

EXHIBIT “B”

POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The EIR identifies the following significant or potentially significant adverse environmental impacts of the Proposed Project that can be mitigated to a less-than-significant level:

GEOLOGY AND SOILS

Impact 4.1-A: The Quarry activities could result in unstable slopes.

Section 4.1-A (Geology and Soils) of the EIR, determined that the Proposed Project could result in unstable slopes. According to the final plans submitted by Rau & Associates in January of 2010, the overall working face slopes of the quarry are proposed to be as steep as 1h:1v or 45°. This includes 0.75h:1v slopes with 12' benches every 40 vertical feet of elevation. Blackburn Consulting, Inc. (“BCI”) performed an additional stability analysis of the finished quarry slopes and found that the cut slopes at both the overall 1:1 and localized 0.75:1 gradients were expected to be stable without additional reinforcement, based on the rock type and the generally tight irregular nature of most discontinuities at the site. In fact, BCI stated that the actual slope and rock strengths are likely to be higher than those used in BCI's analysis. The EIR also determined that the factors of safety for the proposed Project meet the established minimum standards for the stability of reclaimed mining slopes as they are set by the State Mining and Geology Board Reclamation Regulations.

Finding

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact to the stability of the slopes on the Project site will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.1-A.1, 4.1-A.2, and 4.1-A.3. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of unstable slopes in the Project site.

Rationale

Mitigation Measures 4.1-A.1, 4.1-A.2, and 4.1-A.3 require inspections of the slopes after quarry excavation and additional slope stability evaluations annually at the quarry site. The evaluations are specifically required to determine that the quarry face meets slope stability performance criteria and the factors of safety established by the State Mining and Geology Board Reclamation Regulations. Mitigation Measure 4.1-A.2 limits the steepness of the slope of the uppermost 20' quarry cut to the recommendations set forth in the Blackburn Consulting Report and any addenda thereto. Mitigation Measure 4.1-A.3 requires final cut slopes to meet a specific factor of safety of 1.3 in between the 12' benches every 40 vertical feet. Enforcement of the standards set forth in these Mitigation Measures will ensure that the quarry activities will not result in unstable slopes and any significant impacts are reduced to less-than-significant.

Impact 4.1-B: Unstable geology and slopes at the asphalt processing facility site could cause failure of improvements at that site.

Section 4.1 of the EIR, which includes amendments in the Final EIR, found that unstable geology and slopes at the asphalt processing facility site could cause failure of improvements at that site. This would be a potentially significant impact. Section 4.1 (Geology and Soils) concluded that locating the asphalt processing facility at the proposed asphalt processing site is feasible, provided that a supplement to the previous design level geotechnical study is performed as part of the final design and improvements for the asphalt processing facility. The supplement to the previous design review shall consist of a slope stability analysis and settlement analysis and shall confirm that these items comply with all applicable standards. This conclusion was based on the grading and drainage plan prepared by Rau & Associates in March of 2005, as revised in January of 2010 and a geotechnical evaluation of the processing facilities prepared by Blackburn Consulting, dated March 28, 2005. This conclusion is also based on the fact that the asphalt processing site is located in hard Franciscan complex volcanic and meta-volcanic bedrock, which is not generally considered an unstable geologic material.

Finding

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact to the geology and slopes at the asphalt facility site will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.1-B.1, 4.1-B.2, and 4.1-B.3, from the Final EIR. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of unstable geology and slopes at the asphalt processing facility which could cause failure of improvements at that site.

Rationale

Mitigation Measures 4.1-B.1, 4.1-B.2, and 4.1-B.3, as they are set forth in the Final EIR, require proper construction techniques by a Certified Engineering Geologist and Geotechnical Engineer. Mitigation Measure 4.1-B.1 further requires that the County approve the certifying Engineering Geologist and the Geotechnical Engineer. Mitigation Measure 4.1-B.2 requires the processing building pad to be designed and constructed to the maximum stability in an earthquake area as will be set forth in a design level geotechnical investigation and requires a supplemental report to address long-term slope stability and settlement analysis to verify that these items comply with all applicable standards. A supplemental Geotechnical investigation is specifically required to verify the feasibility of long-term slope stability with a factor of safety of 1.3 and address potential settlement-which must include design recommendations for structural footing and foundations to minimize settlement and subsequent County review of plan sheets to ensure that the Applicant is adhering to the recommendations in the Geotechnical Report. Mitigation Measure 4.1-B.3 requires the incorporation of the State Mining and Geology Board Reclamation Regulations into the proposed fills in the west/southwestern portion of the expansion area, sets forth minimum compaction rates and limits steepness to 2h:1v or reinforcement of fills as determined by the Project Geotechnical Engineer and Certified Engineering Geologist.

Impact 4.1-C: The Project site is subject to seismic events and strong seismic ground shaking.

Section 4.1 of the EIR noted that the Project site is subject to seismic events and strong seismic ground shaking. This is a potentially significant impact. The EIR also determined that due to the large, hard resistant rock formations in the active quarry face, large failure forms, such as transitional or rotational rockslides, earth loads and debris slides are not expected to occur at the Project site. Small scale failures could occur in the event of seismic ground shaking. The State Mining and Geology Board Reclamation Regulations establish minimum standards for slope stability for reclaimed quarry slopes.

Finding

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project site becoming subject to seismic events and strong seismic ground shaking will be mitigated to a less-than-significant level by the implementation of Mitigation Measures, as set forth in the Final EIR, 4.1-A and 4.1-B. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the proposed site becoming subject to seismic events and strong seismic ground shaking.

Rationale

The Mitigation Measures recommended for Impacts 4.1-A and 4.1-B also apply to this Impact 4.1-C and the same rationale is incorporated herein by this reference.

Impact 4.1-D: The new access road and the new road to the water tank could fail if not properly constructed.

Section 4.1 of the EIR determined that the new access road connecting the quarry to the asphalt processing site will expose weak bedrock and soil to the erosive forces of wind and water. Additionally, the road cuts will intrude into the Franciscan complex rock materials that are potentially unstable at the proposed steepness levels.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of a new access road and new road to the water tank that could fail if not properly constructed, will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.1-D.1, 4.1-D.2, and 4.1-D.3, 4.1-D.4, 4.1-D.5, and 4.1-D.6, as they are set forth in the Final EIR. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of a new access road and a new road to the water tank failing if not properly constructed.

