2.0 RESPONSES TO COMMENTS

Letter No.	Date	Commentor	Affiliation
9	October 16, 2000	David A. Nelson	California Department of Parks and Recreation, Northern Buttes District
10	October 16, 2000	James and Marcella Crockett	Burney Resource Group
11	October 13, 2000	Joe Studenicka	Save Burney Falls
12	October 16, 2000	Dale LaForest	Dale LaForest & Associates
13	October 16, 2000	Jeffery J. Swanson	Save Burney Falls
14	October 16, 2000	J. Phyllis Fox, Ph.D.	Save Burney Falls
15	October 14, 2000	Frank Wilkins	

2.2 RESPONSIBILITIES OF THE COMMENTOR

CEQA Guidelines Section 15132(d) requires that the Final EIR consist of the responses of the Lead Agency to signficnat environmental points raised in the review and consultation process. In addition, CEQA Guidelines Sections 15201 and 15204 discuss public participation regarding the review and evaluation of EIRs. Specifically, Section 15204 states the following:

> *(a) In reviewing draft EIRs, persons and public agencies should focus 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 might 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. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project.* ***CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commentors. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR*** [Emphasis added].
>
> *(c) Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to* [CEQA Guidelines]

Section 15064, an effect shall not be considered significant in the absence of substantial evidence.

(d) *Reviewing agencies or organizations should include with their comments the name of a contact person who would be available for later consultation if necessary.* ***Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility*** [Emphasis added].

(e) *This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section.*

(f) *Prior to the close of the public review period for an EIR or mitigated negative declaration, a responsible or trustee agency which has identified significant effects on the environment may submit to the lead agency proposed mitigation measures which would address those significant effects. Any such measures shall be limited to impacts affecting those resources which are subject to the satutory authority of that agency. If mitigation measures are submitted, the responsible or trustee agency shall either submit to the lead agency complete and detailed performance objectives for the mitigation measures, or shall refer the lead agency to appropriate, readily available guidelines or reference documents which meet the same purpose.*

Letter 1

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse

Gray Davis
GOVERNOR

Steve Nissen
ACTING DIRECTOR

October 6, 2000

SHASTA COUNTY
OCT 11 2000
Planning Division

Bill Walker
Shasta County Dept. of Resource Management
1855 Placer Street
Suite 103
Redding, CA 96001-1759

Subject: Eastside Aggregates Project
SCH#: 2000062079

Dear Bill Walker:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 5, 2000, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

I-1

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

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

I-2

Sincerely,

Terry Roberts

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

Letter 1 Governor's Office of Planning and Research, State Clearinghouse, Terry Roberts, Senior Planner

Response to Comment 1-1

Of the agencies to which the State Clearinghouse submitted the Draft EIR for review, comments were received from the following:

1) Department of Conservation, Office of Governmental and Environmental Relations.

2) Department of Conservation, Office of Mine Reclamation.

Letter 2 provides responses to comments to the first letter, and Letter 3 provides responses to comments to the second letter.

Response to Comment 1-2

Comment noted. The County acknowledges receipt of the notice of compliance.

Letter 2

State of California **The Resources Agency**

MEMORANDUM

To: Project Coordinator
Resources Agency

Date: October 5, 2000

Mr. William Walker
Shasta County Dept. of Resource Management
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759

10-5-00

From: **Department of Conservation**
Office of Governmental and Environmental Relations

Subject: Eastside Aggregates Project Draft Environmental Impact Report (DEIR)
SCH #2000062079

The Department of Conservation's Office of Mine Reclamation (Office) has reviewed Draft Environmental Impact Report (DEIR) for the referenced project. The Office has statewide responsibility for the administration of the 1975 Surface Mining and Reclamation Act (SMARA). The Office previously conducted a visit of the site on August 3, 1999, and commented on the reclamation plan in letters dated August 30, 1999 and December 3, 1999 (copies attached). We offer the following additional comments.

The 85-acre Eastside Aggregates project is located immediately adjacent to the eastside of State Route 89, approximately 3.7 miles north of the intersection of State Route 89 and State Route 299 East. Over the next 30 years, 900,000 tons of basalt rock are proposed for excavation.

2-1

SMARA and the State Mining and Geology Board regulations for surface mining and reclamation practice require that specific items be addressed or included in reclamation plans (SMARA, Public Resources Code Section 2710 et seq.; and, California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq., and Article 9, Section 3700 et seq.). Several of our previous reclamation plan comments pertaining to SMARA and CCR requirements were not addressed in the DEIR, but remain applicable to the project. The reclamation plan should be supplemented to adequately address the issues raised by these comments, as follows.

End Land Use

(Refer to SMARA Section 2772(c)(7) and (8); and, CCR Sections 3707 (a) and (c), and 3708)

1. SMARA 2772(c)(8) requires that reclamation plans include a description of the reclamation measures adequate for the proposed end use. For compliance monitoring, as well as revegetation logistics, the number of trees and shrubs

should be expressed in numbers rather than as percentages, contrary to the specifications in the "Revegetation Policies" section of the reclamation plan. The reclamation plan states that the quarry floor will be compacted to a relative compaction level of 90 percent. We highly recommend that those areas at the toe of the quarry face not be compacted, or if compacted, be compacted to 80 percent or lower relative compaction. As a rule, the roots of grasses, shrubs and trees, cannot penetrate 90 percent compaction. Without conducting test plots, however, it cannot be proven that the grasses planted on the topsoil placed over this compacted area will survive. Therefore, we recommend that test plots be conducted pursuant to CCR Section 3705(b) to determine long-term plant survivorship at whatever level of compaction is ultimately proposed.

Resoiling and Revegetation

(Refer to SMARA Section 2773(a). Also, see CCR Sections 3503(a)(1), (f) and (g); 3704(c); 3705(a)-(m); 3707(b) and (d); and, 3711(a)-(e))

2. The reclamation plan states that success for the revegetation of grass areas would be 80 percent vegetative cover, and for trees and shrubs, "80 percent survival of trees and shrubs planted...." However, CCR Section 3705(m) requires that revegetation success be quantified by cover, density and species richness. Using one success criterion alone would not ensure adequate revegetation. For example, by using only the cover criteria for measuring success, it is conceivable that the site could be deemed successfully revegetated with 80 percent cover by a single non-native invasive species. Therefore, success criteria for the grass areas should also specify species richness, and for shrub and tree plantings, species richness and density. Using the required success criteria, an appropriate standard for trees and shrubs might be: "X number of trees and X number of shrubs surviving per unit area" for plant density; and, "X number of different shrub species (including native volunteers) per unit area are surviving," for species richness.

3. CCR Section 3705(j) requires that if irrigation is used to establish plants, the operator must demonstrate that the vegetation has been self-sustaining (without irrigation) for at least two years prior to release of financial assurances. The containerized plants may have to be irrigated several times during the summer if summer precipitation is low. To determine the best strategy for successfully establishing self-sustaining plants, we recommend test plots that compare fall to spring planting, as well as irrigation vs. non-irrigation. Test plots may also help identify the most cost-effective method of establishing containerized plants.

4. CCR Section 3705(k) requires that noxious weeds be managed when they threaten the success of revegetation. We recommend that a threshold be developed for the level of weeds that will be tolerated before control measures are implemented. Also, all mulch and straw should be certified "weed-free" to reduce

the introduction of weedy species onto the project site. We recommend that the areas proposed for shrubs and trees be fertilized conservatively. Fertilizer can stimulate the growth and proliferation of weedy species. Further, we recommend that if fertilizer is required, a slow release form be used in the shrub and trees areas, as native species are adapted to low levels of fertilizer.

5. CCR Section 3705(l) requires that when the success of revegetation efforts may be threatened by grazing, trampling, herbivory, or other causes, the reclamation plant should identify protection measures. Newly planted trees and shrubs should be protected from deer browse, or, at a minimum, test plots conducted to determine the extent, if any, that protection will be needed against browse damage.

6. CCR Section 3705(d) requires that following mining, roads be stripped of roadbase materials and resoiled and revegetated. The reclamation plan states that the roads will be ripped but does not indicate whether they will be revegetated.

7. The reclamation plan states that monitoring of the site will either be conducted by the County, or a consultant hired by the applicant. We recommend that this decision be made prior to plan approval.

Please send a copy of the approved reclamation plan, response to our comments, and the permit issued by you as lead agency under SMARA, to the Office of Mine Reclamation, Reclamation Unit, at 801 K Street, MS 09-06, Sacramento, CA 95814-3529. The approved documents will be placed in the Office of Mine Reclamation files.

Thank you for the opportunity to review and comment on the DEIR. If you have questions on these comments, or require technical assistance or information on other mine reclamation issues, please call the Offices' Reclamation Unit Manager, James S. Pompy, at (916) 323-8565. You may also call me at (916) 445-8733.

Jason Marshall
Assistant Director

Attachments

cc: James S. Pompy

STATE OF CALIFORNIA -- THE RESOURCES AGENCY GRAY DAVIS, Governor

DEPARTMENT OF CONSERVATION
801 K Street, MS 09-06
Sacramento, CA 95814
TEL: (916) 323-9198
FAX: (916) 445-6066
EMAIL: omrcal@consrv.ca.gov

Attachment to Letter Z

August 30, 1999

William Walker, Associate Planner
Planning Division
Shasta County Department of Resource Management
1855 Placer Street, Suite 103
Redding, CA 96001

Dear Mr. Walker:

Hat Creek Construction's Eastside Aggregate Reclamation Plan

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Reclamation Plan for Eastside Aggregate. The 85-acre project is located immediately adjacent to the east side of State Route 89, approximately 3.7 miles north of the intersection of State Route 89 and State Route 299 East. Over the next 30 years, 900,000 tons of basalt will be excavated. The mine site will be reclaimed for industrial uses in three ten-year phases. On August 3, 1999, a site visit was conducted by staff from OMR. The following comments prepared by Catherine Gaggini and Karen Wiese are offered to assist in your review of this project.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq.; Article 9, Section 3700 et seq.) require that specific items be addressed or included in reclamation plans. The reclamation plan addresses many of the requirements of SMARA and the CCR. The following items were either not included or not sufficiently addressed in the documents we reviewed. The reclamation plan should be supplemented to adequately address these items.

Mining Operation and Closure
(Refer to SMARA Sections 2770.5, 2772(c) (1), (c)(2), (3), (c)(4), (c)(5), (c)(6), (c)(9), CCR Section 3502(b)(2), (b)(5), 3709(a), (b), 3713(a), (b))

1. The reclamation plan maps should be augmented to show the dike proposed to be built east of the former log pond. This dike is being constructed to prevent flooding of the project area. The plans should also be supplemented to show the setback from the toe of the cut-slopes (see discussion below). The setback should be to scale.

End Land Use

(Refer to SMARA Section 2772(c)(7), (c)(8), CCR Section 3707 (a), (c), 3708)

2. SMARA 2772(c)(8) requires that the reclamation plan include a description of the reclamation measures adequate for the proposed end use. For compliance monitoring, as well as revegetation logistics, the number of trees and shrubs should be expressed in numbers rather than a percent, as specified in the "Revegetation Policies" section of the reclamation plan. The reclamation plan states that the quarry floor will be compacted to a relative compaction rate of 90 percent. Without conducting test plots, it cannot be proven that the grasses planted on the topsoil placed over this area will survive. The roots of grasses, shrubs and trees, cannot penetrate a 90 percent compaction rate. We recommend that test plots be conducted pursuant to CCR Section 3705(b) to determine long term plant survivorship at a 90 percent compaction rate. We highly recommend that those areas at the toe of the quarry face not be compacted or be compacted to 80 percent or lower relative compaction rate.

Resoiling and Revegetation

(Refer to SMARA Section 2773(a), CCR Sections 3503(a)(1), (f), (g), 3704(c), 3705(a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), 3707(b), (d), 3711(a), (b), (c), (d), (e))

3. The reclamation plan states that eighty percent coverage is expected for the grass areas. CCR Section 3705(m) requires that success be quantified by cover, density and species richness. The success criteria for the grass areas must include species richness criteria. It is possible that the site may achieve 80 percent cover of one non-native invasive species and technically that would be deemed successful according to the success criteria in the plan. Success criteria for the shrub and trees species should specify species richness and density. The reclamation plan states that "Vegetative success will be measured as 80% survival of trees and shrubs planted...." Success criteria for trees and shrubs should include measurements for density and species richness. For example, the plan could state "X number of trees and X number of shrubs surviving per unit area" as a density measurement. The species richness criteria could state "success criteria will be met when species richness for shrub species is X number of different species (including native volunteers) per unit area are surviving."

4. CCR Section 3705(j) requires plants that are irrigated to be self-sustaining (without irrigation) for two years. The containerized plants may have to be irrigated several times during the summer if summer precipitation is low. Test plots that compare fall to spring planting, as well as irrigation vs. non-irrigation, may resolve some of these issues and provide the most cost effective method of establishing containerized plants.

5. CCR Section 3705(k) requires that noxious weeds be managed when they threaten the success of the revegetation effort. We recommend that a threshold be developed for the level of weeds that will be tolerated before control will be implemented. All mulch and straw should be certified "weed-free" to reduce the introduction of weedy species onto the project site. We recommend that the area proposed for shrubs and trees not be fertilized with such a high rate of fertilizer. Fertilizer can stimulate the growth and the

[redacted]

proliferation of weedy species. We recommend that a slow release fertilizer be used in the shrub and trees areas, if needed, since native species are adapted to low levels of fertilizer.

6. CCR Section 3705(l) requires protection measures to be used when the success of revegetation efforts are threatened by grazing, trampling, herbivory, or other causes.

   Newly planted trees and shrubs should be protected from deer browse or test plots conducted to determine the extent, if any, of browse damage.

7. CCR Section 3705(d) requires that roads be stripped of roadbase materials and resoiled and revegetated. The reclamation plan states that the roads will be ripped but does not indicate if they will be planted.

8. The reclamation plan states that monitoring of the site will be conducted by the County or a consultant hired by the applicant. We recommend that this decision be made prior to plan approval.

Geotechnical Requirements

(Refer to CCR Sections 3502(b)(3),(b)(4), 3704 (a),(b),(d),(f))

9. We recommend that the reclamation plan be supplemented to specify a reasonable setback from the toe of the cut-slopes. The setback should be described as building setback in the plan. Slope angles for the undisturbed fault scarp range from 2:1 (horizontal to vertical) to near vertical. The plan proposes a final slope of 1:1 with a maximum height of 85 feet. Because the fault is active, we recommend a building setback of no less than 50 feet from the toe of the 1:1 slope. Revegetation of the setback area with trees and shrubs should help retain small rock topples within the setback area.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

James S. Pompy, Manager
Reclamation Unit

STATE OF CALIFORNIA – THE RESOURCES AGENCY GRAY DAVIS, GOVERNOR

DEPARTMENT OF CONSERVATION
801 K Street, MS 09-06
Sacramento, CA 95814
TEL: (916) 323-9198
FAX: (916) 445-6066
EMAIL: omrcal@consrv.ca.gov

Attachment to Letter 2

December 3, 1999

William Walker
Shasta County Dept. of Resource management
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759

Initial Study for the Hat Creek Construction
Eastside Aggregates Reclamation Plan

Dear Mr. Walker:

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Initial Study Eastside Aggregates Reclamation Plan, Hat Creek Construction's. The 85-acre project is located immediately adjacent to the eastside of State Route 89, approximately 3.7 miles north of the intersection of State Route 89 and State Route 299 East. Over the next 30 years, 900,000 tons of basalt rock will be excavated. A site visit was conducted by OMR staff on August 3, 1999. OMR previously commented on the reclamation plan in a letter dated August 30, 1999 enclosed. Our previous reclamation plan comments remain applicable to the project.

Please send a copy of the approved reclamation plan, response to our comments, and permit issued by you as lead agency under SMARA to the Office of Mine Reclamation, Reclamation Unit at 801 K Street, M.S. 09-06, Sacramento, CA 95814-3529. The approved documents will be placed in the Office of Mine Reclamation files.

If you have questions on these comments or require assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

James S. Pompy, Manager
Reclamation Unit

RECEIVED
OCT 5 2000
STATE CLEARINGHOUSE

Enclosure

Letter 2 Department of Conservation, Office of Governmental and Environmental Relations, Jason Marshall, Assistant Director

Response to Comment 2-1

This comment indicates that specific items pertaining to surface mining and reclamation practices be included in the reclamation plan. Although these requirements have not been incorporated as mitigation measures in the Draft EIR, they will be added to the reclamation plan. These requirements are summarized in the remaining portion of this comment letter, which include specifics regarding end land use and resoiling and revegetation.

The commentor requests that a copy of the approved reclamation plan, responses to comments, and the permit be forwarded to the office of Mine Reclamation.

This comment is presented here for consideration by the Planing Commission and the Board of Supervisors.

Letter 3

MEMORANDUM

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
1855 Placer Street, Redding, CA 96001

Environmental Health
Suite 201
225-5787

Administration
Suite 200
225-5789

Air Quality Management
Suite 101
225-5674

Planning Division
Suite 103
225-5532

Community Education Section
Suite 200
225-5789

Building Division
Suite 102
225-5761

TO: Russ Mull, Director of Resource Management

FROM: Jim Smith, Environmental Health Division Manager Jim

DATE: September 19, 2000

SUBJECT: EASTSIDE AGGREGATES PROJECT

I have reviewed the Eastside Aggregates Project Draft EIR and have the following comments:

Pg 1-4	Grading permits are obtained from the Department of Resource Management Environmental Health Division (DRMEHD). However, mining projects covered under the DRM Planning Division SMARA program are exempt from the need to obtain a grading permit. Any grading activities not directly related to mining would need to be authorized by a grading permit from this Division.	3-1
Pg 2-17	See above comment.	3-2
Impacts Analysis Section 4.6-3 (bottom of page)	The EHD does not monitor the removal of aboveground tanks.	3-3
Impact Analysis Section 4.6-4 (top of page)	The Shasta County Fire Department is the correct agency to contact for hazardous materials response or identification services.	3-4
Impacts Analysis Section 4.6-9	The Regional Water Quality Control Board would require the preparation of an SPCC for the aboveground tank.	3-5

Please do not hesitate to contact me if you have any questions.

JS/pw

Letter 3 Shasta County Department of Resource Management, Jim Smith, Environmental Health Division Manager

Response to Comment 3-1

Comment noted. Pages 1-4 and 1-5 of the Draft EIR are modified to read as follows:

> The Environmental Health Division is the primary agency responsible for overseeing the commercial use and storage of hazardous materials within the Project Area. Among its activities is the review, approval and monitoring of "business plans", which must be filed by every business that utilizes hazardous materials. Included in each plan is a listing of materials, storage facilities and any particular handling requirements. ***Another responsibility of the Environmental Health Division is the issuance of grading permits. Mining projects covered under the Planning Division's SMARA program are exempt from the need to obtain a grading permit. However, any grading activities not directly related to mining would require a grading permit from the Environmental Health Division. Such activities would include the outdoor sales area and the truck repair shop.***

Response to Comment 3-2

Comment noted. Mitigation Measure 4.5.4a on Page 2-17 and on Pages 4.5-12 and 4.5-13 of the Draft EIR is modified to read as follows:

MM 4.5.4a The project applicant shall submit and receive approval of a grading plan ***for the project activities located in the proposed C-M zone,*** ~~with which all project grading and construction work shall be in compliance~~. The ~~Building~~ ***Environmental Health*** Division shall review the grading plan and shall inspect the project site at the time grading work is performed and completed. The Planning Division shall conduct ongoing monitoring to ensure that the objectives of the grading plan have been met.

Timing/Implementation: Grading plan to be submitted and approved prior to issuance of grading permit. Monitoring to be conducted during project implementation and thereafter as part of an annual mine inspection program.

Enforcement/Monitoring: Shasta County Department of Resource Management - Planning Division, ~~Building~~ ***Environmental Health*** *Division.*

Response to Comment 3-3

Comment noted. Page 4.6-3 of the Draft EIR is modified to read as follows:

- Monitoring the installation, removal and leakage of ~~both aboveground and~~ underground tanks. ***The Regional Water Quality Control Board is responsible for oversight of aboveground tanks.***

Response to Comment 3-4

Comment noted. Page 4.6-4 of the Draft EIR is modified to read as follows:

~~The Environmental Health Division indicates that it is being equipped to provide hazardous materials identification services in Shasta County. As part of this service, the County will be able to respond to requests for assistance in identifying unknown materials to determine if they are dangerous.~~

OTHER AGENCIES

The Shasta County Air Quality Management District (SCAQMD) has regulations concerning the emission of certain substances. Large cases of hazardous material contamination and violations are referred to the Regional Water Quality Control Board (RWQCB) and the California Department of Toxic Substances Control (DTSC). The DTSC is responsible for much of the state regulations pertaining to hazardous materials and wastes. The Shasta County Fire Department has requirements pertaining to the containment of onsite hazardous materials. ***It is also responsible for providing hazardous materials response and identification services for the County. As part of this service, the County will be able to respond to requests for assistance in identifying unknown materials to determine if they are dangerous.***

Response to Comment 3-5

The Regulatory Framework subsection of Section 4.6, Hazards and Hazardous Materials, describes the procedures under the Aboveground Petroleum Storage Act that project applicants must follow.

Please refer to Page 4.6-3 of the Draft EIR.

Letter 5

September 27, 2000

Russ Mull, Director
Department of Resource Management
Shasta County Planning Division
1855 Placer Street
Redding, CA 96001

Re: E.I.R. for Eastside Aggregates:

Dear Mr. Mull

I have reviewed the E.I.R. for the Eastside Aggregates Project. I have only one item that concerns me. That is MM 4.8.8b on page 4.8-16 which states:

"Blasting shall not create any vibration detectable without instruments at or outside of the parcel boundaries."

This mitigation is overly restrictive and there is no science to justify it. MM 4.8.8c is the standard that is used in conducting blasts. MM 4.8.8b is purely subjective with no evidence that a vibration however minute is harmful. Since the only requirement is that someone thinks they feel a vibration, complaints to blasting could be made by anyone and there would be no way to check if they are true or not. People in the area should not be startled by blasting since MM 4.8.8e requires Eastside Aggregates to notify all residences and businesses within 1.5 mile of the blast site prior to a blast. 5-1

It needs to be noted that MM 4.8.8b states detection of a blast will be at the parcel boundary while MM 4.8.8c requires monitoring a blast between the nearest residence and blast site. Eastside Aggregates will be blasting near their eastern property line. The parcel line requirement is not applicable since there are no residences on the property to the east and there will not be any in the future. This land is owned by Fruit Growers and is zoned Timber Production District[1]. Residential homes are not a permitted use in this district. This zoning district only permits living quarters for person fully and necessarily employed on the premises with the issuance of a use permit[2]. 5-2

Please remove MM 4.8.8b as a mitigation measure from the E.I.R. 5-3

Sincerely,

Keith Hamblin

[1] Personnel comm. Marcellano Gonzalez March 25, 1999. C-F zone changed to TP zone.
[2] Page 23 Shasta County Zoning Plan.

Letter 5 Keith Hamblin, The Land Designers

Response to Comment 5-1

Mitigation Measure 4.8.8b was based upon standard mitigation measures for blasting that were developed by Shasta County. The project is required to abide by all local regulations, ordinances and standards, which have been developed to minimize potential impacts..

Response to Comment 5-2

Comment noted. Mitigation Measure 4.8.8b is modified to read as follows:

MM 4.8.8b Blasting shall not create any vibration detectable without instruments at ~~or outside of~~ the parcel boundaries ***of the nearest residence to the project site.***

Response to Comment 5-3

Please refer to Response to Comment 5-1.

Letter 4

MEMORANDUM

SHASTA COUNTY DEPARTMENT OF RESOURCE MANAGEMENT
1855 Placer Street, Redding, CA 96001

Environmental Health
Suite 201
225-5787

Planning Division
Suite 103
225-5532

Administration
Suite 200
225-5789

Community Education Section
Suite 200
225-5789

Air Quality Management
Suite 101
225-5674

Building Division
Suite 102
225-5761

TO: Russ Mull, Director of Resource Management

FROM: R. Michael Kussow, Air Pollution Control Officer

DATE: September 29, 2000

SUBJECT: Comments on August 2000 Draft EIR
Eastside Aggregates Project (UP99-17)

The District has reviewed the referenced Draft EIR and has the following comments:

Page 4.3-15

The last paragraph on this page refers to results shown in Table 4.3-7 that indicate impacts from existing sources are highest within 100 meters of each facility. We believe that this statement should read..."are generally highest within approximately 1000 meters of each facility". 4-1

Appendix C-Table 4-1

Table 4-1 should be revised to reflect actual regulations for Shasta County. It appears that the listed Rules are from another Air District. Rule 2.13 should be replaced with a reference to our Rule 5. Rule 4.4 should be replaced with a reference to our Rule 3.2. Rule 4.12 should be replaced with a reference to our Rule 3.1 and the description changed to "State and Federal Laws". Rules 4.5, 4.13, 6.1, and 6.2 should be eliminated altogether, since we have no similar regulations. 4-2

Appendix C-Table 4-10

The 24-hr PM^{10} impact for the project is projected to be 50 $\mu g/m^3$ using screening level modeling. The author suggests that use of on-site meteorological data would show a substantial reduction in potential impacts. Without actually providing a more detailed analysis (ISCST3) using available meteorological data from a nearby source such as Brush Mountain as was done for the Three Mountain Power project, this impact may appear to be significant since an increment equal to the entire State ambient air quality standard for PM^{10} is suggested to be consumed by the project. We would recommend that this part of the EIR be revised and supplemented with an ISCST3 modeling run using local meteorological data to confirm that actual predicted project impact is much less than the above so that the document may be able to make a definitive finding that this project impact is not significant. 4-3

c: Bill Walker, Associate Planner, Planning Division

Letter 4 **Shasta County Department of Resource Management, R. Michael Kussow, Air Pollution Control Officer**

Response to Comment 4-1

Comment noted. The commentor is correct; impacts are generally highest within approximately 1,000 meters of each facility. However, this would not change the cumulative impact analysis of presented in the DEIR.

Response to Comment 4-2

Comment noted. Table 4-1 of Appendix C is modified to read as follows:

Regulation	*Description*	*Specific Standard*
Rule 2.1	Permits required	Any new source must obtain an ATC prior to construction of the facility unless specifically exempt from the District Rules and Regulations
~~Rule 2.13~~ ***Rule 5***	Title V Permits	Misc. administrative requirements for major sources
Rule 4.2	Nuisance	Discharge of any air contaminant that causes injury, annoyance, discomfort or safety is prohibited
~~Rule 4.4~~ ***Rule 3.2***	Specific Air Contaminants	Limits of emissions of NOx, CO, SO_2, PM and Fluorine compounds
~~Rule 4.5~~	~~Particulate Matter~~	~~Limits on hourly PM emissions for a given process wt.~~
Rule 4.12 ***Rule 3.1***	~~New Source Performance Standards~~ ***State and Federal Laws***	Subpart I limits opacity and concentration of particulate matter
~~Rule 4.13~~	~~National Standards or Hazardous Air Pollutants~~	~~Limits on discharge of certain hazardous air pollutants~~
~~Rule 6.1~~	~~Standards for Permits to Construct~~	~~Misc. requirements related to BACT, emission calculations and offsets.~~
~~Rule 6.2~~	~~Standards for Permits to Operate~~	~~Misc. requirements.~~
AB 2588	Toxic "Hot Spots" Act	Facilities ~~emission~~ ***emitting*** any regulated pollutant considered a toxic air contaminant must prepare an emissions inventory and possibly a health risk assessment

Response to Comment 4-3

ISCST3 model was run using one year of meteorological data (from Three Mountain Power). The analysis indicates that maximum 24 hour PM10 concentration would be 20.8 ug/cubic meters. Previously, the screening level analysis predicted 50 ug/cubic meters. This confirms that the project would not violate California's 24 hour PM10 standard. A copy of the modeling analysis appears in Appendix C.

Letter 6

MIRIAM GREEN ASSOCIATES

September 15, 2000

Russ Mull, Director
Shasta County Department of Resource Management, Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001

RE: Eastside Aggregate/Hat Creek Construction Project

Dear Mr. Mull:

In 1999, *Miriam Green Associates* conducted field surveys for special-status species on the Eastside Aggregates project site and also worked in conjunction with *Glazner Environmental Consulting* to prepare the wetland delineation. After reviewing the Draft EIR for the proposed project, I have the following comments:

re Mitigation Measure 4.4.1a - The May 15 date to conduct a nesting survey for active bald eagle and osprey nests should be a guideline only. Depending upon the weather, a nest survey could be conducted anytime after about April 15. 6-1

re Impact 4.4.3 - While the 1996 North State Resources study may have only included a portion of the entire project site, our work in 1999 included the entire project site. A total of 0.71 acre of wetlands (all waters of the United States) occurs on the property. A map of these wetlands is included in the wetland delineation prepared by *Glazner Environmental Consulting* (1999). There are no vernal pools on the project site and no suitable supporting habitat for any of the orcutt grasses. This wetland delineation was verified by the U.S. Army Corps of Engineers by a letter dated August 19, 1999. Therefore, there is no need for Mitigation Measures 4.4.3a or 4.4.3b. 6-2

Regarding the statement on Page 4.4-8 that a request for water quality certification would be required. A request for water quality certification for the project was submitted to the California Regional Water Quality Control Board, Central Valley Region (RWQCB), on September 1, 1999 with a check for $500.00. On September 15, 1999, a letter was received from the RWQCB that the application was received and would remain incomplete until a copy of the final environmental documentation (i.e., EIR and Notice of Determination) was received. 6-3

Sincerely,

Miriam Green

Miriam Green
Wildlife Biologist

cc. Perry Thompson, Hat Creek Construction
Keith Hamblin, The Land Designers

ENVIRONMENTAL CONSULTANTS
1321 42nd Street ▪ Sacramento, CA 95819-4005
TEL: (916) 452-2072 ▪ FAX: (916) 736-0557

Letter 6 Miriam Green, Miriam Green Associates

Response to Comment 6-1

Comment noted. Mitigation Measure 4.4.1a is modified to read as follows:

MM 4.4.1a The project applicant shall retain a qualified wildlife biologist to conduct an annual survey for active bald eagle and osprey nests within one-quarter mile of the active operational areas of the quarry. The survey shall be conducted ~~on~~ ***from April 15 to*** May 15 of each year, ***depending upon weather conditions***. If an active nest is found within one-quarter mile of the active operational areas of the quarry, no blasting shall occur until the young have fledged. The biologist shall submit a report to the Planning Division after completion of the survey. This measure does not preclude blasting activities occurring prior to the survey date.

