

EXHIBIT “D”

ALTERNATIVES

The purpose of the discussion of alternatives in an Environmental Impact Report (“EIR”) is to provide a reasonable range of potentially feasible alternatives that are capable of avoiding or substantially lessening any significant environmental effects of a project, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The range of alternatives describes those that could feasibly accomplish most of the basic objectives of the project and could avoid or substantially lessen one or more of the significant effects.

A feasible alternative is an alternative capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. A feasible alternative is also one that accomplishes the Project’s “underlying fundamental purpose.” (See *In re: Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1164-67.) An alternative is infeasible if it is “impractical or undesirable from a policy standpoint.” (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1003; see also *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1270; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417.)

Statement of Project Objectives

The Project Objectives, set forth in the EIR, are as follows:

1. To secure a permit that will allow for the continued operation of the Harris Quarry mine for 30 years;
2. Expand the maximum allowable annual extraction from the quarry to 200,000 cubic yards (in situ) per year;
3. To add a new asphalt processing facility to the site;
4. To locate the asphalt processing facility as close as possible to the aggregate source and the market demand;
5. To locate the project between Willits and Ukiah, the main aggregate consumption areas.

Findings Regarding the Alternatives

The Draft EIR evaluated seven alternatives:

1. No Project – No Future Development
2. No Project – Future Development Consistent with Land Use Classification
3. Quarry Only
4. Quarry and Temporary Asphalt Plant

5. Project Redesign
6. Reduced Production
7. Alternate Location

The Draft EIR designates Alternative 3 as the environmentally superior alternative in compliance with CEQA Guideline §15126.6(e).

CEQA Guideline §15126.6 provides that an EIR need not consider every conceivable alternative to the project. Rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. "The discussion of alternatives is subject to a construction of reasonableness." (*Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274.)

The EIR satisfies the requirements of CEQA by providing a reasonable range of alternatives, each of which is intended to address means by which the unavoidable adverse impacts of the Proposed Project can be lessened. For the reasons set forth herein, the Board finds that specific economic, legal, social, technological or other benefits make it infeasible to approve the Project alternatives evaluated in the EIR.

Alternative 1 – No Project –No Future Development

Under this alternative, the existing quarry would terminate and the site would be reclaimed, in accordance with the existing Reclamation Plan. There would be no future development on the Project Site. This alternative does not meet any of the five objectives set forth in the EIR. There would be no continued operation of the Harris Quarry, no expansion in the allowable annual extraction from the quarry, no asphalt facility. The asphalt facility would not be located as close as possible to the aggregate source and market demand, and the asphalt facility would not be located between Willits and Ukiah. Additionally, Alternative 1 would have a secondary affect, because aggregate and asphalt demand would have to be met at other quarries and processing facilities, potentially outside of Mendocino County. These other facilities could have site specific effects, as well as regional impacts, including the vehicle miles traveled, resulting in increased emissions of air pollutants, greenhouse gasses, and energy use. As is discussed in the Statement of Overriding Considerations, attached as Exhibit "C" to this resolution, there is a statewide shortage of aggregate resources throughout the State of California and in Mendocino County. In the event that aggregate is not mined from the Project site, any deficit in demand may have to be satisfied by importing aggregate from out of County or increase production from existing quarries or asphalt plants.

Currently, Harris Quarry is the only quarry whose aggregate products can meet the State's asphalt and concrete specifications, as well as other rock product specifications. As with in-County mining sources, the use of out-of-County mining sources to replace the deficit created from not mining the Harris Quarry site, would have the potential to result in their own site-specific environmental effects at those locations. If trucking were to be the predominant form of transportation from out-of-County sources into the County, some transportation and air emissions associated with haul trucks would be greater than that estimated for the Proposed Project. There is evidence in the record that the cost of aggregate substantially increases with the length of trucking

associated with the delivery of the aggregate. For the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 1, No Project – No Future Development, is not feasible.

Alternative 2 - No Project – Future Development Consistent with the Land Use Classification

Under this alternative, the quarry activities would terminate, the site would be reclaimed, no improvements would be made to Highway 101, and one new residence would be developed near the location of the proposed asphalt processing facility. Another new residence would be constructed to the west, with access via Black Bart Drive.

This Alternative does not meet any of the five objectives set forth in the Project. Additionally, this alternative would result in the proposed improvements to Highway 101 not being constructed. While Alternative 2 would avoid almost all environmental impacts associated with the Proposed Project, this alternative would result in the same indirect environmental impacts identified above for Alternative 1.

For the reasons articulated in conjunction with Alternative 1 and for each of those reasons independently of the others, the Board finds that Alternative 2 is not feasible.

Alternative 3 – Quarry Only

Under Alternative 3, the use permit would extend quarry activities for 30 years at a rate of 200,000 cubic yards (in situ) per year. This alternative assumes that the proposed improvements to Highway 101 would not be constructed, because it would be fiscally infeasible to do so without the revenue generated by the asphalt plant. This alternative also does not include the proposed Mineral Processing Combining District, zoning amendments or zoning overlay being applied to 18 acres of the Project Site. This alternative meets two of the Project's objectives, operating the quarry for 30 years and increasing the production rate to up to 200,000 cubic yards per year.

Alternative 3 would have many of the same impacts as the Proposed Project. For example, there would be slope stability and soil erosion concerns that could be mitigated. Likewise, quarry runoff would continue to be captured on the quarry floor. There may be a small reduction in peak flows to Forsythe Creek. The hydrologic impacts of Alternative 3 would be less than those of the Proposed Project. Alternative 3 would remove the same amount of vegetation with the quarry expansion as the Proposed Project, but would eliminate any impacts to vegetation and Oak trees at the asphalt processing facility.

