



COUNTY OF PLACER
Community Development Resource Agency

John Marin, Agency Director

PLANNING

Michael J. Johnson
Planning Director

MEMORANDUM

TO: Honorable Board of Supervisors

FROM: Michael J. Johnson, Planning Director

DATE: October 2, 2007

SUBJECT: Cemex Patterson Sand and Gravel Mine Expansion Project, Conditional Use Permit (PCPAT20070552), Rezoning, Development Agreement, Final Environmental Impact Report (SCH# 1998052072)

REQUESTED ACTIONS

The Board is being asked to consider the Cemex Patterson Sand and Gravel Mine Expansion Project. The Board will consider the following actions regarding this project:

- Certification of the Final Environmental Impact Report;
- Approval of a Conditional Use Permit (Placer/Yuba Counties);
- Approval of a Mine Reclamation Plan and Financial Assurances (Placer/Yuba Counties);
- Approval of a Rezoning to add the -SP and -MR combining districts; and,
- Approval of a Development Agreement.

BACKGROUND

Sand and gravel deposits at the site have been mined continuously since 1956 by a variety of operators. In September 1987, Cemex Patterson Sand and Gravel was permitted under CUP-1093 to operate on approximately 326 acres of a 436-acre site. That permit is set to expire in 2028.

LOCATION

The Cemex Patterson Sand and Gravel project is located in the unincorporated area of Placer County. The project site comprises 736 acres and is generally located east of State Route 65, north and south of the Bear River in northwestern Placer County (APN 018-010-001; 018-031-004, 051, 052, 053, 060, 061, 062, 063, 078; 018-140-024 and 025) and southern Yuba County (APN 015-370-002, 015-360-038). The project site includes the existing mine site and the proposed expansion area (Exhibit 6).

GENERAL PLAN/COMMUNITY PLAN DESIGNATIONS

The existing Cemex Patterson Sand and Gravel mining operation and proposed expansion area are designated Agriculture, 20-acre minimum on the Placer County General Plan Land Use Diagram. A

portion of the project site lies in Yuba County (approximately 63 acres) and has a General Plan designation of Valley Agriculture.

A portion of the haul route along Riosa Road is within the Sheridan General Plan and designated Rural Residential (1 dwelling unit/2.3-5 acres), Medium Density Residential (2-4 dwelling units/acre), and General Commercial along State Route 65.

ZONING

The zoning of the current Cemex Patterson Sand & Gravel mining operation area is Farm (F) with combining designations. The current mining operation in the southeast portion of the site is zoned F-B-X-MR. The B-X combining district allows for different parcel sizes than otherwise be required by the zone district based on special characteristics of the site. The second combining district, -MR (Mineral Reserve), identifies lands containing valuable mineral resources, protects the opportunity for extraction and use of such resources from other incompatible land uses, provides for the extraction of mineral resources and the reclamation of lands subsequent to such extraction. The zoning of the mine expansion area in the remaining portion of the site to the west and northwest is zoned F-B-X.

In Yuba County, the 63+/- acres of the expansion area are currently zoned AE-10 (Agriculture Exclusive, 10-acre minimum).

APPLICANT

Cemex Construction Materials LP. The applicant leases a portion of the expansion area from AKT Wheatland Ranch LLC for which Placer County has obtained a Letter of Authorization.

PROJECT BACKGROUND

The Cemex Patterson Sand and Gravel Mine Expansion Project EIR (SCH No. 1998052072) was prepared pursuant to CEQA and the County's Environmental Review Ordinance. A Notice of Preparation (NOP) and Initial Study for preparation of the EIR was distributed in June 2000. A subsequent NOP for potential construction of an alternative haul route to bypass the community of Sheridan was published in March 2001. The Initial Study determined impacts relating to Population, Housing, and Recreation would not be impacted by the proposed project and were therefore excluded from further environmental evaluation.

From mid-2000 to November 2004, the County undertook environmental evaluations to determine the impacts of the proposed project and to prepare the Draft EIR. The Draft EIR evaluated the potentially significant and cumulative impacts to land use/agriculture, visual resources, public services, traffic, air quality, noise, geology/minerals/soils/paleontological resources, water resources, biological resources, public health/safety, hazardous materials, and cultural resources. In assessing these resource areas, the Draft EIR evaluated the existing environmental resources in the project vicinity, potential impacts of the proposed project on those resources, and identified mitigation measures that could avoid or reduce the magnitude of those impacts. In addition to assessing the environmental impacts associated with the proposed expansion, the Draft EIR evaluated five alternatives (three mine expansion and two alternative haul route alternatives). In November 2004, the County released the Draft EIR and circulated the document for a 45-day public review period.

The Draft EIR was circulated to responsible and trustee agencies having jurisdiction over natural resources that could be affected by the project, or having expertise or interest in environmental resources. In addition, interested organizations, businesses, and members of the public received

copies of or were made aware of the availability of the Draft EIR. During the Draft EIR public review period, comment letters were received from nine public agencies, three organizations, and 14 public citizens. The majority of comments received, approximately 70 percent, focused on project traffic, alternative haul routes, the asphalt batch plant, and non-EIR/administrative issues.

While the Draft EIR was completed in October 2004, the Final EIR was not published until August 2007. The delay was caused by circumstances surrounding the project which intervened with the normal timing of CEQA review and County approvals. Some of the more onerous events prolonging the process include the acquisition of the previous mining company (RMC) by CEMEX, purchase of much of the underlying expansion area by a new landowner, renegotiation of the existing lease on the property, and protracted contract negotiations with the local union.

Following the public comment period, the Final EIR was prepared, Part I (Response to Comments), together with Final EIR Part II (Revised Draft EIR) constitutes the Final EIR for the proposed Cemex Patterson Sand and Gravel Mine Expansion Project. Final EIR Part I consists of comments received by the County on the DEIR, responses to the comments, and a description of changes to the Project as circulated in the Draft EIR. Final EIR Part II contains the Revised Draft EIR which provides changes to the document in underline/strikeout format.

Based upon the comments received, the applicant has modified the project to remove the asphalt batch plant, revise the project boundaries and phasing, reduce the length of mining operation by 10 years, and preserve 10-acres of oak woodland that were proposed to be removed.

PROJECT DESCRIPTION

The applicant is requesting approval of the following:

- extension of the mine's operational life from 2028 to 2045;
- expansion of mining activities onto 355 acres adjacent to the current operation, to be completed in six phases;
- modification of the current mine reclamation plan with financial assurances;
- issuance of a Conditional Use Permit (utilized by both Placer and Yuba counties) to allow for the quarrying activities; and,
- rezoning of the proposed mine expansion areas within Placer County to include a Mineral Reserve (-MR) combining district.

Existing Operations: In recent years, the demand for sand and gravel products (i.e., largely for building and roadway materials) from the existing operation has continued to increase. Since the 1996 closure of a sand and gravel operation in Rocklin, the Patterson Sand and Gravel mine has been the closest supplier of these materials for construction activities in southern Placer County. To help ensure the company's ability to meet current and future demand for these products, the applicant is proposing to expand the existing operation to extend the operational mine life. The project site is currently permitted (CUP-1093) to actively operate on approximately 326 acres. The current permit is set to expire in 2028. The mining operation uses methods and equipment common to the industry. Off-channel sand and gravel deposits are mined using a continuous excavation, beginning with surface and near-surface materials, primarily sands; no in-stream mining is conducted at the existing operation. Because of the nature of the sand and gravel deposits, little or no overburden is encountered during mining operations. Once the surface materials are removed, the remainders of the deposits are mined by layer using excavators and dozers with sequential pit dewatering to a maximum depth of approximately 100 feet, depending on specific subsurface conditions encountered during mining.