*Timing/Implementation: **April 15** - May 15 of each year.*

Enforcement/Monitoring: Shasta County Department of Resource Management - Planning Division

Response to Comment 6-2

The 1999 survey report cited by the commentor did not explicitly state that vernal pools and slender orcutt grass did not exist on the project site. A discussion of special-status species in the report did not include any information on the existence of special-status plant species. The report does mention that areas of standing water identified in the survey are highly disturbed, have slash wood present in them, and support few wetland plants typical of ponds or seasonal wetlands in the region. However, the report did not definitively state that no special-status plant or animal species associated with vernal pools did not exist in these wetland areas.

Response to Comment 6-3

Comment noted. Page 4.4-8 of the Draft EIR is modified to read as follows:

A request for water quality certification (including WDRs) by the RWQCB would be required for any project which would need a Section 404 permit from the ACOE. ***A request for water quality certification for the project was submitted to the RWQCB in September 1999. The RWQCB responded that the application would remain incomplete until a copy of the final environmental documentation for the project is received.*** A Notice of Intent application for a General Permit for Storm Water Discharges Associated with Construction Activities is required for any project which would result in the disturbance of five or more acres.

Fossil Fuels Policy Action Institute

Member, Alliance for a Paving Moratorium

1-707-826-7775
fax: 707-822-7007

Letter 7

October 6, 2000

Russ Mull, Director
Bill Walker, Associate Planner
Shasta County Department of Resource Management
1855 Placer Street, Suite 103
Redding California 96001

Gentlemen:

Re DEIR for Proposed Eastside Aggregates/Hat Creek Construction Project

Our organization, which has members and subscribers in Shasta County and nationally, is opposed to more asphalt "plants." First, we call your attention to the reality of petroleum supply constraint as dictated by geology. In the U.S., finding oil at the turn of the millennium is a matter of deciding whether or not to use more energy than the extracted oil will provide. The U.S. production peak was three decades ago and has declined ever since, predictably according to the Hubbert Curve. Oil prices are low even today, compared to the real cost hidden by subsidies and "externalities."

More paving is unsustainable, and the nation cannot afford to maintain its roads. Not only will there not be petroleum available in a few years for the proposed asphalt plant; the few asphalt plants operating some years from now will receive enough feedstock to just repair some of the roads. 7-1

Global warming is reality, due mainly to fossil fuels combustion. Climate destabilization is getting out of control, but your proposal would not leave oil in the ground where it belongs. More paving means more motor vehicles spewing pollution and adding to climate change. Trucks are the dominant mode for land freight, eight times as consumptive of energy as rail transport.

We understand from information provided, that the asphalt plant would have a diesel generator that would meet or exceed SCAQMD standards for NOx emissions. Asphalt fumes sicken people with the volatile organic compounds and other pollutants. Your proposed vehicle trips involve emissions of components of smog as well as PM10 pollution. The project would require the fill of jurisdictional wetlands, but they would be deemed "non-disturbed." (How convenient.) There is an aquifer beneath the project site, which could be contaminated by the asphalt plant. Noise from such plants can be outrageous for anyone sleeping within a mile or more. 7-2

For the reasons outlined above, we urge you to do the right thing and not approve the project. For more background, contact us directly or utilize our website for Factsheet data www.lesscars.org. Thank you for your time.

Sincerely,

Jan C. Lundberg
Fossil Fuels Policy Action

Letter 7 Fossil Fuels Policy Action Institute, Jan C. Lundberg

Response to Comment 7-1

Comments noted. The comments do not address the adequacy of the Draft EIR, but they are presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 7-2

Most of the NO_x emissions generated by the project came from the diesel generator, which has been eliminated from the project. Without the diesel generator emissions, NO_x emissions are below established County thresholds for stationary sources. Impact 4.3.2 of the Draft EIR discussed the emission of HAPs and concluded that the amount of HAPs emitted posed minimal health risk to the public. Impact 4.3.3 discussed vehicle emissions and recommended mitigation measures to reduce the amount of emissions.

The Draft EIR did not state that filled jurisdictional wetlands would be considered "non-disturbed." It stated that wetlands on the project site that would not be filled would be placed in a non-disturbance area, as part of the mitigation for wetland impacts.

Section 4.7 of the Draft EIR discussed potential impacts of the project on the aquifer, and recommended mitigation measures to reduce identified potential impacts. Section 4.8 discussed potential noise impacts, and recommended mitigation measures to reduce identified potential impacts.

Letter 8

Shasta Co Dept of Resource Management, Planning Division
1855 Placer Street Ste 103
Redding, Ca., 96001
October 8, 2000

Mr. Russ Mull, Director:

I am an interested person who has been a visitor of the Intermountain area for a number of years. I would like to ask these questions of the proposed project you are considering and make the following comments.

COMMENTS ON THE DEIR FOR EASTSIDE AGGREGATES ARE AS FOLLOWS:

1. Adequate data is not provided in the EIR to demonstrate mitigation measures are feasible for the following impacts:
   a. Page 2-5, Impact 4.2.1 – The project applicant shall submit a plan to screen the project at a level adequate to obscure the view of the site from passenger vehicles on SR 89.
   COMMENTS: The applicant should demonstrate, by preparing cross sections or conducting some other analysis, that adequate screening could be provided. 8-1
   b. Page 2-12, MM 4.3.4a – If complaints are received regarding odor emissions from the asphalt plant, then the plant will be required to uses odor counteract ants.
   COMMENTS: The applicant should demonstrate the counteract ants would effectively control odors, particularly for rubberizeds asphalt. 8-2
   c. Page 2-25,MM 4.8.8b; Page 2-26, MM 4.8.8c; Page 4.8-15, Impact 4.8.8 Blasting shall not create any vibration detectable without instruments at or outside of the parcel boundaries. Blasting shall comply with standards for peak particle velocity and air overpressure. Non- test blasts were conducted to test assertions of the Alpha Explosives report.
   COMMENTS: The EIR should evaluate whether blasting vibrations will be detected at or outside the parcel boundaries and whether standards can be complied with. 8-3

2. Impact analysis may be incomplete for the following items:
   a. Page 2-22, MM 4.7.1a There is a shallow, fast moving aquifer under the site that flows towards Burney Falls and Lake Britton.
   COMMENTS: The EIR should evaluate whether high ph discharge that is associated with the ready mix plant could impact the shallow groundwater. High ph water would be generated by truck washing operations and from rainwater that comes in contact with cement dust. 8-4

b. Page 2-23, MM 4.7.2a -Drainage improvements shall be constructed to accommodate 10 year or greater flows from Burney Creek.
COMMENTS: The EIR should evaluate the impact of drainage improvements on vegetation and other factors. 8-5

c. Page 4.2.1, Section 4.2.1; Page 4.9.2, Section 4.9.1 – The Pacific Crest National Scenic Trail is within 900 feet from the eastern boundary and the main scenic attraction (Burney Falls) is ¾ mile northwest of the site.
COMMENTS: The EIR should evaluate the scenic impact of the project on the Trail and Burney Falls. Does the Trail or Falls have views of the project? 8-6

d. Page 3.1, Section 3.2 – The project would use 109 acres of a 343-acre parcel.
COMMENTS: Could approval of this project lead to additional mining within the 343-acre parcel, which would be a growth-inducing impact? 8-7

e. Page 3.8, Section 3.3 - Project operations would include the recycling of concrete and asphalt.
COMMENTS: Does the EIR evaluate the impact of recycle operations? How much traffic will be generated by the import of raw materials and sales? What is the visual impact of recycle operations, etc? 8-8

f. Page 3.12 – Other sources of material besides the quarry will be utilized. The Braden Sand Pit would supply sand to the concrete batch and asphalt plants.
COMMENTS: The EIR should identify all potential sources of material and evaluate the impacts of import from these sites. These impacts should include noise and traffic impacts along the haul routes. 8-9

g. Page 3.13, 3.14- Material, concrete and asphalt may be transported outside of the 4:am – 8: pm for public agency jobs.
COMMENTS: Does the EIR evaluate noise and other impacts of operations conducted between 8:00pm and 4:00am? The impact evaluation should include haul route impacts. 8-10

h. Page 4.5.11, Impact 4.5.3 – Kleinfelder stated the potential for localized slope instabilities due to heavily jointed bedrock need further investigation by an engineering geologist.
COMMENTS: The EIR should include the further investigation. The impacts of any recommendations proposed by this investigation should also be evaluated. 8-11

3. Miscellaneous Comments:

i. Page 2.8, MM 4.3.1d – All excavation activities shall be suspended when winds are expected to exceed 20 mph.
COMMENTS: It is not clear how this mitigation will be implemented. Who will determine when winds are expected to exceed20 mph? How will this determination be made? Will actual wind speed be measured onsite? How long does wind speed needs to exceed 20 mph for activities to halt – a gust lasting 5 seconds, steady wind for 1 hour, etc? 8-12

i. **COMMENT:** If Mrs. Fox's figures were correct would the ponds be adequate to handle that volume of water? 8.13

Would appreciate these questions and comments answered.

Sincerely,

Ms Georgia Brown
533 Apollo Ct.
Vallejo, Ca., 94591

Georgia Brown

Letter 8 Georgia Brown, County Resident

Response to Comment 8-1

Mitigation Measure 4.2.1a requires the project applicant to demonstrate that adequate screening of the site would be provided within a period of five years after planting. Also, the screening plan must be reviewed and approved by the Planning Division before the project is constructed. Annual monitoring reports would be submitted to determine if screening is adequate.

Response to Comment 8-2

The mitigation measure requires that the use of odor counteractants for any odors emitted from the asphalt plant be incorporated as a condition for issuance of a "Permit to Operate" from the Shasta County Air Quality Management District. In the event that counteractants do no mitigate odors from the flue stack, the project proponent shall use a thermal oxidizer to control odors. Mitigation Measure 4.3.4a on page 4.3-14 is revised as follows:

> **MM 4.3.4a** If complaints are received regarding the emission of odors from the asphalt plant, the plant shall be required to use odor counteractants which shall be introduced into the stack flue gas to neutralize any odors that may be produced. ***In the event that counteractants do not mitigate odors from the flue stack, the project proponent shall use a thermal oxidizer to control odors.*** This mitigation shall be incorporated as a condition for approval of a "Permit to Operate" by SCAQMD.

Response to Comment 8-3

Activities on the project site are required to meet County standards for blasting. Violation of these standards would lead to County action, which may include an order to cease blasting. Also, please refer to Response to Comments 5-1 and 5-2.

Response to Comment 8-4

Impact 4.7.1 in Section 4.7 of the Draft EIR discussed potential impacts of wash water from the crushing and screening operation, and concluded that the potential impacts were less than significant. Other potential contaminants were evaluated in both Section 4.7 and Section 4.6, Hazards and Hazardous materials, and mitigation measures were recommended that reduced potential impacts to a level that is less than significant.

Response to Comment 8-5

Drainage on the project site would be directed to two proposed retention basins onsite. Since very little, if any, runoff would leave the project site, there would be less than significant impacts on vegetation, flood flows in nearby streams, and transport of contaminated runoff. The project, by directing the runoff to retention basins, would also not contribute to flood conditions that had occurred on the site in recent years.

Response to Comment 8-6

There are no views of the project site available from either Burney Falls or the Pacific Crest Trail. The falls are located approximately 2 miles away from the project site and are screened from the site by intervening trees and topography. The Pacific Crest Trail is screened from the project site by intervening topography.

Response to Comment 8-7

It is unlikely that any other mining operations would be located on the parcel. Hat Creek Construction owns the entire parcel, which contains the most usable quarry site in the area. Moreover, the proposed Conditional Use Permit would limit the quarry to the area delineated in Figure 3-4 of the Draft EIR. Expansion of the quarry beyond the boundaries set in the proposed Conditional Use Permit would require a new or amended Use Permit and be subject to environmental review.

Response to Comment 8-8

It is not anticipated that the recycling of concrete and asphalt would lead to more significant impacts than those generated by regular project operations. Since the production capacities of these operations would not change, the recycling of concrete and asphalt would not generate additional effects of production, nor would it increase traffic. The impacts of processing recycled materials would be similar to those discussed in the Draft EIR.

Response to Comment 8-9

Impacts of vehicle traffic bringing raw materials onto the project site were evaluated in the appropriate technical sections of the Draft EIR.

Response to Comment 8-10

In response to public comments, a more aggressive "worst- case" scenario for evaluation purposes was developed for the project. Please refer to Response to Comment 13-3 for more information.

Response to Comment 8-11

Mitigation Measure 4.5.3a, recommended by Kleinfelder, is to be implemented during mining operations, not before. The measure was recommended to ensure that actual quarrying is done safely and would pose no threat to workers or equipment at the bluff.

Response to Comment 8-12

The Shasta County Air Quality Management District developed this standard mitigation measure for the reduction of dust emissions. The District has guidelines concerning the implementation of this mitigation measure.

Response to Comment 8-13

The commentor did not provide specific information concerning Mrs. Fox's figures; therefore, no response can be given to this comment.

State of California • The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
Gray Davis, Governor
Rusty Areias, Director

Northern Buttes District
Cascade Sector
P.O. Box 2430
Shasta, CA 96087
(530)225-2065

Letter 9

October 16, 2000

Bill Walker
Shasta County
Department of Resource Management
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759

Dear Mr. Walker:

Thank you for the opportunity to comment on the Draft Environmental Impact Report for the Eastside Aggregates Project (SCH No. 2000062079).

As stated in our response to the NOP, McArthur-Burney Falls Memorial State Park is within ¾ mile of the proposed project. The following are concerns we have about this project, concerns that have a potentially significant impact on the environment and the State Park.

I. Aesthetics – We still have concerns about aesthetics. In the Draft EIR it states "views are expected to be limited to the area approximately 1,000 feet north *and* south of the existing primary access road." Screening measures are for 500 feet north and 500 feet south of the primary access road. The mitigation also gives the applicant 5 years to comply. Although a screening plan must be approved prior to implementation, no work has to be done for 5 years. We are also concerned about the bluff. The Draft EIR states "No vegetation would be replanted on the face after the quarrying operations end. This would make the affected portion of the bluff look bare...much of the quarried bluff would be screened by the trees between the project site and SR89." Quarries leave a major scar on the landscape, and this affected bluff can be seen up and down the valley, not just from the project site. More needs to be done and without knowing what will be included in the use permit these concerns are left unanswered. 9-1

II. Air Quality – We are concerned about the potential odors that may be produced by the asphalt plant. Mitigation includes the use of counteractants in the flue. What happens if the counteractants don't work? The Impact 4.3.4 also states storage of the finished product on site tends to increase the overall intensity of operational odors in the area. Storage of the finished product is not mitigated. Much of the PM10 reduction program is based on the use of water yet this water is not quantified in the water section. It makes it very hard to determine how 9-2

much dust will be generated, by what type and size of equipment, and how much water will be required to mitigate.

III. Hydrology and Water Quality – It appears that many of the air mitigation measures that require the use of water have not been included in the water balance. Some question also exists about the size of the rock crushers and how much dust they will produce. Finally, the potential impact of flooding on the site has not been resolved. 9-3

IV. Noise – We believe that the project has the potential to significantly impact the noise levels at McArthur-Burney Falls Memorial State SP. Although we are a close neighbor to the project it does not appear that noise tests were conducted at the State Park. The potential for significant impacts is greater at the park because most visitors are involved in outdoor recreation and camping. We remember when the site was a mill and the park was affected by the noise at that time. We are especially concerned about the hours of operation. Although Alternative 4, Restricted Hours of Operation, does not meet all of our noise concerns, it is considerably better than the proposed project. We request that potential noise levels be tested at the Park, preferably at 4am! Traffic numbers also need further explanation. 9-4

In conclusion, we believe that this project has the potential to significantly impact McArthur-Burney Falls Memorial State Park. It appears that the other Alternatives have not been thoroughly investigated, particularly when it comes to quantifying the negative impacts. Please inform us of any future public hearings or other opportunities to participate in this process. 9-5

Sincerely,

David A. Nelson
Park Superintendent

Letter 9 California Department of Parks and Recreation, David A. Nelson, Park Superintendent

Response to Comment 9-1

Mitigation Measure 4.2.1a requires a screening plan to be reviewed and approved prior to project implementation. Moreover, annual monitoring reports, including photo documentation, would be required if a vegetative screen is used. This would allow the effectiveness of the screen to be evaluated.

As discussed in the proposed Reclamation Plan for the project, the planting of vegetation on the face of the bluff after quarrying operations end is infeasible due to the lack of places where plants can take root. Extensive revegetation would occur at the toe of the slope, which would mitigate for some of the effects of quarrying. The Draft EIR acknowledges alterations of the landscape resulting from the proposed project.

Response to Comment 9-2

Please see Responses to Comment 8-2 and 14-63.

With regard to water use necessary for dust abatement, please see Response to Comment 14-4.

Response to Comment 9-3

Mitigation Measure 4.7.2a addresses potential flooding issues on the site. Flooding on the proposed project site has been an existing condition which the project would not change. Please refer to Response to Comment 8-5. Water use necessary for air mitigation, particularly dust abatement, was factored into the annual 900,000 gallons estimated for each phase of production, with annual water use for the entire project estimated at 4.5 million gallons, or 13.8 acre-feet. Please refer to Response to Comment 14-14.

Response to Comment 9-4

The commentor is correct in that the DEIR did not specifically address noise impacts at the McArthur-Burney Falls Memorial State Park. Noise impacts were not assessed at that location due to the fact that the park is located considerably farther away from the project site than are the nearest residences. Because noise impacts were generally found to be less than significant at the closest noise-sensitive receivers (residences within the mobile home park), and because noise decreases with distance from the noise source, it is reasonable to conclude that no noise impacts would be identified at locations considerably farther away. Nonetheless, in response to this comment, Bollard & Brennan, Inc. conducted additional ambient noise level measurements and analysis; the results of which are discussed below.

In response to the request that noise level measurements be conducted at the Park, particularly at 4 a.m., continuous noise level measurements were conducted at campground Site #93 from 10 a.m. on November 2, 2000 through 9 a.m. November 3, 2000. The measurements were conducted from

within a closed area of the campground so as to replicate the very quiet conditions within the park at a typical camp area. Although noise from traffic on SR 89 is audible within the park, the noise measurement site was selected to provide a large setback from that roadway; thereby representing some of the quieter camp sites in the Park. In addition, the site was selected so as not to be affected by noise from the Fall, which do affect the ambient noise environment at the nearest campsites to the project site.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the noise level measurement survey. The meter was calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The results of the ambient noise level measurements indicate that average daytime and nighttime noise levels were 38 dB Leq and 37 dB Leq, respectively. Maximum noise levels ranged from 43 to 71 dB during daytime hours, and from 45 to 55 dB during nighttime hours. During the 4 a.m. hour in particular, the measured average and maximum noise levels were 33 dB Leq and 45 dB Lmax, respectively. The measured ambient noise levels indicate that, in the absence of heavy park usage and at locations removed from SR 89, the ambient noise environment within the park is fairly quiet.

Using a USGS. topographic map and a campground map, the distance between the nearest campground and the nearest noise-producing component of the project was measured to be approximately 11,000 feet. At this distance, the combined contribution of noise from all on-site noise sources would be approximately 32 dB Lmax and 24 dB Leq. These levels were computed using the same methodology identified in Table 4.8-5 of the DEIR.

The predicted levels, which do not include any adjustment for intervening topography or tree cover, are well below both existing ambient noise levels (even during the 4 a.m. hour), and Shasta County noise standards. After consideration of those factors, which are present between the project site and nearest noise-sensitive areas within the Park, actual levels would be even lower. Therefore, no significant noise impacts were identified at the Park following this additional analysis.

Response to Comment 9-5

CEQA Guidelines Section 15126.6(d) states that an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with a proposed project. This same section further states that if an alternative would cause one or more significant effects, in addition to those that would be caused by a proposed project, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the proposed project. The alternatives section of the Draft EIR was prepared in accordance with CEQA Guidelines Section 15126.6(d).

Letter 10

October 16, 2000

Mr. Russ Mull
Shasta County Dept. of Resource Management
Planning Division
1855 Placer Street, Suite 103
Redding, CA 96001-1759

RE: Comments on the Draft Environmental Impact Report for the Eastside Aggregates Project:

Dear Mr. Walker

As members of the Burney Resource Group , Jim and I are still concerned about cumulative impacts to the Burney Basin. Earlier we voiced our concern over air impacts and water usage from both the Three Mountain Power Project and the Eastside Aggregates Project. The Eastside Aggregates DEIR has done little to alleviate those concerns. We have reviewed the letter, attachments and associated tables submitted by counsel for "Save Burney Falls", Mr. Jeff Swanson. Jim and I agree with those comments and hereby incorporate those comments by reference into this letter. 10-1

Air Quality:

The cumulative air quality analysis in the DEIR is misleading for several reasons.

First, the emissions from the largest cumulative source, Three Mountain Power, are underestimated. The correct values should be 144 ton/yr of NOx (compared to 131 in the DEIR), 169 ton/yr of PM10 (compared to 105 in the DEIR), and 65 ton/yr of VOCs (compared to 22 in the DEIR) Please refer to the current FDOC published by Shasta County for the Three Mountain Power Project. 10-2

Second, the cumulative analysis does not include emissions from construction nor traffic generated by any of the projects. The construction of the Three Mountain Power project would take nearly two years. Further, many of the other projects increase vehicular emissions, which are also not included in the cumulative emission inventory. Finally, the cumulative project list is incomplete. A truck stop is proposed for the junction of Highway 89 and 299 which will attract large volumes of truck traffic to the very area that would be impacted by Three Mountain Power. 10-3

Third, the DEIR attempts to argue that these emissions are insignificant because they constitute a small fraction of the total Shasta County emissions. This is misleading because the Burney Basin is a separate air basin, surrounding on all sides by mountains and generally isolated from other parts of the county. Thus, it 10-4

would be more relevant to compare the project's emissions with those from the Burney Basin. Further, the emission's comparison in Table 4.3-6 uses the outdated 1996 inventory for total county emissions. The County released an updated 1998 emission at the end of 1999. Finally, the applicant's excuse, "the contributions of the project are minimal compared with the total County emissions," is like saying that it is ok to violate air quality standards because we add to that violation only a little more!

Fourth, the DEIR fails to present an actual cumulative air quality impact analysis, instead arguing that there would be no cumulative impacts because the maximum impacts occur within 100 meters of each facility. However, the sum of several incremental concentrations, each of which is less than the maximum, can and, in fact, may exceed significance thresholds and/or contribute to a violation of an ambient air quality standard. The DEIR apparently did not perform this analysis and has not included enough information to allow an independent reviewer to conduct it. 10-5

Fifth, ambient PM10 concentrations currently exceed State standards in the Burney area. Cumulative increases in emissions from other projects will contribute to these existing exceedances. This is a significant impact that should be mitigated by requiring no net increase in emissions. 10-6

Sixth, the DEIR does not contain enough information to allow evaluation and review of maximum impact distances reported in Table 4.3-7. The DEIR should be expanded to include the stack parameters, meteorological conditions, and hourly and annual average emissions rates that were used to model each facility listed in Table 4.3-7. 10-7

Finally, based on Mr. Swanson's comments, the amount of vehicular emissions, and PM10, NOx, SOx, and VOC emissions from this project could be significantly higher than stated in the DEIR, requiring emission reduction credits (ERCs) to net out project emissions. 10-8

ERC's for the Three Mountain Power Project raised many technical questions, primarily related to the consultant's lack of understanding and familiarity with the local area. Thus, if ERCs are needed for this project, they should be closely evaluated and subject to public review. 10-9

Cumulative impacts are a major concern for members of the Burney Resource Group. The area currently exceeds ambient PM10 standards due to wood burning. PM10 concentrations are aggravated by severe and frequent inversions. The Burney area has a large retirement community with many the elderly, who are more sensitive to PM10 pollution than others. PM10 is known to cause increased mortality, respiratory problems, and even cancer. The project will significantly increase PM10 production due to the very nature of the project. 10-10

NOx: It is unclear how bag filters installed on cement silos will reduce NOx emissions to less than significant. 10-11

HAPs: The health analysis in Appendix C appears to have only considered gases released by the asphalt plant. HAPs will be emitted from other equipment at the proposed facility, including the cement plant, electrical generators, asphalt and oil storage tanks, vehicle exhaust, and compressors (if fuel fired). In addition, large amounts of dust would be generated by quarrying, crushing, screening, material handling, and vehicle travel over unpaved roads. These dusts may contain high concentrations of toxic substances, including asbestos, crystalline silica, hexavalent chromium, and arsenic. The project would quarry a fault zone. Rock materials from fault zones often have high concentrations of asbestos. Therefore, the analysis in the DEIR is incomplete and does not support the conclusion that health impacts would not be significant. The County should require that the ore body be sampled and analyzed for these substances and other metals to protect downwind neighbors from dusts. 10-12

Fugitive Dust: The statement of watering for fugitive dust at the end of the day when work is complete does not reassure the reader of any control. Once work is complete, dust will settle. Watering during the work day, more that once in the early morning should be required as well as at the end of the work day. 10-13

Monitoring equipment for PM10 emissions should be placed at the project to assure that the project maintains control of emissions and that enforceable conditions of certification be written for the project. (Move above to discussion of PM10) 10-14

Currently, it appears that impacts will NOT be reduced to less than significant levels. 10-15

Water Use:

This DEIR has unfortunately relied on water analysis from the Three Mountain Power Project. These analyses are quite controversial and are contested. Therefore, they are not a reasonable nor adequate basis for the analyses in this DEIR. The applicant fails to mention that the Dames and Moore evaluation has received negative comments from uninvolved third parties (Dr. Timothy Rose, Lawrence Livermore National Laboratories, Letter dated May 23, 2000 to L.D. Bond and Associates) on their proposed water budget and its failures to meet the isotope mixing needed to meet outflows at Burney Falls and associated seeps. Therefore, the water used by this project and its impacts on the springs and ground water flows are still unknown. 10-16

I fail to note any quantitative measurement of waters used for dust control, possibly one of the larger water uses, which leads to uncertainty about total water consumption. The DEIR states there will be sprayers at the Crushing and 10-17

Screening Operations and the Asphalt Plant, yet no quantitative amounts are stated. Watering of roads, excavated materials and the excavation sites are mentioned frequently, yet no quantitative uses stated. How long are the road to be watered, how frequently will they be watered; how many acres of the excavation site will be watered and how frequently; how much water per hour will be used at the crushing and screening site when in operation; the same questions are there for the asphalt plant's fugitive dust issue?

Which aquifer will be used by the on-site wells to supply this water? Since the total water consumption is vague at best, the claim to 0.0046 percent of total outflows is flawed. Water studies done for the Three Mountain Power Project indicate that aquifers east of the Goose Valley Fault could be confined, which leads to the question as to whether or not this project will be using water from a confined aquifer with the potential to have major impacts on Salmon and Headwater springs. With this uncertainty, more studies are clearly indicated to prevent irreparable damage to a sensitive groundwater basin. 10-18

Blasting is mentioned as a possible danger to the aquifer, but since there is no current data on the actual aquifer beneath the project everything is assumed. 10-19

Groundwater contamination is mentioned in the sense that all employees will be told to make sure nothing happens and that spills will be cleaned up immediately. 10-20

The DEIR mentions a water quality complaint handled by the Regional Water Quality Control Board who then issued Cleanup and Abatement Order 85-IR in October 1985. There were tests for contaminants with questions about acetone still unclear. The groundwater in this area needs to be evaluated prior to implementation of this project to verify that the groundwater is not recontaminated. Having just sat through discussions on the ground water contamination plume emanating from sites adjacent to Mather Air Force Base in Sacramento from chemicals used many years ago and disposed of on-site and seeing the list of chemicals found at the proposed site during the cleanup causes concern. There were five monitoring wells and a production well, water samples should not be a problem to establish a base line of water clarity. 10-21

Endangered Species:

The site is quite close to springs in the Hat Creek drainage that provide habitat for the threatened Shasta crayfish. These springs could be impacted by pumping from this site. As the applicant has stated, it appeared that earlier activities with large amounts of water being pumped to supply the mill pond did not have any adverse impacts. However, one could alternative assume that the Shasta crayfish may be endangered today precisely because of this historic pumping. Just because water appeared to be supplied with apparent lack of impact on the Falls, there is no record of what happened at the smaller springs near or 10-22

Letter 9 California Department of Parks and Recreation, David A. Nelson, Park Superintendent

Response to Comment 9-1

Mitigation Measure 4.2.1a requires a screening plan to be reviewed and approved prior to project implementation. Moreover, annual monitoring reports, including photo documentation, would be required if a vegetative screen is used. This would allow the effectiveness of the screen to be evaluated.

As discussed in the proposed Reclamation Plan for the project, the planting of vegetation on the face of the bluff after quarrying operations end is infeasible due to the lack of places where plants can take root. Extensive revegetation would occur at the toe of the slope, which would mitigate for some of the effects of quarrying. The Draft EIR acknowledges alterations of the landscape resulting from the proposed project.

Response to Comment 9-2

Please see Responses to Comment 8-2 and 14-63.

With regard to water use necessary for dust abatement, please see Response to Comment 14-4.

Response to Comment 9-3

Mitigation Measure 4.7.2a addresses potential flooding issues on the site. Flooding on the proposed project site has been an existing condition which the project would not change. Please refer to Response to Comment 8-5. Water use necessary for air mitigation, particularly dust abatement, was factored into the annual 900,000 gallons estimated for each phase of production, with annual water use for the entire project estimated at 4.5 million gallons, or 13.8 acre-feet. Please refer to Response to Comment 14-14.

Response to Comment 9-4

The commentor is correct in that the DEIR did not specifically address noise impacts at the McArthur-Burney Falls Memorial State Park. Noise impacts were not assessed at that location due to the fact that the park is located considerably farther away from the project site than are the nearest residences. Because noise impacts were generally found to be less than significant at the closest noise-sensitive receivers (residences within the mobile home park), and because noise decreases with distance from the noise source, it is reasonable to conclude that no noise impacts would be identified at locations considerably farther away. Nonetheless, in response to this comment, Bollard & Brennan, Inc. conducted additional ambient noise level measurements and analysis; the results of which are discussed below.