Rationale

Per the Final EIR, Mitigation Measures 4.1-D.1, 4.1-D.2, 4.1-D.3, 4.1-D.4, 4.1-D.5, and 4.1-D.6 collectively require a supplement to the existing design level geotechnical investigation, which shall be conducted by a Certified Engineering Geologist and a Geotechnical Engineer approved by the County's Department of Planning and Building Services. These Mitigation Measures require the design level geotechnical investigation to verify the feasibility and long-term stability of 1.5h:1v cut slopes for the main access road and 1h:1v cut slopes for the water

tank access road by performing a slope stability analysis for the proposed road cuts to confirm that the proposed slopes met factor of safety calculations, the involvement of civil engineer to design any required retaining walls, gravity walls, etc., and an erosion control plan for any soils that are excavated or exposed during the construction activities.

Mitigation Measures 4.1-D.1 through 4.1-D.3 require that qualified professionals, a Certified Engineering Geologist, a Geotechnical Engineer and a Civil Engineer, where appropriate, investigate and address slope stability for the proposed road cuts, impose minimum safety standards, such as the factor of safety calculation, and erosion control plans for soil that is excavated during the process. Implementation of these measures will ensure that the potentially significant impact of the new access road and new road to the water tank and any potential failure of that road are mitigated to a less than significant level.

Impact 4.1-E: The proposed on-site wastewater disposal system could fail due to inadequate soils.

The Proposed Project will be serviced by a permanent septic system with on-site restrooms at both the processing site and the quarry site. The proposed septic system is approximately 100 feet north of the quarry well, along side the haul road, and will be designed to service 23 employees. The EIR finds that so long as the system is engineered and constructed to comply with the existing County requirements, there will be a less-than-significant impact.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of an on-site wastewater disposal system failing due to inadequate soils will be mitigated to a less-than-significant level by enforcing existing laws and regulations.

Rationale

The proposed on-site waste water disposal system will be required to comply with County laws, and, therefore, will have a less-than-significant impact.

Impact 4.1-F: Improper construction and operation of the Project could result in soil erosion and the loss of topsoil.

The Proposed Project could result in soil erosion and the loss of topsoil in two ways. First, the quarry expansion will result in the loss of topsoil and will expose the soils and weathered rocks to the possible effects of soil erosion. Second, construction of the asphalt plant processing site will result in 5.7 acres of land being disturbed. The grading activities on these 5.7 acres will expose soil. The EIR noted that new fill slopes or subsequent erosion could deposit sediment in Forsythe Creek.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the improper construction and operation of the Project could result in soil erosion and the loss of topsoil will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.2-A.1 through 4.2-A.6 and 4.2-B.1 through 4.2-B.3.

Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the improper construction and operation of the Project which could result in soil erosion and the loss of topsoil.

Rationale

Mitigation Measures 4.2-A.1 through 4.2-A.6 and 4.2-B.1 through 4.2-B.3 require the Applicant to implement a SWPPP stormwater protection plan that incorporates best management practices into the construction and operation of the Project. The law requires an NPDES permit and compliance with the Conditions of Approval attached to that permit. Compliance with these additional Mitigation Measures and the conditions attached to the NPDES permit, will ensure that any significant impacts to soil erosion and the loss of topsoil will be mitigated to less-than-significant.

Furthermore, the Board also notes that the Regional Water Board has submitted a letter dated March 8, 2012, stating that the Regional Water Board is satisfied that the Proposed Project will not result in negative impacts because of the proposed BMPs and the Applicant has an exemplary history of operating the site.

HYDROLOGY AND WATER QUALITY

Impact 4.2-A: Stormwater runoff containing sediments, metals, dust suppressants, total petroleum hydrocarbons, oil and grease, and other pollutants associated with mining activities and vehicle and equipment use would potentially violate water quality standards and/or impact habitat.

There are three possible ways that the Proposed Project could affect storm water runoff: (1) The actual quarry expansion; (2) the asphalt processing site; and (3) the proposed haul roadway. The mining expansion will expand the area being mined from 11.5 acres to approximately 30.6 acres. The mining expansion has been designed so that no stormwater runoff will leave the site and that the entire quarry floor is used as a retention basin, such that storm flow from a 100 year, 24 hour event, would be kept within the quarry basin and not released. The quarry floors will be sloped two percent towards the retention pond, with a 2-6' high berm along the southern rim of the quarry to prevent flows from leaving the quarry site. As a result of the ultimate design, the quarry floor will contain more than seven consecutive 100 year storms, while maintaining 4' of freeboard at the sump pump pond. The retention basin will be maintained by annual clearing of the sediment at the bottom of the pond. Once dredged, the sediment will be sold as an aggregate product. There is also a possibility that total petroleum hydrocarbons (TPHs) used to operate equipment at the quarry could be accidentally released and deposited onto a road. The EIR anticipates that any rouge runoff will leave the paved roadway via storm drains and go directly to a culvert system.

At the asphalt processing site, there is potential that storm water runoff could impact water quality. Stormwater at the asphalt processing site will be directed to a peripheral containment dike. The runoff from the asphalt processing site will be separated from the industrial site's run off. The asphalt processing site will contain runoff from the processing pad which will be graded to direct the flows from the pad to a sediment cleanout basin that overflows to a bio-retention basin just west of the boundary of the pad. The cleanout basin will be dredged regularly. The fueling area of the processing site will be covered and will have its own dedicated drainage zone, with a drain inlet that will collect surface runoff, contain spills, and facilitate cleanout. The area will be surrounded by a drive over curb that allows vehicle access,

while containing stormwater and preventing it from spilling outside the fueling area. The asphalt processing site also includes a bio-retention basin that is a biological treatment system, both in terms of treatment efficiencies and the simplicity of its maintenance. The system that is proposed for the asphalt site will effectively treat all stormwater runoff from the 85th percentile event with an infiltration rate of 5 inches per hour. The bio-retention basin has capacity for a 10-year storm with 1 foot of freeboard and capacity for a 100-year storm with 6 inches of freeboard. It is a treatment system that is expected to adequately treat hydrocarbons that may be present in stormwater runoff and is acknowledged as a polishing system that will remove any diminished concentrations of hydrocarbons in stormwater runoff.