Mined materials are transported on haul trucks and scrapers to the on-site processing plant, located south of the Bear River, for processing. The processing plant consists of washing, screening, crushing, and sorting operations to process the mined materials into market-grade materials, such as concrete aggregate, topsoil, and white sand. Materials from this site are primarily used for building and road improvements in southern Placer County. The processing plant includes three main facilities: two wash plants and a crushing plant. Water used for processing operations (and appurtenant uses) is supplied from reclaimed wash water and fresh water obtained from groundwater in the mine pits. Most of the water is recycled through a closed system; the remaining water is either reused onsite for dust control or is conveyed back to the processing plant for reuse in aggregate processing operations. The processing plant, supporting maintenance shop, scale house, and offices are located south of the Bear River while the majority of the current mining operations occurs on the north side of the river.

The current route for outbound haul trucks follows Camp Far West Road south to Porter Road, Porter and Karchner Roads south to Riosa Road, and Riosa Road to State Route 65. Trucks then travel either northbound or southbound on State Route 65 to their destination. Returning haul trucks and delivery vehicles travel the reverse of the outbound haul route (Exhibit 8).

Proposed Expansion Operations: The approximate 355-acre proposed expansion area is located entirely on private property immediately west, north, and south of the existing operation. The proposed project would incorporate the facilities and operations of the existing mine described above and operate as an extension of the existing mine (Exhibit 4). A new office building near the site entrance is proposed to replace the portable office. The project would extend the estimated operation life of the mining to approximately 2045. Total sand and gravel deposits that underlie the existing mining and proposed expansion areas are estimated to be approximately 38 million tons. The average annual production rate (AAPR) would be reduced from about 1.5 million tons per year to 1.25 million tons per year. Annual production, however, would depend on specific market demand for sand and gravel products. Because 1.25 million tons per year represents the average production rate, the mine would produce more than 1.25 million tons per year of aggregate some years, and less in others, with a maximum of 1.82 million tons per year. Mining and reclamation would be conducted in six phases through the anticipated life of the Project.

The existing processing plant would be expanded to the south by approximately 11 acres. Processing operations associated with the proposed expansion would consist of the same methods as those for the existing operation and would use the existing facilities. Some of the mined materials would be processed near the pit area in a portable topsoil screening plant. This portable plant screens topsoil grade material from larger aggregate. Other mined materials would be processed in the main processing plant located south of the Bear River. Mined materials would be washed, screened, and crushed at rates similar to the mining rates.

Hours of operation:

Business and Hauling/Trucking:	Mon-Fri, 6 a.m.–5 p.m. Sat, 6 a.m.–noon
Mining, Processing, Reclamation, and Onsite Transport:	Mon-Sat, 7 a.m.–10 p.m.
Crushing:	Mon-Sat, 7 a.m.–10 p.m.

ENTITLEMENTS

Conditional Use Permit: In order to operate a mine and the related processing facilities in the Farm zone district, it is necessary to obtain approval of a Conditional Use Permit (CUP). Staff has prepared a recommended list of conditions of approval for the CUP (Exhibit 9). Additionally, findings have been prepared which must be considered by the Commission in order for the CUP to be approved (Exhibit 2).

Rezoning: The subject rezone is based upon requirements of the Placer County Zoning Ordinance and Mitigation Measure R4-2 from the Final EIR which requires the addition of the -SP combining district (Exhibit 4).

(-MR) Mineral Reserve: The existing site includes the -MR combining district; however, the expansion area does not. The applicant requests approval to add the -MR combining district designation on Assessor's Parcel Numbers 018-010-001-510 and 018-031-078-000. This rezoning is intended to conform these parcels to the zoning of other Placer County parcels that comprise the mine site, and to make explicit through the zoning designation that mining operations are occurring on these parcels. The proposed addition of the -MR combining district is consistent with the General Plan Land Use Designation of "Agriculture, 20 acre minimum," within which mining is an allowable use.

(-SP) Special Purpose: The Special Purpose designation is used to require some type of discretionary review of most uses on lands with the designation. The purpose is to restrict the use of the property to uses that are determined to be compatible with a "special use" in the vicinity. In many cases, the -SP combining district is applied to properties that are contiguous to the special use (i.e., airport, sewage treatment plant, mine, or landfill) if the adjoining properties could be impacted by the special use. The site which contains the special use is often designated with -SP combining district as well. In this case, the special use is the mining operation and the -SP combining district would be applied to properties that are directly impacted by mining. Direct impacts are assumed to be noise, air quality, traffic, impacts to groundwater, etc. The -SP combining district is a Mitigation Measure (MM R4-2) and included as a condition of approval for this project. The list of properties to be rezoned to add the -SP combining district include Assessor's Parcel Numbers 018-010-001-510, 018-031-078-000, 018-031-004-000, 018-031-051-510, 018-031-052-510, 018-031-053-510, 018-031-060-000, 018-031-061-000, 018-031-062-000, 018-031-063-000, 018-140-024-000, 018-140-025-000. The addition of the -SP combining district is consistent with applicable Placer County and Sheridan General Plan policies.

Reclamation Plan: The mining areas would be reclaimed in accordance with Surface Mining and Reclamation Act (SMARA), which requires surface mines to be reclaimed to a usable condition that is readily adaptable for a productive and alternative land use that creates no danger to public health or safety. Proposed uses of the mined areas would consist of wildlife habitat, a private lake, and agricultural uses. Created wildlife habitat and watershed areas would consist of one lake, emergent marsh habitat, and the Bear River Corridor Preservation Area. The lake would encompass approximately 300 acres.

Mine reclamation would occur both during the mining phases (concurrent reclamation) and after the completion of mining at the project site (final reclamation). Concurrent reclamation activities would include recontouring and revegetation of mine pit side slopes, expansion and construction of levees, and the use of sandy silts and processing wastes for pit backfilling and

growth media for use in revegetation of mine-related facilities. Concurrent reclamation would proceed in the mined areas within approximately four years of the initiation of mining within each phase with the exception of development of a water body.

A draft Mine Reclamation Plan was circulated with the Draft EIR in November 2004. In response to comments from the Department of Conservation and others, aspects of the Project were revised, and an Addendum to the Reclamation Plan was prepared and circulated with the Final EIR. On July 20, 2007, County staff submitted a letter to the Department of Conservation that served as the 30-day notice required by Public Resources Code Section 2774(d)(2), and which included draft responses to the Department's comments. The Final EIR also included those responses to comments.

Development Agreement: The Development Agreement, which would be entered into by and between the Applicant and Placer County, would require the Applicant to perform and/or provide funds for the performance of improvements within the community of Sheridan (Exhibit 5), including monetary contributions towards public infrastructure (e.g., park, school, and parking lot improvements). The Development Agreement includes obligations over and above the mitigation obligations of the Applicant in the FEIR. The following provides a description of the major provisions of the Development Agreement.