In response to the request that noise level measurements be conducted at the Park, particularly at 4 a.m., continuous noise level measurements were conducted at campground Site #93 from 10 a.m. on November 2, 2000 through 9 a.m. November 3, 2000. The measurements were conducted from

within a closed area of the campground so as to replicate the very quiet conditions within the park at a typical camp area. Although noise from traffic on SR 89 is audible within the park, the noise measurement site was selected to provide a large setback from that roadway; thereby representing some of the quieter camp sites in the Park. In addition, the site was selected so as not to be affected by noise from the Fall, which do affect the ambient noise environment at the nearest campsites to the project site.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the noise level measurement survey. The meter was calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The results of the ambient noise level measurements indicate that average daytime and nighttime noise levels were 38 dB Leq and 37 dB Leq, respectively. Maximum noise levels ranged from 43 to 71 dB during daytime hours, and from 45 to 55 dB during nighttime hours. During the 4 a.m. hour in particular, the measured average and maximum noise levels were 33 dB Leq and 45 dB Lmax, respectively. The measured ambient noise levels indicate that, in the absence of heavy park usage and at locations removed from SR 89, the ambient noise environment within the park is fairly quiet.

Using a USGS. topographic map and a campground map, the distance between the nearest campground and the nearest noise-producing component of the project was measured to be approximately 11,000 feet. At this distance, the combined contribution of noise from all on-site noise sources would be approximately 32 dB Lmax and 24 dB Leq. These levels were computed using the same methodology identified in Table 4.8-5 of the DEIR.

The predicted levels, which do not include any adjustment for intervening topography or tree cover, are well below both existing ambient noise levels (even during the 4 a.m. hour), and Shasta County noise standards. After consideration of those factors, which are present between the project site and nearest noise-sensitive areas within the Park, actual levels would be even lower. Therefore, no significant noise impacts were identified at the Park following this additional analysis.

Response to Comment 9-5

CEQA Guidelines Section 15126.6(d) states that an EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis and comparison with a proposed project. This same section further states that if an alternative would cause one or more significant effects, in addition to those that would be caused by a proposed project, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the proposed project. The alternatives section of the Draft EIR was prepared in accordance with CEQA Guidelines Section 15126.6(d).

upstream from the mill's pumping. Somewhere, something happened to damage habitat for the Shasta Crayfish, or it would not be on the endangered list.

Conclusion:

The DEIR is vague and appears flawed. There are many specifics that need to be addressed prior to acceptance of this project. The most crucial area will be cumulative impacts on air quality and water consumption. 10-23

Air Quality in the intermountain area will become more and more impacted with increased industrialization. Health risks factors increase with the industrialization. This area has a large percentage of elderly that retire to this community because of reduced costs of living. Yet, the health risks to these people will increase due to the inversion problems in the winter and the geographical makeup of the basin that literally traps pollutants within the basin until winter winds can clear the trapped pollutants out of the basin. 10-24
The major pollutant that this project will emit is PM10'S, already a major issue in the siting of the Three Mountain Power Project. The increased truck traffic will deposit unknown amounts of diesel fuel by-products into the air as well, a significant impact to local residents and school age children .

Currently the largest water usage in the basin is for agriculture with human consumption being the least consumptive user. But there is now industrial consumption that will far surpass human use, and this industrial consumption does not allow recharge as in the case of Three Mountain Power Project. If the water use of this project also removes water from the aquifer without recharge, which appears to be the case with the constant spraying for fugitive dust, the evaporation by the sprayers allow little to no recharge, so that water is also totally removed from the aquifer; the impacts to the aquifer, Burney Falls and endangered species is could be more than significant. 10-25

All of the above impacts will also restrict the ability of the community's ability to grow as impacts will reach a level that cannot sustain anymore additions. 10-26

Sincerely,

Marcella Crockett

James & Marcella Crockett by MF

Letter 10 Burney Resource Group, James and Marcella Crockett

Response to Comment 10-1

Comment noted. Please see Responses to Letters 11 through 14.

Response to Comment 10-2

The emissions data presented in Table 4-11 of the DEIR were provided by SCAQMD in July 2000. If the emissions from some of the facilities are greater than those listed in Table 4-11, then the baseline emissions would increase with the result that incremental impacts from the project would decrease. It should be noted that emissions from several other projects such as Three Mountain Power, would be offset and, therefore, there would be no net increase in emissions from this project. This is not reflected in Table 4-11.

Response to Comment 10-3

Construction activities at the project would be limited to only a few days and thus would not be a significant source of emissions. Impacts associated with traffic have been analyzed and is included in Appendix 5.

Response to Comment 10-4

Comment is noted, however, the analysis of cumulative emissions (Table 4-11 of the DEIR) focused on major emission sources within the Burney Basin. Emissions from the entire Shasta County were not, and should not be, included in Table 4-11.

Response to Comment 10-5

The contribution of air quality impacts from other projects (Sierra Pacific Industries, Burney Mountain Power, etc.) would be negligible at the proposed project location. An analysis of incremental increase in emissions (as presented in Table 4-11 of the DEIR) is a reliable indicator of possible air quality impacts within the air basin. It should be noted that emissions from Three Mountain Power were offset as part of their permitting process.

Response to Comment 10-6

The modeling analysis (see Appendix E) shows that there would be minimal, though not zero, air quality impacts. Under current SCAQMD Rules and Regulations, the proposed project would not be subject to offset requirements.

Response to Comment 10-7

Stack parameters and impacts at various distances are included in Appendix C.

Response to Comment 10-8

Vehicular emissions have been revised and are included in Appendix E. The analysis indicates that under a more aggressive "worst-case" scenario vehicular emissions were not significantly greater than those estimated in the DEIR.

Response to Comment 10-9

Emission Reduction Credits (ERCs) would not be required for this project.

Response to Comment 10-10

The project will be a source of PM10, however, with proper mitigation, impacts have been minimized. Given the relatively small amount of PM10 emissions, the project would not be subject to offset requirements. Finally, it should be noted that if this project were not constructed, asphalt and concrete would have to be transported from other, more distant sources. Overall, this would increase the emissions of PM10 into the air basin.

Response to Comment 10-11

Bag filters will not control NOx or other gaseous pollutants. Emissions of NOx will be controlled by use of low NOx burners and use of PUC grade natural gas or propane.

Response to Comment 10-12

Health risks at the Burney Falls Trailer Park were evaluated. Please see Response to Comments 14-52 through 14-61.

Response to Comment 10-13

Please see Response to Comment 14-15.

Response to Comment 10-14

PM10 monitoring data would not be an effective way to enforce operations at the project site. This is because there are other sources of PM-10, especially SR 89 which would affect the PM10 readings. The proposed project is required to obtain an operating permit from SCAQMD that would set specific operating and monitoring requirements.

Response to Comment 10-15

Comment noted. Air quality impacts are presented in Appendix E. Impacts are not significant. Please see Response to Comment 14-63 for additional discussion on air quality impacts.

Response to Comment 10-16

The water analysis prepared by the California Energy Commission (CEC) for the Three Mountain project concedes that there are several issues related to water supply within the Burney Basin that would require further study. However, this analysis provides a reasonable and detailed approximation of the water supply situation in the Burney Basin. According to a report on supplemental hydrogeologic studies for the Three Mountain Power Plant, the CEC analysis is the

sixth in a series of water budgets prepared for the Burney Basin. The report stated that the six water budgets generally agree and have many similarities (*Supplemental Hydrogeologic Studies for the Proposed Three Mountain Power Plant, Burney, California*, Lawrence and Associates with URS Dames and Moore, July 16, 2000).

The Dames and Moore evaluation was not the only study consulted in the preparation of the hydrology section of the Draft EIR. Information was obtained from several sources, including studies prepared by Dr. Rose.

Response to Comment 10-17

Please refer to Response to Comments 14-8, 14-14 and 14-35.

Response to Comment 10-18

Please refer to Response to Comments 14-8, 14-14 and 14-35.

Response to Comment 10-19

Blasting impacts were evaluated under Impact 4.7.4 in Section 4.7 of the Draft EIR. Potential impacts were evaluated by both a licensed civil engineer and an engineering geology firm. Both of them concluded that blasting would not have significant impacts on the aquifer. Please see also Response to Comment 14-41.

Response to Comment 10-20

The project would also be required to comply with all applicable Federal, State and local regulations concerning water quality and the handling of hazardous materials. Please refer to the Regulatory Framework subsections in Sections 4.6 and 4.7 of the Draft EIR.

Response to Comment 10-21

The RWQCB issued an order in 1989 rescinding the Cleanup and Abatement Order, after RWQCB staff inspections indicated that the lumber mill on the site at the time had complied with all conditions specified in the Cleanup Order. The conditions included sampling of ground water for possible degradation, and recommendations and time schedule for remedial measures to correct identified ground water degradation.

Response to Comment 10-22

Although recent studies indicate that groundwater inflows from the Hat Creek Basin may contribute to outflow from Burney Basin (Bond, 2000, cited in References subsection of Section 4.7 of the Draft EIR), there is no evidence directly linking the aquifer beneath the project site to such inflows. Even assuming that there is a link, the total amount of water estimated to be used by the project is 13.8 acre-feet per year, or 4.5 million gallons. The best current estimate of the amount of inflow from the Hat Creek Basin is 60,000 acre-feet per year (Bond, 2000). Thus, the project would use only approximately 0.023 percent of the inflow from Hat Creek, which is a minimal amount. Also, please refer to Response to Comments 14-8, 14-14 and 14-35.

Response to Comment 10-23

Please refer to Response to Comments 10-2 to 10-15 concerning air quality issues. Please refer to Response to Comments 10-16 to 10-18 concerning water consumption.

Response to Comment 10-24

A more aggressive worst-case scenario analysis was conducted for air quality and the results can be found in appendix E. The conclusions reached are that the proposed project will not have a significant impact on the intermountain area population. Please also see Response to Comment 14-63.

Response to Comment 10-25

The project proposes that water used for washing in the crushing and screening operation be discharged to the former log pond area. This discharged water would percolate into the ground, thus recharging the aquifer. Please also see Response to Comment 14-33.

Response to Comment 10-26

Comment noted. This comment does not address the adequacy of the Draft EIR, but it is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Letter 11

J. R. STUDENICKA
P.O. BOX 1742
BURNEY, CA. 96013

October 13, 2000

Mr. Russ Mull, Director
Shasta County Department of Resource Management
1855 Placer Street
Redding, CA. 96001

Dear Mr. Mull:

In regards to the "Public Notice of Availability, Opportunity to Review and Submit Written Comments, Regarding the Draft Environmental Impact Report for the Proposed Eastside Aggregates/Hat Creek Construction Project," you will find my comments attached.

You will heed by my remarks and questions that this Draft Environmental Impact Report is inadequate and incomplete. Numerous items lack accurate data and end results are oversimplified based on various assumptions. Adequate assessments are missing and mistakes appear due to improper personnel time restraints and commitments. Specific mitigated items are weak and unenforceable as written.

Please review my comments as well as all other comments, and resubmit the Draft Environmental Impact Report in a professional, unbiased, accurate and honest presentation.

Sincerely,

Joe Studenicka

COMMENTS ON EASTSIDE AGGREGATES PROJECT -- DRAFT ENVIRONMENTAL IMPACT REPORT

(Please note that I am starting on the first page and going through the document. Some of the information will be duplication and some of the comments will not relate directly to the environmental effects. Careless mistakes and sloppy work (including typographical errors) point out the concern that life and death related matters may be able to be omitted or covered up. There are numerous errors, which may or may not effect calculations and may not disclose authentic information.)

PAGE NO.	EIR STATEMENT	COMMENTS AND QUESTIONS	
		There are some numbers shown that are wrong. How do we know what was used in the formulas?	1
		There are code complaint violations open and pending. How do we get responses to any complaints on the mitigated items if we can not get responses now?	2
		There is activity on the property site, which has not been included in the EIR. This includes the building of the Quarters (residence), Lead Core, Fletcher Forest Products, McArthur Farm Supply and fill material being brought in on various trucks.	3
1-1	...original application...submitted...in June 1999.	Original application was submitted in 1995, approved by the Planning Commission and the Supervisors in 1996 and abandoned by the Applicant in 1997. The EIR refers to prior info on page 3-20 and page 4.7-12.	4
	...sawmill had been in operation...	The sawmill closed down in 1989. Prior to that the plywood plant closed in 1985. The property was for sale and unused until 1993.	5
	...closest residence approximately 0.5 miles away.	This measurement is from the project site (Figure 4.8-3 and 4.8-5). The property line is across the highway, approximately 150 feet. The closest residence **is on the property**, north of the office and west of the Shop. This residence is seen from SR 89 and was constructed during the EIR review period. This residence is occupied 24 hours per day. The next closest residence is space #18 on Wayne and Laura Pauley's property, approximately 1,400 feet from the maintenance shop. Also The north rim rock will be in Phase III and it is much closer that Phase I. It is possible that a residence south of the property is closer to the southeast corner of the project, than the Clark Creek Residences. There are residences at the property line to the North.	6
1-2	Transportation/Traffic	The County has not marked this item but did show as Response: Potentially Significant Unless Mitigation Incorporated. The EIR has this included with the Not Be Significant..	7
	Mandatory Findings of Significance	The County has this item marked as having at least one impact but it is not listed here with the others.	1-8

1-4	A grading permit must be obtained...	This has not been done on three (3) different occasions. The first two, SAVE BURNEY FALLS filed formal complaints and Hat Creek finally filed and received a permit after the work was completed. The third occasion was in regards to the current permit, which after submitted, as far as we know, did not receive approval. This permit was for grading and stockpiling of the Lead Core fill material and the County told Hat Creek to "cease and desist" from doing this.	11-9
1-5	Regional Water Quality Control Board	Already has specific requirements for this property site which do not appear to be addressed in the EIR. (See prior comments on RWQCB)	11-10
	California Department of Transportation Existing driveway road approach	There are two (2) existing driveways. Which one is referred to? Which one is legal? Do they both need special approaches?	11-11
2-1	quarry operation Occasional work on Saturdays Average hours	Need to be specific on days and hours. No – Why – is this averaged over the summer, whole year, or what?	11-12
2-2	crushing and screening 400 hours	Can they use the water for wet screening per RWQCB list of uses? At 8 hour days this is 50 days. Why Saturdays and why 12 hour days?	11-13
	Concrete batch plant	Need to be specific on days and hours and terms, for example: Likely be most active Could operate all year Occasional Saturdays Average hours	11-14
	Asphalt plant	Same as above: Normally operate Occasional Saturdays Average hours	11-15
	Production would be 10,000 cubic yards.	Appendices C, page 4 says 100,000 cubic yards	11-16
		Later on, they mention a recycled asphalt operation. Why don't they mention the recycled operation here?	11-17
	Concrete trailer rental site Concrete could be mixed Landscaping materials	Same as above. It also could be mixed elsewhere and transported onto the site! In the calculations for impacts, it does not appear that these materials and the transportation in and out was included.	11-18
	Retention basins	What does the RWQCB say about using the log ponds? What does the Shasta County Mosquito Abatement say?	11-19
	The existing driveway approach	Again, there are two (2) driveways. Which one and how long for the right turn lane. Also, most of the traffic will be entering the SR 89 and going south. What about a middle lane to allow safe entry into the southbound traffic.	11-20
2-5	4.2.1	This is hard to follow because they have changed the identification system on the EIR so it does not relate to the Initial Study done by the County. For instance, where is I.b) (Substantially damage scenic resources...)? 4.2.1 is a reference from I.c). And, where is III.d) (Expose sensitive receptors to substantial pollutant	11-21

concentrations?)

(Note: I will cover the Summary of Impacts section on a latter page.)

3-1	approximately 7 miles south	App. C. page 1 says 10 miles.
	Project site	There is a big difference between the project site and the property line. For instance, McArthur Burney Falls Memorial State Park is less than a half mile from the property line.
	Burney Creek, is located approximately 1 mile west...	Burney Creek is less than 1,000 feet from the property line where flooding and drainage takes place. It is northwest of the project site.
	The plywood plant had moved four years earlier.	Where did it move to? It was closed and torn down.
3-2	Site location	This should show the residence (both south, north and west) in order to put things into proper perspective. It should also show Burney Creek and the Pacific Crest Trail. For future reference, it could show the Braden Sand Pit.
3-4	Most of the lumber mill...	It says sawmill on page 1-1. The lumber mill was gone in 1985. The sawmill was gone when? Oh, what about the plywood plant?
	The site is owned by Hat Creek Construction...	What happen to Rim Rock Corporation as the owner? This statement is incorrect, so, is any of the information correct?
	Information provided by Hat Creek...	Was this information confirmed by the County Planning Dept.? Was this information confirmed by the Assessors Office?
	Night watchman's quarters	Admin Permit approved during the EIR review. Is this proper?
		Information and questions on the catch 22 for the night watchman:
		The night watchman is William "Bill" Heffley, phone number 335-5168. Mr. Fletcher says, "(Heffley)...has been employed continuously on this property since 1961 through present." I ask, was he ever employed as a watchman? Presently, he is employed as, a truck driver, and earlier with Fibreboard, a forklift driver.
		Is he a watchman 24 hours a day or is there another watchman that relieves him? Does he get paid as a watchman? Does he make rounds for his fire watch? Does he have a punch clock? Is his phone paid for by Hat Creek or by himself? Are his utilities paid by his employer? Does he pay rent? Does he have other responsibilities? Does he have another source of income?
		Is he a resident? Does the property really have a watchman? Is there 24 hour protection?
		Just an additional side note: The current conditions, if the current permit is valid states:
		Condition 10. Unauthorized access to the area shall be restricted by fences, barriers and other appropriate means, such as guard service.
		Condition 29. A person shall be employed 24-hours per day, 7 days per week, to secure the area and detect fires.

		It appears that there is a violation of current code conditions as the Admin Permit is for a permanent resident not a night watchman!	↑
	Fueling Station	Similar problem with a catch 22. If they had to have a fuel station permitted in the first go around, why don't they have to have it permitted now? When did they get a permit to operate a fuel station? (My comments on the RWQCB microfiche deals with this and the construction of the building.)	11-31
	Scale shack and scales	Where did this come from? Was it included on the prior proposal? Has it been installed recently? Is there a permit to operate a scale? Do they have proper permits with the Bureau of Weights and Measures?	11-32
	Fletcher Forest Products	So what? Were they included in the calculations for noise, glare, emissions, etc.? Who else is on the property? (Lead Core, McArthur Farm Supply, airplane and train operations, etc.)	11-33
	There are no streams or ponds...	Information from the RWQCB talks about ponds and shows ponds on their site maps in the 1980's.	11-34
	... identified as wetlands by a 1999...	Wetlands were identified by the RWQCB and in 1996 by the Corps of Engineers.	11-35
3-3	site map with current land uses	Please note some of the following: scales – where were they before? small square west of the shop – Fuel Station (not on the RWQCB's) small rectangular shape southwest of the shop – what is this? Two (2) driveways onto the property from SR 89 – which is being used and which is legal? Notice size of former plywood pond compared to 1989. It used to be 1.3 acres and was long and narrow.	11-36
3-8	Surrounding uses,	This again is confusing, as it talks of areas in relation to the project site, which means we are on the property. It indicates "forest land" and "pine trees" yet, on page 3-1 it says, "...the majority of the project site is located, has been mostly cleared of vegetation and graded level ..."	11-37
	McArthur Burney Falls Memorial State Park Is approximately 1.3 miles...	On page 3-1 it says, "...is located approximately 1.1 miles..."	11-38
	Project Objectives The purpose of the project... ...(Caltrans) plans to spend $300 million...	How many cubic yards of asphalt is this? How many miles of pavement? How does this compare with the last ten years? With the last year? What guarantee, contract or support do they have from Caltrans and or the County? If it is this much, will they do it all at once or faster than the 30 years?	11-39
	Project operations would include the recycling of concrete and asphalt.	Why wasn't this included in the Project Description? What will the volume be? Hours of operation? Equipment requirements? Chemical and material requirements?	11-40

3-5B	C-M Zone	Why doesn't the night watchman's quarters show on this map? In the center, right side, with dark lines, is this the scale? Where has it been on all of the other site maps? Is it new? When was it installed?
		What is the heavy dark lined item in the center of the map, just Northeast of the office? Again, two (2) driveways are shown.
3-11	...estimated to be 45,000 cubic yards,...	If every year was 45,000 (since this the limit), then they could be done in only 20 years! What happens to the phases of 10 years each?
3-12		proposed, normal, occasional and extended hours – very vague, need specific.
	A wet screening method	Does this require an excess amount of water? How much? Also, what chemicals will be required? Will trucks be washed with Diesel? What about other water uses in dust control, other plant operations on the site?
	The Braden Sand Pit	Where is this located on the map? How will it be transported, over which roads and will there be excess dust while transporting this sand on dirt roads? Who owns this operation? Is it being operated at this time and is it properly permitted?
	Some cement for the concrete batch plant	How much? From where and how transported? Was this included in the calculations for emissions, noise, etc.?
3-13	...concrete and asphalt that is being recycled.	How much?
		Other questions for this page are:
		Range of production will allow maximums every work day. Hours will allow 16 hour days, every work day.
	Material may be transported from the project site at times other that the permitted hours...	**This means 24 hours a day!**
	900,000 gallons of water	But, if used at a maximum rate each day the usage will be 1,875,000 gallons/year. This should be used in the cumulative effect.
		This water is for washing only and does not include water sprayers, and other water requirements in other areas. There has to be much more water than this used. Do we have someone who can verify this?
	...15 truck trips per day on average...to over 60	Just for crushing and screening.
3-14		Same double talk...need specifics! Occasional work Average hours Times other than permitted Plant could operate all year As jobs demanding concrete occur Occasionally, production would occur on Saturdays
	The maximum...would be 100,000 cubic yards	Big difference from 10,000 cubic yards.
	...an additional 7,200 cubic yards of sand...	If 800 cubic yards of sand is used for 10,000 cubic yards of asphalt, then 8,000 cubic yards of sand will be required for 100,000 cubic yards

		of asphalt, not 7,200 – and so, it appears, all of their calculations are incorrect.(See page A-3) Again, what about the recycled asphalt and related effects?	
3-15		How can we tell if the pickups, tractor, and dust from materials has been used in the calculations for emissions, noise, etc.?	11-52
	Access between...through the use of concrete bollards and fencing...	How do we know they will do this? They don't have proper fencing now.	11-53
3-16	...earth tone colors...	Do they have to paint the current buildings that are not earth tone?	11-54
	...be no storage of used tires or salvaged truck parts...	Where will it be? It should be specific. Are any tires or salvaged truck parts allowed on any part of the property? At this very minute there are tires, truck parts, and various debris on the property. **When was the last time the County, RWQCB, Health Dept. and even the property owners looked east of the barn? Can or will this be enforced?**	11-55
	Retention Basin #2, 9.03 acres...	Is this the existing former plywood pond.? How did it get so big? Based on the RWQCB information, can this area be filled?	11-56
3-17	...retention of certain existing trees...	I thought there was little if any vegetation!	11-57
	This berm,... 10 feet high...	How does this help if the equipment is 65 feet high? (see 4.2-8)	11-58
	...that topsoil removed ... be saved...	Where are they going to save this? This is what they want to sell!	11-59
	The existing pond south of the log pond...	I thought there were no ponds!	11-60
	This non-disturbance area would extend 25 feet...	**The RWQCB information says 100 feet!**	11-61
3-18	...the existing driveway road...	Again, this is repeating, but there are **two (2) existing driveways.** What about a left turn lane and an entry lane to the south where most of the outgoing truck traffic will be going.	11-62
	"worst case"	Production at a maximum for all operations during the summer months when all SR 89 traffic is at a peak. The calculations can not be for averages and there should be a traffic count verified on SR 89 and not use average traffic volumes.	
3-20		This is the page that tells of prior applications and the many revised Initial Study's. We questioned some of this information, such as: Why was the reconnaissance just for vernal pools and slender Orcutt Grass? What about other items?	11-63
	Letter dated August 7, 1996	Why is this even listed as they are not planning to do this?	11-64
3-21	The uses and conditions of the existing...	The present conditions are not adhered to and not enforced, why and how will any new conditions going to be any different?	11-65
	...if existing uses...	What are the existing uses that are legal and permitted? Were is proof	11-66

		for the uses we question?
	...existing uses and conditions are not subject to the environmental review conducted in this EIR.	Why not, they must be included in all of the cumulative effects?
3-22	....CDFG may be required...	Why may be? It should either be required or not!
4.2-1	...3/4 mile northwest of the project site.	Oh, now it is only ¾ mile! Why and how did this change from the 1.1 miles that is shown on page 3-1?
	...truck scales.	Where was this on the prior project and on the other site maps? Is there a permit? When was it installed?
		Where are the other supposedly remaining structures like the Fuel Station or what about the Night Watchmen's Quarters?
		Extra note for this page -- you can see the rim rock from any vantage point on SR 89!
4.2-2	Figure 4.2-1	**You can see the rim rock from this view. Please notice that there is no fencing or barriers stopping anyone from entering the property site from this point or any other. In areas where there use to be fencing it is broken and in need of repair.**
	Figure 4.2-2	North of this entrance is another entrance. Why didn't they show a picture of the other entrance, also.
	Figure 4.2-3	Notice, no fencing or barrier, and this is only a few feet from SR 89.
4.2-8	...for approximately 1,000 feet...	This is not true, because you can see the project site from SR 89 as you travel south adjacent to the property.
	...with storage silos as tall as 65 feet.	The rim averages 80 feet and you can see it along the entire drive on SR 89. You will also be able to see any and all of the 65 foot features.
	...visible from some view points along SR 89.	No, from ALL view points!
4.2-9	...from approximately 500 feet north to 500 feet south of the Hat Creek Construction main entrance.	Why just 500 feet? The frontage is 5,000 feet and everything can be seen from SR 89. Page 4.2-8 just indicated "...the area approximately 1,000 feet north and south.." The minimum should then be 1,000 feet in each direction. This should be from both driveways.
4.3-1	..approximately 28 inches.	It is very interesting that not many facts are the same in this document. In this case, the rainfall is 31.67 inches on page 4.7-1. It is also just 28 Inches on page 1 of App. C. Which is correct? Is this number used in any calculations?
	The 24-hour PM10 concentration was 86... Standard of 50...	This is already high and the County continues to receive high readings,. yet, they want to add to the readings.
4.3-5	...an adequate distance from residential...	What is an adequate distance – 100 feet or 1 mile?
	...substantial number of people.	What is a substantial number of people – 1, 10, 100?

4.3-7	...of 40 miles per hour.	The limit should be less than 40 due to the small areas and start up and stops.	11-84
	...location of the closest residences.	Not the corner of SR 89 and Clark Creek Road. This should be the Night Watchman's Quarters – on site. What about the effect to the employees in the office? What about the effects to the employees at the various plants and the customers picking up concrete (16 to 12 hours per day)?	11-85
4.3-8	Air Quality	Does this include the recycling operations, customers in and out, and current operations including Hat Creek, Fletcher, the plane, the train, etc.?	11-86
4.3-9&10		Do these calculations include maximum production at each plant plus other operations such as the recycling or customers picking up and SR 89?	11-87
4,3-11	Alternatives to open burning...	What is to happen to all of the material already gathered and ready to burn?	11-88
	...areas which remain inactive for 96 hours.	This is 4 days. Do they have this already from the Lead Core fill material, and is it subject to these conditions now or after this is approved. I guess it doesn't matter, as they don't have a grading permit!	11-89
	Paved public roadways adjacent to the project...	Which ones? **They need to be specific and list each by name.**	11-90
4.3-12	...the lifetime of the project is 30 years...	But, if maximum production each year, then the worse case is only 20 years. Or, if production is at a higher per hour rate then it will be less. Does that change the calculations? What about the dangerous effects which were caused by the prior property contamination and the possible deaths that have happen already?	11-91
4.3-13	...unpaved roads are not taken into account...	They should be, especially due to all of the unpaved roads on the property and the fugitive dust from hauling sand from the Braden Sand Pit. Also, the traffic from SR 89, customer traffic, airplane and train.	11-92
	...shall be watered periodically...	Is this hourly, daily, weekly or yearly? Need to be exact to prevent conflict and confusion!	11-93
4.3-14	The asphalt plant may generate odors...	What about the recycling operations?	11-94
	If complaints are received...	Same old story. Why wait for the complaints which will have nothing done to correct them? There must be no odors!	11-95
This next page is very interesting!			
4.3-15	...diesel generator would not be used.	Page 2-7 says, "The project applicant shall use a diesel generator..." So, what will be used? Is it in the calculations for emissions?	11-96

Burney Mountain Power	This is another error, as Burney Mountain Power is listed twice on this page. Did they use it twice in the calculations? The location not listed is Burney Forest Products. Then, of Course, they did not include Burney Forest Power, which is A separate company owned and operated as a Co-Gen plant It produces 31 megawatts per hour – wood fired!	11-9
	As well as, Braden Sand Pit, Lead Core, McCloud Railroad, SR 89 (diesel trucks and recreational vehicles), McArthur Farm Supply, Fletcher Forest Products, Packway Materials, Inc., Volcano Rock, Inc., and the airplane traffic in and out.	11-98
...nearest source (Sierra Pacific Industries)...	No, what about Fletcher Forest Products or Lead Core? Or, Burney Mt. Power?	11-99
4.3-16	**With all of the other facility's missing including SR 89, this table 4.3-7 can not be accurate!**	11-100

SECOND PART OF ...

COMMENTS ON EASTSIDE AGGREGATES PROJECT -- DRAFT ENVIRONMENTAL IMPACT REPORT

(Please note that I am starting on the first page and going through the document. Some of the information will be duplication and some of the comments will not relate directly to the environmental effects. Careless mistakes and sloppy work (including typographical errors) point out the concern that life and death related matters may be able to be omitted or covered up. There are numerous errors, which may or may not effect calculations and may not disclose authentic information.)

