

Appendix A Scoping Process

Appendix A-1 Scoping Report



468 Poli Street, Suite 2E, Ventura, CA 93001

RIVERBEND SAND AND GRAVEL PROJECT SCOPING REPORT

Riverbend Sand and Gravel, LLC

14962 E. Fantz Avenue
Parlier, California 93648-9734

October 2013

Prepared for: County of Fresno
Department of Public Works
Development Services Division
2220 Tulare Street
Fresno, CA 93721

Prepared by: Sespe Consulting, Inc.
468 Poli Street, Suite 2E
Ventura, California 93001
(805) 275-1515

**RIVERBEND SAND AND GRAVEL PROJECT
SCOPING REPORT**

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RIVERBEND SAND AND GRAVEL PROJECT SCOPING REPORT

1.0 OVERVIEW OF CEQA SCOPING PROCESS

1.1 Introduction

Riverbend Sand and Gravel, LLC (Riverbend) has submitted to the County a CUP application to mine construction grade aggregate (sand and gravel). The Project is located approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833 acre site. The remaining 214 acres of the property, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. The Hanke Ditch runs through the eastern portion of the site. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat.

The Project Site will be mined in phases. Farming operations will continue on all phases not being mined or reclaimed. Topsoil will be removed with scrapers prior to mining each phase and stored separately for later use as final cover for reclaimed farmland and final slopes of ponds. Overburden will be removed with scrapers and stored for later use as fill or transported directly to fill the phases to be reclaimed as farmland.

Mining is anticipated to occur to a depth of approximately 100 feet below ground surface (bgs). A “wet mining” method is proposed utilizing an electric dragline to extract aggregate that does not require dewatering of the excavation. The mine plan is designed to preserve all existing riparian habitat along the Kings River and to protect the Designated Floodway. Explosives will not be used.

The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue. For approximately the first year, mined aggregate will be transported to the processing plant by off-road haul trucks. Subsequently, mined aggregate will be transported to the plant by electric-powered field conveyors.

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons per year (tpy) and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant of approximately 1.25 million tpy. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tpy) located on-site or sold to outside customers.

The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported materials) into Crushed Miscellaneous Base (CMB) (100,000 tpy) and recycled Asphalt Product (RAP) (25,000 tpy). RAP will facilitate use of recycled asphalt in the HMA mix design.

1.2 Summary of CEQA Scoping Processes

Implementation of the Proposed Project will require discretionary approvals from State, and local agencies; therefore, the Project is subject to the environmental review requirements the California Environmental Quality Act (CEQA). The County of Fresno is the CEQA Lead Agency for the EIR.

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with California Public Resources Code and Section 15082(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting was held to solicit public and agency comments on the scope and content of the Draft EIR (DEIR).

This report documents the CEQA scoping process for the Proposed Project. Specifically, the report describes the scoping activities and summarizes the written and verbal comments received during the process. The County will use the Scoping Report as an information source in determining the range of issues, alternatives and mitigation measures to be addressed in the EIR.

The County distributed the Notice of Preparation (NOP) to the California State Clearinghouse on August 1, 2013 and posted the NOP with the County Clerk. The NOP was mailed to the agencies, organizations and individuals on the County mailing list.

The joint NOP was also published in the following local newspaper:

- Sanger Herald Newspaper.

A copy of the notice is provided in Appendix 1.

The Operational Statement was made available at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721 and,
- County of Fresno website at: <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=54051>

The following public scoping meeting was held:

- August 29, 2013 from 5:30 p.m. to 7:00 p.m. at the Sanger High School Multi-purpose Room.

The scoping meeting provided the public and government agencies the opportunity to receive information on the CEQA process and the Proposed Project and to provide verbal and written comments. Approximately

25 people attended the meeting. The sign in sheets and materials associated with the scoping meetings are included in Appendix 2.

At the conclusion of the public review period for the NOP, seventeen comment letters/emails were received, fourteen from governmental agencies and three from organizations or individuals. Table 1 provides the list of commenters and their affiliations.

Table 1
Commenters and Affiliations

Commenter	Affiliation	Date
Frank Daniele	The County of Fresno, Department of Public Works	8/01/13
Fred Rinder	The County of Fresno, Department of Agriculture	8/05/13
Roy Jimenez	The County of Fresno, Policy Planning Unit	8/07/13
Betsy Lichti	California Department of Public Health	8/22/13
James Herota	Central Valley Flood Protection Board	8/30/13
Audrey Osbourne	Traditional Choinumni Tribe	8/28/13
Dave Singleton	Native American Heritage Commission	8/28/13
Jeffrey Single	California Department of Fish and Wildlife, Central Region	9/03/13
David Moxley	Resident	9/06/13
Gary Grey	Resident	9/10/16
Mark Amorino	Consolidate Mosquito Abatement District	9/11/13
David Padilla	California Department of Transportation, District 6	9/13/13
Nicole Zieba	City of Reedley	9/13/13
John Gray	Resident	9/15/13
Janet Gardner	The County of Fresno, Environmental Health Division	9/16/13
Jessica Willis	San Joaquin Valley Air Pollution Control District	9/16/13
Betsy Lichti	California Department of Public Health	9/27/13

2.0 SUMMARY OF SCOPING COMMENTS

This section provides a brief summary of the written and verbal comments received during the scoping period and the public meeting. In order to fully identify the issues raised, copies of the letters/emails are provided in Appendix 3. These comments will be incorporated into the EIR Administrative Record for the Proposed Project.

2.1 Biological Resources

- Conduct focused biological surveys by qualified biologists during appropriate survey periods.
- Potential adverse effect on wildlife corridors and river access.
- Address potential for shallow waters in ponds and depressions to promote conditions which would further enhance the habitat for mosquito development
- Address potential impacts to nesting birds.
- Obtain the appropriate permits from the Trustee and Responsible agencies.

- Exclude the riparian area along the Kings River from the project. The proposed buffers may not be sufficient.
- Address potential impacts to raptors and burrowing owl as well as other listed or sensitive species.
- Concern about setback/buffer from sensitive biological areas (e.g. potential nests).

2.2 Air Quality

- Calculate and analyze existing and post-project project related emissions with approved models and methods (i.e.; CalEEMod) .
- Address all phases of the project (construction and operations).
- Include stationary, area, fugitive, and vehicular sources.
- Include direct and indirect sources.
- Address regional and local impacts.
- If need be, use a Voluntary Emission Reduction Agreement (VERA) to reduce project impacts.
- Conduct a health risk assessment (HRA) for all phases of the project.
- Provide a clear explanation of the methodology and assumptions. Include modeling output in appendices.
- Identify if there will be a cumulatively considerable net increase of any criteria pollutants or precursors for which SJV air basin is in non-attainment.
- If there are significant impacts, use all feasible mitigation measures.
- Address potential impacts associated with odor.
- Authority to Construct and Permit to Operate must be obtained.
- Project must comply with all applicable SJVAPCD rules and regulations.

2.3 Water Resources

- Concern over contaminants entering the Kings River.
- Potential commingling with agriculture contaminants.
- Interference with groundwater recharge.
- Erosion issues along the Kings River.
- Management and impact to existing domestic and agricultural wells.
- Proper abandonment of wells and risk of contamination to water supply.
- Proper handling of waste waters.
- Obtain permit as a public water system from Department of Public Health and comply with requirements
- Construct any wells per regulatory requirements.
- Address potential for shallow waters in ponds and depressions to promote conditions which would further enhance the habitat for mosquito development.
- May require a permit from the Central Valley Flood Protection Board.
- Vegetation must not interfere with the integrity of the adopted flood control plan.
- Include mitigations to avoid decreasing floodway channel capacity.

- Address hydraulic impacts that could impede flood flows, reroute flood waters and/or increase sediment accumulation.
- Mitigations measures may be needed for channel and levee improvements and maintenance.
- Impacts on Hanke Ditch
- Analysis of project and the 50 year and 100 year flood events.

2.4 Hazardous Materials and Waste

- Proper management of hazardous materials and waste.
- Prepare a Hazardous Materials Business Plan.
- Proper management of any underground tanks that may be discovered.

2.5 Traffic and Transportation

- Conduct a detailed traffic analysis.
- Impact of additional trucks on the local roads.
- Cumulative impact with other mining operations and existing traffic.
- Long term increase in traffic.
- Wear and tear on roads.
- Congestion at intersections.
- Trucks trips should be converted to PCEs.
- Evaluate average daily trip ends and AM and PM peak hour volumes.
- Address and justify trip distribution.
- Analyze changes in the traffic index (TI).
- Address need for turn pockets and/or acceleration/deceleration lanes.
- Address associated air emissions.

2.6 Noise

- Compliance with nighttime noise standards.

2.7 Land Use

- The loss of prime agricultural land and feasibility of replacement of lost agricultural lands.
- Consider using the Land Evaluation and Site Assessment (LESA) model.
- Kings River Regional Plan and Fresno County General Plan require updating to address amount of mining activities in the area. They do not provide appropriate guidelines.
- Consider if there is a need for another mine in the area.
- Comprehensive analysis of the potential cumulative impacts.
- Potential impacts to recreational use of the Kings River.
- Public access to the Kings River.
- Impact property values in the area.
- Compatibility with Sanger and Reedley Schools environmental river bottom park laboratory directly across the river from the project.

- Consider the Coalinga Aggregate Train as an alternative.
- Evaluate economic justification.
- Address Williamson Act.
- Comply with the County of Fresno General Plan.

2.8 Cultural

- The Project is in a very culturally sensitive area and needs to be carefully evaluated.
- Operational controls should be required including the employment of Native American Montiors.
- Mitigations should be identified to address accidently discovered archeological resources.
- In culturally sensitive areas, all ground disturbances should be monitored by a certified archaeologist and a culturally affiliated Native American.
- Provisions should be made for discovery of Native American human remains.

2.9 Aesthetics

- Visual impacts from recreational use of the Kings River

3.0 SUMMARY OF FUTURE STEPS IN THE PLANNING PROCESS

Issues associated with the Proposed Project were identified through the scoping period. These issues will be evaluated by a team of resource specialists and addressed in the EIR. Based on the studies conducted, data collected and public comments, project alternatives (including the Proposed Project and no action/no project) will be developed. Potential impacts that could result from implementing the Proposed Project or other alternatives will be analyzed and measures to mitigate impacts will be identified.

The next formal public comment period will be for the Draft EIR. It is anticipated that this will be in the winter/spring of 2014. Upon completion of the Draft EIR the County will file a Notice of Completion with the California State Clearinghouse, followed by a 45-day comment period. In addition, notices will be sent to the agency's mailing lists and posted in the local newspapers. Copies of the Draft EIR will be distributed to other regulatory agencies, elected officials and/or other interested organizations or individuals. The document will be made available on the County's website for the project.

After the public comment period on the Draft EIR, the County will respond to comments and prepare a Final EIR and a Mitigation, Monitoring and Reporting Program (MMRP). Copies of the Final EIR and MMRP will be provided to other regulatory agencies, elected officials and/or other interested organization or individuals. The documents will also be posted on the County website.

The County will address valid protests and prepare the Notice of Determination, Findings of Fact and Statement of Overriding Considerations (if necessary). This will be followed by a 30-day public protest period and statute of limitations on court challenges.

APPENDIX 1

Notice of Preparation



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR THE RIVERBEND SAND AND GRAVEL PROJECT

TO: Responsible and Trustee Agencies, involved Federal Agencies and interested members of the public

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

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the Riverbend Sand and Gravel Project

Date: August 1, 2013

Action: The County of Fresno (County) will be the Lead Agency pursuant to the requirements of the California Environmental Quality Act (CEQA), and will be responsible for the Environmental Impact Report (EIR) preparation pursuant to CEQA and CEQA Guidelines. The EIR is for the requested Conditional Use Permit (CUP #3390) and Mining and Reclamation Plan for the Riverbend Sand and Gravel Project (EIR #6606).

Project Title: Riverbend Sand and Gravel Project

Project Applicant: Riverbend Sand and Gravel, LLC (Riverbend)

Project Summary:

Riverbend has submitted to the County a CUP application to mine construction grade aggregate (sand and gravel). The Project is located approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833 acre site that is owned by Riverbend Sand and Gravel, LLC. The remaining 214 acres of the property, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. The Hanke Ditch runs through the eastern portion of the site. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. A more detailed description is provided below.

The Operational Statement that was prepared by Riverbend, and associated maps, are available for review at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721
- Fresno County website: <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=54051>

Written Comments:

As required by Section 15082 and CEQA Guidelines, this Notice of Preparation ("NOP") has been prepared and distributed to solicit comments from potential Responsible and Trustee Agencies and other public agencies so that Project-related concerns relevant to each agency's statutory responsibilities in connection with the proposed Project can be addressed in the EIR, as well as any related issues from interested parties other than potential Responsible and Trustee Agencies, including other agencies and affected members of the public. The EIR will be the environmental document of reference for Responsible and Trustee Agencies when considering subsequent discretionary approvals.

The County requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than 30 days after receipt of the NOP. Comments in response to this NOP will be accepted through **5:00 p.m., September 16, 2013**. Written comments should be addressed to the person noted below.

Please send your written comments to:

Attn: Briza Sholars
Fresno County
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-2407 Fax: (559) 600-4200
Email: bsholars@co.fresno.ca.us

Please reference EIR #6606 and CUP #3390, Riverbend Sand and Gravel Project. Please include your name, address and phone number and/or email address so that we may contact you for clarification, if necessary.

Public Scoping Meeting:

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with California Public Resources Code and Section 15082(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments on the scope and content of the Draft EIR (DEIR). Verbal and/or written comments may also be presented at the Public Scoping Meeting. The Public Scoping Meeting will be held on:

Date: Thursday, August 29, 2013

Time: 5:30 p.m. to 7:00 p.m.

Place: Sanger High School Multi-Purpose Room. Located at 1045 Bethel Avenue, Sanger, CA 93657

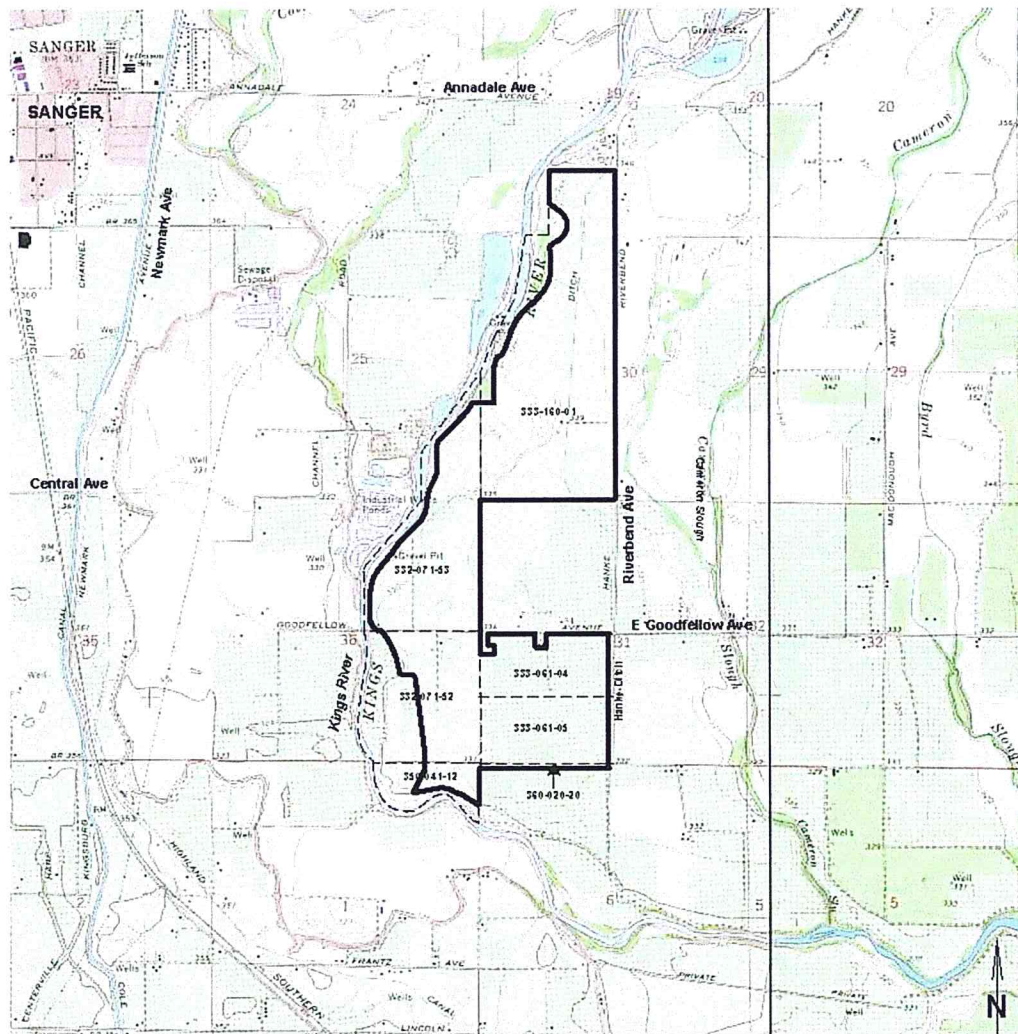
Signature: 

Date: 8/1/13

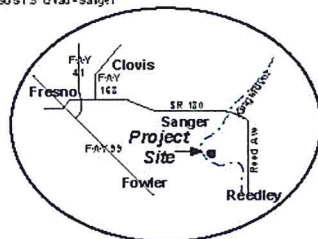
Project Location:

The Project Site is located north and south of Goodfellow Avenue and between the Kings River and Riverbend Avenue in the County of Fresno. The Project is approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E (Figure 1).

Figure 1



Source: USGS 1:50,000 - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 330-441-12 Assessors Parcel No.

**Riverbend Sand and Gravel
Location Map**

Physical Setting:

The Project Site includes approximately 619 acres of an 833 acre site located immediately east and north of the Kings River. The remaining 214 acres of the property, including the existing riparian habitat along the Kings River, are excluded from the Project. The Hanke Ditch is piped and runs through the eastern portion of the site north of Goodfellow Avenue and is an open ditch along the east of the Project Site south of Goodfellow Avenue.

The Project Site is relatively flat and is currently occupied by walnut and olive orchards and grape vineyards. Surrounding land use includes an aggregate mining operation with a ready-mix concrete plant to the north (Central Valley Ready-Mix, CUP #2203) and an aggregate mining operation, to include a ready-mix concrete plant, to the east and southeast (Calaveras Materials Inc. (CMI), CUP #3052). Irrigated cropland with scattered farm residences are located to the east and to the west and south across the Kings River, within an approximate quarter-mile distance of the site, or less in some instances. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the Project Site.

The Project Site is within the Kings River Water District. The Kings River, located along the western boundary of the Project Site is the predominant surface water feature in the area. All native riparian habitat which is located along the Kings River on the western and southern edges of the Project Site will be avoided. There are four domestic wells and four active irrigation wells on the Project Site. The Project Site is set back at least 100-feet from the "Designated Floodway," as depicted in Exhibit C of the applicant's Operational Statement.

Land Use Designation:

The site is within the County's Kings River Regional Plan Area. The Fresno County General Plan designates the Project site as Agricultural/Resource. The Project Site is zoned "AL-20" Limited Agriculture. Surface mining operations and related facilities and activities are permitted in the AL-20 district subject to a CUP and the provisions of Section 858 of the Fresno County Zoning Ordinance (FCZO). The Project Site is also within a designated Mineral Resource Zone 2 (MRZ-2).

Major Components of the Project:

The mine plan proposed for the Project is briefly described below.

The Project Site will be mined in phases. Farming operations will continue on all phases not being mined or reclaimed. Topsoil will be removed prior to mining each phase and stored separately for later use as final cover for reclaimed farmland and final slopes of ponds. Overburden will be removed and stored for later use as fill or transported directly to fill the phases to be reclaimed as farmland.

Mining is anticipated to occur to a depth of approximately 100 feet below ground surface (bgs). A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. Explosives will not be used.

The mine plan is designed to preserve all existing riparian habitat along the Kings River and to protect the Designated Floodway. This is achieved by the following set backs:

- 100 feet from the top of the Kings River bank, or
- 50 feet from the Designated Floodway, or

- 50 feet from the dripline of riparian vegetation or mature oak tree, whichever is greater;
- 100 feet from the public right-of-way; and
- 25 feet from other property lines.