- **State Route 65 Bypass and Sheridan Sewer Improvements Contribution.** The Applicant will contribute a total of \$1.4 million for use in completion of both the State Route 65 Bypass (\$400,000) and Sheridan Sewer Improvements (\$1,000,000). These Projects and their related environmental impacts have already been analyzed under CEQA and approved by the appropriate decision-making bodies. (See Final Environmental Impact Statement/ Report, Lincoln Bypass, Placer County, State Route 65 [SCH 1990020626] and Sheridan Wastewater Treatment Plan Pond Construction Project [SCH 2006062051]).
- **Community of Sheridan Public Facility and Infrastructure Improvements.** The Development Agreement contains provisions that require the Applicant to contribute \$860,000 to be used for infrastructure and performance of public facility improvements within the community of Sheridan. While these improvements are general funding actions that do not commit the County to any definitive course of action, the following public facilities may receive funding:
 - Sheridan Cemetery (\$30,000);
 - Sheridan Park and Stewart Community Hall (\$50,000);
 - Sheridan School District (\$30,000);
 - Sheridan Fire Protection District (\$50,000); and
 - General Sheridan Community Improvements (\$700,000).

If any future activities funded by this Agreement require a discretionary action by Placer County, or any other agency, subsequent environmental analysis may be required.

- **Signalization of State Route 65/ Riosa Road Intersection.** Caltrans has stated in the past that they would not support a traffic signal at the intersection of State Route 65 and Riosa Road. The Development Agreement calls for a process to attempt to gain Caltrans, Union Pacific Railroad (UPRR), and California Public Utilities Commission (CPUC) support for a traffic signal at this intersection. If successful, the Applicant will design

and entitle the signal with necessary approvals through Caltrans, CPUC, and the County. Any improvements at the intersection will be subject to environmental analysis and public review.

PROJECT ANALYSIS

General Plan and Zoning Consistency: The area of the Cemex Patterson Sand & Gravel Mine Expansion Project is designated "Agriculture, 20 acre minimum" in the Placer County General Plan. A portion of the project site lies in Yuba County (approximately 63 acres) and has a General Plan designation of "Valley Agriculture." The implementing zone district (Farm) allows "mining, surface and subsurface" with approval of a Conditional Use Permit and subject to requirements of Section 17.56.270 of the Zoning Ordinance (Surface Mining and Requirements). The Final EIR (Part II, pp. 4-8 to 4-50, 4-58) includes a detailed General Plan consistency analysis, and concludes that the proposed mine expansion is consistent with applicable policies and requirements of the Placer County General Plan and the Sheridan General Plan.

Environmental Impact Analysis: Provided below is a summary analysis of the environmental topics addressed in the EIR.

Land Use/ Agriculture

This section of the EIR describes the existing and proposed land uses, agricultural resources, and relevant land use policies for the proposed project. The impact assessment focused on consistency with local land use policies (i.e., General Plan and Zoning Ordinance), conversion of agricultural lands, and on-site and surrounding land use compatibility.

The existing and proposed project site is generally characterized by agricultural and rural land uses. Land uses surrounding the proposed project include the existing mine and processing facility, agricultural (i.e., orchards and rice fields) and pasture lands, open space, and rural residences. The community of Sheridan, including residential and commercial uses, is located approximately 2.5 miles southwest of the proposed project area. The nearest residence to the proposed project area (Phase 6) is located 300 feet away, and as close as 100 feet to the existing permitted operation.

The Final EIR identified four potential Land Use/ Agriculture impacts. Two of these impacts (consistency with the Placer County General Plan and Zoning Ordinance, and consistency with the Yuba County General Plan and Zoning Ordinance) were less than significant as no inconsistencies with General Plan policies or Zoning restrictions were identified. Impacts to conversion of farmland and land use compatibility were identified as potentially significant. Mitigation measures require the Applicant to satisfy specific reclamation standards or establish easements protecting farmlands and rezoning the expansion parcels to include the -SP combining district. With these mitigation measures, impacts were still considered significant and unavoidable.

Visual Resources

The Visual Resources section of the EIR evaluates the aesthetic impact of proposed expansion operations and related facilities (i.e., nighttime lighting) from public viewpoints.

The existing visual character of the area is characterized by the existing mining area and associated processing facilities (i.e., processing plant, stockpiles, and buildings), agricultural and pasture lands, and rural residences. Off-site views of the existing and proposed expansion areas are generally limited to the southwest, south, and southeast along Camp Far West Road and

Porter Road. Riparian woodlands and orchards block direct views from the north, west, and northeast.

The EIR identified two potential impacts to visual resources as a result of expanding the mining footprint and nighttime lighting. Two mitigation measures (preparation of a landscape buffer at the southwestern portion of Phase 6 along Camp Far West Road, and compliance with Placer County lighting fixture design guidelines) reduce these impacts to a less than significant level.

Public Services

Based upon the project's location in both Yuba and Placer counties, two separate agencies provide fire protection and emergency response services. Primary response is from the California Department of Forestry and American Medical Response, both of which are located in Placer County, because any emergency calls would originate from Cemex Patterson Sand & Gravel offices in Placer County. Emergency response times for the two groups range between 15 to 20 minutes.

The Final EIR evaluated the proposed project's impact on public services relating to long-term fire protection and increased emergency response time. These impacts were determined to be less than significant.

Traffic

The EIR provides a discussion of the existing transportation and circulation setting in the project vicinity and an analysis of potential impacts associated with project related traffic.

A Traffic Impact Study was conducted as part of the environmental evaluations. The study focused on the Project's truck route, which leaves the project site, follows Camp Far West Road to Porter Road, Porter and Karchner Roads south to Riosa Road, and Riosa Road through Sheridan to State Route 65. Traffic counts at four intersections were conducted, providing existing a.m. and p.m. peak hour volumes. The proposed project reduces annual average production by approximately 0.25 million tons; therefore, less trucks on an average basis would use existing roadways as compared to the existing operation.

Five impacts were analyzed examining the proposed project's impact to levels of service (LOS) in Sheridan and Lincoln under existing and 2020 traffic conditions, and roadway deterioration as a result of continued truck movement on existing roads. Because the number of truck trips would be reduced as a result of the reduced production rates, impacts to County LOS standards were determined to be less than significant. Under the proposed project, operations would continue for approximately 38 more years, resulting in roadway deterioration. A mitigation measure requiring the Applicant to contribute to a fair share funding of roadway maintenance reduces this impact to a less than significant level.

Air Quality

The Air Quality section of the EIR describes relevant characteristics of the air basin and provides an overview of the physical conditions affecting pollutant accumulation and dispersion in the vicinity of the project expansion areas. The air quality setting also describes the sources, types, and health effects of major air pollutants.

Air dispersion modeling using the EPA-approved ISCST3 was conducted for both existing and proposed project conditions to determine predicted concentrations in the vicinity of the project site and the existing haul route. The potential air quality impacts of the proposed project have been analyzed for both the short-term and the long-term phases of the project. The proposed project would have a significant impact relative to air quality if:

- Resultant increases in project-related emissions would cause exceedance of the thresholds of significance recommended by either the PCAPCD or the FRAQMD,
- Violate or contribute substantially to a violation of any ambient air quality standard,
- Expose sensitive receptors to substantial pollutant concentrations,
- Exceed or contribute to an exceedance of the recommended action level for cancer risk, or
- Result in a frequent exposure of the public to objectionable odors.