Alternative 3 would also preserve the 401 foot channel along the access road and the 0.04 acres that will be filled in the Proposed Project, because Highway 101 would not be expanded. Alternative 3 would eliminate trucks hauling asphalt from the traffic on Highway 101, however, since there would be no improvements made to Highway 101, Alternative 3 would substantially increase traffic safety hazards at the Project access road and Highway 101 and at Black Bart Drive and Highway 101. The elimination of the improvements to Highway 101, combined with the quarry traffic resulting from Alternative 3, would result in a new significant and unavoidable traffic safety impact. Additionally, Alternative 3 would increase vehicle miles traveled on

Highway 101 by at least 153,000 miles per year, because the aggregate would have to be hauled to a different asphalt processing site.

Because increases in vehicle miles traveled is expected, Alternative 3 would be worse than the Proposed Project. Additionally, Alternative 3, the quarry only alternative, would cause the quarry to continue to be visible from some vantage points on Highway 101, and would still have a significant and unavoidable aesthetic impact. However, elimination of the asphalt processing facility would eliminate the visual impacts to the views from Black Bart Drive.

Alternative 3 would substantially reduce many of the potential impacts from the Proposed Project. However, because it does not include improvements to Highway 101, Alternative 3 will result in a new, significant, and unavoidable traffic safety impact. Since Alternative 3 would reduce many of the environmental impacts below those associated with the Proposed Project, Alternative 3 is the environmentally superior alternative to the Proposed Project, in spite of the new significant, unavoidable traffic safety impacts.

Finally, Alternative 3 would result in secondary affects, because demand for asphalt would have to be met at other quarries or processing facilities. For the reasons articulated in connection with Alternatives 1 and 2, dealing with increased cost for asphalt products that are trucked from varying distances, Alternative 3 would have the secondary affect.

For the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 3 is not feasible.

Alternative 4 – Quarry and Temporary Asphalt Plant

Alternative 4 is same to the Proposed Project in all respects, except that the asphalt plant would be temporary. Under the existing County Zoning Code, a temporary asphalt plant is allowed, in conjunction with and only for the duration of a specific construction project. Therefore, the new zoning district could be eliminated. Alternative 4 is environmentally superior to the Proposed Project, however, it only meets two of the Applicant's five objectives. Alternative 4 would reduce environmental impacts associated with the proposed asphalt plant because it would not be a permanent facility and would have reduced, visual impacts from Black Bart Drive. Additionally, noise and air quality impacts would be reduced because the life of the asphalt plant would five years, rather than 30 years. Finally, given the temporary nature of the asphalt plant, the asphalt processing facility will likely be smaller, which would reduce several impacts, including erosion, slope stability, and loss of native vegetation. However, given the significant cost of processing the applications for the Proposed Project and the significant cost of purchasing and installing a temporary asphalt plant and reclaiming the asphalt plant site, it is economically infeasible for the Applicant to develop a temporary asphalt plant. Alternative 4 is economically infeasible and does not meet the Project's objectives.

For the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 4 is not feasible.

Alternative 5 – Project Redesign

This alternative is the same as the Proposed Project, except that nighttime activities would only be allowed 20 nights per year to serve a major road construction

project and the Applicant would finance its fair share of at least a partial interchange at the quarry access road/Highway 101 intersection. This alternative would have reduced nighttime lighting impacts, because the asphalt processing facility would only operate 20 nights per year, at most. The EIR concludes that this alternative satisfies all of the Project's objectives, however, there would be no Highway 101 improvements constructed immediately. Instead of this, the Applicant would simply finance its fair share of a partial interchange and actual construction would be delayed to some unknown future time. The Board rejects this alternative because it will not produce the same level of improvements to Highway 101 as the Proposed Project, and because reducing the Applicant's ability to conduct night operations may result in asphalt being purchased outside of Mendocino County, thereby depriving the County of critical revenue.

For the reasons articulated in conjunction with Alternatives 1 and 2, and for each of the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 5 is not feasible.

Alternative 6 – Reduced Production

This alternative allows the expansion of the mining area for 30 years with a maximum extraction limit of 75,000 cubic yards per year. It does not include the asphalt plant, Highway 101 widening, or the proposed zoning ordinance amendment. The Board rejects this alternative because it does not meet four of the Project's objectives. Additionally, this alternative would have secondary affects because asphalt demand would have to be satisfied by purchasing asphalt at either other facilities, including out-of-County facilities.

For the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 6 is not feasible.

Alternative 7 – Alternate Location

This alternative would site the quarry expansion and asphalt plant at the Blue Ridge Rock Quarry. The Board rejects this alternative because the Blue Ridge Rock Quarry is not for sale and there is no evidence that the owner of the Blue Ridge Rock Quarry has any interest in installing an asphalt facility.

For the reasons stated herein, and each of them independently of the others, the Board finds that Alternative 7 is not feasible.

Conclusion

Determining the feasibility of project alternatives involves a reasonable balancing of various economic, environmental, social, and technological factors. (*California Native Plant Soc. v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001; *City of Del Mar v. City of San Diego* (1982), 133 Cal.App.3d 401, 417.) The Board has carefully conducted a reasonable balancing of those factors in determining the feasibility of alternatives to the Proposed Project. After conducting a thorough and careful determination, the Board finds that Alternatives 1, 2, 3, 4, 5, 6, and 7 are not feasible for the reasons stated herein, and each of them independently of the others.