The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue. For approximately the first year, mined aggregate will be transported to the processing plant by off-road haul trucks. Subsequently, mined aggregate will be transported to the plant by electric-powered field conveyors.

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons per year (tpy) and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant of approximately 1.25 million tpy. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tpy) located on-site or sold to outside customers.

The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported materials) into Crushed Miscellaneous Base (CMB) (100,000 tpy) and recycled Asphalt Product (RAP) (25,000 tpy). RAP will facilitate use of recycled asphalt in the HMA mix design.

Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 with sales of 1.25 million tons. Total production from the Project Site is estimated to be 85 million tons with total sales to be 70 million tons. Operations are expected to be going for at least 75 years.

The plant site will be mined last. Material from the plant site will be processed by a portable plant located on a reclaimed portion of the site (Phase 2A). The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

Aggregate operations are proposed to occur five days a week for approximately 250 days a year. Ready-mix concrete and asphalt plant operations are proposed to operate six days a week for approximately 275 days a year.

An aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A, 6B and 7, currently operates under Fresno County CUP 3052. In the future operators of CUP 3052 may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CUP 3052 plant. If such an agreement were made, and if CUP 3052 were amended to import material from the Riverbend site, the aggregate in the Riverbend proposed Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CUP 3052 plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

Project Reclamation:

To minimize impacts to the surrounding environment, Riverbend proposes to reclaim the project site in compliance with the California Surface Mining and Reclamation Act of 1975, as amended (SMARA). SMARA is implemented by the County.

The Reclamation Plan is designed to return as much land as possible to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner.

For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation as described in the *Revegetation Guidelines for the Riverbend Sand and Gravel Project (Buada Associates and John Stebbins, Consulting Botanist, October 2012)*. Reclamation of these phases will create approximately 351 acres of riparian and open water wildlife habitat.

Alternatives to be Analyzed in the EIR:

In accordance with Section 15126.6 of the CEQA Guidelines, the Draft EIR will assess a range of reasonable alternatives to the Project. The range of alternatives to be addressed will include alternatives that are specifically required by CEQA (i.e. No Project Alternative), as well as other alternatives identified through the coordinated consultation and planning process.

Potential Environmental Impacts:

The County has determined that there is substantial evidence that this project could result in significant environmental impacts and/or have a significant impact on the quality of the human environment, thereby necessitating the preparation of an EIR. CEQA Guidelines Section 15060(d) states that the lead agency may skip further initial review of the project and begin work directly on the EIR process described in Article 9. As such, the County has determined that preparation of an EIR is appropriate. The EIR will evaluate the environmental impacts of the Project, after having first established the environmental setting, or baseline, for the environmental analysis. The following environmental factors are anticipated to be potentially significant impacts. In each instance, the significance of potential impacts, cumulative impacts, and appropriate mitigation measures associated with the Project and identified alternatives to the Project would be thoroughly discussed in the EIR.

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils Resources
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land use and Planning
- Noise
- Transportation and Traffic
- Utilities and Service Systems

An Initial Study is typically prepared during the preliminary review process to determine whether a project is subject to CEQA. Pursuant to CEQA Guidelines Section 15060(d), the lead agency can determine that an EIR will be clearly required for a project and may skip further initial review and begin work directly on the EIR. As such, the County has not prepared an Initial Study and has determined that an EIR will be required.

APPENDIX 2

Scoping Meeting Materials



AGENDA

PUBLIC SCOPING MEETING

**For the
Proposed Riverbend Sand and Gravel Project**

**August 29, 2013 5:30 pm to 7:00pm
Sanger High School Multi-purpose Room
1045 Bethel Avenue, Sanger, CA**

- I. Introductions/Purpose - Briza Sholars, Chris Motta, Fresno County Dept. of Public Works and Planning
- II. Project Description – John Hecht, Sespe, EIR Project Consultant for Fresno County
- III. The CEQA Process – John Hecht, Sespe, EIR Project Consultant for Fresno County
- IV. Project Overview – John Hecht, EIR Project Consultant for Fresno County
- V. Potential Environmental Impacts - John Hecht will discuss potential impacts.
- VI. Public Comments – Individuals may present comments on the potential impacts of the proposed project. Written comments will also be accepted at the meeting or mailed to County. (preferable emailed to bsholars@co.fresno.ca.us) John Hecht (facilitator)
- VII. What's next – John Hecht will discuss the ongoing assessment and approximate schedule for circulation of the DEIR.

HANDOUTS:

Agenda for Public Scoping Meeting
Notice of Preparation / Project Description
Speaker Cards
Public Comment Sheets

Briza Sholars, Planner
Fresno County, Department of Public Works and Planning
Development Services Division
2220 Tulare Street – 6th Floor
Fresno, CA 93721
Phone: (559) 600-4207
Fax: (559) 600-4200
E-mail: bsholars@co.fresno.ca.us

August 29, 2013
Sanger High School

[illegible]

[illegible]

[illegible]

SPEAKER CARD - PUBLIC MEETING**AUGUST 29, 2013**

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Alejandro Champa Address: 14244 E GoodfellowPhone: 696-2528

Cell: _____

Email: _____

Summarize your key topics (use additional paper provided, if necessary):

River Bottom**SPEAKER CARD - PUBLIC MEETING****AUGUST 29, 2013**

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Raylene Mackey Address: 4032 S. Channel RdPhone: 876-1480Cell: 472-6271Email: raylenemackey@yahoo.com

Summarize your key topics (use additional paper provided, if necessary):

Excess Truck Travel
Wild Life
Noise**SPEAKER CARD - PUBLIC MEETING****AUGUST 29, 2013**

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Daniel Alvarez Address: 2415 E. Houston ave.Phone: 323-6231

Cell: _____

Email: davealvarez@sbcglobal.net

Summarize your key topics (use additional paper provided, if necessary):

Cultural Resources

SPEAKER CARD - PUBLIC MEETING

AUGUST 29, 2013

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: BILL DANNER
 Phone: 903-2180
 Cell: _____
 Email: WOOD-CHOP@YAHOO.COM

Address: 2791 CHANNEL ROAD
SAUGER 93657

Summarize your key topics (use additional paper provided, if necessary):

Noise
 Paint

1. NOISE
2. TRAFFIC
3. LENGTH OF PERMIT

SPEAKER CARD - PUBLIC MEETING

AUGUST 29, 2013

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Bob Pearson
 Phone: 787-2070
 Cell: _____
 Email: _____

Address: 541 Wilderness Dr
SAUGER CA 93657

Summarize your key topics (use additional paper provided, if necessary):

H₂O
 Traffic
 Animals

SPEAKER CARD - PUBLIC MEETING

AUGUST 29, 2013

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Dan GPM
 Phone: _____
 Cell: _____
 Email: _____

Address: _____

Summarize your key topics (use additional paper provided, if necessary):

- (1) Include C.M.I. (Claims) Miss Page
 Form Ind Mitigation Docs & Anal Review for the (understand)
- (2) MAKE traffic Report about expected Peak truck trips from
 this & All Driveth Projects in the AREA.
- (3) Drawn Trench or Foundation Driveth Cuts in EIR

SPEAKER CARD – PUBLIC MEETING**AUGUST 29, 2013**

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: Anthony Fidalgo
Phone: _____
Cell: 209 756-2423
Email: _____Address: 595 S. Indianapolis ✓

Sargent Bl

Summarize your key topics (use additional paper provided, if necessary):

*Traffic***SPEAKER CARD – PUBLIC MEETING****AUGUST 29, 2013**

Topic: Notice of Preparation of an Environmental Impact Report for the proposed Riverbend Sand and Gravel Project

Name: GARY GRAY
Phone: _____
Cell: _____
Email: _____Address: PO Box 2522 ✓

USDA

93279

Summarize your key topics (use additional paper provided, if necessary):

Riverbend Sand and Gravel EIR Scoping Meeting

August 29, 2013





Agenda

I. Introductions/Purpose

- **Briza Sholars, Chris Motta, County Dept. of Public Works & Planning**
- **John Hecht, Sespe, EIR Project Consultant and Meeting Facilitator**
- **Herb Lang, John Buada, Steve Cortner Project Representatives**
- **Meeting assistants around room**

II. Process Overview

III. The CEQA Process

IV. Project Description

V. Potential Environmental Impacts

VI. Public Comments

VII. What's next



Process Overview

I. Parties:

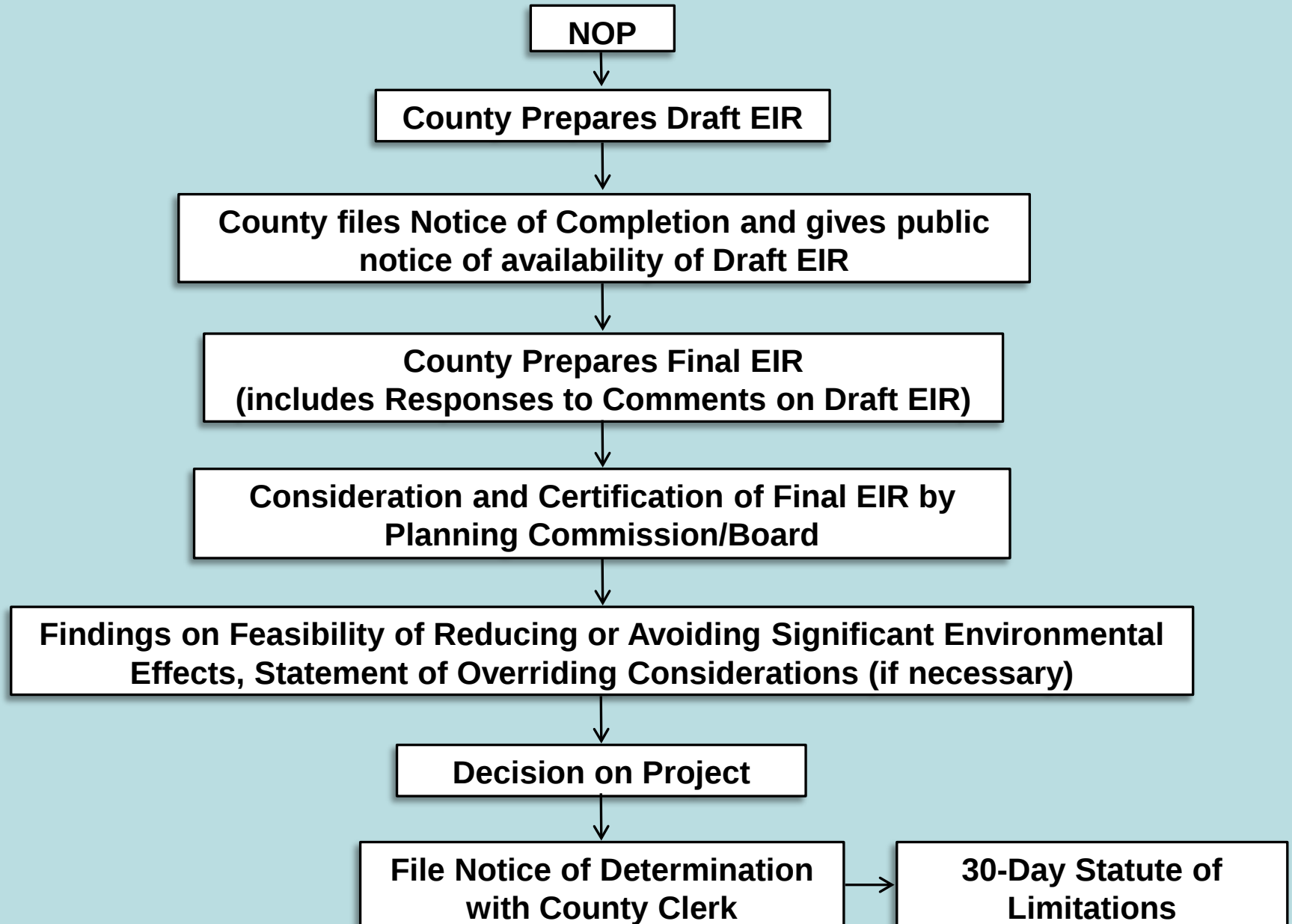
- **CEQA Lead Agency: Fresno County Department of Public Works and Planning**
- **Applicant: Riverbend Sand and Gravel LLC**
- **County-hired EIR Consultant: Sespe Consulting Inc.**
- **Public – Tonight and throughout the process**

II. Process

- **Scoping meeting**
- **Preparation of Draft EIR**
- **Public comments on Draft EIR**
- **Public Meeting on Draft EIR**
- **Respond to Comments and prepare Final EIR**
- **Planning Commission Meeting**
- **Board of Supervisors Hearing**

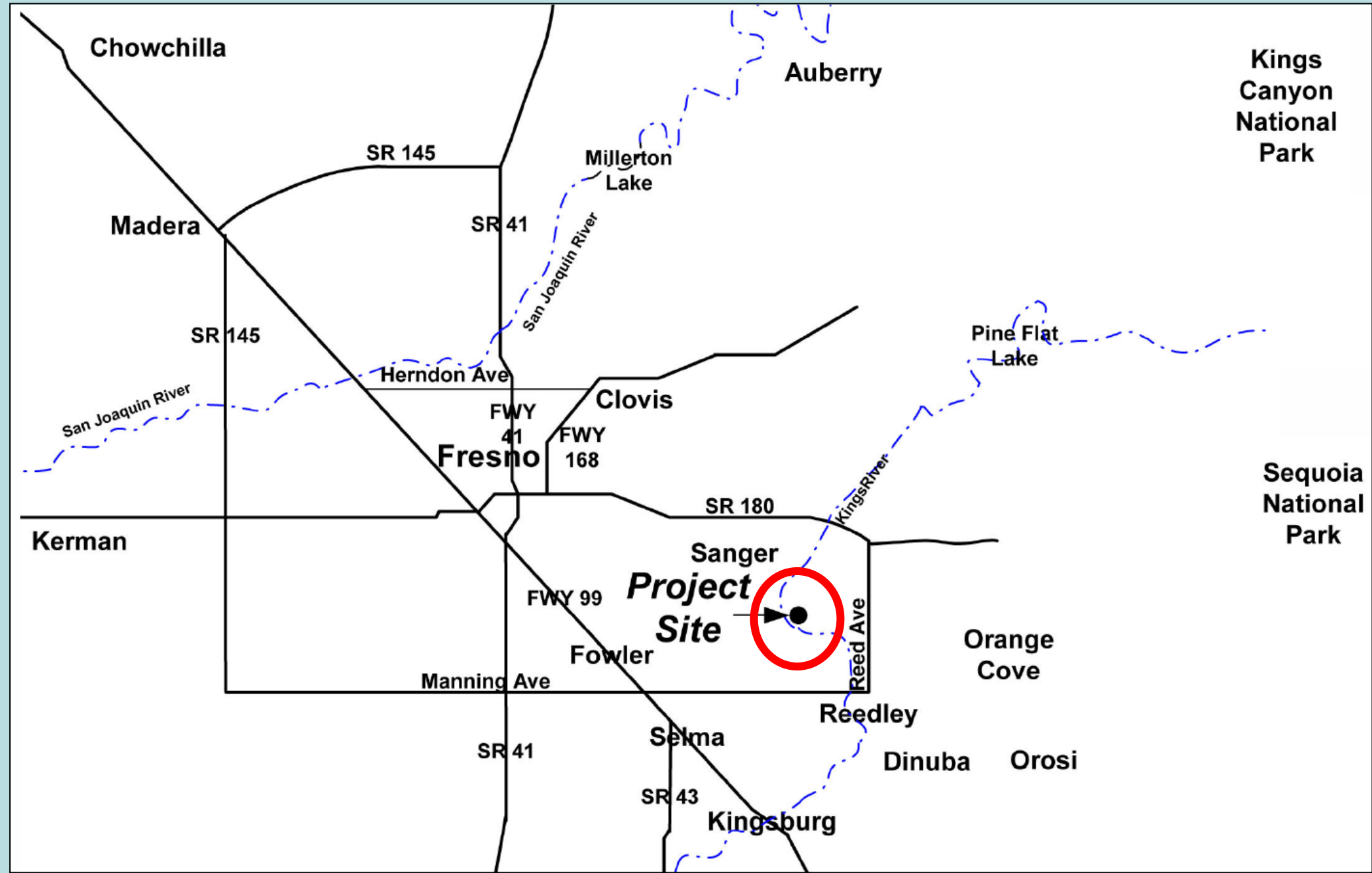


The CEQA Process





Project Site Location





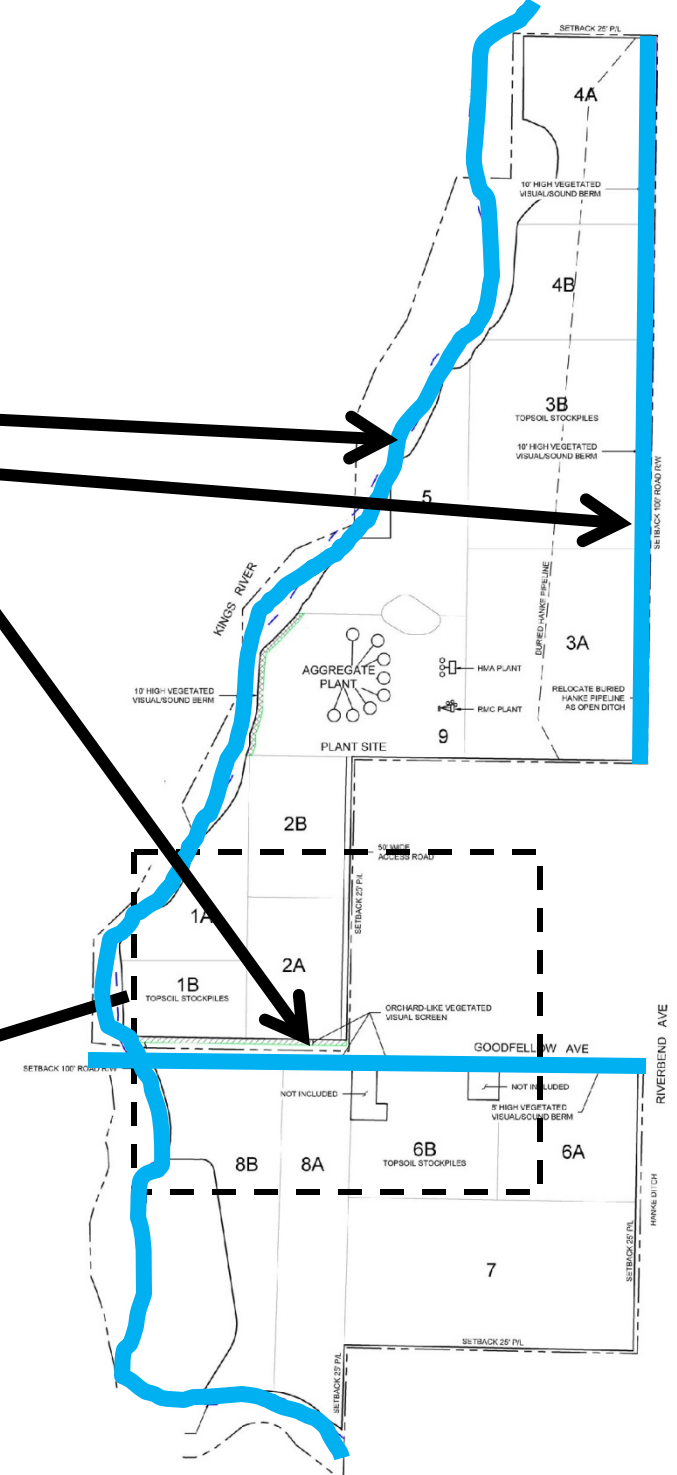
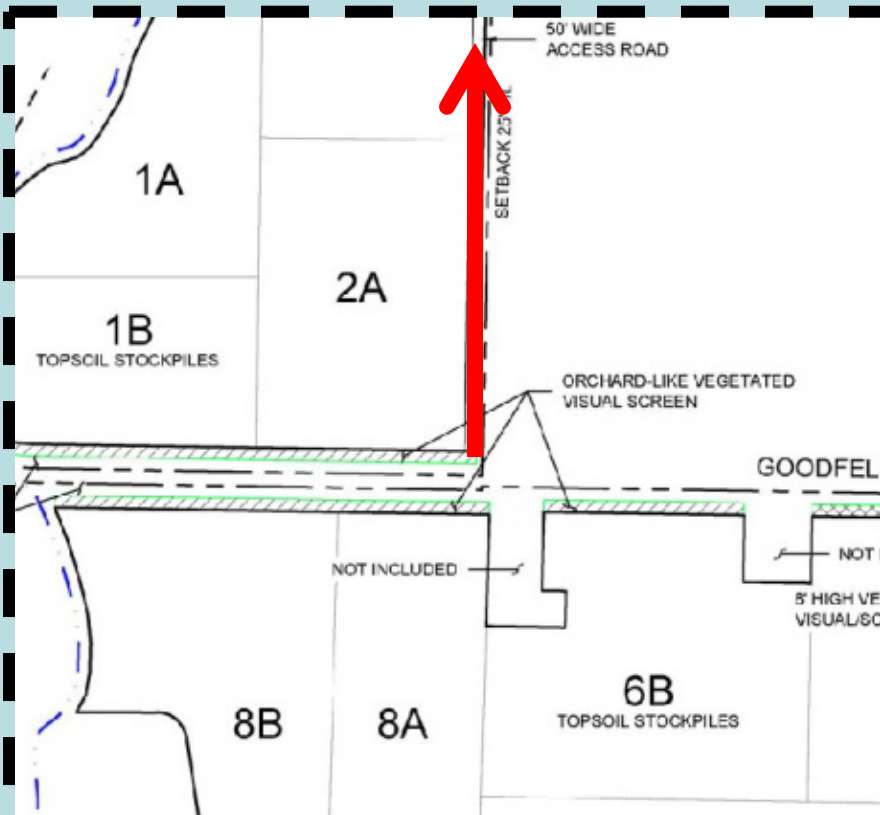
Aerial View