The EIR identifies eleven potential air quality impacts that may result from expansion operations. Potential for airborne asbestos and carbon monoxide hot spots were considered less than significant without mitigation measures. Impacts associated with the creation of crystalline silica was considered to be less than significant after mitigation.

The remaining eight impacts - short and long term increases in regional criteria air pollutants and ozone precursors, violation of NOx and PM10 air quality standards, particulate deposition on crops, diesel exhaust particulate amounts exceeding air quality standards, and increased odors - were considered significant and unavoidable impacts. Sixteen mitigation measures have been provided that reduce these impacts, but not below applicable levels of significance.

Noise

The Final EIR summarizes the existing noise conditions in the project vicinity, local County standards, and an analysis of impacts of proposed expansion noise levels.

Noise modeling of proposed expansion operations was conducted in preparation of the Draft EIR. Ambient noise surveys were conducted in 2001, 2002, and 2004 to document and measure existing noise levels at the existing project site, surrounding representative sensitive receptors, and along the haul route. Analysis of potential noise related impacts centered on the movement of mining operations to other locations closer to sensitive receptors surrounding the site and noise levels associated with truck trips along the haul route.

Impacts examined noise levels under five circumstances including construction operations, operational and processing activities, truck travel along the haul route, nighttime operations, and seasonal weather conditions. Impacts relating to noise levels along the haul route were considered less than significant because of the reduction in average annual production. Mitigation measures restricting hours of operation, requiring noise control measures, construction of a berm, and acoustical treatment reduced the impacts to less than significant levels for three other impacts. With implementation of the before-mentioned measures, noise levels at one sensitive receptor will still exceed County standards, therefore that impact is significant and unavoidable.

Geology, Minerals, Soils and Paleontological Resources

The Final EIR identifies and evaluates the changes in conditions related to geology, including seismic conditions, minerals, soils, and paleontological resources associated with implementation of the proposed project. The examination of geology, minerals, soils, and seismic issues is based

on information from site observations, review of information published by state and federal agencies, and a geotechnical report prepared by the Applicant.

Geology/Mineral Resources. The project site is located on an alluvial plain formed in the valley of the lower reach of the Bear River. The mineral deposits of the project site and proposed expansion areas are located in an area recognized as a source of sand and gravel for the production of portland cement concrete and other aggregate products. Aggregate mining has occurred at the project site since approximately 1956. The project site and adjacent areas are classified as Mineral Resource Zone 2a (MRZ-2a) or MRZ-2b (areas where significant aggregate deposits are inferred on the basis of the available geologic data) by the California Department of Mines and Geology (CDMG). The areas of the project site are classified as MRZ-2a and MRZ-2b and are also identified as Aggregate Resource Areas (areas immediately available for mining) by CDMG.

Paleontology. Results of a paleontological records search at the UC Berkeley Museum of Paleontology indicated no recorded fossil sites within a five-mile radius of the proposed project site. Because project excavations are planned to occur only in shallow unconsolidated sand and gravel deposits (deposits of the Riverbank Formation that have the highest chance of containing paleontological resources will not be excavated), it is unlikely that impacts to paleontological resources would occur.

Seismicity. The project site is located in a seismically active region of northern California, zone 3 in the Uniform Building Code (UBC), the second highest seismic risk category. The closest active seismic source to the project site is the Foothills Fault System, and the closest active fault is approximately 28 miles north of the project site. The project site would not be expected to experience fault rupture, but would be subject to moderate groundshaking.

Soils. Three general soil types and mapping units have been identified at the project site by the Soil Conservation Service (USDA Soil Conservation Service 1980), and include Riverwash, Xerofluvents, Ramona sandy loam, dumps (active mining area), and Columbia fine sandy loam.

The Final EIR evaluated five impacts associated with the before-mentioned resource areas and determined that all of them were potentially significant, but would be reduced to a less than significant level with mitigation measures. Mitigation measures include grading, erosion control measures, set-backs, and backfilling upon reclamation to ensure protection of the Bear River and irrigation canal and to control off-site run off. In addition, prior to any new building on backfilled areas of the project site, a geotechnical report must be prepared. Finally, in the event of discovering unknown paleontological resources, mining will cease in the vicinity and Placer County will be contacted to evaluate the resource.

Water Resources

The Water Resources section describes the existing conditions related to water resources at and in the vicinity of the project site, including surface water and groundwater, drainage, flooding potential, water quality, and water use and management for aggregate processing and other mine operations.

Surface Water and Flooding. The Bear River runs through the approximate center of the site. The project site is located within the 100-year flood hazard zone as defined on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (1983). The

current mining area is protected from flooding by a levee constructed along the northern bank of the river.

Groundwater. The most significant groundwater resource in the area of the site is water stored within the alluvial deposits. An evaluation of regional groundwater conditions in Placer County indicates that the groundwater level in the area of the project site occurs in wells at elevations between 90 and 110 feet above the National Geodetic Vertical Datum (NGVD). The groundwater elevations are generally consistent with the elevation of the channel bed of the Bear River, indicating that the river is in hydraulic communication with the alluvial deposits.

Water Quality. The water quality in the Bear River is not currently monitored by the primary users of the water from the Bear River in the area of the project site. The surface runoff from the existing operation is monitored in compliance with the requirements of the Statewide General Permit for Storm Water Discharges Associated with Industrial Activities. Runoff samples collected are consistent with the water quality objectives.

Regional groundwater data indicate that the groundwater in the area near Sheridan, west of the Cemex Patterson mine site, contains elevated levels of boron, sodium, and total dissolved solids.

Mercury Levels. In August 2000, a water and sediment quality sampling program (Appendix F of this Draft EIR) was developed and implemented at the project site and indicated ongoing mining operations were not having an adverse impact on the Bear River and that the potential for degradation of groundwater was minimal.

Water Use. Water used for processing operations (and appurtenant uses) is supplied from reclaimed washwater and from freshwater obtained from groundwater in mine pits. Processing operations use approximately 4,500 gpm, primarily for washing. Most of the water is recycled through a nearly closed system, with approximately 800 gpm of freshwater (i.e., make-up water) needed to make up the water lost to evaporation or percolation.

The EIR examined the impacts to the above described hydrologic components and water resources. Of the six impacts analyzed, all were considered less than significant or reduced to a less than significant level with implementation of mitigation measures. Mitigation measures include increased flood control through expansion of existing onsite levees, limiting levee repair to the dry season, well monitoring, and implementation of a mercury monitoring plan.

Biological Resources

The EIR describes the existing biological resources found and the impact to those resources resulting from proposed expansion operations. Biological information for this analysis was gathered during onsite field surveys and review of existing documentation. These surveys included valley elderberry longhorn beetle determination, wetland delineation, and evaluation of sensitive biological resources, including special-status plant and wildlife species.

Vegetation. Vegetation on undisturbed portions of the project site includes oak woodland, riparian, open water, and riverine habitat, and agriculture (i.e., walnut orchards and rice fields). Field surveys and review of appropriate documentation did not find any occurrences of special-status plants in the vicinity of the project site. Oak woodlands are considered a sensitive habitat by California Department of Fish and Game and given protection under CEQA and Yuba and Placer County General Plans. The proposed project would avoid and protect the Bear River corridor and large stands of oak woodland. In addition, mitigation measures proposed by the

applicant and required by the EIR would reduce all environmental impacts on sensitive biological resources to a less-than-significant level.