PAGE NO.	EIR STATEMENT	COMMENTS AND QUESTIONS	
			repeat from previous page
	...nearest source (Sierra Pacific Industries)...	No, what about Fletcher Forest Products or Lead Core? Or, Burney Mt. Power?	
4.3-16		**With all of the other facility's missing including SR 89, this table 4.3-7 can not be accurate!**	
THIS BEGINS THE SECOND PART			
4.4-1	...functioned as a lumber mill...	says sawmill on 1-1	II-101
4.4-2	approximately 0.21 acres in size...	this small pond in 1985, per RWQCB, is 1.3 acres.	II-102
4.4-4	They (Bald eagles) may occasionally be observed flying over the project site.	A Bald eagle was killed on SR 89, very close to the Hat Creek driveway entrance.	II-103
4.4-5	It was found that Orcutt grass existed in the Project vicinity...	This was in 1996. Could it be on the property now?	II-104
	The total wetland area ... is 0.71 acres.	If the small pond itself was 1.3 acres as measured by the RWQCB, what has happened to all of the total wetlands?	II-105
4.4-11	...are 0.71 acres of wetland...	Again, in 1989 1.3 acres.	
	...around the wetlands at a minimum of 25 feet...	RWQCB says 100 feet in their 1989 order.	II-106
4.4-12	Since such areas have not been surveyed...	The areas not surveyed must be surveyed, especially since page 4.4-5 says, "Orcutt grass existed in the project vicinity..."	II-107
4.5-2	...for use as AC-grade aggregate, or aggregate that can be used in asphaltic concrete.	Does this mean it can be used for just Asphalt? Have they run test to verify the strength characteristics?	II-108
4.5-6	...subject to strict building regulations...	Did the night watchman's quarters adhere to these strict building regulations?	II-109
THIS IS ONE OF MY FAVORITES!			
4.5-7	**"The County Code prohibits any grading without a Grading permit from the County."**	**It does not appear that this applies to Hat Creek Cons. Has the County shown that they enforce this? Do they stop anyone before the permit is approved? Do they even respond to inquires?**	II-110

4.5-11	...needed further investigation by an engineering geologist...	Needs to be investigated further before any activity is approved.	11-11
4.6-7	Accumulations of waste paper, ... shall be prohibited.	This is not enforced now so why even list it.	11-112
4.6-9	...adjacent to the fuel storage tank areas where vehicles are fueled,	If they already have an existing fuel storage permit, why list a new mitigation measure? This should already be a code condition and they should be following it!	11-113
4.6-10	References Scott A. Zaitz,..	We should try to get a copy of this letter to see if this individual even knows there was a clean up on the site.	11-1
4.7-1	Setting	It is nice to know that they finally agree that flooding occurs on this property, especially since they made us look like fools at the time of the hearing.	11-1 5
	...exited the site to the **northeast** going...	This is another glaring error, even though it has no bearing on anything. The rim rock is to the northeast! SR 89 and Burney Creek are to the **northwest.**	11-1
4.7-3	Groundwater	This page is important for the experts.	
		How much water is actually under the site and flowing to Burney Falls? What will really happen if its course gets changed or contaminated?	11-117
	In 1996, the RWQCB identified...	They identified the shallow, fast-moving groundwater aquifer long before this date, especially since they have cleaned it up a few times.	11-11
	...an excellent source of drinking water...	It is too bad excellent drinking water will go to waste as water to clean rock. Can we make them bring in recycled gray water to do the washing?	11-1
	Approximately 7 ½ to 24 feet...	Can they stack rock and material on an area that has groundwater only 7 ½ feet deep?	11-1
	...groundwater contamination has been an issue...	Because of past and current activities, **and due to the fact that drums are still scattered about the property site,** the groundwater needs to be monitored again!	11-1
		What about the two (2) monuments left on the site?	11-12
4.7-9	The spillage of fuel, oil,...	What checks have been done to confirm that spillage has not already happened?	11-123
4.7-10	...are not downstream of the project site.	I do not think this statement is correct. The fact is that the groundwater flow from the property is northwest to Burney Creek. The actual project site is south and east of the Clark Creek Road residences, therefore, the flow from the project site would have to be northwest, which is downstream!	11-124

4.7-12	... held approximately 21.4 million gallons...	This doesn't mean it was all pumped and consumed at the same time. In fact, later in the paragraph it says, "...the amount consumed is not known."	II-125
	...compared to historic uses,...	If the amount consumed "is not known," how can they compare?	
	...were evaluated in a previous Initial Study...	I thought this was the "original application", per page 1-1.	II-126
4.7-13	...while not precisely known,...	Page 4.7-3 says, "More recent studies..." Everyone should know where the water comes from and goes to, before we use it all up just to wash rock!	II-127
4.7-14	...the following projects within the Burney...	Again, they have listed only a few of the actual operations drawing water from the Burney Creek watershed. Do any of the following use water: Dicalite Corporation, Lead Core, Fletcher, McArthur Farm, Packway Materials, Volcano Rock, and McArthur Burney Falls Memorial State Park?	II-128
	...makes it difficult to predict the behavior of the groundwater... ...variability of fractures makes predicting the productivity...highly uncertain. ...recent isotopic studies indicate...further increasing the complexity of the groundwater system.	All of these statements makes it more imperative to know the sources, uses, volume, etc., of the groundwater.	II-129
	...approximately 900,000 gallons of water...	But, the "worse case" for maximum is 1,875,000 gallons just for the crushing and screening operation. (Page3-13) What is the effect if the correct high consumption numbers are used with all of the other operations?	II-130
4.8-1	...noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours.	Why do they need to start at 4:00 a.m. while it is still nighttime?	II-131
4.8-3	Existing Ambient Noise Environment	**This whole section is questionable due to the exact location of the "nearest residences". Is the nearest on the site? Is the next nearest space #18?**	not
		When and were did they conduct "short-term noise level measurements"? Was there machinery in operation?	II-132
4.8-5	Figure 4.8-3	This needs to reflect the accurate location of nearest residence. What about the effect of any of this to the employees on the site?	II-133
4.8-6	...formerly a lumber mill...	Or a sawmill, or a plywood plant, and they fail to mention that the operations were in buildings, thus the noise levels were muffled. Can they put the new operations into buildings?	II-134
	...sources shall ne mitigated	Another error! They type as bad as I do, but they are supposed to be professionals! This should be... be!	II-135

4.8-8	The County can impose noise level standards which are more restrictive...existing low ambient noise levels.	They need to test the existing low ambient noise levels.	11-136
4.8-12	Table 4,8-5	Does this include the SR 89, airport, train, customers and blasting all at the same time?	11-137
4.8-17	The project applicant shall notify all residents...	Need to be specific – how will residents be notified? By letter, phone call, Fed Ex., etc.? There should also be a warning alarm such as a horn or a specific sound immediately prior to the occurrence. This alarm could also be available for use in case of emergency due to a spill, fire, explosion, etc.	11-138
	If complaints...	**There should be no complaints! The blast criteria must be in control enough to eliminate the blast effect which would generate a complaint!**	11-1
4.8-18	Cumulative Impacts...	When the nearest residence is corrected, all of this will change and the noise level will be higher.	11-1
4.8-19	...additional noise control measures shall be...	No! There should be no noise whatsoever. All measurements must be done and modifications completed prior to operations.	11-1
	...the Planning Division receives complaints	There should be no complaints. A study by an acoustical engineer must be done prior to operations. What experience has the County shown that they will enforce their own conditions?	11-1

IT IS TRULY ASTOUNDING THERE CAN BE SO MANY DIFFERENT MEASUREMENTS GIVEN!

4.9-1	Approximately ¼ mile north of the project site...	Another contradiction, as Page 3-1 says, "...approximately 1.1 miles northwest of the project site...). Have any of these professionals even been to the park? If these simple distances are incorrect, are the calculations incorrect?	11-143
4.9-2	Its closest approach to the project site is 900 feet east of the boundary line.	This is very, very close! There needs to be a type of Notification, on the trail, that dangerous conditions, which may effect hikers health, is near by, including blasting, emissions, noise, etc.	11-1
5-1	Alternative 1	What is wrong with the other sources in the area which already provide the materials required? Most industry (timber, lumber and sawmills, production, farming, etc.) in the area has closed down or moved out due to various reasons, including Federal, State and County rules and regulations, high cost of transportation, reduced labor force, etc. In fact, over 60 percent of the stores and restaurants in Burney are for sale or closed.	11-14
	...impossible to evaluate the potential impacts of an alternative industrial use.	Does this mean that no project would have no effect?.Yes.	11-14
5-4	...could accelerate deterioration of the roadway...	This is on an alternative site. Does this mean that the proposed site will not deteriorate the present roadway? No, they will both have the same traffic and the same effect – bad!	11-14

5-5	...would be limited exposure of residents... ...more exposure of workers...	Does this mean workers are more valuable than residents or that the company does not care about the health hazards of either?	II-148
	...there could be conflicts between these residential uses and operations of the plants.	So, it is better to have conflict with the current residents than to have conflicts with residents that are "proposed" and "currently on hold." (Residence that are not even living in a development that is "not known".)	II-149
5-6	...approximately 2 ½ miles...	Was this 2 ½ miles of dust included in the emissions calculations?	II-150
5-7	The hours ...would be 7:00 a.m. to 7:00 p.m.	How many companies in the Burney area presently work these hours? This is abnormal in a rural area and should be 8:00 a.m. to 5:00 p.m.	II-151
5-8	...more water may be used...working more days...	How can this be? Since the days would be shorter it would offset more days!	II-152
	...noise may occur on more days...	But, less early mornings and less late nights!	II-153
	...truck traffic...would increase...	But, it would be offset by less traffic at night. This is a good time to ask the question of traffic comparison of 1985 or 1989 to present. Is there more traffic including diesel trucks now or 10-15 years ago?	II-154
6-1	CEQA Guidelines require the use of only one method... For this EIR, a combination of the list approach and plan approach was utilized.	How can they do this? The Guidelines say "only one method".	II-155
Appendix B		Do the calculations include maximum production for each plant Including Fletcher, McArthur, Braden Sand Pit, SR 89, etc.?	II-156
	...is be...	Another typo. Should say, "...is to be..."	II-157
Appendix C			
	This Appendix has many inconsistencies!		
	...approximately 10 miles...	Page 3-1 says 7 miles.	II-158
	The project elevation is approximately 850 feet...	**Oh really! Was this used for any calculations? Should b 3,000.**	II-159
	...approximately 28 inches...	Page 4.7-1 says 31.67 inches	II-160
	Currently, there no...	Should be, "Currently, there are no..."	II-161
		But, this statement is important and leaves open questions on ambient air monitoring data. If there is no data available, then how does the County intend to fulfill any requirements? This is a big item due to the fact that the readings are already extremely high for the District.	II-162
Page 4	Such filters, however, do not control gaseous air...	What does? We need it and want it!	II-163

Page 5	...actual placement of the equipment within the property is not known.	We need to know actual placement in order to monitor properly!
Page 6	Cumulative Annual Emissions	Not all of the locations of operations were included.
	...nearest source (Sierra Pacific Industries)...	No! Many other sources located closer. See prior notes.
	...location of closest residences.	What about workers, office, night watchman's quarters, customers, Space #18, etc.?
Table 4-4		Could be a maximum of 45,000 Cubic Yards. (page 3-11)
Table 4-5		Same, 45,000.
Table 4-6		Could be a maximum of 100,000 cubic yards. (page 3-14)
Table 4-8		Could be a maximum of 25,000 cubic yards. (page 3-14)
Table 4-9		Does this include SR 89?
	Based on 40 mph,	SR 89 has a 65 mph rate!
Table 4-11		Does not include: SR 89, Packway, Lead Core, Fletcher, Customers, McCloud Railroad. Also, page 5-3 refers to R&M Industrial Center. Page 5-6 refers to Braden Sand Pit, Hidden Valley Aggregate, Jack Rabbit Flat, Blue Sand Pit, and Six Mile Hill.
Table 4-10		Is it an electric generator or a diesel generator?
A. STANDARD MITIGATION MEASURES		Why show these since the County does not enforce them at this time! For example, the following items are not in compliance: 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20.
Appendix D		
	Page 3	This map shows the Braden Sand Pit and Hidden Valley Ranch. Is the Braden Sand Pit on the Fault?
	Glazner Environmental Consulting (letter)	This is a confirmation of the wetlands, but the total volume is smaller than reported by the RWQCB in 1985 and 1989.
		The forms show "suspect area" in some cases, including one that says, "USGS shows this basin as a pond." This one is not included in the total wetlands.
Appendix E		
	Cooksley Geophysics, Inc. (letter dated 1/9/96). ..."seismic activity in the area is infrequent."	There have been many earthquakes felt since this date and newspaper articles have included recordings of more than 30 in one period of time. The office manager was quoted as saying it happens all of the time and in fact, she reported

II-164
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	receiving calls from the Bay area to confirm that she felt some.	↑
Cooksley... (letter dated 1/26/96)	It is interesting to note that the second letter is the same as the first, except that it has new information added.	11-177
NST Engineering, Inc. (letter dated 1/4/96)	My copy of the EIR included only one page and no signature on this letter.	11-178
Appendix F		
Shasta County Fire Department Item 7.12	Do they or will they have a centralized water system providing fire hydrant (s)? Will they have a fire hydrant ...within 300 feet...of asphalt plant?	11-179
Item 7.22	Who is to enforce the prohibiting of waste...tires, or rubbish? It is not done now!	11-180
Item 7.23	Is this done now? When was last inspection?	11-181
Appendix G		
Kleinfelder (letter dated received 7/31/00)	Why were some items eliminated from Kleinfelder's project scope? Such as hydrologic and surface water quality issues.	11-182

Letter 11 Joe Studenicka, County Resident

Response to Comment 11-1

Please refer to the following responses to comments in this letter.

Response to Comment 11-2

As of October 31, 2000, there are no open and pending code complaint violations. Since 1996, Mr. Studenicka has filed numerous complaints alleging violations of Shasta County Code on the project site. These complaints have been investigated, and where violations have been determined to exist, appropriate enforcement actions have been taken to obtain compliance. The County has responded to the inquiries of Mr. Studenicka and his attorney regarding this matter.

Response to Comment 11-3

The activities on the project site which were not included in the DEIR, including "the Quarters (residence), Lead Core, Fletcher Forest Products, McArthur Farm Supply" are uses which are permitted by, or consistent with, previously approved Use Permits Number 7-89 and 26-71, and not subject to current environmental review. The fill material is being brought to the site under an approved grading permit, which is a ministerial permit not subject to environmental review and not related to the project which is the subject of the DEIR.

Response to Comment 11-4

Comment noted. Page 1-1 of the Draft EIR is modified to read as follows:

> The ~~original~~ ***current*** application for the project was submitted to the County in June 1999.

Response to Comment 11-5

The comments regarding the previous site uses are noted. The comments do not address the adequacy of the Draft EIR, but they are presented here for consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-6

Distances between proposed activity areas on the project site and the nearest residences are the most relevant for evaluating the environmental impacts of the project, since the proposed operations would be located there. As illustrated in Figure 3-2 of the Draft EIR, the project site takes up only a portion of the parcel. Taking measurements to the closest parcel boundary would provide an unrealistic picture of potential impacts, since much of the parcel would not be used by the project.

The residence on the site mentioned in the comment apparently refers to a night watchman's quarters. Subsequent comments in this letter refer to these quarters. Under the Shasta County

Zoning Plan, a night watchman's quarters is considered a permitted use in an industrial zone, and it is considered "incidental to the established commercial or industrial use" (Shasta County Code 17.02.100). Therefore, a night watchman's quarters is not a "residence" under land use regulations. Significantly, none of the residential zones listed in the County Zoning Plan includes a night watchman's quarters.

Review of an aerial photograph taken of the project site and the vicinity indicates that one structure apparently located in the trailer park is within approximately 2,100 feet of the main entrance to the site. The 1,400 feet cited in the comment appears to be the approximate distance from this structure to the nearest activity on the parcel in which the project is located, the activity being the forest products company. While the forest products company is located on the same parcel as the proposed project, it is not part of the project, nor is it located within the boundaries of the proposed project.

The existence of a residence south of the project site that is closer than the residences located within the trailer park cannot be confirmed. The comment concerning residences north of the property line is noted. For clarification, the residences are located north of the northern parcel boundary. Other residences are located closer to the project site. Page 1-1 of the Draft EIR is modified to read as follows:

> There is a residential area and mobile home park located northwest of the project site across SR 89, with the closest residence approximately 0.5 miles away: ***from the primary project entrance.***

Response to Comment 11-7

The Initial Study determined that the project could have a potentially significant impact on traffic unless mitigation was incorporated. The Initial Study also identified a specific mitigation measure to address the potential impact, which is described in Section 4.1, Introduction to Environmental Impact Analysis, and has been incorporated within this EIR. With this mitigation measure, it was determined that the proposed project would have a less than significant impact on transportation and traffic.

Response to Comment 11-8

The Mandatory Findings of Significance cover issues that are discussed in more detail in other sections of the Initial Study and the Draft EIR. For this project, the Initial Study indicates that potential Mandatory Findings of Significance issues include aesthetics, air quality, biological resources, geology and soils, hydrology and water quality, noise and recreation. Each of these issues are discussed in the appropriate technical section of the Draft EIR.

Response to Comment 11-9

Three grading permits have been issued for this site. There is no grading permit application which has not received "approval." Two of the grading permits have been completed and finaled. Work has not been completed on the third grading permit. Hat Creek Construction originally applied for the third grading permit in order to stockpile fill material on the site. However, the County informed Hat Creek Construction that it could not stockpile fill material on the site under the conditions of the existing use permits. When the grading permit was revised to permit permanent fill of a portion of the site, the permit was issued.

Response to Comment 11-10

Pertinent regulations of RWQCB are discussed in the appropriate sections of the Draft EIR. It is not clear what prior comments on RWQCB the commentor refers to, as none of the comments in the letter prior to this one mention RWQCB.

Response to Comment 11-11

The comment regarding the two different driveways is noted. Page 1-5 of the Draft EIR is modified to read as follows:

> The project Initial Study stated that the existing ***primary*** driveway road approach from SR89 would need to be upgraded to Caltrans' "Type C" standards, with a typical deceleration lane and acceleration lane, for which a Caltrans' encroachment permit would be required.

The mitigation measure applies to the primary driveway, which has the capability of handling large transport trucks. An evaluation of the legality of driveways on private property is beyond the scope of an EIR.

Response to Comment 11-12

Page 2-1 of the Draft EIR is modified to read:

> The maximum hours of operation would be from 4:00 a.m. to 8:00 p.m., with ~~average~~ ***normal*** hours from 7:00 a.m. to 5:00 p.m.

Actual working hours and days would depend upon the amount of work obtained for plant operations. In turn, this depends upon market conditions, which cannot be reliably predicted. Moreover, the nature of construction work is such that producers of construction materials are required to work odd hours and days on occasion. However, it must be noted that such occasions would occur infrequently, given the limited market area and the small number of large projects that would likely be constructed in that market area. In addition, the limits on the maximum amount of production for each proposed operation, which would be part of the conditions for the Use Permit, would further restrict the number of odd hours and days these operations would work. Therefore, the typical hours and days of operation are reasonably reflective of the actual hours and days that would usually be worked on the project site.

Response to Comment 11-13

The project site is within the RWQCB, Central Valley Region. The Basin Plan for the California Regional Water Quality Control Board, Central Valley Region, states that all ground waters in the Central Valley Region are considered as suitable or potentially suitable for industrial service supply. Concerning days and hours of operation, please refer to Response to Comment 11-12.

Response to Comment 11-14

Please refer to Response to Comment 11-12. Page 2-2 of the Draft EIR is modified to read as follows:

> The maximum hours of operation would be from 4:00 a.m. to 8:00 p.m., with ~~average~~ ***normal*** hours from 6:00 a.m. to 3:00 p.m.

Response to Comment 11-15

Please refer to Response to Comment 11-12. Page 2-2 of the Draft EIR is modified to read as follows:

> The maximum hours of operation would be from 4:00 a.m. to 8:00 p.m., with ~~average~~ ***normal*** hours from 6:00 a.m. to 5:00 p.m.

Response to Comment 11-16

The reference in Appendix C is a typographical error. It should read 10,000 cubic yards for an average year of production. 100,000 cubic yards per year is the maximum amount the plant would be permitted to produce in a year.

Response to Comment 11-17

Asphalt production at the proposed plant would rely primarily on aggregate from the quarry and sand and asphalt oil brought in from other sources. Recycled asphalt would be processed infrequently and would count towards the maximum allowable production for a year. The processing of recycled asphalt is similar to that for regular asphalt; therefore, the potential environmental impacts of recycled asphalt would be similar.

Response to Comment 11-18

For the purpose of this EIR, it is assumed that concrete would be mixed on-site where the aggregate is located. It is unlikely, due to logistical and economic reasons, that the aggregate would be transported to another location to be mixed and then returned to the original site for sale.

The commercial activity of selling landscaping material was included in the transportation analysis; see Appendix B, Traffic Volume Estimates.

Response to Comment 11-19

RWQCB submitted no comments on the Draft EIR. The use of the log pond areas must be in compliance with applicable RWQCB regulations.

No comments were received from the Burney Basin Mosquito Abatement District on the Draft EIR. However, in a letter to the County dated March 22, 2000, the Abatement District stated that it would have two requests of any proposed developments that have on-site ponds: no vegetation would be allowed to grow within the ponds, and the Abatement District must have access to all four sides of the ponds. The Abatement District indicated that after talking with the project applicant, there would be no problem with the project meeting those requests.

Response to Comment 11-20

The comment regarding the driveways is noted. Page 2-2 of the Draft EIR is modified to read as follows:

> The ***primary*** existing driveway approach from SR 89 would be upgraded to "Type C" standards of the California Department of Transportation (Caltrans), which typically includes a deceleration right turn lane and an acceleration lane.

Also, please refer to Response to Comment 11-7.

Response to Comment 11-21

Table 2-1 is linked to discussions within the Draft EIR, not within the Initial Study. Impact 4.2.1 in the table relates to the impact discussion in Section 4.2, Aesthetics. All impacts and mitigation measures listed in Table 2-1 are linked to impact discussions and mitigation measures similarly.

Impacts 4.2.1-3 in Section 4.2 of the Draft EIR discuss the impact concerns of both I.b and I.c of the Initial Study. Issues concerning III.d in the Initial Study are discussed in Section 4.3 of the Draft EIR, which discusses air quality issues.

Response to Comment 11-22

Differences in measurements may have occurred due to the choice of endpoints. The community of Burney is spread out along SR 299; thus, measuring from the project site to the center of the community may yield a different result than measuring from the site to the eastern edge of the community. To allow for a more conservative analysis of potential environmental impacts, the 7-mile distance is used.

Response to Comment 11-23

Please refer to Response to Comment 11-6. The Draft EIR acknowledges the difference between the property line and the project site, and uses distances to the project site since project impacts would be generated from the site, and not from the entire property. Measurements of distances to Burney Creek were taken using maps of the vicinity, and with the project site as one of the endpoints.

Response to Comment 11-24

Comment noted. The comment does not address the adequacy of the Draft EIR, but is presented here for informational purposes.

Response to Comment 11-25

The main purpose of Figure 3-2 was to provide the reader with an idea of the location of the project site and specific features of the project. Figure 3-4 of the Draft EIR shows some features located off the project site. Comments on other features that could be included in Figure 3-2 are noted. The location of these features in relation to the project are adequately described in the document.

Response to Comment 11-26

Comments noted. The comments do not address the adequacy of the Draft EIR, but are presented here for consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-27

Comment noted. Page 3-4 of the Draft EIR is modified to read as follows:

> Currently the site is owned by ***Rim Rock Corporation.*** Hat Creek Construction, Incorporated~~, who~~ is the project applicant.

While Rim Rock Corporation is the property owner, Hat Creek Construction as the project applicant would have the responsibility of implementing all conditions for the project should it be approved.

Response to Comment 11-28

The County, as the Lead Agency for the project, reviewed the Draft EIR prior to its release to the general public, and did not indicate that any corrections needed to be made to the list of land uses on the property where the project would be located. Also, visits to the site by the preparers of the EIR verified the information provided by Hat Creek Construction.

Response to Comment 11-29

The night watchman's quarters are not part of the proposed project; therefore, it was not considered in the EIR analysis.

Response to Comment 11-30

Administrative Permit 99-09 for a night watchman's quarters was approved pursuant Condition 29 of Shasta County Board of Administration Resolution Number 7617 for Use Permit Number 7-89, which requires: "A person shall be employed 24-hours per day, 7-days per week, to secure the area and detect fires." Use Permit 7-89 is not currently subject to environmental review. The remaining comments and questions in this section are noted but do not pertain to the Eastside Aggregates Project Draft EIR.

Response to Comment 11-31

The fueling station is a use consistent with approved Use Permit 7-89, which is not currently subject to environmental review. It is our assumption that the phrase "the first go round" refers to the application for Use Permit 14-96. This application included all existing and proposed uses, in an attempt to consolidate the new use permit and the existing use permits.

Response to Comment 11-32

The existing scale shack and scales are not part of the proposed project; therefore, they were not considered in the EIR analysis. The comment does not address the adequacy of the Draft EIR, but is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-33

The reference to Fletcher Forest Products is contained in a subsection of the Project Description entitled "Surrounding Uses" and is meant to give the reader some general background on the surrounding land uses.

Response to Comment 11-34

The sentence in question ended with the phrase "... of no significant size on the project site." The following sentence acknowledged that three shallow depressions containing water were found on the project site. As described in Section 4.4, Biological Resources, the total acreage of the jurisdictional wetlands, which include those three sites, is 0.71 acres. The ponds the commentor refers to were most likely the log ponds used by the lumber mill. These ponds are now dry.

Response to Comment 11-35

Comment noted. The 1999 study by Glazner Environmental Consulting actually delineated the wetland areas on the project site. The Army Corps of Engineers verified the delineation by a letter dated August 19, 1999 (please refer to Letter 6 by Miriam Green Associates). Previous studies merely noted the existence of wetland areas.

Response to Comment 11-36

Comments noted. The comments do not address the adequacy of the Draft EIR, but they are presented here for consideration of the Planning Commission and the Board of Supervisors. Concerning driveways, please refer to Response to Comment 11-11.

Response to Comment 11-37

"Surrounding Uses" describe land uses in areas near or adjacent to the project site, including those on the parcel within which the project site is located. The reference in Page 3-1 of the Draft EIR describes existing conditions on the project site itself.

Response to Comment 11-38

Comment noted. Page 3-1 of the Draft EIR is modified to read as follows:

> The eastern boundary of McArthur Burney Falls Memorial State Park is located approximately ~~1.1~~ *1.3* miles northwest of the project site, and Lake Britton is approximately 3 miles north.

Response to Comment 11-39

The purpose of this section is to indicate the reasons the project applicant wished to proceed with the project. CEQA Guidelines Section 15124 states that a statement of objectives should include the underlying purpose of a project. Concerning possible work from Caltrans and an evaluation of its potential impacts in relation to the project, please refer to Response to Comment 13-2 and General Response to Letter 14.

Response to Comment 11-40

Please refer to Response to Comment 11-17. The processing of recycled concrete is similar to that of newly produced concrete, and the potential environmental impacts of processing recycled concrete are similar. Recycled concrete would count towards the maximum production amount allowed for the concrete plant as specified in the Conditional Use Permit. It is expected to be processed infrequently, as raw materials for producing concrete would be readily available.

Response to Comment 11-41

The map is intended to depict new facilities that would be constructed as a result of the project. Other facilities depicted on the map are included as points of reference. Please refer to Figure 3-3 of the Draft EIR for a depiction of current land uses on the project site. The scales are depicted in the area identified by the commentor.

Response to Comment 11-42

The dark lined area around the office is a proposed driveway to a parking area between the office and the proposed truck repair shop.

For driveways, please refer to Response to Comment 11-11.

It is not expected that quarry operations would mine 45,000 cubic yards every year. In some years, the amount would be much less, depending upon market conditions. However, the maximum amount the quarry could mine over the 30-year period would be 900,000 cubic yards.

Response to Comment 11-43

Please refer to Response to Comment 11-12.

Response to Comment 11-44

For water use, please refer to Response to Comment 14-8. No chemicals would be required in the washing of processed rock material. As far as is known, no trucks would be washed with diesel as part of the operation. However, some water would be used in dust control operations.

Response to Comment 11-45

The Braden Sand pit is located in the Johnson Park/Cassel area of Shasta County, on the north side of SR 299 East. It is on an unnamed gravel road approximately 0.8 miles from where said road intersects the highway, which is approximately 1.5 miles east of the intersection of Cassel Road and SR 299 East. Sand would be transported on the unnamed road from the pit to SR 299E, to SR 89, and then to the Eastside Aggregates project site. Some amount of dust would be created by the transportation on the gravel road. However, this site is an existing legal operation regardless of whether the Eastside Aggregates project is approved, and sand is already being transported on the gravel road. The property on which the Braden Sand Pit is located is owned by Pacific Gas and Electric Company. The pit is currently being operated by Hat Creek Construction, Inc. It is a vested operation with approved Reclamation Plan Number 4-92.

A description of the location of the Braden Sand Pit is included in the Project Description. Also, the location can be found in Figure 2 of the Miriam Green Associates study, which is included in Appendix D of the Draft EIR. The sand pit is on land owned by PG&E, but Hat Creek Construction operates the pit. The County Planning Division states that the sand pit has all necessary permits. The sand would be transported to the project site from the east over SR 299 and SR 89.

Response to Comment 11-46

Appendix B of the Draft EIR discusses an estimated amount of cement needed for batch plant operations, both for normal production and maximum allowable production. Cement would be brought in by trucks. The vehicle traffic for the cement was taken into account in the evaluation of potential impacts. There are no known cement facilities in the Burney area, so the cement would mostly come from outside the area.

Response to Comment 11-47

Please refer to Response to Comments 11-12, 11-17 and 11-40. It is acknowledged that material from the plant could be transported from the project site 24 hours per day on rare occasions. Such transport would require a written contract with a public agency stating that material must be transported at other than regular hours of plant operation for public health and safety reasons. Nevertheless, environmental analysis of the project for a "worst-case" scenario has included transportation of materials outside of normal hours of operation.

Response to Comment 11-48

Section 4.7, Hydrology and Water Quality, discusses the potential impacts of the project on local hydrology. Also, please refer to Response to Comment 11-44.