Site Plan

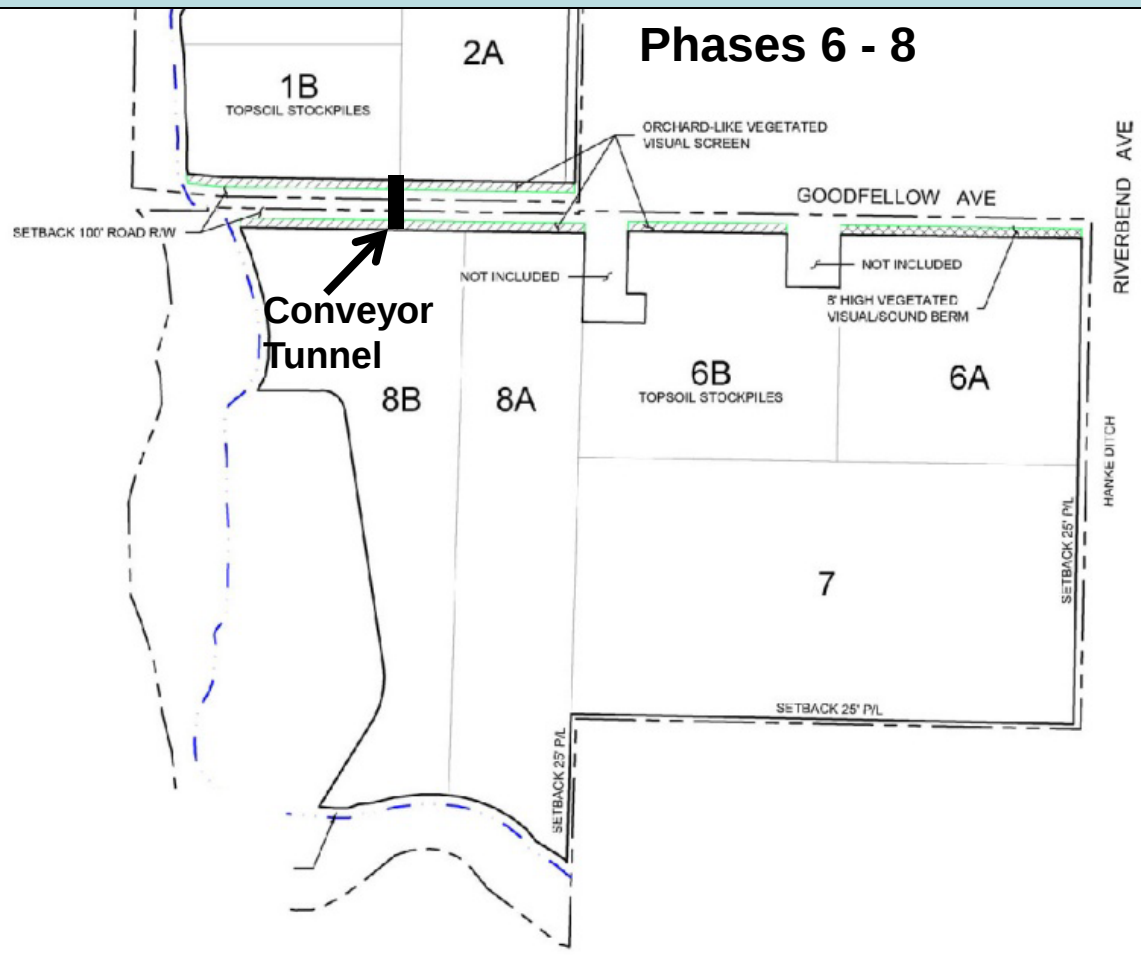
- Site area = 833 acres
- Mining area = 619 acres (214 acres preserved (23%))
 - Min. 100' setback from Kings River
 - Min. 100' setback from Riverbend Ave. and Goodfellow Ave.
- Access in all phases from 50' access road off of Goodfellow Ave





Site Plan - Phasing

- 9 Phases
 - Estimated start of excavation – 2015
 - Estimated Completion – 2090 (75 yrs)



Phases 1 - 5

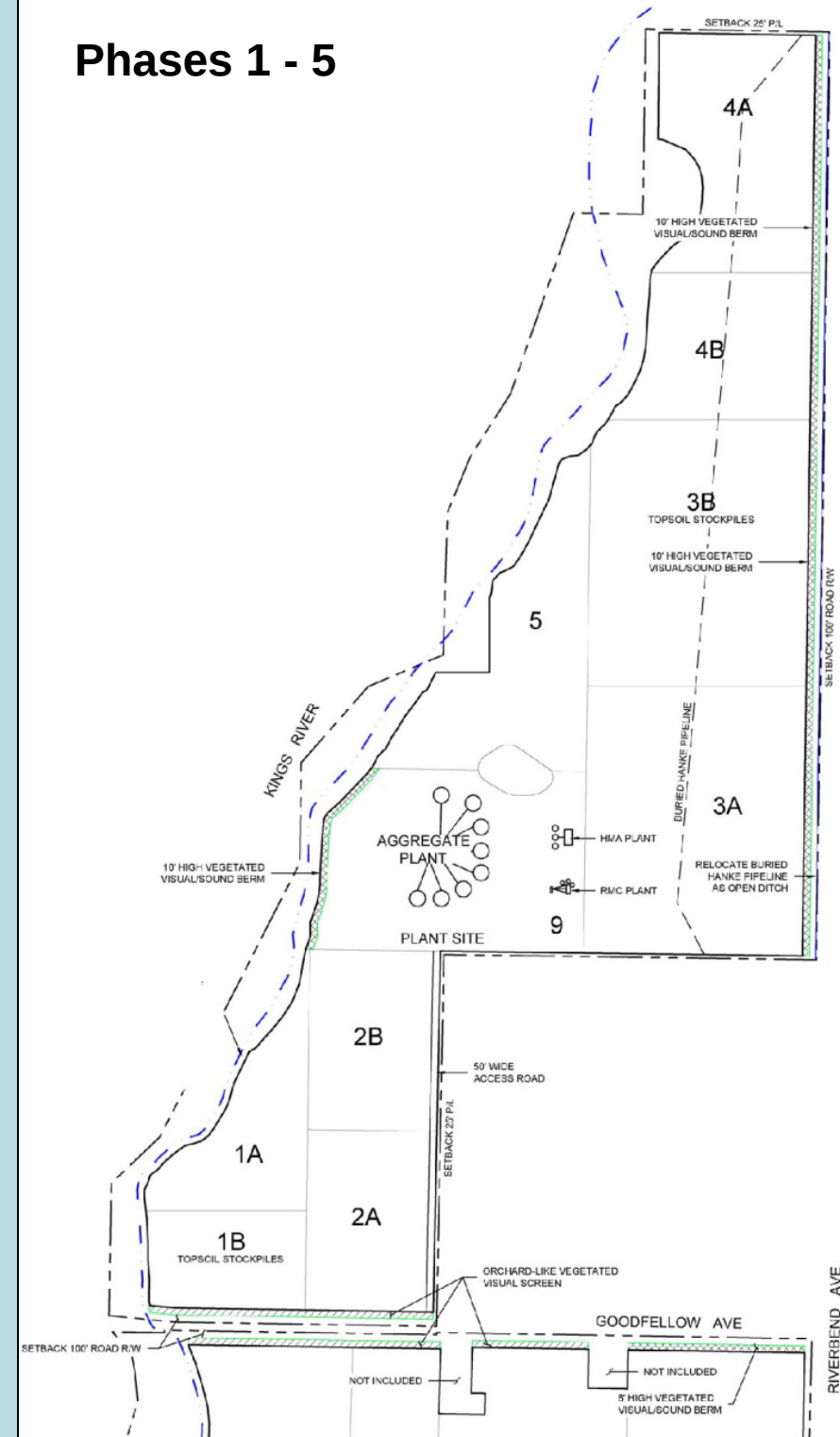




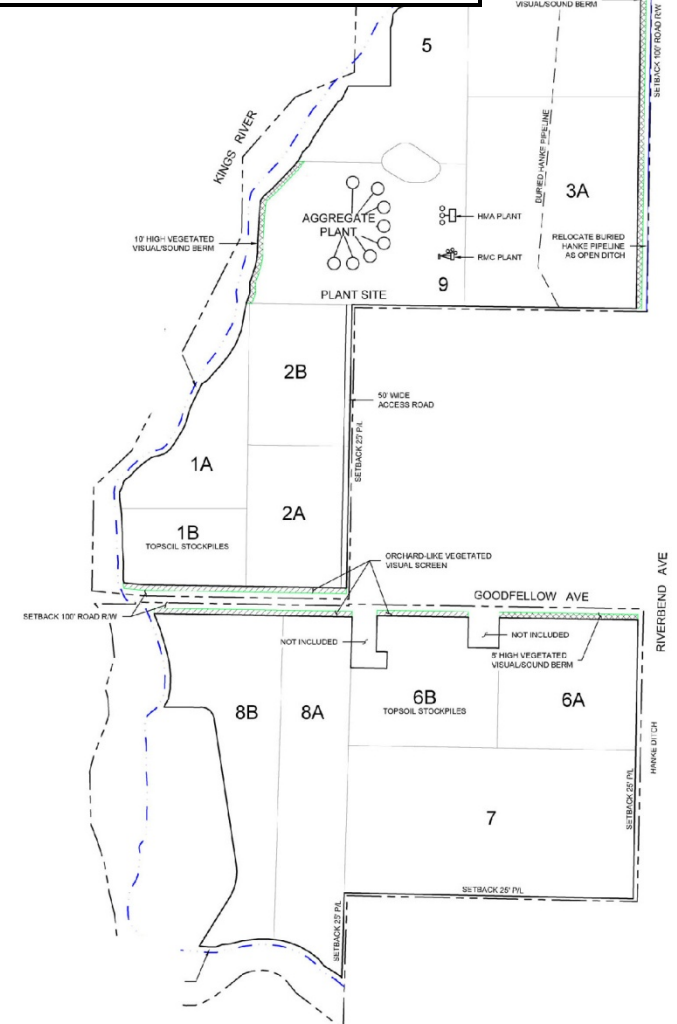
Diagram illustrating the restored Hanke Ditch. The ditch is shown as a V-shaped feature, 100' wide and 10' deep. It is located between Farm Rd and Riverbend Ave. The ditch is situated within a 100' Setback from the R/W (Right of Way). The ditch is labeled "Restored Hanke Ditch". The diagram also shows a 10' depth for the ditch.

The diagram illustrates the layout of a pond. A horizontal line represents the 'Maintenance Rd'. Above the road, a dimension line indicates a '25' Setback' from the road to the start of the pond. The pond itself is shown as a trapezoidal area. The top width is labeled 'P/L' (Pond Length). The right side of the pond is a slope with a 2:1 ratio, indicated by a triangle with a vertical side of 2 and a horizontal side of 1. A dashed line extends from the top right corner of the pond, labeled 'Pond Surface'.

The diagram illustrates a cross-section of a pond area. On the left, a tree is shown with a horizontal line representing its dripline. To the right of the dripline, a horizontal dimension line indicates a 50' setback to the edge of the pond. Below the ground line, a horizontal line is labeled 'Maintenance Rd'. The pond surface is shown as a sloped line with a 2:1 slope, indicated by a small triangle with a vertical side of 2 and a horizontal side of 1. The label 'Pond Surface' is placed above the slope.

The diagram illustrates a maintenance road layout. A horizontal line represents the 'Top of Bank'. Below it, a 'Maintenance Rd' is shown. A dimension line indicates a '100' Setback' from the top of the bank to the road. The road has a '2:1' slope. A dashed line represents the 'Pond Surface'. The 'Kings River' is labeled on the left side of the diagram.

The diagram illustrates a proposed pond layout. A 100' Setback is indicated from the property line to the pond. The pond is situated within a Right of Way (R/W) area. Dimensions shown include a 15' vertical setback from the top property line and an 8' vertical setback from the bottom property line. The pond is bordered by a Berm and a Maintenance Rd. The pond surface is shown with a 2:1 slope ratio.





Project Components

- Dragline for Excavation
- Aggregate processing plant
- Ready Mixed Concrete/Asphalt
- Recycle
- Reclamation
- Max. Mining Depth = 100' below natural surface

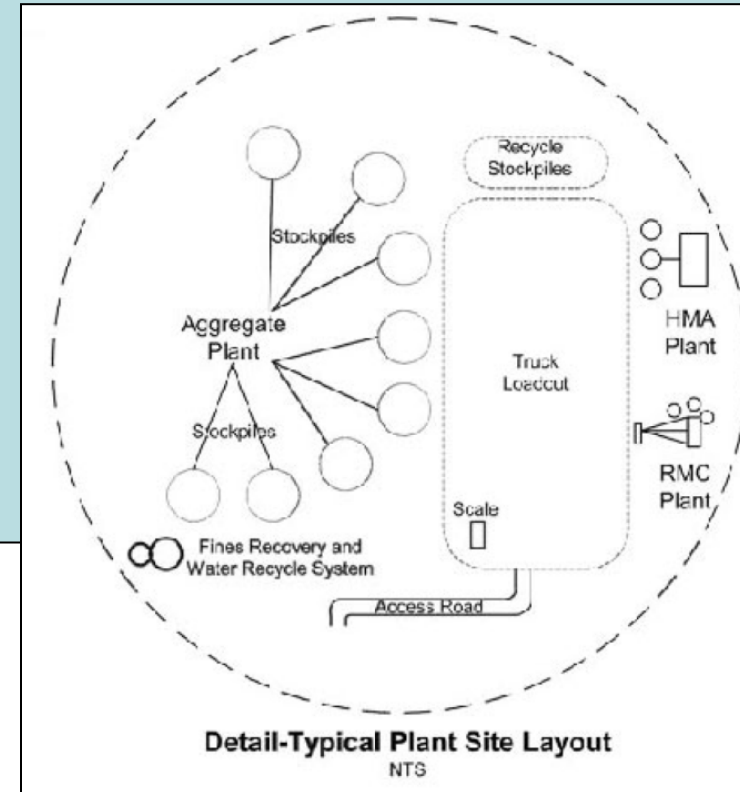
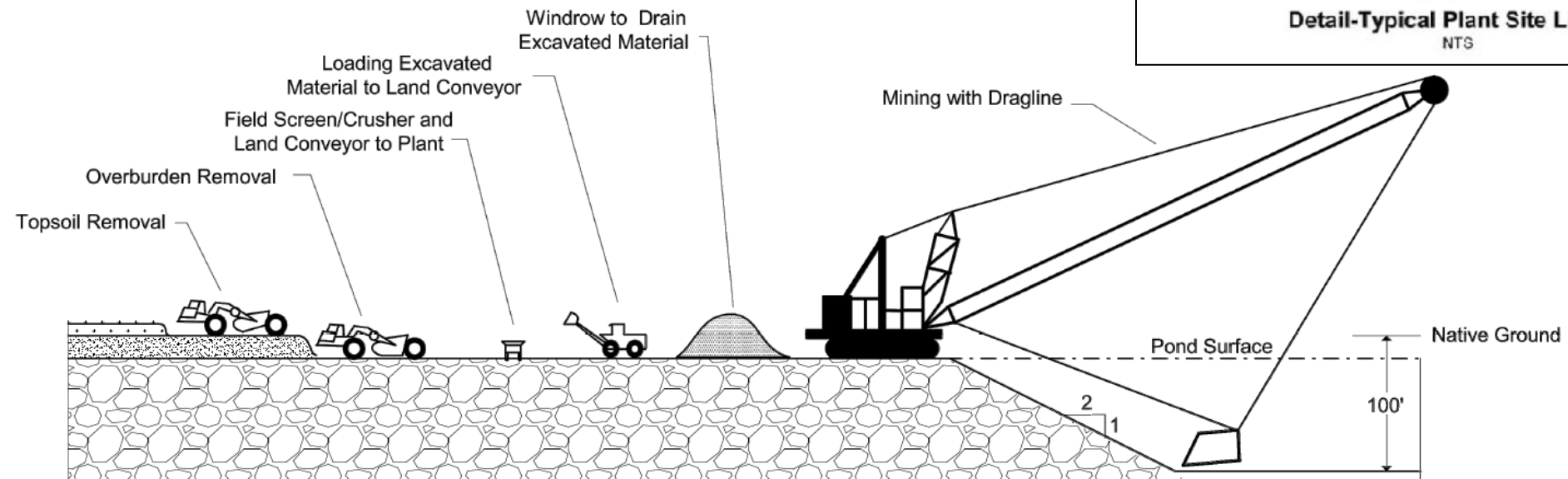


ILLUSTRATION OF MINING WITH DRAGLINE

Not to Scale





Proposed Project Traffic

	Average Daily Trips	Maximum Daily Trips
Truck Trips		
Aggregate Loads	246	266
Asphalt	80	212
Ready-Mix Concrete	136	224
Product Truck Totals	462	702
Liquid Asphalt	4	10
Cement	10	22
Propane	0.4	2
Import Concrete/Asphalt for Recycle	40	40
Diesel Fuel	0.1	0.1
Delivery Truck Totals	52	74
Total Truck Trips	514	776
Aggregate, Asphalt Employees Trips	36	36
Ready-Mix Concrete Employee Trips	40	40
Outside Services & Misc Visitors	14	14
Total Employees & Outside Services	90	90
<u>Total Trips</u>	<u>604</u>	<u>866</u>



Project Vehicle Trip Routes

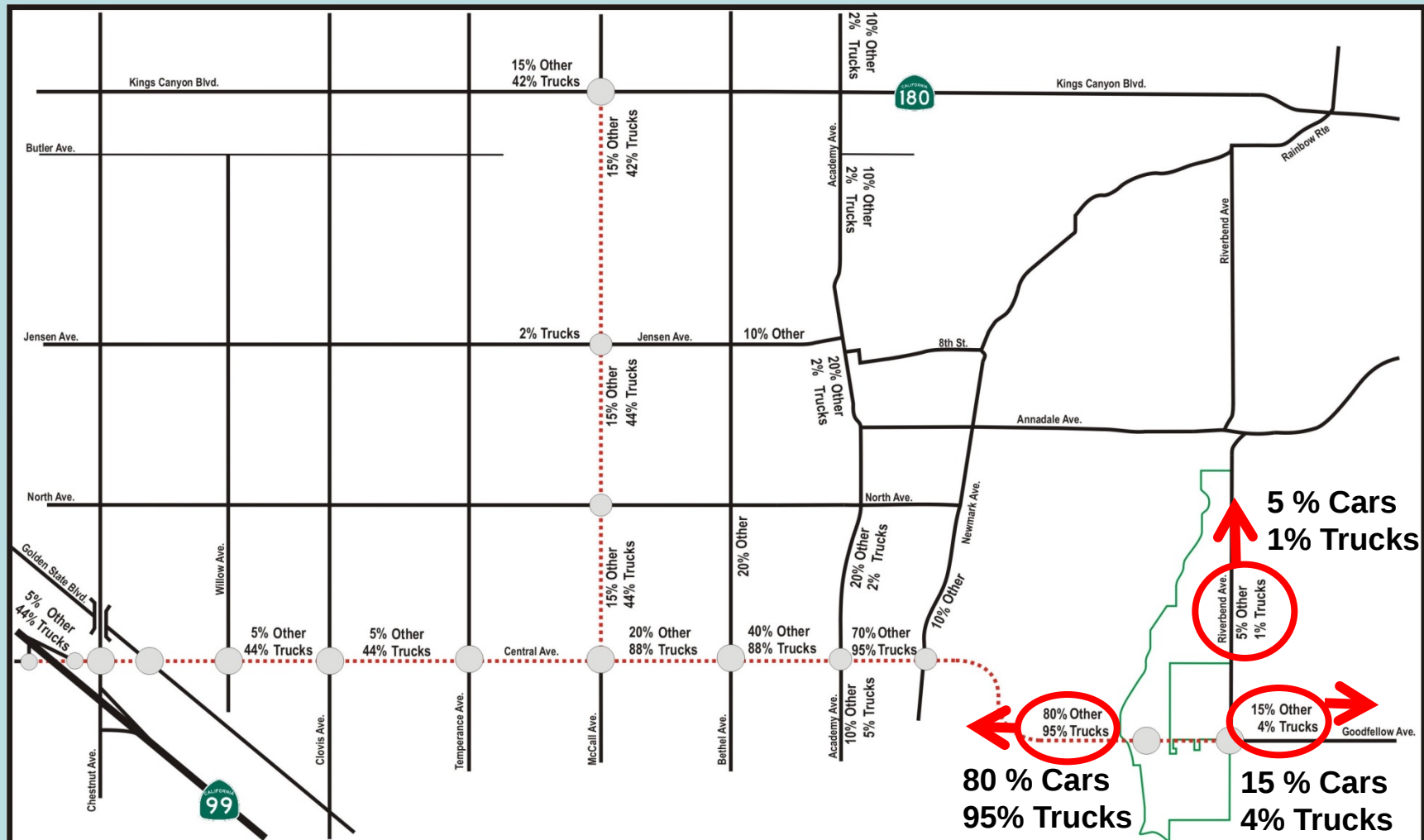


FIGURE 3-1
Trip Distribution Percentage

LEGEND



Project Location



Study Intersections



Study Roadway Segments



VRPA TECHNOLOGIES, INC.