Wildlife. The expansion site and associated vegetative habitats currently provide habitat foraging and breeding habitat for numerous wildlife species. Special status wildlife species that may occur onsite include the valley elderberry longhorn beetle, Chinook salmon, steelhead trout, several raptor species, and various other protected bird species.

The Final EIR evaluated potential impacts to wildlife and vegetative special status species and sensitive habitats, concluding that all associated impacts with the proposed expansion were less than significant or less than significant with implementation of mitigation measures. To mitigate for impacts to sensitive habitats, mitigation measures require the Applicant to obtain off-site easements that permanently protect those habitats or establish an onsite easement with implementation of a plan to re-establish those habitats by meeting various criteria. In addition, the Applicant shall be required perform preconstruction surveys for raptor nests prior to tree removal in the expansion areas.

Public Health and Safety

Public Health and Safety concerns evaluated in the Final EIR include the potential for accidents created by the lake and pit slopes upon final reclamation and the potential for increased mosquito breeding habitat.

The Reclamation Plan does not propose the pit lake remain open for public use upon final reclamation but rather will remain a lake for private uses, precluding public access. Mosquito breeding grounds across the County are currently controlled by the Sacramento-Yolo Mosquito Vector Control District and Placer Mosquito and Vector Control District on an as needed basis, which includes the proposed expansion areas. These impacts were both considered less than significant.

Hazardous Materials

This section of the Final EIR evaluated the potential public health-related impacts associated with a potential release of hazardous substances and/or materials.

Potential hazardous substances and/or materials located on the existing project site include seven above-ground storage tanks (i.e., diesel, gasoline, oil, etc.) and various oils, lubricants, and solvents necessary for routine maintenance and repair of on-site mobile and stationary equipment. The various substances and above-ground storage tanks are located within the on-site maintenance building or designated outdoor containment areas. The project site also operates under a Placer County Hazardous Materials Business Plan and Hazard Communication Program updated annually and submitted to Placer County Department of Health and Human Services, Division of Environmental Health. The types and amounts of hazardous materials and/or substance will not change under the proposed expansion Project.

Two impacts evaluated the potential release of hazardous materials as the result of a spill or accident and the potential exposure of workers to agricultural pesticides/chemicals in soils of expansion areas. Mitigation measures requiring the Applicant to revise their existing Stormwater Pollution Prevention Plan to include the expansion areas in the event of a spill in those areas and prepare a Worker Health and Safety Plan reduce these impacts to a less than significant level.

Cultural Resources

The Final EIR contains a discussion of current knowledge about cultural resources in the vicinity of the project site and surrounding areas. Background information and impact evaluations were based on data obtained through review of existing documents, a records search, and two onsite surveys conducted in 1996 and 2001.

A records search for the proposed mine expansion area was conducted including review of the California Historical Resources Information System, NCIC maps, and findings of previous cultural resource surveys in the project area. The search identified Johnson's Ranch, the Overland Emigrant Trail, Durst House, Johnson's Crossing, the U.S. Army's Camp Far West, and the Camp Far West Cemetery. None of these historic resources are located within the proposed expansion area. In addition, the field surveys of the project site identified no cultural resources.

The Final EIR evaluated the potential for disturbance of surface and subsurface cultural resources as a result of mining in the proposed expansion areas. Based on the previous field surveys and review of background information it was determined that impacts to potential surface cultural resources is less than significant. The potential to disturbed subsurface cultural resources is potentially significant but with mitigation, establishing standards for discovery of subsurface cultural resources, this impact is considered less than significant.

Cumulative Impacts

The EIR evaluated the potential cumulative impacts associated with the proposed mine expansion project as they related to each environmental issue (e.g., land use/agriculture, visual resources). Cumulative impacts are defined as "the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and probable future projects" (State CEQA Guidelines §15355(b)).

For the purposes of the cumulative impact analysis, the EIR focused on the cumulative impacts of other sand and gravel operations, the Caltrans State Route 65 Lincoln Bypass project, and other proposed and probable future projects in Placer County or southern Yuba County. The current and probable future sand and gravel operations included are the Teichert Aggregates Lincoln Facility (Placer County) and three mine operations in the Yuba Goldfields. Other proposed or probable future projects in Placer and Yuba Counties included were:

- BD Bowling Associates polymer manufacturing operation and commercial steel fabrication plant (Sheridan)
- Lakeview Farms Hunt Club (Lincoln),
- Reggie's Gas Station (Sheridan),
- United Auburn Indian Community Residential and Community Facilities Development (Sheridan),
- Plumas Lake and East Linda Specific Plan (Yuba County)
- Dana and Dana project (Yuba County),
- Feather-Bear Rivers Levee Setback project (Yuba and Placer County)
- Yuba Highlands Specific Plan area (Yuba County)
- Wilson Ranch project (Yuba County), and
- Heritage Oaks Estates and Jones Ranch projects (Yuba County).

All cumulative impacts associated with the proposed project were reduced to a less than significant level after mitigation except for air quality and farmlands. No new mitigation measures were necessary to reduce these impacts to a less than significant level, the mitigation provided in each respective environmental resource section was sufficient to adequately reduce cumulative impact levels. Cumulative air quality impacts are considered significant and unavoidable because of the combined increase in ozone and particulate matter emission levels that exacerbate current violations of state and federal emission levels. Cumulative farmland impacts would result from the combined loss of state and federally designated farmland, therefore this impact is also significant and unavoidable.

Alternatives

Consistent with State and local law, the Revised Draft EIR document considered a range of alternatives. The range of alternatives selected was guided primarily by the need both to reduce or eliminate project impacts, and to achieve project objectives. Alternatives are intended to assist decision-makers in the assessment of appropriate uses of the project site by analyzing the potential environmental impacts that would result from alternative designs or intensity of development of the project site. The alternatives evaluated for the proposed Cemex Patterson Sand and Gravel Mine Expansion project are:

- No Project Alternative
- No Asphalt Batch Plant Alternative
- Reduced Acreage Alternative
- Alternative Haul Routes

No Project Alternative – The No Project Alternative would involve the completion of mining within currently permitted areas north and south of the Bear River and final site reclamation of the approximately 326-acre Cemex Patterson mine site in accordance with the existing CUP and the currently approved mine reclamation plan (*Western Planning and Engineering 1986*). (Final EIR Part II, p. 17-4)

Analysis - The No Project Alternative would involve the completion of mining within currently permitted areas north and south of the Bear River and final site reclamation of the approximately 326-acre Cemex Patterson mine site in accordance with the existing CUP and the currently approved mine reclamation plan. Mining and processing rates would be similar to existing rates (an Annual Average Production Rate [AAPR] of 1.5 million tons per year [mty] and a Maximum Average Production Rate [MAPR] of 1.82 mty [*ref. EIR Chapter 2j*]). Mined materials would continue to be processed in the processing area south of the Bear River using existing processing methods and facilities, including the crusher plant, wash plant #1, the sand classifier, and wash plant #2. After the completion of mining operations, the site would be reclaimed to include a 200-acre private lake north of the Bear River, a 40-acre pay fishing lake south of the Bear River (in the vicinity of the proposed mining area in the eastern portion of Phase 1 and incorporating the existing reclaimed pond), a campground in the location of the processing area, and riparian revegetation along the Bear River. (Final EIR Part II, p. 17-4)

