

SUPPLEMENTAL DRAFT
ENVIRONMENTAL IMPACT REPORT

LONE STAR
PROCESSING PLANT
CU 2241 EA 3174

BECK RANCH
SAND AND GRAVEL PERMIT
CU 2235 EA 3157

APRIL 1987

PREPARED FOR
FRESNO COUNTY PLANNING DEPARTMENT

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LAND USE AND ENVIRONMENTAL PLANNING SERVICES

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I. INTRODUCTION AND SUMMARY

This Draft Environmental Impact Report (DEIR) has been prepared by Buada Associates to assess the potential environmental impacts of the proposal by Stephen Beck, property owner, to have Lone Star Industries process sand and gravel resource materials excavated from the Beck Ranch. This assessment is based on a review of the project plans, review of existing county and other governing agency permits; consultation with the operator; evaluation of technical data prepared for the project site and on-site surveys of the property and surrounding land uses.

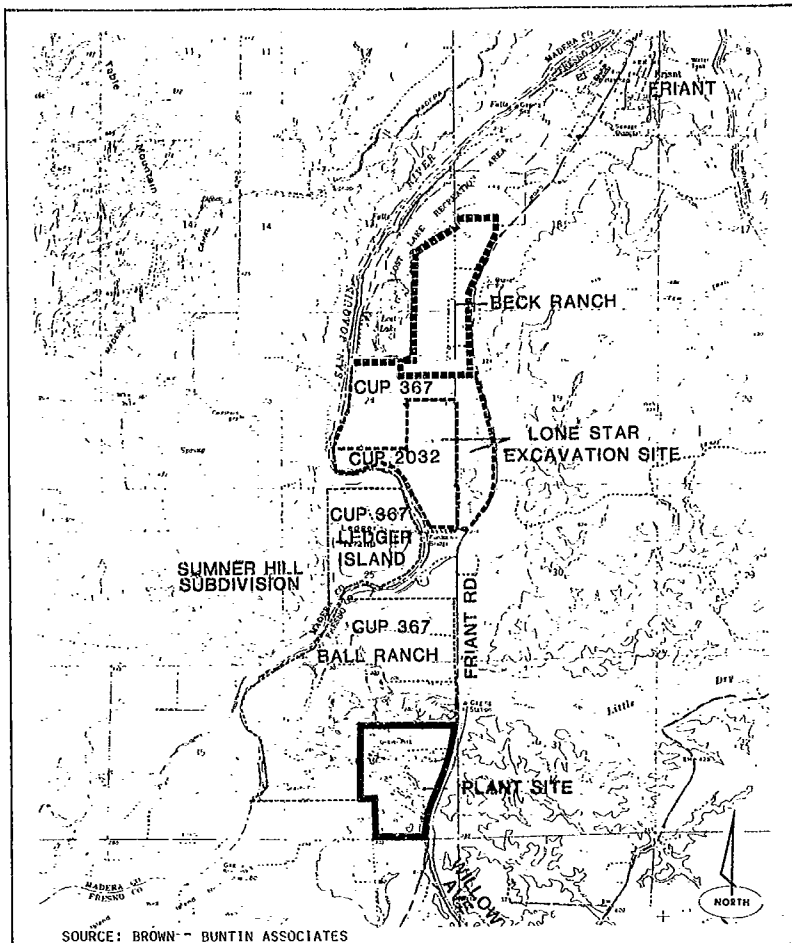
In accordance with the scope of work approved by Fresno County and the Initial Study, the DEIR focuses on the relationship of the proposed project to riparian water rights, groundwater quality, air quality, noise, traffic, recreation, and aesthetics. The County has determined that the project will not have significant impacts on other resources including earth, plant life, animal life, land use, population, public services, energy, utilities, and archaeology.

Buada Associates was assisted by the following consultants as subcontractors in preparing the DEIR.

- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic.

The Lone Star site is located in the San Joaquin Riverbottom area on the west side of Friant Road just north of its intersection with Willow Avenue (Figure 1). The San Joaquin Riverbottom area has historically been used for farming and is the primary source for sand and gravel resources in the region. The plant site is part of the property known as the Ball Ranch which has been used as a sand and gravel excavation and processing site since the mid-1920's (Figure 2). The bulk of the sand and gravel resources have been depleted. Some material suitable for road fill remains for current and future use. Mature riparian vegetation has grown up around the ponds and the ranch has developed over the years into a prime fishing and wildlife area due to the efforts of the Ball family. Ledger Island, 1 mile to the north on the Madera County side of the river, is a recent rehabilitated sand and gravel site, excavated by Lone Star Industries.

The processing plant facility and the Ball Ranch excavated site are governed by CUP 367 issued in 1960. In 1985, in a settlement with Fresno County, property owned by Lone Star Industries adjacent to the Beck Ranch was approved for excavation

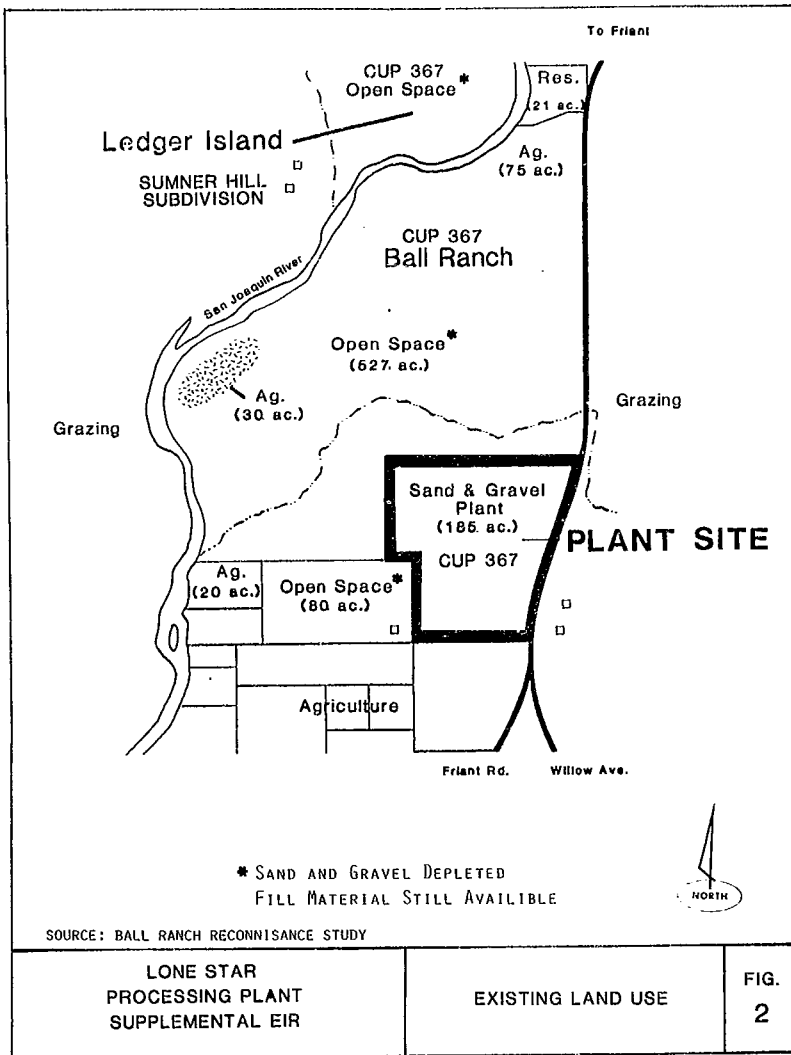


SOURCE: BROWN - BUNTIN ASSOCIATES

LONE STAR
PROCESSING PLANT
SUPPLEMENTAL EIR

LOCATION MAP

FIG.
1



under CUP 367, and an adjoining 150 acre site immediately to the south was approved for excavation under CUP 2032. Together these two parcels form Lone Star's existing excavation site, Figure 1. As part of the terms of the settlement, the plant was restricted to processing material from CUP's 367 and 2032 only.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors for the Beck Ranch. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several landowners adjacent to the Beck Ranch challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant on the Beck Ranch. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. A DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predated CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining on the San Joaquin River. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental EIR was necessary to evaluate impacts to the Lone Star plant relating to the processing of materials from the Beck Ranch. This Supplemental EIR was required to be filed before the Beck Ranch application could be heard by the Planning Commission.

The remaining issues to be resolved by this Supplemental EIR include: impacts to mineral resources; alleged unauthorized use of San Joaquin River water; potential contamination of ground and surface water during recovery of gold; potential intensification of existing noise impacts; potential increases in truck traffic and impacts to recreational travel; visual impacts; and cumulative impacts relating to processing resource from the Beck Ranch. Impacts to Lost Lake Park have been evaluated in the Beck Ranch EIR.

A choice remains to be made between the project with its continuation of existing impacts from the plant; no project which may potentially cause the plant to close before the end of its existing permit, and lead to the potential permanent loss of the resource material from the Beck Ranch due to the future encroachment of additional uses incompatible to resource recovery; expansion of the Beck Ranch project to include an on-site processing plant which would increase project impacts to Lost Lake Park and the surrounding area and increased truck traffic; or an alternative location for the processing of Beck Ranch materials at another existing processing plant which would increase product cost by increasing haul distances and would increase truck traffic impacts over more miles of County roads.

If the project develops as proposed, certain environmental impacts may occur:

1. Mineral Resources: Complete excavation of the mineral resources on both excavation sites may not occur. Under optimal conditions for the entire life of the plant, 18 years, an estimated 4.5 million tons will not be recovered. Under fluctuating market conditions, an estimated 8.9 million tons of material may not be recovered. Unrecovered resources will be permanently lost after the expiration of the current permit for the plant unless a new permit is acquired.

Mitigation:

- o A provision could be included to allow one or two 5-year extensions of CUP 367 at the end of the present permit period, 2005, subject to review by the Planning Commission for compliance with conditions and to evaluate changes in surrounding land use.
- 2. Water: A larger volume of water may be used over the life of the plant. Peak usage based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads could be transported to the Lone Star plant.

3. Air Quality: A large quantity of emissions may occur over the life of the plant. Peak emissions, based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads could be transported to the Lone Star plant.

4. Noise: Ambient noise levels will continue to include plant and truck noise for the duration of the permit.

Mitigation:

- o The use of rubber-liners in the hoppers, rubber-coated screens, and the placement of a berm next to the core crushers can help reduce existing noise levels.

5. Traffic: The presence of haul trucks on this stretch of Friant Expressway would continue for the life of the plant permit, 18 years, which would be longer than if the plant were forced to close earlier due to lack of materials to process. The maximum truck trips per day would remain at existing levels.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads could be transported to the Lone Star plant.
- o Additional warning signage should be posted north of the plant entrance.
- o Visibility of the plant intersection could be improved by the removal of the north portion of the landscaping along Friant Road.

6. Aesthetics: The plant facility will continue to be visible from the bluffs and from Friant Expressway.

Mitigation:

- o None available.

7. Lost Lake Park: Impacts to recreational use of Lost Lake Park were identified in the Initial Study. Lost Lake Park is approximately 2 miles away and impacts from the existing processing operation are not apparent. Continuation of processing will not create any significant impacts to the Park.

Significant impacts to the Park will occur from the excavation of materials from the Beck Ranch and have been evaluated in the Beck Ranch EIR.

Mitigation:

- o Refer to Beck Ranch EIR.

II. PROJECT DESCRIPTION

A. Project Location

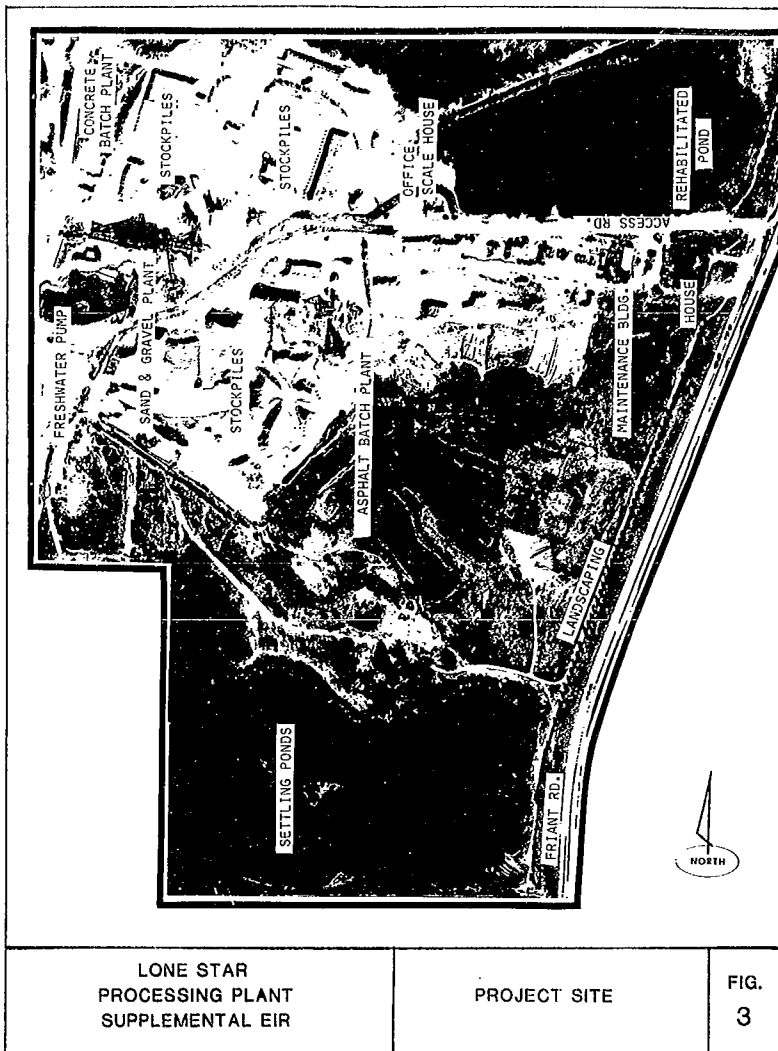
The 856 acre site governed by CUP 367 is located in Fresno County on the west side of Friant Road approximately two and one-half miles north of the City of Fresno and approximately the same distance south of the town of Friant. The plant site covers approximately 185 acres. The site is within the San Joaquin Riverbottom area and is overlooked by the river bluffs on either side of San Joaquin River. It is included in Section 36 of Township 11 South, Range 20 East and Section 31 of Township 11 South, Range 21 East, Mount Diablo Base and Meridian, the Friant U.S.G.S. 7-1/2 Minute Quadrangle.

B. Project Objectives

The applicant, Stephen Beck, has proposed that sand and gravel, excavated from the Beck Ranch be processed at the existing Lone Star Industries' sand and gravel plant located approximately 1-1/2 miles to the south. The plant is presently restricted by the conditions of approval of Conditional Use Permit (CUP) 367 to processing of materials from Lone Star's present excavation site located immediately south of the Beck Ranch. The excavation site is governed by CUP's 367 and 2032 and is not part of this project. The proposed excavation of resource materials from the Beck Ranch has been evaluated by the original DEIR prepared in July 1986.

During the public review process, it was determined that this supplemental EIR be prepared to evaluate the processing of Beck materials by the Lone Star plant. Lone Star Industries has requested modification of their existing permit to allow processing of the resource material from the Beck Ranch. If the modification were approved, Lone Star would shift its excavation operations to the Beck Ranch until the resource material on that site was depleted. Excavation on the existing Lone Star site during this period would take place only if certain materials in demand at a point in time were not readily available from the Beck Ranch. After the resource material from the Beck site has been removed, full excavation will resume at the present Lone Star excavation site.

The Lone Star plant facility has been in operation since 1924. The plant site includes a sand and gravel processing plant, an asphalt batch plant, a concrete batch plant and a materials bagging operation. The asphalt plant is owned and operated by Industrial Asphalt (Figure 3). The concrete batch plant is owned and operated by Pacific Ready-Mix, a subsidiary of Lone Star Industries. The entire facility is governed by the conditions of CUP 367. Conditions of approval are enforceable under the Fresno County Ordinance Code.



CUP 367, originally granted in 1960 was revised, January 1985, under the terms of settlement with the County of Fresno (Appendix B). The processing plant operation, including the asphalt batch plant and the concrete batch plant, was limited to 20 years, or until the year 2005. Improvements required under the terms of the settlement have been made including landscaping to screen the plant from Friant Road, left-hand turn lanes, and acceleration and deceleration lanes.

The Lone Star plant presently has a peak, annual processing capacity of approximately 1 million tons of resource material. The plant can process up to 450 tons per hour. Over the permitted 10 hour operating day a maximum of 4,500 tons of material can be processed. Periodically during peak sales months from May through October, the plant currently operates at maximum capacity. However, peak annual sales over the life of the plant have not exceeded 850,000 tons, averaging 3,775 tons per day. Normal annual production is 760,500 tons, averaging 3,380 tons/day.

Truckloads of raw material being transported to the plant from Lone Star's present excavation site may range from 130 to 180 truckloads per day. There are currently 5 bottom-dump trucks, with an average load of 26 tons, hauling material. During a normal sales year, 130 truckloads per day supply the plant (Table 1). The work year includes an average of 225 work days (365 days minus 104 weekend days and 9 holidays = 252 days minus approximately 10% down time for poor weather conditions and equipment repair = 225 work days). Normal annual production is 760,500 tons (130 loads/day x 26 tons/load = 3,380 tons/day x 225 work days/year = 760,500 tons/year). During peak sales years, there is an average of 145 loads per day (850,000 tons/year divided by 225 days = 3,775 tons/day divided by 26 tons/load = 145 loads/day). During any one day, truckloads may be as high as 180 loads per 10 hour work day. There is an average of 173 truckloads during the peak operating capacity of the plant of 4,500 tons/day (4,500 tons divided by 26 tons/truck = 173 truckloads/day).

TABLE 1
PROCESSING RATES

<u>Production Rates</u>	<u>Annual Tons</u>	<u>Average Tons/Day</u>	<u>Average Truck Loads/Day</u>
Average	765,000	3,380	130
Historic Peak	850,000	3,775	145
Maximum	1,000,000	4,500	173

The processing of the resource material includes washing, screening the material by size, crushing of oversized rock and stockpiling of sorted materials. Sand of a 1/4" size grain and smaller is further processed to recover any gold. Sand is mixed with water and fed over a series of mats similar to artificial turf. The heavier material such as gold drops out and is caught in the mats. The material which settles out is flushed out, recovered and sent to an offsite laboratory for separation of gold and other heavy metals. No mercury or any other chemical is used in this process. Mercury was previously used, but has been discontinued. Processed sand and gravel is mixed with portland cement at the concrete batch plant. Crushed rock is sold for road base and in the preparation of asphalt at the batch plant. The plant site includes a house, shops, scale, dispatch house, and other out-buildings. Other plant equipment includes loaders, gravel trucks, asphalt trucks, cement trucks and employee vehicles.

Hours of operation as allowed for the sand and gravel plant and the asphalt batch plant are weekdays 6 a.m. to 6 p.m., except in the event of an emergency as determined by a governmental body or agency. Hours of operation for the concrete batch plant are 4 a.m. to 6 p.m. weekdays May through October; 5:30 a.m. to 6 p.m. weekdays November through April; and Saturdays 6 a.m. to 1 p.m. all year. (Revised 1986)

Lone Star does not intend to increase its plant capacity. Additionally, Lone Star does not intend to increase its excavation volume or the number of haul trucks to handle material from the Beck site. The existing number of haul trucks, which presently haul material from their present site (adjacent to the Beck site) will remain the same when excavation occurs on the Beck site.

C. Intended Use of Supplemental EIR

This supplemental EIR will be used by the County of Fresno, together with the EIR for the excavation of sand and gravel, in considering approval of Conditional Use Permit Application 2235 (CUP 2235) filed by Stephen Beck for excavation of sand and gravel for the Beck Ranch and processing of the excavated material at the existing Lone Star sand and gravel plant. In addition, this EIR will be used by the County of Fresno in considering approval of the Lone Star Industries application to revise their permit to allow processing of Beck materials.

III. NATURAL ENVIRONMENTAL CONDITIONS, PROJECT IMPACTS AND MITIGATION MEASURES.

A. Mineral Resources

The San Joaquin River has historically been the source for high-quality, relatively low-cost aggregate (sand and gravel deposits) for the entire Fresno Production-Consumption Region, a 20 mile radius including Fresno, Clovis, Madera, outlying valley communities and the Sierra Foothills.

"The importance of rock, sand, and gravel aggregate to the Fresno-Clovis building industry cannot be overstated. Aggregate must be mined where suitable deposits are found, and to be most economical, they should be extracted and processed near the consumer. The deposits must be of sufficient quality to meet the specifications of various private and public construction projects and of sufficient quantity to justify the extraction plant investment. The San Joaquin Riverbottom has provided a reasonably cheap source of quality aggregate for many years. The fact that the extracting plants lie in proximity to urbanized areas has helped to keep transfer costs low, ultimately helping to reduce the cost of construction," (San Joaquin River Reconnaissance Study).

The Fresno County General Plan through its River Influence Policies designates the San Joaquin Riverbottom, including the project site for multiple-use open spaces including agriculture, mineral resource extraction, golf courses, fisheries, stables, parks, recreation and wildlife refuges. Relating to mineral resources, it is a stated objective to "Preserve and enhance areas of significant natural resources, the retention of which is to maintain the environmental quality and economic potential of the area."

The Mineral Resources Section of the Open Space/Conservation Element of the General Plan identifies sand and gravel as a valuable economic resource to the County and encourages the development of mineral resources when conflict with surrounding land use and the natural environment can be minimized. It further identifies the San Joaquin Riverbottom area, including the project site, as one of three principal locations for sand and gravel resource extraction. Among its objectives and policies are the conservation of the resource; protection of existing or potential resource sites from incompatible uses in the surrounding area; new operations should be located adjacent to existing or worked out mining operations; and the requirement for the rehabilitation and reuse of the mining site after recovery of the resource.

In addition to Fresno County policy, the State has identified the existing Lone Star excavation site and the Beck

Ranch site as containing mineral resources of economic significance and or potential statewide significance (Mineral Lands Classification, 1986). The State Geologist indicates that unless additional reserves (mineral resource land under permit) are found, existing reserves will be depleted in only 24 years. In actuality, depletion will occur in less than 20 years. The State assumed that all the available reserves would be used within the defined Fresno Production-Consumption Region (a circular area extending 20 miles from central Fresno). However, that region excluded the foothill and mountain areas of Fresno and Madera County which consume as much as 10 - 15% of the resource from the region, meaning the available reserves would be depleted much sooner than 24 years. In calculating existing reserves, the State also assumed that the Beck Ranch would be excavated under the previously approved permit for the property (CUP 2172). However, that permit has not been exercised and a new application was filed which is the subject of the Beck Ranch EIR. Without reserves from the Beck Ranch, and subtracting the resource used by the foothill and mountain areas, the available reserves are in reality reduced to less than 20 years. Major impending projects such as the extension of Freeway 41 will utilize remaining reserves at an even greater rate (Central Valley Rock Sand and Gravel Association, June 1986).

The production output at the Lone Star plant is determined by two factors; market demand for sand and gravel products and plant capacity. As with other similar operations, the plant will produce only as much processed material, with some limited reserves, as there is a demand for such material. Consequently, production fluctuates seasonally with weather conditions which affect construction and with economic factors in the market place. For example, high interest rates during the first part of the 1980's which severely depressed construction resulted in lower consumption rates for sand and gravel during the same period (Mineral Lands Classification Study, 1986).

The other factor in product output is the maximum capacity of the plant. When demand exceeds capacity the material must be obtained from one of the other plants in the consumption region or additional equipment installed. There are a number of other similar plants in the market region all with varying shares of the market. Periodically, during heavy construction seasons, all plants in the area may be running at peak production.

Impacts:

- o Since Lone Star does not intend to increase plant capacity, the addition of another source of material will by itself neither increase the existing capacity of the plant nor increase demand. Market demand will exist independent of the source of material. As they do presently, Lone Star will produce at capacity if there is a demand for their products and will produce

at less than capacity if there is less demand. When Lone Star obtained CUP 2032 and negotiated the continuance of CUP 367 for their existing excavation site, additional time was included in the permit to allow for fluctuation in market conditions. Hypothetically, if a good market existed and the plant worked at maximum capacity, the site could be depleted in much less time than the length of the permit, 18 years or before 2005. In addition, it was assumed that a uniform rate of marketable material was present on the entire site, an optimum condition but highly unlikely. Until a site is excavated, actual geologic conditions are not really known. Historically in the area, material is neither uniform in consistency or depth, resulting in less than the estimated volume. With a continuation of present market conditions, the present excavation site would be depleted much sooner than the expiration date of the permit, 2005.

Based on test excavations and 2 years of actual excavation on the site, the potential production of saleable material from Lone Star's current excavation site is estimated to be 12.5 million tons. Based on the normal annual production of 760,000 tons per year, estimated resources could be depleted in 16.5 years from the start of excavation. Since excavation began 2 years ago, the resources would last approximately 14.5 more years or until 2002 with 3 years left on the plant permit (Table 2). If market conditions are good, they maintain their market share, and they produce at their historic peak sales of 850,000 tons per year every year (an unlikely situation requiring a 12% increase in annual production and sales) the resources could be depleted in approximately 13 years or by the year 2001 with 4 years left on the plant permit. Under optimum market conditions and with a considerably large share of the market, (a possible but improbable combination) the plant could operate at maximum capacity of 1 million tons every year. In such a case, the estimated resources could be depleted in 10.5 years or by 1998 with 6 years left on the plant permit.

TABLE 2
ESTIMATED YEARS TO COMPLETE EXCAVATION
LONE STAR CURRENT SITE

<u>Annual Production</u>	<u>Tons</u>	<u>% Increase</u>	<u>Remaining Years</u>	<u>Depletion Date</u>	<u>Remaining Years On Permit</u>
Average Production	765,000	0%	14.5	2002	3
Historic Peak Production	850,000	12%	13.0	2001	4
Maximum Production	1,000,000	31%	10.5	1998	6

- o Based on test excavations, the potential production from the Beck Ranch site is 12 million tons. Based on the above production rates, estimated removal of the resource and processing by Lone Star would take 15.75 years under current average production; 14 years under historic peak sales; and 12 years operating at plant capacity every year.

Utilizing the proposed sequence of excavation (halting excavation of the existing Lone Star site, begin and complete excavation of the Beck Ranch site and then returning to the existing Lone Star site), the amount of time required to excavate both sites under the above-discussed production rates is as follows: 30.25 years at the average annual production rate of 760,000 tons per year (15.75 years for Beck Ranch + 14.50 years for Lone Star = 30.25 years); 27 years at the historic peak production rate of 850,000 tons per year (14 years for the Beck Ranch + 13 years for Lone Star = 27 years); and 22.5 years operating at plant capacity, 1 million tons/year, every year (12 years for the Beck Ranch + 10.5 years for Lone Star = 22.5 years) (Table 3).

TABLE 3
ESTIMATED YEARS TO COMPLETE EXCAVATION
LONE STAR CURRENT SITE AND BECK RANCH SITE

Annual Production	Tons	Yrs to Complete Excavation			Add'l Yrs Needed	Estimated Lost Resource
		Lone Star	Beck Ranch	Combined		
Average	765,000	14.5	15.75	30.25	10.25	8.9
Historic Peak	850,000	13.0	14	27	7	5.95
Maximum	1,000,000	10.5	12	22.5	2.5	4.5

Since the remaining time on the Lone Star plant permit is 18.25 years, all of the estimated resources will not be excavated from both sites even under maximum production. The resources will either be lost or a new permit will have to be obtained to complete excavation. If the resources cannot be recovered, the estimated lost resources could range from 4.5 million tons to 8.9 million tons.

Mitigation Measures:

Proposed by Applicant:

- o Lone Star does not propose to increase its production or excavation capacity.

Additional Suggested Measures:

- o If the County wants to insure that all the resource material is recovered from the Lone Star and Beck Ranch excavation sites, a provision could be included to allow one or two 5-year extensions of CUP 367 at the end of the present permit period, 2005, subject to review by the Planning Commission for compliance with conditions and to evaluate changes in surrounding land use.

B. Water

The sand and gravel plant uses water during its washing and screening process to wash and separate the resource material into various sizes of sand and gravel. The plant pumps 3 - 4,000,000 gallons of water per day from a stream diversion from the San Joaquin River. Based on average annual production

rates, 3 million gallons per day are used during processing. Approximately 10% is retained with the processed material. The remainder is discharged to closed settling ponds where the remaining fine sands from the washing operation are settled out and the water is recharged into the groundwater table. When the plant is at maximum production periodically during heavy sales months, the plant uses up to 4 million gallons per day. The settling ponds total approximately 40 acres. The annual pan evaporation at Fresno is 65 inches. Evaporation from a free body of water is approximately 70% of this or 46 inches. Annual rainfall of 11 inches would decrease the evaporation to 35 inches. This represents a loss of evaporation of approximately 116.8 acre-feet per year (35 divided by 12 = 2.92 x 40 acres = 116.8 acre feet).

The ponds are contained by levees and there is no discharge to the San Joaquin River. No chemicals are used in the processing operation nor is mercury being used in the gold recovery process. Discharge water contains only fine sands remaining from the washing and screening process. The California Regional Water Quality Control Board inspected the facilities in 1981 and determined that a discharge permit was not required (Appendix C).

In 1947, as a result of the construction of Friant Dam, riparian water rights to the San Joaquin River were made subject to contracts between owners of contiguous property along the San Joaquin River and the U. S. Department of the Interior, Bureau of Reclamation (Appendix D). The contract for the project site included the Ball Family, current owners of the property, and Pacific Coast Aggregates, Inc., of which Lone Star Industries, Inc. is a successor in interest. Item 12 of the contract specifies, as did almost all of the other contracts, amongst other conditions that: "The United States does not and will not so far as it and its successors and assigns are concerned, object to any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the land ..."

However in Item 28(a) the contract states:

(a) "In further consideration of the premises, the United States agrees, notwithstanding any provision to the contrary in this contract contained, ... that it will not object to the use by Pacific Coast Aggregates Inc., of the water of the San Joaquin River for industrial purposes in connection with the processing of rock, sand, and gravel, provided the water so used is returned to the River free of pollution and/or contamination."

The Bureau of Reclamation, in its letter regarding EA 3174 pertinent to Lone Star's request to allow processing of Beck material, indicated concerns regarding Item 12 of this contract

and was apparently unaware of Item 28(a), respective to the project site. The Bureau's letter also indicated that riparian water usage was limited to certain land designated as having riparian water rights, not necessarily all contiguous holdings under the same ownership. The project site is entirely within the designated riparian land (Appendix E).