Reclamation Plan

Reclamation End Uses

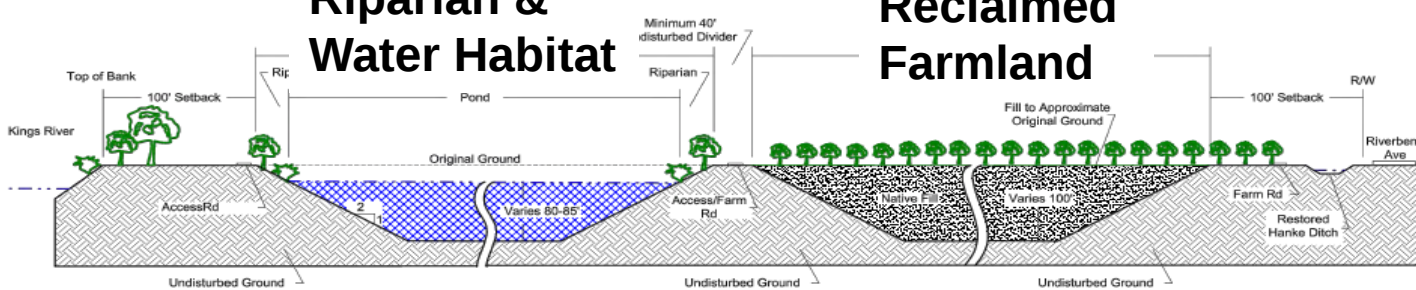
- Approx. 268 Ac Reclaimed Farmland
- Approx. 351 Ac. Open Space, Riparian & Water Habitat
- 214 acres preserved Open Space/Habitat

Typical Reclamation Cross-Sections
NTS

Riparian & Water Habitat

Cross-Section A-A

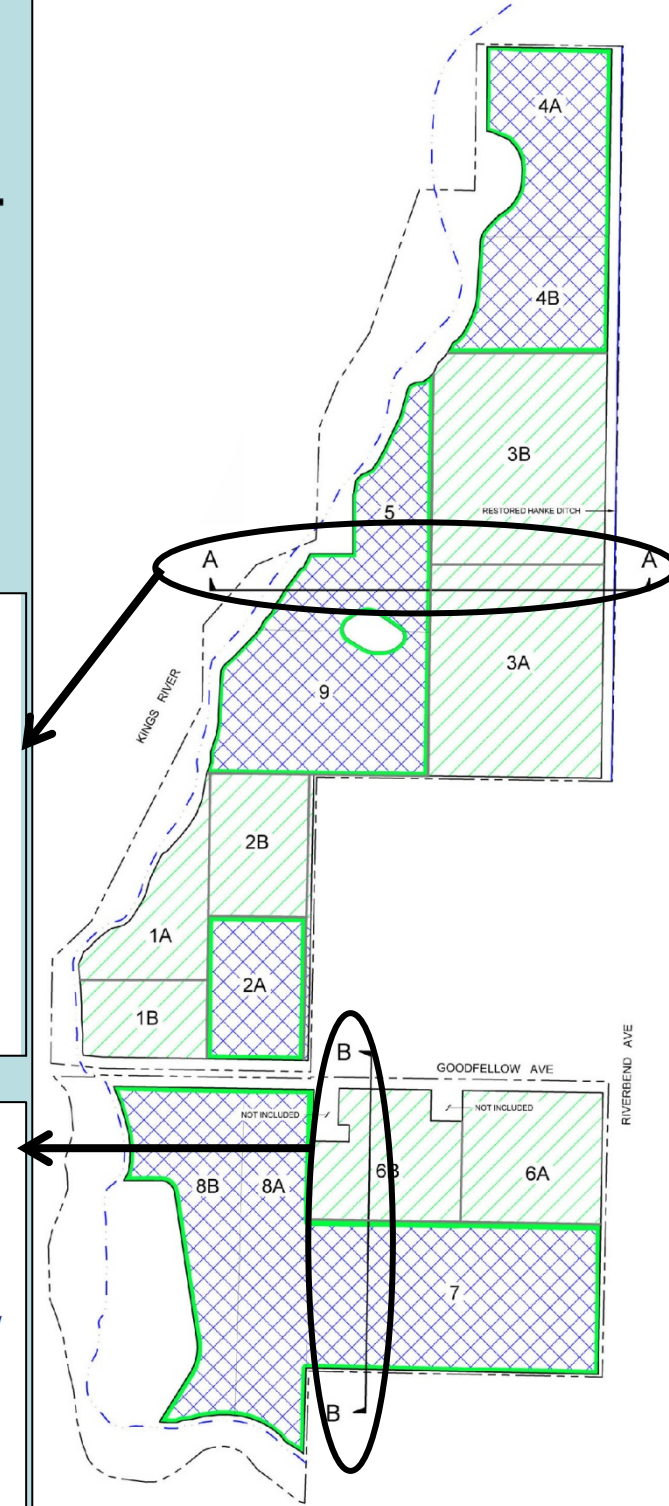
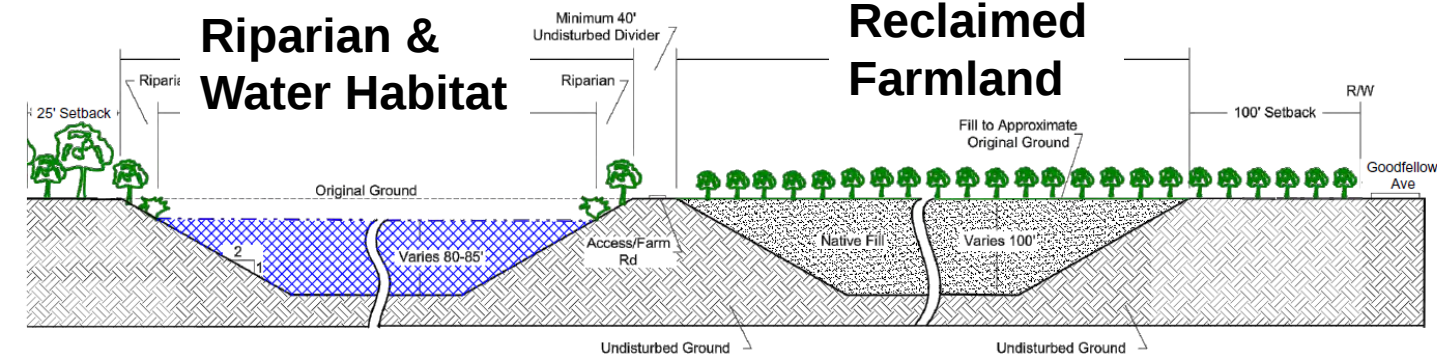
Reclaimed Farmland



SECTION B-B

Riparian & Water Habitat

Reclaimed Farmland





Project Before, During Operations and After Reclamation



Existing views from the Kings River



Project Before, During Operations and After Reclamation



Operational phase views from the Kings River



Project Before, During Operations and After Reclamation



Final reclaimed views from the Kings River



Project Before, During Operations and After Reclamation



Existing views from adjacent residential homes along Riverbend Avenue



Project Before, During Operations and After Reclamation



Operational phase views from adjacent residential homes along Riverbend Avenue



Project Before, During Operations and After Reclamation



Final reclaimed views from adjacent residential homes along Riverbend Avenue



Potential Environmental Impacts

The EIR will analyze the following subject areas in detail:

1. Aesthetics
2. Agriculture
3. Air Quality/Greenhouse Gasses
4. Biological Resources
5. Cultural Resources
6. Geology and Soils
7. Hazards and Hazardous Materials
8. Hydrology and Water Quality
9. Land Use and Planning
10. Noise
11. Transportation and Traffic
12. Utilities and Service Systems

The following subject areas are expected to be scoped out of the EIR because the project is not expected to result in impacts:

1. Mineral Resources
2. Population and Housing
3. Recreation



Project Schedule

Scoping Meeting – August 29, 2013

Draft EIR – This Winter

Public Hearings – Spring/Summer 2014



Public Comments

- **Complete comment card and give to assistant**
- **Verbal limited to 3 minutes if individuals, 5 minutes if group**
- **Timer – strictly enforced**
- **Primarily only taking comments/questions**
- **Except for clarifications to the process or the project, questions from tonight's meeting will be answered in the DEIR.**
- **Written comments today or mailed by the close of the comment period – 5:00 p.m. on September 16, 2013**
- **Comments received will be addressed in the Draft EIR**



Contact Information

Fresno County Public Works and Planning Department:

2220 Tulare Street, Fresno, CA 93721

Fresno County Public Works and Planning Project Website:

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=54051>

Please send your written comments to:

Attn: Briza Sholars

Fresno County

Department of Public Works and Planning

Development Services Division

2220 Tulare Street, Sixth Floor

Fresno, CA 93721

Phone: (559) 600-4207

Fax: (559) 600-4200

Email: bsholars@co.fresno.ca.us

Riverbend Sand and Gravel Project

Thank you for your participation



APPENDIX 3

List of Commenters and Written Comments

RIVERBEND NOP COMMENT LOG

Commenter	Affiliation	Date
Frank Daniele	The County of Fresno, Department of Public Works	8/01/13
Fred Rinder	The County of Fresno, Department of Agriculture	8/05/13
Roy Jimenez	The County of Fresno, Policy Planning Unit	8/07/13
Betsy Lichti	California Department of Public Health	8/22/13
James Herota	Central Valley Flood Protection Board	8/30/13
Audrey Osbourne	Traditional Choinumni Tribe	8/28/13
Dave Singleton	Native American Heritage Commission	8/28/13
Jeffrey Single	California Department of Fish and Wildlife, Central Region	9/03/13
David Moxley	Resident	9/06/13
Gary Grey	Resident	9/10/16
Mark Amorino	Consolidate Mosquito Abatement District	9/11/13
David Padilla	California Department of Transportation, District 6	9/13/13
Nicole Zieba	City of Reedley	9/13/13
John Gray	Resident	9/15/13
Janet Gardner	The County of Fresno, Environmental Health Division	9/16/13
Jessica Willis	San Joaquin Valley Air Pollution Control District	9/16/13
Betsy Lichti	California Department of Public Health	9/27/13

Comment letter Dep't of 1094C 10192
Roads

Maya Rohr

From: Sholars, Briza <bsholars@co.fresno.ca.us>
Sent: Thursday, August 01, 2013 12:05 PM
To: Maya Rohr
Cc: John Hecht
Subject: FW: Notice of Preparation of an Environmental Impact Report for the Riverbend Sand & Gravel Project

NOP comments from Roads

From: Daniele, Frank
Sent: Thursday, August 01, 2013 11:36 AM
To: Sholars, Briza
Cc: Palacios, Robert; Blanchard, David; Robertson, John
Subject: RE: Notice of Preparation of an Environmental Impact Report for the Riverbend Sand & Gravel Project

The draft environmental document needs to include a traffic impact study (TIS) to address impacts to County roads and intersections resulting from the increased traffic associated with this development. Although a draft TIS has been prepared by the applicant, this study needs to be amended to address scoping comments to be provided by the County's Design Division of PW&P and Caltrans.

The TIS also needs to address access for the site to identify the needs for turn pockets and/or acceleration/deceleration lanes and to quantify appropriate lengths for each.

The analysis of the road segments needs to also account for changes in the traffic index (TI) for the predominant routes so that appropriate mitigation fees or improvements can be provided/paid by the applicant. The draft TIS makes reference to a County road impact fee, but no such fee presently exists.

The analysis of the road segments needs to also account for impacts from PM-10 generation as a result of the increased truck traffic on the predominant routes. Mitigation of this PM-10 generation could be in the form of fees for future shoulder work or the construction of shoulder stabilization by the applicant.

Frank L. Daniele, PE
Supervising Engineer
Maintenance & Operations Division
Fresno County Dept. of Public Works & Planning
Telephone: (559) 600-4268

Your input is important. Please fill out the attached survey so that we can improve our service to you.

https://www.surveymonkey.com/s/PWP_SuperShort5

From: Sholars, Briza
Sent: Wednesday, July 31, 2013 7:53 AM
To: Weaver, Alan; Jimenez, Bernard; Granados, Jorge; Kettler, William; Motta, Chris; Carlson, William; Khorsand, Mohammad; Navarro, Thomas; Janes, Jeff; Ramirez, Augustine; Robertson, John; Kooner, Harpreet; Daniele, Frank; Palacios, Robert; Gardner, Janet; Allen, Glenn; Horton, Jennifer; Briggs, Kevin; Dictos, Paul; Wright, Les
Cc: MRohr@sespeconsulting.com
Subject: Notice of Preparation of an Environmental Impact Report for the Riverbend Sand & Gravel Project

Inter Office Memo

DATE: August 1, 2013

Weaver, Director
rd Jimenez, Deputy Director, Planning
Granados, Deputy Director, Public Works
attler, Development Services
Chris Motta, Development Services
Bill Carlson, Current Planning
Mohammad Khorsand, Policy Planning
Tom Navarro, Zoning, Site Plan Review
Jeff Janes, Building & Safety, Plan Check
Augie Ramirez, Water/Geology/Natural Resources
John Robertson, Design Division
Frank Danielle, Road Maintenance & Operations
Bob Palacios, Road Maintenance & Operations
Janet Gardner, Public Health, Environmental
Glenn Allen, Public Health, Environmental
Jennifer Horton, Sheriff's Office
Paul Dictos, Assessor's Office
Kevin Briggs, County Counsel
Les Wright, Agricultural Commissioner

FROM: Briza Sholars
Development Services Division
Public Works & Planning Department

REQUEST FOR REVIEW AND COMMENT: RIVERBEND SAND & GRAVEL PROJECT, NOTICE OF PREPARATION –
DRAFT ENVIRONMENTAL IMPACT REPORT #6606, UNCLASSIFIED CONDITIONAL USE PERMIT NO. 3390

PROJECT:

Riverbend has submitted an application to mine construction grade aggregate (sand and gravel). The Project is located approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833 acre site that is owned by Riverbend Sand and Gravel, LLC. The remaining 214 acres of the property, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. The Hanke Ditch runs through the eastern portion of the site. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. The Project Site is located north and south of Goodfellow Avenue and between the Kings River and Riverbend Avenue in the County of Fresno. The Project is approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E.

September 16, 2013 - To assure adequate time to review comments, please respond as soon as possible. If there is a problem meeting this deadline, please call me.

Please return the attached documents with your comments.

Attached is the Notice of Preparation of the DEIR. Please review the NOP and e-mail comments to bsholars@co.fresno.ca.us, or reply to the corresponding email.

The Operational Statement is also available on the County website at:

<http://www.co.fresno.ca.us/DepartmentPage.aspx?id=54051> Please call me at 600-4207, if you need additional information or have questions.

<< File: NOPsigned.color.pdf >>

Briza Grace Sholars, Planner III
Department of Public Works & Planning
2220 Tulare Street, Fresno CA 93721
Phone: 559-600-4207 Fax: 559-600-4200
 Keep it Green

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2242 / Virus Database: 3209/6043 - Release Date: 08/01/13

Comments from the Fresno County Department Agriculture: August 5, 2013

APPLICANT: Riverbend Sand & Gravel LLC

CUP: # 3390

EIR: # 6606

The site has the following crops listed:

390 acres of wine grapes (10.99 ton/acre @ \$374/ton)

174 acres of olives (2.72 tons/acre @ \$865/ton)

80 acres of walnuts (1.59 tons/acre @ \$2,685/ton)

Based on the 2012 Fresno County Crop Report this could potentially represent a crop production loss of \$1,603,001 for wine grapes, \$409,387 for olives and \$34,153 for walnuts. This project could present a \$2,046,541 yearly loss for agricultural production.

The Department opposes this, and all projects that cause any loss of agricultural production.

An acknowledgement of the Fresno County Right-to Farm Ordinance should be required..

The Fresno County "Right to Farm" ordinance 17.04.100 and 17.72.075.

Fresno County Right-to-Farm Notice: "It is the declared policy of Fresno County to preserve, protect, and encourage development of its agricultural land and industries for the production of food and other agricultural products. Residents of property in or near agricultural districts should be prepared to accept the inconveniences and discomfort associated with normal farm activities. Consistent with this policy, California Civil Code 3482.5 (right-to-farm law) provides that an agricultural pursuit, as defined, maintained for commercial uses shall not become a nuisance due to a changed condition in a locality after such agricultural pursuit has been in operation for three years."



Inter Office Memo

DATE: August 7, 2013

TO: Briza Sholars
Environmental Analysis Unit

FROM: Roy Jimenez, Jr. 
Policy Planning Unit

SUBJECT: NOP – Riverbend Sand and Gravel Project

The project site is on Williamson Act restricted land designated for Agriculture within the General Plan.

The application proposes to operate a hard rock aggregate mining operation on approximately 619 acres of an 833 acre site. The remaining 214 acres will act as a buffer between the mining and processing operation and the surrounding land uses.

Williamson Act:

Approximately 88 acres of the Project Site are currently subject to Williamson Act Contract No. 6322. The applicant indicates at least 10 years prior to the scheduled mining of the subject parcels a Notice of Non-renewal will be filed with the Department of Public Works and Planning.

The Policy Planning Unit request a condition of approval or project not be included requiring a Notice of Non-Renewal or a Petition of Cancellation be filed prior to any mining activity on lands subject to the Williamson Act program (also known as Phases 8A and 8B).