Response to Comment 11-49

An estimate of total truck trips is included in Appendix B of the Draft EIR. On other issues raised in the comment, please refer to Response to Comment 11-12.

Response to Comment 11-50

Please refer to Response to Comment 11-16.

Response to Comment 11-51

Comment noted. Page A-3 of Appendix B does in fact state that "an additional 7,200 cubic yards of sand would be required". That is 7,200 cubic yards *in addition* to the previously staed 800 cubic yards, ultimately totaling 8,000 cubic yards as emphasized by the commentor (emphasis added). For background information regarding recycled asphalt, please refer to Response to Comment 11-17.

Response to Comment 11-52

Vehicle traffic associated with project operations have been included in the environmental analysis.

Response to Comment 11-53

The proposed separation of the C-M and industrial zones is part of the description of the project given to the County, which would make such a separation a condition of the Conditional Use Permit.

Response to Comment 11-54

Existing buildings on the site are not part of the proposed project; therefore, this measure does not apply to these buildings.

Response to Comment 11-55

The location of the proposed truck repair shop is labeled Number 15 on Figure 3-4. Contractors in the more remote parts of the County need to store and reuse material. However, there are no permits for the subject property for a junk yard, wrecking yard, landfill, or any other kind of disposal site. Any material stored on the property must clearly be usable for the contractor's business, or for site improvement in the near term. The type of material which is stored, and the manner in which it is organized and stored, is important in distinguishing a contractor's yard storage area from a junk yard, wrecking yard, landfill, or any other kind of disposal site.

The County has responded to code violation complaints regarding storage or disposal of inappropriate materials, inspected the site, and taken appropriate enforcement actions. The most recent code compliance inspection by the County was during the week of September 18th, 2000.

Response to Comment 11-56

Retention Basin #2 includes the former plywood pond as well as the area between Retention Basin #1 and the bluff, as shown in Figure 3-4 of the Draft EIR Since the commentor does not describe the RWQCB information cited, no adequate response can be given to the remainder of the comment.

Response to Comment 11-57

Please refer to Response to Comment 11-37.

Response to Comment 11-58

The Draft EIR states that the berm would provide a partial screening of the plants. Existing vegetation would provide additional screening, and Mitigation Measure 4.2.1a would require additional screening for views from SR 89. The berm, as mentioned in the Draft EIR, would also reduce the amount of noise reaching nearby residences.

Response to Comment 11-59

Mitigation Measure 4.5.4a describes how the topsoil removed from the site would be saved for future reclamation use. Topsoil is not one of the materials that would be sold as part of the project.

Response to Comment 11-60

Please refer to Response to Comment 11-34.

Response to Comment 11-61

Since the commentor does not describe the RWQCB information cited, no response can be given to this comment.

Response to Comment 11-62

Please refer to Response to Comments 11-7, 11-11 and 13-2.

Response to Comment 11-63

The reconnaissance for vernal pools and Orcutt grass was in response to concerns raised by the California Department of Fish and Game about their possible existence on the site. A study conducted by Miriam Green Associates in 1999 found no special status species on the project site.

Response to Comment 11-64

All letters and studies prepared in the course of the environmental review for the previous project application were listed, as stated in the Draft EIR.

Response to Comment 11-65

The conditions of the approved use permits have been and will be enforced by the County and other agencies having jurisdiction.

Response to Comment 11-66

The existing uses on the site are permitted by, or consistent with, the uses approved by Use Permits Number 7-89 and 26-71. Use Permit Number 26-71 is a permit for an airstrip. It was approved by Planning Commission Resolution Number 1856 on November 12, 1970. There is no expiration date.

Use Permit Number 7-89 was approved by Board of Administrative Review Resolution Number 7617 on September 15, 1988. There is no expiration date. The uses approved under this use permit include the existing sawmill facilities, existing landing strip, and a proposed 8,000 square foot sawmill building expansion. Structures and uses listed on the approve site plan include: a sawmill, crane shed, planer shed, lumber storage, warehouse, oil house, log scale shack, lumber storage, tee pee burner, boiler house, new dry kilns, new dry sheds, shop, monitor wells, water wells, sewage system, proposed sawmill addition, two log ponds, one pond, log decking area, equipment storage, office, kilns, and railroad spur. The existing contractor's yard and accessory uses are consistent with the uses approved by Use Permit 7-89.

Response to Comment 11-67

Existing uses and conditions are not explicitly evaluated in the Draft EIR since they are not part of the project. The evaluation of the cumulative impacts of the project include existing uses in the vicinity.

Response to Comment 11-68

The Streambed Alteration Agreement applies to any work that substantially diverts, alters or obstructs the natural flow or substantially changes the bed, channel or banks or any river, stream or lake. It is not certain if the filling of an abandoned ditch would constitute a "substantial change" to areas subject to CDFG's regulations. CDFG must at least be notified of such work, so that it can evaluate if the work would require a Streambed Alteration Agreement.

Response to Comment 11-69

Comment noted. Page 4.2-1 of the Draft EIR is modified to read as follows:

> In the vicinity of the project site, the main scenic attraction is Burney Falls, located within McArthur Burney Falls Memorial State Park approximately ¼ *1.3* miles northwest of the project site.

Response to Comment 11-70

Please refer to Response to Comment 11-32 for a response on the scales.

Response to Comment 11-71

The Draft EIR Project Description provides a list of existing land uses on the project site, which includes the fueling station and the night watchman's quarters.

Response to Comment 11-72

Much of the view of the rim rock along SR 89 is obscured by intervening trees. This includes the area along SR 89 adjacent to the project site. Clear views of the rim rock are generally available further north of the project site.

Response to Comment 11-73

Comment noted. This comment does not address the adequacy of the EIR, but it is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-74

The entrance illustrated in Figure 4.2-2 is the primary entrance to the project site. All project-related vehicle traffic would use this entrance to enter and leave the site.

Response to Comment 11-75

Comment noted. This comment does not address the adequacy of the EIR, but it is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-76

The Draft EIR acknowledges that the project site can be seen from several places along SR 89. The site is more visible from some locations along SR 89 than others, depending upon the amount of intervening vegetation.

Response to Comment 11-77

Please refer to Response to Comment 11-72. None of the rim is visible from above the trees. Mitigation Measure 4.2.1a would reduce the visibility of the silos from SR 89.

Response to Comment 11-78

Comment noted.

Response to Comment 11-79

The 1,000-foot corridor mentioned earlier includes the 500-foot corridors north and south of the main entrance mentioned in the mitigation measure. Based upon site reconnaissance, the recommended amount of screening is considered adequate to mitigate potential aesthetic impacts.

Response to Comment 11-80

The 28 inch figure was identified in the air quality study prepared for the Draft EIR. The figure was inserted for informational purposes only, and had no bearing on the analysis and conclusions

of the study. The source for this information was not given by the preparer of the air quality study. As stated in the Draft EIR, the 31.67 inch figure came from the state Department of Water Resources.

Response to Comment 11-81

Comment noted. Please see Response to Comment 14-63.

Response to Comment 11-82

The wording is from Appendix G of the CEQA Guidelines. It is up to the local jurisdictions to give more definition to certain terms, as conditions in local areas vary. The County has established thresholds of significance for impacts on air quality, which are described in the Significance Criteria subsection of Section 4.3 of the Draft EIR.

Response to Comment 11-83

Please refer to Response to Comment 11-82.

Response to Comment 11-84

Comment noted. Please see Response to Comment 11-169.

Response to Comment 11-85

Please refer to Response to Comment 11-6 on the status of the night watchman's quarters. Employees on the site are covered by Federal and State OSHA regulations concerning exposure to potentially hazardous substances or conditions.

Response to Comment 11-86

Emissions in the DEIR are for the proposed project only. They do not include other existing operations. They do include emissions from all stationary sources and vehicular traffic. Recycling operations have always been included in the average and maximum annual production levels.

Response to Comment 11-87

The referenced calculations include emissions from the proposed project only. However, an updated emissions calculations was prepared utilizing a more aggressive "worst-case" scenario and can be found in Appendix E. Recycling operations have always been included in the average and maximum annual production levels, and therefore are attributed for in the calculations. See also Response to Comment 14-63.

Response to Comment 11-88

The mitigation measure only applies to vegetative material waste generated as a result of the project.

Response to Comment 11-89

Comment noted. It is uncertain exactly what this comment is clarifying or requesting. The reference to 96 hours in the DEIR is a clarification for the reader of what constitutes an "inactive construction area".

Response to Comment 11-90

The only paved public road adjacent to the project site that would be used substantially by construction traffic is SR 89.

Response to Comment 11-91

The lifetime of the project is 30 years, however, if production is at a higher rate than average during the earlier part of proposed project's 30 year life, then either production would have to be reduced in subsequent year(s) and/or the life of the project would have to be shortened. See Response to Comment 13-3 for additional information and discussion on production levels.

Response to Comment 11-92

The impact discussion did conclude that fugitive dust emissions from the project were potentially significant and required mitigation. Since that conclusion was reached, further analysis of dust emissions from unpaved roads and other sources was considered unnecessary.

Response to Comment 11-93

Comment noted. Please refer to Response to Comment 14-15

Response to Comment 11-94

Please refer to Response to Comment 11-17.

Response to Comment 11-95

Please refer to Response to Comment 8-2.

Response to Comment 11-96

Comment noted. A diesel generator will not be used as part of the proposed project.

Response to Comment 11-97

The projects included in Table 4.3-7 were selected in consultation with SCAQMD and represent only projects that are a significant source of emissions in the general vicinity of the proposed project. It is recognized that there are other emission sources, however, their contribution to cumulative impact would be much lower than those listed in Table 4.3-7.

Response to Comment 11-98

Inclusion of Braden Sand Pit, SR 89, and other miscellaneous sources were not included explicitly. Emissions from these sources were included in the background ambient air quality data. These data are limited to PM10 concentrations.

Response to Comment 11-99

Comment noted. Sierra Pacific Industries is the nearest major stationary (permitted) source. With regard to other sources, their effects have been included by including background NAAQS.

Response to Comment 11-100

Comment noted. Table 4.3-7 is accurate in that it includes major permitted sources near the proposed project. The affect of including other (small sources) would be to increase baseline emissions in the project area. It would not affect the incremental impacts from the project.

Response to Comment 11-101

Comment noted.

Response to Comment 11-102

The figure for the pond size came from a 1999 delineation of wetlands on the project site conducted by Glazner Environmental Consulting. Please refer to Response to Comments 11-34 and 11-35.

Response to Comment 11-103

Comment noted.

Response to Comment 11-104

A subsequent study conducted by Miriam Green Associates in 1999 did not identify any Orcutt grass on the project site.

Response to Comment 11-105

Please refer to Response to Comments 11-34 and 11-35. Since the commentor does not describe the RWQCB information cited, no response can be given to the remainder of the comment.

Response to Comment 11-106

A search of records by the RWQCB found only one order from 1989 related to the project site. That order rescinded Cleanup and Abatement Order No. 85-1R, which was issued on October 8, 1985. Neither the Cleanup and Abatement Order nor the rescission order mentions a 100-foot non-disturbance area around wetlands. The mitigation measure in the Draft EIR applies to the wetlands that were delineated in the 1999 study by Glazner Environmental Consulting.

Response to Comment 11-107

Mitigation Measure 4.4.3a requires a survey to be conducted if development is proposed in an unsurveyed area. Also, please refer to Response to Comment 11-104.

Response to Comment 11-108

The crushed stone may be used in the production of asphalt, but it is not necessarily limited to just asphalt use. Mineral resources are classified based upon guidelines and procedures

developed by the State Mining and Geology Board. The project applicant has conducted tests to determine if the material can meet standards for AC-grade aggregate.

Response to Comment 11-109

Please refer to Response to Comment 11-29.

Response to Comment 11-110

Three grading permits have been issued for this site. There is no grading permit application which has not received "approval." Two of the grading permits have been finaled. Work has not been completed on the third grading permit. When grading has commenced prior to issuance of a grading permit, the County has notified the property owners to cease and desist until a grading permit was issued. The County has responded to numerous inquiries from Mr. Studenicka regarding grading on this site. Also see the response to comment 12-9.

Response to Comment 11-111

Mitigation Measure 4.5.3a requires periodic evaluations of slope stability by a qualified professional engineer or a certified engineering geologist.

Response to Comment 11-112

Comment noted. The comment does not address the adequacy of the Draft EIR, but it is presented here for consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-113

Mitigation Measure 4.6.3a was recommended by the County in its Initial Study for the project.

Response to Comment 11-114

Requests for further information may be sent to the Shasta County Department of Resource Management, Planning Division.

Response to Comment 11-115

It is our understanding that "the hearing" refers to the public hearings on Use Permit 14-96 in 1996. Evidence of flooding on the site was presented to the County subsequent to the hearings on Use Permit 14-96.

Response to Comment 11-116

Information about the flow pattern was obtained from a letter by John H. Humphrey of Hydmet, Inc. to Duane K. Miller, dated July 9, 1999. A call to Mr. Humphrey revealed that the letter was in error, and that flows actually went to the northwest. Page 4.7-1 of the Draft EIR, last paragraph, is modified to read as follows:

> The project site is within the Burney Creek watershed (**Figure 4.7-1**). The nearest stream to the project site is Burney Creek, approximately one mile to the west. Overflows from Burney Creek entered the project site during flood events in 1995 and 1997. In the flood

of 1997, water accumulated a few feet deep along the north side of the former log pond and between the pond dike and the slope to the east. The water eventually exited the site to the ~~northeast~~ ***northwest***, going back to Burney Creek under SR 89.

Response to Comment 11-117

Please refer to Response to Comments 14-33 and 14-35 on potential impacts to the aquifer. Potential impacts from contamination are discussed in Section 4.6 of the Draft EIR.

Response to Comment 11-118

Comment noted.

Response to Comment 11-119

Comment noted. The comment is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-120

Sections 4.6 and 4.7 of the Draft EIR evaluate the potential impacts of the project on water quality. The project would be subject to the NPDES permit process, which require adherence to discharge conditions and Best Management Practices (see Page 4.7-5). Also, the project would be subject to RWQCB regulations.

Response to Comment 11-121

Inspectors from the County have not found evidence to support the allegation that "drums are still scattered about the property site." The Regional Water Quality Control Board has not indicated that groundwater monitoring is necessary at the present time.

Response to Comment 11-122

Site reconnaissance did not encounter monuments. The comment does not address the adequacy of the Draft EIR.

Response to Comment 11-123

The handling of hazardous materials is subject to various Federal, State and local regulations. The Shasta County Environmental Health Division is the primary agency responsible for overseeing the commercial use and storage of hazardous materials (please refer to Response to Comment 3-1).

Response to Comment 11-124

The reference came from a site reconnaissance conducted by Norman Braithwaite, who described his findings in a letter listed in the References at the end of Section 4.7 of the Draft EIR and included in Appendix G of the Draft EIR. The drainage pattern is towards the northwest, but east of SR 89. Thus, project site drainage actually goes north of the project site,

which on a map shows a topography trending in a northwest direction. None of the drainage goes towards the trailer park.

Response to Comment 11-125

Please refer to Response to Comment 14-35.

Response to Comment 11-126

Please refer to Response to Comment 14-35.

Response to Comment 11-127

Please refer to Response to Comments 11-4 and 14-35.

Response to Comment 11-128

The listing was of some of the more significant water users. The cumulative analysis, which was based upon a California Energy Commission staff assessment for the proposed Three Mountain Power Plant, considered overall water use within the Burney Basin.

Response to Comment 11-129

Please refer to Response to Comments 14-8, 14-14 and 14-35.

Response to Comment 11-130

Please refer to Response to Comments 14-8, 14-14 and 14-35.

Response to Comment 11-131

Asphalt paving projects routinely commence during very early morning hours. Under such circumstances, it would be necessary to begin asphalt production prior to 7 a.m. However, the applicant has stated that it would not likely be necessary to begin crushing or screening of aggregates prior to 7 a.m., since those materials could normally be processed and stockpiled for asphalt production during daytime hours.

Response to Comment 11-132

The nearest residence to the project site, aside from the on-site caretakers residence, is Unit 18 of the trailer park. This is the residential location which was used in the assessment of noise impacts in the DEIR, and which was referred to as the nearest residence on Figure 4.8-1. Figure 4.8-1 of the DEIR does not clearly show the locations of the trailer park residences; so the triangle shown to represent those residences may not be precisely located on that figure. However, the distances to the nearest residence which were shown on that Figure are accurate, as they were scaled directly from an aerial photograph which clearly shows the location of the residence at Unit 18.

Response to Comment 11-133

The ambient noise level measurements which were reported in the DEIR were conducted at the locations generally shown by Figure 4.8-1. Specifically, measurement site 2 was located near the entrance to the trailer park. The measurements were conducted between near the noon hour on May 30, 2000. The predominant noise source measured at the trailer park site was traffic on SR 89, but normal activities at the Hat Creek Construction site were occurring during the ambient survey. Please refer to Response to Comments 11-85 and 11-131.

Response to Comment 11-134

The commentor is correct in that the DEIR notes that the previous use of the site was a lumber mill. The DEIR also clearly states that no attempt to provide a quantitative assessment of noise from the previous use was made in the DEIR, and that it was noted simply to provide context to the environmental setting. That context being that a noise-generating use formerly occupied the site. Irrespective of whether or not the actual saws were located inside a building, heavy equipment operated outside and the mill undoubtedly generated substantial heavy truck traffic, both in the delivery of logs and the removal of finished timber products. Therefore, while no numerical offset was applied to the ambient conditions to account for a previous use, the fact that the site had previously been used for a noise-producing lumbermill is worthy of note.

Most operations similar to those proposed in the project are not placed in enclosed buildings. It should be noted that while some mill activities were enclosed within buildings, not all of them were. Also, industrial truck traffic occurred outdoors.

Response to Comment 11-135

Comment noted. Page 4.8-6, Policy N-b, is modified to read as follows:

N-b Noise created by new proposed non-transportation noise sources shall ~~ne~~ *be* mitigated so as not to exceed the noise level standards of **Table 4.8-2** as measured immediately within the property line of lands designated for noise-sensitive uses.

Response to Comment 11-136

As stated in the DEIR, ambient noise levels were measured to quantify daytime ambient conditions. Nonetheless, to quantify ambient noise levels during nighttime hours, additional noise level measurements were conducted at the trailer park site. Specifically, continuous noise level measurements were conducted at the residence constructed on Unit 18 of the trailer park from 11 a.m. on November 2, 2000 through 9 a.m. November 3, 2000.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the noise level measurement survey. The meter was calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The results of the ambient noise level measurements indicate that average daytime and nighttime noise levels were 49 dB Leq and 44 dB Leq, respectively. Maximum noise levels ranged from 60 to 81 dB during daytime hours, and from 58 to 64 dB during nighttime hours. During the 4 a.m. hour in particular, the measured average and maximum noise levels were 41 dB Leq and 58 dB Lmax, respectively. The measured ambient noise levels indicate that this area is substantially affected by traffic noise from SR 89, that the ambient noise environment is not sufficiently low so as to warrant the reduction of the County's noise standards, and that no new noise impacts would be identified in light of the measured noise levels at the nearest residence.

Response to Comment 11-137

Table 4.8-5 shows the predicted noise levels from the project at the nearest residences. It does not purport to include noise from off-site noise sources such as traffic on SR 89, occasional train passages or aircraft overflights. Bollard & Brennan, Inc. staff did not observe a single train passage or small aircraft overflight of the area during any field surveys, so the project area is not believed to be significantly affected by these sources.

Response to Comment 11-138

Comment noted. Page 4.8-17 of the Draft EIR is modified to read as follows.

MM 4.8.8e The project applicant shall notify all residents and businesses within 1.5 miles of the blast site at least 24 hours prior to each blast ***by telephone.*** The project applicant shall also notify the Fire Dispatch Center by telephone at 225-2411 ***and the Planning Division*** at least 24 hours prior to each blast. ***The Planning Division shall verify that the project applicant has notified nearby residents and businesses, and shall enforce appropriate penalties if proper notification is not given.***

The comment concerning the alarm is noted and is presented here for the consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-139

Comment noted.

Response to Comment 11-140

As stated previously, the nearest residence to the project site is Unit 18 of the trailer park. This is the residential location which was used in the assessment of noise impacts in the DEIR, and which was referred to as the nearest residence on Figure 4.8-1. Because the distance from the various project components to that residence was scaled correctly, no change in the noise section is warranted to account for different distances. In addition, please refer to Response to Comment 11-131.

Response to Comment 11-141

The commentor's statement that "there should be no noise whatsoever" is unrealistic and not considered a test of significance relative to CEQA. If audibility were the test of significance for noise impacts, every project would have significant and unavoidable noise impacts. This is because every mechanical process in nature generates some degree of noise. For this reason, CEQA states that impacts should be identified if the project would result in a *substantial* increase in ambient noise levels, not simply an audible increase.

The Shasta County Noise Element states the maximum noise levels that are permitted from non-transportation sources, with which the project must be in compliance. The mitigation measure is recommended to ensure that the project does comply with these noise standards. However, particularly with cumulative noise, unforeseen factors may cause these standards to be exceeded. It would need to be determined if such an exceedance was a temporary event or a more permanent feature of the noise environment. Should the exceedance be part of a more permanent feature that is generated by the project, additional mitigation could be required of the project applicant.

Response to Comment 11-142

Due to the high variability of individual sensitivities to noise, it is impossible to predict whether or not persons will be sufficiently annoyed by noise from this project to register a complaint with the County. If a project satisfied local noise standards and does not create a substantial increase in ambient noise levels, it is reasonable to assume that complaints would be minimal. Nonetheless, where there is substantial opposition to a particular project, it is not unusual for the opposing parties to develop heightened sensitivities to any noise generated by the project. As a result, noise complaints should be investigated, and where it is determined that the complaints are justified, corrective action should be taken to mitigate the conditions leading to the complaints.

Response to Comment 11-143

The Draft EIR states that the project site boundary is ¾ mile from McArthur Burney State Falls Memorial Park. Actually, the reference should be to the northern boundary of the parcel within which the project is located. Page 4.9-1 of the Draft EIR is modified to read as follows:

> Approximately ¾ mile north***west*** of the ~~project site~~ ***parcel within which the project is located*** is McArthur Burney Falls Memorial State Park.

Response to Comment 11-144

Measurements on the USGS topographic map including the project site and the Pacific Crest Trail indicate that the trail is actually approximately 5,000 feet from the eastern boundary of the project site. Page 4.9-2, third paragraph, is modified to read as follows:

> A portion of the Pacific Crest National Scenic Trail is located north and east of the project site. The Pacific Crest Trail extends approximately 2,650 miles from Canada to

Mexico, traversing the states of Washington, Oregon and California. Its closest approach to the project site is approximately ~~900~~ ***5,000*** feet east of the eastern boundary.

Given the distance of the trail from the project site, plus the intervening landscape, impacts of the project on hikers are considered to be less than significant.

Response to Comment 11-145

Comments noted. The comments do not address the adequacy of the Draft EIR, but they are presented here for consideration of the Planning Commission and the Board of Supervisors.

Response to Comment 11-146

The No Project alternative could have potential environmental effects if the site is used in the future by another industrial activity. County zoning does permit industrial activities on the site. However, since it is not known if or what kind of industrial activity would locate on the site if the project is not approved, such potential impacts cannot be evaluated.

Response to Comment 11-147

Traffic to and from the project site would use SR 89, a state highway built to accommodate heavy vehicle traffic. The roads at the alternative sites are local roads which generally are not constructed to as high a standard as state highways in regards to accommodating heavy vehicle traffic. While all roads deteriorate over time, deterioration of SR 89 would occur more slowly than would deterioration of a local road.

Response to Comment 11-148

The statement means that there are fewer residents in the vicinity of the Black Ranch Road alternative site than there are at the industrial center alternative site. Therefore, fewer residents would be exposed to potential air quality impacts at the Black Ranch Road site.

Response to Comment 11-149

Comment noted. Residents currently living in the vicinity of the alternative sites would be affected if the project was located at either of these locations. The Draft EIR did not intend to imply that future residents were more of a concern than existing residents.

Response to Comment 11-150

Dust emissions noted in Alternative 3 were not quantified. The emission rate of fugitive dust was not quantified but was discussed qualitatively.

Response to Comment 11-151

Construction operations often work at different hours than other businesses, due to the nature of their activities. Under this alternative, the project would not be permitted to operate at times when people are generally more sensitive to noise.

Response to Comment 11-152

Because of the restricted hours of operation, additional Saturday operations would be required in order to meet their production objectives under this alternative when compared to the proposed project, especially for larger projects.

Response to Comment 11-153

Please refer to Response to Comment 11-152.

Response to Comment 11-154

Please refer to Response to Comment 11-154. The County had determined that traffic impacts associated with the project were not significant; therefore, traffic issues were not evaluated in the Draft EIR.

Response to Comment 11-155

CEQA Guidelines Section 15130(b) states that either method may be used in the cumulative impact analysis, but that an adequate discussion of cumulative impacts must include one of these approaches. The Guidelines do not explicitly state that one method be used to the exclusion of the other. For the Draft EIR, it was concluded that a combination of the two methods would be the best approach for analyzing the potential cumulative impacts of the project.

Response to Comment 11-156

Traffic calculations do include a "worst-case" scenario for operations at the proposed project (see Response to Comment 13-3). Since the Draft EIR was focused on potential impacts generated by the proposed project, activities that are not part of the proposed project were not included.

Response to Comment 11-157

Comment noted. Appendix B, page A-3, fourth paragraph is modified to read as follows:

> Because the truck repair shop is ***to*** be used only for vehicles owned by Hat Creek Construction, the number of trips generated by this facility was not considered in this analysis.

Response to Comment 11-158

Please refer to Response to Comment 11-22.

Response to Comment 11-159

Comment noted. Appendix C, page 1 is modified to read as follows:

> The project elevation is approximately ~~850~~ ***3,000*** feet above sea level.

Response to Comment 11-160

Please refer to Response to Comment 11-80.

Response to Comment 11-161

Comment noted.

Response to Comment 11-162

Air quality data were available for the Burney area until 1993. The Shasta County Air Quality Management District stated that these data were accumulated during a time when there were more industrial activities in the Burney area than there are now. Thus, emission levels for the Burney area are lower than indicated by the data. On the basis of this and other information, the Air District in October 2000 issued a Final Determination of Compliance (FDOC) for the proposed Three Mountain Power Plant, which is expected to generate more emissions than the proposed project. The decision to issue the FDOC was made after a review of public comments and of a proposed mitigation plan for the power plant. Prior to issuance of an Authority to Construct/Permit to Operate, the Air District will review the proposed project for compliance with Air District regulations. The Air District will attach conditions to the permit as deemed necessary, with which the project applicant must comply. Failure to comply could lead to revocation of the permit.

Response to Comment 11-163

Comment noted. Gaseous air pollutants released from the asphalt plant are not at levels requiring additional mitigative measures.

Response to Comment 11-164

General placement of the operations is provided in Figure 3-4 of the Draft EIR. Actual placement would not vary significantly from the locations identified in the figure.

Response to Comment 11-165

Table 4-11 included all projects that would generate significant amounts of emissions. Since the commentor did not specifically mention any excluded locations of operations that generated significant emissions, a more detailed response to this comment cannot be given.

Response to Comment 11-166

Please refer to Response to Comment 11-99 and 11-165.

Response to Comment 11-167

Please refer to Response to Comments 11-6 and 11-85.

Response to Comment 11-168

Tables 4-4 to 4-9 have been updated to reflect maximum production levels (see Appendix E). The revised analysis shows that air quality impacts will be significantly lower than estimates previously provided in the DEIR. Emissions in Tables 4-4 to 4-9 are from the proposed project. They do not include emissions from SR 89. See additional discussion presented in Response to Comment 14-63.

Response to Comment 11-169

SR 89 has a maximum speed of 65 mph. However, the effective speed of a vehicle will be much lower due to traffic volume, traffic signs, and waiting at intersections. Therefore, the effective speed of the vehicles will be much less than 65 mph. For the purposes of this analysis, 40 mph was used.

Response to Comment 11-170

Comment noted. See Response to Comments 11-97 and 11-100.

Response to Comment 11-171

The generator is diesel-powered. However, the question is moot, since the generator has been eliminated from the proposed project.

Response to Comment 11-172

The list of Standard Mitigation Measures is menu of possible air quality mitigations for projects that are subject to environmental review. Mitigations from this list which are appropriate for a particular project are applied as conditions of approval for that project. This list of mitigation measures did not exist at the time Use Permits Number 7-89 and 26-71 were approved.

Response to Comment 11-173

The Braden Sand Pit is not on the fault in the site vicinity.

Response to Comment 11-174

Please refer to Response to Comments 11-34 and 11-35. Current wetland figures are based on a 1999 delineation that was approved by the Army Corps of Engineers. Previous figures for wetlands are not relevant to the project.

Response to Comment 11-175

Suspect areas were determined were determined by the 1999 delineation to not meet waters of the U.S. or wetland criteria, as indicated at the bottom of the forms. Former log pond sites were determined to not meet wetland criteria, as indicated at the bottom of the forms.

Response to Comment 11-176

Comment noted. Since the commentor did not provide specific information, no adequate response to this comment can be provided. However, it should be noted that a swarm of small earthquakes in July of this year, including one reported in the Burney area, was later determined to be misreadings by computers of electrical problems (*Redding Record Searchlight,* July 27 and 28, 2000).

Response to Comment 11-177

Comment noted.

Response to Comment 11-178

Comment noted. Due to a copying error, some copies of the DEIR had both pages of the letter, with the signature page on the back of the first page, and some are missing this signature page. The letter in its entirety is included in the Final EIR as Appendix A.

Response to Comment 11-179

Item 7.12 of the letter from Duane Fry, County Fire Warden states that "A centralized water system providing fire hydrant(s) is required for this Use Permit." This means that the water system would be required as a condition of approval of the new Conditional Use Permit if the use permit is approved, and would be installed at the same time as the uses permitted under the use permit. There is also an existing water system which includes wells, a stand pipe for filling water trucks or fire tankers, and four 2-inch fire hose connections.

The County Fire Warden has also states that "At least one fire hydrant with a flow of 1,000 gallons per minute (gpm) minimum shall be located within 300 feet driving distance of the asphalt plant and the crusher/screen/wash plant/diesel storage tank."