Impacts:

- o Without the project, the plant facility could be closed before 2005 due to lack of material. The total amount of water usage would be less than if the plant operated for the entire 18 year period. The annual water usage over the life of the plant would remain the same as the present annual usage.
- o With the project, the plant facility would operate until 2005. The total amount of water usage over the 18 year period would be greater than if the plant were forced to close earlier due to lack of material. If annual production capacity remains the same as proposed, the annual water usage would remain the same as the present annual usage.
- o If production was increased to match historic peak sales on an on-going annual basis, average water usage would increase 12% or an additional 400,000 gallons per day. If the plant ran at capacity on an on-going annual basis, average water usage would increase 24% or an additional 1 million gallons per day. Recharge to the groundwater would also increase by the same percentages. Net loss to water retention by processed materials would increase 12% or 34,000 gallons per day under historic peak sales product and 24% or 40,000 gallons per day under maximum production. The plant already currently operates at these production rates periodically during the heavy sales season.
- o The water quality would not be changed since mercury is not being used during the gold recovery operation and is not proposed to be used in processing materials from the Beck Ranch.

Mitigation Measures:

Proposed by Applicant:

- o Lone Star does not intend to increase its production or excavation capacity.

Additional Suggested Measures:

- o During excavation of the Beck site, the County could limit truckloads to no more than the 180 loads per day presently being transported from Lone Star's existing excavation site.

C. Air Quality

The air pollutants of major regional concern within the Fresno-Clovis Metropolitan Area are particulate matter, photochemical oxidants and carbon monoxide. Fresno County has been designated as a non-attainment area for particulate matter and photochemical oxidants and the Fresno-Clovis Metropolitan Area also for carbon monoxide by the Environmental Protection Agency. This designation indicates that these pollutants exceed adopted ambient air quality standards and create serious air quality problems in the county (Ball Ranch Reconnaissance Study).

Other than dust associated with agricultural operation, dust from the Lone Star plant is a potential source of air pollution in the area. However, the sand and gravel plant generates very little dust emission during the separation process because the material is kept wet during the process. During the crushing operation of larger rocks the gravel dries out. Bag houses are also used at the asphalt batch plant, concrete batch plant, and the materials bagging operation.

The plant operates under permits issued by the Fresno County Air Pollution Control District (APCD). According to the District, the plant is inspected about every three months. It uses "best available control technology" to control air pollution and has no recent history of violations or complaints (Ball Ranch Reconnaissance Study). The District indicated that dust from sand and gravel processing is the major potential source of air pollution associated with the plant, but that mitigative measures and equipment used by the plant have been effective and reliable in controlling the dust (Wilson, 1987).

Impacts:

- o Without the project, the plant facility could be closed before 2005 due to lack of material. Total emissions would be less than if the plant operated for the entire 18 year period. The annual emission would remain the same as present over the life of the plant.

- o With the project, the facility would operate until 2005. The total amount of emissions over the 18 year period would be greater than if the plant were forced to close sooner due to lack of material. If the annual production capacity remains the same as proposed, the annual emissions would remain the same as present.
- o If production was increased to match historic peak sales on an on-going annual basis, emissions would increase 12%. If the plant ran at capacity on an on-going annual basis, emissions would increase 24%. The plant currently operates at these production rates periodically during the heavy sales seasons.

Current mitigation measures and air pollution control equipment have been effective in controlling emissions (Wilson, 1987).

Mitigation Measures:

Proposed by Applicant:

- o Lone Star does not intend to increase its production or excavation capacity.

Additional Suggested Measures:

- o During excavation of the Beck site, the County could limit the truckloads transported to the Lone Star Plant to no more than the 180 loads/day presently being transported from the existing Lone Star excavation site.

D. Noise

1. Existing Noise Environment

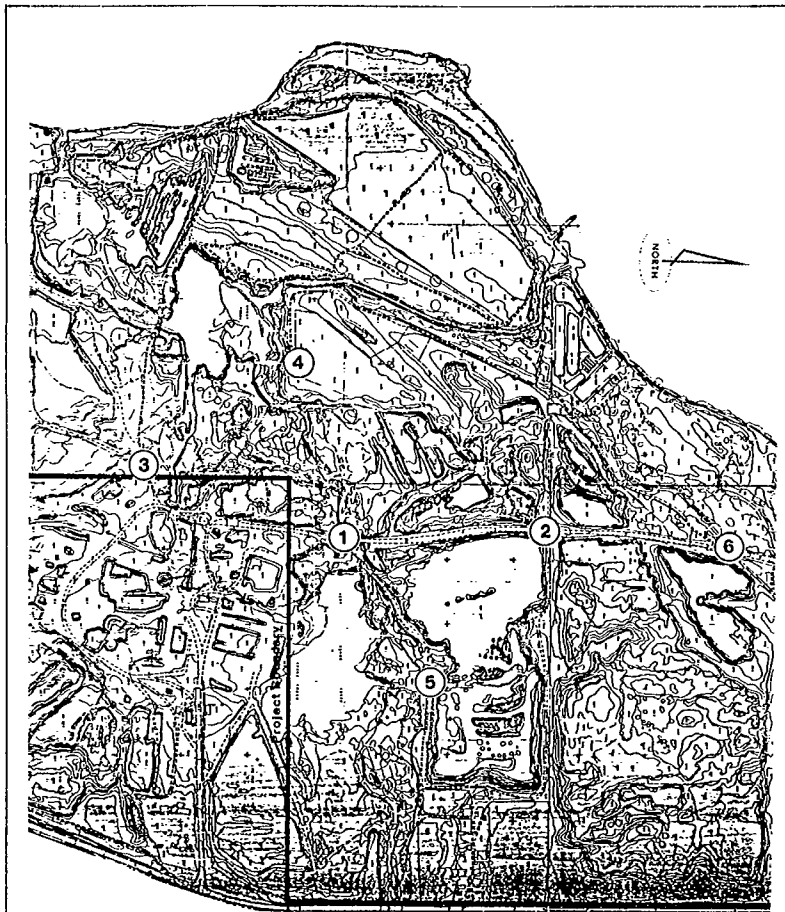
Existing sources of environmental noise in the project area include the Lone Star Industries processing plants, traffic on Friant Road, intermittent farming operations and occasional aircraft overflights.

The Lone Star Industries processing plants includes a sand and gravel processing plant, a concrete batch plant and an asphalt batch plant. Hours of operation are generally 7:00 a.m. to 4:00 p.m. 5 days per week. The hours of operation permitted for the asphalt batch and sand and gravel plants by Fresno County under normal circumstances are 6:00 a.m. to 6:00 p.m. Under emergency conditions, the asphalt batch plant may operate at night or on weekends. The concrete batch plant is permitted by Fresno County for operations starting at 4:00 a.m. (May-October) and 5:30 a.m. (November-April). Material excavated for processing by the plants is transported by truck on Friant Road.

In order to document noise levels generated by the Lone Star Industries processing plants, noise level measurements were conducted as part of the Ball Ranch Specific Plan Reconnaissance Study at the 6 locations noted in Figure 4 (See Appendix F for acoustical definitions).

Noise level measurements were conducted on September 27, 1985 and October 8 and 9, 1985 to document any changes in noise levels which may occur on a day to day basis. Noise levels were measured in terms of L_{eq} for each sample. Histograms were prepared for each site with the exception of Sites #2 and #6 which are located at distances greater than 2000' from the processing plants. Noise level data for the Lone Star Industries processing plants are summarized in Table 4. It should be noted that during noise level measurements conducted on October 8, 1985, the asphalt batch plant was not in operation. Noise level measurements conducted the following day (October 9, 1985) indicated that the asphalt batch plant does not contribute significantly to A-weighted noise levels at the monitoring sites. Although noise levels from the Lone Star Industries processing plants were audible at Site #6, such levels did not contribute significantly to the L_{eq} reported in Table 4 for that site. Dominant sources of noise at Site #6 during the sample period included roosters and aircraft overflights.

Noise level measurements for operations by the concrete batch plant operated by itself were conducted by Mr. Bruce O'Neal on November 5, 1985 as part of a Noise Analysis for expanded hours of operations by the Pacific Ready Mix Concrete Batch Plant. Mr. O'Neal documented concrete batch plant noise levels in three different directions at 1320 to 2640 feet from the plant. His



SOURCE: BROWN-BUNTIN ASSOCIATES

Friant Road

LONE STAR
PROCESSING PLANT
SUPPLEMENTAL EIR

NOISE MONITORING SITES

FIG.
4

measurements indicated that L_{50} and L_{90} values at approximately 1320 feet from the plant were approximately 48 and 49 dBA, respectively, during a time of maximum output by the plant.

TABLE 4

SUMMARY OF NOISE LEVEL DATA

Site #	Date	Time	L_{90}	L_{50}	L_{25}	$L_{0.33}$	$L_{1.67}$	L_{max}
1	9/27/85	2:00p	59	58	60	62	65	65
1	10/8/85	10:37a	61	60	62	64	65	65
1	10/9/85	7:45a	56	--	--	--	--	61
2	9/27/85	2:20p	50	--	--	--	--	58
3	9/27/85	2:40p	66	64	68	70	72	72
3	10/8/85	11:35a	67	66	68	70	71	72
4	9/27/85	2:55p	51	47	50	53	57	57
5	9/27/85	3:30p	51	44	51	53	55	55
5	10/8/85	10:20a	54	53	55	58	59	59
5	10/8/85	7:25a	50	--	--	--	--	51
6	10/9/85	8:00a	46	--	--	--	--	60*

*Jet aircraft overflight

Source: Brown-Buntin Associates, Inc. (Ball Ranch Specific Plan Reconnaissance Study)

2. Noise Standards

The determination of whether or not a particular noise impact should be considered significant is generally based upon comparisons with applicable state and local standards and to recognized public health criteria. Local standards include land use compatibility criteria from the Fresno County Noise Element of the General Plan, and the Fresno County Noise Ordinance (adopted in 1978). The standards of the County's noise ordinance are consistent with recommendations made by the California Office of Noise Control (ONC).

Policy #4.02 of the Fresno County Noise Element establishes that in order to maintain an acceptable environment, the maximum allowable noise levels for rural residential uses should be 55 dB L_{dn}^* or an L_{50} of 50 dBA during the day (7:00 a.m. - 10:00 p.m.)¹⁾ and 45 dBA during the night (10:00 p.m. -

7:00 a.m.). The rural residential standard is only applied in instances where existing background noise levels are sufficiently quiet (Typically 55 dB L_{dn} or less).

The maximum allowable noise levels for urban residential and noise sensitive receivers are 60 dB L_{dn} or an L_{50} of 55 dBA during the day and 50 dBA at night. Areas subject to a noise exposure of 60 dB L_{dn} or greater are identified as noise impact zones by the Noise Element, and are indicative of areas within the County where noise mitigation measures should be included as an integral part of any new projects which will result in the development of noise-sensitive land uses.

The Fresno County Noise Ordinance contains exterior noise level standards for sources not preempted by state or federal regulations which are based on the statistical distribution of noise over time. The maximum levels allowed by the ordinance are 70 dBA during the daytime hours (7:00 a.m. - 10:00 p.m.) and 65 dBA during the nighttime hours (10:00 p.m. - 7:00 a.m.), when measured at an existing receiver location. As defined by the ordinance, receivers which are sensitive to noise include churches, schools, hospitals, libraries and residential uses. The noise ordinance also contains standards which regulate noise levels of lesser intensity but longer duration. The noise ordinance standards are summarized in Table 5. The noise level standards shown in Table 5 should not be exceeded for more than the cumulative number of minutes specified in each category within any one-hour time period.

TABLE 5
FRESNO COUNTY NOISE ORDINANCE STANDARDS

Category	Cumulative Number of minutes in any one-hour time period	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

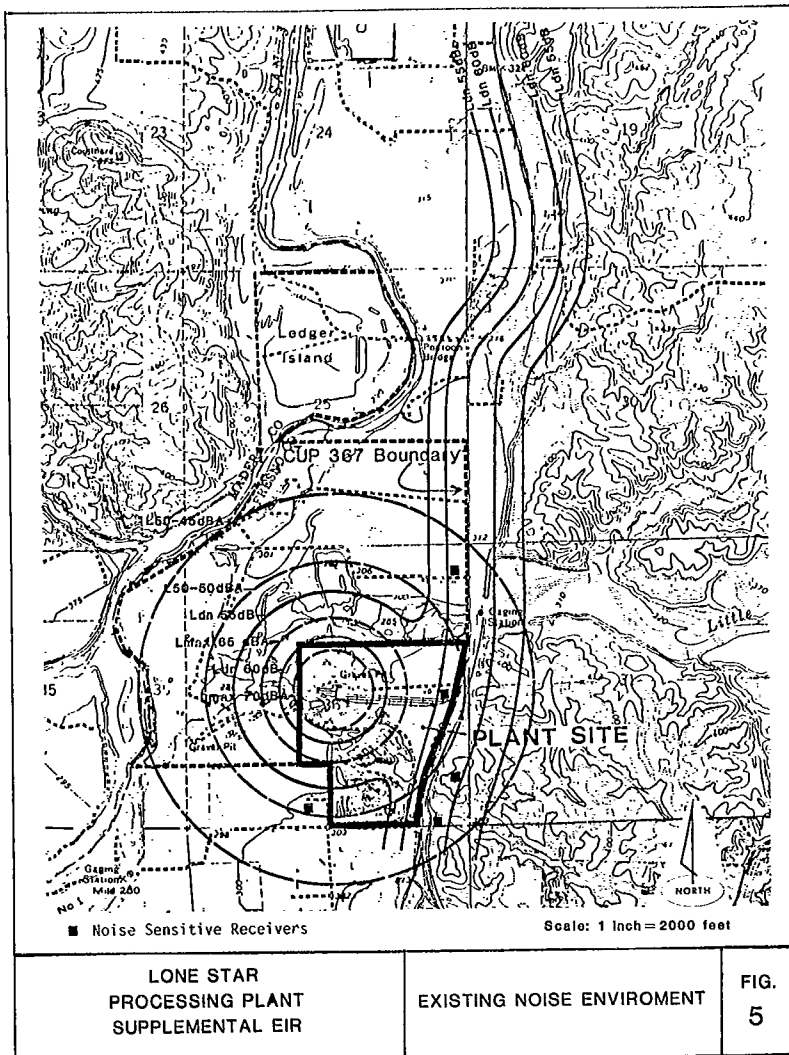
Source: Chapter 8.40, Fresno County Ordinance Code

3. Comparison to Noise Standards

In order to compare noise levels generated by the Lone Star Industries processing plants to the land use compatibility criteria for the Fresno County Noise Element, the permitted hours of operation (4:00 a.m. - 6:00 p.m. for the concrete batch plant and 6:00 a.m. - 6:00 p.m. for the sand and gravel and asphalt batch plants) were combined mathematically with the noise level data reported in Table 1 and described above for the concrete batch plant (operated by itself) to calculate the locations of the L_{dn} 55 and 60 dB contours. Noise level data obtained at Site #1 for combined operations by all equipment and at 1320 feet northwest of the concrete batch plant for the concrete batch plant by itself were used as the basis for calculating the locations of the L_{dn} 55 and 60 dB contours. These measurement sites were selected as reference locations since they provided a direct line-of-sight between the processing plants and microphone, and because the sites were located in close proximity to the calculated locations of the L_{dn} 55 and 60 dB contours. Sites #2, #4, #5, and #6 were located at greater distances from the plants and in areas which were partially shielded from direct line-of-sight by topography and/or vegetation. At these locations, the calculated L_{dn} values ranged from approximately 50-52 dB. The approximate locations of the L_{dn} 55 and 60 dB contours with all equipment in operation are shown in Figure 5. These contours should be considered as representative of a worst case condition with little or no shielding provided by topography or vegetation.

The dashed lines in Figure 5 are the locations of the nighttime L_{50} 45 dBA and L_{max} 65 dBA contours. These contours are based upon histograms obtained at Site #1 and reported by Mr. O'Neal, and should be interpreted as an indicator of the area around the plants presently exposed to noise levels in excess of the nighttime provisions of the Noise Element and Noise Ordinance. As with the L_{dn} contours described above, the L_{50} 45 dBA and L_{max} 65 dBA contours should be considered as representative of a worst case condition with little or no shielding from topography or vegetation. As a practical matter, normal operations by the asphalt batch and sand and gravel plants typically begin at 7:00 a.m., meaning that the less-restrictive daytime provisions of the noise ordinance would apply. The concrete batch plant operated by itself results in L_{50} 45 dBA and L_{max} 65 dBA contours located at approximately 1875 and 470 feet from the plants respectively.

Noise sensitive receivers that are currently affected by the existing noise levels are the five houses identified on Figure 5. One house is the caretaker's home located on the plant site, the house to the north is owned by the Ball family which owns all of the property of CUP 367 including the plant site, and the house to the southwest is property formerly mined by Lone



Star. The two homes on the bluffs near the southwest corner of the plant site are private residences.

Noise levels from existing volumes of traffic on Friant Road were evaluated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) and traffic data obtained from Fresno County.

According to the Fresno County Department of Public Works, the Annual Average Daily Traffic (AADT) for Friant Road for existing conditions (June-1985) in the vicinity of the Lone Star Industries processing plant is approximately 5700 with approximately 31% of that volume being medium and heavy trucks. Based on traffic counts performed by Fresno County in 1980 in this area, 89% of the traffic occurs between the hours of 7:00 a.m. and 10:00 p.m. The estimated speed of vehicles in the area is 50 mph. Use the above-described traffic data and the FHWA methodology, the distances from the center of the roadway to L_{dn} contour values to 70, 65, 60 and 55 dB were calculated. West of Friant Road, the calculations assumed an acoustically "soft" site since existing soil and vegetation provide some absorption of sound. East of Friant Road, an acoustically "hard" site was assumed since persons residing along the bluffs look down on the roadway and sound is attenuated only by atmospheric absorption. L_{dn} contour locations for existing conditions are summarized in Table 3 and plotted in Figure 5.

TABLE 6
 FRIANT ROAD NOISE LEVELS
 DISTANCE (FEET) FROM CENTER OF
 ROADWAY TO L_{dn} CONTOURS
 FRIANT ROAD NEAR
 LONE STAR INDUSTRIES PROCESSING PLANT

<u>Contour Value</u>	<u>East of Roadway</u>	<u>West of Roadway</u>
L_{dn} 70 dB	85	56
L_{dn} 65 dB	182	120
L_{dn} 60 dB	391	258
L_{dn} 55 dB	1,065	705

Source: Brown-Buntin Associates

Although noise levels from intermittent farming operations and aircraft overflights are audible within the area, such levels do not produce cumulative noise exposures exceeding the land use compatibility criteria of the Fresno County Noise Element. Farming operations are exempt from the standards of the Fresno County Noise Ordinance, and the regulation of aircraft noise levels is preempted by Federal law.

It should be noted that noise levels from high altitude jet aircraft overflights ranged from 50-60 dBA in the area during noise level measurements. Noise levels generated by jet aircraft departing from Fresno Air Terminal produced somewhat higher noise levels if they were enroute to Denver, Reno, Las Vegas or Salt Lake City which results in the aircraft passing almost directly over the area. Although noise level measurements were not conducted at night or on a weekend, it may be safely assumed that background noise levels in the area are extremely quiet (25-35 dBA) in areas removed from Friant Road when the Lone Star Industries operation is shut down.

From Figure 5 and Table 6 it is apparent that noise levels as defined by L_{dn} and daytime L_{50} presently exceed the Fresno County Noise Element standards for rural residential land uses due to Friant Road which is a major noise source for the area. The rural residential category of the Noise Element applies to the area between Friant Road and the Bluffs in terms of land use but not in terms of the existing noise environment, which is comparable to a more densely populated area located adjacent to a major roadway or other transportation-related noise source.

Due to the existing noise environment, the "Urban Residential and Noise Sensitive Receivers" category of the Noise Ordinance is the applicable standard. The Fresno County Noise Ordinance may be applied along Friant Road, however, its Standards must be adjusted to account for existing traffic noise. The concept is defined in Section 8.40.040 of the Ordinance.

Impacts

- o Areas around the plant subject to existing noise levels in excess of the Fresno County Noise Element and Noise Ordinance standards are indicated by the noise exposure contours shown in Figure 5. The project-related noise impacts of processing aggregate material excavated from the Beck Ranch property at the Lone Star Industries plant may be evaluated by determining whether or not noise levels from the plant would be expected to increase as a result of the project. Since the type of aggregate material which would be excavated from the Beck Ranch property is similar to material presently being processed by

the plant, and the hours and type of plant operations would not change as a result of the project, the noise levels generated by the Lone Star Industries processing plant would not be expected to change as a result of the project.

Mitigation Measures

Proposed by Applicant:

- o Lone Star does not intend to increase its production or excavation capacity.

Additional Suggested Measures:

- o Major noise sources of the plant are from gravel dropping into metal hoppers, gravel moving on the screens, and the rock crushers. Modification to the hoppers by the use of rubber liners and the use of rubber-coated screens have been used successfully by the industry in muffling the noise (Brown, March 1987). The degree of muffling of noise has not been fully documented. The rock crushers are located close to ground level. Noise can be significantly reduced by the placement of berms in proximity of the noise source which block the line of sight to the receiver.

IV. CULTURAL ENVIRONMENTAL CONDITIONS, PROJECT IMPACTS AND MITIGATION MEASURES

A. TRAFFIC AND CIRCULATION

1. Existing Traffic Network

Friant Road: Friant Road is classified as an expressway and is planned for ultimate construction as a four lane divided highway with six lanes between Shepherd Avenue and Blackstone Avenue. It serves as a major highway link between the project and the Fresno Clovis Metropolitan Area (FCMA) to the south and the unincorporated community of Friant to the north.

Friant Road currently has a travel lane and a bike lane in each direction. Separate left turn lanes have been installed in Friant Road at Willow Avenue, at the entrance to Lone Star's sand and gravel existing excavation site and at Lone Star's sand and gravel plant. Acceleration and deceleration lanes have also been installed at both sites.

Friant Road between Copper Avenue and Shepherd Avenue along the frontage of the Woodward Lake development was recently widened on the east side and has two lanes in the northbound direction. Friant Road between Copper Avenue and Blackstone Avenue is planned to be widened in the near future to a minimum of four travel lanes by 1990 and to have an interchange with Freeway 41.

The presence of Lost Lake Park and Millerton Lake on the north end has made Friant Road a major carrier of recreational traffic from urban Fresno and from as far south as Southern California. Lost Lake Park offers picnicking, a nature preserve, and fishing both at the Lake and along the San Joaquin River. Millerton Lake is a State recreation area and offers, swimming, fishing, picnicking, water-skiing and sailing. In addition to recreational autos and autos pulling boats, Friant Road has become a major bicycle route due to the scenic qualities of the ride, the recreational opportunities, and the existing bicycle lane.

Willow Avenue: Willow Avenue is classified as an arterial and is planned for ultimate construction to a four lane divided roadway. It will serve as a major highway link between the community of Friant and the easterly portion of the FCMA. The roadway between Friant Road and Herndon Avenue has a travel lane in each direction and forms a "T" intersection with Friant Road approximately three miles south of the project. Separate left and right turn lanes have been installed in Willow Avenue at the intersection. There is a service road extending westerly from the Friant Road/Willow Avenue intersection. The service road

approach and the west bound Willow Avenue left turn movements are controlled by stop signs. All other movements are uncontrolled. Willow Avenue southeasterly of Friant Road is curvilinear with fairly steep grades for about three-quarters of a mile and from that point to Herndon Avenue the road is flat and straight. The planned extension of Willow Avenue between Herndon Avenue and Barstow Avenue has not been constructed.

Millerton Road: Millerton Road is classified as an arterial. It is a two lane east-west roadway connecting to Friant Road and Road 206 on the west and to Auberry Road and State Hwy 168 to the east.

Copper Avenue: Copper Avenue is an east-west roadway classified as a collector. It extends westerly from Friant Road and will distribute traffic to various parts of the Fresno-Clovis Metropolitan Area (FCMA) via Minnewawa Avenue, and Willow Avenue.

Bikeways: The FCMA bikeway system includes a regional bikeway route along the Friant Corridor from Audubon Drive to the community of Friant. The route has been installed as bike lanes along the Friant Road alignment. The long-range Bicycle Plan would also extend a bicycle path from Lost Lake south and west along the San Joaquin River to Skaggs Bridge on Highway 145. The Fresno County Board of Supervisors has adopted a recreation trail plan which included a multiple purpose trail including bicycles, hiking and equestrian along Friant Road from Woodward Park to the community of Friant. The width and specific location of the multiple purpose trail has not been defined.

2. Existing Traffic Conditions

Friant Road. Friant Road is a 55 mph roadway with a 50 mph posted speed limit in the vicinity of Lost Lake recreational area. The County of Fresno staff indicated that the most recent traffic count was taken from June 24 to 30 of 1985 north of Willow Avenue at the Council of Government's Transportation Modeling Station. The 24 hour and peak hour seven day average count was 5761 and 464 vehicles, respectively. With a seasonal adjustment factor the annual ADT was 4033. The average peak hour percentage of the 24 hour count was 8.0%.

TABLE 7

TRAFFIC COUNT-FRIANT ROAD

<u>Mon./Date/Day</u>	<u>24 Hr Count (Veh)</u>	<u>Peak Hr Count (Veh)</u>	<u>Peak Hr.</u>	<u>%</u>
6/24/M	4632	261	6-7 a.m.	5.6
6/24/M	4632	340	5-6 p.m.	7.0

6/25/T	4928	282	6-7 a.m.	5.7
6/25/T	4928	400	5-6 p.m.	8.0
6/26/W	5748	304	6-7 a.m.	5.3
6/26/W	5748	489	5-6 p.m.	8.5
6/27/T	5193	343	6-7 a.m.	6.6
6/27/T	5193	408	5-6 p.m.	7.9
6/28/F	5485	331	6-7 a.m.	6.0
6/28/F	5485	404	3-4 p.m.	7.4
6/29/S	6235	390	11-12 N	6.3
6/29/S	6235	492	3-4 p.m.	7.9
6/30/S	8105	457	11-12 N	5.6
6/30/S	8105	712	6-7 p.m.	8.8

The counts in Table 7 were furnished by the County of Fresno from June 24 to 30 of 1985. It is a daily count for seven days. It does not include the traffic from the Lone Star excavation site since it was not in operation during the period the counts were taken.

The average daily traffic (ADT) on Friant Rd. from 1975 to 1985 furnished by the County is shown in Table 8. The ADT's are a seven day average for a four month period. The ADT for 1986 was estimated to be 4100 vehicles. By assigning the traffic from the Lone Star's excavation site (Average 130 truckloads or 260 round trips, one full and one empty) to the modeling station, the ADT on weekdays is estimated to be 4360. Periodically during peak sales months, truck trips are as high as 360, resulting in an ADT of 4460 during those periods.

TABLE 8
AVERAGE DAILY TRAFFIC (ADT)
FRIANT ROAD

<u>Year</u>	<u>ADT</u>
1975	3600
1976	3000
1977	2900
1978	3800

1979	3100
1980	4200
1982	4800
1985	3700
1986 (est.)	4360

Approximately 30% of the Friant Rd. traffic volume is made up of trucks. The counts were furnished by the County. Buses and vehicles larger than a pick-up truck were classified as trucks. The truck mix is shown in Table 9.

TABLE 9

TRUCK MIX ON FRIANT ROAD

<u>Axles</u>	<u>%</u>
5	11.8
4	0.3
3	1.3
2	<u>17.2</u>
	30.6

Willow Avenue: Willow Avenue is a 55 mph roadway between Friant Road and Herndon Avenue. The most recent Willow Avenue traffic count furnished by the County was taken in July of 1984 north of Shepherd Ave. and the ADT was 3500 vehicles of which 7.5% were trucks. The peak hour traffic in both directions was 310 vehicles or 8.9% of the ADT and it occurred between 5-6 p.m.

Bus Route: Friant Road and Willow Avenue serve as bus routes for school buses of the Friant Union and Sierra Joint Union School Districts. The Friant Union School District enrolls students from kindergarten to the 8th grade and the Sierra Joint Union School District enrolls students from the 9th grade to the 12th grade. The bus schedule and stop locations of the Friant Union School District are described in Table 10.

TABLE 10

FRIANT SCHOOL BUS STOPS

<u>Time</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:35 a.m.	3	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW.
7:56 a.m.	2	Friant Rd. east side	Approximately 500' north of Willow Ave.
8:00 a.m.	2	Friant Rd. east side	Approximately 750' south of Durando Ranch DW
3:22 p.m.	2	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW
3:26 p.m.	1	Friant Rd. west side	Driver walks student across Friant Rd. to east side
3:35 p.m.	2	Friant Rd. west side	Home of students on west side

The bus schedule and stop locations for the Sierra Joint Union School District are described in Table 11

TABLE 11

SIERRA JOINT UNION SCHOOL DISTRICT BUS STOPS

<u>Time a.m.</u>	<u>Time p.m.</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:00	4:28	1	Friant Rd west side	Approximately 2 mi. south of Lost Lake Recreation Area Rd.
7:04	4:24	1	Friant Rd. west side	Approximately 3/4 mi. north of Dry Creek

The bus route in the afternoon is reversed and begins from Auberry Rd. and ends on Friant Road.

Fog during the winter months periodically reduces visibility on the above road network as it does throughout the Valley. There have been concerns raised in response to this project regarding safety hazards from truck traffic hauling material from Lone Star's existing excavation site, confusion to travelers by the acceleration and deceleration lanes at the processing plant and the excavation site access road, inadequate signage, and lack of upkeep of the bicycle lane.

Speed along Friant Road is controlled by the Highway Patrol. No unusual rates of truck speed violations occur on this stretch of Friant Road. The geometrics and signing of the turn lanes and acceleration/deceleration lanes at the processing plant and the existing excavation site meet the requirements of Fresno County. Any spillage from the haul trucks at the processing site or excavation site is required, as a condition of the existing permit, to be removed as frequently as needed. The County does periodic clean-up and maintenance of the bicycle lanes between the two sites, as well as the remainder of the Friant Road bicycle lane, on an as-needed basis.

There are existing provisions in the Fresno County Zoning Ordinance (Section 858-E6) for monitoring sand and gravel sites every 2 years to determine compliance with conditions. However, such monitoring has not been done. Any violations are handled by Fresno County, usually on a complaint basis only.