Finally, the haul road will result in increased runoff and transport of the associated pollutants. In order to mitigate this, the road will be crowned so that it drains into either Black Bart Drive or into drainage ditches on the uphill side of the road. Flow from the ditches will be diverted to drain inlets of the proposed culverted stormwater system, which will have filters to filter sediment and residual petroleum products before outfall into a roadside channel that ultimately drains to the tributary to Forsythe Creek. Alternatively, grass lined swales may be used to convey the water through hill slopes or grass lined drainage ditches, or inlet filters which will reduce any pollutant concentrations from the paved roads.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of stormwater runoff containing sediments, metals, dust suppressants, total petroleum hydrocarbons, oil and grease, and other pollutants associated with mining activities and vehicle and equipment use which could potentially violate water quality standards and/or impact habitat, will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.2-A.1, 4.2-A.2, 4.2-A.3, 4.2-A.4, 4.2-A.5, and 4.2-A.6, as they are set forth in the Final EIR. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of stormwater runoff containing sediments, metals, dust suppressants, total petroleum hydrocarbons, oil and grease, and other pollutants associated with mining activities and vehicle and equipment use potentially violating water quality standards and/or impact habitat, .

Rationale

Mitigation Measures 4.2-A.1, 4.2-A.2, 4.2-A.3, 4.2-A.4, 4.2-A.5, and 4.2-A.6 in the Final EIR, require compliance with a number of laws or subsequent permits, among other things, in order to reduce any significant impacts to less-than-significant. Mitigation Measure 4.2-A.1 requires the Project to comply with the Regional Water Board's construction and general permit conditions. Mitigation Measure 4.2-A.2 requires the Applicant to comply with the NPDES permit requirements for industry general permits and prohibits any violations of applicable water quality standards, as well as requiring the development and implementation of facility specific BMPs and monitor the effectiveness of these BMPs. Mitigation Measure 4.2-A.3 requires the Applicant to implement any necessary corrective measures to meet water quality objectives. Mitigation Measure 4.2-A.4 requires the Applicant to implement an updated SWPPP, and, specifically requires an aggressive sediment source and delivery control program. Mitigation Measure 4.2-A.5 specifies two measures that shall be included in the SWPPP to reduce the potential for erosion or sediment discharge. The first requirement regulates the stockpiling of topsoil and requires all topsoil stockpiles to be seeded and mulched in order to prevent soil lost through erosion. The second requirement requires adequately sized piped or rocked drainages for benches, with energy dissipaters to prevent erosion. Mitigation Measure 4.2-A.6 requires

best management practices to reduce the potential for contaminate discharge in storm water runoff. It further requires that runoff from all access roads must be collected and passed through a treatment system prior to entering the outfalls of the secondary channel of the Forsythe Creek tributary, it prohibits sealing and maintenance of all rubber tired loading, grading and support equipment within 100 feet of a drainage way, and requires the Applicant to adhere to the manufacturer's specifications when using chemical dust suppressants, slope stabilization chemicals or polymers and sediment detention basin enhancement chemicals.

Impact 4.2-B: Quarry expansion and use will alter the runoff regime to Forsythe Creek.

Flows from the pad for the processing site, which will be approximately 3.5 paved acres, will leave the processing site and enter the bio-retention basin. This represents twice as much flow from this area when compared to pre-project conditions. While the bio-retention basin will adequately detain peak flows, the Project will result in increased concentration of flows and may be a single point source of hillside erosion.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Quarry expansion and use altering the runoff regime to Forsythe Creek will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.2-B.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects the Quarry expansion and use altering the runoff regime to Forsythe Creek.

Rationale

Mitigation Measure 4.2-B.1 specifies design elements that will minimize erosion at the outlet point for the bio-retention basin. The required elements include pipe outlet sizing, a slotted pipe dissipater and visual as well as photographic monitoring at the beginning and end of each rainy season and after rain events. Mitigation Measure 4.2-B.1 will ensure that any potentially significant erosion impacts are mitigated to less-than-significant.

Impact 4.2-D: Cumulative Impact – The Project in combination with other Projects would generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.

Reference is made to the discussion under Impact 4.2-A, which is incorporated into this section by this reference.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project, in combination with other Projects, would generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat, will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.2-A.1, 4.2-A.2, 4.2-A.3, 4.2-A.4, 4.2-A.5, and 4.2-A.6, as set forth in the Final EIR. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project, in

combination with other Projects, generating sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.

Rationale

The Mitigation Measures recommended for Impact 4.2-A also applies to Impact 4.2-D and the rationale for Impact 4.2-A is incorporated into this portion of the Resolution by this reference.

Impact 4.2-E: Cumulative Impact – Future mining of the quarry could generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.

Reference is made to the discussion under Impact 4.2-A, which is incorporated into this section by this reference.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's cumulative impact of future mining of the quarry generating sediments and other pollutants that could potentially violate water quality standards and/or impact habitat potentially significant impact of the Project, in combination with other Projects, would generate sediments and other pollutants that could potentially violate water quality standards and/or impact habitat, will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.2-A.1, 4.2-A.2, 4.2-A.3, 4.2-A.4, 4.2-A.5, and 4.2-A.6, as set forth in the Final EIR. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project, in combination with other Projects, generating sediments and other pollutants that could potentially violate water quality standards and/or impact habitat.

Rationale

The Mitigation Measures recommended for Impact 4.2-A also applies to Impact 4.2-D and the rationale for Impact 4.2-A is incorporated into this section by this reference.

BIOLOGICAL RESOURCES

Impact 4.3-A: Project development could impact special status plant species, either directly or through habitat modification.

The EIR concluded that there is no special status species of plants on the Project Site, or that would be disturbed by the construction or operation of the Project. Mitigation Measure 4.3-A.1 requires surveys for special status species of plants to be conducted by a qualified biologist every three years and requires a consultation with the Department of Fish and Game in the event that a special status species of plant is encountered at some time in the future.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact to special status plant species, either directly or through habitat

modification, will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.3-A.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of possible impact to special status plant species, either directly or through habitat modification.

Rationale

Given that there is no evidence of any special status plant species on the Project Site and the on-going survey requirements for surveys in the areas that will be affected by the construction or operation of the asphalt processing facility, haul road or road to the water tank or the quarry expansion area, to be conducted by a qualified biologist every three years and the consultation with the Department of Fish and Game in the event that a special status species of plant is encountered at some time in the future, any potential impacts to special status plant species will be mitigated to less-than-significant as a result of Mitigation Measure 4.3-A.1.

Impact 4.3-B: Project development could impact special status wildlife species, either directly or through habitat modification.