Response to Comment 11-180

The Shasta County Fire Department would enforce the conditions it has recommended. The Department of Resource Management has taken action which has resulted in the cleanup of waste, tires and rubbish on the project site.

Response to Comment 11-181

Comment noted. The Shasta County Fire Department would enforce the conditions it has recommended.

Response to Comment 11-182

Hydrology issues were reviewed by another subconsultant, Norman Braithwaite, whose letter is included in Appendix F of the Draft EIR. Water quality issues were reviewed by PMC.

Letter 12

Dale LaForest & Associates
Design, Planning & Environmental Consulting
101 E. Alma Street, Suite 100-A
Mt. Shasta, California 96067
(530) 926-5115 phone/fax

Shasta County Planning Department
1855 Placer Street
Redding, CA 96001

RE: COMMENTS ON DRAFT EIR FOR EASTSIDE AGGREGATES PROJECT

Planning Department Officials, October 16, 2000

This comment letter is submitted on behalf of residents of the Burney area who are known collectively as the citizen organization "Save Burney Falls." These comments are directed to the Draft EIR for the Eastside Aggregates Project which was formerly in 1996 known as the Rim Rock Corporation and Hat Creek Construction project.

The EIR's discussion of the noise impacts to be created by this Project is wholy inadequate. It begins with a good introduction describing the terminology of noise analysis, but that portion is merely boilerplate language that cannot rescue the main body of noise impact discussion in the EIR. Most importantly, the EIR's discussion on noise impacts is filled with factual mistakes, incorrect assumptions, flawed methodolgy, missing calculations and erroneous conclusions. 12-1

Summary of Noise Comments

The detailed comments below are lengthy and address the EIR's noise analysis, paragraph by paragraph. This summary of the main points addressed by the detailed comments is therefore appropriate:

> The standards by which the EIR measures the significance of Project noise levels are flawed. The CEQA-mandated consideration of existing ambient noise levels at sensitive receptors is meaningless when the EIR fails to properly measure the actual ambient noise levels during all hours of a typical day. Rather, the EIR only discloses ambient noise levels at one of the loudest times of the day, or about 10:30 a.m. Further, the EIR uses the wrong numeric values of the General Plan's maximum allowable noise exposure for its evaluation. Evaluation based upon faulty data and inappropriate standards is meaningless. 12-2
>
> The EIR treats the environmental analysis of this Project's vicinity no differently than as if the Project is located in an urban area such as Redding. 12-3

The General Plan states that in the existing quiet areas of the County, people should be protected from noise-generating land uses which could be located in more noise tolerant areas of the County.

The EIR completely ignores the presence of the trailer park residences which are substantially closer to the Project site than the homes which the EIR mistakenly describes as "nearest residences." These trailer homes with their thin walls are not only less capable of quieting Project sounds, they will be exposed to considerably louder noise levels as well because they are closer to the Project. 12-4

Project noise levels will substantially exceed the significance criteria of the General Plan and will dramatically increase ambient noise levels — as heard at the much closer trailer park homes — yet no effective noise mitigations are currently included in the EIR for these impacts. 12-5

The EIR totally fails to disclose and evaluate the Project's noise impacts on people in nearby recreational areas at McArthur-Burney State Park and Lake Britton. 12-6

The methodology of noise level data collection in the EIR is atypical and flawed. Moreover, that body of data is not provided in the EIR so that the public can independently review its accuracy, the calculations and conclusions. 12-7

The EIR totally ignores the reflective background of the massive cliff walls or landforms (proposed to be quarried) to the east and south of the stationary Project noise sources. It therefore ignores how much louder Project sound levels will be when this reflective sound is added to the directly transmitted noise energy. 12-8

The EIR dramatically underestimates the amount of truck traffic this Project can generate at full capacity operations, and accordingly substantially understates the noise levels resulting from truck operations both on and off site. 12-9

The EIR fails to cumulatively add the noise exposure from trucking operations to that from stationary Project equipment and from blasting operations. By considering these separately, the EIR understates the actual total noise impact on nearby residents. 12-10

Heavy industrial projects often generate much of their noise in lower frequency octave ranges. Lightweight residential walls do not attenuate low frequency sounds as well as higher frequency noise. The EIR fails to disclose the characteristics of this low frequency heavy industrial noise, and therefore uses the inappropriate "A"-weighted noise standard to evaluate the 12-11

significance of such noise impacts. The neighbors will therefore experience more real-world noise impact than the EIR mathematically predicts.

Noise berms to be built around stationary noise sources of the Project were previously added as mitigations when this Project first surfaced in 1996, but without explanation are no longer proposed in the EIR as mitigations. 12-12

STANDARD NOISE IMPACT ASSESSMENT METHODOLOGY SHOULD HAVE BEEN USED

This EIR is flawed because it fails to use standard noise impact assessment techniques or even ones which produce meaningful evaluation of the impacts. Noise impacts can range from perception, to annoyance to hearing nerve damage and other adverse health effects. The most common adverse effects of noise on humans are increased levels of annoyance and stress, and disturbance of sleep. It is therefore important for EIRs to accurately characterize noise impacts so that their significance and the corresponding need for mitigation can be determined. Predicting noise impacts must be based on those factors which can be accurately measured — existing ambient noise levels, distances from sources to receptors, height and width of barriers, atmospheric absorption of noise over distance, machine-generated noise levels, etc. It is the grounding of the assessment in field-derived quantifiable data that gives credence to any prediction of future noise impacts. 12-13

In addition to adequate data, it is also important to understand the significance criteria used to assess the noise impacts. In this case, the EIR uses Shasta County noise standards to evaluate impact significance under CEQA. Additionally, the CEQA Guidelines states that a project may have a significant effect on the environment if it will conflict with adopted environmental plans and goals of a community where it is located or increase substantially the ambient noise levels for adjoining areas. *(emphasis added)* /1/ 12-14

Hence, to be considered adequate, a noise impact assessment of a proposed industrial project must include the following information, most of which is missing from the Eastside Aggregates Project Draft EIR ("EIR"): 12-15

A. **Setting.** The accurate description of the existing noise environment must be based on:

1/ CEQA Guidelines § 15382. Significant Effect on the Environment
"Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, ..."

1. An accurate description of terms and concepts that will be used in the noise assessment and the appropriate applications of each.

2. Identification of likely sensitive receptors that would be impacted by project-generated noise. Sensitive receptors would include on-site workers, residential areas and noise sensitive land uses such as, in the case of this project, recreational land uses. Sensitive receptors should be mapped at a scale allowing a relatively accurate assessment of distance and, if relevant, intervening noise barriers and landforms capable of reflecting and therefore increasing noise impacts. 12-16

   The EIR completely fails to evaluate how noisy the site will be for on-site workers. It also ignores nearby recreational areas and some residential occupancies close to the site. 12-17

3. An adequate sample of field-collected noise data which will represent the existing noise environment at the locations of representative sensitive receptors (collected for the assessment at hand or from other recent and relevant studies). The sampling locations must be described, including type of equipment used, interval period set, date and time of sample, weather conditions, location of noise meter, and primary noise sources during the sampling period. 12-18

   This information is missing from the EIR. Additionally, preparers of the EIR refused to provide such information when specifically requested. 12-19

Typically, noise is recorded in decibel levels by integrated sound level meters (SLMs) which sample the noise environment 8 times per second. The SLM can be programmed to calculate a range of noise descriptors over fixed intervals, such as every 15-minutes, during the 24-hour period. For environmental assessments, the SLM is set to adjust the sampled noise levels to approximate the response of the human ear to frequencies. This adjustment is referred to as the A-weighting scale and noise levels are recorded as A-weighted decibel levels or dBA. 12-20

An important descriptor calculated by the SLM is L_{eq} (equivalent noise level) which is a single decibel representation of the varying sound energy levels recorded by the sound meter over the full interval. L_{eq} is used to describe ambient or background noise, the baseline noise level to which project-generated noise will be added in an assessment of noise impact. A review of the interval data from a 24-hour period identifies those periods of the day which are most noise-sensitive (typically those intervals with the lowest noise levels).

Recording noise over a 24-hour period also allows the most accurate representation of 'community noise levels" such as L_{dn} and CNEL, which are the descriptors most often used in planning to determine noise compatibility levels with differing land use types. L_{dn}, which is based on interval-collected L_{eq}s, assigns a 10 dB penalty to nighttime noise (10 pm to 7 am) to account for a community's added sensitivity to noise during normal sleep periods. L_{dn} was used as a criteria of significant impact in the Eastside Aggregates Project EIR.

4. Noise levels and descriptions of expected noise-generating industrial activities associated with the construction and operational phases of the project. These activities, which are actually assemblages of operational equipment, should be individually described as to component elements, location in relation to other assemblages and sensitive receptors, expected frequency of operation, and identification of sources used for noise level data. 12-21

Unless recent and relevant noise data are available for similar assemblages of equipment sampled at other facilities, each area of activity should be calculated as a noise generating source based on the noise levels of the component elements. Noise levels of components can be obtained from the manufacturer or measured in the field. These were not adequately presented. 12-22

5. Relevant regulatory setting. Identification of existing plans, policies and regulations which apply to the area and land use of proposed project and the sensitive receptors. Most commonly these are Noise Elements of local general plans, or related Noise Ordinances. In the case of the Eastside Aggregates Project, the Shasta County General Plan Noise Element, the Noise Appendix to the Shasta County General Plan and CEQA apply. 12-23

It should be noted that the EIR is flawed because it makes no mention of the discussion within the General Plan's Noise Appendix pertaining to very quiet rural areas such as within this Project's vicinity. Furthermore, the EIR fails to evaluate how much this Project will raise the noise levels for sensitive receptors above the existing 24 hour ambient levels. 12-24

The Impact Assessment will determine whether a potentially significant impact could occur as a result of project approval. Impact assessment must include the following components:

1. Identification of Significance Criteria to be used to assess the threshold of impact above which project noise would be considered an adverse effect of the project. CEQA identifies a substantial increase in project noise as an significant impact. However, if the increase in noise would still result in noise levels near the lower threshold of perception, then ordinary significance criteria (e.g. a 5-decibel increase) may not be appropriate. Plans, policies and regulations governing an activity or jurisdiction may also apply. 12-25

The criteria should distinguish between short-term construction-related impacts and long-term noise generation.

2. Identification of the area potentially impacted by project noise. The impact area is defined based on calculations of a worst-case scenario of combined project noise sources. Calculations should include composite noise attenuated for distance, vegetative cover and physical barriers (if relevant), reflective landforms and atmospheric absorption. The longevity of the noise impacts should be considered. For example, construction that lasts for only a week may have less of an impact on receptors than other noise. In the case of multiple sensitive receptors, the impact area or potential noise level should be mapped. This is the area which would exceed the noise level set in the significance criteria. 12-26

3. Identification of sensitive land uses within the impact area and description of the potential impact and its effect on each sensitive land use. 12-27

4. If an adverse impact is identified, any further mitigation measures which could effectively and feasibly further reduce noise levels should be listed. 12-28

Unfortunately, the EIR fails to follow such a methodology and its results and conclusions are accordingly invalid.

For example, the EIR segments the description of overall project noise impacts by looking at one noise source at a time but never considering the noise exposure caused by all facilities in operations at once. While Table 4.8-5 purports to show the "combined/cumulative" total, it completely overlooks truck traffic noise impacts. Moreover, these numbers are flawed because the EIR inexplicably subtracts additional decibels for "atmospheric attenuation" when such methods are not used by other acoustical studies. On the other hand, the EIR fails to note that wind conditions when blowing towards residential areas can increase the sound that is heard substantially or as much as 10 dBA. 12-29

The EIR improperly segments its analysis of Project noise impacts into each of the following sources: 12-30

Excavation and quarry activities
Crushing and screening activities
Asphalt Plant noise
Concrete batch plant noise
Truck repair facility noise
Traffic noise
Blasting noise

The EIR improperly compares the noise levels of each of these separately against various significance thresholds, as if only one noise source will be in operation at a time. 12-31

Elsewhere on page 4.8-19, the EIR purports to evaluate how loud they may be (at sensitive receptor locations) when all occur simultaneously, as is apparently possible as the Project is proposed. But that analysis is wholly flawed because even then the simultaneous noise from blasting and from heavy truck traffic (both on-site and off-site) has not been cumulatively added. For that matter, the truck traffic noise is significantly understated because it relies upon unrealistically low projections of Project output and upon unrealistically large (and therefore fewer) truck loads being delivered. The EIR's reference to Table 4.8-5 does not include truck and blasting noise, and therefore its totals are inadequate for cumulative noise considerations. 12-32

THE EIR MISSTATES THE APPLICABLE STANDARDS AGAINST WHICH THE PREDICTED PROJECT NOISE LEVELS ARE TO BE EVALUATED

The EIR misstates the existing regulations as to allowable noise levels. The policies referenced in the EIR are those applicable to noisy, urban areas, not to generally quiet rural areas near this Project site. The EIR fails to adjust those policies to take into consideration the specific circumstances at this rural location. The Shasta County General Plan Noise Element's appendix makes it clear that *"[i]n rural areas of the County, noise levels are dramatically lower away from the major traffic arterials. For example, a noise measurement made off Big Bend Road about two miles north of Highway 299 late in the afternoon when no nearby traffic was audible, showed that the average noise level was about 27 dBA. This is an extremely quiet noise environment, on in which you can literally hear a pin drop."* (Appendix, p. B-7) 12-33

This project is a heavy industrial project which will produce more noise than about any other type of land use. The Noise Element of the County's General Plan states that rural areas are extremely quiet. It also states: *"in general, the extremely quiet areas of the County should be protected from noise generating land uses which could be located in noise tolerant areas of the County."* The Noise Element points out that people living in rural areas do not want new noise sources introduced into their areas. 12-34

> *"In no cases, should the levels be raised about the normally acceptable levels specified in the land use compatibility chart. The best way to deal with this is through the environmental impact process. It is at this level where the effectiveness and appropriateness of various mitigation measures can be evaluated to determine whether or not a project can be made compatible with the existing noise environment."* (Noise Element Appendix, p. B-15)

<u>PROJECT'S NOISE LEVELS ARE INCONSISTENT WITH THE GENERAL PLAN</u>

If an industrial project will create exterior noise levels in excess of 70 dB L_{dn} (presumably at a property line), the County's General Plan Noise Element (Figure N-1) provides that new development be undertaken *"only after a detailed analysis* 12-35

of the noise reduction requirements is made and needed noise insulation features included in the design." No such detailed analysis of any noise insulation features was provided in the EIR. No designs for noise insulation features were provided either. Accordingly, if the project produces noise levels in excess of 70 dB L_{dn}, and this is likely, it is inconsistent with the General Plan. A Use Permit is not legally approvable for any project which is inconsistent in such aspects with the County's General Plan.

The EIR doesn't clearly state what noise level thresholds are used for the determination of significance. (p. 4.8-10) CEQA defines a significant noise impact as a substantial increase in ambient noise. The EIR needs to identify what criteria will represent a significant increase. Typically 5 dB is considered a perceptible increase in ambient noise. However in this study, the ambient noise levels for sensitive receptors presented are so low that a 5 dB increase could be below any threshold of community response. For this study, the threshold of increase should be selected, based on actual measurements in the field, to show the increase that would actually produce a perceptible increase in noise and/or a community response. 12-3

The EIR incorrectly uses 65 dB Lmax for nighttime noise levels in various places. The acceptable noise level exposure for residential areas of the County is 45 dB L_{eq} and of 60 dBA Lmax once the 5 dB correction factor for recurring impulsive noises is applied from Table 4.8-2 in the EIR. These standards against which the Project is measured should also be even lower than these values because of this Project's rural area and existing low ambient noise levels. 12-37

"In another example, if a noise generating use, such as an industrial use, is proposed near an existing residential area, the industrial use must attenuate its noise level at the residential property line to 60 dBA CNEL or less." (General Plan p. 5.5.2)

" Urban areas associated with Redding and Anderson are exposed to higher noise levels in the County, while the rural areas are extremely quiet. This difference suggests that different approaches to the issue of environmental noise are required in each area. In general, the existing quiet areas of the County should be protected from noise generating land uses which could be located in more noise tolerant areas of the County." (General Plan p. 5.5.1) 12-38

The EIR incorrectly states that the noise levels from excavation and quarry activities "are well below the 65 dB Lmax nighttime noise level standard applied by Shasta County to non-transportation noise sources...". The EIR misquotes the County's standards when referring to 65 dB Lmax because it fails to lower that number by five dB for recurring impulsive sounds. It also fails to account for the fact that this site is not within an urban area and experiences low ambient noise levels at times when traffic on SR89 is sparse. It also fails to account for the fact that the County requires that noise exposure standards "be applied at a point 100' away from the residence", or in this case, nearer to the loud Project activities. Most significantly, the EIR misuses the standards found within its Table 4.8-2 because those measurements are, 12-39

for "new projects affected by or including non-transportation sources," not for existing residential areas such as the trailer park's residences. Instead, the EIR should be considering other standards or policies within the General Plan that protect existing residential areas from new industrial noise sources.

PROJECT MAY PUSH EXISTING RESIDENCES BEYOND ACCEPTABLE NOISE LIMITS

If some existing residential uses adjacent to this project site are already near the maximum allowable noise levels at times when traffic is present, then new project-generated noises could push those residential exposure levels above acceptable noise criteria limits. Residential uses along Highway 89 are already exposed to marginally loud noise levels from traffic when traffic is present. The General Plan sets that acceptable noise limit at 60 dB L_{dn}. (Noise Element Figure N-1 and discussion at p. 5.5.2) 12-40

For example, residential uses at the northwestern side of the project site are apparently exposed to traffic noise levels of approximately 65 dB L_{dn} at 330' from the centerline of Highway 89; there would be somewhat quieter levels of 60 dB L_{dn} at 720' from the centerline of Highway 89. (See General Plan Noise Element, Appendix "B", page B-8.) If traffic has increased since the Noise Element was prepared, that noise exposure level would likely be even higher. Within 720' of Highway 89, there exist about 18 homes and a trailer park for another 28 families. Perhaps 100 people there would be adversely impacted if noise levels were to be increased by this project. 12-41

At a place along the northwestern property line about 4,000 feet away from these project-generated noise sources, the distance alone may attenuate such noise by about 15 dBA from that measured at 600 feet away. Such reduction is dependent upon particular wind directions; when the wind is northerly, the sound will be reduced even less. Sound levels can be up to 10 dBA higher when the wind direction from the source is toward the listener. (This potential 10 dB increase in noise levels due to wind direction was also identified by the County in its Initial Study in 1996, but is mysteriously omitted by the present EIR). During times of high humidity, noise also carries farther. These distant residential uses thus will be exposed to new noise level increases of about 60 dBA or more from this project .... also in excess of allowable limits before sunrise. The thin layer of trees along Highway 89 will have nearly no perceptible attenuation effect because they can be seen through, their width isn't deep enough, and don't form a continuous barrier. Dozens of residential uses exist from about 3,000 feet to 4,500 feet from this project's noise sources to be impacted by increased noises. It is this project-related noise increase, when added to existing traffic noise levels, which could create significant impacts upon existing residential uses. 12-42

Another adverse noise effect is that during quieter hours of less traffic, the distant noise of this project would be even more noticeable. If the project's equipment and 12-43

truck traffic is someday moved to other areas of the project site to the north for Phase II or III, then existing residential neighbors will receive even more adverse noise impacts.

EXISTING AMBIENT NOISE LEVELS ARE NOT PROPERLY MEASURED

The EIR provides an estimate of existing ambient noise levels based solely upon one purported 45 minute sound level reading taken in midmorning. By not properly describing the existing ambient noise levels at various times of a 24 hour day, the EIR's use of 52 dBA (EIR p. 4.8-2) overstates how noisy the existing residential areas are. During the mid-morning, lawn mower noise, higher traffic noise levels, and other human noise-producing activities are more likely to be present than during early morning or late evening times. The EIR only considers the Project's noise impacts to be significant if they exceed this or other significance thresholds. In reality, neighbors will be most affected by Project noises during times when it is otherwise very quiet. As the General Plan states, in rural parts of the County when no nearby traffic is audible, there are extremely quiet areas in which *"you can literally hear a pin drop."*[2] Against this quiet background level the Project will create significant noise impacts for neighboring residents. Being awakened at 4:00 a.m. by loud Project activities during the summer when residential windows might be open and when there are nearly no other noises to mask Project sounds will result in loss of sleep, anxiety, anger and ultimately various forms of health problems. 12-44

For example, a quiet library exposed to an hourly sonic boom from a nearby airport could have a rather high average ambient noise level. Such an average is merely a mathematical fiction though, and that concept provides no real-world masking of rude patrons' voices against a background level that is quite silent 99.5% of the time. No librarian would tolerate an outspoken patron under such a circumstance, and no resident of this Project's neighborhood would tolerate Project-related industrial noise levels that significantly exceed their often quiet existing background noise levels. 12-45

Ambient noise should be sampled by standard techniques currently used in noise impact assessment. Noise levels should be measured using integrating sound level meters acquiring data at a rate of 8 samples per second and calculating the samples into continuous equal intervals (such as every 1 minute or every 15 minutes) over a 24-hour period. This common methodology identifies peaks and lulls during a 24-hour period and is also used as the basis for computing community noise level descriptors for planning (such as L_{dn} and CNEL). Sampling noise for just 45 12-46

2/ The General Plan states: "[i]n rural areas of the County, noise levels are dramatically lower away from the major traffic arterials. For example, a noise measurement made off Big Bend Road about two miles north of Highway 299 late in the afternoon when no nearby traffic was audible, showed that the average noise level was about 27 dBA. This is an extremely quiet noise environment, on in which you can literally hear a pin drop."

minutes in mid morning out of one day, as in the EIR analysis, completely ignores the lulls during nighttime and other quieter times of the day. Moreover, the EIR fails to provide the data collected and how frequently the noise readings were taken. Some types of monitoring can miss significant loud events, which are particularly important when measuring L_{eq} (a descriptor which is greatly affected by higher readings). Noise should be sampled at receptor locations either concurrently or under very similar conditions for comparison to be valuable.

NEAREST HOMES ARE MUCH CLOSER TO PROJECT SITE THAN EIR DESCRIBES

The EIR's conclusions are entirely flawed because they are based on protecting homes that are not the closest to this Project. The EIR erroneously overlooks the nearest residences — trailer homes — that are even nearer to the Project area. The County's 1996 Initial Study for this Project, on page 13, stated that the trailer park and other residences would be about 3,200 feet from the proposed asphalt plant, not the 4,500 feet that the current EIR mistakenly uses. As shown on the accompanying modified drawing "Figure 4.8-3", these trailer homes are about only 3,000 feet from some of the stationary heavy equipment locations (concrete batch plant) and about 1,500 feet from the proposed truck repair facility. The noise levels at these trailers will be substantially louder since they are much closer than the EIR considers.

12-47

EIR TOTALLY IGNORES PRESENCE OF NEARBY STATE PARK AND RECREATIONAL AREAS

The EIR is flawed because assumptions supporting the selection of sensitive receptors are not explained. The analysis should have focused on those sensitive receptors which are within areas potentially impacted by project noise. The impact area of the Project should be delineated on graphics at a reasonable scale such as 1 inch = 2,000 feet. Recent aerial photos should be consulted to identify the locations of sensitive land uses. All potential sensitive receptors and sensitive land uses (such as areas with traditional recreational use) that are within the potential impact areas should be shown on the maps so the relation to the impact area can be understood. The location and users of the Burney Falls campground and users of Lake Britton to the north and northeast weren't considered in the EIR as sensitive receptors. Because these users are farther from SR89 than nearby residents, they will experience lower background or ambient noise levels that could otherwise at times mask Project noises.

12-48

The County's previous 1996 Initial Study stated that this project will generate noise that *"has the potential to have an impact on the McArthur-Burney State Park and Lake Britton. Noise from the operation at night, when the ambient noise level is typically lower, is a particular concern, especially to the State Park."* Lake Britton itself is less than a mile to the northeast of the Project site, or about a similar distance as considered in the EIR to some residences the EIR purports to demonstrate concern for. Mysteriously, this EIR totally ignores the sensitive

12-49

receptors and according fails to discuss or disclose any noise impacts at these State recreational areas.

NOISE IMPACTS FROM INCREASED TRUCK TRAFFIC OF PROJECT ARE NOT PROPERLY EVALUATED

The EIR's numerical analysis of truck noise impacts (as shown in Table 4.8-6) is seriously flawed because it states that the "predicted L_{dn}" day-night average noise level on State Route 89 will be 49.7 dB L_{dn}, a figure that is substantially quieter than the existing "no project" calculated noise level of 58.3 dB L_{dn}. In other words, the EIR mysteriously predicts that the Project under typical conditions will substantially quiet the existing traffic noise levels! This certainly cannot be true when the Project may add thousands of trips per day of new traffic to this road segment. (EIR pp. 4.8-13, 25) 12-50

The EIR then dramatically underestimates traffic volume of such trucks which are used in the noise analysis. The EIR estimated that the Project would increase daily traffic volume by an average of 170 trips per day and a maximum of 621 trips per day. (DEIR, Table A-1.) This is a substantial underestimate. The DEIR did not estimate traffic volume for the design capacity of the plant. A more realistic estimate of the average daily traffic volume, as discussed elsewhere and based on the Project described in the DEIR, indicates that the Project would increase traffic by an average of 778 trips per day and a maximum of 3,123 trips per day. 12-51

The Project would generate a large amount of truck traffic. The noise analyses assumed that 100% of the concrete batch plant, asphalt plant, other industrial activities, and commercial-light industrial zone vehicle trips were medium to heavy duty truck trips. Therefore, the Project evaluated in the DEIR would generate an average of 90 truck trips per day and a maximum of 502 truck trips per day. (DEIR, Appx. B, Table A-1.) The project operated at its design capacity would generate from 3,830 to 5,204 truck trips per day (Table 5.) 12-52

The noise levels of having 5,204 trucks per day passing by the trailer park about 200 feet away on State Route 89 would be significant. 12-53

The entire analysis of increased truck traffic noise levels is also flawed because it depends upon previously flawed "significance thresholds" and flawed "existing ambient noise level" measurements. If the ambient noise levels are overestimated, then the truck noise impacts will appear at first glance less serious than they will be in reality. 12-54

BLASTING NOISE IMPACTS ARE UNDERSTATED

For blasting noise impacts, the EIR uses an inappropriate attenuation rate of 6 dB for each doubling of the distance from the blasting noise source. A 6 dB attenuation 12-55

rate is used for evaluating point sources like an electrical generator when located on flat ground. It is not used for noise sources where a 70 to 80 foot high rock wall face being blasted away will reflect much of that blast noise towards the residential areas to the west. The concave shape of the landforms at the southeast of the Project site will tend to focus and increase such blast noises in the direction of the nearest residences. As such, the EIR dramatically underestimates the true noise impact of these blasts.

CONSTRUCTION NOISE LEVELS ARE NOT INSIGNIFICANT:

Assumptions are not explained and sources are not given for any of the noise generation levels assigned to construction and operation activities and used as the basis of the noise analysis. Noise generation by stationary sources is typically characterized by a steady state noise level (Leq) in dBA sampled at a distance of 50 or 100 feet. If these measurements cannot be obtained from similar equipment or previous noise analyses, the manufacturer of the equipment can supply noise levels measured according to industry standards. The EIR on p. 4.8-13 only states that activities involved in construction would generate maximum noise levels of 85 to 90 dB at a distance of 100 feet. That might be true if only one piece of equipment (and no trucks) were operating at any one time. On most construction sites, multiple noises occur from various construction activities and the total can be significantly higher than the EIR estimates. Also, construction can occur at any time of the day or night, and absent specific mitigations to prohibit construction during early morning or late evening hours, the EIR cannot merely assume that such noise increases will occur only in daytime hours. This construction-related noise impact is likely significant and is not adequately mitigated within the EIR. 12-56

The EIR never identifies all of the noise levels of the stationary sources it identifies as the primary noise generators. For example, while asphalt plant noise levels are shown in the EIR, the loud banging noises resulting from operation of conveyor belts for the loading of trucks with hot asphalt are not described. Similarly, there are numerous other noises associated with such heavy equipment, including warning back-up bells on heavy trucks, shift change horns and unloading operations for various materials. 12-57

The impact area is never identified though the use of simple noise attenuation methods. The basis of analysis could easily have been transferred to maps of potentially affected areas and receptors. The impact area in vicinity of the truck routes on and off site and the various industrial facilities needs to be mapped. 12-58

Project-generated noise is not shown in combination with ambient noise levels. Attenuated noise levels are depicted in the impact tables as occurring in a vacuum. 12-59

THE EIR'S PREDICTION OF NOISE IMPACTS UNDERESTIMATES THE TRUE IMPACTS BECAUSE IT ONLY CONSIDERS THE "A-WEIGHTED" NOISE SCALE

AND OMITS SIGNIFICANT LOWER FREQUENCY HEAVY EQUIPMENT AND MACHINERY NOISE

The EIR is inadequate for failing to evaluate the true impact of the particular frequencies of noise that nearby residents will be exposed to. It is true that people are more sensitive to noises in the "A"-weighted frequency ranges, but that doesn't mean that lower frequency sounds should be discarded from consideration. Industries like these asphalt and concrete plants often produce much of their noise at frequencies less than 500 hz. The EIR never identifies the frequencies and related amplitudes of noise likely to be generated by the Project. The "C"-weighted scale takes into account those frequencies down to 50 hz where much industrial noise is generated. Noise level meter readings on the "C"-weighted scale can often be 8 dB louder than those on the "A"-weighted scale as presented in this EIR. 12-60

The booming sound of heavy equipment can greatly impact nearby residences and campgrounds. Homes and especially trailers — the nearest residences — often are constructed with lightweight wooden walls and thin windows which are not good at blocking low frequency sounds. 12-61

This project is apparently required to comply with County regulations, but sometimes state environmental regulations turn out to be even stricter in protecting neighboring residential uses. The County's General Plan may, according to the EIR, regulate noise levels based upon the "A"-weighted noise scale /3/. However, CEQA requires full evaluation of adverse noise impacts on people who are also sensitive to lower noise frequencies not counted on the "A"-weighted scale. The "C"-level scale is more appropriate for certain industrial uses which generate significant noise levels in frequency ranges below 500 Hz which are capable of inducing vibration in buildings, such as this geothermal facility demonstrably does. 12-62

However, this EIR largely dismisses the lower frequency sound energy measurements which would be counted if the "C"-weighted scale was used but for no good reason! In so doing, the EIR underestimates the real noise impact upon neighboring residents. It matters little that the "A"-weighted scale is used in most ordinances when a specific industrial facility generates loud, low-frequency noise levels not included in that "A"-weighted scale. 12-63

INADEQUATE NOISE MITIGATION:

31/ The "A"-weighted noise scale emphasizes noise in the 500-20,000 Hz frequency range, while the "C"-weighted noise scale more broadly covers the lower frequency 50-20,000 Hz range where much noise will be generated.