Impacts

- o Without the project, the plant facility may be closed in less than 18 years due to lack of material. Haul trucks from the excavation site and the plant would cease at that point. The average truck trips per day, 260, would remain at existing levels until closure. The maximum truck loads will continue to be as high as 360 during peak sales months.
- o With the project, the plant facility could operate for another 18 years. If the annual production remains the same as proposed, the average truck trips per day would remain at existing levels, 260 per day. Periodically during peak sales months, truck trips will continue to be as high as 360 per day.
- o If production was increased to match historic peak sales on an on-going annual basis, the average number of truckloads would increase by 12% to 145 loads per day. If the plant ran at capacity on an on-going

annual basis, the average number of truckloads would increase by 33% to 173 loads per day.

- o The year 2006 traffic projections with the project are 12110 ADT on Friant Road north of Willow Avenue, 9770 ADT on Friant Road southwesterly of Willow Avenue and 6180 ADT on Willow Avenue south of Friant Road. These projections are based on full buildout of other approved projects including Park Fort Washington, Woodward Lake and Millerton New Town. Roadways will not have any capacity problems and the projected ADT will be within the capacity of 10,000 to 13,000 ADT of each of the roadways (Fresno County Public Works, May 1986).
- o There are five school bus stops on Friant Road to pick up and discharge nine students. The bus stops are located where buses can maneuver off the travel lane to board and discharge students. Buses have a problem of accelerating into the main stream of traffic. However, this is an existing problem. The approval of this project will not create new conflicts with truck traffic.
- o Haul trucks will continue to intermingle with recreational traffic traveling to and from Lost Lake Park and Millerton Lake for the life of the plant permit at existing levels of a maximum of 260 truck trips per day.
- o To the southbound motorist north of the plant entrance, visibility of the intersection is obscured to some degree by the existing landscaping along Friant Road required as a condition of approval of CUP 367. This is due to the plant entrance being on an inside curve. If the landscaping remains, this circumstance will continue with or without the project.
- o The geometrics and signing of the left-hand lanes and acceleration and deceleration lanes at the plant entrance have been designed and installed to County standards. Existing use of such lanes by vehicles and bicycles other than plant vehicles is likely due to confusion, impatience on the part of the travelers, or the drivers or riders are simply ignoring the intended use. The latter two are likely to continue with or without the project.
- o The presence of Woodward Park to the south and Lost Lake and Millerton Lake recreational areas to the north suggest that a higher than average bicycle

usage may be produced. The separation of bike lanes from the traffic lanes will continue to provide protection. The aggravation of the trucks mixed with the bikes is an existing condition and will remain unless the Multiple Purpose Trail Plan adopted by the Board of Supervisors to remove the bike lanes to a new alignment independent of the roadway is implemented.

Mitigation Measures

Proposed by Applicant:

- o Approval of the project as proposed with no increase in annual production or truck traffic will require no additional roadway improvements.

Additional Suggested Measures:

- o Although no increase in annual production or excavation is proposed, the County could limit the truck loads from the Beck site to no more than the 180 loads/day presently being transported for the existing Lone Star excavation site.
- o The existing provisions in the Fresno County Zoning Ordinance for monitoring of sand and gravel sites should be enforced, together with the provisions to collect fees to pay for the required periodic inspections.
- o Additional signage should be posted north of the plant to warn southbound travelers of slowing and crossing trucks at the plant entrance.
- o Mature trees that have grown up around the pond to the north of the plant entrance shield the plant from southbound traffic better than the landscaping along the road. The north portion of the landscaping could be removed to improve visibility of the plant intersection.

B. Aesthetics

There are three major views of the project site; from the eastern bluffs in Fresno County; the western bluffs in Madera County (both approximately 80 to 100 feet above the floodplain of the San Joaquin River); and from Friant Road. Much of the existing vista is an aesthetically pleasing one. The river with its accompanying ribbon of riparian vegetation is in a semi-

natural state having been altered to some extent by Friant Dam and agriculture. The remainder of the floodplain has been changed extensively by man with roads, farms, parks and material extraction sites. The property to the west and north which is part of the Ball Ranch property, as is the project site, is a depleted gravel extraction site having been mined since 1924. Most of the mined-out areas have revegetated naturally with native riparian vegetation and are prime wildlife and fishing areas.

The closest western bluffs are approximately 1/2 mile away at their closest point northwest of the site with one home overlooking the site. There is one home to the southwest on the bluffs approximately 1 mile away. The residential subdivision, Summer Hill, is developing just over one mile to the north. Roads have been built and several homes are under construction. Portions of the subdivision are located on one of the most prominent outlooks along the river. The viewshed includes Friant Dam approximately 4 miles to the north; Lost Lake Park; the San Joaquin River with its accompanying riparian vegetation is visible from Friant Dam to at least 4 miles south of the subdivision; and the western bluffs and beyond to the Sierra Foothills. It also overlooks the proposed Beck excavation site; Lone Star's existing excavation site; a recently rehabilitated Lone Star excavation site known as Ledger Island; the Ball Ranch fishing and wildlife area (depleted mining ponds with mature riparian vegetation); and the project site.

The eastern bluffs are directly across Friant Expressway, which runs along the eastern edge of the site, approximately 250 feet from the project property line. Two homes on the bluffs overlook the site approximately 500 feet from the project property line near the southeast corner of the site. The view from the eastern bluffs includes: the Friant Expressway directly below them; the plant buildings and operations; orchards to the southwest; and the Ball Ranch to the west and northwest. The plant activities include haul trucks, cement trucks, front-loaders, the sand and gravel plant, concrete batch plant, asphalt batch plant, maintenance yard and building; scale house and stockpiles.

Travelers on Friant Road from the south have a view of the upper portions of the taller plant buildings and stockpiles. The lower portions of the buildings and the ground operations are partially screened by landscaping along the front of the site. Just south of the entrance to the site, there is an unobstructed view of a house on the property and portions of the maintenance yard and building, due to a break in the landscaping. Travelers driving south have a more obscured view of the tops of the plant buildings due to more mature trees having grown up on the north end of the plant site.

Impacts:

- o Without the project, plant activities may cease in less than 18 years due to lack of material. Final reclamation of the site, including removal of the structures would occur shortly thereafter.
- o With the project, the plant will continue in operation for at least 18 years. The existing homes on the bluffs will continue to have a view of the industrial site contrasting to the rural view of agriculture, the Ball Ranch and the native river valley.
- o The new homes being built in Madera County will also have a view of the site. There has been a contention raised during the hearings on Beck's original two conditional use applications and on Lone Star's existing excavation site that sand and gravel operations including plant sites are aesthetically displeasing and consequently lower values of property which have a view of such sites. However, recent lot and sales prices in the developing Summer Hill subdivision which overlooks this site, Lone Star's existing excavation site and the rehabilitated Ledger Island would appear to contradict this contention. Lot prices range from \$65,000 to \$150,000 and the homes being constructed on them appear to be in the \$250,000 to \$500,000 range. (Pearson Realty, 1987) The lot sites with the most direct view of sand and gravel areas command the highest prices.
- o Traffic along Friant Road will continue to have a view of the tops of the taller buildings above the trees and of ground operations at the entrance.

Mitigation Measures:

- o Since no new impacts with the project have been identified, no mitigation measures are proposed.

V. RELATED ENVIRONMENTAL ISSUES

A. Effects Found Not to be Significant.

The following effects were found not to be significant by the Initial Study prepared for the project or are relevant to the Beck excavation site and have already been discussed in the Beck EIR.

1. Earth

Effects of the excavation of the resource material from the Beck site have been evaluated in the EIR prepared for the excavation site. The project will continue to add sediment to the project's settling ponds but will not create new, significant increases in erosion or changes in topography at the plant site.

2. Plant Life.

Effects of the excavation of resource material from the Beck site have been evaluated in the EIR prepared for the excavation site. The project will not change or reduce plant life at the processing site.

3. Animal Life.

Impacts to wildlife from the excavation of resource material from the Beck site have been evaluated in the EIR prepared for that site. Continuation of processing at the Lone Star plant site will not change or reduce animal life as a result of the project.

4. Land Use.

Changes to land use from the Beck excavation site have been evaluated in the EIR prepared for that site. Processing of Beck material at the existing Lone Star plant will not change present or planned land use in the project vicinity.

5. Recreation.

Impacts to Lost Lake Park from excavation of the Beck Ranch site have been evaluated in the EIR prepared for that site. Processing the material at the Lone Star plant will not affect recreational activities at Lost Lake Park.

6. Natural Resources.

Depletion of natural resources by excavation at the Beck site has been evaluated in the EIR prepared for that site. No additional impacts will occur as the result of processing the

material at the project site.

7. Agriculture.

The reduction in agricultural lands has been evaluated in the EIR for the excavation of resource material at the Beck Ranch. No agriculture is present at the project site.

8. Population

The project will not encourage the development of presently undeveloped areas or alter existing plans affecting the location or distribution of population.

9. Public Services

Approval of this project will not have an effect upon or result in the need for additional fire and police protection, schools or other governmental facilities or services. The project will continue to use existing public facilities and will not generate substantial new employers requiring additional public services.

10. Energy/Utilities.

Processing of material from the Beck Ranch will not generate a significant increase in the use of fuel or energy since it will occur within the timeframe of the existing use permit. The project will utilize existing utilities at the processing plant. The project will not increase the amount of material processed in the consumption region on an annual basis.

11. Archaeological/Historical

The project site has been utilized as a sand and gravel processing plant for over 60 years. Significant alterations to the topography and ground surface have occurred from excavation, construction, moving of stockpiles, and repeated passages of heavy equipment. The above intensive activities for such a long duration have in all reasonable probability destroyed or disturbed any possible sites that may have been present. No new excavation on the site is proposed as part of this project.

B. Cumulative Impacts

The proposed project will continue the processing of sand and gravel materials at the existing processing plant within the time frame of the plant's existing use permit or 18 more years. The source of the material being processed will change. This will not in itself accelerate market demand for the product. Without this proposed source of resource material, the plant will likely close in less than 18 years due to lack of material.

Unless Lone Star Industries builds a new plant in the region, the existing plants at the time of this closure will accrue a greater share of the market. Consequently resources at these sites will be depleted earlier.

Development of future projects in the area either approved such as the Millerton New Town, Park Fort Washington or Woodward Lakes Estates or proposed such as Ball Ranch will be affected very little by this project, since the plant facility is already existing and the truck traffic already exists on Friant Road. Forecasts of impacts to Friant Road traffic through the year 2006 are included in the Traffic Section of this Supplemental EIR.

C. Unavoidable Adverse Impacts

The project will result in the continuation of a number of unavoidable adverse impacts associated with sand and gravel processing plant operations which cannot be completely mitigated. Any such impacts associated with the excavation of material from the Beck Ranch has been discussed in the EIR for that site.

1. Water: Water will continue to be lost to evaporation during the processing of sand and gravel and from the surface area of the settling ponds.

2. Air Quality: Plant emissions within the limits of the APCD permits will continue for at least 18 years.

3. Noise: Ambient noise levels will continue to include industrial noise from plant operations for the life of the permit.

4. Traffic: The existing intermingling of haul trucks with autos, recreational vehicles, school buses and bicycles will continue for the life of the plant.

5. Aesthetics: The plant facility will continue to be visible from the bluffs and Friant Road until the site is rehabilitated after 18 years.

D. Alternatives

No Project

The denial of the application would eliminate all impacts, adverse, mitigated, and positive, relating to this project. The Lone Star plant would probably close before the end of its current permit in 2005, due to lack of material. The Beck Ranch project would be without a processing site and could be a

dead project. This may also lead to the non-utilization of the resource in the future. There are already a number of uses in the area which are inherently incompatible with sand and gravel mining. If the resource is not recovered now while those uses are few, then increased development in the area, both in Fresno and Madera Counties, would likely prohibit excavation in the future. Fresno County policy recognizes mineral deposits as a valuable resource which must be protected from the incompatible uses. Without the Beck Ranch material, sand and gravel reserves for Fresno Region will be reduced to less than 20 years.

"The importance of rock, sand, and gravel aggregate to the Fresno-Clovis building industry cannot be overstated. Aggregate must be mined where suitable deposits are found, and to be most economical, they should be extracted and processed near the consumer. The deposits must be of sufficient quality to meet the specifications of various private and public construction projects and of sufficient quantity to justify the extraction plant investment. The San Joaquin Riverbottom has provided a reasonably cheap source of quality aggregate for many years. The fact that the extracting plants lie in the proximity of urbanized areas has helped to keep transfer costs low, ultimately helping to reduce the cost of construction," (San Joaquin River Reconnaissance Study)

Expand Beck Ranch Permit

Beck Ranch could apply for a processing plant on-site to process its materials. The addition of a new plant 1-1/2 miles away could potentially increase production capacity in the area. It is likely that the new plant would gain a share of the market from Lone Star and other plants along the San Joaquin River, resulting in lower production at those plants. Consequently, while production may be reduced at Lone Star, the Beck plant would add a portion of the production which previously had come from Lone Star, plus part of the production which previously had come from the other plants, resulting in a net increase in production in the area. In addition, it would expand project impacts considerably to the area surrounding Beck Ranch including: noise from plant operation; increased truck traffic from two excavation sites operating side by side plus plant traffic; visual impacts from a new plant, and increased water usage. While these impacts may be modified, they will still be greater in scope than the present proposal for processing material at the existing Lone Star facility.

Alternative Location:

The material from the Beck Ranch could be processed at another plant location further south on the San Joaquin River, (i.e. Cal-Met, River Rock Products, or Stewart and Nuss), which would require each of those plants to obtain modification to

their existing permits to allow processing of off-site materials. It would also increase haul distances from 1-1/2 miles up to 4-1/2 to 12 miles. The greater haul distance would increase cost of the resource considerably and would create added truck traffic impacts to more miles of Friant Road and other County or City roads that the trucks would then have to travel.

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APPENDIX A
INITIAL STUDY
LONE STAR PROCESSING PLANT
CU 2241 EA 3174

CUP 2241-Lonestar

RESPONSES

Final
3/17/78

ENVIRONMENTAL IMPACT CHECKLIST

All "Yes" responses are discussed in the next Section.

* Not Applicable

	N/A*	YES	NO
1. <u>Earth</u> Will the project result in:			
a.	---	---	X
b.	---	---	X
c.	---	---	X
d.	---	---	X
e.	---	---	X
f.	---	---	X
g.	---	---	X
2. <u>Air</u> Will the project result in:			
a.	---	X	---
b.	---	---	X
c.	---	---	X
3. <u>Water</u> Will the project result in:			
a.	---	---	X
b.	---	---	X
c.	---	---	X
d.	---	---	X
e.	---	---	X
f.	---	---	X
g.	---	---	X
h.	---	---	X
i.	---	---	X
j.	---	---	X
k.	---	X	---

	N/A	YES	NO
11. <u>Hazards</u> Does the project involve:			
a. Risks of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset conditions?		X	
b. Risks from fire, snow, or other natural hazards?			X
c. Risks from man-made hazards such as visual obstructions, lack of traffic control, dangerous materials, hazardous industrial activity, roadway design, etc.?			X
12. <u>Population</u> Will the project:			
a. Alter from existing plans the location, distribution, density, or growth rate of the human population of an area?			X
b. Establish any precedents or facilitate any other projects whose impacts could be significant?			X
c. Encourage the development of presently undeveloped areas?			X
13. <u>Housing</u> Will the proposal affect existing housing, or create a demand for additional housing?			X
14. <u>Transportation/Circulation</u> Will the project result in:			
a. Generation of substantial additional vehicular movement not planned for the area?			X
b. Effects on existing parking facilities, or demand for new parking?			X
c. Substantial impact upon existing transportation systems?			X
d. Alterations to waterborne, rail, or air traffic?	X		
e. Alterations to present patterns of circulation or movement of people and/or goods?			X
f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?		X	
15. <u>Public Services</u> Will the project have an effect upon, or result in a need for new or altered governmental services in any of the following areas:			
a. Fire protection?			X
b. Police protection?			X
c. Schools?			X
d. Parks or other recreational facilities?			X
e. Maintenance of public facilities, including roads?			X
f. Other governmental services?			X
16. <u>Energy</u> Will the project result in:			
a. Use of substantial amounts of fuel or energy?			
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?			X

	N/A	YES	NO
17. <u>Utilities</u> Will the project result in a need for new systems or substantial alterations to the following utilities:			
a. Power or natural gas?	---	---	X
b. Communications systems?	---	---	X
c. Water?	---	---	X
d. Sewer or septic tanks?	---	---	X
e. Storm water drainage?	---	---	X
f. Solid waste and disposal?	---	---	X
18. <u>Human Health</u> Will the project result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	---	---	X
b. Exposure of people to potential health hazards?	---	---	X
19. <u>Aesthetics</u> Will the project result in:			
a. The obstruction of any scenic vista or view open to the public?	---	X	---
b. The creation of an aesthetically offensive site open to public view?	---	---	X
20. <u>Recreation</u> Will the project result in an impact upon the quality or quantity of existing recreational opportunities?	---	X	---
21. <u>Archaeological/Historical</u> Will the project result in an alteration of a significant archaeological or historical site, structure, object, or building?	---	---	X
22. <u>Controversy</u> Does the project have the potential to generate serious public controversy concerning environmental effects?	---	X	---
23. <u>Mandatory Findings of Significance</u>			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	---	X	---
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).	---	---	X
c. The possible effects of a project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	---	X	---
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	---	---	X

RESPONSES TO ENVIRONMENTAL IMPACT CHECKLIST
ENVIRONMENTAL ASSESSMENT NO. 3174; CONDITIONAL USE PERMIT NO. 2241

2. Air

(a) The project may increase emissions of the existing operation due to increased production and processing of the beek material. The EIR should address the impacts on air quality and assess if conditions of Air Quality permits that currently exist would continue to control the emissions.

3. Water

(k) Unauthorized Use of San Joaquin River water

The U. S. Department of the Interior, Bureau of Reclamation, submitted the following comments regarding use of San Joaquin River water. In a letter from the bureau to the present landholders dated March 15, 1984, it stated: "It has been the position of the Bureau of Reclamation that only that portion of the holding that had a valid water right when the water rights settlement contract was executed is entitled to the use of water from the San Joaquin River. The map attached to the bureau's letter dated September 21, 1983, depicts the portion of your holding which the Bureau's records show to be riparian lands. In our opinion, that is the only portion of the holding on which San Joaquin River water may be used under a claim of a water right.

The aforementioned letter clearly provides that the United States will not object to the property owner diverting water from the San Joaquin River for beneficial use so long as the water is used for irrigation or domestic purposes. That letter further provides that the contract recognizes the property owner's riparian water right, but that such riparian water may be used only on the designated portion of the lands as described in the exhibit to that contract. In addition, other downstream water rights holders and/or the State Water Resources Control board could object to any water use including the proposed agricultural rehabilitation on the non-riparian lands.

In respect to the relevance of this water rights settlement matter with the subject proposal, the attached map delineates which lands pertinent to the proposed project are defined as riparian and non-riparian. Again, the bureau strongly feels that this subject of water rights should be thoroughly investigated and analyzed with reference to this and any similar proposed project."

The EIR should address unauthorized diversion of water from the San Joaquin River.

6. Noise

(c) The noise impacts at the site are unknown. Conditional Use Permit 367 required County Staff to periodically monitor the project site, but to date noise monitoring has not been conducted. The amended project may

intensify the existing noise impacts from excavation, processing, and truck traffic. The EIR should address the noise impacts and cumulative noise impacts of the area.

11. Hazards

(a) Gold extraction processing using mercury is not addressed in the operational statement for CUP 267 or 2032. The potentially hazardous impact to groundwater and the San Joaquin River and wildlife through improper use and disposal of mercury should be addressed in the EIR. A complete discussion of the gold processing operation should be included in the EIR.

14. Transportation

(f) The project currently generates approximately 130 round-trips per day to the existing processing plant located one mile south of the site. Increased traffic as a result of processing the Beck material should be addressed in the EIR.

19. Aesthetics

(a) The project site was identified during the EA process as an offensive site open to public view to residents along the western and eastern bluffs of the San Joaquin River.

The Madera side of the river has been slated for residential uses on the bluffs, which will look directly down to the subject project. Adherence to conditions of the CUP's regarding landscaping, rehabilitation, berms, and their impact on aesthetic conditions of the plant should be addressed in the EIR. An evaluation of the effectiveness of the existing mitigation measures and proposed mitigation measures of the project should be included in the EIR.

20. Recreation

The project could adversely impact users of the County's Lost Lake Recreational area by increased levels of noise, dust, and truck traffic resulting from a more intensive use of the processing plant.

22. Controversy

The project has generated extensive public controversy on environmental effects. Environmental groups and individuals have submitted comments and requests that the above-described issues be addressed through the format of an EIR.

23. Mandatory Findings of Significance

(a) The project will result in a more intensified use of the site. The existing impacts of traffic, noise, air pollution, visual impacts, potential water quality degradation, erosion, discharge to San Joaquin River, unauthorized use of river water, and use of hazardous materials may increase.

(c) Cumulative impacts

The cumulative impacts of this project and related projects in the area are significant. The cumulative impacts upon scenic values, water quality, noise levels, air pollution, and traffic should be addressed in the EIR.

General Comments

The existing environmental conditions at the Lone Star site are largely unknown. Before amending the CUP, an EIR should be prepared to address current conditions on the site, compliance with conditions of CUP 367 and their effectiveness in mitigating impacts of the processing plant. It is difficult to assess the impacts of the processing plant operation without specific information as to exactly what conditions and impacts exist on the site.

SB:jw
042*

APPENDIX B
CUP 367 SETTLEMENT
LONE STAR INDUSTRIES VS COUNTY OF FRESNO

*Agreement 84-547
(U 367)*

COMPROMISE, SETTLEMENT AND MUTUAL RELEASE

*See also
17/10/10 M/M file*

This Agreement is entered into this 8th day of January, 1985, at Fresno, California, by and between LONE STAR INDUSTRIES, INC., a corporation ("Lone Star") and the COUNTY OF FRESNO ("County").

Lone Star has filed suit (the "Suit") and is pursuing the same against County in the Superior Court of the State of California in and for the County of Fresno, Action No. 311755-3. Subject to the following terms and conditions, Lone Star and County (the "Parties") now desire to, and hereby do, enter into a complete settlement of the Suit and release each other from any and all liability arising from said Suit and the facts pleaded therein.

NOW, THEREFORE, the parties agree as follows:

1. Lone Star is a corporation organized under the laws of the State of Delaware, authorized to do business and doing business in the State of California.
2. County is a political subdivision of the State of California, created and existing under and by virtue of the laws of the State of California.
3. Lone Star operates a sand, gravel and related materials extraction and processing business in the County of Fresno, which business is known as "Rockfield." Lone Star owns a portion of the real property upon which the business is operated and it leases the balance. Rockfield

has been in use since approximately 1924 and consists of sand and gravel quarries and a processing facility.

4. Among other permits issued to Lone Star by the County is a certain use permit numbered 367 (the "Use Permit") which permit applies to five (5) parcels of real property at Rockfield, which parcels are more particularly described in the Use Permit (a copy of which is attached hereto, marked as Exhibit 1 and incorporated herein by reference). The parcels are identified as being parcels A, B, E, F and G. Lone Star's processing facilities are located on parcels A and B (the "Southern Parcels"). Lone Star has extracted sand and gravel from the Southern Parcels and now desires to extract sand and gravel from parcels E, F and G (the "Northern Parcels").

5. The Suit was filed because a dispute had arisen between Lone Star and County over whether or not the Use Permit was valid and subsisting or had been terminated by operation of law. Conditioned upon the satisfaction of all of the terms and conditions set forth in paragraph 6 infra, County agrees that the Use Permit has not been terminated, is valid and subsisting and that Lone Star may therefor continue its operations now underway on the Southern Parcels and as permitted in the Use Permit and may commence extraction operations on the Northern Parcels.

6. County has requested that Lone Star limit and condition its use under the Use Permit as provided in

Exhibit 2 attached hereto and incorporated herein (the "Conditions") and that such Conditions be deemed to be part of the Use Permit as though made by amendment thereto. The Conditions require the execution of a recordable agreement between the Parties, the possible dedication of right of way, and plan submittals by Lone Star to the County; the completion of such requirements and the approval by County thereof is a condition subsequent to the effectiveness of this Agreement. Subject to such condition subsequent, Lone Star hereby agrees to the County's request and Conditions and specifically agrees to be bound by them and further agrees that Use Permit 367 shall be deemed amended by such Conditions.

Should the condition subsequent not be timely satisfied, this Agreement shall be of no further force and effect and Lone Star may pursue the Suit. Prior to any such failure of the condition subsequent, if at all, all applicable statutes of limitation including, without limitation, Code of Civil Procedure § 583, shall be tolled.

The condition subsequent shall be satisfied, if at all, within ninety days from the date hereof or such later date as the Parties may agree to in writing.

Notwithstanding the above, the Parties hereto will use all due diligence to accomplish the satisfaction of the condition subsequent.

7. Upon the satisfaction of the condition subsequent described in paragraph 6 above, Lone Star shall dismiss the Suit and each side shall bear its own costs.

8. Subject to the terms and conditions hereinabove stated, each of the parties hereto, on behalf of itself, its agents, successors and assigns fully releases and discharges the other party and its agents, successors, and assigns from all rights, claims and actions which each may have against the other arising out of the Suit and the facts therein pleaded.

9. This Agreement is a compromise of the above-mentioned Suit and shall never be treated as an admission of liability by either party for any purpose.

10. Upon satisfaction of the condition subsequent, this Agreement shall be a full settlement of the Suit and it shall act as a release of future claims which might otherwise arise from the Suit and the dispute therein described, whether such claims are currently known, unknown, foreseen or unforeseen and notwithstanding Section 1542 of the California Civil Code. Section 1542 provides as follows:

A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor.

The Parties understand and acknowledge the significance and consequence of the specific waiver of

Section 1542 and hereby assume full responsibility for any damages, losses or liability that they may hereafter incur from the matters described in and underlying the Suit.

This Agreement is hereby executed as of the day and date above specified.

LONE STAR INDUSTRIES, INC.

By *Ronald L. Blick*
Ronald L. Blick
Regional President

COUNTY OF FRESNO

By *William Howard*
CHAIRMAN, BOARD OF SUPERVISORS

Approved as to Form:

PILLSBURY, MADISON & SUTRO

By *Thomas P. O'Donnell*
THOMAS P. O'DONNELL

Approved as to Form:

FRESNO COUNTY COUNSEL

By *Thomas J. [Signature]*

ATTEST:

DARLENE BLOOM, Clerk to
the Board of Supervisors

By *Arline Rippe*
Deputy

Approved as to Accounting Form:

GARY W. PETERSON,
AUDITOR-CONTROLLER/TREASURER

By *Joseph [Signature]*
ASSOCIATE AUDITOR-CONTROLLER

November 1960

RECEIVED

NOV 18 1960

IN THE MATTER OF CONDITIONAL
USE PERMIT APPLICATION NO. 367

(C. S. P. No. 1)

The matter of the application of Pacific Cement & Aggregates, Inc. for a Conditional Use Permit to excavate and process sand, gravel and crushed gravel, etc., (Conditional Use Application Permit No. 367), upon the following described property, to-wit:

(DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF).

Under the provisions of County Zoning Ordinance No. 490, as amended, coming on regularly for hearing before this Board of Supervisors this 7th day of November, 1960, at the hour of 2:00 P. M.; and

It appearing that notice of said hearing has been given in accordance with law and the order of this Board, the Board hears all interested parties, and no one appearing to protest the granting of said application and no written protests having been received in connection therewith; and

It further appearing, after hearing all of the evidence adduced, that the recommendation of the Fresno County Planning Commission made in said matter should be adopted;

NOW, THEREFORE, upon motion of Supervisor McCormick, seconded by Supervisor Olson, and carried, IT IS ORDERED that the recommendation of the Fresno County Planning Commission be and the same hereby is adopted and the application of Pacific Cement & Aggregates, Inc. for a Conditional Use Permit to excavate and process sand, gravel and crushed gravel including washing-screwing and grading facilities, batching plant and appurtenant facilities, upon the heretofore described property be, and the same hereby is, granted, subject to the following conditions:

1. That the applicant and the owners of the subject property develop a plan for orderly development of the property by stages.
2. That a margin of land be provided on the periphery of the property sufficient to prevent hazard to abutting properties, subject to approval of the Fresno County Public Works Department.

EXHIBIT /

November 2, 1960

3. Southern and Western boundaries to be fenced except along the river.
4. Northern area approved, subject to examination of methods of operation at a future date.

AYES: Supervisors McCormick, Olson, Malm, Foley

NOES: None

ABSENT: Supervisor Andress

RECEIVED

NOV 22 1960

Fresno County Planning Commission

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 367

Conditions for Area "B"

1. The processing plant operation shall be discontinued upon completion of material extraction allowed pursuant to Conditional Use Permit No. 2032, Conditional Use Permit No. 367 or upon the twentieth (20th) anniversary of the date of County approval of these Conditions, whichever occurs last. In no event shall the life of the operation exceed 20 years.
2. All operations shall be limited to weekdays during the hours of 6:00 a.m. to 6:00 p.m. except that in the event of any emergency as determined by any governmental body or agency, excavation and processing may proceed as needed notwithstanding the aforesaid.
3. Except for the main sand pile, the height of material stockpiles shall not exceed 25 feet unless the Permittee is able to satisfy County that it will plant landscaping which will, within five (5) years of planting, effectively screen such stockpiles from view from Friant Road.
4. Landscaping consisting of riparian-type trees shall be provided along the frontage of Friant Road and Birkhead Avenue to effectively screen the view of the plant and the stockpiles from the highway user within five years. A landscape plan shall be prepared by an architect or landscape architect and shall be submitted within 90 days of the date of this agreement. The landscaping shall be completed within six months of the approval of the plan.
5. A dust palliative shall be applied to all internal circulation roads as frequently as necessary to control dust. Dust palliatives may include road oil, water, magnesium chloride, or other proven materials.
6. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
7. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
8. The Permittee shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the Permittee.