The revised EIR concluded that there was general lack of even common wildlife species on the Project Site. Wildlife surveys were conducted in both 2006 and 2010 and neither survey found any evidence of special status wildlife species. As is discussed earlier in this exhibit, portions of the Forsythe Creek Hydrologic Subarea are listed as critical habitat for the California Coastal Chinook Salmon. However, there is a series of natural high gradient boulders falls approximately 0.2 miles downstream of the confluence between the tributary to Forsythe Creek and Forsythe Creek south of the Project Site that forms a migration barrier for the salmonids.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact to special status wildlife species, either directly or through habitat modification, will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.3-B.1, 4.1-E and 4.2-A. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of possible impact to special status wildlife species, either directly or through habitat modification.

Rationale

In an abundance of caution, and even though: (i) there is no evidence of any special status wildlife species; (ii) the EIR identified a lack of even common wildlife species on the Project Site; and (iii) there is a salmonid migration barrier 0.2 miles downstream of the Forsythe Creek tributary's confluence with Forsythe Creek, Mitigation Measure 4.3-B.1 prohibits the Applicant from removing the nest or dam sites of any special status species and requires a biological survey, in the areas that will be affected by the construction or operation of the asphalt processing facility, haul road or road to the water tank or the quarry expansion area, every three years to detect any special status species that may move into the Project area. In the event that a special status species is discovered, the Applicant shall confer with the Department of Fish and Game. The imposition of this Mitigation Measure ensures that any potential impacts to wildlife are mitigated to less-than-significant.

Impact 4.3-C: Project development would result in the loss of about 24 acres of native vegetation.

As a result of the quarry expansion, 11 acres of Douglas Fir Tan Oak forest on the north side of the ridge and eight acres of Chaparral and Evergreen forest habitat on the south side of the ridge will be removed. Additionally, construction of the asphalt processing facility will remove approximately five acres of grassland and oak habitat.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact to the potential loss of about 24 acres of native vegetation will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.3-C.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the potential loss of 24 acres of native vegetation.

Rationale

As is required by SMARA, the Proposed Project includes a Reclamation Plan that includes final reclamation of the Project Site, including revegetation of the upper slope, upper and lower benches, the floor of the quarry and the entire asphalt processing facility site. Mitigation Measure 4.3-C.1 requires a final Reclamation Plan in compliance with any condition of approval recommended by OMR during its review of the plan. Compliance with the final Reclamation Plan's vegetation requirements ensures that any potential impacts to the loss of native vegetation will be mitigated to less-than-significant.

Impact 4.3-D: Project development could impact wetlands and "waters of the U.S."

Construction of a portion of the access road between the existing quarry and the existing road to the processing facility's site could affect 0.04 acres of wetland located down slope of the proposed road. Additionally, the existing access road to the quarry will be relocated to the west, which results in the need to fill a 410 foot drainage channel southwest of the existing access road.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project impacting wetlands and "waters of the U.S." will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.3-D.1 and 4.3-D.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the proposed Project impacting wetlands and "waters of the U.S."

Rationale

Mitigation Measure 4.3-D.1 was drafted in consultation with the Department of Fish and Game, which identified a section of Forsythe Creek to be improved in order to mitigate the impacts of the waters of the United States. These improvements include: channel stabilization, channel enhancement, channel creation, the planting of Willows, Oaks, and other vegetation of the adjacent terraces totaling approximately 26,750 square feet of channel, slopes and the

upland terrace along and adjacent to Forsythe Creek. These mitigations result in a mitigation ratio of roughly 15:1, which exceeds the standard mitigation ratio of 5:1, in order to mitigate the impacts to the 410 foot drainage channel southwest of the existing access road. Mitigation Measure 4.3-D.2 prohibits construction of the on-site haul road within the wetland between the haul road and Black Bart Drive. It further requires drainage improvements and level spreaders to be installed below the road to spread runoff before it enters the wetland. Mitigation Measures 4.3-D.1 and 4.3-D.2 ensure that there will be adequate mitigation for impacts to the 410 foot drainage channel and prevents any adverse affects to the small on-site wetland between Black Bart Drive and the on-site haul road and will reduce any impacts to either of these resources to a less-than-significant level.

Impact 4.3-E: Project development could conflict with the State law regarding oak woodland conversion (Public Resources Code 21083.4).

Expansion of the quarry will result in removal of 24 Canyon Live Oaks and construction of the asphalt plant and internal haul road will result in the removal of 18 California Black Oaks, 49 Oregon White Oaks, 9 Interior Live Oaks and 2 Canyon Live Oaks, for a total of 102 true Oaks for the Proposed Project.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project development conflicting with State law regarding oak woodland conversion will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.3-E.1 and 4.3-E.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the proposed Project development conflicting with State law regarding oak woodland conversion.

Rationale

Mitigation Measure 4.3-E.1 requires a biologist to inventory the species and number of true Oaks that will be removed as a result of the site preparation for the access road, the asphalt processing facility, and the access to the water tank. Mitigation Measure 4.3-E.2 requires replacement Oak trees at a mitigation ratio of three new trees for each one Oak removed. This Mitigation Measure also requires on-going fertilization, irrigation protection and maintenance until the replacement trees are five years old and further requires that any tree dying in that 5-year period must be replanted until all of the replacement trees have been alive for seven years. Additionally, during the reclamation phase of the Project, additional Oak trees will be planted at a 2:1 ratio, resulting in a total of five new Oak trees for each one tree that was removed as part of the Project, at the end of the reclamation phase.

As a result of the required re-planting at a ratio of three trees for each Oak removed and the additional plantings at a 2:1 ratio during the Project's reclamation phase, there will be five new oak trees for each one that was removed by the end of the site reclamation. The 5:1 replacement ratio ensures that any impact to Oak trees is reduced to less-than-significant.

Impacts 4.3-F and 4.3-G: Project development could convert Timberland to other uses and removal of trees from the site could spread Sudden Oak Death to other areas.

The quarry expansion contains trees that constitute Timberland and need an application for a Timberland Conversion and a Timber Harvest Plan. Since the Project Site is within the State's declared Sudden Oak Death Zone, if Sudden Oak Death is present on the site or spreads to the site during the life of the Proposed Project, harvesting the infected species could spread Sudden Oak Death Syndrome.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's already less than significant impact of the Project converting Timberland to other uses does not require any mitigation beyond the Applicant's compliance with existing laws and regulations.