It is especially upsetting that the EIR proposes no actual mitigations for Project noise at this time which can be considered as to their effectiveness by concerned neighbors. Instead, the EIR improperly defers to some future time the measurement of Project noise levels. And like allowing the fox to guard the hen house, the EIR proposed mitigation MM 4.8.9a is ineffective because it allows the obviously biased Project applicant to conduct such noise measurements. 12-64

In light of the likelihood that project-generated noise levels will cause neighboring complaints and also be in excess of allowable General Plan limits, the mitigation MM 4.8.9b essentially stands CEQA on its head. It only — after complaints are received at some later time and after the Planning Director verifies the technical noncompliance giving rise to these complaints, assuming he has the qualifications to even do so — requires a professional acoustical analysis. This acoustical analysis should instead be prepared now during the environmental review process to allow public review of any proposed mitigations and their effectiveness, and not later when the brief public review period is forever foreclosed. 12-65

During those daytime hours when traffic is minimal, the existing residential areas may be exposed to only perhaps 50 dBA of traffic noise. If this project were permitted to produce 65 dBA of noise at its northwestern property line as permitted, that increase would be substantial above the existing levels. According to CEQA Guidelines § 15382, such a substantial increase in ambient noise levels would be a significant environmental impact. As mitigated, such noise impacts are not yet reduced to a level of less-than-significant. Therefore, this EIR must be revised to evaluate such important issues for neighboring landowners and occupants. 12-66

The County's previous 1996 Initial Study proposed noise mitigations prohibiting weekend operations on Saturday or Sunday, presumably to at least give nearby neighbors some relief from noise impacts. No such mitigation is now proposed in the EIR even though again, more impacts from greater capacities are predictable. 12-67

NOISE ATTENUATION OF PROPOSED "LARGE EARTHEN BERM" IS EXAGGERATED.

The EIR states that vehicle repair facility noise levels will be "further attenuated by the repair facility building itself...". It also states that noise from mining and blasting will be "shielded by a large earthen berm". Without any kind of substantiation, the EIR states that the "additional noise reduction attributable to those noise sources is estimated to be on the order of 5-10 dB." Such conclusionary statements unsupported by descriptions of the repair facility building and size, width, position and height of the noise berm are contrary to CEQA requirements for reasoned and thorough analysis. Furthermore, without permit restrictions, there is no reason to suspect that repair operations won't be sometimes done outdoors where the building would provide no noise attenuation. 12-68

The width and location of the berm, even if it were high enough, is not sufficient to produce the 5 to 10 dB reduction that the EIR predicts anyway. Unlike light rays, sound waves are not effectively blocked by "line of sight" barriers because sound waves tend to radiate or wrap around such obstacles unless the berm is sufficiently wide. In the case of Figure 4.8-3 in the EIR, the thick black line designating the berm is too small for effective noise attenuation as claimed in the EIR. It is also too distant from the crushing/screening equipment and the asphalt plant to effectively shield noise from those sources. That berm isn't even in direct line between the existing trailer park and the concrete plant, asphalt plant and crushing operations. Essentially, this berm measure is one with little real benefit. It is apparently referenced in the EIR in little more than a vain attempt to shore up its other inadequate analysis and deceive the reviewers. 12-69

The County's previous 1996 Initial Study proposed noise mitigations of an earthen berm, but the present EIR omits such a required mitigation without explanation why the impact was potentially significant then with a smaller capacity operation but is not now even though more capacity is currently proposed. 12-70

CONCLUSION:

For these reasons of inadequate noise impact analysis, the EIR is inadequate and must be corrected with at least a supplemental EIR.

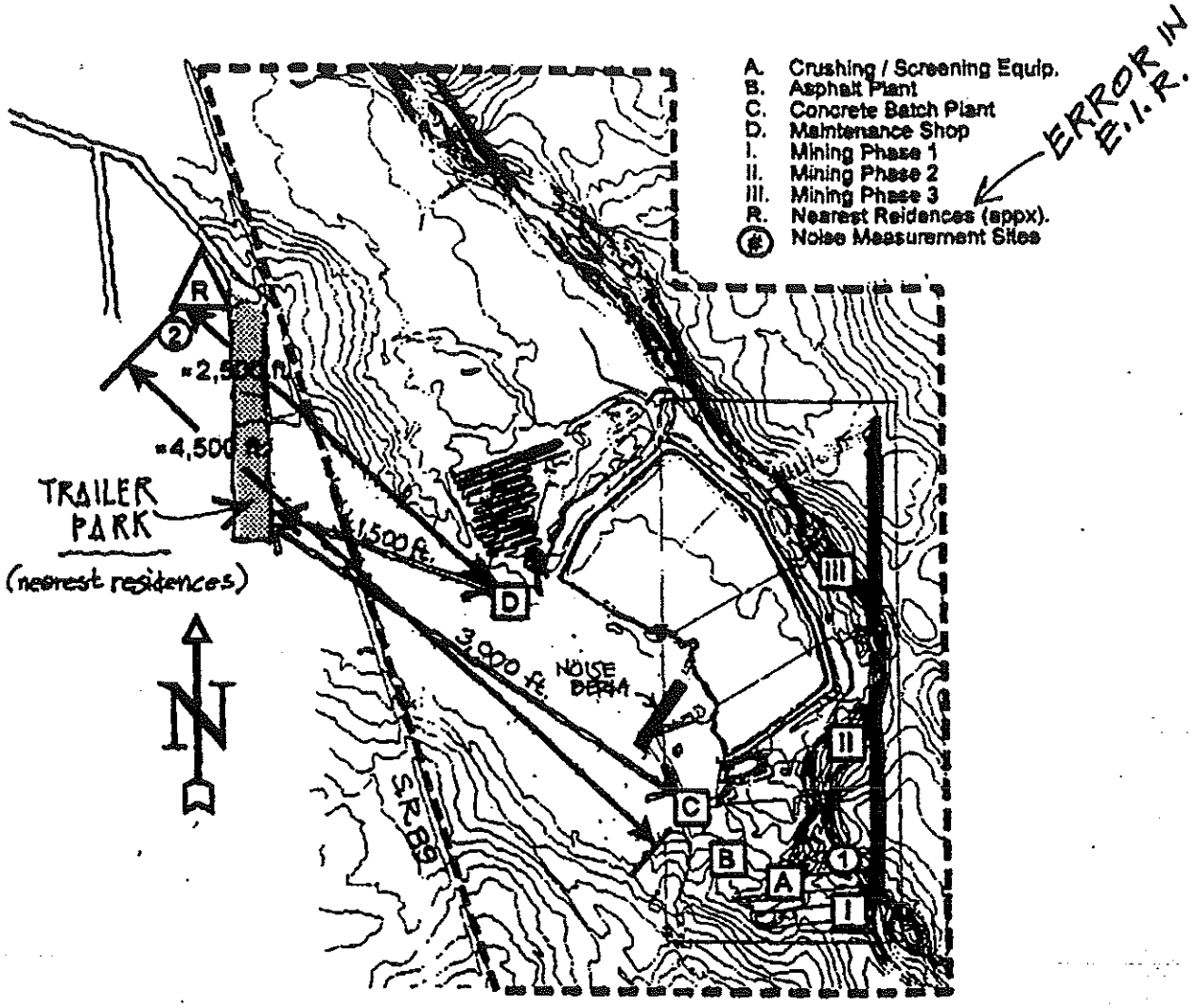
Sincerely,

Dale LaForest

Dale LaForest
Planner

cc: Jeffery Swanson - Attorney for Save Burney Falls

Figure 4.8-3
Hat Creek Project Site, Approximate Locations of Proposed Project Components and Nearest Residences



COMMENT LETTER 10/16/00

Letter 12 Dale LaForest and Associates, Dale LaForest, Planner

Response to Comment 12-1

The commentor's statement that the EIR's discussion of noise impacts is wholly inadequate is not supported by evidence in this paragraph. Since this paragraph is of a summary nature, and not supported with evidence, no response can be provided. However, in subsequent paragraphs of this letter, where more specific comments or concerns are expressed, detailed responses are provided.

Response to Comment 12-2

The commentor is correct in that CEQA requires an assessment of noise impacts relative to ambient conditions. Based on the short-term ambient noise measurements conducted in the project vicinity, no specific project-related noise impacts were identified. However, it was noted in the DEIR that the cumulative contribution of noise could result in a significant increase in ambient noise levels during early morning hours, and that follow-up noise measurements should be conducted to ensure that such increases do not occur. Nonetheless, in response to this comment and others, additional ambient noise level measurements were conducted at the nearest residence to the project site. Specifically, continuous noise level measurements were conducted at the residence constructed on Unit 18 of the trailer park from 11 a.m. on November 2, 2000 through 9 a.m. November 3, 2000, thereby covering the critical early morning hours.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the noise level measurement survey. The meter was calibrated before and after use with an LDL Model CA200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

The results of the ambient noise level measurements indicate that average daytime and nighttime noise levels were 49 dB Leq and 44 dB Leq, respectively. Maximum noise levels ranged from 60 to 81 dB during daytime hours, and from 58 to 64 dB during nighttime hours. During the 4 a.m. hour in particular, the measured average and maximum noise levels were 41 dB Leq and 58 dB Lmax, respectively. The measured ambient noise levels indicate that this area is substantially affected by traffic noise from SR 89, that the ambient noise environment is not sufficiently low so as to warrant the reduction of the County's noise standards, and that no new noise impacts would be identified in light of the measured noise levels at the nearest residence.

Response to Comment 12-3

The statement that the environmental effects of the project are treated no differently than if the project were located in Redding is incorrect. Had the project been located in Redding, the ambient noise level data would have been collected in Redding, rather than in the Burney area, and the City of Redding Noise Element standards would have been used rather than the Shasta County standards.

This comment also asserts that the noise environment at the residences nearest to the project site is very low, so that extra protection from noise-generating uses should be provided and those uses should be located in more tolerant parts of the County. Ambient noise surveys conducted in the project vicinity indicate that the noise environment is actually consistent with what would be expected at residences located in reasonably close proximity to a State Highway which carries substantial truck traffic.

Response to Comment 12-4

The statement that the EIR completely ignores the presence of the trailer park is incorrect. The "nearest residences" referred to in the DEIR were, in fact, the closest homes in the trailer park. The confusion surrounding this comment and other similar comments appears to be due to the identification of the nearest residences on Figure 4.8-1.

The nearest residence to the project site is Unit 18 of the trailer park. This is the residential location which was used in the assessment of noise impacts in the DEIR, and which was referred to as the nearest residence on Figure 4.8-1. Figure 4.8-1 of the DEIR does not clearly show the locations of the trailer park residences; so the triangle shown to represent those residences may not be precisely located on that figure. However, the distances to the nearest residence which were shown on that Figure are accurate, as they were scaled directly from an aerial photograph which clearly shows the location of the residence at Unit 18.

Response to Comment 12-5

If the nearest residences were, in fact, located considerably closer to the project site than the distances referenced on Figure 4.8-1, then the commentor's statement that the project-related noise levels would be higher at those locations would be correct. However, since the nearest residences were correctly located, no changes in the analysis are warranted. Please refer to response to previous comment.

Response to Comment 12-6

The commentor is correct in that the DEIR did not specifically address noise impacts at the McArthur-Burney Falls Memorial State Park and Lake Britton. Noise impacts were not assessed at those locations due to the fact that the Park is located considerably farther away from the project site than are the nearest residences. Because noise impacts were generally found to be less than significant at the closest noise-sensitive receivers (residences within the mobile home park), and because noise decreases with distance from the noise source, it is reasonable to conclude that no noise impacts would be identified at locations considerably farther away. Nonetheless, in response to this comment, Bollard & Brennan, Inc. conducted additional ambient noise level measurements and analysis. Please refer to the Response to Comment 9-4.

Response to Comment 12-7

It is unclear if the commentor is referring to ambient noise level data, or project-generated noise level data, in this comment. The ambient noise level data is discussed in the DEIR and in Response to Comment 12-3. The noise level data and methodology utilized in the DEIR for

project-generated noise sources is clearly presented in Tables 4.8-4 and 4.8-5 of the DEIR. This data includes reference levels, attenuation rates, and atmospheric effects. All of the data necessary to check the accuracy of the calculations is presented in those tables.

Response to Comment 12-8

The commentor is correct in that no discussion of reflections from the cliff walls was included in the DEIR. The reason for this is that no correction for reflection is warranted. A visual inspection of the quarry areas indicated that the quarry face is, and will continue to be fairly jagged. The rough nature of the mining face will serve to diffuse, rather than reflect, sound which impacts against it. In theory, if a sound was reflected perfectly off of the surface of the face, and if the source was very near the reflective surface, it would double the sound energy, thereby creating a 3 dB increase. Because there will definitely not be a perfect reflection off of the mine face, and because the reflected sound will have to travel a greater distance to the receiver than the direct sound, the contribution of reflected sound at the nearest receivers would be negligible.

Response to Comment 12-9

Regarding the amount of truck traffic, the DEIR assessed both a typical day operation and a "worst-case" day operation. The predictions based on 749 trips during a more aggressive "worst-case" day (see Response to Comment 13-3) are most likely overstated, since that degree of truck traffic would require very intensive concrete and asphalt productions concurrently. Since the comment does not provide supporting information regarding the number of truck trips the commentor believes should be analyzed, or the rationale for this comment, additional response cannot be provided.

Response to Comment 12-10

The cumulative contribution of noise from all of the on-site noise sources is provided in Table 4.8-5. The conservative estimate of combined noise levels shown in that table is 46 dB Leq at the nearest residences. Traffic operations and noise levels are described in Tables 4.8-6 and 4.8-7 of the DEIR. The two noise levels are not combined since they are addressed by different noise standards. That is, stationary (on-site) noise sources are evaluated based on hourly averages and individual maximum noise levels, whereas traffic noise sources are evaluated based on 24-hour averages. Nonetheless, because on-site noise is predicted to be considerable lower than existing and project-related traffic noise levels, there would essentially be no significant additive effect. For example, if peak hour truck traffic noise levels are approximately equal to predicted Ldn values (which for a 15% nighttime contribution is mathematically correct), the peak hour truck traffic noise level would be approximately 50 dB for an average day and 58 dB on the more aggressive "worst-case" day (see Response to Comment 13-3). When the "worst-case" day level of 58 dB is added to the "worst-case" on-site noise generation of 46 dB, the combined result is 58 dB. With respect to blasting, for safety reasons nearby activities cease during blasting, so there would be no appreciable additive effect of noise by combining blasting with other on-site noise sources.

Response to Comment 12-11

The commentor does not specify which equipment is responsible for the low frequency noise which is purported to result from this project. While it is true that asphalt plants typically generate low frequency sound through the burner mechanisms, aggregate processing (crushing, screening, conveying), and concrete batch plant operations are not heavily weighted in the lower frequencies. While the C-weighting scale accentuates low-frequency noise, the A-weighting scale most closely approximates the response of the human ear to environmental noise levels in the range encountered in the project vicinity. The A-weighting scale is the scale by which the standards of the Shasta County General Plan Noise Element are written. C-weighting is commonly used in cases where the low frequency noise is very loud and impulsive in nature. This is not the case at the project site. Because the noise impacts of the project were assessed using the weighting network which most closely represents the response of the human ear to the frequencies and intensity levels which will result from the project, no alternative analysis utilizing the C-weighting scale is justified or appropriate.

Response to Comment 12-12

The commentor is correct in that reductions in noise which may result from the construction of a solid berm were not included in the DEIR noise analysis calculations. The reason for this is that no significant noise impacts were identified which would justify the construction of the solid berm. Had such a measure been required to mitigate identified impacts to a level of insignificance, such measures would rightfully have been included in the DEIR. The applicant has proposed to construct the berm to further replace noise levels at off-site receptors.

Response to Comment 12-13

This comment covers many topics. With respect to the use of perception as a standard of significance, CEQA plainly states that a substantial increase, not simply a perceived increase, is required for a finding of significant noise impact. With respect to the issues of annoyance, stress, and sleep disturbance, the County General Plan noise standards are set at levels which are designed to minimize these effects, particularly since the County standards are more restrictive at night. In addition, the CEQA requirement that a project not result in a substantial increase in the ambient noise environment further protects against adverse public reaction to noise.

The commentor is correct in that an assessment of noise impacts must be based on an evaluation of existing ambient noise levels (Response to Comment 12-2), distances from sources to receivers (Response to Comment 12-4), height and width of barriers (no barriers assumed in DEIR for conservative conclusions), atmospheric absorption (Table 4.8-5 of the DEIR), and machine generated noise levels (Table 4.8-4 of the DEIR). Each of these factors was considered in the development of the noise section of this EIR.

Response to Comment 12-14

The commentor is correct that the project must comply withe Shasta County Noise Element and CEQA standards. In fact, the DEIR goes into considerable detail in describing the Shasta

County and CEQA standards which were utilized for the assessment of noise impacts for this project. This complete discussion can be found in Section 4.8-4 of the DEIR. As a result, it can be concluded from this comment that the commentor agrees with the significance criteria used in the DEIR.

Response to Comment 12-15

With respect to providing an accurate description of terms and concepts, the commentor states on the first page of his comment letter that, "It begins with a good introduction describing the terminology of noise analysis...". Because this comment reflects an internal inconsistency within the comment letter, no additional response can be provided.

Response to Comment 12-16

With respect to the identification of likely sensitive receivers, the DEIR analyzed noise impacts at the closest, and therefore "worst-case" location (Unit 18 of the trailer park). While there is a caretaker residence on the Hat Creek Construction Site which will be exposed to higher project-related noise levels than the nearest residence, the Shasta County General Plan Noise Element specifically states that the noise standards shall not apply to residential units established in conjunction with industrial or commercial uses (e.g. caretaker dwellings).

Response to Comment 12-17

With respect to the noise exposure of on-site workers, this area is heavily regulated by the Occupational Safety and Health Administration (OSHA), and is not a requisite component of an EIR.

Response to Comment 12-18

This paragraph, as well as those that follow on the same page, as well as the first paragraph on Page 5, pertain to the monitoring and reporting of ambient noise levels in the project vicinity. These comments appear to be more instructional in nature, rather than specific critiques of the noise section.

Response to Comment 12-19

A description of the existing ambient noise environment is contained under section 4.8.3 of the DEIR. This section describes the major noise sources in the area (traffic), the locations of the nearest potentially-affected noise-sensitive land uses, the date and atmospheric conditions present during the ambient noise monitoring survey, the equipment used for the surveys (including the fact that it meets ANSI specifications), and the results of the noise level surveys in terms of the noise standards utilized by Shasta County. With all of this information contained in the DEIR, the purpose of the comment stating that such information should be included in the DEIR is unclear.

Response to Comment 12-20

See Response to Comment 12-18 and 12-19.

Response to Comment 12-21

The noise generating equipment and processes which will be utilized at the project site are discussed in detail in the noise methodology section of the DEIR, including references for the noise source data used in the analysis. With all of this information contained in the DEIR, the purpose of the comment stating that such information should be included in the DEIR is unclear.

Response to Comment 12-22

See Response to Comment 12-21.

Response to Comment 12-23

With respect to the relevant regulatory setting, this comment appears to be redundant with an earlier comment contained in the same letter. The commentor is referred to Response to Comment 12-14. To restate, the project must comply with the Shasta County Noise Element and CEQA standards. The DEIR goes into considerable detail in describing the Shasta County and CEQA standards which were utilized for the assessment of noise impacts for this project. This complete discussion can be found in Section 4.8-4 of the DEIR.

Response to Comment 12-24

Please see Response to Comment 12-13, 12-14, and 12-23.

Response to Comment 12-25

The commentor suggests that, even though CEQA clearly requires "substantial" increase in noise to make a finding of significant noise impact, that this may not be appropriate for this project. This comment is internally inconsistent with previous comments from the same letter which state that the project must comply with CEQA criteria.

Response to Comment 12-26

This paragraph covers several topics, many of which were mentioned previously in this letter and have already been addressed in these responses. A new point raised in this paragraph is that the analysis should account for the effects of vegetative cover. This is an important point in that the analysis included in the DEIR intentionally did not take credit for any attenuation provided by the intervening pine trees between the noise sources and nearest receivers. Because the trees completely intercept line of sight from the nearest residences to the major project noise sources, a perceptible degree of noise attenuation will likely result. However, to provide a conservative estimate of project-related noise propagation, no such credit was taken for the trees. Because no impacts were identified without taking credit for the trees, their presence will provide an additional margin of safety, as will the berm proposed by the applicant.

Response to Comment 12-27

The comment suggests that the DEIR should identify sensitive land uses within the area of noise impact. Because the nearest uses are not predicted to be impacted, it is not required of the DEIR to evaluate noise impacts are even more remote locations.

Response to Comment 12-28

The commentor is correct that, if an adverse noise impact is identified, any mitigation measures which could effectively further reduce noise levels should be listed. However, if no significant noise impacts are identified for a project, CEQA does not require that noise mitigation measures be included in the project nonetheless.

This commentor's summary comment that the EIR fails to follow the proper methodology, so it's results and conclusions are accordingly invalid, is incorrect. A reasoned response was provided to each comment leading up to this summary statement, and a detailed description of the noise impact assessment methodology was provided.

Response to Comment 12-29

This comment restates an earlier comment regarding the cumulative contribution of noise from on-site activities, truck traffic, and blasting. The commentor is referred to Response to Comment 12-10.

Response to Comment 12-30

Please see Response to Comment 12-10.

Response to Comment 12-31

Please see Response to Comment 12-10.

Response to Comment 12-32

Comment noted. Please see Response to Comment 13-3 and General Response to Entire Comment Letter 14. This comment is a continuation of a cumulative noise contribution comment and a repeat of the truck-traffic noise understatement comments previously expressed in this letter. Responses to these comments are provided previously in this letter; please see Response to Comment 12-9 and 12-10..

Response to Comment 12-33

This comment is an apparent repeat of an earlier comment regarding the appropriate noise standards to use for this project. Specifically, this comment implies that, since the project vicinity has such low ambient noise levels, the County's noise standards should be reduced. The argument is offered based on the following passage from the County's General Plan Appendix: "*in rural areas of the County, noise levels are dramatically lower away from the major traffic arterials.*" The fact is, the project site and nearest residences are located adjacent to a major traffic arterial (SR 89). It is, therefore, unclear what point the commentor is making by citing this passage from the appendix, so no additional response can be provided. It should be noted, however, that because CEQA requires that the project not result in a substantial increase in ambient noise levels, consideration of lower existing noise environments is built into the CEQA standards of significance, regardless of where the local noise standards are set.

Response to Comment 12-34

This paragraph also argues for a more restrictive noise standard by citing another passage from the General Plan Noise Element Appendix which states: *"in general, the extremely quiet areas of the County should be protected from noise generating land uses which could be located in noise tolerant areas of the County."* Due to the proximity of the project site to SR 89, the reference to the project area being extremely quiet is suspect. Due also to the proximity to that roadway, and the industrial history of the project site, the area could also be considered noise tolerant.

The commentor is correct that the environmental impact process adequately deals with ambient noise environments which are either higher or lower than the General Plan Noise Element standards

Response to Comment 12-35

The commentor's interpretation of Figure N-1 of the General Plan Noise Element is incorrect. The correct interpretation of the example cited by the commentor is as follows: If a site which is proposed for industrial use is exposed to ambient noise levels of less than 70 dB Ldn, then that site is acceptable for industrial uses. If the site is exposed to levels in excess of 70 Ldn, then the industrial use should be allowed only after a detailed noise analysis. The interpretation that, if an industrial project generates a level in excess of 70 dB Ldn on its own project site, it is incompatible with the General Plan is incorrect. Figure N-1 simply identified the ambient noise environments which are compatible with various types of land uses.

Response to Comment 12-36

Section 4.8.4 of the DEIR describes the Shasta County and CEQA standards which are applicable to this project.

Response to Comment 12-37

The commentor suggests that the 65 dB maximum noise level standard for nighttime periods is incorrect since it does not include a 5 dB penalty for recurring impulsive noise sources. Because the noise generated by this type of use is not impulsive in nature, the penalty would not apply. Also see Response to Comment 12-13 and 12-14.

Response to Comment 12-38

The 60 dB Ldn standard referenced in this paragraph is actually less restrictive than the standards used to assess noise impacts in the DEIR. It is unlikely that the commentor is recommending a less restrictive noise standard in this paragraph, since it was argued for a more restrictive standard in previous paragraphs.

This comment again deals with the protection of quiet areas in the County from new noise sources. Were the project site and nearest residences not located next to SR 89, a case could be made for lower standards, and that case would logically be supported by ambient noise level data.

specified in their Conditional Use Permit. Based on the revised more aggressive "worst-case" estimate of 749 daily truck trips for this project (see Response to Comment 13-3), the change relative to the levels predicted in the initial "worst-case" conditions in the DEIR would be less than 1 dB. This degree of increase would not result in a finding of significant noise impacts or alter the conclusions of the DEIR. Further reducing predicted impacts, it is important to note that it is anticipated that a majority of trips to the proposed project will be to and from the south (away from nearby residences), as that is where a majority of population centers and demand for aggregate products exist.

Response to Comment 12-52

Comment noted. Please see above Response to Comment 12-51.

Response to Comment 12-53

Comment noted. Please see above Response to Comment 12-51.

Response to Comment 12-54

Comment noted. Please see above Response to Comment 12-51.

Response to Comment 12-55

Comment noted. Please see Responses to Comments 5-1, 5-2, 8-3, and 12-8.

Response to Comment 12-56 through 12-59

The DEIR states that noise levels generated by construction equipment generally ranges from 85 to 90 dB at a distance of 100 feet. These data are based on information contained in several publications, as well as data collected by the preparers of the noise section. Provided construction activities follow the County requirements pertaining to construction, no significant noise impacts are identified for the operation of equipment.

Response to Comment 12-57

Please see above Response to Comment 12-56.

Response to Comment 12-58

Please see above Response to Comment 12-56.

Response to Comment 12-59

Please see above Response to Comment 12-56.

Response to Comment 12-60 through 12-63

The commentor is correct in that the "C" weighting scale reports higher noise levels for low-frequency sounds than does the "A" weighting scale. However, because the human ear "hears" A-weighted, and because the Shasta County Noise Element standards are provided in terms of

the A-weighting scale, there is no rationale for utilizing a different scale. The commentor's reference to this project as being a "geothermal facility" is incorrect.

Response to Comment 12-61

Please see above Response to Comment 12-60.

Response to Comment 12-62

Please see above Response to Comment 12-60.

Response to Comment 12-63

Please see above Response to Comment 12-60.

Response to Comment 12-64 through 12-67

With respect to mitigation, CEQA does not require that noise mitigation measures be considered in cases where no noise impacts are identified. In an effort to be conservative, Impact 4.8-7 was considered potentially significant since there are several variables which affect noise generation, and project-related noise could substantially exceed ambient levels during early morning hours. As a result, specific noise mitigation measures are provided, including increasing setbacks, changing hours of operations, and the use of localized noise barriers.

The provision that the project noise levels be monitored is not triggered by complaints from local residents, as asserted by the commentor. Rather, the mitigation measure requires noise monitoring immediately following commencement of regular activities at the site. As CEQA requires mitigation monitoring, this provision is not unusual. It is also not unusual to require that noise mitigation measures be implemented as discussed in the DEIR if the monitoring results indicate that those measures are required.

Response to Comment 12-65

Please see above Response to Comment 12-64.

Response to Comment 12-66

Please see above Response to Comment 12-64.

Response to Comment 12-67

Please see above Response to Comment 12-64.

Response to Comment 12-68

The commentor overlooks the fact that the DEIR clearly states: "To provide a conservative estimate of project-related noise at the nearest existing residences, the noise reduction provided by these features was NOT included in the levels shown in Table 4.8-5." The fact that these structures would provide some degree of shielding to portions of the operation is unquestionable. However, because the degree of attenuation provided by these features could not be conclusively determined, it was left out of the equation.

Response to Comment 12-69

Please see Responses to Comments 11-68 and 12-12.

Response to Comment 12-70

Please see Responses to Comments 11-68 and 12-12. In addition, the berm has been proposed by the applicant as part of the project, consequently, it does not need to be identified as mitigation.

Letter 13

JEFFERY J. SWANSON
ATTORNEY AT LAW

2515 Park Marina Drive, Suite 102
Redding, California 96001-2831

Tel. 530.225.8773/Fax 530.225.8598
e-mail: jswanson@snowcrest.net

October 16, 2000

Russ Mull, Director
Shasta County Dept. of Resource Management
1855 Placer Street, Suite 300
Redding, CA 96001

Re: Comments on Draft EIR for Eastside Aggregates Project
(ZA 99-05, UP 99-17 and 99-01, and RP 99-01)

Dear Russ:

I represent Joe Studenicka, a private citizen, and Save Burney Falls (collectively referred to herein as "SBF"), a nonprofit incorporated public benefit association of concerned citizens, residents, visitors, and/or property owners of the greater Burney, California area. The following letter comments on the Eastside Aggregates Project draft environmental impact report ("DEIR") prepared for the Shasta County Department of Resource Management by Pacific Municipal Consultants, dated August 2000.

SBF's comments are being presented through four separate submittals: this letter, the submittal of Dr. J. Phyllis Fox (along with the exhibits, tables and figures accompanying her comments), a letter by Joe Studenicka, and a letter by Dale LaForest. These materials are submitted pursuant to section 15204 of the CEQA Guidelines (14 CCR § 15000 *et seq.*). Dr. Fox's qualifications are contained in the resume included as exhibit number 34 of her letter. 13-1

The environment in eastern Shasta County, along with SBF and its members and other residents and visitors in the area, will be affected by the Project if its significant impacts are not identified and fully mitigated. SBF members and other residents in the Burney area will be affected personally by impacts related to traffic, project noise, air quality, water supply and water quality.