General Plan Policies:

Policies related to certain non-agricultural uses in areas used for Agriculture are located in Policies LU-A.3, 4, 13 and 14 of the General Plan.

The text of the policies is included below for your reference.

Policy LU-A.3: The County may allow by discretionary permit in areas designated Agriculture, special agricultural uses and agriculturally-related activities, including value-added processing facilities, and certain non-agricultural uses listed in Table LU-3. Approval of these and similar uses in areas designated Agriculture shall be subject to the following criteria:

- a. *The use shall provide a needed service to the surrounding agricultural area which cannot be provided more efficiently within urban areas or which requires location in a non-urban area because of unusual site requirements or operational characteristics;*

- b. *The use should not be sited on productive agricultural lands if less productive land is available in the vicinity;*
- c. *The operational or physical characteristics of the use shall not have a detrimental impact on water resources or the use or management of surrounding properties within at least one-quarter (1/4) mile radius;*
- d. *A probable workforce should be located nearby or be readily available;*
- e. *For proposed agricultural commercial center uses the following additional criteria shall apply:*
 - 1. *Commercial uses should be clustered in centers instead of single uses.*
 - 2. *To minimize proliferation of commercial centers and overlapping of trade areas, commercial centers should be located a minimum of four (4) miles from any existing or approved agricultural or rural residential commercial center or designated commercial area of any city or unincorporated community.*
 - 3. *New commercial uses should be located within or adjacent to existing centers.*
 - 4. *Sites should be located on a major road serving the surrounding area.*
 - 5. *Commercial centers should not encompass more than one-quarter (1/4) mile of road frontage, or one-eighth (1/8) mile if both sides of the road are involved, and should not provide potential for developments exceeding ten (10) separate business activities, exclusive of caretakers' residences;*
- f. *For proposed value-added agricultural processing facilities, the evaluation under criteria "a" above, shall consider the service requirements of the use and the capability and capacity of cities and unincorporated communities to provide the required services; and*
- g. *For proposed churches and schools, the evaluation under criteria LU-A.3a above shall include consideration of the size of the facility. Such facilities should be no larger than needed to serve the surrounding agricultural community.*
- h. *When approving a discretionary permit for an existing commercial use, the criteria listed above shall apply except for LU-A.3b, e2, e4, and e5.*

Policy LU-A.4: *The County shall require that the recovery of mineral resources and the exploration and extraction of oil and natural gas in areas designated Agriculture comply with the Mineral Resources Section of the Open Space and Conservation Element. (See Section OS-C).*

Policy LU-A.13: *The County shall protect agricultural operations from conflicts with non-agricultural uses by requiring buffers between proposed non-agricultural uses and adjacent agricultural operations.*

Policy LU-A.14: *The County shall ensure that the review of discretionary permits includes an assessment of the conversion of productive agricultural land and that mitigation be required where appropriate.*

The Open Space and Conservation element includes requirements related to mineral extraction which could be issues. The text of the policies is included below.

Policy OS-C.3: *The County shall require that the operation and reclamation of surface mines be consistent with the State Surface Mining and Reclamation Act (SMARA) and special zoning ordinance provisions.*

Policy OS-C.4: *The County shall impose conditions as necessary to minimize or eliminate the potential adverse impact of mining operations on surrounding properties.*

Policy OS-C.5: *The County shall require reclamation of all surface mines consistent with SMARA and the County's implementing ordinance.*

Policy OS-C.9: *The County shall require that any proposed changes in land use within areas designated MRZ-2 along the San Joaquin and Kings Rivers comply with the provisions of the State Surface Mining and Reclamation Act (SMARA).*

Policy OS-K.1: *The County shall encourage the preservation of outstanding scenic views, panoramas, and vistas wherever possible. Methods to achieve this may include encouraging private property owners to enter into open space easements for designated scenic areas.*

Policy OS-K.4: *The County should require development adjacent to scenic areas, vistas, and roadways to incorporate natural features of the site and be developed to minimize impacts to the scenic qualities of the site.*

If you have any questions, please feel free to contact me at royjimenez@co.fresno.ca.us or (559) 600-4251.



RON CHAPMAN, MD, MPH
Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN JR.
Governor

August 22, 2013

RECEIVED
AUG 26 2013

Briza Sholars
Development Services Division
Fresno County Department of Public Works & Planning
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

RE: Riverbend Sand & Gravel Project: CUP 3390 & EIR 6606

Dear Ms. Sholars:

The California Department of Public Health – Drinking Water Program (Department) has received a Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the Riverbend Sand & Gravel Project. The Department has since reviewed the available Operational Statement prepared for the project. According to the Operational Statement, the proposed facility will have a staff of 38 individuals, in addition to additional transient visitors and truckers. As such, the proposed facility would meet the statutory definition of a public water system, as defined by Section 116275 of the California Health and Safety Code. As a public water system, the applicant will be required to obtain a Domestic Water Supply Permit from this office prior to operation. The applicant, or a designated representative, is encouraged to contact our office for complete permitting requirements.

The Department was unable to identify the sources of supply proposed for process and domestic uses. The Department has not reviewed the *Water Supply Assessment for the Riverbend Sand and Gravel Project* prepared by Kenneth D. Schmidt & Associates in October 2012. Should the applicant be proposing to use existing wells to meet domestic water demands, the Department will require a copy of the well completion logs to review for compliance with the California Waterworks Standards. If the applicant is proposing to develop new groundwater sources to meet domestic water demands, a site plan will be required in the Domestic Water Supply Permit application process.

If there are any further questions regarding this matter, please contact me at (559) 447-3300.

Sincerely,

Betsy S. Lichti, P.E.
Senior Sanitary Engineer, Fresno District
SOUTHERN CALIFORNIA BRANCH
DRINKING WATER FIELD OPERATIONS

Cc: Stephanie Tadlock – CDPH DDWEM Environmental Review Unit

BSL/PD

CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-2380 FAX: (916) 574-0682



August 23, 2013

Mr. Briza Sholars
Fresno County Public Works and Planning
2220 Tulare Street, 6th Floor
Fresno, California 93721

RECEIVED
AUG 30 2013

FRESNO COUNTY
DEPT. OF
PUBLIC WORKS & PLANNING

Subject: Riverbend Sand and Gravel Project
SCH Number: 2013071097
Document Type: Notice of Preparation

Dear Mr. Sholars:

Staff of the Central Valley Flood Protection Board (Board) has reviewed the subject document and provides the following comments:

The proposed project is located adjacent to or within the Kings River which is under the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River, the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting, or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection, and flood fight procedures (CCR Section 131).

Vegetation requirements in accordance with Title 23, Section 131 (c) states "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

Mr. Briza Sholars
August 23, 2013
Page 2 of 2

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult as the removal of vegetative growth is subject to federal and State agency requirements for on-site mitigation within the floodway. The project should include mitigation measures to avoid decreasing floodway channel capacity.

Hydraulic Impacts - Hydraulic impacts due to encroachments could impede flood flows, reroute flood flows, and/or increase sediment accumulation. The project should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvfpb.ca.gov/>. Contact your local, federal and State agencies, as other permits may apply.

The Board's jurisdiction, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways can be viewed on the Central Valley Flood Protection Board's website at <http://gis.bam.water.ca.gov/bam/>.

If you have any questions, please contact me by phone at (916) 574-0651, or via e-mail at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Projects and Environmental Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814



Traditional Choinumni Tribe (East of the Kings River)

Recognized By the California State Legislature, Resolution Ch. 71, AJR No. 8, Filed June 4, 2002

August 28, 2013

Ms. Briza Sholars, Senior Planner
County of Fresno Department of Public Works & Planning
Division of Development Services
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: SCH@2013071037 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DIER) for the **"Riverbend Sand and Gravel Project (Fresno County CUP 3390; EIR 3303);"** located 1.5 miles southeast of the City of Sanger, on the banks of Kings River, Fresno County, California

Dear Ms. Sholars:

The Traditional Choinumni Tribe (East of the Kings River) (TCT) express their comments on the above-referenced project. TCT has reviewed the CEQA Notice regarding the above referenced project the Tribal Council has expertise, as a Native American's over the affected areas impacted by the proposed project, including archaeological places of religious significance to the Choinumni Tribe, and Choinumni burial sites.

TCT considers the 833-site for the Riverbend Sand and Gravel Project to be very culturally sensitive. Although a Sacred Lands File search by Native American Heritage Commission did not identify any Native American cultural resources, sacred sites or places, careful operational protocols are recommended. Therefore, TCT recommends that the project have a "Mitigation & Monitoring Plan" including the employment of Native American Monitors approved by TCT. Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) 15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with TCT. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code 7050.5, CEQA 15064.5(e), and Public Resources Code 5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains, pursuant to California Government Code Section 27491 with additional recommendations stated in CEQA Guidelines Section 15064.5 (2).



Traditional Choinumni Tribe (East of the Kings River)

Recognized By the California State Legislature, Resolution Ch. 71, AJR No. 8, Filed June 4, 2002

All specific and detailed information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential technical addendum, and not be made available for public disclosure pursuant to California Government Code Section §6254.10.

TCT appreciates this opportunity to provide our tribal expertise, with cultural resources ensuring the projects responsibility of State and Federal laws are met on this project.

Sincerely,

Audrey M. Osborne
Traditional Choinumni Tribe
Tribal Historian

cc:

D. Alvarez, Tribal Chairman
All TCT Council Members
SRR- L. Franco, Director Cultural Resources
NAHC- D. Singleton, Program Analyst

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Boulevard
West Sacramento, CA 95691
(916) 373-3715
(916) 373-5471 – FAX
e-mail: ds_nahc@pacbell.net

August 28, 2013

Ms. Briza Sholars, Senior Planner

**Fresno County Department of Public Works & Planning
Division of Development Services**

2220 Tulare Street, Sixth Floor
Fresno, CA 93721

RE: SCH#2013071097 CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the **“Riverbend Sand and Gravel Project (Fresno County CUP 3390; EIR 6606);”** located 1.5 miles southeast of the City of Sanger, on the banks of the Kings River; Fresno County, California

Dear Ms. Sholars:

The Native American Heritage Commission (NAHC) wishes to make some additional comments on the above-referenced project. The NAHC has reviewed the CEQA Notice regarding the above referenced project as a reviewing agency for the State Clearinghouse pursuant to Section 21104(c) of the Public Resources Code and as a ‘trustee agency,’ pursuant to Section 21070 of the Public Resources code in that NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources impacted by proposed projects, including archaeological places of religious significance to Native Americans, and to Native American burial sites (c.f. 170 Cal App 3rd 604),.

The NAHC considers the 833-siste for the Riverbend Sand and Gravel Project to be very culturally sensitive. Although a Sacred Lands File search of the site by the NAHC did not identify any Native American cultural resources, sacred sties or places, careful operational protocols are recommended. Therefore, we do recommend that the project have a ‘Mitigation & Monitoring Plan’ including the employment of Native American Monitors. Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, pursuant to California Health & Safety Code Section 7050.5 and California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities. Also, California Public Resources Code Section 21083.2 require documentation and analysis of archaeological items that meet the standard in Section 15064.5 (a)(b)(f). Lead agencies should include in their mitigation plan provisions for the

disposition of recovered artifacts, in consultation with culturally affiliated Native Americans. Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery. These protocols follow an initial report to the county coroner in the event of a discovery of remains, pursuant to California Government Code Section 27491 with additional recommendations stated in CEQA Guidelines Section 15064.5 (2).

All specific and detailed information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential technical addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.

A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter, for your information.

I appreciate this opportunity to provide you with the foregoing information to assist with the cultural resources responsibilities for this project.

Sincerely,

Dave Singleton
Program Analyst

CC: State Clearinghouse

Attachment: Native American Contacts list

**Native American Contacts
Fresno County
August 28, 2013**

Big Sandy Rancheria of Mono Indians
Elizabeth Hutchins Kipp, Chairperson
P.O. Box 337 / 37302 Western Mono
Auberry, CA 93602
ck@bigsandyrancheria.com
(559) 855-4003
(559) 855-4129 Fax

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap, CA 93621 Foothill Yokuts
(559) 338-2354 Choinumni

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 Mono
Tollhouse, CA 93667
(559) 855-5043
559-855-4445 - FAX

Choinumni Tribe; Choinumni/Mono
Lorrie Planas
2736 Palo Alto Choinumni
Clovis, CA 93611 Mono

Dunlap Band of Mono Indians
Benjamin Charley, Sr., Chairperson
Box 45 Mono
Dunlap, CA 93621
(559) 338-2545

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director
P.O. Box 410 Yokuts
Friant, CA 93626-0177
(559) 325-0351
(559) 217-9718 - cell
(559) 325-0394 FAX

Dumna Wo-Wah Tribal Government
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street Dumna/Foothill
Fresno, CA 93702 Mono
ledgerrobert@ymail.com
559-519-1742 - office

Kings River Choinumni Farm Tribe
John Davis, Chairman
1064 Oxford Avenue Foothill Yokuts
Clovis, CA 93612-2211 Choinumni
(559) 307-6430

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071097; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Riverbend Sand and Gravel Project; located 1.5 miles southeast of the City of Sanger; Fresno County, California.

**Native American Contacts
Fresno County
August 28, 2013**

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson
P.O. Box 18 Mono
Dunlap, CA 93621
mandy_marine@hotmail.
com
559-274-1705

Traditional Choinumni Tribe
David Alvarez, Chairperson
2415 E. Houston Avenue Choinumni
Fresno, CA 93720
davealvarez@sbcglobal.net
(559) 292-5057 - Fax
(559) 323-6231
(559) 292-5057 FAX

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct. Foothill Yokuts
Salinas, CA 93906 Mono
kwood8934@aol.com Wuksache
831-443-9702

Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
P.O. Box 8 Tachi
Lemoore, CA 93245 Tache
(559) 924-1278 - Ext. 5 Yokut
(559) 924-3583 - FAX

Kings River Choinumni Farm Tribe
Stan Alec
642 West Barstow Ave. #E Foothill Yokuts
Clovis, CA 93612 Choinumni

559-647-3227 - cell

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1099 Pistachio Avenue Choinumni
Clovis, CA 96311 Foothill YoKut
monoclovis@yahoo.com

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2013071097; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the Riverbend Sand and Gravel Project; located 1.5 miles southeast of the City of Sanger; Fresno County, California.



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



September 3, 2013

Briza Sholars
Fresno County
2220 Tulare Street, 6th Floor
Fresno, California 93721

Subject: Notice of Preparation for an Environmental Impact Report
Riverbend Sand and Gravel Project
SCH#: 2013071097

Dear Ms. Sholars:

The California Department of Fish and Wildlife (Department) has reviewed the above Project submitted by the County of Fresno. Riverbend Sand and Gravel, LLC (Riverbend) has submitted to the County a Conditional Use Permit application to mine construction grade aggregate (sand and gravel). The Project site is located north and south of Goodfellow Avenue and between the Kings River and Riverbend Avenue in the County of Fresno. The Project site is approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833 acre site that is owned by Riverbend. The remaining 214 acres of the property, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. The Hanke Ditch runs through the eastern portion of the site. Reclamation of the Project site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. Anticipated annual processing would be 1.6 million tons/year with annual sales at approximately 1.25 million tons/year.

The Project has the potential to impact nesting birds, and State-listed species such as the State threatened Swainson's hawk (*Buteo swainsoni*), and the State Species of Special Concern burrowing owl (*Athene cunicularia*). Due to the potential impacts to fish and wildlife resources along the Kings River, mitigation measures may be needed. The Department recommends that focused biological surveys be conducted by qualified wildlife biologists during the appropriate survey period(s) to determine if special status species could be impacted prior to Project-related activities. Survey results can then be used to identify any mitigation, minimization, and avoidance measures necessary to reduce potential impacts to special status biological resources to less than significant. The Department advises these be included as enforceable measures in the

Conserving California's Wildlife Since 1870

Environmental Impact Report (EIR) prepared for this project so as to inform any potential permitting needs. Our comments follow.

Department Jurisdiction

Trustee Agency Authority: The Department is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA (Division 13 [commencing with Section 21000] of the Public Resources Code).

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit (ITP) for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001(c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

The Department also has regulatory authority with regard to activities occurring in streams and/or lakes that could adversely affect any fish or wildlife resource, pursuant to Fish and Game Code sections 1600 *et seq.* If any Project-planned activities will involve work along the banks of the Kings River and other blue-lined waterways (e.g. Hanke Ditch), the Department recommends the Project proponents pursue a Streambed Alteration Agreement (SAA). The Department is required to comply with CEQA in the issuance or the renewal of an SAA. For additional information on notification requirements, please contact our staff in the Stream Alteration Program at (559) 243-4593.

Bird Protection: The Department has jurisdiction over actions which may result in the disturbance or destruction of active nest sites or the unauthorized "take" of birds. Fish and Game Code sections that protect birds, their eggs and nests include, sections 3503 (regarding unlawful "take," possession or needless destruction of the nest or eggs of

any bird), 3503.5 (regarding the "take," possession or destruction of any birds-of-prey or their nests or eggs), and 3513 (regarding unlawful "take" of any migratory non-game bird). In the event vegetation removal is planned, it is recommended that appropriate avoidance and minimization measures for raptors and other nesting birds potentially present in the Project site vicinity be addressed in the EIR.

Water Pollution: Pursuant to Fish and Game Code Section 5650, it is unlawful to deposit in, permit to pass into, or place where it can pass into "Waters of the State" any substance or material deleterious to fish, plant life, or bird life, including non-native species. It is possible that without mitigation measures this Project could result in pollution of a "Waters of the State" from increased sediment in storm water runoff or Project-related activities. This could impact the fish and wildlife resources by causing increased sediment input and other Project-related activities. The Regional Water Quality Control Board and U.S. Army Corps of Engineers also has jurisdiction regarding discharge and pollution to "Waters of the State."

The proposed Project is located in an area that may be subject to flooding. The Department recommends the EIR fully address the 100 and 50 year flood event(s).

Potential Project Impacts and Recommendations

Riparian Habitat and Wetlands: Riparian habitat is of extreme importance to a wide variety of plant and wildlife species. The Department advises that riparian habitat along the Kings River be excluded from the Project. Although the Project has proposed avoidance buffers, these buffers may not be large enough to avoid impacts to riparian habitat and wetlands. The Department recommends the following buffers be used: a minimum 250-foot no-disturbance buffer delineated from the high water mark of ponds, vernal pools, and swales; a minimum 200-foot no-disturbance buffer delineated from the high water mark of each surface water body, or from the outside edge of the riparian vegetation whichever is greater, is recommended for waterways with riparian vegetation; a minimum 100-foot no-disturbance buffer around the high water mark of each surface water channel that has no riparian vegetation. Depending upon what Project-related activities are proposed in these areas, larger buffers may be warranted to avoid impacts.

Nesting Birds: The trees, shrubs, and grasses along and adjacent to the Kings River likely provide nesting habitat for songbirds and raptors. The Department encourages Project implementation to occur during the non-nesting bird season. However, if ground-disturbing activities must occur during the breeding season (February through mid-September), the Project applicant is responsible for ensuring that implementation of the Project does not result in any violation of the Migratory Bird Treaty Act or relevant Fish and Game Codes as referenced above. Prior to work commencing; including staging, clearing, and grubbing, the Department recommends surveys for active nests be conducted by a qualified wildlife biologist no more than 10 days prior to the start of

the of the Project commencing and that the surveys be conducted in a sufficient area around the work site to identify any nests that are present and to determine their status. A sufficient area means any nest within an area that could potentially be affected by the Project. In addition to direct impacts, such as nest destruction, nests might be affected by noise, vibration, odors, and movement of workers or equipment. Identified nests should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences, all nests should be continuously monitored to detect any behavioral changes as a result of the Project. If behavioral changes are observed, the work causing that change should cease and the Department consulted for additional avoidance and minimization measures.

If continuous monitoring of identified nests by a qualified wildlife biologist is not feasible, the Department also recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around the nests of unlisted raptors until the breeding season has ended, or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. Variance from these no disturbance buffers may be implemented when there is compelling biological or ecological reason to do so, such as when the Project area would be concealed from a nest site by topography. Any variance from these buffers is advised to be supported by a qualified wildlife biologist and it is recommended the Department be notified in advance of implementation of a no disturbance buffer variance.