9. A drip irrigation system or surface ditch irrigation system or their equivalent approved by the Director of the Resources and Development Department shall be provided to ensure maintenance of all landscaping.
10. Within 90 days of the date of approval of this agreement, a Site Plan Review Application shall have been submitted to the Director of Resources and Development pursuant to Section 874 of the Zoning Ordinance.
11. A detailed rehabilitation plan shall be submitted as part of the required Site Plan Review. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be rounded and contoured to provide an appearance consistent with the surrounding area. The rehabilitation work shall be done in such a way as to preserve existing riparian vegetation. All rehabilitation work in areas where mining activity has been completed shall be finished within one year of the date of plan approval.
12. Subject to the approval of the Director of Development, Permittee shall take such corrective measures as may be necessary, if at all, to eliminate any stagnant water conditions in any existing or proposed ponds created or to be created by Permittee.
13. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition.
14. Structural design of all improved public roads shall be in accordance with County standards and approved by the Director of Public Works.
15. Road improvements shall be made by Permittee in accordance with the schematic plan attached hereto and marked as Exhibit A. In no event shall Permittee be required to expend more than \$50,000 on such improvements.

Notes:

1. The proposed use is also subject to the mandatory conditions and standards of Zoning Ordinance Section 858 as specified on the attachment.
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.

ATTACHMENT

Unclassified Conditional Use Permit Application No. 367

Applicable standards and conditions of Zoning Ordinance Section 858-C and E

858-C:

1. No extraction of material or overburden shall be permitted within twenty-five (25) feet of any property boundary nor within fifty (50) feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. No stockpiled soil or material shall be placed closer than twenty-five (25) feet from a property boundary.
3. No production from an open pit shall create a slope steeper than 2:1 within fifty (50) feet of a property boundary nor steeper than 1-1/2:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its rehabilitation configuration, and slopes of 1:1 may be maintained five (5) feet below the lowest water table on the property experienced in the preceding three (3) years.
4. The first one hundred (100) feet of access road(s) intersecting with a County-maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two (2) percent grade and shall have a width of not less than twenty-four (24) feet.
7. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Fresno County Department of Public Works.
8. Security fencing four (4) feet in height consisting of not less than three (3) strands of barbwire, or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two (2) feet horizontal to one (1) foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.
19. The operator shall comply with all existing and future laws, ordinances, regulations, orders, and decrees of bodies or tribunals.

- 22b. Sufficient topsoil shall be saved to perform site rehabilitation in accordance with the rehabilitation plan.
- 22c. All reasonable and practical measures shall be taken to protect the habitat of wildlife.
- 22d. Temporary stream or watershed diversion shall be restored.

ATTACHMENT

Unclassified Conditional Use Permit Application No. 367

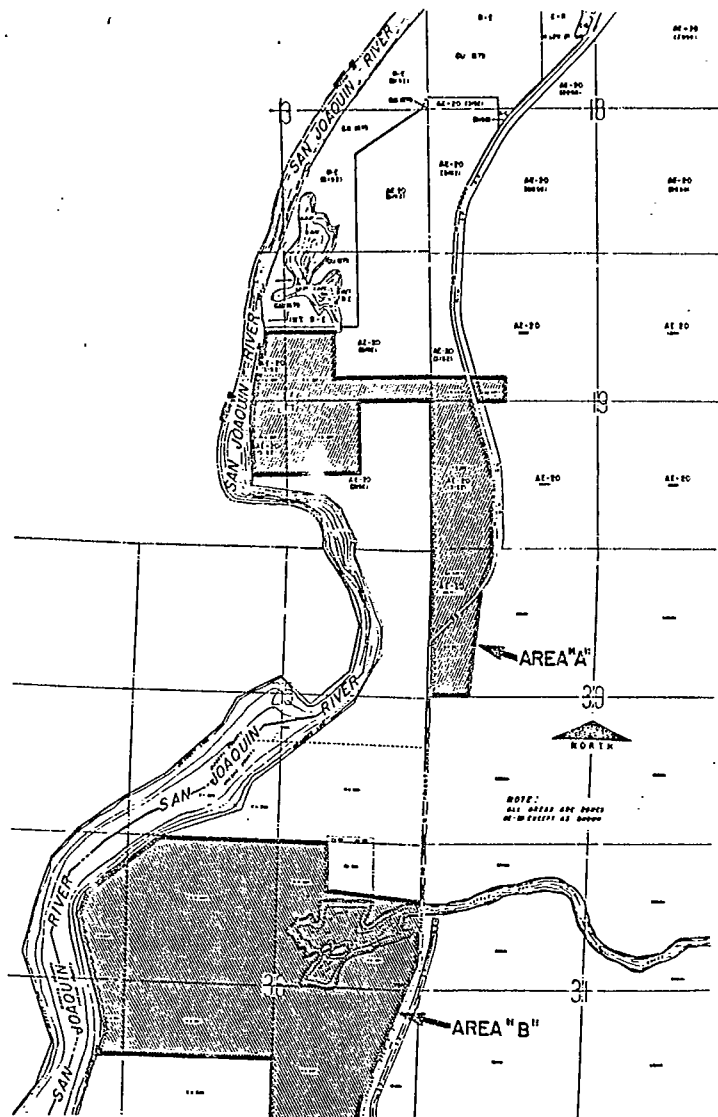
Applicable standards and conditions of Zoning

Ordinance Section 858-E

2. Security, as herein specified, shall be deposited by the operator of a permanent material extraction site in the event any phase of the rehabilitation plan is not completed in accordance with the approved permit, and upon notification of the amount of security by the Director. Pending the deposit of security, the operator shall not conduct any further activity on or from the premises. Said security shall be in the form of cash deposited by the operator with the County or in an approved irrevocable escrow or its equivalent and shall be in an amount determined by the Director equal to one hundred (100) percent of the total cost of completing the subject phase of rehabilitation. Said security may be partially released during the progress of rehabilitation as long as the same ratio is maintained on deposit for all completed work.
3. Where the rehabilitation work as to any phase is not completed within the time period set forth in the approved rehabilitation plan or as extended by the Director, the County may enter upon the operator's premises to perform said work and use said funds deposited as security to pay for the cost thereof. In the event the operator fails to complete rehabilitation work as required herein and has not deposited security as specified herein for the cost of rehabilitation work, the operator shall then be liable to the County for the cost of any rehabilitation work required to be performed by the County in accordance with the rehabilitation plan. Where the County is authorized to enter upon property to cause rehabilitation work to be done, the Conditional Use Permit may be revoked by the Board of Supervisors upon thirty (30) days written notice first being given to the operator.

6. All material extraction sites in the County of Fresno are subject to a periodic inspection once every two years or such other period as required in a Conditional Use Permit to determine compliance with operational and rehabilitation plans.

The required periodic inspections shall not impair the County's right to perform additional on-site inspections as may be necessary and appropriate to ensure compliance of the requirements of the Conditional Use Permit or other provisions of law. The Board of Supervisors may adopt by resolution a schedule setting forth the fees that may be imposed for required periodic inspections.



APPENDIX C
LETTER REGARDING DISCHARGE PERMIT
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD

CENTRAL VALLEY REGION



AN JOAQUIN WATERSHED BRANCH OFFICE:
3374 EAST SHIELDS AVENUE, ROOM 18
FRESNO, CALIFORNIA 93726

PHONE: (209) 445-8116

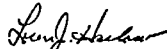
20 April 1981

Lone Star Industries, Inc.
Cement and Construction Materials Group
Northern California Division
13475 N. Friant Road
Fresno, CA 93706

LONE STAR INDUSTRIES SAND AND GRAVEL PLANT, MADERA COUNTY

On 9 April 1981, our engineers inspected the facilities of Lone Star Industries sand and gravel plant on the San Joaquin River during an investigation of complaints of excess silt in the river below Friant Dam. Attached please find a copy of the inspection report.

The report concludes that the plant is not the source of the silt problem being investigated. It further concludes that waste discharge requirements are not necessary at this time. Thank you for your cooperation.


LOREN J. HARLOW
Supervising Engineer

MPP/ic

Attachment

APPENDIX D
WATER USEAGE CONTRACT
LONE STAR INDUSTRIES INC., / BUREAU OF RECLAMATION

UNITED STATES
DEPARTMENT OF THE INTERIOR

Bureau of Reclamation Contract and Symbol No. 149r-1326
CENTRAL VALLEY PROJECT, CALIFORNIA

1. THIS CONTRACT, made this 13 day of October, nineteen hundred forty-seven, pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388) and acts amendatory thereof or supplementary or applicable thereto, all of which acts are commonly known and referred to as the Reclamation Law, and particularly pursuant to the Act of Congress approved August 26, 1937 (50 Stat. 844, 850), entitled "An Act authorizing the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," as amended between the United States of America, hereinafter referred to as the United States, represented by the contracting officer executing this contract, and Mary K. Leshner and Earl Samuel Leshner, husband and wife, and Harry W. Ball, also known as H.W. Ball, and Pearl Ball, husband and wife, and Clark Hodgson and Helen Hodgson, husband and wife, hereinafter referred to as the Contracting Owners, and Pacific Coast Aggregates, Inc., a corporation, as successor in interest to Grant Service Rock Co., Cons. a corporation, and Mary K. Leshner as the owner of mineral rights in Parcels 2 and 3, described in Schedule A hereof:

o o o o o

How the Owner May Divert Water

12. The United States does not and will not, so far as it and its successors and assigns are concerned, object to any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the said land, provided that water to supply such beneficial use or uses shall be taken only from water in the River at a point or at points upon, adjacent to, or opposite said land, or at a point or at points upon said land from underground sources.

o o o o o

28. (a) In further consideration of the premises, the United States agrees, notwithstanding any provision to the contrary in this contract contained, o o o that it will not object to the use by Pacific Coast Aggregates, Inc., of the water of the San Joaquin River for industrial purposes in connection with the processing of rock, sand, and gravel, provided the water so used is returned to the River free of pollution and/or contamination.

Successors and Assigns Bound

29. This contract shall be binding upon and inure to the benefit of the successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF the parties hereto have executed or caused these presents to be executed in duplicate original the day and year first above written.

THE UNITED STATES OF AMERICA

BY JACK W. RODIGEZ

Mar 8 1948

District Manager, Lower San Joaquin District Region 8
Bureau of Reclamation

MARK K. LESHER

EARL SAMUEL LESHER

HARRY W. BALL

PEARL BALL

CLARK L. HODGSON

HELEN HODGSON

PACIFIC COAST AGGREGATES, INC.

By A.K. HUMPHRIES President

By W.L. NEIL Secretary (CORPORATE SEAL)

as successor in interest to Grant Service Rock
Co. Cons., by assignment of lease recorded January
9, 1947, as Document No. 1803, Official Records,
Fresno County, California.

SCHEDULE A

Real property in the County of Fresno, State of
California, described as follows:

PARCEL 1:

That portion of the SE1/4 of Section 36, Township 11
South, Range 20 East, Mount Diablo Base and Meridian,
according to the United States Government Township
Plats, which lies east of Pollasky Branch of the
Southern Pacific Railroad.

PARCEL 2:

That portion of Sections 35 and 36 in Township 11 South, Range 20 East, Mount Diablo Base and Meridian, according to the United Government Township Plats, in the County of Fresno, State of California, described as:

Beginning at a point on the east line of said Section 36 which is 900 feet south of the northeast corner of said Section 36; thence northwesterly a distance of 1770 feet to a point which is 855 feet south of the north line of said Section 36; thence on a line in a southwesterly direction a distance of 4556 feet, more or less, to a point on the east bank of the San Joaquin River, said point being 1200 feet north of the south line of Lot 14 in said Section 35; thence continuing Southwesterly along a projection of the line above described to the thread of the San Joaquin River; thence southerly along the thread of the San Joaquin River to a point on the south line of Lot 14 in said Section 35 projected west; thence east along the south line of said Lot 14 projected west and along the south line of said Lot 14 and along the north line of the S1/4 of the SW1/4 of said Section 36 to the east line of the SW1/4 of said Section 36; thence south along the east line of said SW1/4 to the south quarter corner of mid Section 36; thence east

along the south line of said Section 36 to the westerly line of the right of way of the Southern Pacific Railroad; thence northerly and northeasterly along the westerly line of said right of way to the east line of said Section 36; thence north along said east line to the point of beginning;

EXCEPT one-half of all oil, gas and other minerals, in, upon or under said premises, together with the right to enter in and upon said premises to prospect for, develop, mine and store same upon said premises, also except all rock, sand and gravel which are not included in said reservation, as reserved in the deed from Mary K. Leshner to Harry W. Ball, dated December 28, 1945, recorded January 8, 1946, Document No. 2112. ALSO except that portion of the S1/4 of the SE1/4 of Section 36, Township 11, south, Range 20 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats, lying west of the right of way of the Friant Branch of the Southern Pacific Railroad.

PARCEL 3:

That portion of the S1/4 of the SE1/4 of Section 36, Township 11 South, Range 20 East, Mount Diablo Base and Meridian, according to the United States Government Township Plats, lying west of the right of way of the Friant Branch of the Southern Pacific Railroad;

EXCEPT one-half of all oil, gas and other minerals, in, upon or under said premises, together with the right to enter in and upon said premises to prospect for, develop, mine and store same upon said premises, also except all rock, sand and gravel which are not included in said reservation, as reserved in the deed from Mary K. Leshar to Harry W. Ball, dated December 28, 1945, recorded January 8, 1946, Document No. 2112.

And all lands contiguous to the center of the San Joaquin River, if any, owned by the Contracting Owners.

APPENDIX E
OCTOBER 10, 1986 LETTER
BUREAU OF RECLAMATION



United States Department of the Interior

BUREAU OF RECLAMATION
MID PACIFIC REGION

FRESNO OFFICE (CVP)
FEDERAL BUILDING, ROOM 2215
1130 "O" STREET
FRESNO, CALIFORNIA 93721

IN REPLY
REFER TO: PRO-425
770.

OCT 10 1986

RECEIVED

OCT 10 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DIV.

Ms. Sharon Berg
Staff Analyst III
Public Works and Development
Services Department
County of Fresno
4499 East Kings Canyon Road
Fresno, California 93702

Dear Ms. Berg:

Subject: Environmental Assessment No. 3174; Conditional Use
Permit No. 2241

We have reviewed the Environmental Assessment No. 3174 and
Conditional Use Permit No. 2241 to extend the duration of your
CUP's 367 and 2032 to enable Lone Star Industries, Inc. to
process materials from the Beck property (see attached map). We
have the following pertinent comments for your consideration.

Past proposals for a sand and gravel extraction and processing
operation along the San Joaquin River have been denied by the
County for reasons of conflicting environmental impacts and
public opposition. Previous comments by the Bureau of
Reclamation (Bureau) reflected concerns about potential San
Joaquin River water quality degradation and riparian water rights
conflicts.

For example, owners of contiguous landholdings bordering the San
Joaquin River from Friant Dam to Gravelly Ford (a gaging station
located on the river in the vicinity of the old Gravelly Ford
Ranch), entered into water rights contracts with the Bureau for
"settlement of certain former water rights from the San Joaquin
River." Basically, these contracts provide for the adjustment
and/or settlement of defined water rights related to the
operation of Friant Dam and Millerton Reservoir. The water
rights settlement contracts do NOT grant a water right. Further,
the actual lands on which the landholder can apply/utilize San
Joaquin River water is in dispute. Each contract contains an
exhibit which shows ALL of the lands in that particular holding.

The contract states: "The United States does not and will not so far as it and its successors and assigns are concerned, object to any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the land described in Exhibit A: Provided, that water to supply such beneficial use or uses shall be taken only from water in the River at a point or at points upon, adjacent to or opposite said described land or at a point upon said described land from underground sources." However, in a letter from the Bureau to the present landholders dated March 15, 1984, it stated: "It has been the position of the Bureau of Reclamation that only that portion of the holding that had a valid water right when the water rights settlement contract was executed is entitled to the use of water from the San Joaquin River. The map attached to the Bureau's letter dated September 21, 1983, depicts the portion of your holding which the Bureau's records show to be riparian lands. In our opinion, that is the only portion of the holding on which San Joaquin River water may be used under a claim of a water right."

The aforementioned letter clearly provides that the United States will not object to the property owner diverting water from the San Joaquin River for beneficial use so long as the water is used for irrigation or domestic purposes. That letter further provides that the contract recognizes the property owner's riparian water right, but that such riparian water may be used only on the designated portion of the lands as described in the exhibit to that contract. Therefore, if the subject extension is granted, the Bureau would be concerned with possible illegal diversions from the San Joaquin River for industrial purposes, since that use is not covered by the water rights settlement contract with the Bureau. In addition, other downstream water rights holders and/or the State Water Resources Control Board could object to any water use including the proposed agricultural rehabilitation on the non-riparian lands.

In respect to the relevance of this water rights settlement matter with the subject proposal, the attached map delineates which lands pertinent to the proposed project are defined as riparian (shaded blue) and nonriparian (shaded pink). Again, the Bureau strongly feels that this subject of water rights should be

thoroughly investigated and analyzed with reference to this and any similar proposed project.

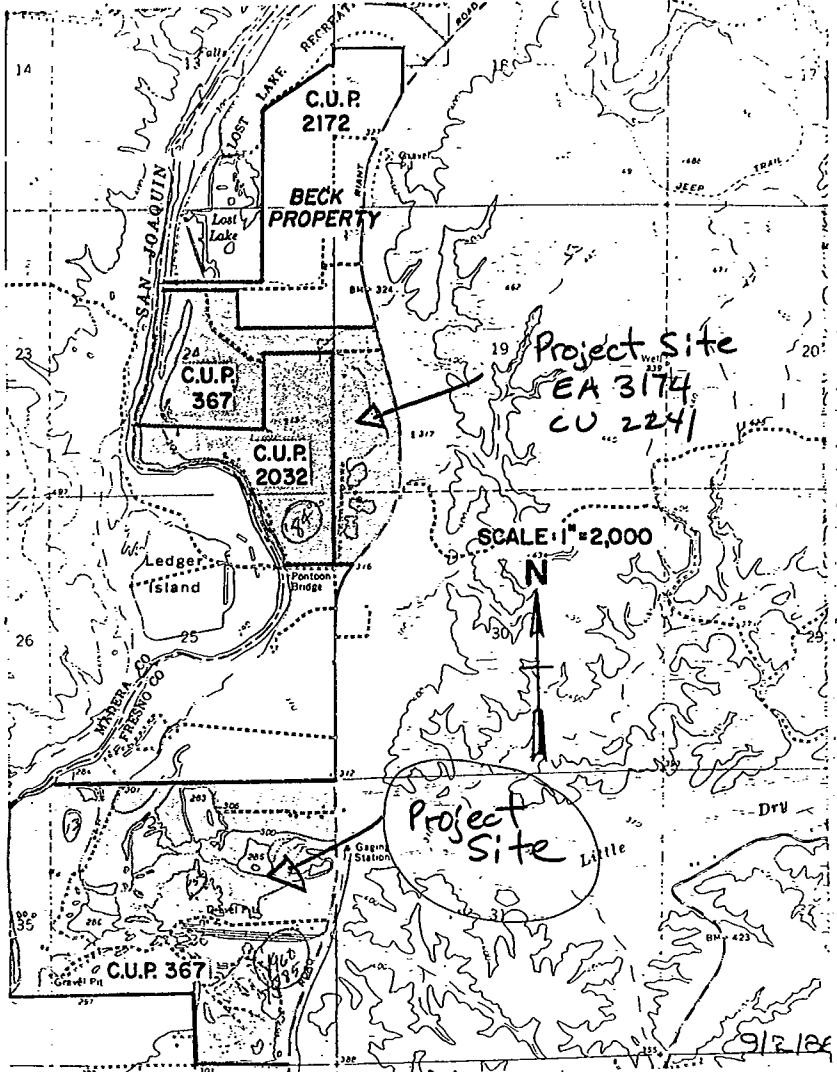
Sincerely,

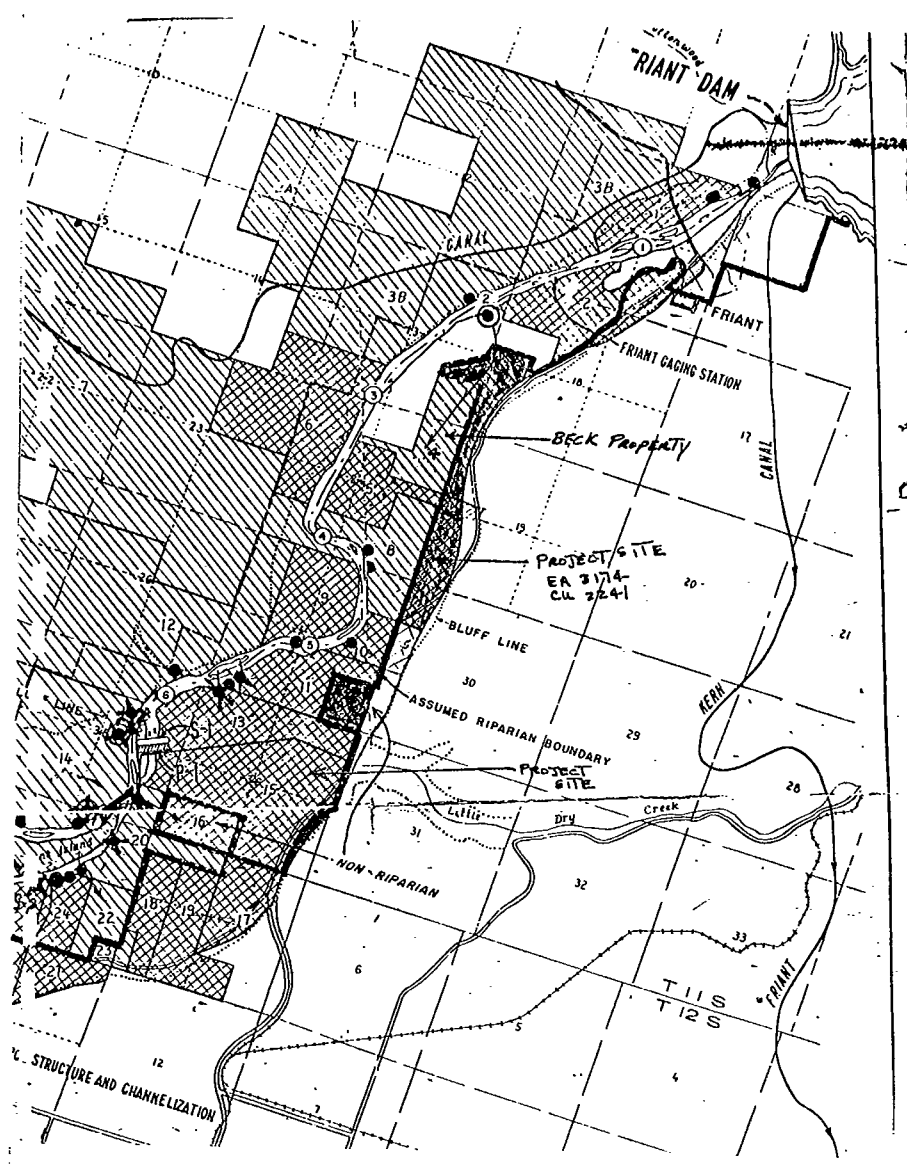
Ronald L. Coleman

For BURKE GILES
Project Superintendent
Fresno Office (CVP)

Attachments

LONE STAR INDUSTRIES, INC.





APPENDIX F
NOISE STUDY

ENVIRONMENTAL NOISE ANALYSIS
SUPPLEMENTAL EIR FOR THE
BECK RANCH EXCAVATION PERMIT,
FRESNO COUNTY, CALIFORNIA,
CONCERNING EFFECTS ON THE
LONE STAR INDUSTRIES PROCESSING PLANT

Prepared for

BUADA ASSOCIATES
6353 N. Blackstone Avenue
Fresno, California 93704

Prepared by

BROWN-BUNTIN ASSOCIATES, INC.
Visalia, California

March 2, 1987
(Revised March 31, 1987
to account for permitted
hours of plant operations)

BBA

INTRODUCTION

The purpose of the noise section of this supplemental EIR is to determine whether or not the processing of aggregate material excavated from the Beck Ranch property will cause noise levels presently generated by the Lone Star industries processing plant to increase. The analysis is based upon information obtained from existing public document sources. These documents include noise studies prepared by Brown-Buntin Associates, Inc. (BBA) for an EIR for the proposed Beck Ranch Excavation Permit, a Reconnaissance Study prepared by BBA for the Ball Ranch Specific Plan and an analysis prepared by Bruce O'Neal for expanded hours of operation by the Pacific Ready Mix Concrete Batch Plant.

CRITERIA

The determination of whether or not a particular noise impact should be considered significant is generally based upon comparisons with applicable state and local standards and to recognized public health criteria. Local standards include land use compatibility criteria from the Fresno County Noise Element of the General Plan, and the Fresno County Noise Ordinance (adopted in 1978). The standards of the County's noise ordinance are consistent with recommendations made by the California Office of Noise Control (ONC).

Policy #4.02 of the Fresno County Noise Element establishes that in order to maintain an acceptable environment, the maximum allowable noise levels for rural residential uses should be 55 dB L_{dn}^* or an L_{50} of 50 dBA during the day (7:00 a.m. - 10:00 p.m.) and 45 dBA during the night (10:00 p.m. - 7:00 a.m.). The rural residential standard is only applied in instances where existing background noise levels are sufficiently quiet (typically 55 dB L_{dn} or less).

The maximum allowable noise levels for urban residential and noise sensitive receivers are 60 dB L_{dn} or an L_{50} of 55 dBA during the day and 50 dBA at night. Areas subject to a noise exposure of 60 dB L_{dn} or greater are

* For an explanation of the terminology used in this report refer to Appendix A: "Acoustical Terminology".

identified as noise impacted zones by the Noise Element, and are indicative of areas within the County where noise mitigation measures should be included as an integral part of any new projects which will result in the development of noise-sensitive land uses.

The Fresno County Noise Ordinance contains exterior noise level standards for sources not preempted by state or federal regulations which are based on the statistical distribution of noise over time. The maximum levels allowed by the ordinance are 70 dBA during the daytime hours (7:00 a.m. - 10:00 p.m.) and 65 dBA during the nighttime hours (10:00 p.m. - 7:00 a.m.), when measured at an existing noise sensitive receiver location. As defined by the ordinance, noise sensitive receivers include churches, schools, hospitals, libraries and residential uses. The noise ordinance also contains standards which regulate noise levels of lesser intensity but longer duration. The noise ordinance standards are summarized in Table I. The noise level standards shown in Table I should not be exceeded for more than the cumulative number of minutes specified in each category within any one-hour time period.

TABLE I
FRESNO COUNTY NOISE ORDINANCE STANDARDS

Category	Cumulative Number of minutes in any one-hour time period	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
1	30	50 dBA	45 dBA
2	15	55 dBA	50 dBA
3	5	60 dBA	55 dBA
4	1	65 dBA	60 dBA
5	0	70 dBA	65 dBA

Source: Chapter 8.40, Fresno County Ordinance Code

EXISTING NOISE ENVIRONMENT

Existing sources of environmental noise in the project area include the Lone Star Industries processing plants, traffic on Friant Road, intermittent farming operations and occasional aircraft overflights.

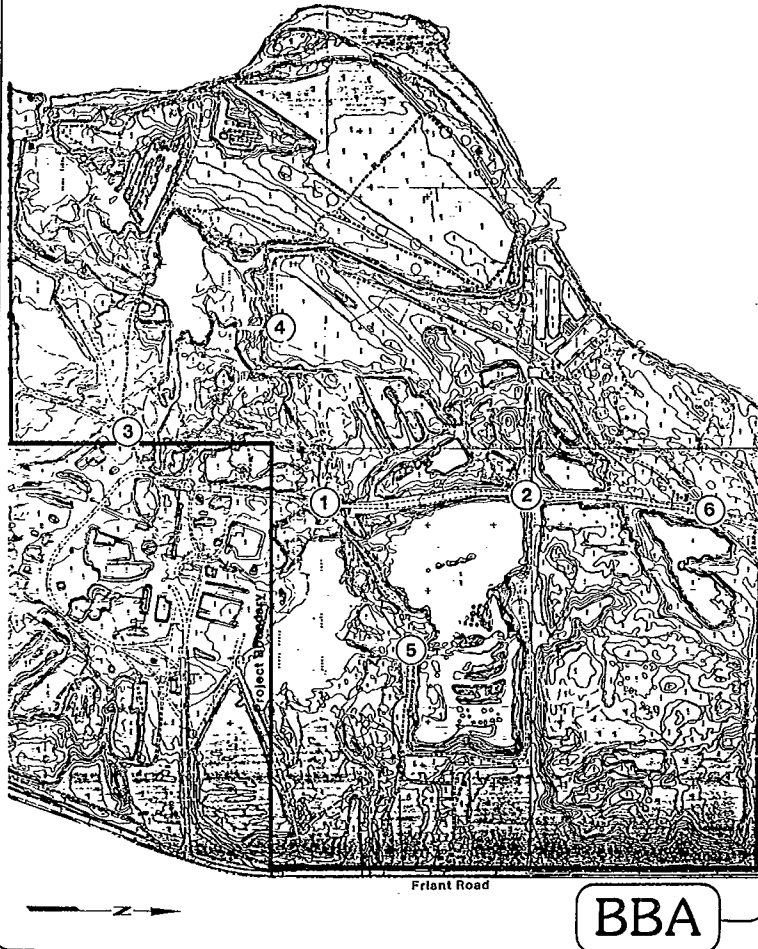
The Lone Star Industries processing plants includes a sand and gravel processing plant, a concrete batch plant and an asphalt batch plant. Hours of operation are generally 7:00 a.m. to 4:00 p.m. 5 days per week. The hours of operation permitted for the asphalt batch and sand and gravel plants by Fresno County under normal circumstances are 6:00 a.m. to 6:00 p.m. Under emergency conditions, the asphalt batch plant may operate at night or on weekends. The concrete batch plant is permitted by Fresno County for operations starting at 4:00 a.m. (May-October) and 5:30 a.m. (November-April). Material excavated for processing by the plants is transported by truck on Friant Road.

In order to document noise levels generated by the Lone Star Industries processing plants, noise level measurements were conducted as part of the Ball Ranch Specific Plan Reconnaissance Study at the 6 locations noted in Figure 1. Noise monitoring equipment for these measurements consisted of a Bruel & Kjaer (B&K) Type 2218 integrating sound level meter equipped with a B&K Type 4165 1/2" microphone. The sound level measurement system was calibrated in the field prior to use with a B&K Type 4230 acoustical calibrator which is certified to be in compliance with National Bureau of Standards (NBS) reference levels. The measurement system complies with all applicable requirements of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters.