As discussed more fully below, the DEIR is seriously deficient in several areas, the most significant of which is the project description. The failure of the project description to describe accurately the scope of potential - and foreseeable - project operations infects the entire analysis and renders the document legally inadequate under the California Environmental Quality Act ("CEQA")(Public Resources Code sections 21000 *et seq.*) and its disclosure requirements. The DEIR does not disclose the potential impacts on the environment that are likely to occur if this project is approved. As a consequence, it also fails to provide meaningful mitigation measures that would reduce project impacts to less than significant levels.

It is incumbent upon Shasta County to produce a legally adequate EIR that discloses to the public the range of potential impacts associated with the project. For the reasons set forth below, and as more fully in the comments of Dr. Fox, Mr. LaForest, and Mr. Studenicka, the County has failed to do so.

I. The DEIR Fails to Comply with the Fundamental Requirements Governing EIRs

A. Purpose of an EIR

CEQA confers a "privileged position" upon members of the public based on the belief that they can make important contributions to environmental protection. (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist.Agric.Ass'n* (1986) 42 Cal. 3d 929, *quoting* Selmi, *The Judicial Development of the California Environmental Quality Act* (1984) 18 U.C. Davis L.Rev. 197, 215-216.) The EIR process is "the principal method by which environmental data are brought to the attention of the agency and the public." (*Mira Monte Homeowners Ass'n v. County of Ventura* (1985) 165 Cal.App. 3d 357, 365.) Hence, the EIR is primarily an informational document. (*Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal. 3d 376, 392.)

The EIR process allows the public to review and comment on the impacts and proposed mitigation measures, and provides the agency with a basis for making finding to support its decision on the project. (*Sierra Club v. State Board of Forestry* (1994) 7 Cal. 4th 1215, 1229.) "The ultimate decision of whether to approve a project, be that decision right or wrong, is a nullity if based upon an EIR that does not provide the decision-makers, and the public, with the information about the project that is required by CEQA." (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App. 3d 818, 829.)

Two key functions of an EIR are to identify and describe every significant impact of a project and to propose feasible mitigation for each impact, if such mitigation exists. (Pub.Res.Code §§ 21002.1, 21100(a); *Sierra Club v. State Board of Forestry* (1994) 7 Cal. 4th 1215, 1229; *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App. 3d 185, 192.)

B. The Project Description is Inadequate

1. Legal Standard

A legally adequate analysis of a project's environmental impacts in an EIR depends on an accurate, complete, and consistent description of the project. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo*, 71 Cal.App. 3d at 193.) The project description must not minimize the project's impacts. (*City of Santee v. County of San Diego* (1989) 214 Cal.App. 3d 1438, 1450.) "Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefits against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal . . . and weigh other alternatives in the balance." (*Id.* at 192.) If the description of the project is unstable, inaccurate or incomplete, the EIR cannot be legally adequate. (14 CCR § 15124.)

2. Deficiencies in Project Description

a. Project Capacity is Not Analyzed

The DEIR is missing much of the information needed for an adequate analysis of the project. The most significant omission is a description of the technical details of the equipment to be used in Project operations. Such information is required under the CEQA Guidelines. (14 CCR § 15124(c).)

As noted in Dr. Fox's comments, the DEIR neither identifies the equipment that will be used for the project nor discusses the output capacities of the proposed equipment. (Fox §I.A.) The DEIR should include a description of the emission producing equipment and activities, such as the equipment manufacturer, the model to be used, maximum and minimum operation levels, etc.

After reviewing files, SBF has learned the physical capacity of the equipment proposed to be used by the proponent far exceeds the operation levels analyzed in the DEIR. (Fox §I.A..) Specifically:

- The quarry operation is larger than that analyzed in the DEIR. (Fox §1.A.1.)
- Crushing and screening equipment capacity is larger than that analyzed in the DEIR. (Fox §I.A.2.)
- Concrete batch plant capacity is larger than that analyzed in the DEIR. (Fox §1.A.3.)
- Asphalt plant capacity is substantially larger than that analyzed in the DEIR (Fox §1.A.4.)

13-2

The equipment proposed to be used for the Project must be disclosed in the DEIR Project Description. The capacity of that equipment should then be carried through the entire analysis.

Without this information, it is impossible for the public and for the decision makers to understand or appreciate the potential impacts of the project. Significantly, the Shasta County Air Quality Management District ("AQMD") requested that this information be included in the DEIR. (*See* Fox Exhibit 1.) This request was ignored by the County. The information must be included in the project description and must be used as the basis for analyzing project impacts.

b. No Basis for Production Assumptions

The DEIR project description assumes operation levels for each phase of the operation. Quarry operations are estimated to produce an annual average of 30,000 cubic yards. (DEIR 3-11.) The concrete batch plant is said to produce an annual average of 8,000 cubic yards and a maximum of 25,000 cubic yards. (DEIR 3-14.) Asphalt plant operations are estimated at 10,000 cubic yards on average and up to 100,000 cubic yards maximum. (DEIR 3-14.)

13-3

Unfortunately, the DEIR provides no factual basis for these figures. As noted above and in Dr. Fox's comments, the project's capacity far exceeds both the average and the maximum yields described in the DEIR. The DEIR arbitrarily limits Project production levels, without providing support for the conclusions made. It is not clear how the averages or the maximum production levels were determined. Without this information, the DEIR fails to fulfill its purpose "as the

respond to unforeseen insights that emerge from the process." (*County of Inyo v. City of Los Angeles* (1984) 160 Cal.App. 3d 1178, 1185.)

CEQA "contemplates serious and not superficial or pro forma consideration of the potential environmental consequences of a project." (*Leonoff v. Monterey County Bd. Of Supervisors* (1990) 222 Cal.App. 3d 1377, 1347-1348.) "Conclusory comments in support of environmental conclusions are generally inappropriate." (*Laurel Heights*, 47 Cal. 3d at 404.) "To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions." (*Id.*, quoting *Concerned Citizens of Costa Mesa v. 32nd Agricultural Ass'n* (1986) 42 Cal. 3d 929, 935.)

The burden of this environmental investigation is placed on the government, not the public. (*Sundstrom v. Mendocino County* (1988) 202 Cal.App. 3d 296, 311.) An agency is not allowed to "hide behind its own failure to gather relevant data." (*Id.*) Lead agencies must thoroughly investigate potential project impacts. The agency "must use its best efforts to find out and disclose all that it reasonably can." (14 CCR § 15144.) Even if it is not feasible to do sophisticated technical analyses of impacts, the lead agency must perform the analyses it can do and report the results. (*Citizens to Preserve the Ojai v. County of Ventura* (1985) 176 Cal.App. 3d 421, 432.)

These requirements apply to reasonably foreseeable indirect impacts, as well as direct project impacts. (Pub.Res. Code § 21083(c); 14 CCR 15064(d).) Significantly, the adequacy of the project description is directly relevant to the adequacy of the analysis of environmental effects. Where the project description fails to describe the complete project, the environmental analysis almost necessarily reflects the same mistake. (*See Laurel Heights Improvement Ass'n v. Regents of University of California* (1988) 47 Cal. 3d 376.)

B. Deficiencies in DEIR Impact Analyses

1. Errors in Assumptions and Failure to Analyze Potentially Significant Impacts

As noted above, the DEIR fails to analyze the Project based on equipment capacity and likely operations. This failure is carried throughout the entire analysis. More specifically, the attached comments of Dr. Fox identify numerous instances where the DEIR fails to identify new or substantially more severe potentially significant impacts. These include the following:

a. Hydrology and Water Quality

Dr. Fox identifies deficiencies in the Hydrology and Water Quality analysis as well as significant impacts that were not analyzed. These include the following: 13-1

- Water use is underestimated (Fox §§II.A. - II.A.6.);
- Significant groundwater impacts were not evaluated (Fox §II.B.1.);
- Analysis of impacts on springs is flawed and underestimates potential impacts (Fox §§II.B.2., II.B.3.);
- No analysis of potential impacts to Shasta Crayfish (Fox §II.B.4.);
- Stormwater Runoff Impacts not identified (Fox §II.c.).

b. Traffic

Dr. Fox's comments describe several significant or potentially significant impacts caused by traffic that were not analyzed in the DEIR. She also noted several deficiencies in the analysis. This includes the following:

- Traffic volumes were underestimated (Fox §III.A.);
- Traffic impacts were not estimated (Fox §III.B.);
- Cumulative traffic impacts were not analyzed (Fox §III.B.2.);
- Road wear caused by Project traffic was not analyzed and is significant (Fox §III.B.3.).

c. Public Health

In her comments, Dr. Fox describes the substantial and significant impacts on public health that could be caused by the proposed Project, and notes that only one element of potential Public Health impacts (asphalt plant operations) was evaluated in the DEIR. (Fox §IV.) However, even that analysis is flawed because of the failure to analyze Project operations based on equipment capacity and foreseeable operations. Significant impacts that were not analyzed in the DEIR include the following:

- Impacts from exposure to diesel exhaust (Fox §IV.A.);
- Impacts from exposure to crystalline silica (Fox §IV.B.);

Dr. Fox provides a risk assessment that demonstrates how the project could have a significant impact on public health.

d. Air Quality

Dr. Fox's comments demonstrates the existence of multiple deficiencies in the air quality analysis, along with several significant or potentially significant impacts that were not analyzed in the DEIR. These include the following:

- The DEIR underestimated emissions (Fox §V.A.);
- BACT thresholds are exceeded (Fox §V.A.1.a.);
- Offset thresholds are exceeded (Fox §V.A.1.b.);
- Construction emissions were omitted from the analysis (Fox §V.A.2.a.);
- Asphalt plant emission sources were omitted from the analysis (Fox §V.A.2.b.);
- Blasting emissions were omitted from the analysis (Fox §V.A.2.c.);
- DEIR contains multiple erroneous assumptions (Fox §V.A.3.);
- Asphalt plant PM10 emissions are inconsistent (Fox §V.A.3.b.);
- Vehicular traffic assumptions not representative of local traffic and analysis omitted likely activities (Fox §V.A.3.c.).

e. Noise

Deficiencies in the noise analysis and significant environmental impacts associated with noise from the Project are discussed in Dr. Fox's letter. (Fox § VI.) Noise related issues include the following:

- Processing equipment noise was underestimated (Fox § VI.A.);
- Existing physical conditions at the site were not considered in the analysis (Fox VI.A.);
- Traffic-related noise impacts are significant (Fox §VI.B.1.);
- The DEIR failed to evaluate the worst case (Fox §VI.B.2.).
- The DEIR failed to evaluate the design case (Fox §VI.B.3.).

Additionally, the DEIR is completely deficient in its analysis of noise as it relates to the hours of operation at the facility. The DEIR Project Description describes conditions under which the project could be operated outside the hours of operation analyzed in the DEIR. (*See*, e.g., DEIR 3-14.) However, the DEIR fails to analyze any operations outside what is considered the "normal" hours identified in the DEIR. Operations outside the normal hours would result in noise occurring during the late evening and early morning hours, when ambient noise levels are at their lowest. This analysis should be included in the DEIR, particularly given the fact the DEIR indicates that operations during this time period are reasonably foreseeable.

f. Economic Effects

A lead agency must find that a project will have a significant effect if the project directly or indirectly will have a substantial adverse effect on people. The proximity of a trailer park directly across the street from the proposed Project was noted in the DEIR. However, the DEIR failed to evaluate economic effects on the park due to project related noise, air quality impacts, and odors. Such impacts and any resulting changes to the environment must be identified and analyzed in the DEIR. (*Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, 445.) 13-14

IV. The DEIR Fails to Propose Adequate Feasible Mitigation Measures

A. Legal Standard

To comply with CEQA's requirements, an EIR must identify and describe every significant impact of a project and then propose specific, effective and enforceable feasible mitigation measures for each impact, if such measures exist. (Pub.Res.Code §21002.1; 14 CCR § 15126(c); *Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1229.) A mitigation measure must be designed to minimize, reduce, or avoid an identified environmental impact or to rectify or compensate for that impact. (14 CCR § 15370.) 13-15

The identification of mitigation measures fulfills an EIR's informational purposes, and also provides a basis for the decision maker to determine whether feasible mitigation measures or alternatives have been adopted that substantially lessen the project's impacts. (I21002.1, 21081; 14 CCR §§ 15002(a)(3), 15021(a).) If an EIR fails to properly analyze mitigation measures, then the agency cannot make its required finding.

Under CEQA, an agency has a duty to avoid or minimize a project's significant environmental effects "whenever feasible before approving the project." (*City of Santee, infra*, 214 Cal.App. 3d 1450.) An agency is prohibited from approving a project unless it adopts all feasible mitigation measures available that would substantially lessen the significant effects of a project. (Pub.Res.Code §21002; 14 CCR §§15002(a)(3), 15021(a), 15091(a)(1).)

To implement this obligation to mitigate, when an agency approves a project for which one or more significant impacts has been identified, it must adopt findings that for each significant impact either measures have been required which mitigate or avoid the impact, such changes are within the jurisdiction of another agency, or specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub.Res.Code § 21081; 14 CCR §15091; *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App. 3d 433, 440.) The findings concerning the feasibility of mitigation measures or alternatives must be based on substantial evidence in the record. (Pub.Res.Code § 21081.5; 14 CCR § 15091(b).)

To support these findings, the DEIR is required to set forth feasible mitigation measures for each significant adverse environmental effect, if such measures exist. The CEQA Guidelines require an EIR to "[d]escribe measures which could minimize significant adverse impacts . . .The discussion shall identify mitigation measures for each significant environmental effect identified in the EIR." (14 CCR § 15126(c).)

B. Impacts Not Mitigated

1. Odor Impacts Are Not Mitigated

As discussed in Dr. Fox's comments, the DEIR fails to mitigate for odor impacts caused by the proposed asphalt plant. (Fox §V.B.1.) Her comments are amplified by the fact that the project description and resulting analysis in the DEIR minimizes impacts associated with asphalt plant operations by minimizing the plant's output capacity. 13-16

2. Air Quality Impacts Not Mitigated

Dr. Fox's comment letter points out that many of the Shasta County General Plan mitigation measures required for commercial and industrial projects were not included in the DEIR analysis. Fox §V.B.2.) The mitigation measures proposed in the DEIR are not adequate to reduce PM10, NOx or VOC emissions to a less than significant level. 13-17

3. Noise Impacts Not Mitigated

The analysis presented in Dr. Fox's letter demonstrates that Project-related noise impacts are significant. The DEIR's failure to identify or analyze these impacts properly necessarily results in inadequate mitigation measures. Proper mitigation measures cannot be identified and imposed on the Project until the analysis is complete. 13-18

4. Wetlands Impacts Not Mitigated

The DEIR notes that .32 acres of wetlands will be filled by the project. (DEIR 4.4-11.) The documents goes on to conclude that such impacts are "significant and subject to mitigation." However, the mitigation measures imposed for this impact do absolutely nothing to reduce the impact to a less than significant level. Mitigation measure 4.4.2a simply ignores the impacted wetlands, and simply requires the proponent to place a fence around the non-disturbed wetland areas. This particular mitigation measure does nothing to address the real impact, which is the decrease in the wetland area. As such, it fails to meet the legal standards described above. 13-19

C. Mitigation Measures Not Likely to Succeed

SBF and its members have had a long history with Shasta County in their failed attempts to ensure the County take steps to remediate code enforcement violations on the project site. The applicant, Hat Creek Construction, has shown complete disregard for the County Code. Issues raised by SBF and its members include grading violations, excessive waste on the property, unpermitted commercial activities, unauthorized inhabited mobile homes on the property, and operations without a valid use permit. The County's files and records are replete with correspondence from SBF and Joe Studenicka regarding these issues. Those letters are hereby incorporated by reference.[2] 13-20

Regarding this validity of the Use Permit 7-89, SBF also restates its objection to the statement in the DEIR that existing activities on the subject property are covered by Fibreboard Corporation's Use Permit. As you know, that use permit expired by operation of its own terms when Fibreboard Corporation terminated all operations on the project site.[3] At the present time, there is still no

[2] Some of the issues raised include the following:

April 8,1996 letter hand delivered by Joe Studenicka to Bill Walker describing a list of drums and junk metal, car and truck parts and miscellaneous junk sitting on the property. Stacks of brush, cables, metal, logs, etc. scattered in various locations. Old tires on top of ground and some partially buried cables and empty drums.

June 17, 1999 Code Violation Complaint submitted indicating: unsafe and illegal storage of four (4) fuel tanks. Also, a new metal building was constructed, west of the shop without a use permit. In addition, a second entry road off of SR 89 was built.

May 4, 1999 Code Violation Complaint submitted indicating: Large pile of used tires, excess piles of junk, scrap metal,...and various rubbish, used chemical drums scattered on the property; grading (which was commenced in May, 1998, but not permitted until January, 1999) appeared to exceed amount approved; a new dirt road was completed at the southeast corner of the property without a permit; an area on the property was dug down lower than the road. The letter also noted portable towing concrete mixers being used and advertised on the subject property.

April 11, 2000 Code Violation Complaint submitted indicating: transportation, handling and storage of fill material for a period of over two (2)

[3] RESOLUTION NO.7617, which approved Use Permit 7-89, included a cover letter written and signed by James W. Cook. The letter was dated 9-16-88, and addressed to Fibreboard Corporation. It dealt specifically with Use Permit NO. 7-89. The letter states in relevant part:

> The use permit shall be deemed to be automatically revoked if the approved use(s) are not actively and substantially commenced within one year of the date of its approval or unless an extension of time has been

valid use permit for the Hat Creek site. This conclusion is confirmed by Kenneth Fletcher's letter dated July 14, 1999, in which he states that use permit # 7-89 expired along with its conditions. The County's continued insistence of relying on that expired use permit is baffling and yields an inadequate DEIR that ignores the impacts associated with those uses.

The County's inability to enforce the County's code on the property results in the very reasonable conclusion that the County is poorly equipped to enforce the mitigation measures associated with the proposed Project. Accordingly, the mitigation measures are likely to fail. This will result in substantial environmental impacts associated with the Project.

V. Conclusion

For the reasons stated above, along with those detailed in the accompanying letters, it is clear the DEIR must be revised substantially to comply with CEQA's disclosure and analytical requirements. Under the circumstances, the County has no choice but to redraft and recirculate the document to ensure the public is fully informed of the project's potential impacts. The County also has a duty to ensure significant effects of the project are reduced to a level that is less than significant. Thus, once the true impacts of this project are disclosed, the County must ensure the significant effects are mitigated to a less than significant level. The County's failure to meet this duty renders the document legally inadequate.

Thank you for the opportunity to provide these comments.

Sincerely,

Jeffery J. Swanson

enc.
cc: Save Burney Falls

applied for prior to expiration of the one year period and approved by the granting agency. The use permit is limited to the activities described in the attached signed resolution and the scope of those activities as approved. Any change in the approved use or activity will require review by the planning director and may require either an amendment to the permit or an entirely new use permit.

Letter 13 Jeffery J. Swanson, Attorney at Law, Representing Joe Studenicka and Save Burney Falls

Response to Comment 13-1

The majority of this comment provides general background on the CEQA process and the entire Save Burney Falls submittal. Comments on the adequacy of the project description are addressed in Responses to Comment 13-2 and 13-3.

Response to Comment 13-2

Comment noted. Please see Response to Comment 13-3 and Responses to Letter 14. In addition, the DEIR does provide information requested by the Shasta County Air Quality Management District, specifically a "description of all the emission-producing equipment and activities during the construction and operation phases of the proposed project" (Fox Exhibit 1). This information is documented extensively in the DEIR Project Description. The exact equipment is not detailed, as the equipment to be purchased will be used and will depend upon availability and price factors. This does not detract from the DEIR's ability to analyze potential impacts associated with the proposed project.

Response to Comment 13-3

A majority of comments submitted as part of the Save Burney Falls package are premised on assumptions developed by the commentors themselves. Commentors, in many instances, disregard the specific maximum production levels provided by the Project Proponent in their Reclamation Plan, and detailed in the DEIR Project Description, and instead create inflated production levels, and subsequent environmental impacts, based on the maximum production capacity of plant equipment slated for operation. The rationale is simply that if plant equipment can operate at higher levels than those proposed, then it will operate at those higher levels. This assumption is incorrect. In general, planned plant equipment has high hourly output rates because large jobs require high output over short periods of time. Following high output, plant equipment may lay idle for weeks at a time. This is the nature of the construction business, particularly in a rural setting. The DEIR Project Description, as well as the Reclamation Plan submitted to the California Department of Conservation/Office of Mine Reclamation, stipulated maximum annual project production levels which were analyzed in the DEIR (see Table 1). Confusion created by several commentors' assumptions are compounded throughout the comment letters, as the commentors utilize incorrect extraction and production levels to analyze for impacts to hydrology and water quality, traffic, public health, air quality, and noise.

However, in the interest of alleviating concerns raised by several commentors related to proposed plant equipment running at maximum production levels simultaneously, an aggressive "worst-case" production scenario has been developed and further environmental analysis has been conducted for potential impacts to, in particular, noise and air quality. It is important to note that "maximum production levels" do not equate to plant equipment "maximum production capacity". For any one phase of the production process (crushing and screening, concrete, asphalt), output is only as fast

as the slowest component of the production process. For instance, in the case of asphalt and concrete production, maximum output would be dictated by the time constraints for loading trucks. An absolute high-end production level day for both the concrete batch plant and asphalt plant would be 1,500 and 2,500 cubic yards respectively. This "worst-case" scenario is also based upon the annual maximum production levels that will be allowed by the Conditional Use Permit (CUP) (discussed in more detail below), and the maximum number of hours of operation the CUP would allow in a day. Table 1 depicts the maximum annual production levels and the maximum daily hours of operation for the major components of the project. Since the outdoor sales area is a commercial operation aimed primarily at residents and small businesses, it is expected to keep normal commercial business hours. Likewise, the truck repair shop would be confined mainly to normal business hours, except for emergencies that cannot be anticipated.

TABLE 1: WORST CASE PRODUCTION SCENARIO FOR PROJECT

Project Operation	Maximum Production Level (cubic yards annually)	Maximum Hours of Operation (daily)
Quarry	45,000	12
Crushing and Screening Operation	45,000	24
Concrete Batch Plant	25,000	14
Asphalt Plant	100,000	16

For this "worst-case" scenario to be plausible, it is assumed that the project applicant would win bids for multiple large-scale construction projects located within the proposed project's market place (generally northeastern Shasta County, southern Modoc County, and northwestern Lassen County), which require simultaneous production of aggregate, concrete, and asphalt. For instance, this might include a Caltrans road construction or repaving project in addition to a major industrial plant construction such as the proposed Three Mountain Power Plant.

This "worst-case" assumption has the following caveats: 1) The chance of this occurring given local market conditions is very low, 2) quarrying and subsequent crushing and screening of aggregate in anticipation of these projects will more than likely occur beforehand and be stockpiled, and 3) other raw materials including sand for cement would also be stockpiled on site in anticipation of larger projects. Nonetheless, the "worst-case" scenario has been analyzed with quarrying and crushing and screening operations taking place simultaneously with concrete and asphalt production to provide the most aggressive production output for the proposed project.

It is also important to note that given the limitations on maximum annual production for aggregate, cement, and asphalt, simultaneous project operations would last a relatively short period of time; probably no more than six weeks. After this time period, little, if any, activity would occur on the project site, since allowable maximum annual production levels would be reached.

Impacts related to simultaneous and increased production under the more aggressive "worst-case" scenario was partially based on revised traffic assumptions, and then carried through the Noise (see in particular Response to Comments 12-1 through 12-71 and 14-77 through 14-89) and Air Quality (see Response to Comments 14-52 through 14-76) analysis. Daily traffic volumes for both normal and "worst-case" conditions can be found in Table 2 below, as well as the revised traffic assumptions in Appendix B of the DEIR.

TABLE 2: ESTIMATED DAILY TRAFFIC VOLUMES GENERATED BY PROJECT

Project Activity and Traffic Type	Daily Traffic Volumes	
	Average	Worst Case
Concrete Batch Plant truck	16	200
Asphalt Plant truck	12	300
Other Industrial Activities truck	15	60
Commercial-Light Industrial Zone vehicle	47	70
Employee commute vehicle	50	74
Miscellaneous vehicle	30	45
Total	170	749

A cursory review of Tables 1 and 2 show that the "worst-case" traffic scenario assumes that 100 and 150 truckloads respectively of material from the concrete and asphalt plant could be loaded and transported daily. The concrete plant could operate 14 hours per day, and the asphalt plant could operate 16 hours per day. Therefore, approximately 7 truckloads of concrete could be loaded per hour, and approximately 9.5 truckloads of asphalt could be loaded per hour. Put another way, under the "worst-case" scenario, one truckload of concrete could be loaded approximately every 8.57 minutes, and one truckload of asphalt could be loaded approximately every 6.31 minutes. Although such frequency of loading is unlikely, it is analyzed to insure that any potential impacts are identified and properly mitigated.

The Air Quality and Noise analysis has been reviewed and supplemented to reflect the new "worst-case" assumptions and is discussed in detail in the Noise (see in particular Response to Comments 12-1 through 12-71 and 14-77 through 14-89) and Air Quality (see Response to Comments 14-52 through 14-76) analysis. The highly aggressive and speculative reassessment has identified no new

impacts, and therefore impacts previously identified in the DEIR as less than significant or less than significant after mitigation remain unchanged.

To insure that operation of the proposed Eastside Aggregates Project does not exceed production levels analyzed in the DEIR, material extraction restrictions and manufacturing production level limits provided in the DEIR and the Reclamation Plan will become enforceable permit conditions in the Eastside Aggregates Conditional Use Permit (CUP), which is subject to regulation by the Shasta County Planning Department. In other words, the Project Proponent will be unable to extract mineral or manufacture aggregate, concrete, or asphalt at levels beyond those analyzed in the DEIR. Moreover, any subsequent proposed changes to extraction or production levels for the Eastside Aggregates Project beyond those stipulated in the Reclamation Plan and analyzed in the DEIR would require an amendment to the CUP, which in turn would require CEQA compliance, including environmental review and analysis. The additional environmental analysis associated with a CUP amendment could result in the addition of applicable mitigation measures if potentially significant impacts were identified.

Response to Comment 13-4

Comment noted. Please see Response to Comment 13-3.

Response to Comment 13-5

The project that is being analyzed in the EIR is the project that has been proposed by the applicant. The project description defined the maximum levels of production that the applicant has proposed, not the potential production capacity of the equipment that would be used. If the conditional use permit is approved, the conditions of the permit would limit the project to these maximum levels of production, which were analyzed in the EIR. Regardless of potential Caltrans contracts or the "existing and future market demand for asphalt and aggregate materials", the permittee would be limited to the approved production levels. If the permittee wanted to exceed those maximum production levels, an amendment of the conditional use permit would be required, including environmental review of the potential effects of the proposed new production levels.

Projected Caltrans projects, their descriptions and their potential effects are not the subject of this EIR. In addition, please see Response to Comment 13-3.

Response to Comment 13-6

Comment noted. Please see Response to Comment 13-3.

Response to Comment 13-7

Comment noted. Please see Response to Comment 13-3 and Response to Comment 14-31.

Response to Comment 13-8

Comment noted. Please see Response to Comment 13-3.

Response to Comment 13-9

Comment noted. Please see Response to Comment 13-2.

Response to Comment 13-10

Appendix B of the Bollard & Brennan, Inc. report contains all of the model inputs and data used in this analysis. No other data is required to achieve the results contained in Table 4.8-7 or the Bollard & Brennan report. A copy of Appendix B was faxed to the Mr. Swanson at his request on October 5, 2000.

Response to Comment 13-11

As noted in the Response to Comment 13-10, the County did, in fact, disclose the date relied upon in preparing the DEIR.

Response to Comment 13-12

The majority of this comment provides general background on the CEQA process and the entire Save Burney Falls submittal. Comments on the adequacy of the project description are addressed in Response to Comment 13-3.

Response to Comment 13-13

Comment noted. Please see relevant Responses to Comments found in Letter 14 that pertain to Hydrology and Water Quality, Traffic, Public Health, Air Quality. and Noise.

Response to Comment 13-14

Comment noted. The DEIR found that impacts associated with the proposed project were either less than significant as analyzed or less than significant with the implementation of mitigation measures, and therefore there would be no economic effect.

Response to Comment 13-15

The majority of this comment provides general background on the CEQA process and the entire Save Burney Falls submittal. Comments on the adequacy of the project description are addressed in Response to Comment 13-3.

Response to Comment 13-16

Comment noted. Please see Responses to Air Quality Comments (14-52 through 14-76) found in Letter 14 (Fox Letter).

Response to Comment 13-17

Comment noted. Please see Responses to Air Quality Comments (14-52 through 14-76) found in Letter 14 (Fox Letter).

Response to Comment 13-18

Comment noted. Please see Responses to Noise Comments (14-77 through 14-89) found in Letter 14 (Fox Letter).

Response to Comment 13-19

Comment noted. Impact 4.4.2 on page 4.4-11 of the DEIR is modified to read as follows:

> The wetland delineation conducted in 1999 concluded that there are 0.71 acres of wetland area that are classified as "waters of the United States". ~~Such~~ ***Filling of*** wetlands ~~are~~ ***is*** subject to the permitting process of ***the US Army Corps of Engineers (***ACOE***)***. The project applicant proposes to fill approximately 0.32 acres of ~~these~~ wetlands. Under ~~new~~ ***current*** ACOE regulations, ***and because of the small area planned for fill,*** a ~~fill~~ permit for the ***planned*** wetland ***fill*** area is not required, but ACOE must be notified in advance of the fill. Nevertheless, since the project ~~w~~could result in a***n additional*** decrease in wetland area, ~~the~~ impacts ***to jurisdictional wetlands associated with*** ~~of~~ the project ~~on jurisdictional wetlands~~ ~~is~~ ***are considered potentially*** significant and subject to mitigation.

Response to Comment 13-20

The record of inspections, letters, notices, and resulting code compliance on the subject property demonstrates that County has enforced the County Code.