Rationale

Impacts 4.3-F and 4.3-G do not have specific Mitigation Measures. However, Conditions of Approval have been incorporated into the Proposed Project, requiring compliance with all existing laws and regulations. Since existing laws and regulations will result in state oversight and compliance with the State Forest Practice Act and Practice Rules, as well as Cal Fire and Mendocino County Agricultural Commissioner's requirements for handling wood products and debris within the Sudden Oak Death Zone, compliance with existing law will reduce any potentially significant impact from either of these two areas to less-than-significant.

Impact 4.3-K: Secondary Impact – Widening Highway 101 per Mitigation Measure 4.4-B.1 will impact biological resources.

Widening Highway 101 to provide additional north and southbound lanes will require removal of Oak trees, removal of other vegetation, and filling two wetlands - totaling 1,700 square feet or 0.04 acres. The first wetland is a roadside seep on the northeast slope of the access driveway. The second wetland is a linear road-influenced wetland across from the quarry entrance. While the second wetland is an acre in size, the area that may be filled is approximately 0.03 acres.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant secondary impact of widening Highway 101 pursuant to Mitigation Measure 4.4-B.1 will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.3-K.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the widening of Highway 101 pursuant to Mitigation Measure 4.4-B.1.

Rationale

The Applicant proposes to fill 0.04 acres of wetland and Mitigation Measure 4.3-K.1 requires the Applicant to expand and improve a wetland pool near the improvements to Forsythe Creek. This is in addition to compliance with Mitigation Measures 4.3-E.1 and 4.3-E.2. Mitigation Measure 4.3-K.1 further requires the compilation of baseline data, a water budget mimicking existing habitat characteristics, maintaining the hydrology of the wetland after construction, written protocols and a conservation easement in order to ensure that the wetland is protected.

Widening Highway 101 will result in filling 0.04 acres of wetland. However, the restoration and enhancement of the existing wetland will provide replacement wetland habitat at a site that is much less disturbed and in a more natural state, which will reduce any impacts to wetlands to a less-than-significant level.

TRAFFIC AND CIRCULATION

Impact 4.4-B: The Project would increase traffic turning in and out of the Project access, and this would increase the existing safety hazard in the area.

The Proposed Project will result in an increased number of trucks turning into and out of the access drive to Harris Quarry. Because of the absence of any acceleration, deceleration; or turn lanes where the Project access driveway intersects Highway 101, the increase in truck trips causes potential conflicts between drivers and increased the potentials for accidents.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the increase of traffic turning in and out of the Project access, thereby increasing existing safety hazards in the area will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.4-B.1, 4.4-B.2, and 4.4-B.3. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the impact of the increase of traffic turning in and out of the Project access, thereby increasing existing safety hazards.

Rationale

Mitigation Measure 4.4-B.1 requires the Applicant to construct improvements on Highway 101 prior to increasing its aggregate production or selling asphalt. These improvements include providing a left-turn, deceleration/storage lane of at least 470 feet in length on Highway 101; providing a right-turn deceleration lane that is at least 200 feet long on the southbound approach of Highway 101; providing a speed change acceleration lane for left turns from the Project Site onto Highway 101, that is at least 1,410 feet in length, will extend north and through the Black Bart Drive intersection; and providing a speed change/acceleration lanes for southbound departures making right turns that is at least 1,090 feet long from the Project Site, as well as a 300 foot taper.

Mitigation Measure 4.4-B.2 requires ongoing monitoring of operational and accident conditions at the 101/Harris Quarry access and the 101/Black Bart Drive intersections. Traffic counts and evaluations shall be obtained every two years, during both July and October, and the Applicant shall fund the studies. In the event that this monitoring indicates a safety or operational issue at either intersection, specified additional mitigation measures may be implemented.

Mitigation Measure 4.4-B.3 limits the aggregate production and Project generated traffic to the levels predicted in the EIR. In order to ensure compliance with this Mitigation Measure, an aerial survey is to be preformed and provided to the County Department of Planning and Building Service every three years.

The Project will result in increased truck trips on Highway 101 that will aggravate the existing traffic situation, particularly where trucks are turning left or northbound onto Highway

101, or trucks traveling northbound on Highway 101 turn left into Harris Quarry. Mitigation Measures 4.4-B.1, 4.4-B.2 and 4.4-B.3 require the installation of the improvements recommended in the EIR as a result of the prior traffic studies, require ongoing operations monitoring and require aerial photos of the Project Site every three years in order to ensure that the Applicant is complying with the extraction limits. Compliance with these three Mitigation Measures ensures that any potential impacts to traffic are mitigated to less-than-significant.

Impact 4.4-C: Nighttime use of the Project access would increase the safety hazard in the area.

During most years, nighttime operations are limited to 1-5 nights per year, when there is an emergency. However, the Proposed Project will allow the Applicant to operate 100 nights per year in order to serve large roadway Projects. Nighttime use proposes less of a safety concern than daytime use because of the reduced amount of traffic on Highway 101 at night. However, since the quarry access is not lit, night operations will result in an increased possibility of traffic accidents.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of nighttime use of the Project access increasing the safety hazard in the area will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.4-C.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of nighttime use of the Project access increasing the safety hazard in the area.

Rationale

Mitigation Measure 4.4-C.1 requires the Applicant to provide permanent or temporary lighting that illuminates the access intersection to the quarry from Highway 101 when the night operations exceed five days in one year. Illuminating the access intersection from Highway 101 to the quarry will allow drivers to see trucks waiting to pull onto Highway 101 and will mitigate any potential safety hazard impacts to less-than-significant for night operations.

Impact 4.4-D: Use of the Project access during times with limited visibility would increase the safety hazard in the area.

The quarry site is located near the top of the Ridgewood Grade, which experiences fog and winter storms. These events may reduce visibility.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of use of the Project access during times with limited visibility increasing the safety hazard in the area will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.4-D.1 and 4.4-D.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the impact of use of the Project access during times with limited visibility increasing the safety hazard in the area.

Rationale

Mitigation Measure 4.4-D.1 requires a south-facing truck warning sign located north of Black Bart Drive that is treated with a reflective surface, or that will have a light installed on it. When the quarry operator is not able to see the sign from the quarry access driveway, the trucks will not be permitted to turn left, or northbound, onto Highway 101 from the Project access road. The Applicant will prepare a driver's training manual for trucks that haul aggregate or asphalt out of the Project Site and shall provide notice of these requirements to the drivers. Mitigation Measure 4.4-B.2 requires monitoring to be done by a County-approved monitor to ensure compliance of the visibility requirements and compliance with Mitigation Measure 4.4-D.1. The Applicant shall pay for the monitoring.