Noise level measurements were conducted on September 27, 1985 and October 8 and 9, 1985 to document any changes in noise levels which may occur on a day to day basis. Noise levels were measured in terms of L_{eq} for each sample. Histograms were prepared for each site with the exception of Sites #2 and #6 which are located at distances greater than 2000' from the processing plants. Noise level data for the Lone Star Industries processing plants are summarized in Table II. It should be noted that during noise level measurements conducted on October 8, 1985, the asphalt batch plant was not in operation. Noise level measurements conducted the following day (October 9, 1985) indicated that the asphalt batch plant does not contribute significantly to A-weighted noise levels at the monitoring sites. Although noise levels from the Lone Star Industries processing plants were audible at Site #6, such levels did not contribute significantly to the L_{eq} reported in Table II for that site. Dominant sources of noise at Site #6 during the sample period included crows and aircraft overflights.

Figure 1

Lone Star Industries Processing Plant
Noise Monitoring Sites



Noise level measurements for operations by the concrete batch plant operated by itself were conducted by Mr. Bruce O'Neal on November 5, 1985 as part of a Noise Analysis for expanded hours of operations by the Pacific Ready Mix Concrete Batch Plant. Mr. O'Neal documented concrete batch plant noise levels in three different directions at 1320 to 2640 feet from the plant using a Quest (ANSI Type 2) sound level meter. His measurements indicated that L_{50} and L_{eq} values at approximately 1320 feet from the plant were approximately 48 and 49 dBA, respectively, during a time of maximum output by the plant.

TABLE II

SUMMARY OF NOISE LEVEL DATA

Site #	Date	Time	L_{eq}	L_{50}	L_{25}	$L_{8.33}$	$L_{1.67}$	L_{max}
1	9/27/85	2:00p	59	58	60	62	65	65
1	10/8/85	10:37a	61	60	62	64	65	65
1	10/9/85	7:45a	56	--	--	--	--	61
2	9/27/85	2:20p	50	--	--	--	--	58
3	9/27/85	2:40p	66	64	68	70	72	72
3	10/8/85	11:35a	67	66	68	70	71	72
4	9/27/85	2:55p	51	47	50	53	57	57
5	9/27/85	3:30p	51	44	51	53	55	55
5	10/8/85	10:20a	54	53	55	58	59	59
5	10/9/85	7:25a	50	--	--	--	--	51
6	10/9/85	8:00a	46	--	--	--	--	60*

*Jet aircraft overflight

Source: Brown-Buntin Associates, Inc. (Ball Ranch Specific Plan Reconnaissance Study).

In order to compare noise levels generated by the Lone Star Industries processing plants to the land use compatibility criteria of the Fresno County Noise Element, the permitted hours of operation (4:00 a.m. - 6:00 p.m. for the concrete batch plant and 6:00 a.m.- 6:00 p.m. for the sand and gravel and asphalt batch plants) were combined mathematically with the noise level data reported in Table II and described above for the concrete batch plant (operated by itself) to calculate the locations of the L_{dn} 55 and 60 dB contours. Noise level data obtained at Site #1 for combined operations by all

equipment and at 1320 feet northwest of the concrete batch plant for the concrete batch plant by itself were used as the basis for calculating the locations of the L_{dn} 55 and 60 dB contours. These measurement sites were selected as reference locations since they provided a direct line-of-sight between the processing plants and microphone, and because the sites were located in close proximity to the calculated locations of the L_{dn} 55 and 60 dB contours. Sites #2, #4, #5 and #6 were located at greater distances from the plants and in areas which were partially shielded from direct line-of-sight by topography and/or vegetation. At these locations, the calculated L_{dn} values ranged from approximately 50-52 dB. The approximate locations of the L_{dn} 55 and 60 dB contours with all equipment in operation are shown in Figure 2. These contours should be considered as representative of a worst case condition with little or no shielding provided by topography or vegetation.

Also shown in Figure 2 by the dashed lines are the locations of the nighttime L_{50} 45 dBA and L_{max} 65 dBA contours. These contours are based upon histograms obtained at Site #1 and reported by Mr. O'Neal, and should be interpreted as an indicator of the area around the plants presently exposed to noise levels in excess of the nighttime provisions of the Noise Element and Noise Ordinance. As with the L_{dn} contours described above, the L_{50} 45 dBA and L_{max} 65 dBA contours should be considered as representative of a worst case condition with little or no shielding from topography or vegetation. As a practical matter, normal operations by the asphalt batch and sand and gravel plants typically begin at 7:00 a.m., meaning that the less-restrictive daytime provisions of the noise ordinance would apply. The concrete batch plant operated by itself results in L_{50} 45 dBA and L_{max} 65 dBA contours located at approximately 1875 and 470 feet from the plants, respectively.

Noise levels from existing volumes of traffic on Friant Road were evaluated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-100) and traffic data obtained from Fresno County. The FHWA Model is the analytical method currently favored by most state and local agencies, including Caltrans, for the prediction of traffic noise levels. The model is based upon reference energy emission levels for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly L_{eq} values for free-flowing traffic conditions, and is generally considered to be accurate within plus or minus 1.5 dB. To predict L_{dn} values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

According to the Fresno County Department of Public Works, the Annual Average Daily Traffic (AADT) for Friant Road for existing conditions (June-1985) in the vicinity of the Lone Star Industries processing plant is approximately 5700 with approximately 31% of that volume being medium and heavy trucks. Based on traffic counts performed by Fresno County in 1980 in this area, 89% of the traffic occurs between the hours of 7:00 a.m. and 10:00 p.m. The estimated speed of vehicles in the area is 50 mph. Using the above-described traffic data and the FHWA methodology, the distances from the center of the roadway to L_{dn} contour values of 70, 65, 60 and 55 dB were calculated. West of Friant Road, the calculations assumed an acoustically "soft" site since existing soil and vegetation provide some absorption of sound. East of Friant Road, an acoustically "hard" site was assumed since persons residing along the bluffs look down on the roadway and sound is attenuated only by atmospheric absorption. L_{dn} contour locations for existing conditions are summarized in Table III and plotted in Figure 2.

TABLE III
 DISTANCE (FEET) FROM CENTER OF
 ROADWAY TO L_{dn} CONTOURS
 FRIANT ROAD NEAR
 LONE STAR INDUSTRIES PROCESSING PLANT

<u>Contour Value</u>	<u>East of Roadway</u>	<u>West of Roadway</u>
L_{dn} 70 dB	85	56
L_{dn} 65 dB	182	120
L_{dn} 60 dB	391	258
L_{dn} 55 dB	1,065	705

Source: Brown-Buntin Associates, Inc.

Although noise levels from intermittent farming operations and aircraft overflights are audible within the area, such levels do not produce cumulative noise exposures exceeding the land use compatibility criteria of the Fresno County Noise Element. Farming operations are exempt from the standards of the Fresno County Noise Ordinance, and the regulation of aircraft noise levels is preempted by federal law.

It should be noted that noise levels from high altitude jet aircraft overflights ranged from 50-60 dBA in the area during noise level measurements. Noise levels generated by jet aircraft departing from Fresno Air Terminal produced somewhat higher noise levels if they were enroute to Denver, Reno, Las Vegas or Salt Lake City which results in the aircraft passing almost directly over the area. Although noise level measurements were not conducted at night or on a weekend, it may be safely assumed that background noise levels in the area are extremely quiet (25-35 dBA) in areas removed from Friant Road when the Lone Star Industries operation is shut down.

PROJECT-RELATED NOISE IMPACTS

Existing noise levels from the Lone Star Industries processing plant are described in the foregoing sections of this report. Areas around the plant subject to noise levels in excess of the Fresno County Noise Element and Noise Ordinance standards are indicated by the noise exposure contours shown in Figure 2. The project-related noise impacts of processing aggregate material excavated from the Beck Ranch property at the Lone Star Industries plant may be evaluated by determining whether or not noise levels from the plant would be expected to increase as a result of the project. Since the type of aggregate material which would be excavated from the Beck Ranch property is similar to material presently being processed by the plant, and the hours and type of plant operations would not change as a result of the project, the noise levels generated by the Lone Star Industries processing plant would not be expected to change as a result of the project.

ATTACHMENT A

ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL:	The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
A-WEIGHTED SOUND LEVEL:	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.
CNEL:	Community Noise Equivalent Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
L_{dn} :	Day/Night Average Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
DECIBEL, dB:	A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
EQUIVALENT ENERGY LEVEL, L_{eq} :	The sound level corresponding to a steady state sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.
L_{max} :	The maximum A-weighted noise level recorded during a noise event.
NOISE EXPOSURE CONTOURS:	Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L_{dn} are the descriptors utilized herein to describe community exposure to noise.
SOUND EXPOSURE LEVEL (SEL)	The level of noise accumulated during a single noise event, such as an aircraft overflight, with reference to a duration of one second. More specifically, it is the level of time-integrated A-weighted squared sound pressure for a stated time interval or event, based on the reference pressure of 20 micronewtons per square meter and reference duration of one second.

APPENDIX G
TRAFFIC STUDY

PREPARED BY
DSK ENGINEERING
1750 E. BULLARD AVE. #102
FRESNO, CA 93710
APRIL 1987

1. Existing Traffic Network

Friant Road: Friant Road is classified as an expressway and is planned for ultimate construction as a four lane divided highway with six lanes between Shepherd Avenue and Blackstone Avenue. It serves as a major highway link between the project and the Fresno Clovis Metropolitan Area (FCMA) to the south and the unincorporated community of Friant to the north.

Friant Road currently has a travel lane and a bike lane in each direction. Separate left turn lanes have been installed in Friant Road at Willow Avenue, at the entrance to Lone Star's sand and gravel existing excavation site and at Lone Star's sand and gravel plant. Acceleration and deceleration lanes have also been installed at both sites.

Friant Road between Copper Avenue and Shepherd Avenue along the frontage of the Woodward Lake development was recently widened on the east side and has two lanes in the northbound direction. Friant Road between Copper Avenue and Blackstone Avenue is planned to be widened in the near future to a minimum of four travel lanes by 1990 and to have an interchange with Freeway 41.

The presence of Lost Lake Park and Millerton Lake on the north end has made Friant Road a major carrier of recreational traffic from urban Fresno and from as far south as Southern California. Lost Lake Park offers picnicking, a nature preserve, and fishing both at the Lake and along the San Joaquin River. Millerton Lake is a State recreation area and offers, swimming, fishing, picnicking, water-skiing and sailing. In addition to recreational autos and autos pulling boats, Friant Road has become a major bicycle route due to the scenic qualities of the ride, the recreational opportunities, and the existing bicycle lane.

Willow Avenue: Willow Avenue is classified as an arterial and is planned for ultimate construction to a four lane divided roadway. It will serve as a major highway link between the community of Friant and the easterly portion of the FCMA. The roadway between Friant Road and Herndon Avenue has a travel lane in each direction and forms a "T" intersection with Friant Road approximately three miles south of the project. Separate left and right turn lanes have been installed in Willow Avenue at the intersection. There is a service road extending westerly from the Friant Road/Willow Avenue intersection. The service road

approach and the west bound Willow Avenue left turn movements are controlled by stop signs. All other movements are uncontrolled. Willow Avenue southeasterly of Friant Road is curvilinear with fairly steep grades for about three-quarters of a mile and from that point to Herndon Avenue the road is flat and straight. The planned extension of Willow Avenue between Herndon Avenue and Barstow Avenue has not been constructed.

Millerton Road: Millerton Road is classified as an arterial. It is a two lane east-west roadway connecting to Friant Road and Road 206 on the west and to Auberry Road and State Hwy 168 to the east.

Copper Avenue: Copper Avenue is an east-west roadway classified as a collector. It extends westerly from Friant Road and will distribute traffic to various parts of the Fresno-Clovis Metropolitan Area (FCMA) via Minnewawa Avenue, and Willow Avenue.

Bikeways: The FCMA bikeway system includes a regional bikeway route along the Friant Corridor from Audubon Drive to the community of Friant. The route has been installed as bike lanes along the Friant Road alignment. The long-range Bicycle Plan would also extend a bicycle path from Lost Lake south and west along the San Joaquin River to Skaggs Bridge on Highway 145. The Fresno County Board of Supervisors has adopted a recreation trail plan which included a multiple purpose trail including bicycles, hiking and equestrian along Friant Road from Woodward Park to the community of Friant. The width and specific location of the multiple purpose trail has not been defined.

2. Existing Traffic Conditions

Friant Road: Friant Road is a 55 mph roadway with a 50 mph posted speed limit in the vicinity of Lost Lake recreational area. The County of Fresno staff indicated that the most recent traffic count was taken from June 24 to 30 of 1985 north of Willow Avenue at the Council of Government's Transportation Modeling Station. The 24 hour and peak hour seven day average count was 5761 and 464 vehicles, respectively. With a seasonal adjustment factor the annual ADT was 4033. The average peak hour percentage of the 24 hour count was 8.0%.

TABLE 7

TRAFFIC COUNT-FRIANT ROAD

<u>Mon./Date/Day</u>	<u>24 Hr Count (Veh)</u>	<u>Peak Hr Count (Veh)</u>	<u>Peak Hr.</u>	<u>%</u>
6/24/M	4632	261	6-7 a.m.	5.6
6/24/M	4632	340	5-6 p.m.	7.0

6/25/T	4928	282	6-7 a.m.	5.7
6/25/T	4928	400	5-6 p.m.	8.0
6/26/W	5748	304	6-7 a.m.	5.3
6/26/W	5748	489	5-6 p.m.	8.5
6/27/T	5193	343	6-7 a.m.	6.6
6/27/T	5193	408	5-6 p.m.	7.9
6/28/F	5485	331	6-7 a.m.	6.0
6/28/F	5485	404	3-4 p.m.	7.4
6/29/S	6235	390	11-12 N	6.3
6/29/S	6235	492	3-4 p.m.	7.9
6/30/S	8105	457	11-12 N	5.6
6/30/S	8105	712	6-7 p.m.	8.8

The counts in Table 7 were furnished by the County of Fresno from June 24 to 30 of 1985. It is a daily count for seven days. It does not include the traffic from the Lone Star excavation site since it was not in operation during the period the counts were taken.

The average daily traffic (ADT) on Friant Rd. from 1975 to 1985 furnished by the County is shown in Table 8. The ADT's are a seven day average for a four month period. The ADT for 1986 was estimated to be 4100 vehicles. By assigning the traffic from the Lone Star's excavation site (Average 130 truckloads or 260 round trips, one full and one empty) to the modeling station, the ADT on weekdays is estimated to be 4360. Periodically during peak sales months, truck trips are as high as 360, resulting in an ADT of 4460 during those periods.

TABLE 8
AVERAGE DAILY TRAFFIC (ADT)
FRIANT ROAD

<u>Year</u>	<u>ADT</u>
1975	3600
1976	3000
1977	2900
1978	3800

1979	3100
1980	4200
1982	4800
1985	3700
1986 (est.)	4360

Approximately 30% of the Friant Rd. traffic volume is made up of trucks. The counts were furnished by the County. Buses and vehicles larger than a pick-up truck were classified as trucks. The truck mix is shown in Table 9.

TABLE 9

TRUCK MIX ON FRIANT ROAD

<u>Axles</u>	<u>%</u>
5	11.8
4	0.3
3	1.3
2	<u>17.2</u>
	30.6

Willow Avenue: Willow Avenue is a 55 mph roadway between Friant Road and Herndon Avenue. The most recent Willow Avenue traffic count furnished by the County was taken in July of 1984 north of Shepherd Ave. and the ADT was 3500 vehicles of which 7.5% were trucks. The peak hour traffic in both directions was 310 vehicles or 8.9% of the ADT and it occurred between 5-6 p.m.

Bus Route: Friant Road and Willow Avenue serve as bus routes for school buses of the Friant Union and Sierra Joint Union School Districts. The Friant Union School District enrolls students from kindergarten to the 8th grade and the Sierra Joint Union School District enrolls students from the 9th grade to the 12th grade. The bus schedule and stop locations of the Friant Union School District are described in Table 10.

TABLE 10

FRIANT SCHOOL BUS STOPS

<u>Time</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:35 a.m.	3	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW.
7:56 a.m.	2	Friant Rd. east side	Approximately 500' north of Willow Ave.
8:00 a.m.	2	Friant Rd. east side	Approximately 750' south of Durando Ranch DW
3:22 p.m.	2	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW
3:26 p.m.	1	Friant Rd. west side	Driver walks student across Friant Rd. to east side
3:35 p.m.	2	Friant Rd. west side	Home of students on west side

The bus schedule and stop locations for the Sierra Joint Union School District are described in Table 11

TABLE 11

SIERRA JOINT UNION SCHOOL DISTRICT BUS STOPS

<u>Time a.m.</u>	<u>Time p.m.</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:00	4:28	1	Friant Rd west side	Approximately 2 mi. south of Lost Lake Recreation Area Rd.
7:04	4:24	1	Friant Rd. west side	Approximately 3/4 mi. north of Dry Creek

The bus route in the afternoon is reversed and begins from Auberry Rd. and ends on Friant Road.

Fog during the winter months periodically reduces visibility on the above road network as it does throughout the Valley. There have been concerns raised in response to this project regarding safety hazards from truck traffic hauling material from Lone Star's existing excavation site, confusion to travelers by the acceleration and deceleration lanes at the processing plant and the excavation site access road, inadequate signage, and lack of upkeep of the bicycle lane.

Speed along Friant Road is controlled by the Highway Patrol. No unusual rates of truck speed violations occur on this stretch of Friant Road. The geometrics and signing of the turn lanes and acceleration/deceleration lanes at the processing plant and the existing excavation site meet the requirements of Fresno County. Any spillage from the haul trucks at the processing site or excavation site is required, as a condition of the existing permit, to be removed as frequently as needed. The County does periodic clean-up and maintenance of the bicycle lanes between the two sites, as well as the remainder of the Friant Road bicycle lane, on an as-needed basis.

There are existing provisions in the Fresno County Zoning Ordinance (Section 858-E6) for monitoring sand and gravel sites every 2 years to determine compliance with conditions. However, such monitoring has not been done. Any violations are handled by Fresno County, usually on a complaint basis only.

Impacts

- o Without the project, the plant facility may be closed in less than 18 years due to lack of material. Haul trucks from the excavation site and the plant would cease at that point. The average truck trips per day, 260, would remain at existing levels until closure. The maximum truck loads will continue to be as high as 360 during peak sales months.
- o With the project, the plant facility could operate for another 18 years. If the annual production remains the same as proposed, the average truck trips per day would remain at existing levels, 260 per day. Periodically during peak sales months, truck trips will continue to be as high as 360 per day.
- o If production was increased to match historic peak sales on an on-going annual basis, the average number of truckloads would increase by 12% to 145 loads per day. If the plant ran at capacity on an on-going

annual basis, the average number of truckloads would increase by 338 to 173 loads per day.

- o The year 2006 traffic projections with the project are 12110 ADT on Friant Road north of Willow Avenue, 9770 ADT on Friant Road southwesterly of Willow Avenue and 6180 ADT on Willow Avenue south of Friant Road. These projections are based on full buildout of other approved projects including Park Fort Washington, Woodward Lake and Millerton New Town. Roadways will not have any capacity problems and the projected ADT will be within the capacity of 10,000 to 13,000 ADT of each of the roadways (Fresno County Public Works, May 1986).
- o There are five school bus stops on Friant Road to pick up and discharge nine students. The bus stops are located where buses can maneuver off the travel lane to board and discharge students. Buses have a problem of accelerating into the main stream of traffic. However, this is an existing problem. The approval of this project will not create new conflicts with truck traffic.
- o Haul trucks will continue to intermingle with recreational traffic traveling to and from Lost Lake Park and Millerton Lake for the life of the plant permit at existing levels of a maximum of 260 truck trips per day.
- o To the southbound motorist north of the plant entrance, visibility of the intersection is obscured to some degree by the existing landscaping along Friant Road required as a condition of approval of CUP 367. This is due to the plant entrance being on an inside curve. If the landscaping remains, this circumstance will continue with or without the project.
- o The geometrics and signing of the left-hand lanes and acceleration and deceleration lanes at the plant entrance have been designed and installed to County standards. Existing use of such lanes by vehicles and bicycles other than plant vehicles is likely due to confusion, impatience on the part of the travelers, or the drivers or riders are simply ignoring the intended use. The latter two are likely to continue with or without the project.
- o The presence of Woodward Park to the south and Lost Lake and Millerton Lake recreational areas to the north suggest that a higher than average bicycle

usage may be produced. The separation of bike lanes from the traffic lanes will continue to provide protection. The aggravation of the trucks mixed with the bikes is an existing condition and will remain unless the Multiple Purpose Trail Plan adopted by the Board of Supervisors to remove the bike lanes to a new alignment independent of the roadway is implemented.

Mitigation Measures

Proposed by Applicant:

- o Approval of the project as proposed with no increase in annual production or truck traffic will require no additional roadway improvements.

Additional Suggested Measures:

- o Although no increase in annual production or excavation is proposed, the County could limit the truck loads from the Beck site to no more than the 130 loads/day presently being transported for the existing Lone Star excavation site.
- o The existing provisions in the Fresno County Zoning Ordinance for monitoring of sand and gravel sites should be enforced, together with the provisions to collect fees to pay for the required periodic inspections.
- o Additional signage should be posted north of the plant to warn southbound travelers of slowing and crossing trucks at the plant entrance.
- o Mature trees that have grown up around the pond to the north of the plant entrance shield the plant from southbound traffic better than the landscaping along the road. The north portion of the landscaping could be removed to improve visibility of the plant intersection.

FINAL
ENVIRONMENTAL IMPACT REPORT

BECK RANCH
SAND AND GRAVEL PERMIT
CU 2235 EA 3157

MAY 1987

FRESNO COUNTY DEVELOPMENT SERVICES DEPARTMENT

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PREFACE

This document, together with the Draft EIR (DEIR), Volumes I & II including Appendices A & B, published in July 1986, constitute the Final EIR for the proposed Beck Ranch Sand and Gravel Permit. This document includes the revised summary of the Draft EIR and the following Appendices: Appendix C contains a list of persons receiving a copy of the Draft EIR and a list of persons receiving notification of the availability of the draft EIR; Appendix D contains written comments received from persons, organizations and agencies responding to the Draft EIR; Appendix E contains responses of the lead agency to the comments received on the Draft EIR.

During the review of the Beck Ranch DEIR, it was determined by Fresno County that a supplemental DEIR and Final EIR (Lone Star Processing Plant Supplemental DEIR) be prepared which evaluates the processing of Beck Ranch materials by the existing Lone Star plant. The responses to comments received to the Beck Ranch DEIR for which answers are contained in the Lone Star DEIR are referenced herein to that Lone Star DEIR.

INTRODUCTION AND SUMMARY

REVISED

This Environmental Impact Report (EIR) has been prepared by Buada Associates to assess the potential environmental impacts of the proposal by Stephen Beck and Lone Star Industries to excavate sand and gravel on a 251 acre site owned by Stephen Beck located near the San Joaquin River in Fresno County. This assessment is based on a review of all project plans; review of appropriate State and County plans for the area; consultation with the applicant and operator; evaluation of technical data specifically prepared for this project; and on-site surveys of the property and surrounding land uses.

In accordance with a proposal approved by Fresno County, the EIR focuses on the relationship of the proposed project to erosion and ground settlement; groundwater quality; riparian water rights and usage; vegetation and wildlife; noise; land use; agriculture; recreation; traffic; and aesthetics. The County has determined that the project will not have significant impacts on other resources including air quality, population, public services, energy, utilities, and archaeology. The basis for the above identified focused issues was determined by two initial studies prepared for similar projects on the same property.

Buada Associates was assisted by the following consultants as subcontractors in preparing the EIR.

- o J. H. Kleinfelder and Associates, Geotechnical Consultants, performed the evaluation of erosion potential and fill settlement potential.
- o Kenneth D. Schmidt, Groundwater Consultant, performed the evaluation of impacts to groundwater.
- o Robert F. Winter, Biologist, performed the evaluation of vegetation and wildlife impacts.
- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic and surface water hydrology.

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin Riverbottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to

the project, is a floodplain quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent re-mined sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just east of the project.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several adjacent landowners challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application which is the subject of this Beck Ranch EIR, does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. This Beck Ranch DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predated CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining in the San Joaquin Riverbottom. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental to the Beck EIR was necessary to evaluate impacts to the Lone Star plant

relating to the processing of materials from the Beck Ranch. This supplement to the Beck EIR was required to be completed before the Beck Ranch application could be heard by the Planning Commission. The Lone Star supplement was filed in January 1987. The Lone Star Final supplement to the EIR was filed concurrently with the filing of this Beck Ranch Final EIR.

Among the issues raised by the Environmental Assessments, by testimony during the public hearings, and by the lawsuit were: conflicts between the loss of agricultural land and the recovery of a needed resource; potential impacts to wildlife in Lost Lake Park; noise impacts from the plant operations, extraction operations and haul trucks to the users of Lost Lake Park, and adjacent residents; traffic conflicts on Friant Road between project trucks and school buses, bicycles and auto traffic; impacts to water quality and quantity; potential illegal use of riparian water from the San Joaquin River; discharge of wastewater to San Joaquin River; the use of large amounts of fuel, water, and energy; and visual impacts to residents on the bluffs, users of Lost Lake and Friant Road travelers.

Deletion of the plant facilities from the Beck Ranch have removed any impacts from an on-site plant. Potential truck traffic conflicts from additional trucks serving an additional plant and a new access point on Friant Road have also been eliminated. Potential impacts have been reduced to those associated with transferring Lone Star Industries' existing excavation operation to the project site and continuing extractive operations in the area for a longer period of time.

In addition, the applicant has revised the project to delete the use of mercury or any other toxic chemical during the recovery of gold in the on-site laboratory and is proposing instead, a strictly mechanical process. The deletion of the use of chemicals has minimized any potential water quality contamination from the wastewater discharge.

Among the remaining issues to be resolved by this EIR include: conflicts between the loss of agricultural land and the recovery of a needed mineral resource; impacts to water quality and quantity; impacts to wildlife; noise impacts to park users and adjacent residents; continuation of existing traffic conflicts between sand and gravel trucks and school buses, bicycles and auto traffic; any use of riparian water; and visual impacts to park users, adjacent residents and Friant Road travelers. A choice remains to be made between the project including recovery of a needed, mineral resource with its related impacts; no project with a retention of agricultural land and permanent loss of the resource; a reduced project or excavation of only a portion of the resource and permanent loss of the remainder; an alternative location of the project relocating

impacts to another area and permanent loss of the site's resources; or alternative uses of the site such as residential, golf courses, or expansion of Lost Lake Park.

If the project is developed as proposed, certain environmental impacts may occur.

1. **EROSION:** Some erosion may occur during construction of the berms and along the banks of the proposed lakes prior to revegetation.

Mitigation:

- o Timely planting of the berms with groundcover, shrubs and trees as proposed in the project design should keep erosion to a minimum. A natural revegetation process normally occurs rapidly around the lakes, limiting any erosion to the first month or so if final grading occurs during the rainy season. All run-off will be contained on-site.
- 2. **SAND AND GRAVEL RESOURCES:** Sand and gravel resources will be permanently removed from the site.

Mitigation:

- o The only mitigation measure would be no project. Such a measure would reduce available reserves of needed construction materials in the Fresno-Madera region to less than 20 years.
- 3. **GROUNDWATER:** The proposed excavation will intersect the groundwater level. Groundwater will ultimately fill the pits forming freshwater lakes. Runoff from the site will also flow into the lakes. There will be a minor loss of water to evaporation.

Mitigation:

- o Mitigation of evaporative loss is limited to chemical treatment of the lakes or shallower excavation. Chemical treatment may create greater impacts. Shallower excavation will result in permanent loss of resource and reduce available construction material reserves.
- 4. **RIPARIAN WATER:** The removal of the vineyard and orchard will reduce the current use of riparian water.
- 5. **WASTEWATER DISCHARGE:** Waste water from the gold recovery lab will be discharged to a small, shallow settling pond.

Mitigation:

- o A discharge permit will be required from the California Regional Water Quality Control Board.
- 6. LAKE EUTROPHICATION: In the long-term, eutrophication (loss of oxygen) may slowly occur in the lakes created by the project as it has in the adjacent Lost Lake.

Mitigation:

- o Culverts placed in the dikes separating the lakes would increase circulation.
- 7. DUST: Dust from current agricultural operations will be reduced as agricultural production is replaced by excavation of the resource.

Mitigation:

- o Dust from excavation operations and from the project's haul roads during the dry season will be minimized by the proposed use of dust palliative on the roads and/or the use of water trucks on the haul roads and in the excavation areas.
- 8. WILDLIFE. Some species of wildlife will be temporarily disturbed during construction of berms.

Mitigation:

- o The proposed landscaped berms and rehabilitated lakes will provide additional riparian habitat and will attract a more diverse species in larger numbers.
- 9. NOISE: Noise levels will temporarily increase in the area. With the exception of extractive operations within 500 feet of residences, noise levels will be within the standards of the Fresno County Noise Ordinance.

Mitigation:

- o Impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 a.m. within 500 feet of the nearest residence. } ?
- 10. LAND USE: Agricultural production potential will be reduced on the site.

Mitigation:

- o The extraction of sand and gravel will provide a recognized economic resource to the Fresno-Madera region. No County policy clearly establishes priorities when this contradiction arises. The present agricultural areas will be replaced by the proposed lakes which will provide valuable wetlands, riparian habitat, and fishery. This additional habitat will in the long-term attract wildlife in greater numbers and diversity to the Lost Lake area.

11. HAZARDS: The excavation pits may present a safety hazard during operation.

Mitigation:

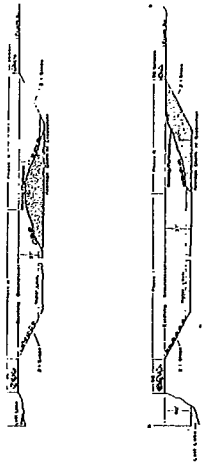
- o Sloping of the sides during rehabilitation to 2H to 1V (horizontal to vertical) as proposed in the project design and fencing of the property as required by the Zoning Ordinance will minimize hazards.
12. TRAFFIC: Existing sand and gravel truck traffic on Friant Road to the Lone Star Industries' processing plant will continue for a longer period of time.

Mitigation:

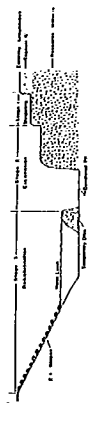
- o By utilizing Lone Star's existing access road, a new access road and additional traffic conflict point will be eliminated.
13. AESTHETICS: Areas of active excavation will be visible from the bluffs just east of Friant Road and from the western bluffs in Madera County. Excavation on the eastern half of the site will be visible from Friant Road.