Swainson's Hawk: This State threatened species are known to nest in trees adjacent to the Kings River. To evaluate potential Project-related impacts, the Department recommends that a qualified wildlife biologist conduct surveys for nesting raptors following the survey methodology developed by the Swainson's Hawk Technical Advisory Committee (SWHA TAC, 2000) prior to any ground disturbance.

If ground-disturbing Project activities are to take place during the normal bird breeding season (February 1 through September 15), the Department recommends that additional pre-construction surveys for active nests be conducted by a qualified biologist no more than 10 days prior to the start of construction. A minimum no-disturbance buffer of 0.5 miles is advised and be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival. If such a buffer cannot feasibly be implemented, and work will occur during the avian nesting season, consultation with the Department is advised to occur well in advance of ground-disturbing activities and the acquisition of a State Incidental Take Permit pursuant to Fish and Game Code Section 2081(b) may be warranted. The Department requests that these recommendations be included as required mitigation measures in the EIR prepared for this Project.

In addition, the removal of mature trees is a potentially significant impact to nesting raptors that is recommended to be mitigated. The Department considers removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA, and, in the case of Swainson's hawk, it could also result in "take" under CESA. This is especially true with species such as Swainson's hawk that exhibit high site fidelity to their nest and nest trees year after year. Regardless of nesting status, trees that must be removed are advised to be replaced with an appropriate native tree species planting at a ratio of 3:1 in an area that will be protected in perpetuity. This mitigation is needed to offset potential impacts to the loss of potential nesting habitat.

Burrowing Owl: Burrowing owl has the potential to be present on and adjacent to the Project site. It is possible Project activities could impact this species. Burrowing owls have the potential to be year-round residents, dispersing juveniles, migrants, transients or new colonizers and can utilize the Project site year round. The Department recommends the MND follow the new Staff Report on Burrowing Owl Mitigation dated March 7, 2012 (CDFG 2012). In the event that burrowing owls are found, the Department's Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows be avoided in accordance with the following table unless a qualified biologist approved by the Department verifies through non-invasive methods that either: 1) the birds have not begun egg laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

Location	Time of Year	Level of Disturbance		
		Low	Med	High
Nesting sites	April 1-Aug 15	200 m*	500 m	500 m
Nesting sites	Aug 16-Oct 15	200 m	200 m	500 m
Nesting sites	Oct 16-Mar 31	50 m	100 m	500 m

* meters (m)

Failure to implement this buffer zone could cause adult burrowing owls to abandon the nest, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure, in violation of Fish and Game Code and the Migratory Bird Treaty Act.

Federally Listed Species: Although there is no State listing for the Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), the California Natural Diversity Database indicates that this Federally listed species may be present. The Department recommends consulting with the USFWS on potential impacts to VELB and other federally listed species. "Take" under the Federal Endangered Species Act (FESA) is more broadly defined than CESA; "take" under FESA also includes significant habitat modification or degradation that could result in death or injury to a listed species by

Briza Sholars
Fresno County
August 30, 2013
Page 6

interfering with essential behavioral patterns such as breeding, foraging, or nesting. Consultation with the USFWS in order to comply with FESA is advised well in advance of any ground disturbing activities.

More information on survey and monitoring protocols for sensitive species can be found at the Department website (www.dfg.ca.gov/wildlife/nongame/survey_monitor.html). If you have any questions on these issues, please contact Jim Vang, Environmental Scientist, at the address provided on this letterhead, by telephone at (559) 243-4014, extension 254 or by electronic mail at Jim.Vang@wildlife.ca.gov.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

cc: Regional Water Quality Control Board
Central Valley Region
1685 "E" Street
Fresno, California 93706-2020

United States Army Corps of Engineers
San Joaquin Valley Office
1325 "J" Street, Suite #1350
Sacramento, California 95814-2928

Thomas Leeman
United States Fish and
Wildlife Service
2800 Cottage Way, Suite W-2605
Sacramento, California 95825

ec: Linda Connolly, Senior Environmental Scientist, CDFW

Literature Cited

CDFG, 1994. Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainsoni*) in the Central Valley of California. California Department of Fish and Game.

CDFG, 2012. Staff Report on Burrowing Owl Mitigation. California Department of Fish and Game.

SWHA TAC, 2000. Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley. Swainson's Hawk Technical Advisory Committee, May 31, 2000.

To Briza Sholars

I am righting in regards to purposed Project Title Riverbend Sand and Gravel Project. I have seen first hand what a project of this type will do! I us to farm on the San Joaquin River were highway 41 cross it. I leased property there and farmed it until the 5 years lease ran out. The property is on the North West side of high way 41 and is now a hole in the ground, or what this plan call (Riparian and Open Water Wildlife Habitat), This is nothing more than a open hole that is overgrown with weed! It uses to be a very nice piece of land in the river bottom that you could grow anything on! The people that owned it rocked it out, and then sold it to the San Joaquin River Comity for a large some of money, these are back when times were good! This man took his money, and when to Montana, and bought a large ranch.

After the lease ran out we relocated are farming operation to land that was purchased next to the Kings River in Sanger ,we have been farming here for about 24 years now. Some of the land is located directly across the Kings River from my farm on the most Northern end of the proposed Gravel Project and will Impact me as well a many others in the area.

This Project, Riverbend Sand and Gravel -- Running Luck Ranch, and there are other are all owned by a man out of Las Vegas, I believe his name is Ernest W. Moody. He is Very Wealthy. The person who runs these operations for him in this area is Vern Olson, he use to own Running Luck. It was a Horse Ranch. If to go to corporationwiki.com you can see this. There is a group of people that are all associated to Mr. Moody, there are basically front to all the different corporation that Mr. Moody owns, and controls. There are three other grave operations on the Kings River that I'm aware of that are up and running.

I don't think there is any reason to have another Gravel operation on the Kings River that is only going to Destroy a lot of beautiful farm land and cerate All, and probably more Environment Impacts than you have listed in your letter.

You really need to go look at the North West corner of highway 41 on the Madera side of the San Joaquin River, and you will understand what is going to happen if you let this happen here on the Kings River.

This Sand and Gravel Proposed Operation is not going to benefit any of the people that live around it in any way! , and is going to ruin that Value of the land around it, and Destroy are way of life.

Myself and everyone else that I know in that area are against it! It is only going to make a rich man richer At the cost of the people near by!!

Thank you.



David Moxley
3010 S. Channel road
Sanger Ca. 93675
Ph# 559-994-5149

Operational Statement Riverbend Sand and Gravel Project

Fresno County, California



Prepared For:

Riverbend Sand and Gravel, LLC
14962 E Fantz Avenue
Parlier, CA 93648-9734

Submitted to:

Fresno County Department of Public Works and Planning
2220 Tulare Street, Street Level
Fresno, CA 93721

Updated July 2013

Prepared By



BUADA ASSOCIATES

4872 N Arcade Ave
Fig Garden Studio
Fresno, California 93704
559/432-4902 FAX 559/432-4097
e-mail: jcbuada@buada.com

[Nevada](#) > [Las Vegas](#) > [Ernest W. Moody](#)

Ernest Moody

0

[Recommend](#) 82k [Send](#) [Follow @corporationwiki](#)

Updated 3/18/2013 - This profile of Ernest W. Moody was created using data from California Secretary of State and Dun & Bradstreet

Connections

[Connection Visualizer - Click an icon below to explore!](#)

[Boardwalk Ventures Ca LLC](#)

[Mwave Wireless, LLC](#)

[Riverbend Sand & Gravel L](#)

[Running Luck Ranch, LLC](#)

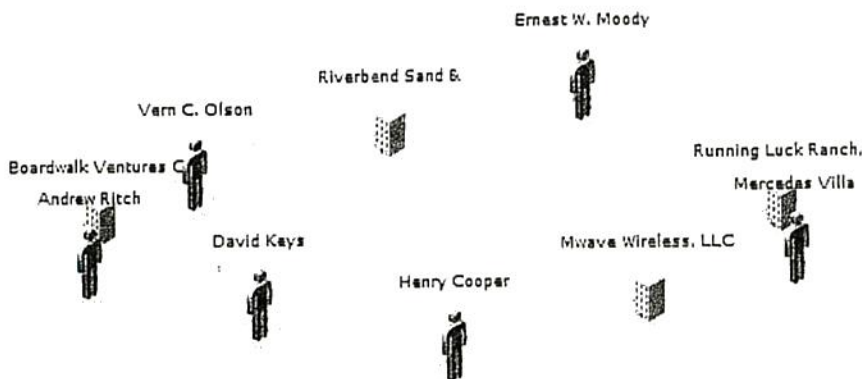
[Mercedes Villa](#)

[David Keys](#)

[Andrew Ritch](#)

[Henry Cooper](#)

[Vern C. Olson](#)



Layout: [View Large Format](#) | [Circular](#) | [Tree](#) | [ISOM](#) | [EfficientSugiyama](#) | [CompoundFDP](#)

Sponsored Results:

Info on Ernest W. Moody

Ernest W. Moody is associated with several companies, including [Boardwalk Ventures Ca LLC](#), [Mwave Wireless, LLC](#) and [Riverbend Sand & Gravel LLC](#). Ernest W. Moody has 5 known relationships including [Mercedes Villa](#), [Henry Cooper](#) and [David Keys](#) and is located in Las Vegas, NV.

direct dial: (702) 737-7005

Sources: California Secretary of State last refreshed 3/18/2013
Dun & Bradstreet last refreshed 3/18/2013



175 E Reno Ave Ste C6
Las Vegas, NV 89119

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Connections for Ernest W. Moody

Click on to the left of the name to see the Connection Visualizer.

Mercedes Villa	Member at Running Luck Ranch, LLC	Las Vegas, NV
Henry Cooper	Member at Mwave Wireless, LLC	Temecula, CA
David Keys	Member at Boardwalk Ventures Ca LLC	Las Vegas, NV
Vern C. Olson	Member at Riverbend Sand & Gravel LLC	Parlier, CA

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Companies associated with Ernest W. Moody

 <u>Boardwalk Ventures Ca LLC</u>	Member is an active role held by Ernest W. Moody	Las Vegas, NV
 <u>Mwave Wireless, LLC</u>	Member is an active role held by Ernest W. Moody	Las Vegas, NV
 <u>Riverbend Sand & Gravel LLC</u>	Member is an active role held by Ernest W. Moody	Las Vegas, NV
 <u>Running Luck Ranch, LLC</u>	Member is an active role held by Ernest W. Moody	Las Vegas, NV

Possible Political Campaign Contributions

These campaign contributions may be related to Ernest W. Moody. The Federal Election Commission (FEC) maintains these records. The results below are based on a name and ZIP code proximity match and are provided as a possible research tool only.

Contributions to Republicans: \$2,300.00

Contributions to Democrats: \$15,050.00

Transaction	Occupation	Location	Committee Name	Amount
8/5/2009	Action Gaming/Game Designer	Las Vegas, NV	Reid Victory Fund	\$14,800.00 Source
3/8/2007	Action Gaming/Game Design	Las Vegas, NV	Rudy Giuliani Presidential Committee, Inc	\$2,300.00 Source
6/25/2002	Ernest W Moody	Las Vegas, NV	California Avocado Proponent	\$250.00 Source

People who visited this profile also visited...

-  **Boardwalk Ventures Ca LLC**
Located in Las Vegas, NV
-  **Mwave Wireless, LLC**
Located in Las Vegas, NV
- David Keys**
Located in Las Vegas, NV
- Mercedes Villa**
Located in Las Vegas, NV
- Henry Cooper**

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[California](#) > [Parlier](#) > [Vern C. Olson](#)

Vern Olson

0

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Updated 6/30/2013 - This profile of Vern C. Olson was created using data from California Secretary of State and Dun & Bradstreet

Connections

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Ernest W. Moody

Vern Olson

Vern C. Olson



R. L. Management, Inc.



Rli Investment, Inc.



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Info on Vern C. Olson

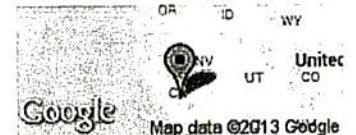
Vern C. Olson is associated with several companies, including [R L Management, Inc.](#), [Riverbend Sand & Gravel LLC](#) and [Rli Investment, Inc.](#). Vern C. Olson has a relationship with [Ernest W. Moody](#) and is located in Parlier, CA.

direct dial: (559) 875-8579

Sources: California Secretary of State last refreshed 6/30/2013

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14962 E Fantz Ave
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Connections for Vern C. Olson

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[Ernest W. Moody](#)

Member at [Riverbend Sand & Gravel LLC](#)

Las Vegas, NV

Companies associated with Vern C. Olson



[R L Management, Inc.](#)

Principal and President are active roles held by Vern C. Olson

Parlier, CA



[Riverbend Sand & Gravel LLC](#)

Member is an active role held by Vern C. Olson

Las Vegas, NV



[Rli Investment, Inc.](#)

President is an active role held by Vern C. Olson

Parlier, CA



[Vern Olson](#)

Owner is an active role held by Vern C. Olson

Parlier, CA

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From: Gary Gray
PO Box 2522 – Visalia CA 93279
garygrayhome@msn.com
559.280.2379



September 4, 2013

To: Briza Sholars Fresno County Planner and
Consultant's John Hecht and John Buada
Fresno County Department of Public Works
Planning and Development Services Division
2220 Tulare Street Sixth Floor – Fresno, CA 93771

Re: Sanger Public Scoping Meeting August 29, 2013
EIR #6606 and CUP #3390
"Riverbend Pit Project"

Dear Briza Sholars, Planner
John Hecht and John Buada, Consultants

Last week at the Riverbend Pit Scope Meeting, I voiced strong opposition to the Riverbend river bottom project. This EIR and CUP will not accurately represent the river bottom future once all the plants are at full production as shown.

The project at full production is not compatible with Sanger and Reedley School's environmental river bottom park laboratory immediately west across the river from five construction material processing plants.

"Ramping up", "phasing" and "if" is representative Limited Liability Corporation (LLC) vagueness. As a result the EIR CUP is extremely vague appearing on lead agency Fresno County letter heads by two extremely close industry consultants (John John) and does not accurately represent the future in the river bottom. EIR impacts must be honest

efforts documented in analytical format before public preview (like last week) and the next review.

The issues are pollutions, air and dust, ground water, chemicals, liquid and solid recycling wastes impacting simple river bottom existence, wellness and health care.

Another big Fresno County economic issue is the very-likely possibility of moving of aggregate, construction materials and recycling and recycled construction materials etc. back and forth between newly partnering adjacent mining operation agreements to the immediate North and East of this property at some point in the future, e.g. long term 75-year cumulative impacts.

Moreover, in addition to the 12 scoped last week, John John initially selected categories for this pit, I will request 3 more for future informed analysis for public preview and review for each of the future plants at full production in the river bottom at this point in time.

13. River bottom existence, wellness and health care impacts
14. Fresno County economic Impacts
15. School park and laboratory impacts immediately west across the river from all the processing plant sites.

Additionally, I am asking Fresno County Department of Development Services Division (you for us - Briza Sholars - to catalyze the county department of planning) to strike, excise and extricate these 5 plants with the exception of B. The aggregate Plant, until this informed analysis is complete.

EIR #6606 and CUP #3390 impacts at full production are not accurately scoped and therefore do not describe the river bottom future accurately.

1. C. Asphalt Plant
2. E. Portable Asphalt Recycling Plant
3. D. Ready-Mix Concrete Plant
4. F. Portable Concrete Recycling Plant.

5. Any future mentioning of a Mercury Gold Mining Portable Extraction Process as well as transporting aggregate to be processed or washed at adjacent Aggregate Mining Operations Central Valley Ready Mix immediately North of this pit or Calaveras Mining Inc. immediately East. Every other mining pit has one.

I believe centralizing asphalt processing, and cement processing, and processing recycled asphalt, and processing recycled cement at an aggregate mining environment in an environmentally prime agricultural fragile river bottom pit to be environmentally absurd to mention a few. Locating all of the above immediately adjacent to other recently established aggregate and construction material mining operations most certainly invalidates previously certified established CUP approvals because initial future cumulative impacts for neighboring Central Valley Ready Mix to the north and Calaveras Mining Incorporated to the east were not accurately represented John John consultants.

Therefore Briza Sholars as county planner and in the same position you have long held so long as I have been writing to you about these issues, would you please catalyze your Fresno County Department of Public Works and Planning and Development Services Division to lead re-visitation to look closer at a "Coalinga Aggregate Train alternative". Aggregate, oil and rail facility resources all ready exist – in abundance in Coalinga. Established good paying construction material and transportation jobs could be created in Coalinga (West Fresno County).

Established agricultural good paying sustainable jobs do not need to be cut in Sanger and Reedley (East Fresno County) at the expense of creating 38 truck-driving jobs over the 75 years as stated in this EIR CUP. This is absurd, un-balanced economic justification John John... and an insult to everyone's intelligence.

Briza grab this opportunity and advocate for a balanced East West Fresno County economic existence for everyone...with real sustainable good paying jobs.

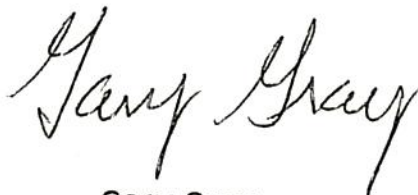
Here comes the gravel train from Coalinga... "It is an aggregate train, an asphalt train, a cement train, an asphalt cement recycling returned trip process train that links up with the north and south bound established rail and highway access corridors".

Because, Fresno County Department of Public Works and Development Services demanded it retroactively in 2013-2014 on all EIR CUP construction aggregate processes for a sustainable balanced source of revenue after it became apparent the scope of river bottom mining in Sanger. It created county revenues and environmentally responsible access and transport for export of construction aggregate to the entire state of California. Coalinga's gravel train...created a lot of good paying established jobs and revenue for all of California and Fresno County. Finally Fresno County has balanced economic stream of revenue from the gravel train...it could be said your legacy Briza Sholars!

Lastly John John more simply put, all of this EIR CUP is playing out to be a costly public process mistake, simply to increase Riverbend's LLC property owner's river bottom property values.

Like in Jodie Foster's villainous antagonistic role in the movie Elysium to manipulate society. On the other hand, we see Matt Damon the protagonist in "Elysium" struggling for a dysfunctional existence. We see the movie... to be a more accurate 75-year river bottom expectation representation than this EIR CUP... a more believable electronic robotic polluted ruined struggling dysfunctional future for Fresno.

Hope everyone goes to see the movie before it leaves town.

A handwritten signature in black ink that reads "Gary Gray". The signature is written in a cursive, flowing style with a large initial "G".

Gary Gray



Consolidated Mosquito Abatement District

2425 FLORAL AVENUE
MAIL: P.O. BOX 278
SELMA, CALIFORNIA 93662
(559) 896-1082
(559) 888-2619
FAX (559) 896-6425

September 11, 2013

Briza Sholars
County of Fresno
2220 Tulare Street
Fresno CA 93721

Re: Notice of Preparation of a Draft Environmental Impact Report for the Riverbend Sand and Gravel Project.

Dr. Ms. Sholars:

The Consolidated Mosquito Abatement District (District) is a local government agency charged by the California Health and Safety code to protect the public, in our jurisdiction, from nuisance and disease caused by mosquitoes. However, it is the responsibility of the property owner or manager to prevent or eliminate mosquito producing sources that result from their use or alteration of the land, or control of the water. The Riverbend Sand and Gravel Project (Project) is in the District's jurisdiction and we are concerned with the potential of the Project to produce mosquitoes which are vectors of public health significance. (Vectors are mosquitoes, and other organisms, that transmit diseases such as West Nile virus to humans).

As delineated in the Notice of Preparation, the Project Site includes approximately 619 acres. The ponds, depressions, and adjacent lands subject to water seepage or inundation have the potential to produce tremendous numbers of both pest and vector species mosquitoes. Generally, the large deep ponds that remain after the active mining is completed require only minimal pond-edge vegetation management for mosquitofish to effectively suppress mosquito production. Of greater concern are the temporary and semi-permanent sources of surface water associated with active mining operations that often occur when shallow pits and other depressed areas are flooded by heavy spring rains, high river flows, water seepage from adjacent ponds and rivers, etc. These shallow water conditions promote emergent weed and vegetative growth which further enhance the habitat for mosquito development.

