to the Project has been noted. The EIR is not a decision document and does not advocate the approval or denial of the Project. The air quality impacts associated with trucking are evaluated in Section 3.2 of the Supplemental EIR.

5.0 Preparers and Persons Consulted