Mitigation:

- o Landscaping planted within the set back along Friant Road will provide a more effective screen for the traveler.

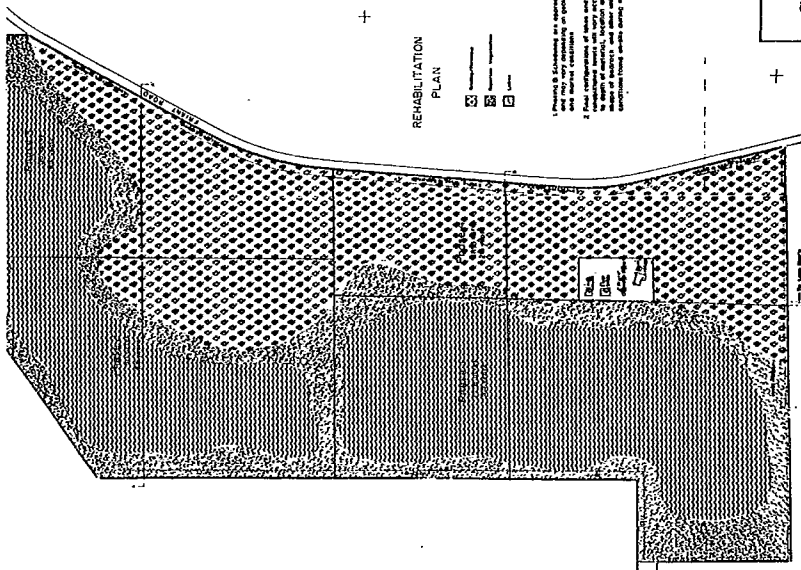


ELEVATION AND REHABILITATION PROFILE
Scale: 1" = 100' Vertical
1" = 100' Horizontal



INDEX MAP
PLAN VIEW
Scale: 1" = 100'

REHABILITATION PLAN



LEGEND

- ▬ Primary, Low Flow Channel
- ▬ Secondary Channel
- ▬ Tertiary Channel
- ▬ Rock Lining
- ▬ Existing Structure
- ▬ New Structure
- ▬ Existing Road
- ▬ New Road
- ▬ Other Feature

Rock, Sand & Gravel Extraction
OPERATIONAL, PHASING & REHABILITATION PLANS
Prepared for: MDC GARD
Prepared by: BILCO, ASSOCIATES, A.S.D. & BROTHERS, FRENCH, CA. 8170 CORRAL VALLEY

BECK RANCH
SAND AND GRAVEL PERMIT
ENVIRONMENTAL IMPACT REPORT

REHABILITATION PLAN

FIG. 4A

APPENDIX C

NOTIFICATION

LIST OF ADDRESSES
RECEIVING EIR'S

*Indicates received
Volume II

Jeff Tweedie, Planning Stop #54 *	Cosmo Insalaco Ag Commissioner 1730 S. Maple Avenue Fresno, CA 93702	Office of Planning & Research* 1400 - 10th Street Sacramento, CA 95814
Don Gouge, Planning Stop #54	Bob Sheesley Farm Advisor's Office 1720 S. Maple Avenue Fresno, CA 93702	Water Resources Control Board P. O. Box 100 Sacramento, CA 94801
Matthew Takahashi Development Services 4499 E. Kings Canyon Road Fresno, CA 93702	Bob Thompson Development Services	Bill Blain Parks & Recreation - Fres. CO. 2220 Tulare Street Fresno, CA 93721
Al Steele, Resources Stop #54 *	Rec. & Wildlife Comm. c/o Fresno Co. Parks & Rec. 2220 Tulare Street, #800 Fresno, CA 93721	Sierra Joint Union High School 33326 N. Lodge Road Tollhouse, CA 93667
Richard Welton, Director Public Works & Dev. Services Stop #54	Robert Grim Development Services	Friant Union Elementary School P. O. Box 223 Friant, CA 93626
Jerry Boren, Development Serv. Manager	Al Dias Development Services	Al Solis City of Fresno - Dev. Dept. 2326 Fresno Street Fresno, CA 93721
Harris Hays Development Services	Fresno County Library, Main 2420 Mariposa Street Fresno, CA 93721	Madera County Planning Dept. 205 W. Fourth Street Madera, CA 93637
Henry Griffin * Development Engineering	Politi Branch Library 5771 N. First Fresno, CA	Audubon Society P. O. Box 9324 Fresno, CA 93791
Michael Robinson * Environmental Health System	Bureau of Reclamation 1130 "O" Street, Room 2215 Fresno, CA 93721	Fresno County Farm Bureau 1274 W. Hedges Fresno, CA 93728
	U.S. Soil Conservation Service 1130 "O" Street, Room 3302 Fresno, CA 93721	Friends of Friant P. O. Box 170 Friant, CA 93626

Fresno Cycling Club
P. O. Box 11431
Fresno, CA

Cal. Department of Fish & Game
1234 E. Shaw Avenue
Fresno, CA 93710

Richard Bartels
15516 N. Friant Road
Fresno, CA 93706

State Department of Water Res.
3374 E. Shields Avenue
Fresno, CA 93726

E. Robert Wright *
Thomas, Snell, Jamison, etc.
P. O. Box 1461
Fresno, CA 93716

Permitting Unit, Toxic Sub.
Regional Office, N. Calif.
4250 Power Inn Road
Sacramento, CA 95826

R. L. Neal
16242 N. Friant Road
Friant, CA 93706

Resource Agency
Division of Mines & Geology
1416 Ninth Street, Rm. 1341
Sacramento, CA 95814

Stanley G. Kooyunjian
15466 N. Friant Road
Friant, CA 93626

Mid Valley Fire Protection Dist.
210 S. Academy
Sanger, CA 93656

San Joaquin River Comm.
2135 Fresno Street, Suite 219
Fresno, CA 93721

Michael Bordenave
Sierra Association for Env.
3771 Circle Drive West
Fresno, CA 93704

LIST OF ADDRESSES RECEIVING
LETTER ONLY

Pauline Getz
P. O. Box 9489
Fresno, CA 93792

Rick Anthony, Resources
Stop #54

Peggy Smith
4610 Rowell
Fresno, CA 93726

Hal McKinney
Sheriff's Dept.
2200 Fresno Street
Fresno, CA 93721

State Health Department
5545 E. Shields
Fresno, CA 93727

Air Pollution Control Dist.
P. O. Box 11867
Fresno, CA 93775

State Reclamation Board
1416 - 9th Street, Room 455-6
Sacramento, CA 95814

M. B. Parlier
CALTRANS
P. O. Box 12616
Fresno, CA 93778

APPENDIX D

CONSENT JURORS

These individuals are participants, and public members, in the public hearing on the Draft EIR.

- A. Bureau of Reclamation, U. S. Department of the Interior, Anthony Kachuk
- B. State Office of Planning and Research, Jim E. Hambley
- C. State Office of Conservation, Dennis J. Gribyans
- D. Department of Fish and Game, Jack Farnell
- E. California Regional Water Quality Control Board, James Welford
- F. Fresno County Development Services Department, Sharon Lora
- G. Fresno County Planning Department, Edward Kiant
- H. Fresno County Public Works Department, H. Griffin and Bob Thompson
- I. Fresno County Planning Department, Richard Braun
- J. Fresno County Public Works Department, Albert Plick
- K. Fresno County Development Services Department, Al Diaz
- L. U. C. Farm Adviser's Office, Pam Elm-Wenzel
- M. Moteschledler, Michaelines & Mishon; J. Carl Moteschledler
- N. San Joaquin River Committee, Gary Greager
- O. Thomas Phillips
- P. Friends of Friant Area; Richard and Irma Bartels, Stanley and Doris Kocumjian, K. and Ora Neal
- Q. Thomas, Snell, Jamison, Russell & Asperger; E. Robert Wright

POOR QUALITY
ORIGINAL

FACSIMILE TRANSMISSION

FACSIMILE

FACSIMILE TRANSMISSION



TO: BOB MAY (ATTN: FRO 425)
 United States Department of the Interior

Page 1 of 3

BUREAU OF RECLAMATION
 MID-PACIFIC REGIONAL OFFICE
 2800 COTTAGE WAY
 SACRAMENTO, CALIFORNIA 95826-1898

IN REPLY
 REFER TO:

MP-750
 120.1

OCT 2 1986

Mr. Jerry K. Boren
 Development Services Manager
 Public Works and Development
 Services Department
 County of Fresno
 4499 East Kings Canyon Road
 Fresno, California 93702

Dear Mr. Boren:

We have reviewed the draft environmental impact report for the Beck Ranch Conditional Use Permit No. 2235. We have the following comments to make.

The fifth paragraph on page 15 of the draft EIR incorrectly states that a 1984 Bureau of Reclamation letter to the property owner confirms "...that use of riparian water for the entire property is currently permissive for irrigation and any reasonable use." The letter which was summarized incorrectly is a March 15, 1984 letter sent to all property owners along the San Joaquin River below Friant dam who are parties to water rights settlement contracts with the United States. The pertinent part of that letter states in pertinent part "... the contract with the United States declares that the United States will not object to any reasonable beneficial use of water from the San Joaquin River for irrigation and or/ domestic purposes on the land described in the schedule or exhibit attached to that contract. The Bureau of Reclamation intends to honor that commitment. However, you should recognize that the water rights settlement contract did not grant you a water right. The nature and scope of the water rights appurtenant to your holding must be determined by the State Water Resources Control Board and/or courts. In other words, even though the United States will not object to use of water from the San Joaquin River on all of the lands described in that contract, other water rights holders may object to use on the portion of the holding without a valid water right. The map attached to the Bureau's letter dated September 21, 1983, depicts the portion of your holding which the Bureau's records show to be riparian lands. In our opinion, that is the only portion of the holding on which San Joaquin River water may be used under a claim of a water right."

That letter clearly provides that the United States will not object to the property owner diverting water from the San Joaquin River for beneficial use so long as the water is used for irrigation or domestic purposes. That letter further provides that the contract recognizes the property owner's riparian water right, but that such riparian water may be used only on the

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designated portion of the lands as described in the exhibit to that contract. A copy of a map more clearly designating the assumed non-riparian lands is attached here for reference. Therefore, if the project is approved, the Bureau would be concerned with possible illegal diversions from the San Joaquin River for industrial purposes, since that use is not covered by the water rights settlement contract with the Bureau. In addition, other downstream water rights holders and/or the State Water Resources Control Board could object to any water use including the proposed agricultural rehabilitation on the non-riparian lands.

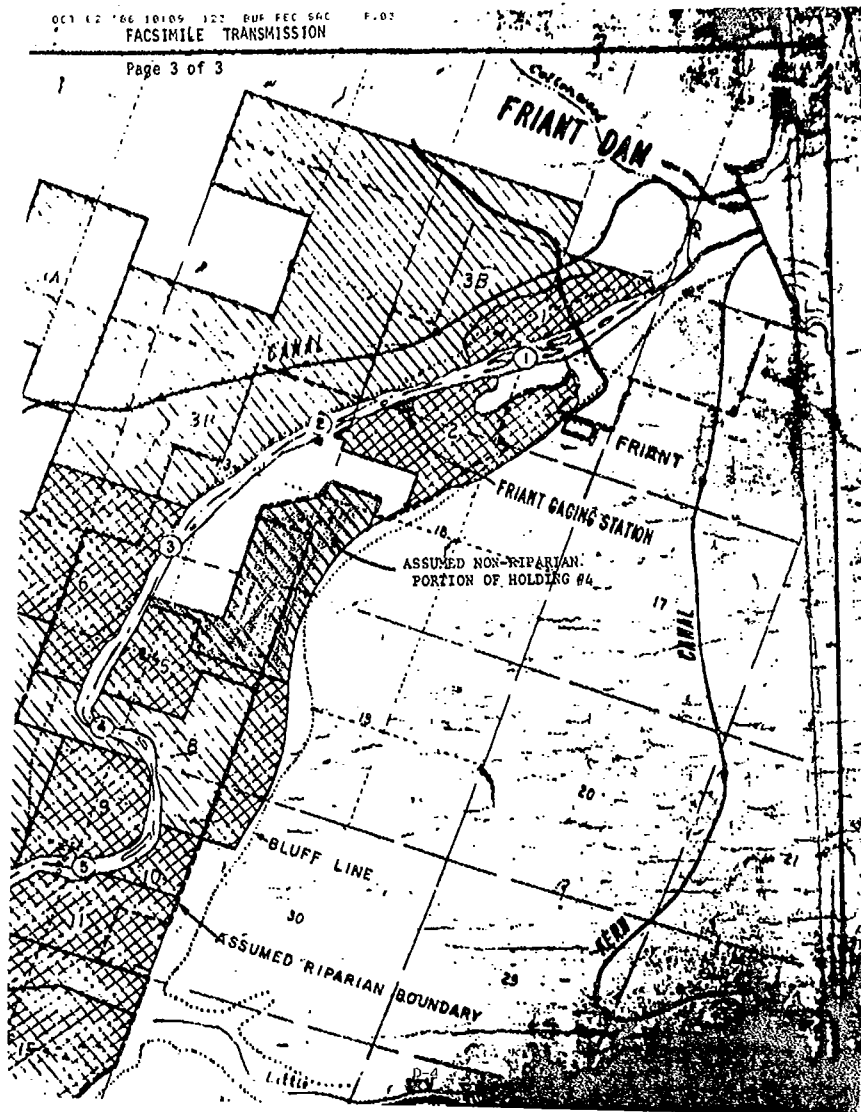
Sincerely,



LAWRENCE E. LINDCOCK
ASSISTANT DIRECTOR

Attachment

??



OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814

September 26, 1986

Sharon Berg
Fresno County
4499 E. Kings Canyon Road
Fresno, CA 93702

RECEIVED

SEP 28 1986

Subject: Beck Ranch - CUP 2235; EA 3157
SCH# 86051210COMMUNICATIONS SECTION
STATE OF CALIFORNIA

Dear Ms. Berg:

The State Clearinghouse submitted the above named draft Environmental Impact Report (EIR) to selected state agencies for review. The review period is closed and the comments of the individual agency(ies) is(are) enclosed. Also, on the enclosed Notice of Completion, the Clearinghouse has checked which agencies have commented. Please review the Notice of Completion to ensure that your comment package is complete. If the package is not in order, please notify the State Clearinghouse immediately. Your eight digit State Clearinghouse number should be used so that we may reply promptly.

2

Please note that recent legislation requires that a responsible agency or other public agency shall only make substantive comments on a project which are within the area of the agency's expertise or which relate to activities which that agency must carry out or approve. (AB 2583, Ch. 1514, Stats. 1984.)

These comments are forwarded for your use in preparing your final EIR. If you need more information or clarification, we suggest you contact the commenting agency at your earliest convenience.

Please contact Peggy Osborn at 916/445-0613 if you have any questions regarding the environmental review process.

Sincerely,

John B. Ohanian
Chief Deputy Director
Office of Planning and Research

cc: Resources Agency

Enclosures

PROJECT NO. 8116
 DATE OF FILING 8/15/79
 FILE NO. B6351210

1. Project Title: Beck Ranch - CUI 2235; EA 3157

2. Local Agency: Fresno County 3. Contact Person: Sheron Borg

4. Lead Agency: 4499 E. Kings Canyon Road 5. City: Fresno

6. County: Fresno 6a. Phone: (209) 453-5055

7. District: Fresno 8. District Office: Fresno

9. State District: 300-160-01 10. State District Office: Fresno

11. Project Address: 15755 N. Frigate Road 12. Project Location: San Joaquin River

13. Project Description: Sand & gravel extraction and gold recovery.

14. Project Location: The proposed project is a 250 - acre sand and gravel extraction site with a gold recovery operation. Resource material will be processed off-site at the Lone Star plant to the south of the Beck Ranch.

CLEARINGHOUSE CONTACT:

Rugby L. Osborn
 STATE REVIEW: 8/12
 DEPT. REVIEW TO RESOURCES: 9/19
 AGENCY REVIEW TO SCE: 9/24
 SCE COMPLIANCE: 9/26

Note DWIR obtain copy from Resources

W/C N/C	W/C N/C
<input checked="" type="checkbox"/> / RESOURCES	<input checked="" type="checkbox"/> / RESOURCES
<input checked="" type="checkbox"/> / CONSERVATION	<input checked="" type="checkbox"/> / CONSERVATION
<input checked="" type="checkbox"/> / FISH/GAME	<input checked="" type="checkbox"/> / FISH/GAME
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<input checked="" type="checkbox"/> / PUBLIC WORKS	<input checked="" type="checkbox"/> / PUBLIC WORKS
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<input checked="" type="checkbox"/> / REGION 5 - FRESNO	<input checked="" type="checkbox"/> / REGION 5 - FRESNO

Memorandum

To : Dr. Gordon F. Snow
Assistant Secretary for Resources

Date : AUG 27 1986

Ms. Sharon Berg
Fresno County
Public Works and Development Services
4499 East Kings Canyon Road
Fresno, CA 93702

Subject: Draft EIR for Beck
Ranch Sand & Gravel
Permit (CUP2235,EA315
Fresno County
SCH #86051210

From : Department of Conservation—Office of the Director

The Department's Division of Mines and Geology has reviewed the Draft EIR and mining permit application for the proposed mining operations adjacent to the San Joaquin River in central Fresno County. Division files were also reviewed. A site visit was not conducted. The following comments were prepared by Trinda Bedrossian, Lynn Jones, Larry Lippert and Les Youngs of the Mine Reclamation Program staff.

* Neither the Draft EIR nor the mining permit application includes a mined-land reclamation plan for the project, nor has one been received previously by the Division of Mines and Geology. Section 2770 of the Surface Mining and Reclamation Act of 1975 (SMARA) requires that a permit be obtained from, and a reclamation plan submitted to and approved by, the lead agency before surface mining may commence. 3

The Mine Reclamation Program staff of the Division of Mines and Geology (DMG) will, if requested, provide technical assistance to the lead agency to review the reclamation plan. Upon final approval of the reclamation plan, please provide a copy to DMG for its reclamation files in accordance with Section 2778 of SMARA.

SMARA and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Administrative Code (CAC) Title 14, Chapter 8, Article 1, Section 3500 et. seq.) (copies enclosed) require that specific items be addressed or included in reclamation plans. The Draft EIR and permit application for the project address a number of the items which should be included in the reclamation plan; however, the enclosed copies of the SMARA and CAC requirements should be reviewed to verify that all items pertinent to this project are provided in the reclamation plan. Among the specific items not addressed which should be included in the reclamation plan are SMARA Sections 2772 (a), (d), (h), and (j) and CAC Section 3503 (g). 4
5
6

Dr. Gordon Snow/Ms. Sharon Berg
Page 2

The following comment regarding revegetation should be addressed in the project's reclamation plan:

The Draft EIR discusses revegetation of the berms which will be constructed along the perimeters of the excavation site. Similar revegetation planning should be done for the portion of the property that will be reclaimed for grazing and agricultural purposes. This discussion should include the measures that will take place to prepare the site for planting types of seeds or plants that will be utilized and any other practices, such as fertilizing, that will help to ensure that revegetation is successful and that the area is reclaimed to a usable condition which is readily adaptable for alternative land uses. 7

If you have any questions, please phone Trinda Bedrossian, Division of Mines and Geology, Acting Mine Reclamation Program Manager, at (916) 323-8565.

Dennis J. O'Bryant

Dennis J. O'Bryant
Environmental Program Coordinator

cc: Ray Seiple
Trinda Bedrossian

CHAPTER 8. MINING AND GEOLOGY
SUBCHAPTER 1. STATE MINING AND GEOLOGY BOARD
DETAILED ANALYSIS

Article 1. Surface Mining and Reclamation Practice

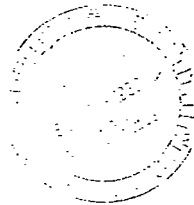
- Section
3500. Purpose
3501. Definitions
3502. The Reclamation Plan
3503. Surface Mining and Reclamation Practice
3504. Administration by Lead Agency
3505. Special Provisions

Article 2. Areas Designated to be of Regional Significance

- Section
3550. Introduction
3550.1. Tujunga and Pacoima Wash Areas of the San Fernando Valley Region,
Los Angeles County
3550.2. Santa Clara River Valley Area of the Western Ventura County
Region, Ventura County
3550.3. Simi Valley Area of the Simi Region, Ventura County
3550.4. Santa Ana River, Santiago Creek, Arroyo Trabuco, San Juan Creek,
and Temescal Valley Areas of the Orange County-Temescal
Valley Region, Orange, Riverside, and San Bernardino Counties
3550.5. San Gabriel River, Eaton Wash, Devils Gate, and Palos Verdes Areas
of the San Gabriel Valley Region, Los Angeles County
3550.6. Construction Aggregate Resources, Western San Diego County
Region

Article 3. Policies and Criteria of the State Mining and Geology Board
with Reference to the Alquist-Priolo Special Studies Zones Act

- Section
3600. Purpose
3601. Definitions
3602. Review of Preliminary Maps
3603. Specific Criteria



Article 1. Surface Mining and Reclamation Practice

3500. Purpose.

It is the purpose of this subchapter to establish state policy for the reclamation of mined lands and the conduct of surface mining operations in accord with the general provisions set forth in Public Resources Code, Division 2, Chapter 9, Section 2710 et seq. (Surface Mining and Reclamation Act of 1975, as amended by Statutes of 1980).

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2710-2795, Public Resources Code.

HISTORY:

1. New Chapter 6, Subchapter 1 (Sections 3500-3508, not consecutive, and Appendices A, B and C) filed 3-29-77; effective thirtieth day thereafter (Register 77, No. 14).
2. Amendment of NOTE filed 8-10-82, effective thirtieth day thereafter (Register 82, No. 33).
3. Repealer and new section filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

3501. Definitions.

The following definitions as used herein shall govern the interpretation of these regulations:

Angle of Repose. The maximum angle of slope (measured from horizontal plane) at which loose cohesionless material will come to rest on a pile of similar material.

Backfill. Earth, overburden, mine waste or imported material used to replace material removed during mining.

Borrow Pits. Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere.

Critical Gradient. The maximum stable inclination of an unsupported slope under the most adverse conditions that it will likely experience, as determined by current engineering technology.

Excavations for On-Site Construction. Earth material moving activities that are required to prepare a site for construction of structures, land benches, or other land improvements (such as excavation, grading, compaction, and the creation of fills and embankments), or that in and of themselves constitute engineered works (such as dams, road cuts, fills, and catchment basins).

Grading. To bring an existing surface to a designed form by cutting, filling, and/or smoothing operations.

Intermittent Operation. A surface mine that is operated only periodically, one or more years between operating periods, either because needs for the minerals produced at such mine are supplied from stockpiles, or because market conditions require only an intermittent supply of these minerals.

Minerals. Any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum.

Person. Any individual, firm, association, corporation, organization, or partnership, or any city, county, district, or the state or any department or agency thereof.

Reclamation Plan. The applicant's (operator's) completed and approved plan for reclaiming the lands affected by his surface mining operations conducted after January 1, 1976, as called for in Section 2772 of the Act.

TITLE 14

MINING AND GEOLOGY

§ 3502

(Register 85, No. 18—6-4-85)

(p. 99)

Resoiling. The process of artificially building or reconstructing a soil profile.

Stream Bed Skimming. Excavation of sand and gravel from stream bed deposits above the mean summer water level or stream bottom, whichever is higher.

Surface Mining Operations. In addition to the provisions of Section 2735 of the Act, borrow pitting, streambed skimming, segregation and stockpiling of mined materials (and recovery of same) are deemed to be surface mining operations unless specifically excluded under Section 2714 of the Act or Section 3505 of these regulations.

Temporarily Deactivated Operation. A surface mine that has been closed down and that the operator has maintained in the expectation of reopening it when the conditions justify.

Topsoil. The upper part of the soil profile that is relatively rich in humus, which is technically known as the A-horizon of the soil profile.

NOTE: Authority cited: Section 2735, Public Resources Code. Reference: Sections 2726-2735, Public Resources Code.

HISTORY:

1. Repealer of former Section 3501, and renumbering and amendment of former Section 3502 to Section 3501 filed 4-29-85, effective thirtieth day thereafter (Register 85, No. 18). For prior history, see Registers 82, No. 33 and 79, No. 35.

3502. The Reclamation Plan.

(a) Objectives. Reclamation plans shall be developed to attain the objectives of Public Resources Code Section 2712(a)-(c).

(b) Reclamation Plan Elements. In addition to the information required by Public Resources Code Section 2772, the following elements shall be included in the reclamation plan:

(1) The environmental setting of the site of operations and the effect that possible alternate reclaimed site conditions may have upon the existing and future uses of surrounding lands.

(2) The public health and safety, giving consideration to the degree and type of present and probable future exposure of the public to the site.

(3) The designed steepness and proposed treatment of the mined lands' final slopes shall take into consideration the physical properties of the slope material, its probable maximum water content, landscaping requirements, and other factors. In all cases, reclamation plans shall specify slope angles flatter than the critical gradient for the type of material involved. Whenever final slopes approach the critical gradient for the type of material involved, regulatory agencies shall require an engineering analysis of the slope stability. Special emphasis on slope stability and design shall be necessary when public safety or adjacent property may be affected.

(4) Areas mined to produce additional materials for backfilling and grading, as well as settlement of filled areas, shall be considered in the reclamation plan. Where ultimate site uses include roads, building sites, or other improvements sensitive to settlement, the reclamation plans shall include compaction of the fill materials in conformance with good engineering practice.

(5) Disposition of old equipment.

(6) Temporary stream or watershed diversions.

(c) Adequacy. In judging the adequacy of a particular reclamation plan in meeting the requirements described herein and within the Act, the lead agency

shall consider the physical and land-use characteristics of the mined lands and their surrounding area pursuant to Public Resources Code Section 2773.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2712(a)-(c), 2756-2757, 2770 and 2772-2773, Public Resources Code.

HISTORY:

1. Renumbering and amendment of former Section 3502 to Section 3501, and new Section 3502 filed 4-29-85, effective thirtieth day thereafter (Register 85, No. 18). For prior history, see Registers 82, No. 33 and 79, No. 35.

3503. Surface Mining and Reclamation Practice.

The following are minimum acceptable practices to be followed in surface mining operations:

(a) Soil Erosion Control.

(1) The removal of vegetation and overburden, if any, in advance of surface mining shall be kept to the minimum.

(2) Stockpiles of overburden and minerals shall be managed to minimize water and wind erosion.

(3) Erosion control facilities such as retarding basins, ditches, streambank stabilization, and diking shall be constructed and maintained where necessary to control erosion.

(b) Water Quality and Watershed Control.

(1) Settling ponds or basins shall be constructed to prevent potential sedimentation of streams at operations where they will provide a significant benefit to water quality.

(2) Operations shall be conducted to substantially prevent siltation of ground-water recharge areas.

(c) Protection of Fish and Wildlife Habitat. All reasonable measures shall be taken to protect the habitat of fish and wildlife.

(d) Disposal of Mine Waste Rock and Overburden. Permanent piles or dumps of mine waste rock and overburden shall be stable and shall not restrict the natural drainage without suitable provisions for diversion.

(e) Erosion and Drainage. Grading and revegetation shall be designed to minimize erosion and to convey surface runoff to natural drainage courses or interior basins designed for water storage. Basins that will store water during periods of surface runoff shall be designed to prevent erosion of spillways when these basins have outlet to lower ground.

(f) Resoiling. When the reclamation plan calls for resoiling, coarse hard mine waste shall be leveled and covered with a layer of finer material or weathered waste. A soil layer shall then be placed on this prepared surface. Surface mines that did not salvage soil during their initial operations shall attempt, where feasible, to upgrade remaining materials. The use of soil conditioners, mulches, or imported topsoil shall be considered where revegetation is part of the reclamation plan and where such measures appear necessary. It is not justified, however, to denude adjacent areas of their soil, for any such denuded areas must in turn be reclaimed.

(g) Revegetation. When the reclamation plan calls for revegetation the available research addressing revegetation methods and the selection of species having good survival characteristics, for the topography, resoiling characteristics, and climate of the mined areas shall be used.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2755 and 2757, Public Resources Code.

HISTORY:

1. Repealer of former Section 3503, and renumbering and amendment of former Section 3504 to Section 3503 filed 4-29-85, effective thirtieth day thereafter (Register 85, No. 18). For prior history, see Register 82, No. 35.

3503.1. Reclamation Plan Elements.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2756, 2757, 2772 and 2773, Public Resources Code.

HISTORY:

1. Repealer filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18)

3504. Administration by Lead Agency.

(a) **Record Keeping.** The lead agency shall establish and maintain in-house measures and procedures to ensure organized record-keeping and monitoring of surface mining reclamation under its jurisdiction. The lead agency shall forward a copy of each permit and approved reclamation plan to the California Division of Mines and Geology (Sacramento).

(b) **Performance Assurances.** The lead agency shall ensure that the objectives of the reclamation plan will be attained. This may include provisions for liens, surety bonds or other security, to guarantee the reclamation in accordance with the approved reclamation plan.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2757, 2758(b), 2774(a) and 2778, Public Resources Code.

HISTORY:

1. Renumbering and amendment of former Section 3504 to Section 3503, and renumbering and amendment of former Section 3505 to Section 3504 filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18). For prior history, see Register 82, No. 33.

3505. Special Provisions.

(a) **Exemptions.** In addition to the provisions of Public Resources Code Section 2714(a), (c) and (d), any surface mining operation that does not involve either the removal of a total of more than 1000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location, shall be exempt from the provisions of the Act.

(b) **Vested Rights.** The permit and reclamation plan requirements for persons with vested rights are stated in Public Resources Code Section 2776.

Where a person with vested rights continues surface mining in the same area subsequent to January 1, 1976, he shall obtain an approval of a reclamation plan covering the mineral lands disturbed by such subsequent surface mining. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act.

NOTE: Authority cited: Sections 2714(d) and 2755, Public Resources Code. Reference: Sections 2714, 2758(c) and 2776, Public Resources Code.

HISTORY:

1. Renumbering and amendment of former Section 3505 to Section 3504, and renumbering and amendment of former Section 3506 to Section 3505 filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18). For prior history, see Register 82, No. 33.

3506. Special Provisions.

NOTE: Authority cited: Sections 2714(d) and 2755, Public Resources Code. Reference: Sections 2714, 2758(c) and 2776, Public Resources Code.

HISTORY:

1. New NOTE filed 8-10-82; effective thirtieth day thereafter (Register 82, No. 33).
2. Renumbering and amendment of Section 3506 to Section 3505 filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

3507. Suggested Form for Reclamation Plan.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2756, 2757, 2758(b), 2772 and 2773, Public Resources Code.