The sight distance at the top of the Ridgewood Grade for quarry access is generally very good and exceeds what is required for speeds during limited visibility, such as fog conditions. The implementation of Mitigation Measures 4.4-D.1 and 4.4-D.2 will reduce any potentially significant impacts to less-than-significant.

Impact 4.4-E: Cumulative Impact - The Project would increase 2014 traffic volumes at the intersections of Highway 101 with Black Bart Drive and the quarry access.

Impacts 4.4-E and 4.4-F are cumulative impacts and will result in increased 2014 and 2030 traffic, respectively, at the intersections of Highway 101 and Black Bart Drive and Highway 101 and the quarry access.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant cumulative impact of the Project increasing 2014 traffic volumes at the intersections of Highway 101 with Black Bart Drive and with the quarry access will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1, 4.4-D.1, and 4.4-D.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant cumulative effects of the increase of 2014 traffic volumes at the intersections of Highway 101 with Black Bart Drive and Highway 101 with the quarry access.

Rationale

The Mitigation Measures for these two accesses require compliance with Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1, 4.4-D.1, and 4.4-D.2. Therefore, the prior rationale and findings for these Mitigation Measures are incorporated into this section of the Resolution by this reference.

Impact 4.4-F: Cumulative Impact – The Project would increase 2030 traffic volumes at the intersections of Highway 101 with Black Bart Drive and the quarry access.

Impacts 4.4-E and 4.4-F are cumulative impacts and will result in increased 2014 and 2030 traffic, respectively, at the intersections of Highway 101 and Black Bart Drive and Highway 101 and the quarry access.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant cumulative impact of the Project increasing 2030 traffic volumes at the intersections of Highway 101 with Black Bard Drive and with the quarry access will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1, 4.4-D.1 and 4.4-D.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant cumulative effects of the increase of 2030 traffic volumes at the intersections of Highway 101 with Black Bart Drive and Highway 101 with the quarry access.

Rationale

The Mitigation Measures for these two intersections require compliance with Mitigation Measures 4.4-B.1, 4.4-B.2, 4.4-C.1, and 4.4-D.1. Therefore, the prior rationale and findings for these Mitigation Measures are incorporated into this section of the Resolution by this reference.

NOISE

Impact 4.5-B: The Project would generate noise and vibration from quarry blasting.

Quarries do intermittent blasting to loosen rock from the quarry face. When blasting is done, it is generally done in the spring. The Proposed Project includes blasting on an infrequent basis, based on demand for material. Since the nearest residential unit is over 1,000 feet from the quarry site, residents may be able to hear the blasting.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project generating noise and vibration from quarry will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.5-B.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project generating noise and vibration from quarry.

Rationale

Mitigation Measure 4.5-B.1 states that blasting shall be done as needed, but no more than ten times per year. Given the infrequency with which blasting were to occur, there will be no substantial change in noise levels to residents who are over a mile away. Limiting the blasting to no more than ten times per year will mitigate any potentially significant noise and vibration impacts from blasting to less-than-significant.

AIR QUALITY

Impact 4.6-A: Project construction would increase air emissions from equipment operation and fugitive dust from earth-moving activities.

Construction of the asphalt plant will generate exhaust omissions of CO₂, NO_x, VOC, and particulate matter. Clearing, grading and vehicle traffic on unpaved surfaces will also

generate PM10. The amount of dust that will be generated is variable and depends on the size of the area disturbed.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project construction increasing air emissions from equipment operation and fugitive dust from earth-moving activities will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.6-A.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project construction increasing air emissions from equipment operation and fugitive dust from earth-moving activities.

Rationale

Mitigation Measure 4.6-A.1 includes seven different activities, such as watering disturbed soil road surfaces, treating unpaved surfaces, applying asphalt, oil, water or suitable chemicals to stockpiles, restricting earth moving activities when winds exceed 15 mph and keeping a daily log of dust-controlling activities that will reduce dust. The implementation of Mitigation Measure 4.6-A.1 will reduce any potential impact from fugitive dust to less-than-significant.

Impact 4.6-B: The quarry Project would generate direct emissions of criteria pollutant emissions (NO_x, CO₂, VOCs, PM10, and PM2.5) from on-site activities during operation of the quarry and asphalt plant which could exceed applicable significance levels.

Both the expanded quarry and the operation of the asphalt plant will increase emissions. However, fugitive dust may be generated by haul trucks traveling on the existing roads. The asphalt plant will also add new emissions to the Project Site. However, the Board notes that the Applicant must obtain a permit from the MCAQMD and the Applicant must adhere to all laws, regulations and permit conditions imposed by MCAQMD.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the quarry Project generating direct emissions of criteria pollutant emissions (NO_x, CO₂, VOCs, PM10, and PM2.5) from on-site activities during operation of the quarry and asphalt plant which could exceed applicable significance levels will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.6-B.1 and 4.6-B.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the quarry Project generating direct emissions of criteria pollutant emissions (NO_x, CO₂, VOCs, PM10, and PM2.5) from on-site activities during operation of the quarry and asphalt plant which could exceed applicable significance levels.

Rationale

Mitigation Measures 4.6-B.1 and 4.6-B.2 limit the emission of criteria pollutants and require MCAQMD to review all final equipment for compliance with the EIR. Compliance with all applicable laws, regulations, standards, the EIR, and MCAQMD's subsequent permit and

Conditions of Approval will ensure that the implementation of Mitigation Measures 4.6-B.1 and 4.6-B.2 will reduce any potentially significant impacts to less-than-significant.

Impact 4.6-E: Emissions of toxic air contaminants from the Project could injure the health of workers and residents living in the area.