In light of the above, the District strongly recommends that Fresno County require the Applicant to implement the following mosquito control mitigation measures as a condition of approval for the Project.

Conditions of Approval:

During active mining operations and at the Project's reclamation phase, mosquito control mitigation measures will include the following:

1. Access will be provided for mosquito abatement personnel for surveillance and control of mosquitoes.
2. Vegetation will be removed or thinned as needed (except reclamation vegetation) to facilitate pesticide applications, and to enable mosquitofish to reduce the size of the mosquito population through biological means.
3. Dewatering of mosquito breeding habitat to the extent possible in order to minimize the size of the mosquito producing area (except dewatering of active excavations or reclaimed ponds).
4. Construction of borders or levees to contain seepage or stormwater that is found to be producing mosquitoes and is a result of the Project.
5. All impoundments or ponds including reclamation ponds (except active excavations) will be a minimum of four feet deep to minimize the growth of vegetation which provides mosquitoes with favorable breeding habitat and hinders mosquito control activities. Ponds should be designed with 2:1 side slopes for the upper portion of the slope that lies below the water surface. This will limit the shallow water area (i.e. areas with less than four-feet of water depth) that supports emergent vegetative growth such as cattails and tules.

Thank you for the opportunity to comment on this Project, if you have any questions please contact me at (559)896-1085 or mark@mosquitobuzz.net.

Sincerely,

Mark Amorino
Field Supervisor

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
FRESNO, CALIFORNIA 93728
PHONE (559) 444-2493
FAX (559) 445-5875
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September 13, 2013

2131-IGR/CEQA

6-FRE 180-74.56

NOP / DIER

Riverbend Sand and Gravel Project

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

Dear Ms. Sholars:

We have completed our review of the Notice of Preparation of a Draft Environmental Impact Report for the Riverbend Sand and Gravel project associated with a conditional use permit (CUP 3390) to allow a 619-acre aggregate quarry and processing plant for the production of construction grade aggregate (sand and gravel). The site is located approximately 1.5 miles southeast of the City of Sanger and approximately 4.5 miles south of State Route (SR) 180 and approximately 12.5 miles east of SR 99. Caltrans has the following comments:

It is Caltrans' understanding that a traffic impact study will be prepared as part of the Environmental Impact Report. Please reference the Caltrans Guide for the Preparation of Traffic Impact Studies, dated December 2002 and it may be downloaded from the following site: <http://d06web/planning/docs/TrafficImpactStudy.pdf>.

The scope of work was submitted to Caltrans for comment on August 27, 2013. Caltrans completed its review and provided comments via email on September 4, 2013 and included in this letter as follows:

Trip Generation

For the purpose of clarity, in Table 1 the traffic consultant should convert the truck trips into PCEs and shown in a separate column. The PCEs and the employee trips could then be added together which is comparative (e.g. apple to apples). This would show us exactly what would be used in the traffic analysis. Also in Table 1, we are concerned with the average daily trip ends and the AM and PM peak hour volumes. As the average daily trip ends increase over time from 162 truck trips/62 other trips to 514 truck trips/90 other trips, the AM and PM peak hour volumes remain constant at 138 truck trips/1 (2) other trips for the AM and 8 truck trips/6 other trips in the PM. This needs to be justified by the traffic consultant.

Trip Distribution

We have concerns that no project trip percentage/trips is shown on SR 99/Chestnut Avenue NB off and the SB on ramps. We would like to see justification as to why project traffic would not have sales in the southern region of Fresno County. We understand that the traffic consultant is showing project traffic on Academy south of Central Avenue. This route would lead project trips into the City of Kingsburg which is justifiable; however, other trips leading into other areas of the region would not use this route as this is not the most direct or quickest route to product destinations. Again, this would have to be justified by the traffic consultant.

The study intersections and segments are reasonable.

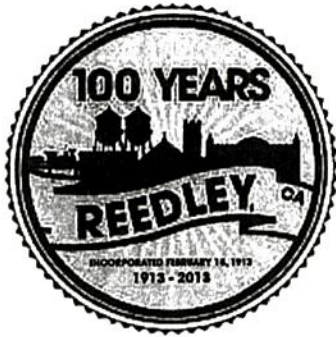
Please forward the draft traffic analysis for Caltrans review once it becomes available. If you have any further questions, please contact me at (559) 444-2493.

Sincerely,



DAVID PADILLA
Transportation Planner
Office of Transportation Planning

c: Michael Navarro, Senior Transportation Planner, Caltrans



City of Reedley

City Hall
1717 Ninth Street
Reedley, CA 93654
(559) 637-4200

September 13, 2013

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

RE: Riverbend Sand and Gravel Project (CUP #3390 & EIR #6606)

Dear Ms. Sholars:

The City of Reedley appreciates the opportunity to review and comment on the Notice of Preparation (NOP) for a Draft Environmental Impact Report, associated with the Riverbend Sand and Gravel Project (CUP#3390 & EIR#6606). The project is located northwest of the City of Reedley and includes approximately 619 acres for mining purposes and approximately 248 acres for a reclamation plan. Operations are anticipated to produce approximately 350,000 tons of materials in 2015 and up to 700,000 tons of materials in 2017. "Operations are expected to be ongoing for at least 75 years" (Notice of Preparation Of A Draft Environmental Impact Report And Public Scoping Meeting For The Riverbend Sand And Gravel Project, August 1, 2013).

In addition to the Potential Environmental Impacts identified in the County's NOP, the City is requesting that the following comments be included in the Environmental Impact Report analysis.

1. **Agricultural and Land Use:** The project site is designated as prime farmland in accordance with the State of California, Department of Conservation, Fresno County Important Farmland Map, 2010. The loss of prime agricultural land for an extended period of time is a significant impact to this region of the Central Valley. At a minimum the EIR should provide an analysis of localized impacts, nexus for operative and/or productive replacement of lost agricultural lands and ensure that replacement land is feasible and suitable for farming/ranching. The applicant might also consider using the Land Evaluation and Site Assessment (LESA) model (California Department of Conservation) to evaluate the relative quality of the land resource.

2. Biological Resources: The proposed project faces onto a significantly long portion of the Kings River. The loss of potential access due to mining may create a substantial adverse effect on wildlife corridors and/or impede wildlife access to the Kings River.

3. Hydrology and Water Quality: The project proposes to mine materials at a depth of one hundred (100) feet. There are varying water table depths in proximity to the Kings River and most of the agricultural wells in the area range from ± 30 -feet to ± 150 -feet in depth. There are also known contaminants that are associated with agricultural production. The fracturing of those water pockets/shelves, coupled with the commingling of water that will seep from and into the Kings River, pose a significant likelihood of contaminants entering into the Kings River.

The Kings River is also a major source of groundwater replenishment for the Kings Basin, which is considered to be in critical overdraft (Department of Water Resources, Bulletin 118, 2003). Any seepage diversion or disturbance to subsurface lateral movement of runoff from the Sierra Nevada Mountains could substantially interfere with groundwater recharge such that there would be a great net deficit to the existing critical overdraft of the Kings Basin. Due to its proximity to the Kings River, the project has the potential to divert or disturb this seepage, which can interfere with groundwater recharge.

4. Transportation and Circulation: The project is projected to span approximately 75 years. Over that operational period the additional trips generated by the project will have a significant and cumulative impact on the City of Reedley. According to the Project Vehicle Trip Routes presented at the Scoping Meeting (August 29, 2013), four (4%) percent of the delivery trucks and fifteen (15%) percent of the automobile daily trips will travel east bound on Goodfellow Avenue to Reed Avenue.

However, our primary concern continues to be the traffic at the Reed Avenue and Manning Avenue intersections. Heavy pedestrian foot traffic from Reedley College and Reedley High School occurs at the Reed Avenue/Manning Avenue intersection. Commuter traffic into and out of Reedley, in addition to college students parking and walking nearby, cause this intersection to be the most heavily used intersection in the City for both vehicles and pedestrians.

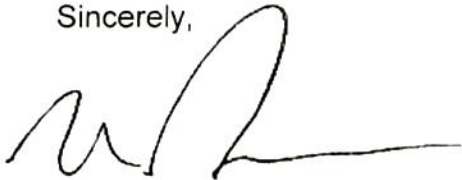
The City of Reedley is also concerned about the potential long-term increase in truck traffic on Reed Avenue heading south into the City of Reedley and continuing across Manning Avenue. There are other similar mining projects in the area which were recently proposed but not yet operational, therefore the potential impact that increased truck traffic may have on the City has not been realized. Yet, the combination of existing truck traffic and heavy school foot traffic creates a significant increase in traffic counts and is deteriorating the multimodal level of service at this intersection.

There is a dramatic and noticeable increase in wear and tear resulting in a subsequent cost to the City to maintain acceptable levels of service within our circulation system. The City of Reedley has directly observed a significant number of similar types of

delivery trucks from existing gravel mining operations in the area regularly using our roadways. The proposed project must mitigate its short and long term impacts to the City.

The City of Reedley appreciates the opportunity to provide its comments on this NOP and we look forward to receiving the Draft Environmental Impact Report incorporating the issues, impacts and deficiencies noted above. If you have any questions or need any information, please contact me at (559) 637-4200, ext. 212, or Kevin Fabino, Community Development Director at 559, 637-4200, ext. 286, or by email at kevin.fabino@reedley.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'N. Zieba', with a long horizontal stroke extending to the right.

Nicole R. Zieba, City Manager

September 15, 2013

Briza Sholars

Fresno County Dept. of Public Works and Planning

Fresno County Offices

2220 Tulare St. Sixth Floor

Fresno, CA 93721

Dear Briza-

Today's letter is in regards to CUP application 3390 and EIR 6606, Riverbend Sand and Gravel project.

My primary concerns involve the cumulative impact section.

This mining project lies within the boundaries of Fresno County's "Kings River Regional Plan", this plan was last updated in 1983. I have concerns, the Kings River Regional Plan, which supports aggregate mining, never contemplated today's influx of mining to this region of the magnitude we are experiencing (JMM, Vulcan, Carmelita, CVRM, and CMI) and now this project. The Fresno County General Plan update of 2000 called for the Kings River Regional plan to be updated to specifically address aggregate mining related issues... the General Plan update relied on the timely update of the Kings River Regional Plan. To date, the Kings River Regional Plan as well as Fresno County's General Plan have yet to provide updated Aggregate mining policies *specifically* for this region. As such, I question whether current county policy is sufficient to provide up to date guidelines that will accommodate this new era of Aggregate extraction, and further provide sufficient safeguards to protect this delicate region. Fresno County residents do not deserve 25 year old policies when it comes to these crucial land use issues and safeguards.

I have asked Fresno County to prepare an impact fee study to evaluate if an impact fee such as the ones used in other California counties (Yolo) could apply to the cumulative Impacts associated with these projects being permitted.

Again, I ask that a comprehensive and full inclusive cumulative impact analysis be written to inform the reader of the overall Cumulative Impacts brought to this region along and near the Kings River. To be informative and provide a comprehensive analysis one should look at total numbers first and then look to the projects contribution to that. For example... The traffic generated by these six operations (JMM, Vulcan, Carmelita, CVRM, and CMI) will be more than 5500 truck trips per day, of which this project will contribute 600-850 truck trips. The daily water consumption by these six operations will be 12.5 million gallons per day (Enough water for a City the size of Lemoore) of which this project will consume 2.7 million gallons per day. The overall air Emissions will be..... of which this project contributes.....tons per day.

CEQA guidelines require all past, present, and future projects be considered and included in analysis.

The court has explained: *"It is vitally important that an EIR avoid minimizing the cumulative impacts. Rather, it must reflect a conscientious effort to provide public agencies and the general public with adequate and relevant detailed information about them."* A cumulative impact analysis which understates the information concerning the severity and significance of cumulative impacts impedes meaningful discussion and skews the decision makers perspective concerning the environmental consequences of a project, the necessity for mitigation measures, and the appropriateness of project approval. An inadequate cumulative impact analysis does not demonstrate to an apprehensive citizenry that the governmental decision maker has fully analyzed and considered the environmental consequences of it's actions. (Excerpt from 11th Edition Guide to CEQA, page 467 cited from case *Citizens to Preserve the Ojai*). 2

I also have concerns the traffic analysis will be limited to a traffic count of current conditions, and will not reflect the permitted heavy truck traffic expected from the other recently permitted gravel mines in the Kings River Mineral Resource area. Furthermore, it has been established in CMI's CUP/EIR (3052) Central Ave road has flood issues as well as pavement thickness issues please review this. In addition, the highway 99 and Central Ave interchange should be included in the

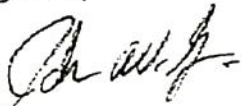
traffic study as both CMI and this project are expecting to have significant truck traffic increases affecting this intersection.

Typically, aggregate mines in this region that displace agriculture, as this project will, have been required to mitigate the loss of farmlands via an agricultural conservation easement (CMI CUP/EIR 3052) please investigate this as a mitigation measure to be considered and review other farmland conservation mitigations being used in the Kings River Mineral Resource Zone.

I am an avid Kings River boater; it has come to my attention that the bank between the river and the ponds in the north west part of this site is experiencing some erosional issues resulting in the ponds being contiguous with the Kings River....could this be reviewed to see if this will effect the water quality of the Kings River in any way? Furthermore, this applicant or Fresno County has fenced off the historic Public Access under the newly replaced Goodfellow Bridge east bank. Prior to the bridge replacement the public has enjoyed unrestricted access since the bridge was first installed in the 1930's. Is there a reason the public has lost this access point?

Thank You in advance for your best effort. Please include in the EIR **a regional cumulative analysis, and do not take action on this until the Kings River Regional Plan is updated.**

Regards,



John W. Gray DVM

15240 E. Lincoln Ave

Parlier, CA 93648



Inter Office Memo

DATE: September 16, 2013
TO: Briza Sholars, Development Services Division
FROM: Janet Gardner, Environmental Health Division
SUBJECT: Riverbend Sand & Gravel Project, Notice of Preparation – DEIR 6606, UCUP 3390

The Fresno County Department of Public Health, Environmental Health Division has reviewed the Environmental Assessment documentation for the proposed mining of sand and gravel from approximately 619-acres of an 833-acre site. The Project site is located north and south of Goodfellow Avenue and between the Kings River and Riverbend Avenue. The following comments are offered for consideration in the preparation of a DEIR for the project:

Noise Section

- The Environmental Noise Assessment by Bollard Acoustical Consultants, Inc. (dated January 9, 2013) and proposed mitigation measures appear to be adequate for circulation with the Draft EIR. Nighttime noise standards shall be required to comply with the Fresno County Noise Ordinance Standards regardless of any requirements of the plant to supply materials during the nighttime hours.

Hydrology and Water Quality Section

- The Hydrology and Water Quality Section should address the manner in which existing water wells, both domestic and agricultural, will be handled in areas of proposed excavation. Areas served by individual domestic and agricultural wells may provide a conduit to groundwater if not properly protected or destroyed. Improper abandonment of such wells presents a significant risk of contaminating the regional water supply. For this reason, when development occurs, it is extremely important to ensure the safe and proper destruction of all abandoned water wells.
- Prior to destruction of any existing agricultural well(s), a sample of the upper most fluid in the well column should be sampled for lubricating oil. The presence of oil staining around the well may indicate the use of lubricating oil to maintain the well pump. Should lubricating oil be found in the well, the oil should be removed from the well prior to placement of fill material for destruction. The "oily water" removed from the well must be handled in accordance with federal, state and local government requirements. Transportation of these materials on public roadways may require special permits and licensure.
- Water wells in areas subject to excavation shall be properly destroyed under permit and inspection from the Fresno County Department of Public Health, Environmental Health Division. The contractor hired to destroy existing water wells shall possess a valid C-57 license. Contact the Water Surveillance Program at (559) 600-3357 for more information.

Hazards and Hazardous Materials Section

- Prior to operations, the applicant shall complete the online Hazardous Materials Business Plan submittal (<https://www.fresnocupa.com/> or <http://cers.calepa.ca.gov/>). Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All hazardous waste shall be handled in accordance with requirements set forth in the California Health and Safety Code, Division 20, Chapter 6.5. This chapter discusses proper labeling, storage and handling of hazardous wastes.
- Should any abandoned underground petroleum storage tank(s) be discovered on the premises, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health System. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.

jg

NOP for DEIR comments

September 16, 2013

Briza Sholars
Fresno County
Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721

Project: Riverbend Sand and Gravel Project (CUP #3390, EIR #6606)

District CEQA Reference No: 20130651

Dear Ms. Sholars:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) and Operational Statement for the Riverbend Sand and Gravel Project. The proposed project consists of an aggregate processing facility with a maximum processing rate of 1.6 million tons per year (maximum sales of 1.25 million tons per year) for 75 years. Operations within the facility will include: wet mining of aggregate; a ready-mix concrete plant; hot mix asphalt concrete plant; and periodic use of a portable concrete and asphalt recycling plant. The District offers the following comments:

Emissions Analysis

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM₁₀ and CO, and nonattainment for PM_{2.5} for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM₁₀, and PM_{2.5} air quality standards. For more information on the District's attainment status and ambient air quality standards, please visit the District's website at: <http://www.valleyair.org/aqinfo/attainment.htm>.
- 2) The Table of Contents in the Operational Statement indicates that an Air Quality Impact Analysis and Health Risk Assessment were prepared in January 2013.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

However, the District did not receive a copy of these analyses for review with the NOP. As such, the District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts and mitigation measures:

- a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions. The emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.
- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The project would be considered to have a significant impact on air quality if annual construction emissions cannot be reduced or mitigated to below the following thresholds of significance: 10 tons per year of NO_x, 10 tons per year of ROG, and 15 tons per year PM₁₀.
 - *Recommended Mitigation:* To reduce impacts from construction related exhaust emissions, the District recommends the use of off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II engine standards, and Tier III and Tier IV standards, if available.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The project would be considered to have a significant impact on air quality if annual operational emissions cannot be reduced or mitigated to below the following thresholds of significance: 10 tons per year of NO_x, 10 tons per year of ROG, and 15 tons per year PM₁₀.
 - *Recommended Mitigation:* The District recommends the use off-road equipment that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II engine standards, and Tier III and Tier IV standards, if available.

- iii) If after implementation of all other mitigation measures, project emissions exceed the District's thresholds of significance, the District recommends the use of a Voluntary Emission Reduction Agreement (VERA) to reduce project related impacts on air quality to less than significant. A VERA is a mitigation measure by which a project proponent provides pound-for-pound mitigation of project specific emissions through a process that develops, funds, and implements emission reduction projects.

It is the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency by supplying real and contemporaneous emissions reductions. To assist the County and project proponent in ensuring that the EIR is compliant with CEQA, the District recommends the EIR include an assessment of the feasibility of implementing a VERA. Additional information on VERA and the VERA process can be obtained by contacting District CEQA staff by phone at (559) 230-6000 or by e-mail at CEQA@valleyair.org.

- b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- c) **Health Impacts:** Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. For a project of this size and nature a detailed health risk assessment (HRA) is recommended. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

The NOP indicates that three phases may be processed by an adjacent facility. As such, potential health risks from both operation scenarios (all processing by Riverbend and processing by adjacent facility) should be evaluated and included in all modeling scenarios. As previously stated, the District did not receive a copy of the HRA with the NOP. Therefore, the District recommends that the project proponent contact the District to review the proposed modeling approach. More information on TACs and HRAs can be obtained by contacting District Technical Services staff by phone at (559) 230-5900 or e-mailing inquiries to hramodeler@valleyair.org. General modeling information is available online at: http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

- 3) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
 - c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.
 - d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment.

District Rules and Regulations

- 4) This project will be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Review of the District's database indicates that an Authority to Construct (ATC) application has not yet been received for this project. As such, the District recommends that the project proponent should submit an ATC application to the District as soon as practical. District staff will undertake an initial inspection to ensure compliance with specifications in the ATC before a Permit to Operate (PTO) is issued. The PTO signifies that the applicant has met Air District permit requirements. For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.
- 5) The proposed project may be subject to additional District rules and regulations, including: Regulation VIII (Fugitive PM₁₀ Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 6) As stated above, the project will be subject to District Rule 2010 and Rule 2201. Per Section 4.4.3 of District Rule 9510 (Indirect Source Review), any project whose primary functions are subject to District Rule 2010 and Rule 2201 is exempted from

Rule 9510. Therefore, the District concludes that the proposed project is not subject to District Rule 9510.