HISTORY:

1. New NOTE filed 8-10-82; effective thirtieth day thereafter (Register 82, No. 33).
2. Repealer filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

3507.1. Confidential Information.

NOTE: Authority cited: Section 2735, Public Resources Code. Reference: Section 2778, Public Resources Code.

HISTORY:

1. New NOTE filed 8-10-82; effective thirtieth day thereafter (Register 82, No. 33).
2. Repealer filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

3507.2. Multiple Operations in a Single Plan.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2756, 2757, 2758(b), 2772 and 2773, Public Resources Code.

HISTORY:

1. New NOTE filed 8-10-82; effective thirtieth day thereafter (Register 82, No. 33).
2. Repealer filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

3508. Model Surface Mining and Reclamation Ordinance.

NOTE: Authority cited: Section 2755, Public Resources Code. Reference: Sections 2758(b) and 2774(a), Public Resources Code.

HISTORY:

1. New NOTE filed 8-10-82; effective thirtieth day thereafter (Register 82, No. 33).
2. Repealer filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

APPENDICES A-C

HISTORY:

1. Repealer of Appendices A-C filed 4-29-85; effective thirtieth day thereafter (Register 85, No. 18).

Article 2. Areas Designated to be of Regional Significance

2550. Introduction.

Pursuant to Section 2750 of the Surface Mining and Reclamation Act, the Mining and Geology Board designates certain mineral resource sectors within the following geographical areas to be of regional significance.

NOTE: Authority and reference cited: Section 2750, Public Resources Code.

HISTORY:

1. New Article 2 (Sections 3550 and 3550.1) filed 10-22-81; effective thirtieth day thereafter (Register 81, No. 43).

3550.1. Tujunga and Pacoima Wash Areas of the San Fernando Valley Region, Los Angeles County.

On January 7, 1981, following a December 11, 1980, public hearing, the Mining and Geology Board designated Sectors A, B, C, and D of the Tujunga and Pacoima Wash areas to be of regional significance. In general, these sectors are described as follows:

- (1) Sector A—Tujunga Valley east of the Hansen Dam flood control basin, west of the 210 freeway and excluding identified archaeological sites;
- (2) Sector B—the Hansen Dam Area;
- (3) Sector C—an area southwest of Hansen Dam; and
- (4) Sector D—Pacoima Wash north of Lopez Dam.



SURFACE MINING AND RECLAMATION ACT OF 1975

(As amended by Senate Bill 1300, Nejedly - 1980 Statutes
and Assembly Bill 1110, Araios - 1984 Statutes)

Article 1. General Provisions

§2710. This chapter shall be known and may be cited as the Surface Mining and Reclamation Act of 1975.

§2711. (a) The Legislature hereby finds and declares that the extraction of minerals is essential to the continued economic well-being of the state and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.

(b) The Legislature further finds that the reclamation of mined lands as provided in this chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.

(c) The Legislature further finds that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefor may vary accordingly.

§2712. It is the intent of the Legislature to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations so as to assure that:

(a) Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition which is suitable for agriculture and uses.

(b) The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment.

(c) Residual hazards to the public health and safety are eliminated.

§2713. It is not the intent of the Legislature by the enactment of this chapter to take private property for public use without payment of just compensation in violation of the California and United States Constitutions.

§2714. The provisions of this chapter shall not apply to any of the following activities:

(a) Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.

(b) Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than 1,000 cubic yards in any one location of one acre or less.

(c) Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.

(d) Such other surface mining operations which the board determines to be of an infrequent nature and which involve only minor surface disturbances.

§2715. No provision of this chapter or any ruling, requirement, or policy of the board is a limitation on, or any of the following:

(a) On the police power of any city or county or on the power of any city or county to declare, prohibit, and abate nuisances.

(b) On the power of the Attorney General, at the request of the board, or upon his own motion, to bring an action in the name of the people of the State of California to enjoin any pollution or nuisance.

(c) On the power of any state agency in the enforcement or administration of any provision of law which it is specifically authorized or required to enforce or administer.

(d) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in Part 3 (commencing with Section 3479) of Division 4 of the Civil Code or for any other private relief.

(e) On the power of any lead agency to adopt policies, standards, or regulations imposing additional requirements on any person if the requirements do not prevent the person from complying with the provisions of this chapter.

(f) On the power of any city or county to regulate the use of buildings, structures, and land as between industry, business, residents, open space (including agriculture, recreation, the enjoyment of scenic beauty, and the use of natural resources), and other purposes.

§2716. Any person may commence an action on his own behalf against the board or the State Geologist for a writ of mandate pursuant to Chapter 2 (commencing with Section 1084) of Title 1 of Part 2 of the Code of Civil Procedure to compel the board or the State Geologist to carry out any duty imposed upon them pursuant to the provisions of this chapter.

§2717. The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. Such report shall include a statement of the actions, including legislative recommendations, which are necessary to carry out more completely the purposes and requirements of this chapter.

§2718. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

Article 2. Definitions

§2725. Unless the context otherwise requires, the definitions set forth in this article shall govern the construction of this chapter.

§2726. "Area of regional significance" means an area designated by the board pursuant to Section 2750 which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if unrestrained developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local significance.

GORDON K. VAN WELCK, Secretary
THE RESOURCE AGENCY

GEORGE DE L. SAN, Governor
STATE OF CALIFORNIA

DON L. EUBANK, Director
DEPARTMENT OF CONSERVATION

For a list of geologic maps and reports available from the Division of Mines and Geology, write to DMG, P.O. Box 2950, Sacramento, CA 95811 (916) 445-6157. For mining and geologic hazard information call (916) 445-5716.

§2727. "Area of statewide significance" means an area designated by the board pursuant to Section 2750 which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance.

§2728. "Lead agency" means the city or county which has the prime, or responsibility for approving a surface mining operation pursuant to this chapter or a public agency assigned responsibility for approving a surface mining operation pursuant to Section 2771.

§2729. "Mined lands" includes the surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.

§2730. "Mining waste" includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from, or displaced by, surface mining operations.

§2731. "Operator" means any person who is engaged in surface mining operations, himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.

§2732. "Overburden" means soil, rock, or other materials that lie above a natural mineral deposit or in between mineral deposits, before or after their removal by surface mining operations.

§2732.5. "Permit" means any authorization from, or approval by, a lead agency, the absence of which would preclude surface mining operations.

§2733. "Reclamation" means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, reseeding, revegetation, soil compaction, stabilization, or other measures.

§2734. "State policy" means the regulations adopted by the board pursuant to Section 2755.

§2735. "Surface mining operations" means all, or any part of, the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- (a) Inplace distillation or retorting or leaching.
- (b) The production and disposal of mining waste.
- (c) Prospecting and exploratory activities.

Article 3. District Committees

§2740. In carrying out the provisions of this chapter, the board may establish districts and appoint one or more district technical advisory committees to advise the board. In establishing districts for these committees, the board shall take into account physical

characteristics, including, but not limited to, climate, topography, geology, type of overburden, and principal mineral commodities. Members of the committees shall be selected and appointed on the basis of their professional qualifications and training in mineral resource conservation, development and utilization, land use planning, mineral economics, or the reclamation of mined lands.

§2741. The members of the committee shall receive no compensation for their services, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties.

Article 4. State Policy for the Reclamation of Mined Lands

§2755. The board shall adopt regulations which establish state policy for the reclamation of mined lands, in accordance with the general provisions set forth in Article 1 (commencing with Section 2710) of this chapter and pursuant to Chapter 4.5 (commencing with Section 11371) of Part 1 of Division 3 of Title 2 of the Government Code.

§2756. State policy shall apply to the conduct of surface mining operations and shall include, but shall not be limited to, measures to be employed by lead agencies in specifying grading, backfilling, reseeding, revegetation, soil compaction, and other reclamation requirements, and for soil erosion control, water quality and watershed control, waste disposal, and flood control.

§2757. The state policy adopted by the board shall be based upon a study of the factors that significantly affect the present and future condition of mined lands, and shall be used as standards by lead agencies in preparing specific and general plans, including the conservation and land use elements of the general plan, and zoning ordinances. The state policy shall not include aspects of regulating surface mining operations which are solely of local concern, and shall not be subject to technical objections determined by the board, such as, but not limited to, hours of operation, noise, dust, leaching, and purely aesthetic considerations.

§2758. Such policy shall include objectives and criteria for all of the following:

- (a) Determining the lead agency pursuant to the provisions of Section 2771.
- (b) The orderly evaluation of reclamation plans.
- (c) Determining the circumstances, if any, under which the approval of a proposed surface mining operation by a lead agency need not be conditioned on a guarantee assuring reclamation of the mined lands.

§2759. The state policy shall be continuously reviewed and may be revised. During the formulation or revision of such policy, the board shall consult with, and carefully evaluate the recommendations of, the State Geologist, any district technical advisory committees, concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals.

§2760. The board shall not adopt or revise the state policy unless a public hearing is first held respecting their adoption or revision. At least 30 days prior to such hearing, the board shall give notice of the hearing by publication pursuant to Section 6061 of the Government Code.

§2761. (a) On or before January 1, 1977, and, as a minimum, after the completion of each decennial census, the Office of Planning and Research shall identify portions of the following areas within the state which are urbanized or are subject to urban expansion or other irreversible land uses which would preclude mineral extraction:

- (1) Standard metropolitan statistical areas and such other areas for which information is readily available.
- (2) Other areas as may be requested by the board.
- (b) In accordance with a time schedule, and based upon guidelines adopted by the board, the State Geologist shall classify, on the basis solely of geologic factors, and without regard to existing land use and land ownership, the areas identified by the Office of Planning and Research, any area for which classification has been requested by a petition which has been accepted by the board, or any other areas as may be specified by the board, as one of the following:

- (1) Areas containing little or no mineral deposits.
- (2) Areas containing significant mineral deposits.
- (3) Areas containing mineral deposits, the significance of which requires further evaluation.
- (c) As it is completed by county, the State Geologist shall transmit such information to the board for incorporation into the state policy and for transmittal to lead agencies.

§2762. (a) Within 12 months of receiving the mineral information described in Section 2761, and also within 12 months of the designation of an area of statewide or regional significance within its jurisdiction, every lead agency shall, in accordance with state policy, establish mineral resource management policies to be incorporated in its general plan which will:

- (1) Recognize mineral information classified by the State Geologist and transmitted by the board.
- (2) Assist in the management of land use which affect areas of statewide and regional significance.
- (3) Emphasize the conservation and development of identified mineral deposits.

(b) Every lead agency shall submit proposed mineral resource management policies to the board for review and comment prior to adoption.

(c) Any subsequent amendment of the mineral resource management policy previously reviewed by the board shall also require review and comment by the board.

(d) Prior to permitting a use which would threaten the potential to extract minerals in an area classified by the State Geologist as an area described in paragraph (3) of subdivision (b) of Section 2761, the lead agency may cause to be prepared an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. The results of such evaluation shall be transmitted to the State Geologist and the board.

§2763. (a) Lead agency land use decisions involving areas designated as being of regional significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of these minerals to their market region as a whole and not just their importance to the lead agency's area of jurisdiction.

(b) Lead agency land use decisions involving areas designated as being of statewide significance shall be in accordance with the lead agency's mineral resource management policies and shall also, in balancing mineral values against alternative land uses, consider the importance of the mineral resources to the state and nation as a whole.

Article 5. Reclamation Plans and the Conduct of Surface Mining Operations

§2770. Except as specified in Section 2774.5 and 2776, no person shall conduct surface mining operations unless a permit is obtained from, and a reclamation plan has been submitted to, and approved by, the lead agency for such operation pursuant to this article:

§2770.5. Whenever surface mining operations are proposed in the 100-year flood plain for any stream, as shown in Zone A of Flood Insurance Rate Maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any state highway bridge, the lead agency receiving the application for the issuance or renewal of a permit to conduct the surface mining operations shall notify the Department of Transportation that the application has been received. The Department of Transportation shall have a period of not more than 45 days to review and comment on the proposed surface mining operations with respect to any potential damage to the state highway bridge from the proposed surface mining operations. The lead agency shall not issue or renew the permit until the Department of Transportation has submitted its comments or until 45 days from the date the application for the permit was submitted, whichever occurs first.

§2771. Whenever a proposed surface mining operation is within the jurisdiction of two or more public agencies, is a permitted use within the agencies, and is not separated by a natural or manmade barrier coinciding with the boundary of the agencies, the evaluation of the proposed operation shall be made by the lead agency in accordance with the procedures adopted by the lead agency pursuant to Section 2774. In the event that a dispute arises as to which public agency is the lead agency, any public agency which is a party to the dispute may submit the matter to the board; and the board shall designate the public agency which shall serve as the lead agency, giving due consideration to the capability of such agency to fulfill adequately the requirements of this chapter and to an examination of which of the public agencies has principal permit responsibility.

§2772. The reclamation plan shall be filed with the lead agency on a form provided by the lead agency, by any person who owns, leases, or otherwise controls or operates on all, or any portion of any, mined lands, and who plans to conduct surface mining operations thereon.

The reclamation plan shall include the following information and documents:

(a) The name and address of the operator and the names and addresses of any persons designated by him as his agents for the service of process.

(b) The anticipated quantity and type of minerals for which the surface mining operation is to be conducted.

(c) The proposed dates for the initiation and termination of such operation.

(d) The maximum anticipated depth of the surface mining operation.

(e) The size and legal description of the lands that will be affected by such operation, a map that includes the boundaries and topographic details of such lands, a description of the general geology of the area, a detailed description of the geology of the area in which surface mining is to be conducted, the location of all streams, roads, railroads, and utility facilities within, or adjacent to, such lands, the location of all proposed access roads to be constructed in conducting such operation, and the names and addresses of the owners of all surface and mineral interests of such lands.

(f) A description of and plan for the type of surface mining to be employed and a time schedule that will provide for the completion of surface mining on each segment of the mined lands so that reclamation can be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance by the surface mining operation.

(g) A description of the proposed use or potential uses of the land after reclamation and evidence that all owners of a possessory interest in the land have been notified of the proposed use or potential uses.

(h) A description of the manner in which reclamation, adequate for the proposed use or potential uses will be accomplished, including:

(1) a description of the manner in which contaminants will be controlled, and mining waste will be disposed; and
(2) a description of the manner in which rehabilitation of affected streambed channels and streambanks to a condition minimizing erosion and sedimentation will occur.

(i) An assessment of the effect of implementation of the reclamation plan on future mining in the area.

(j) A statement that the person submitting the plan accepts responsibility for reclaiming the mined lands in accordance with the reclamation plan.

(k) Any other information which the lead agency may require by ordinance.

§2773. The reclamation plan shall be applicable to a specific piece of property or properties, and shall be based upon the character of the surrounding area and such characteristics of the property as type of overburden, soil stability, topography, geology, climate, stream characteristics, and principal mineral commodities.

§2774. (a) Every lead agency shall adopt ordinances in accordance with state policy which establish procedures for the review and approval of reclamation plans and the issuance of a permit to conduct surface mining operations, except that any lead agency without an active surface mining operation in its jurisdiction may defer adopting an implementing ordinance until the filing of a permit application. Such reclamation and permit ordinances shall establish procedures requiring at least one public hearing and periodic inspections of surface mining operations, and may include provisions for liens, surety bonds, or other security to guarantee reclamation in accordance with the reclamation plan. Such ordinances shall be periodically reviewed by the lead agency and revised, as necessary, in order to ensure that the ordinances continue to be in accordance with state policy.

(b) Lead agencies shall notify the State Geologist of the filing of an application for a permit to conduct surface mining operations.

(c) On request of a lead agency, the State Geologist shall furnish technical assistance to assist in the review of reclamation plans.

§2774.3 (a) The board shall, in accordance with a time schedule, review lead agency ordinances which establish permit and reclamation procedures to determine whether each such ordinance is in accordance with state policy, and shall certify the ordinance as being in accordance with state policy if it adequately meets, or imposes requirements more stringent than, the California surface mining and reclamation policies and procedures established by the board pursuant to this chapter. The board shall complete on or before January 1, 1982, a review of all such ordinances adopted prior to November 1, 1981.

(b) Lead agencies shall submit ordinances adopted on or after November 1, 1981, which establish permit and reclamation procedures to the board for such determination and certification, and no such ordinance shall take effect until the board has certified that the ordinance is in accordance with state policy. Such review for certification shall be completed by the board within 60 days of the date of submittal to the board.

§2774.5 (a) If, upon review of an ordinance, the board finds that it is not in accordance with state policy, the board shall communicate the ordinance's deficiencies in writing to the lead agency. Upon receipt of such a written communication, the lead agency shall have 90 days to submit a revised ordinance to the board for certification as being in accordance with state policy.

The board shall review the lead agency's revised ordinance for certification within 60 days of its receipt. If the lead agency does not submit a revised ordinance within 90 days, the board shall assume full authority for reviewing and approving reclamation plans submitted to the lead agency until such time as the lead agency's ordinances are revised in accordance with state policy.

(b) If, upon review of a lead agency's revised ordinance, the board finds the ordinance is still not in accordance with state policy, the board shall again communicate the ordinance's deficiencies in writing to the lead agency. The lead agency shall have a second 90-day period in which to revise the ordinance and submit it to the board for review. If the board again finds that the revised ordinance is not in accordance with state policy or if no revision is submitted, the board shall assume full authority for reviewing and approving reclamation plans submitted to the lead agency until such time as the lead agency's ordinances are revised in accordance with state policy.

(c) On and after November 1, 1981, in any jurisdiction in which the lead agency does not have a certified ordinance, no person shall initiate a surface mining operation unless a reclamation plan has been submitted to, and approved by, the board. Any reclamation plan, approved by a lead agency under the provisions of a lead agency's ordinance which was not in accordance with state policy at the time of approval, shall be subject to amendment by the board or under the provisions of an ordinance certified by the board as being in accordance with state policy.

(d) Reclamation plans approved by the board pursuant to this section shall not be subject to modification by the lead agency at a future date but may be amended by the board. Nothing in this section shall be construed as authorizing the board to issue a permit for the conduct of mining operations.

§2775. (a) An applicant whose request for a permit to conduct surface mining operations in an area of statewide or regional significance has been denied by a lead agency or any person who is aggrieved by the granting of a permit to conduct surface mining operations in an area of statewide or regional significance, may, within 15 days of exhausting his rights to appeal in accordance with the procedures of the lead agency, appeal to the board.

(b) The board may, by regulation, establish procedures for declining to hear appeals that it determines raise no substantial issues.

(c) Appeals that the board does not decline to hear shall be scheduled and heard at a public hearing held within the jurisdiction of the lead agency which processed the original application within 30 days of the filing of the appeal, or such longer period as may be mutually agreed upon by the board and the person filing the appeal. In any such action, the board shall not exercise its independent judgment on the evidence but shall only determine whether the decision of the lead agency is supported by substantial evidence in the light of the whole record. If the board determines the decision of the lead agency is not supported by substantial evidence in the light of the whole record it shall remand the appeal to the lead agency and the lead agency shall schedule a public hearing to reconsider its action.

§2776. No person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this chapter as long as such vested right continues; provided, however, that no substantial changes may be made in any such operation except in accordance with the provisions of this chapter. A person shall be deemed to have such vested rights if, prior to January 1, 1976, he has, in good faith and in reliance upon a

permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefor. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work or materials.

A person who has obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the lead agency and receive, within a reasonable period of time, approval of a reclamation plan for operations to be conducted after January 1, 1976, unless a reclamation plan was approved by the lead agency prior to January 1, 1976 and the person submitting the plan has accepted responsibility for reclaiming the mined lands in accordance with the reclamation plan.

Nothing in this chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to January 1, 1976.

§2777. Amendments to an approved reclamation plan may be submitted detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by, the lead agency.

§2778. Reclamation plans, reports, applications, and other documents submitted pursuant to this chapter are public records, unless it can be demonstrated to the satisfaction of the lead agency that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The lead agency shall identify such proprietary information as a separate part of the application. Proprietary information shall be made available only to the State Geologist and to persons authorized in writing to the contrary by the lead agency.

A copy of all reclamation plans, reports, applications, and other documents submitted pursuant to this chapter shall be furnished to the State Geologist by lead agencies on request.

§2779. Whenever one operator succeeds to the interest of another in any incomplete surface mining operation by sale, assignment, transfer, conveyance, exchange, or other means, the successor shall be bound by the provisions of the approved reclamation plan and the provisions of this chapter.

Article 6. Areas of Statewide or Regional Significance

§2790. After receipt of mineral information from the State Geologist pursuant to subdivision (c) of Section 2761, the board may by regulation adopted after a public hearing designate specific geographic areas of the state as areas of statewide or regional significance and specify the boundaries thereof. Such designation shall be included as a part of the state policy and shall indicate the reason for which the particular area designated

is of significance to the state or region, the adverse effects that might result from premature development of incompatible land uses, the advantages that might be achieved from extraction of the minerals of the area, and the specific goals and policies to protect against the premature incompatible development of the area.

§2791. The board shall seek the recommendations of concerned federal, state, and local agencies, educational institutions, civic and public interest organizations, and private organizations and individuals in the identification of areas of statewide and regional significance.

§2792. Neither the designation of an area of regional or statewide significance nor the adoption of any regulations for such an area shall in any way limit or modify the rights of any person to complete any development that has been authorized pursuant to Part 2 (commencing with Section 11000) of Division 4 of the Business and Professions Code, pursuant to the Subdivision Map Act (Division 2 [commencing with Section 66410] of Title 7 of the Government Code), or by a building permit or other authorization to commence development, upon which such person relies and has changed his position to his substantial detriment, and, which permit or authorization was issued prior to the designation of such area pursuant to Section 2790. If a developer has by his actions taken in reliance upon prior regulations obtained vested or other legal rights that in law would have prevented a local public agency from changing such regulations in a way adverse to his interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

§2793. The board may, by regulation adopted after a public hearing, terminate, partially or wholly, the designation of any area of statewide or regional significance on a finding that the direct involvement of the board is no longer required.

Article 7. Fiscal Provisions

§2794. (a) Notwithstanding any other provision of law, the first one million one hundred thousand dollars (\$1,100,000) of moneys from mining activities on federal lands disbursed by the United States each fiscal year to this state pursuant to Section 35 of the Mineral Lands Leasing Act, as amended (30 U.S.C. Sec. 191), shall be deposited in the Surface Mining and Reclamation Account in the General Fund, which account is hereby created, and may be expended, upon appropriation by the Legislature, for the purposes of this chapter.

(b) Proposed expenditures from the account shall be included in a separate item in the Budget Bill for each fiscal year for consideration by the Legislature. Each appropriation from the account shall be subject to all of the limitations contained in the Budget Act and to all other fiscal procedures prescribed by law with respect to the expenditure of state funds. On June 30 of each year any portion of the one million one hundred thousand dollars (\$1,100,000) specified in subdivision (a) for that fiscal year which is not appropriated by the Legislature shall be transferred to unappropriated surplus of the General Fund.

State Statutes
Ch. 9, Div. 2, P.R.C.

Rev. 6/75

Memorandum

To : 1. Projects Coordinator
Resources Agency

2. Sharon Berg
Fresno County Public Works and
Development Services Department
4499 East Kings Canyon Road
Fresno, CA 93702

Date : 9-16-86

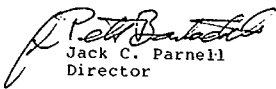
From : Department of Fish and Game

Subject: SCH #86051210 - Beck Ranch - CUP 2235, EA 3157, Fresno County

We have reviewed the Draft EIR for Beck Ranch Sand and Gravel Permit, a proposed sand and gravel extraction project located upon a 250-acre site near Friant, Fresno County.

We believe the Draft EIR adequately addresses the wildlife resources associated with the project site, as well as the expected impacts of the proposed sand and gravel extraction. We believe the document is deficient, however, in its discussion of site reclamation at the conclusion of the project and measures intended to reduce or compensate wildlife impacts. We believe the Site Reclamation Plan should include additional detail, describing the types and quantities of plants to be used in the reclamation process. It should also include a timetable for implementation. 8

Our staff is available to assist you in developing appropriate recommendations for inclusion in the FEIR when it is issued. We recommend you contact them. Please direct your inquiries to George Nokes, Regional Manager, at 1234 E. Shaw Avenue, Fresno, CA 93710, or telephone (209) 222-3761.


Jack C. Parnell
Director

Memorandum

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD • CENTRAL VALLEY REGION
3614 E. Ashlan SAN JOAQUIN WATERSHED BRANCH Telephone: (209) 445-5116
Fresno, CA 93726-6905 State Lease Line: 421-6116

TO: Ms. Peggy L. Osborn FROM: James B. Wolfson
Office of Planning and Research Senior Engineer
1400 Tenth Street, Room 121
Sacramento, CA 95814

DATE: 18 September 1986

SIGNATURE: *James B. Wolfson*

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT (EIR), BECK RANCH SAND AND GRAVEL
OPERATION, CU 2235, EA 3157, SCH #86051210, FRESNO COUNTY

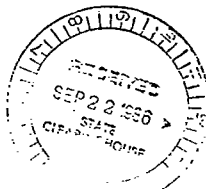
We have reviewed the subject Draft EIR. The project consists of on-site sand and gravel extraction with a gold recovery operation. Resource material will be processed at an existing sand and gravel plant to the south of Beck Ranch. Wastewater from the gold recovery operation will be discharged to a shallow (3 to 4 feet deep) pond for disposal by percolation. The gold extraction process involves the use of mercury, which is 100 percent recoverable. 9

The Draft EIR did not include any discussion on the need for a spill contingency plan for handling of the mercury. This concern should be addressed in the final EIR.

Thank you for the opportunity to comment on this project. Should you have any questions regarding this matter, please contact Steve Tanaka of this office at 445-5550 or (ATSS) 3-421-5550.

SGT:djb

cc: Department of Health Services, Fresno
Department of Fish and Game, Fresno





Public Works & Development Services Department

Richard D. Welton
Director

October 9, 1986

buada Associates
6353 N. Blackstone Avenue
Fresno, CA 93710

Mr. buada:

Subject: Comments on Beck Environmental Impact Report

The comments received on the Beck Environmental Impact Report from various County Departments are summarized as follows:

1. Planning Division

Public Works & Development Services

- a. Use of Lone Star haul road is a good idea. However, will the project still result in a net increase in traffic, or is there a "sustained yield" in effect for all the sand and gravel operations along the San Joaquin River? (Contact person - Richard Braun, 453-5010). 10
- b. The draft Environmental Impact Report has sufficiently identified and analyzed the possible impacts and mitigation measures of the project with respect to the General Plan. (Contact person - Edward Kiang, 453-5010). 11

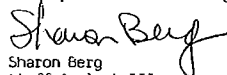
2. Resources Division

Public Works & Development Services

The proposed project should have no serious geologic or hydrologic impacts as long as recommendations contained in the Environmental Impact Report and Geotechnical investigations are followed. (Contact person - Albert Steele, 453-5059) 12

Very truly yours,

JEKRY K. BUREN
Development Services Manager


Sharon Berg
Staff Analyst III

Sb:ts
0192K

D-22

DATE: August 12, 1986
TO: Sharon Berg
FROM: H. Griffin and Bob Thompson
SUBJECT: EA 3157, CUP 2235 (Beck Ranch Sand and Gravel Permit - Volume 1)

AUG 14 1986

U.S. ROAD & TRANSPORTATION SERVICES DEPT.

EA 3157

Adherence to Grading Ordinance will mitigate possible impacts.

CUP 2235

1. Require an engineered grading and drainage plan for all cuts and fills within 100' of adjacent property lines. Revegetation per Improvement Standard III:N will be required.
2. Friant Road is classified as an expressway with 60' of R/W existing. Twenty-three feet of additional R/W should be obtained if permitted by ordinance. Direct access rights to Friant Road should be obtained at this time.

13

HG:bh

County of

FRESNO 

Inter Office Memo

Date: January 27, 1987

To: Sharon Berg

From: Al Dias

Subject: EA 3157; CUP 2235

1. The haul road to Lone Star's Friant Road access point should be improved with a material to create a permanent road surface to serve the users. (Gravel base with A/C) 14
2. What does this do to extend Lone Star's activities on their site? 15

AD:jw

Comments Regarding Mitigation Measures for Planting berms

My comments relate to the plant materials suggested for planting berms. Given that much of the area in question is somewhat of a riparian habitat and contains many native species, I think that it would be appropriate for planted species to be native plants. Many of the native plants will use less water, provide food and shelter for wildlife and "fit" within the scheme of the area. Following are planting suggestions of which attract birds and have good growing habits as well as provide screening and aesthetic beauty.

Trees	Shrubs	Ground cover
Aesculus californica	Arctostaphylos sp	Arctostaphylos uva-ursi
Arbutus menziesii	Baccharis pilularis	Baccharis "Twin Peaks"
Incense Cedar	Calycanthus occidentalis	Ceanothus griseus- horizontalis
Catalpa speciosa	Ceanothus spp	Penstemon heterophylla
Cercidium spp.	Comarostaphylos diversifolia	Zauschneria californica
Juglans californica	Dendromecon harfordii	
Fremontodendron	Fremontodendron	
Alnus	Garrya elliptica	
Quercus spp.	Heteromeles arbutifolia	
Prunus ilicifolia	Mahonia aquifolium	
Prunus lyonii	Rhamnus californica	
Platanus racemosa		
Umbellularia californica		

16

In terms of Erosion control there are many other plants available. Following is an abbreviated list. Arctostaphylos uva-ursi. (Bearberry), Baccharis pilularis, Ceanothus griseus "horizontalis", Rosmarinus officinalis "prostratus", Delosperma "alba" (White trailing Ice Plant), Dianthus spp. (Ice plant), Malephora crocea (Ice plant). In addition, the utilization of jute mesh, or rock and wire in very steep areas would be appropriate to prevent erosion.