The No Project Alternative would result in a reduction of some environmental impacts, and an increase in others as compared to impacts caused by the proposed project. This alternative would not result in a lower AAPR (1.5 mty reduced to 1.25 mty) as would the proposed project, so it might not result in decreased annual truck traffic, decreased traffic

noise, and decreased on-highway diesel emissions. This alternative would also increase wetland and riparian impacts related to incorporation of the reclaimed pond into the fishing lake, and could increase public exposure to methyl mercury. (Final EIR Part II, p. 17-7)

The No Project Alternative would eliminate significant unavoidable air quality impacts generated by the proposed mine expansion and significant unavoidable noise impacts generated by mining Phase 6. This alternative would convert substantially less farmland and oak woodland, and would remove fewer elderberry shrubs. This alternative would also avoid or reduce certain significant and less-than-significant impacts related to visual resources; geology, minerals, and soils; water resources; biological resources; public health and safety; hazardous materials; and cultural resources. (Final EIR Part II, p. 17-7)

The No Project Alternative would not achieve the basic project objectives—developing a known aggregate resource in close proximity to existing processing facilities, and creating new job opportunities. (Final EIR Part II, p. 17-8)

No Asphalt Batch Plant Alternative – The No Asphalt Batch Plant Alternative was developed to reduce potential impacts related to the generation of air pollutants, visual and noise impacts associated with the operation of the asphalt batch plant. All aspects of this alternative would be similar to the proposed project, except that the asphalt batch plant would not be constructed or operated. (Final EIR Part II, p. 17-74)

Analysis - The No Asphalt Batch Plant Alternative has been developed to reduce potential impacts related to the generation of air pollutants, aesthetic impacts and noise associated with the operation of the asphalt batch plant. All aspects of this alternative would be similar to the proposed project, except that the asphalt batch plant would not be constructed or operated. This alternative would involve the mining and processing of sand and gravel deposits on up to 355 acres of the proposed expansion area and proposed additions and revisions to the current mine reclamation plan. Mining would be conducted in the proposed expansion area using open pit, continuous excavation methods currently being used at the existing operation. Mined materials would be processed using methods and facilities already present in the processing area, including the crusher plant, wash plant #1, the sand classifier, and wash plant #2. As with the proposed project (ref. EIR Chapter 2), the AAPR would decrease from 1.5 mty to 1.25 mty and the MAPR would remain at 1.82 mty. (Final EIR Part II, p. 17-71)

After the completion of mining operations, the entire project site, including the proposed expansion area, would be fully reclaimed to a variety of wildlife habitat and agricultural uses as described in the draft mine reclamation plan and the addendum. (Final EIR Part II, p. 17-71)

Overall, the No Asphalt Batch Plant Alternative would result in substantially similar, but reduced, impacts compared to those associated with the proposed project. This alternative would not fill the settling ponds for construction of the asphalt batch plant, a possible mosquito-breeding area. This alternative would also reduce certain impacts related to land use compatibility; visual resources; public services; noise; air quality; geology, minerals, and soils; public health and safety; and hazardous materials, but would not reduce any significant and unavoidable impacts to a less-than-significant level. (Final EIR Part II, P. 17-74, 17-75)

On the basis of the comments received during the circulation of the Draft EIR, the Applicant revised the Project to remove the asphalt batch plant. Because the Project without the asphalt batch plant was already evaluated as an alternative in the Draft EIR, no further technical analysis was necessary. Part II of the Final EIR was revised to reflect changes to evaluations as a result of the asphalt batch plant removal from the proposed project.

Reduced Acreage Alternative – The Reduced Acreage Alternative was developed to analyze a project design that would minimize noise impacts on nearby residences. This alternative would be substantially similar to the proposed project, but would not include mining and reclamation of Phase 6. On-highway haul trucks would continue to use the existing haul route to access the mine. This alternative, therefore evaluates the proposed project without mining Phase 6. (Final EIR Part II, p. 17-75)

Analysis - The Reduced Acreage Alternative has been developed to analyze a project design that would minimize noise impacts on nearby residences. This alternative would be substantially similar to the proposed project, but would not include mining and reclamation of Phase 6. On-highway haul trucks would continue to use the existing haul route to access the mine. This alternative evaluates the proposed project without mining Phase 6. (Final EIR Part II, p. 17-75)

The Reduced Acreage Alternative would result in about two fewer years of mining and production than the proposed project, but final site reclamation would occur around the same time as the proposed project (ref. EIR Exhibit 2-9). Similar to the proposed project, mining of Phases 2–5 would be conducted using open pit, continuous excavation methods currently being used at the existing operation. Mined materials would be processed using methods and facilities already present in the processing area, including the crusher plant, the two wash plants, and sand classifier. As with the proposed project, the AAPR would decrease from 1.5 million tons per year to 1.25 million tons per year, and the MAPR would remain at 1.82 million tons per year. After the completion of mining operations, the entire project site, including the proposed expansion area, would be fully reclaimed to a variety of wildlife habitat and agricultural uses in a manner similar to the draft mine reclamation plan and addendum. Because the rice field now occupying the Phase 6 area would not be converted for mining, this area would not need to be reclaimed for rice production. (Final EIR Part II, p. 17-75)

The Reduced Acreage Alternative would reduce the acreage of state-designated and federally designated Farmland converted to non-designated Farmland by approximately 37 and 33 acres, respectively. Because this alternative would not include mining and reclamation of Phase 6, it would generate fewer pollutants and less odor. This alternative, however, would not reduce any significant unavoidable air quality impacts to a less-than-significant level. This alternative would result in a reduced level of health risk from onsite sources, and would reduce the duration of that significant impact by approximately two years. Because health risk values are calculated over a 70-year period of exposure, an exposure reduction of 2 years under this alternative could also reduce the level of health risk associated with on-highway haul trucks. This alternative however, is not expected to reduce these significant unavoidable impacts to a less-than-significant level. Because Phase 6 would not be mined, the Reduced Acreage Alternative would reduce all significant noise impacts on nearby residences to a less-than-significant level. This alternative would reduce significant and less-than-significant impacts related to land use compatibility; visual

resources; public services; geology, minerals, soils, and paleontological resources; biological resources; public health and safety; and, cultural resources.

CEQA requires that the lead agency identify the environmentally superior alternative from among the alternatives (14 Cal. Code Regs. §15126.6.) Here, the reduced acreage alternative is the environmentally superior alternative. (Final EIR Part II, p. 17-83) Additionally, this alternative would achieve most of the basic project objectives, including development of known aggregate resources in close proximity to existing processing facilities and creation of new job opportunities. The applicant has submitted evidence explaining that deletion of Phase 6 would render the project economically infeasible as it would reduce the amount of reserves over which the Development Agreement costs can be amortized.