- 7) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the project proponent is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. A full listing of the District current rules can be found online at the District's website at: www.valleyair.org/rules/1ruleslist.htm.

The District recommends that a copy of the District's comments be provided to the project proponent. If you have any questions or require further information, please contact Jessica Willis by phone at (559) 230-5818 or by e-mail at jessica.willis@valleyair.org.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW:jw

cc: File

Maya Rohr

From: Sholars, Briza <bsholars@co.fresno.ca.us>
Sent: Monday, September 30, 2013 6:51 AM
To: Maya Rohr
Cc: John Buada
Subject: FW: Notice of Preparation of and Environmental Impact Report for the Riverbend Sand & Gravel Project

Please see attached comments from CDPH:

From: Lichti, Betsy (CDPH-DDWEM) [<mailto:Betsy.Lichti@cdph.ca.gov>]
Sent: Friday, September 27, 2013 4:33 PM
To: Sholars, Briza
Cc: Motta, Chris; Dutton, Philip (CDPH-DDWEM)
Subject: RE: Notice of Preparation of and Environmental Impact Report for the Riverbend Sand & Gravel Project

Briza – we have reviewed the DEIR for the Riverbend Sand and Gravel Project and have the following comments:

1. The planned facility will be a public water system, classified as a nontransient noncommunity water system with 38 employees identified at full employment. As such, the facility must be permitted by the Department as a public water system. A domestic water supply permit application, technical report and application fee must be submitted prior to operation of the water system. The Department must also review the plans for the well construction and water distribution system prior to construction. The proponent should submit a permit application, accompanied by the plans for the domestic water system distribution mains and water system facilities prior to construction. All of the permit application forms may be obtained from our office.
2. As a public water system, Riverbend Sand & Gravel Project must be able to demonstrate that they have adequate technical, managerial and financial capacity to operate and maintain the water system in compliance with all state and federal laws and regulations. An assessment of the Technical, Managerial and Financial (TMF) capacity of the proposed water system must be completed and submitted with the permit application. The TMF assessment requires the evaluation of the feasibility of consolidation with another public water system. It is noted that the proposed facility is within 2 miles of the City of Sanger, which is a regulated community water system. The applicant must evaluate the feasibility of obtaining its domestic water supply from the City of Sanger as part of the TMF assessment.
3. The DEIR did not provide specifics on water sources to be used for domestic or process water, other than a statement that domestic water is included in consideration of the positive water balance the project creates. If existing well(s) are planned to be used for domestic water supply, the applicant must ensure the following:
 - (a) Any existing or proposed well(s) planned for use as a domestic source of water must be constructed in accordance with the California Well Standards and County well requirements. The applicant must be able to document the construction features of the well by submittal of the Well Completion Report or Well Drillers Report. This should accompany the permit application.
 - (b) Any existing or proposed well(s) planned for use as a domestic source of water must be demonstrated to meet drinking water standards applicable to nontransient noncommunity water systems. Where water quality standards are not met, treatment or an alternative solution must be proposed as part of the permit application process. The applicant may contact our office for guidance on applicable standards for

nontransient noncommunity water systems. We strongly recommend testing be conducted as soon as possible for existing wells to determine water quality.

4. The Department is very concerned that the proposed mining process itself may impact the quality of any wells proposed to be used within the project site. The minimum annular seal for domestic wells is 50 feet. The project proposes mining to a depth of 100 feet below ground surface. This may result in disturbance of the water production zone for the well(s), resulting in bacterial and chemical contamination.

Please contact me if you have any questions regarding these comments.

Betsy Lichti, PE

District Engineer, Fresno District
California Department of Public Health
Drinking Water Field Operations Branch
Betsy.Lichti@CDPH.ca.gov
265 W. Bullard Avenue, Suite 101
Fresno, CA 93704
Direct 559.447.3485 Main Ofc 559.447.3300 Fax 559.447.3304

From: Sholars, Briza [<mailto:bsholars@co.fresno.ca.us>]
Sent: Wednesday, July 31, 2013 7:52 AM
To: Sholars, Briza
Cc: Motta, Chris
Subject: Notice of Preparation of and Environmental Impact Report for the Riverbend Sand & Gravel Project

Hi, please see attached Notice of Preparation and Notice of Public Scoping meeting for the Riverbend Sand and Gravel Project EIR.

Regards,

Briza Grace Sholars, Planner III
Department of Public Works & Planning
2220 Tulare Street, Fresno CA 93721
Phone: 559-600-4207 Fax: 559-600-4200
♻️ Keep it Green

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Appendix A-2 Notice of Preparation



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING

NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT AND PUBLIC SCOPING MEETING FOR THE RIVERBEND SAND AND GRAVEL PROJECT

TO: Responsible and Trustee Agencies, involved Federal Agencies and interested members of the public

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

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for the Riverbend Sand and Gravel Project

Date: August 1, 2013

Action: The County of Fresno (County) will be the Lead Agency pursuant to the requirements of the California Environmental Quality Act (CEQA), and will be responsible for the Environmental Impact Report (EIR) preparation pursuant to CEQA and CEQA Guidelines. The EIR is for the requested Conditional Use Permit (CUP #3390) and Mining and Reclamation Plan for the Riverbend Sand and Gravel Project (EIR #6606).

Project Title: Riverbend Sand and Gravel Project

Project Applicant: Riverbend Sand and Gravel, LLC (Riverbend)

Project Summary:

Riverbend has submitted to the County a CUP application to mine construction grade aggregate (sand and gravel). The Project is located approximately 1.5 miles southeast of the City of Sanger and includes approximately 619 acres of an 833 acre site that is owned by Riverbend Sand and Gravel, LLC. The remaining 214 acres of the property, including the entire existing riparian habitat along the Kings River, are excluded from the Project. The Project Site is currently occupied by walnut and olive orchards and grape vineyards with several farm residences nearby. The Hanke Ditch runs through the eastern portion of the site. Reclamation of the Project Site will create approximately 268 acres of reclaimed farmland and approximately 351 acres of open space, riparian and open water wildlife habitat. A more detailed description is provided below.

The Operational Statement that was prepared by Riverbend, and associated maps, are available for review at the following locations:

- Fresno County Public Works and Planning Department, 2220 Tulare Street, Fresno, CA 93721
- Fresno County website: <http://www.co.fresno.ca.us/DepartmentPage.aspx?id=54051>

Written Comments:

As required by Section 15082 and CEQA Guidelines, this Notice of Preparation ("NOP") has been prepared and distributed to solicit comments from potential Responsible and Trustee Agencies and other public agencies so that Project-related concerns relevant to each agency's statutory responsibilities in connection with the proposed Project can be addressed in the EIR, as well as any related issues from interested parties other than potential Responsible and Trustee Agencies, including other agencies and affected members of the public. The EIR will be the environmental document of reference for Responsible and Trustee Agencies when considering subsequent discretionary approvals.

The County requests that any potential Responsible or Trustee Agencies responding to this NOP reply in a manner consistent with Section 15082(b) of the CEQA Guidelines, which allows for submittal of any comments in response to this notice no later than 30 days after receipt of the NOP. Comments in response to this NOP will be accepted through **5:00 p.m., September 16, 2013**. Written comments should be addressed to the person noted below.

Please send your written comments to:

Attn: Briza Sholars
Fresno County
Department of Public Works and Planning
Development Services Division
2220 Tulare Street, Sixth Floor
Fresno, CA 93721
Phone: (559) 600-2407 Fax: (559) 600-4200
Email: bsholars@co.fresno.ca.us

Please reference EIR #6606 and CUP #3390, Riverbend Sand and Gravel Project. Please include your name, address and phone number and/or email address so that we may contact you for clarification, if necessary.

Public Scoping Meeting:

The CEQA process encourages comments and questions from the public throughout the planning process. Consistent with California Public Resources Code and Section 15082(c)(1), (2)(A) to (D) of the CEQA Guidelines, a Public Scoping Meeting will be held to solicit public and agency comments on the scope and content of the Draft EIR (DEIR). Verbal and/or written comments may also be presented at the Public Scoping Meeting. The Public Scoping Meeting will be held on:

Date: Thursday, August 29, 2013

Time: 5:30 p.m. to 7:00 p.m.

Place: Sanger High School Multi-Purpose Room. Located at 1045 Bethel Avenue, Sanger, CA 93657

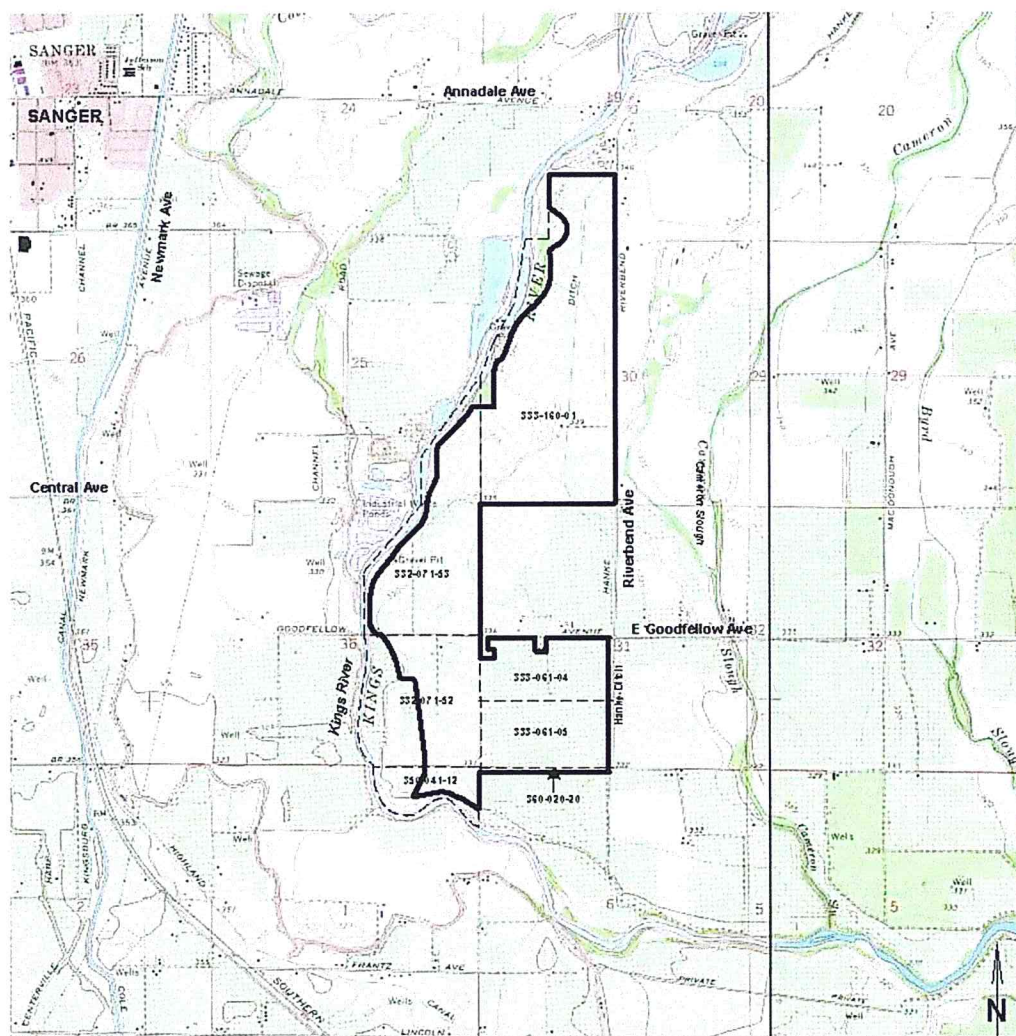
Signature: 

Date: 8/1/13

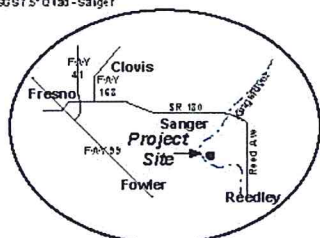
Project Location:

The Project Site is located north and south of Goodfellow Avenue and between the Kings River and Riverbend Avenue in the County of Fresno. The Project is approximately 1.5 miles southeast of the City of Sanger, includes portions of Sections 25 and 36 of T14S/R22E, Section 1 of T15S/R22E, and Sections 19, 30 and 31 of T14S/R23E (Figure 1).

Figure 1



Source: USGS 1:50,000 - Sanger



Regional Location

Legend:

- Parcel Lines
- Project Boundary
- 330-041-12 Assessors Parcel No.

**Riverbend Sand and Gravel
Location Map**

Physical Setting:

The Project Site includes approximately 619 acres of an 833 acre site located immediately east and north of the Kings River. The remaining 214 acres of the property, including the existing riparian habitat along the Kings River, are excluded from the Project. The Hanke Ditch is piped and runs through the eastern portion of the site north of Goodfellow Avenue and is an open ditch along the east of the Project Site south of Goodfellow Avenue.

The Project Site is relatively flat and is currently occupied by walnut and olive orchards and grape vineyards. Surrounding land use includes an aggregate mining operation with a ready-mix concrete plant to the north (Central Valley Ready-Mix, CUP #2203) and an aggregate mining operation, to include a ready-mix concrete plant, to the east and southeast (Calaveras Materials Inc. (CMI), CUP #3052). Irrigated cropland with scattered farm residences are located to the east and to the west and south across the Kings River, within an approximate quarter-mile distance of the site, or less in some instances. Stone fruit orchards with several farm residences are located on the northwest corner of Goodfellow Avenue and Riverbend Avenue between the northern and southern parts of the Project Site.

The Project Site is within the Kings River Water District. The Kings River, located along the western boundary of the Project Site is the predominant surface water feature in the area. All native riparian habitat which is located along the Kings River on the western and southern edges of the Project Site will be avoided. There are four domestic wells and four active irrigation wells on the Project Site. The Project Site is set back at least 100-feet from the "Designated Floodway," as depicted in Exhibit C of the applicant's Operational Statement.

Land Use Designation:

The site is within the County's Kings River Regional Plan Area. The Fresno County General Plan designates the Project site as Agricultural/Resource. The Project Site is zoned "AL-20" Limited Agriculture. Surface mining operations and related facilities and activities are permitted in the AL-20 district subject to a CUP and the provisions of Section 858 of the Fresno County Zoning Ordinance (FCZO). The Project Site is also within a designated Mineral Resource Zone 2 (MRZ-2).

Major Components of the Project:

The mine plan proposed for the Project is briefly described below.

The Project Site will be mined in phases. Farming operations will continue on all phases not being mined or reclaimed. Topsoil will be removed prior to mining each phase and stored separately for later use as final cover for reclaimed farmland and final slopes of ponds. Overburden will be removed and stored for later use as fill or transported directly to fill the phases to be reclaimed as farmland.

Mining is anticipated to occur to a depth of approximately 100 feet below ground surface (bgs). A "wet mining" method is proposed utilizing an electric dragline that does not require dewatering of the excavation. Explosives will not be used.

The mine plan is designed to preserve all existing riparian habitat along the Kings River and to protect the Designated Floodway. This is achieved by the following set backs:

- 100 feet from the top of the Kings River bank, or
- 50 feet from the Designated Floodway, or

- 50 feet from the dripline of riparian vegetation or mature oak tree, whichever is greater;
- 100 feet from the public right-of-way; and
- 25 feet from other property lines.

The mined aggregate would be processed at an on-site processing plant located north of Goodfellow Avenue. For approximately the first year, mined aggregate will be transported to the processing plant by off-road haul trucks. Subsequently, mined aggregate will be transported to the plant by electric-powered field conveyors.

The aggregate processing plant will have an anticipated annual process rate of 1.6 million tons per year (tpy) and proposed annual sales of construction aggregate products (rock, sand and gravel) produced by the plant of approximately 1.25 million tpy. The aggregate products will be produced to supply a Ready-Mix Concrete (RMC) plant (150,000 cubic yards/year) and a Hot Mix Asphalt (HMA) concrete plant (250,000 tpy) located on-site or sold to outside customers.

The facility will also include periodic use of a portable plant to recycle concrete and asphalt debris (including imported materials) into Crushed Miscellaneous Base (CMB) (100,000 tpy) and recycled Asphalt Product (RAP) (25,000 tpy). RAP will facilitate use of recycled asphalt in the HMA mix design.

Operations are anticipated to ramp-up over a five year period with initial sales in 2015 to be 350,000 tons, sales in 2017 to be 700,000 tons and full operations in 2019 with sales of 1.25 million tons. Total production from the Project Site is estimated to be 85 million tons with total sales to be 70 million tons. Operations are expected to be going for at least 75 years.

The plant site will be mined last. Material from the plant site will be processed by a portable plant located on a reclaimed portion of the site (Phase 2A). The portable plant will utilize relocated components of the original processing plant or will be a separate portable processing plant.

Aggregate operations are proposed to occur five days a week for approximately 250 days a year. Ready-mix concrete and asphalt plant operations are proposed to operate six days a week for approximately 275 days a year.

An aggregate mining and processing site adjacent to the project site, i.e. to the east and southeast of Riverbend proposed Phases 6A, 6B and 7, currently operates under Fresno County CUP 3052. In the future operators of CUP 3052 may be interested in an agreement with Riverbend to mine Phases 6A, 6B and 7 and process the excavated material at the CUP 3052 plant. If such an agreement were made, and if CUP 3052 were amended to import material from the Riverbend site, the aggregate in the Riverbend proposed Phases 6A, 6B and 7 would be excavated by an electric dragline and transported to the CUP 3052 plant by overland conveyor for processing in the same manner as if it was mined by Riverbend and conveyed to the Riverbend aggregate plant.

Project Reclamation:

To minimize impacts to the surrounding environment, Riverbend proposes to reclaim the project site in compliance with the California Surface Mining and Reclamation Act of 1975, as amended (SMARA). SMARA is implemented by the County.

The Reclamation Plan is designed to return as much land as possible to farmland. Overburden together with processing fines will be used to fill selected phases. The filled phases will be topped with several feet of topsoil and reclaimed back to farmland to approximate original grade. Approximately 268 acres are anticipated to be reclaimed as farmland in this manner.

For the remaining phases, where there is not sufficient overburden and processing fines to fill the phases, a series of deep-water ponds will be created. Cut slopes above the water line will be covered with several feet of topsoil, seeded with erosion control grasses and planted with native riparian vegetation as described in the *Revegetation Guidelines for the Riverbend Sand and Gravel Project* (Buada Associates and John Stebbins, Consulting Botanist, October 2012). Reclamation of these phases will create approximately 351 acres of riparian and open water wildlife habitat.

Alternatives to be Analyzed in the EIR:

In accordance with Section 15126.6 of the CEQA Guidelines, the Draft EIR will assess a range of reasonable alternatives to the Project. The range of alternatives to be addressed will include alternatives that are specifically required by CEQA (i.e. No Project Alternative), as well as other alternatives identified through the coordinated consultation and planning process.

Potential Environmental Impacts:

The County has determined that there is substantial evidence that this project could result in significant environmental impacts and/or have a significant impact on the quality of the human environment, thereby necessitating the preparation of an EIR. CEQA Guidelines Section 15060(d) states that the lead agency may skip further initial review of the project and begin work directly on the EIR process described in Article 9. As such, the County has determined that preparation of an EIR is appropriate. The EIR will evaluate the environmental impacts of the Project, after having first established the environmental setting, or baseline, for the environmental analysis. The following environmental factors are anticipated to be potentially significant impacts. In each instance, the significance of potential impacts, cumulative impacts, and appropriate mitigation measures associated with the Project and identified alternatives to the Project would be thoroughly discussed in the EIR.

- Aesthetics
- Agriculture
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils Resources
- Greenhouse Gases
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land use and Planning
- Noise
- Transportation and Traffic
- Utilities and Service Systems

An Initial Study is typically prepared during the preliminary review process to determine whether a project is subject to CEQA. Pursuant to CEQA Guidelines Section 15060(d), the lead agency can determine that an EIR will be clearly required for a project and may skip further initial review and begin work directly on the EIR. As such, the County has not prepared an Initial Study and has determined that an EIR will be required.