The Project will result in the emission of toxic air contaminants. Therefore, a human health risk assessment was performed. Airborne emissions of toxic air contaminants will consist of organic hydrocarbons generated by the production, storage and handling of asphalt. Additionally, diesel particulate matter and diesel exhaust is a carcinogenic toxic air contaminant. Therefore, diesel particulate matter was included in the risk evaluation. The potential health affects from the Proposed Project included an evaluation for sensitive receptors in the Project area located on Black Bart Drive, west of the Project, the Church of the Golden Rule, residents of the Golden Rule Mobile Village, students and teachers at La Vida School, the CAL FIRE Station, a commercial area on Highway 101 near Black Bart Drive. The EIR concluded that the maximum increased residential cancer risk for a 30-year Project is 1.24 per million at the commercial area just north of the quarry entrance, or 8 times less than the MCAQMD threshold limit of 10 per million. The maximum cancer risks for the residents of Black Bart Drive, Church of the Gold Rule and the Golden Rule Mobile Village are 0.24, 0.02 and 0.04 per million, respectively. All of these risks are at least 41 times less than MCAQMD's district threshold of 10 per million. The maximum workplace risk is 0.69 per million or fourteen times less than the MCAQMD's threshold of 10 per million. The EIR also concluded that the maximum acute hazard index is more than ten times lower than the Mendocino County Air Quality Management District's significance threshold of 1.0.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of emissions of toxic air contaminants from the Project injuring the health of workers and residents living in the area will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.6-E.1 and 4.6-E.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of emissions of toxic air contaminants from the Project injuring the health of workers and residents living in the area

Rationale

Mitigation Measure 4.6-E.1 requires the Applicant to build and operate the Project in compliance with MCAQMD's threshold indices for cancer and acute and chronic non-cancer health effects. This Mitigation Measure further requires the Applicant to comply with all MCAQMD's requirements. Mitigation Measure 4.6-E.2 requires the asphalt plant to comply with the emission levels analyzed in the EIR. These two Mitigation Measures will reduce any potentially significant impacts to less-than-significant.

Impact 4.6-F: The asphalt plant would generate odors.

The asphalt plant is the only source of odor for the Proposed Project and will emit a number of hydrocarbon compounds. The Applicant will use the Best Available Control Technology as is required by MCAQMD. The EIR concluded that an odor analysis evaluated the acceptability of potential odor levels in areas occupied by sensitive receptors. None of the

chemical concentrations identified in the odor analysis will exceed the odor thresholds in any of the odor sensitive receptor locations.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the asphalt plant generating odors will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.6-F.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the asphalt plant generating odors.

Rationale

Mitigation Measure 4.6-F.1 prohibits operation of the asphalt plant from resulting in noxious odors. It further requires the asphalt plant to comply with the analyses in the EIR. This Mitigation Measure will reduce any potential odor impacts to less-than-significant.

Impact 4.6-I: Cumulative Impact – The proposed Project could conflict with applicable GHG plans, policies, or regulations of an agency adopted for the purpose of reducing greenhouse gases.

The Proposed Project will increase greenhouse gas emissions by 4,865 metric tons per year for stationary sources and have a net increase of 1,180 metric tons per year for non-stationary sources. However, because the Project is close to major population centers and geographical centers of the County, there will be shorter aggregate and asphalt trip lengths, resulting in a regional reduction in vehicle miles travelled (VMT). The Project is estimated to decrease VMT for the hauling of aggregate and asphalt in Mendocino County by approximately 183,500 VMT annually. This is a reduction in greenhouse gas emissions in the transportation sector, which is one of the goals of AB32. Once the site is reclaimed, the GHG will be reduced to below the 1990 emission levels. Mitigation Measure 4.6-I.1 requires the Applicant to comply with CARB standards for light and heavy vehicles, restricts the idling of diesel emissions to less than 5 minutes, requires purchasing new equipment or upgrading diesel equipment to meet the most recent CARB emission requirements, requires energy efficient appliances and lighting, energy efficient buildings, and meeting the green building code standard, among other things.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant cumulative impact of the proposed Project conflicting with applicable GHG plans, policies, or regulations of an agency adopted for the purpose of reducing greenhouse gases will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.6-I.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant cumulative impact of the proposed Project conflicting with applicable GHG plans, policies, or regulations of an agency adopted for the purpose of reducing greenhouse gases effects of the asphalt plant generating odors.

Rationale

The Project is already below MCAQMD's significance threshold of 10,000 metric tons of CO₂ per year for stationary sources. For non-stationary sources, the net increase in GHG emissions will comply with MCAQMD's significance threshold of 1,100 metric tons when the VMT reduction as well as other existing requirements, such as reducing GHG emissions in passenger cars, are considered. Compliance with the list of items set forth in Mitigation Measure 4.6-I.1 will reduce any greenhouse gas emissions to less-than-significant.

AESTHETICS

Impact 4.7-C: Lighting of the processing facilities would impact night views in the area.

During nighttime operations, which are up to 100 nights per year, the lights at the asphalt processing facility would be noticeable for drivers using the portion of Black Bart Drive near the asphalt site. Residents living in the Ridgewood Subdivision may have a direct view of these lights. The Project includes shielding these lights. However, if the lights are not installed properly, they could have a potentially significant impact on nighttime views.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the lighting of the processing facilities impacting night views in the area will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.7-C.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the lighting of the processing facilities impacting night views in the area.

Rationale

Mitigation Measure 4.7-C.1 limits the lighting in the final design and construction of the asphalt processing facility site to nighttime operations and security lighting. This mitigation further requires the lights to be shielded and prohibits direct lighting from being visible from off the site. Exterior lighting must be from the list of approved security lights adopted by the International Dark Sky Association and must be the minimum number of lights as determined by the Mendocino County Sheriff's Department. The limits on the number of lights, limiting the use of active lighting to nighttime operations and limiting security lighting to the minimum needed for security purposes, will reduce any potential impacts to nighttime use to less-than-significant.

Impact 4.7-E: Cumulative Impact – The quarry expansion and highway improvements would change views from Highway 101.

The existing quarry face is already visible from Highway 101. The expansion of the quarry would show the additional bare face from Highway 101, particularly as drivers get closer to the quarry site. In addition to this, the proposed improvements at the access driveway for the quarry will change the views for those driving on Highway 101.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant cumulative impact of the quarry expansion and highway improvements

changing views from Highway 101 will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.7-E.1 and 4.7-E.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant cumulative effects of the quarry expansion and highway improvements changing views from Highway 101.

Rationale

Mitigation Measures 4.7-E.1 and 4.7-E.2 require replanting to screen the views of the quarry from Highway 101 with fast-growing trees that will obtain a height of 20 feet quickly. This Mitigation Measure further requires the Applicant to fertilize, maintain and irrigate the trees. Mitigation Measure 4.7-E.2 requires limits the sign at the quarry entrance to 40 square feet in order to minimize its obtrusiveness. These two Mitigation Measures will reduce any cumulatively considerable contribution to less-than-significant.

PUBLIC SERVICES

Impact 4.8-A: The Project would generate increased calls for fire response and emergency medical aid.