Alternative Haul Routes – Two alternative haul routes were analyzed which branched off to the south from Riosa Road before entering the town of Sheridan on its east side. These proposed alternative alignments would have intersected highway 65 just north and just south of the wastewater treatment ponds. The intent of the alternatives was to redirect truck traffic out of downtown Sheridan. (Final EIR Part II, Exhibit 17-4)

Analysis - The Draft EIR analyzed two alternative haul routes in addition to the existing route (Final EIR Part I, Figure 4.0-1, Existing and Alternative Haul Routes). Continued use of the existing haul route does not result in any significant and unavoidable impacts. The only potential impacts resulting from its continued use related to roadway degradation, which is less than significant following fair share contribution mitigation. As analyzed in the Draft EIR, implementation of either alternative haul route would result in significant and unavoidable impacts relating to truck noise and construction air emissions. Potentially significant impacts reduced to a less than significant level with mitigation would result in land use, biology, traffic, and cultural resources. Additionally, it would be difficult obtaining property rights, either through easements/rights of way, or eminent domain, and there would be potential impacts to the proposed new wastewater treatment plant and/or expanded irrigation fields for wastewater. As discussed in the Final EIR Part I Section 4.0, of the 142 comments received on the Draft EIR, approximately 20 percent concerned the alternative haul routes. The comments included support/opposition for one or both routes, potential environmental impacts, ability to obtain necessary easements/rights of way, and interference with future waste water treatment facility expansion. (Final EIR Part I, p.4.0-2) Landowners, whose property would be needed for the alignments, opposed the project. As a result, neither alternative haul route would provide substantial environmental advantages over the existing haul route and both are economically infeasible and are therefore rejected. (Final EIR Part I, p.4.0-2)

Revisions to the Proposed Project after Public Circulation of the Draft EIR

- **Removal of proposed Asphalt Batch Plant:** The Applicant has revised the Project to remove the asphalt batch plant because of the comments received. Removal of the asphalt batch plant would not reduce any impacts considered Significant and Unavoidable, but would reduce impacts associated with land use compatibility, visual resources, noise, air quality, geology, minerals and soils, public health and safety, and hazardous materials. Because the Project without the asphalt batch plant was already evaluated as an alternative in the EIR, no further technical analysis is necessary.
- **Minor Revisions to the Project Description:**

- Removal of Asphalt Batch Plant - see above.
 - Reduction in Term of Mining – reduces length of mining by approximately 10 years, 2055 to 2045.
 - Project Boundary Clarification - removes the non-mining areas not on Cemex-owned property (e.g. oak preservation areas) from the Project area limiting the Project boundary to only those areas impacted by mining and processing operations;
 - Phase 5 acreage reduction - removes all riparian oak woodland (10 acres) from the Project area;
 - Change in order of phasing - expansion of mining operations will now progress (utilizing the previous phase numbers assigned) in the order of Phase 1, 5, 4, 2, 3, and 6 instead of numerical order.
 - Development Agreement details – see Development Agreement below.
- **Removal of a Portion of the Special Purpose (-SP) Combining Zoning District:** Mitigation Measure R4-2 of the Draft EIR allowed the County to consider amending the Farm zone designation on parcels within 500 feet of the mine site and expansion area to include a Special Purpose (-SP) combining zone district. Based on public comments received on the DEIR and the potential difficulty in enforcing Mitigation Measure R4-2, County staff will only require the Applicant to rezone the existing parcel and expansion parcels to add the Special Purpose combining zone district. Parcels within 500 feet will not be designated with such a zoning designation.
 - **Reclamation Plan Revisions:** The Reclamation Plan post-mining lake design has been modified. The original design provided for a shallow bench below the lake water level to allow for the growth of a marsh habitat. The Applicant has redesigned the post-mining pit lake to eliminate the bench design and provide for a 2H:1V slope below the water surface. The slope will allow for the marsh habitat to continue growing on the slope as the lake levels fluctuate throughout the seasons. This preserves the ability to retain the marsh habitat year around without being dependent on lake water levels.
 - **Agricultural and Biological Resources Mitigation Measure Revisions:** The DEIR concluded that conversion of farmland to mining activities will be significant and unavoidable. Mitigation Measure R4-1 required the Applicant to reclaim approximately 254 acres to agriculture. This mitigation measure has been revised to allow up to 214 acres of farmland to be acquired offsite on land currently zoned for farming through the purchase of the property or an agricultural conservation easement. Biology mitigation measures P12-1 and R12-1 as circulated in the DEIR required the Applicant to permanently protect sensitive habitats through the establishment of on-site easements and implementation of biological and woodland mitigation plans. With the implementation of these mitigation measures, associated impacts were considered less than significant. These mitigation measures have been revised to allow the Applicant, at its option, to obtain off-site biological and woodland conservation easements to mitigate on-site biological and woodland impacts. If the Applicant chooses to obtain off-site conservation easements, it would be required to do so prior to the disturbance of each respective phase, and provide an annual monitoring fee for the life of the quarry.

After review of recirculation requirements, County staff and the EIR consultants determined that none of the changes to the proposed project outlined above contained significant new

information that requires recirculation. All of the information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in the Draft EIR, many of which reduce environmental impacts of the proposed project.

Unmitigable Environmental Impacts

The Cemex Patterson Sand & Gravel Mine Expansion Project would have impacts in the following areas that would be significant, even with implementation of feasible mitigation:

- Conversion of Farmland: Phases 4, 5, and 6 of the proposed mine expansion would convert approximately 254 acres of State-designated Important Farmland, successively removing the Farmland from production for up to 20 years per phase. Phases 4, 5, and 6 of the proposed mine expansion would temporarily convert approximately 96 acres of farmland to nonagricultural uses, successively removing farmland from production for up to 20 years per phase.
- Agricultural Operations: Particulate deposition on nearby agricultural crops;
- Land Use Incompatibility: The proposed mine expansion project would expand land uses that could be incompatible with agricultural and residential land uses in the vicinity of the proposed project.
- Air Quality: Degradation of air quality resulting from exhaust emissions and fugitive dust during construction as well as from mobile (vehicular) and stationary sources;
- Odors: Increased odors due to diesel-powered equipment and haul trucks
- Noise: Predicted existing plus project onsite operational noise levels would result in an increase in noise levels in comparison to existing conditions and exceed the recommended thresholds.

Cumulative Impacts

- **Cumulative Conversion of State-Designated Farmland.** The proposed project would compensate for the loss of agricultural land converted for aggregate mining by reclaiming approximately 40 acres (Phase 6) on-site, the remainder (approximately 214 acres) may be conserved as farmland on or off-site at applicant's option, within the respective counties. The proposed agricultural conservation, however, would not compensate for the conversion of state-designated Farmland to other agricultural land. The proposed project, therefore, would contribute to the conversion of state-designated Farmland in the project vicinity. The proposed project's contribution of 254 acres would be considerable. This cumulative impact is considered significant. (Final EIR, Part II, p. 16-11.)
- **Cumulative Air Quality Impacts.** The proposed project and cumulative projects could combine to increase emission levels of ozone precursors and particulate matter, thereby exacerbating the existing exceedances of state and federal ambient air quality standards for ozone precursors and state standards for particulate matter. This cumulative impact is considered significant. (Final EIR, Part II, pp. 6-13 to 6-15.)

PUBLIC MEETINGS AND HEARINGS

West Placer Municipal Advisory Committee Review

The applicant and staff presented the proposed project to the Sheridan MAC on August 8, 2007. The presentation focused on the changes to the project as a result of comments received on the Draft EIR. The MAC discussed the following concerns related to the Cemex Patterson Sand and Gravel Project:

1. The MAC would like to see an acceleration lane onto State Route 65; however, Caltrans has previously reviewed and denied this request.