The proposed access road complies with CAL FIRE's requirements for width, surface grade and turning radius. In addition to this, all on-site liquid storage tanks, other than water tanks, have a secondary containment system. Finally, the Project will have at least 120,000 gallons of water storage in order to provide adequate fireflow for fire suppression. While the quarry does not pose a major concern for fire, the fuels and other materials used on the asphalt processing site will all be contained in double-walled tanks on a paved surface. According to the Little Lake Fire Protection District, in the past 33 years there have not been any significant fires at the three asphalt plants that were historically located in the City of Willits.

There may be emergency medical response to accidents involving access inside and out of the quarry. However, there have been few traffic accidents at the Highway 101 and quarry intersection and no reported accidents at Black Bart Drive and Highway 101. The improvements to Highway 101 improve the overall safety of both the Black Bart/101 intersection and the quarry access and Highway 101 intersection.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project generating increased calls for fire response and emergency medical aid will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.8-A.1 and 4.8-A.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project generating increased calls for fire response and emergency medical aid.

Rationale

Mitigation Measure 4.8-A.1 requires the Applicant to comply with all Little Lake Fire Protection District requirements, such as having the LLFPD review and approve any on-site storage tanks, review and approve the final Project design to ensure adequate fireflow and hydrant location, to approve the size, type and number of fire extinguishers, and to have the

appropriate apparatus for the water storage tank. Mitigation Measure 4.8-A.2 requires an emergency-only, gated, and paved access from the asphalt processing facility to Black Bart Drive. Adherences to these Mitigation Measures will reduce any potentially significant impacts to less-than-significant.

Impact 4.8-B: The Project would increase the risk of igniting wildland fires or being affected by a wildland fire.

The Mitigation Measures for Impact 4.8-A are incorporated into the response to Impact 4.8-B. Therefore, the discussion regarding Impact 4.8-A is incorporated into this portion of the Resolution by this reference.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project increasing the risk of igniting wildland fires or being affected by a wildland fire will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.8-A.1 and 4.8-A.2. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project increasing the risk of igniting wildland fires or being affected by a wildland fire.

Rationale

The Mitigation Measures for Impact 4.8-A are incorporated into the response to Impact 4.8-B. Therefore, the discussion regarding Impact 4.8-A is incorporated into this portion of the Resolution.

Impact 4.8-D: The Project would generate increased demand for water.

The Proposed Project has a water demand of approximately 9.08 acre feet per year. In the event of a severe drought, it is possible that there may not be sufficient water to wash and/or process aggregate. The Project description states that the Applicant will adjust its operation in the event of a severe drought. In severe drought conditions there may be insufficient water available for dust control, which could generate dust that drifts off the site.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of the Project generating an increased demand for water will be mitigated to a less-than-significant level by the implementation of Mitigation Measure 4.8-D.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of the Project generating an increased demand for water.

Rationale

Mitigation Measure 4.8-D.1 requires the quarry to cease operations if the Applicant cannot provide 7,200 gallons of water per day for dust control or provide an alternate method that would otherwise control dust. Ceasing operations when there is inadequate water for dust

control will mitigate any potential impact from increased water demand and the Applicant's ability to control dust to a less-than-significant level.

HAZARDS AND HAZARDOUS MATERIALS

Impact 4.9-B: Transport, storage and use of diesel fuels and other chemicals on-site pose a potential safety risk.

The revised EIR concluded that transporting diesel fuel, asphalt, oil and other products that will be used on the site, such as lubricating oils and solvents, does not pose a particularly unique or significant problem for transportation of these types of materials. The potential risk of this type of transportation is a loaded diesel fuel truck turning into the Project being involved in an accident. Additionally, the storage of diesel fuel and asphalt oil would be a potential hazard in the event of a fire. However, the diesel fueling station will be operating in accordance with all County requirements and is not located near flammable structures or vegetation. Only minimal asphalt oil will be stored on-site, as the asphalt oil will be delivered on an as-needed basis.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of transport, storage and use of diesel fuels and other chemicals on-site posing potential safety risks will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.1-B, 4.1-C, 4.4-B, 4.4-D, and 4.9-B.1. Accordingly, changes or alterations have been required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of transport, storage and use of diesel fuels and other chemicals on-site posing potential safety risks.

Rationale

Mitigation Measures 4.1-B, 4.1-C, 4.4-B, 4.4-D, and 4.8-A are part of the mitigation for this impact. Additionally, Mitigation Measure 4.9-B.1 prohibits trucks transporting diesel fuel from turning left into the Project Site after 10:00 a.m.

CULTURAL RESOURCES

Impact 4.12-A: Future development of the site could damage cultural resources.

The EIR concluded that an archeological survey was done for the Project Site and no archeological or historic resources were identified. In addition to this, eleven individuals in seven tribes were contacted so see if they were aware of any cultural resources on the site. No responses were received from any of these eleven individuals. There are currently no known cultural or paleontological resources on the Project Site. However, unknown resources may be discovered during future mining or site preparation.

Findings

Based upon the EIR and the entire record, the Board finds that the Proposed Project's potentially significant impact of future development of the site damaging cultural resources transport, storage and use of diesel fuels and other chemicals on-site posing potential safety risks will be mitigated to a less-than-significant level by the implementation of Mitigation Measures 4.12-A.1, 4.12-A.2, and 4.12-A.3. Accordingly, changes or alterations have been

required in, or incorporated into the Proposed Project, which mitigate or avoid the potentially significant effects of future development of the site damaging cultural resources.

Rationale

Mitigation Measures 4.12-A.1, 4.12-A.2, and 4.12-A.3 address the discovery of currently unknown resources on the site. Mitigation Measure 4.12-A.1 requires the cessation of all earth moving activity if cultural resources are discovered and requires the Applicant to obtain a qualified consultant to assess the resource and its significance. Mitigation Measure 4.12-A.2 requires the Applicant to contact the County Coroner in the event that human skeletal remains are discovered and further requires the Coroner to contact the Native American Heritage Commission. Mitigation Measure 4.12-A.3 requires the halting of work if any paleontological resources are discovered and retaining a qualified paleontologist to assess the significance of any finds.

Mitigation Measures 4.12-A.1, 4.12-A.2, and 4.12-A.3 all require the immediate cessation of work in the event that any cultural resources, human skeletal remains, or paleontological resources are discovered. They further require retaining a qualified person to assess the situation and to provide further direction. Since the immediate cessation of work upon discovery on any one these three items will result in preservation of the resource, these three Mitigation Measures reduce any potentially significant impacts to less-than-significant.