2. The MAC asked if Union Pacific Railroad had been contacted. Staff noted the Railroad has been involved throughout project review and has provided their comments regarding drainage issues down E Street and the railroad crossing at State Route 65.
3. The MAC asked if global warming was discussed in the EIR. Staff advised that the Draft EIR was prepared prior to the global warming issue being addressed by the State, therefore discussion is not included in the EIR on this topic.
4. The MAC expressed concerns about limiting the maximum tonnage of materials removed at the site, and staff responded that conditions of approval will address this issue.
5. The MAC expressed concerns about noise generated from trucks backing up and suggested the use of radar devices which would be much quieter. The applicant noted that this would need to be discussed with and approved by CalOSHA.
6. The MAC had many concerns about where the monies collected from the applicant would be distributed, and expressed their desire to condition these monies to be spent in the northwestern portion of the County, and specifically to the Sheridan area. The applicant noted that the monies will be distributed pursuant to the terms of the Development Agreement.
7. The MAC had questions about truck traffic, stop signs at intersections to slow trucks down and allow smoother traffic movement, wetland conservation and agricultural easements (onsite and/or offsite), recreational use of the pit lake after mining operation has completed, recreational access to the Bear River, and levee construction around Bear River.

Ultimately, the MAC adopted a motion (3:0) to recommend approval of the Cemex Patterson Sand and Gravel Mine Expansion Project.

Placer County Agricultural Commission Review: Staff and the applicant presented the proposed project to the Agricultural Commission on August 13, 2007. The Commission's questions related to responsibility for revegetation monitoring, farmland of local importance, depth of excavation relating to reclamation and groundwater impacts, flooding concerns along the Bear River, oak woodland impacts, recreational uses of the pit lake after project completion, timing for commencement of reclamation, if top soil is proposed to be sold onsite, reclaiming farmland after project completion, and water quality of lake after project completion.

Ultimately, the Agricultural Commission adopted a motion (5:0) to recommend approval of the Cemex Patterson Sand and Gravel Mine Expansion Project.

Rural Lincoln Municipal Advisory Council (MAC) Review: The project site is not within the Rural Lincoln MAC's jurisdiction; however, the current operation and haul route is immediately adjacent to the MAC's boundary. Staff and the applicant presented the proposed project to the MAC on August 20, 2007. The MAC's questions related to traffic, safety, truck route(s), noise, monies generated from the project being used in the Sheridan area, and timing for reclamation of site.

Ultimately, the MAC adopted a motion (5:0) to recommend approval of the Cemex Patterson Sand and Gravel Mine Expansion project. The MAC further recommended that the staff consider the concerns and recommendations of the Sheridan MAC and that funding be made available by the applicant to provide additional resources within the Development Agreement to fund public law enforcement or private contractors to monitor and enforce truck activity specific to this program. The MAC recommended that a structured timeline be developed to provide for reclamation of that

area adjacent to Mr. Allgood's property including a start date, mid-project checkpoints and an end date.

Planning Commission Hearing/Action: The Planning Commission reviewed the proposed project at its August 23, 2007 public hearing. Commissioner's comments related to traffic, timing for reclamation of the site (especially as it relates to Mr. Allgood's property), the Development Agreement, and use of California Highway Patrol on a contract basis to provide traffic monitoring. The Commission took action to recommend to the Board of Supervisors approval of the project, certification of the Final EIR, approval of the Conditional Use Permit, Reclamation Plan, Rezoning, and Development Agreement. The Commission also recommended a modification of Condition 7 relating to timing of reclaiming the mining pit behind Mr. Allgood's property to begin filling the pit within two weeks, no more than six months to complete the filling to natural grade, and the site to be reclaimed to farmland within one year. The Commission also recommended that the drainage channel behind the Allgood property be repaired.

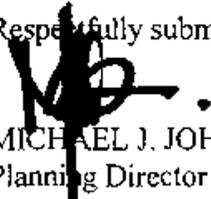
Ultimately, the Planning Commission adopted a motion (5:0, with the District 3 and District 5 seats being vacant) to recommend to the Board of Supervisors approval of the Cemex Patterson Sand and Gravel Mine Expansion Project with the inclusion to reclaim Mr. Allgood's property within a shorter specific timeframe.

CONCLUSION/STAFF RECOMMENDATION

The Planning Department forwards the Planning Commission's recommendation that the Board of Supervisors approve the proposed Cemex Patterson Sand and Gravel Mine Expansion project based upon the following series of actions associated with approval of the proposed project:

1. **Environmental Impact Report** – Adopt the Resolution Certifying the Final Environmental Impact Report (SCH# 1998052072), Adopting a Statement of Findings, a Statement of Overriding Considerations and a Mitigation Monitoring Plan for the Cemex Patterson Sand and Gravel Mine Expansion Project, Related Entitlements and Development Agreement. The proposed Resolution is attached as Exhibit 1.
2. **Conditional Use Permit** – Approve the Conditional Use Permit (PCPA 20070552) for both Placer and Yuba Counties. The proposed findings are attached as Exhibit 2.
3. **Reclamation Plan** – Approve the Mine Expansion Reclamation Plan for Cemex Patterson Sand and Gravel dated June 2003 and the Cemex Patterson Sand and Gravel Reclamation Plan Amendment dated July 2007. The proposed findings are attached as Exhibit 3.
4. **Rezoning** – Adopt the Ordinance Rezoning certain properties within the Cemex Patterson Sand and Gravel Mine Expansion Project to add the Special Purpose (-SP) and Mineral Reserve (-MR) combining districts. The proposed Ordinance is attached as Exhibit 4.
5. **Development Agreement** – Adopt the Ordinance adopting a Development Agreement for certain properties with the Cemex Patterson Sand and Gravel Mine Expansion Project. The proposed Ordinance is attached as Exhibit 5.

Respectfully submitted,


MICHAEL J. JOHNSON, AICP
Planning Director

EXHIBITS:

- EXHIBIT 1: Resolution Certifying the Final EIR with CEQA Findings
- EXHIBIT 2: Conditional Use Permit Findings
- EXHIBIT 3: Reclamation Plan Findings
- EXHIBIT 4: Rezoning Ordinance
- EXHIBIT 5: Development Agreement Ordinance
- EXHIBIT 6: Vicinity Map
- EXHIBIT 7: Site Plan
- EXHIBIT 8: Haul Route
- EXHIBIT 9: Recommended Conditions of Approval

OTHER DOCUMENTS (previously distributed)

Planning Department Memorandum to Board of Supervisors dated September 20, 2007

Subject: Cemex Patterson Sand & Gravel Mine Expansion Project - Document Transmittal

Accompanying the memorandum included the Final Environmental Impact Report consisting of Part I (Response to Comments) and Part II (Revised Draft EIR).

cc: Cemex Construction LP, Project Applicant
Andrew White, EIR Consultant
Yuba County
City of Lincoln
Placer County Water Agency
Rural Lincoln MAC
Sheridan MAC
DFG, Region II
U.S. Fish and Wildlife Service
National Marine Fisheries Service
U.S. Army Corps of Engineers
Sierra Club

Copies Sent by Planning:

John Marin, CDRA Director
Michael Johnson, Planning Director
Melanie Heckel, Assistant Planning Director
Allison Carlos, County Executive Office
Christiana Darlington, County Counsel's Office
Christine Turner, Agricultural Commissioner
Dana Wynniger, Environmental Health Services
Tom Christofk, Air Pollution Control District
Andrew Darrow, Flood Control District
Jim Durfee, Facility Services
Bob Eicholtz, CDF/Placer County Fire
Sarah Gilmore, Engineering & Surveying
Rick Dondro, DPW Transportation
Wes Zicker, Engineering & Surveying Division