Tam Edmundo
Tom Atkinson

UNIVERSITY OF CALIFORNIA
Berkeley, California 94720



BOB SHEESLEY
Farm Advisor
Agronomy-Forage Crops

Cooperative Extension
Fresno County
Farm & Home Advisors Office
1720 South Maple Avenue
Fresno, California 93702

Area Code 209
455-3245

MOTSCHIEDLER, MICHAELIDES & WISHON

ATTORNEYS AT LAW
1266 WEST SHAW AVENUE
SUITE 103
FRESNO, CALIFORNIA 93711
TELEPHONE (209) 227-3524

J. CARL MOTSCHIEDLER
PHILLIP G. MICHAELIDES
A. EMORY WISHON III
JACA HINDMARBH

August 15, 1986

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AUG 15 1986

COPY TO THE
DEPT. OF ENVIRONMENTAL CONTROL

Ms. Sharon Berg
Staff Analyst
c/o Fresno County Public Works
and Development Services
4499 E. Kings Canyon Road
Fresno, California 93702

Re: Draft Environmental Impact Report
CU 2235, EA 3157, Beck Ranch Sand
and Gravel Permit

Dear Ms. Berg:

We represent Stephen Beck, one of the project applicants. The Environmental Impact Report incorrectly states that the no project alternative (EIR p. 62) would eliminate all impacts, adverse, mitigated and positive, relating to this project. Denial of this project would not eliminate the need for aggregate in the Fresno Clovis Metropolitan Area. Alternative sources of aggregate are more distant, meaning that many more noise sensitive uses would be affected by passing gravel trucks. Aggregate sources tend to be in low places. Most alternative locations would have an adverse impact on the view from adjoining properties.

17

Very truly yours,

J. Carl Motschiedler
J. Carl Motschiedler

JCM:bgm

SAN JOAQUIN RIVER COMMITTEE

2135 Fresno Street, Room 219
Fresno, CA 93721
September 24, 1986

Sharon M. Berg
Fresno County Public Works
and Development Services
4499 East Kings Canyon Road
Fresno, CA 93702

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SEP 24 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT.

RESPONSE TO BECK RANCH CONDITIONAL USE
PERMIT NO. 2235 DEIR (EA 3157)

Dear Ms. Berg:

- I. The document is insufficient in identifying and analyzing the possible impact on the environment because the project is dependant on the operations of site at which the materials will be processed. Section 15168 of CEQA defines a program EIR as one "which may be prepared on a series of actions that can be characterized as one large project and are related geographically, as logical parts in a chain of contemplated actions, in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program, or as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways." It is necessary that a program EIR be prepared for this CUP to insure consideration of cumulative impacts that might be slighted in a single case analysis and to provide a consideration of the effects and alternatives for this proposal and the processing of the extracted materials. The San Joaquin River Area Reconnaissance Study includes diagrams of Mineral Resource Zones specifying where significant mineral resources are present in the vicinity of the Beck Ranch CUP. A program EIR will avoid "duplicative reconsideration of basic policy considerations" and "allow the lead agency to consider broad policy alternatives and programwide mitigation measures at an early time when the agency has greater flexibility to deal with basic problems or cumulative impacts" when applications are made for CUP's for these additional significant resource sites, 18
- II. The report is deficient in both its description of the site and in its lack of description of operation. The Regulation for the Development of Material Extraction Sites in All Districts (Section 858, Fresno County Zoning Ordinance) requires an operational plan for application for the conditional use permit as well as a property rehabilitation plan. The DEIR does not have a specific statement of operations including proposed equipment, or an estimate of the quantity and sources of water required by the operation. 19
- III. There is no Reclamation Plan in the Table of Contents. References to possible Reclamation alternatives are found in the section on Vegetation and Wildlife (Page 19), and in Alternative Rehabilitation (Page 63). The Rehabilitation Plan on page 11 is illegible, and the description of rehabilitation on page 10 is confusing, vague and unenforceable. A detailed, enforceable Reclamation Plan, 20

compatible with the Fresno County Open Space Policy should be a significant feature of the DEIR. A Reclamation Plan should address all requirements of the Mineral Extraction Regulations for Fresno County (Section 858, Fresno County Zoning Ordinance).

IV. CEQA requires "the DEIR shall be prepared directly by or under contract to the lead agency". (Section 15084 [a] CEQA, June 1986). This draft has been prepared by Buda Associates under contract to the applicant. CEQA also requires "before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The draft EIR which is sent out for public review must reflect the independent judgment of the Lead Agency". (Section 15084 [e], CEQA June, 1986.) In this DEIR, the Lead Agency is only another commenting agency along with the public. The DEIR process should be terminated and reconsidered under procedures which comply with the CEQA requirements. 21

V. The following is a list of specific comments on the Draft:

Page 2, 2nd paragraph: "Potential impacts from any plant site have therefore been eliminated" is an incorrect statement. Potential impacts have been relocated, hence the need for a program EIR. 22

Page 3, 1st paragraph: The discussion of "alternative uses" does not conform to General Plan policy. This discussion is inappropriate to the DEIR. 23

Page 3, #1. Erosion: DEIR does not explain how the run-off will be contained on-site. 24

Page 6, 3rd paragraph: What is the "designated floodway". By what designation is it a floodway? The floodway is not delineated on Figure 2. 25

Page 6, 4th, 5th and 6th paragraphs and continuing: It is not clear whether all phases of each stage shall be completed before another stage is begun. There should be a description of the operations of the proposal in the project description including a schedule or operational flow chart. It is not clear whether all the top-soil is to remain on site. Is some top soil permanently removed? The DEIR should make that clear. What is the dust palliative to be used? Lone Star is now violating its dust mitigation measures, how shall the application of a dust palliative or use of water trucks be enforced? 26

Page 9: Figure 3 is not legible. Details of cross-sections and plan are blurred. A legible figure should be submitted. On-site circulation roads, including access to Friant Road and circulation pattern to Lone Star processing site should be a part of the project design. What is the little finger of land diagrammed on Figures 1, 2, 3, 4 and 5, stretching west to the San Joaquin River, and labeled "no excavation"? There is no information on water volume needed to operate the project or to maintain the rehabilitation. There is no information about the source of the water or the rights to water. 27

Page 10, 2nd paragraph: There is no landscaping plan for Friant Road frontage. Note that the Friant Road is designated as a "scenic expressway". 28

Beck Ranch, DEIR
September 24, 1986

Page 10, 3rd paragraph: There is no landscaping detail for the berms along the western and northern edges of the site and between the site and structures on the northeast corner. 29

There is no discussion of the amount of top-soil to be removed from the site. If agricultural rehabilitation is planned, the quantity of top soil available for rehabilitation is an important issue. If top-soil is to be removed permanently from the site, the DEIR should say so. 30

Page 14, Mitigation Measures: Mitigation measures are vague, unenforceable as written. Erosion mitigation is inadequate. 31 A

Page 15, B. Hydrology: What is the volume of water required for the project? The DEIR is inconsistent with the statement of the U.S. Department of the Interior, Bureau of Reclamation on the last page of the DEIR, Environmental Assessment/Initial Study, in which the Bureau says that one-half of the project is riparian lands. The project area outside the riparian boundary would not be entitled to entail pumping large amounts of water from the river in a processing operation. The DEIR says that a 1984 letter from the Bureau of Reclamation confirms that use of riparian water for the entire property is currently permissive for irrigation and any reasonable use. Entire letter should be part of DEIR. 31 B

Page 17: References to the gold recovery by mercury process are vague. What is meant by a completely mechanical system? Where on site is the lab? Where is the settling pond? Is the pond lined? How does the pond meet the requirements of "open toxic pond" legislation? Who monitors and samples the discharge water? A discharge permit is a piece of paper, not a mitigation measure. Mitigation measures in the DEIR to avoid adverse impacts on groundwater should be specific and enforceable. 32

Page 18, Mitigation Measures: An aerating system for the prevention of eutrophication in the excavation ponds should be specifically described. Who will maintain rehabilitation lakes? What will be the purpose of the rehabilitation lakes? 33

Page 19, C. Vegetation and Wildlife: It is not significant that the area in its original state probably did not support many species of resident wildlife. Important wildlife habitats support migratory wildlife, and this area is an international migratory route. Important wildlife habitats support wildlife for breeding seasons, and this area was also a significant foraging area in its natural state for small mammals and their mammalian predators such as weasels, owls, and hawks. The bird list in Table 1 is inadequate and based on birds sited in Lost Lake Park and not on the DEIR site. Exhibits 1, 2, and 3 on pages D 10-D 21 of Volume II of the San Joaquin River Area Reconnaissance Study would be a more accurate list of bird species that occur in the area. The mammal list in Table 1 contains no rodents. Ground squirrels, pocket gophers and several species of mice make their homes in the orchards. 34

The DEIR has no list of vegetation. The list that appears in Volume-III of the

San Joaquin River Reconnaissance Study, pages I-48-56 would provide a partial list of what plant species could be re-introduced or self-introduced for rehabilitation.

The mitigation measures are suggestions to plant non-native species of plants. Every effort should be made to rehabilitate to natural environment and native species. Plants such as deer brush, Western redbud, Western spice bush, wild cherry, and sycamore, mentioned on page 19 of the DEIR would be appropriate native species to be re-introduced. The natural environment was in all probability savannah with Valley oak. Oaks should be planted and maintained in rehabilitation to a natural complex for wildlife habitat.

If rehabilitation is to be done in stages, a discussion of the effect of the dust generated by excavation on new rehabilitation should be included.

Page 23, D. Noise: There is no discussion of the unique acoustics of the area such as echoing and unpredictable sound bounce as mentioned in the San Joaquin River Area Reconnaissance Study. On page 32, a variance is suggested as a mitigation measure. A variance is not a mitigation measure. A mitigation measure is reduced 35 hours of operation or reducing the size of the project.

Page 44, IV, A. Land Use. Impacts: The DEIR does not include a rehabilitation plan conforming to conditions set forth in the General Plan as the DEIR does not include a plan. On page 45 the DEIR makes a major point of the benefits of replacement wetlands or riparian habitat. But there is no adequate Reclamation Plan that discloses a design or maintenance or any assurance that the land owner will replace agriculture area with riparian habitat and wetlands. 36

Page 48, B. Traffic and Circulation: There is no discussion of fog on the movement of traffic on any of the traffic network. There is no discussion of the egress and ingress traffic from housing across Friant Road from the site, nor of increase in traffic from the processing plant. 37

Page 49, Table B: Traffic Count-Friant Road should include morning traffic counts when bus, commute and truck traffic is on the road. 38

Page 50, Average Daily Traffic (ADT) Friant Road is not adequate. What are the peak traffic volumes now? What are the expected volumes over the 20 year life of the project as Friant and Friant New Town develop? 39

Page 59, V: Effects not found to be significant. A. Air: If there is no additional air emissions or deterioration of ambient air quality, does that imply cessation of other excavation activity? The DEIR does not make clear the relationship between this proposal and the impact of the extraction process. 40

Page 60, VI: Cumulative Impacts: The cumulative impact of this project with other sand and gravel projects on the wildlife and riparian habitat and water quality is significant and has not been addressed. A program EIR (CEQA, Section 15168) is needed. 41

Beck Ranch, DEIR
September 24, 1986

In addition to these comments, it is not clear what the difference is between the Environmental Assessment/Initial Study dated August 2, 1985, in which a negative declaration of impact on the environment is recommended, and the Environmental Assessment/Initial Study dated December 1, 1983, in which the preparation of an EIR is recommended. (Attachment A). The Environmental Evaluation is virtually the same for both EA's. Why is an EIR required in one and a Negative Declaration in the other? 42

Sincerely,

Clary Creager
CLARY CREAHER,
President

H1-4/EE7

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SEP 24 1986

Comments on The Draft E.I.R. COUNTY OF FRESNO
for the Beck Ranch Sand and Gravel ~~PERMIT~~ WORKS & DEVELOPMENT SERVICES DEPT.

The use of land within the San Joaquin River bottom as proposed in this draft E.I.R. for the Beck Ranch, and other proposed uses either pending or to be submitted in the future cumulatively impact the entire San Joaquin River, its riparian habitat and wildlife, the aquifers it recharges, and the health and lives of the people living within its influence.

The positive and negative points of each project must be considered along with their total cumulative impact. Planning and execution should optimize resources from a long-term viewpoint. Mitigation procedures should minimize adverse effects or correct pre-existing problems whenever a conditional use permit is granted.

The monies and needed resources generated by a mining extraction such as is proposed is substantial. However, if nearly 100 million dollars (1986 dollars) is to be generated from a project, then the operator or grantee should ensure that the condition of his site upon completion is equivalent to or better than the condition in which it was received. Some problems or unanswered questions with the E.I.R. as it now stands follow:

There is no specific plan for the rehabilitation of the area. A detailed plan should include a topographical description of land forms of the completed site including elevation, types of soils, depth of ponds, distance to groundwater, types of vegetation (native plant emphasis?), differences among ponds and river water levels, and movement of water through the site to ensure good vegetative growth and a healthy ecosystem. 43

There is no authority assigned, or procedure with which to evaluate the rehabilitation process. This is especially important to have since similar projects in the past have been referred to as "disaster areas" after they've been depleted and abandoned. 44

There is no proposed total cost for the rehabilitation of the site, or provision in accordance with Fresno County regulations for the deposit of security by the operator equal to one hundred percent of this amount. 45

Eventual eutrophication of lakes left from the project is virtually conceded, yet no plan for aerating the system is proposed. Is it possible to channel river flows through the site after its completion? Is it possible to channel flows through the Lost Lake site and this site after completion? If water from the San Joaquin river could be routed through the completed project some of the adverse effects (i.e. eutrophication) could be avoided and a healthier environment would result. 46

The site is considered for potential water-front home site usage after extraction. Residential development would be subject to flooding hazards, could contaminate ground waters, would be incompatible with current zoning, and should not be considered an eventual or alternative use. 47

SEP 24 1986

The biological section of the E.I.R. states that the area in its original state probably did not support many species of resident wildlife. This conflicts with the generally accepted view that natural riparian habitat such as this used to be provided for the greatest diversity and amount of plant and animal life when compared to other areas. It is also accepted that this type of area was extremely important to migratory wildlife of an equally rich and diverse nature. It is important to realize that even though most of this habitat has been destroyed, environmental conditions exist that allow for the rehabilitation of much of it.

Rehabilitation plans to create riparian habitat should emphasize plants native to this environment, realizing some species may need to be re-introduced. Alien plant species should be used only to the extent and in the areas deemed necessary. Lastly, female deer will fawn if protected from, not by, dogs.

The geotechnical recommendations for berm construction to minimize erosion suggest creating slopes of from 2 to 1 to 3 to 1 horizontal component to vertical component. This would exclude terracing which should be retained as an option that will better control erosion and would retain and concentrate water on the berms themselves.

Gold Recovery:

Onsite recovery of gold using mercury has severe inherent hazards that behoove us to closely examine this facet of the project.

The potential problems with the gold recovery plan using a mercury recovery process are several. Elemental mercury is a liquid with a low vapor pressure at normal temperatures. This means that it will both evaporate into the air and dissolve in water. Mercury saturation of air and water is known to greatly exceed safe levels. Air quality shouldn't be a problem, but water quality is another story.

Mercury comes in two general forms, organic and inorganic, both forms are highly toxic, and while the extraction process will use the less toxic inorganic forms, it has been shown that natural microbes convert inorganic mercury to the more toxic organic mercury compounds. Subsequently, bioaccumulation of these materials caused severe health problems. Mercury persists in the environment and is a cumulative poison in man.

Mercury entering the groundwater would eventually contaminate the sole source aquifer for the area. Even if the water from the mercury extraction process never enters the soil or groundwater while the project is active (e.g. the settling pond is completely sealed), the settling pond will be contaminated and should be removed to a hazardous waste site. Otherwise, this structure will eventually leach toxins and degrade water quality.

More information is needed on the extraction process, the amount of mercury and other chemicals proposed to be used,

settling pond specifications, and monitoring methods and procedures.

It appears that the mercury-gold extraction process is an industrial use incompatible with the zoning for the area.

Safe drinking water limits of mercury have been established at 5 parts per billion. To illustrate this toxicity, the amount of mercury that would fill a one quart jar would contaminate nearly two thousand acre-feet of water to this 5 part per billion level.

Thomas W. Phillips

431-6034 Home
275-0911 Office

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SEP 24 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICE

RECEIVED

Friends of Friant Area
P.O. Box 170
Friant, California 93626
September 16, 1986

SEP 24 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

Fresno County Public Works and
Development Services Department
4499 E. Kings Canyon Road
Fresno, California 93702

RE: ENVIRONMENTAL IMPACT REPORT
Stephen Beck and Lone Star Industries
Sand and Gravel Site CU2235

ATTN: SHARON BERG

Dear Ms. Berg:

Having read the E.I.R. for the above project, we feel the following issues have not been addressed to our satisfaction. For these reasons we believe that the CU2235 should be denied, and object to the approval of this project.

1. EXCAVATION SITE

What is the actual plan for excavation? Now that Lone Star Industries is involved, will their site immediately south be mined out and then will the Beck site be mined, or will there be two excavations simultaneously? On September 2, 1986, H. Mathas, Lone Star superintendent, stated that the Lone Star excavation site would be abandoned and that they would move their entire excavation operation to the Beck site. What assurance do we have that both sites will not be in operation adding more trucks to Friant Road. Are they bound to this? Who will monitor this?

52

2. AIR

Has the Health Department any concerns regarding spores causing Valley Fever as it relates to this project? Since spores are released from excavated soil, there will be danger of contracting respiratory diseases. We do not agree that there will not be significant impacts on air from this project (EIR p. 1). How can water trucks control dust from the gold recovery? (EIR p. 6)

53

3. INSECT ABATEMENT

The issue of stagnant ponds as insect breeding sites has not been addressed. What are the plans? Who will finance and maintain the ponds? Other sites have been abandoned and no maintenance has been carried on.

54

4. NOISE

No statement is issued stating the hours of operation, (EIR pp. 4,30). They state no operation between 6 A.M. and 7 A.M. What are the hours of operation? The studies on noise monitors intermittent sounds not constant noise. 55

5. TRAFFIC

A traffic study was made in June, 1985, prior to the Lone Star excavation site on North Friant Road. Now with additional trucks hauling gravel plus cement trucks and transit concrete mixer trucks exiting and returning from their processing plant, the truck traffic has increased. The EIR state no increase in truck traffic...not true. (EIR pp. 2, 63) The Lone Star access onto Friant Road is extremely dangerous. Trucks travel at a high rate of speed as they exit. (EIR p. 4) The acceleration/deacceleration lane at the Lone Star excavation site confuses drivers on Friant Road. Automobile drivers use it as a passing lane, a slow lane, or as a bicycle lane. The bicycle lane is obscured by gravel, sand, and weeds so the highway is being used by bicyclists. The signs currently posted are totally inadequate. 56

6. WATER

The EIR has not addressed the effect of water usage on existing wells east of Friant Road. Will this project have any effect on our wells? (EIR pp. 15, 17) If gold concentrate will be transported to an on-site lab, where will the lab be located? We understood no mercury would be used in gold extraction; that it would be "state of the art gold mining." (Board of Supervisor's hearing) This process is not clear. The EIR speaks of mercury (EIR p. 17). The adverse effect of mercury on humans is deadly. With what frequency will the Water Quality Control Board monitor this site? Does it in fact monitor this process? What are the details? Who has the gold rights to the Beck site? Lone Star or Beck? 57

7. BERMS AND LANDSCAPING Mitigation Measures EIR pp. 5,13,14, 56,57

The berms currently bordering the east side of the Lone Star excavation site do not conform to the mitigation specified at the time the permit was issued. They were not formed properly nor is there any vegetation growing or any maintenance. The berm description for the Beck site is the same as the Lone Star site and this is not acceptable. Berms around entire site should be 10 feet high from road center and 50 feet wide and tested for compaction. They should be planted, irrigated, and maintained for aesthetics. There should be a 100 foot set back on Friant 58

Road side in preparation for the future widening of Friant Road. On page 14 of the EIR, the statement is, "should be planted" should read, "will be planted."

8. NEED FOR SITE

This issue has not been addressed in the EIR. The study by Cole and Fuller indicates a decrease in aggregate need leading to the closure of several plants in the area. Do we need another site? It is not an economic advantage to sacrifice prime agriculture land (class 1 and 2) in an area designated a green belt and open space for twenty years of sand and gravel. There is no economic virtue in replacing agriculture for wildlife, sand and gravel, and the possibility of stagnant ponds. 59

9. HYDROLOGY

EIR p. 15 is in direct conflict with the letter from the Department of the Interior, June 19, 1986. 60

10. EXPAND PROJECT SCOPE

EIR p. 63. Could they opt to add a plant based on this EIR? The EIR does not address the noise, truck traffic, visual impact, asphalt, etc., as requested in CU 2172. "This new application does not include" (p. 2). Page 63 states that...it "could" include all of these. Is this the intent of the EIR even though it does not address these issues? 61

11. All the information in the report was prepared by a biased party, Mr. Buada, who stated at the Planning Commission hearings (February 2, 1985) and Board of Supervisors' hearings that an EIR was NOT necessary. Is his information credible? 62

12. OTHER COMMENTS THAT RELATE TO THE PROJECT ARE INCLUDED AS FOLLOWS:

On February 2, 1984, Planning Commissioner, Edwin Rousek stated he was opposed to the Beck Project. He said the project would be on productive agricultural land and "destroy the natural beauty of this area." 63


Judy Andreen, Board of Supervisors, made a statement as it relates to the Ball Ranch Development, on land that once was a gravel extraction site. On September 11, 1985, she said, "What else could you do with this land that has been depleted this way? You end up with big holes with water in them and land that you really can't grow much on."

Ken Takeuchi of the Parks and Recreation staff said the development would destroy the "aesthetics and serenity" of the park.

George A. Kerber, Fresno Development Director, stated on September 18, 1985, that "In addition to the residential development proposals, there also have been sand and gravel operations, which are despoiling the land without putting anything back."

Lawrence F. Hancock, United States Department of Interior, stated in his letter of June 19, 1986, "...the issue of two similar industrial-type extraction and processing operations situated approximately 2.25 miles apart should also be addressed relative to the General Plan, as should the impact of this collective industry to the other agricultural and open space uses."

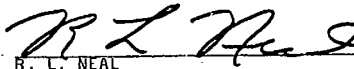
To say that we are alone in our opposition to the site is erroneous. For the above reasons, we request that the CU 2235 be denied and object to the approval of this project.

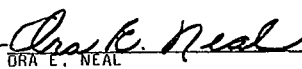

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RECEIVED

SEP 24 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT.

FRIENDS OF FRIANT AREA,

RICHARD BARTELS, R.L. NEAL, STANLEY G. KOOYUMJIAN

COMMENTS

On Draft Environmental Impact Report
For Beck Ranch Conditional Use Permit No. 2235;
Environmental Assessment No. 3157 Review and Comment

TO: MS. SHARON BERG
Staff Analyst III
County of Fresno
Public Works & Development
Services Department
4499 East Kings Canyon Road
Fresno, California 93702

September 24, 1986

- - - - -

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September 24, 1986

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Re: Comments On Draft Environmental Impact
Report For Beck Ranch Conditional
Use Permit No. 2235; Environmental
Assessment No. 3157 Review And Comment

Dear Ms. Berg:

These comments on the above-referenced draft EIR, are submitted on behalf of Friends Of Friant Area, an unincorporated association, and Richard Bartels, R.L. Neal, and Stanley G. Kooyumjian, all of whom reside in the immediate vicinity of the proposed project. These comments are in addition to those submitted separately by the above organization and individuals. The above organization and named individuals, object to the approval of this project, both on the grounds set forth separately by them, and set forth in this comment letter.

THE EIR PROCESS BEING FOLLOWED
HERE IS UNAUTHORIZED AND IMPROPER

Applicants previously have proposed to develop a rock, sand, and gravel extraction and processing operation with recovery of heavy metals, including an associated ready/mix concrete plant and asphaltic concrete plant on the subject property. This project is extremely controversial and was opposed by the filing of petitions with hundreds of signatures, in prior action on the project. Previous applications were denied by the planning commission on February 2, 1984, and by the Board of Supervisors on May 22, 1984. The application was also denied by the Fresno County

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Planning Commission on September 12, 1985. Finally, the conditional use permit for application No. 2172 for the project, was approved by the Board of Supervisors on October 15, 1985, by a three to two vote.

Friends of Friant Area, et al., then commenced suit in Fresno County Superior Court on November 19, 1985, Action No. 339059-8, alleging, inter alia, that approval of the project on the basis of a negative declaration was unlawful, and that under the California Environmental Quality Act, Public Resources Section 21000 et seq, and the State Guidelines, 14 Cal.Admin Code Section 15000 et seq, an environmental impact report was required.

Obviously, there had been an attempt to circumvent the California Environmental Quality Act (CEQA). The applicants and the County never attempted to defend the action, recognizing that more than 100 acres of land presently in agricultural use, in the San Joaquin river area, obviously, could not be converted to sand and gravel extraction, without preparation of an environmental impact report (EIR).

In a letter dated June 17, 1986, the County Counsel's Office determined that "in order to continue with the process and thereby take the EIR through the various review and hearing processes, we require some action be taken by Beck/Warkentine requesting that the Board of Supervisors' previous action regarding the negative declaration on CUP 2172 be rescinded." The County Counsel's Office continued, "an alternative to this proposal would be to have defendants request the Board vacate the negative declaration and order the existing CUP to be reprocessed with an EIR." The letter is again attached for your convenience.

Now, you have advised with respect to our letter of September 12, 1986, to you, that in fact Beck/Warkentine have not sought or obtained action vacating the prior CUP.

Accordingly, Friends of Friant Area, hereby reiterate their position that the County does not have authority to close the public comment period, or to commence review of the draft EIR, unless and until such time as the conditions set forth in County Counsel's letter of June 17, 1986, are complied with.

64

ADOPTION BY REFERENCE
OF OTHER COMMENTS

In order to avoid unnecessary duplication, some previous comments, are hereby expressly adopted by reference,

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as though fully set forth herein, with copies attached to this letter for your convenience:

(1) Fresno County Public Works and Development Services Department, discussion of potential impacts and their significance (September 5, 1985, pp. 1-4);

(2) "Impacts include loss of ag land currently in production; the proposal would constitute an incompatible use next to Lost Lake Park due to high noise levels, dust, truck traffic and similar conflicts; the proposal would create a potential hazardous area of water-filled pits and dangerous equipment in a populated and high public use area; the proposal would act as a barrier to future growth of the Friant community in that direction." (Fresno County, Debra Hansen, Staff Analyst III, Planning, July 16, 1985);

(3) "Noise: Despite muffling and screening, noise, especially the low frequencies will be a problem. Low frequency noise travels great distances, and penetrates sound insulation that medium and high frequencies do not. Should the operation generate infra-sound, which is 'sound' that is just below the threshold of hearing, there may be some serious health problems as a result. Infra-sound travels incredible distances, penetrates noise attenuation insulation, and has been known to cause vertigo, nausea, depression, and other symptoms in people subjected to it." (Jan Ruhl, City of Fresno, July 30, 1985);

(4) "Change in land use: Two-thirds of the area is Hanford, sandy loam--a prime farmland soil." (Malia Oliver, USDA Soil Conservation, July 17, 1985);

(5) Letter from Sierra Joint Union High School District Superintendent, dated November 23, 1983, expressing concern over traffic;

(6) Letter from Friant Union School Superintendent, dated November 22, 1983, expressing similar opposition, based on traffic and safety;

(7) Fresno Cycling Club (250 members) comments, dated July 26, 1985;

(8) Agenda item number 12, Staff Report to Fresno County Planning Commission, September 12, 1985, findings 2 through 4, pp. 6 through 9;

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(9) Numerous petitions submitted in opposition to the project, in May of 1984 (42 pages of signatures, hundreds of signatures, not attached because of bulk);

(10) Letter dated June 30, 1986, from County Public Works Department to draft EIR preparer, setting forth a summary of 17 environmental issues to be addressed in the EIR;

(11) Letter dated June 19, 1986, from Acting Regional Director, U.S. Department of Interior, Bureau of Reclamation, to County Development Services Manager. This letter makes it plain that water, including San Joaquin River water and water from underground sources, simply may not be used for industrial purposes, including sand and gravel extraction. Water is limited to "irrigation and/or domestic purposes exclusively." The letter also raises other issues; and

(12) Letter dated May 27, 1986 from Selma Layne to Fresno County Public Works Department, expressing concern over traffic.

THE EIR FAILS TO INCLUDE AN
ACCURATE, STABLE AND FINITE PROJECT DESCRIPTION

"An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR. ...here, the selection of a narrow project as a launching pad for a vastly wider proposal frustrated CEQA's public information aims. The Department's calculated selection of its truncated project concept was not an abstract violation of CEQA. In formulating the EIR, the Department of Water and Power did not proceed 'in a manner required by law'. (Section 21168.5)" County of Inyo v. City of Los Angeles, 71 Cal.App.3d 185, 199-200 (1977).

The court there continued,

A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative) and weigh other alternatives in the balance. 71 Cal. App.3d 185, 192-93.

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A curtailed, enigmatic or unstable project description draws a red herring across the path of public input. 71 Cal.App.3d 198.

- A. The Project Impact Analysis Has Been Improperly Truncated By Making The Nonsensical Contention That The Project Is Simply A Continuation Of Lone Star's Existing Excavation Operations On Adjacent Property To The South

Throughout, the EIR contends that the proposed project is simply a continuation of the already ongoing excavation operation on the adjacent Lone Star site. Accordingly, the draft EIR contends that no additional truck trips will be generated and that the project will not create additional air emissions or degrade ambient air quality. (Draft EIR at 2, 52-53, 59.) The "continuation of an existing excavation operation", is also used as an excuse to evade analysis of energy demand and utility demand. (EIR at 59.)

This represents a fundamental failure to perform the type of environmental analysis required by CEQA.

First, there is no basis for concluding that this project is being substituted for the Lone Star excavation operation. That would require prior abandonment of the Lone Star operation and restoration of that site. Further, even if the Lone Star operation were abandoned, it would not be sound planning to cease an existing use, and institute a new use on other property, creating totally new and unnecessary environmental impacts as a result of using the new property. 65

Second, in any event, it is plain that additional excavation means additional trucks, traffic, air emissions, energy demands, utility demands, along with all other environmental impacts. It is, under County of Inyo v. Yorty, a basic and fundamental violation of CEQA, to improperly truncate the analysis by this kind of nonsense. If Lone Star is not abandoned, there will obviously be additional impacts because there will be additional excavation. On the other hand, if Lone Star were abandoned, that would then create a lower environmental base point from which to begin the analysis. There is no known CEQA doctrine under which one project somehow gets "credit" because of impacts caused by a similar project on adjacent or nearby property. 65A

As the county planning staff has already stated in its comments of August 3, 1986, "use of Lone Star's haul road

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is a good idea. However, will not this project still result in net increase in traffic?"

B. The Project Impact Analysis Has Also
Been Improperly Truncated By Failure To
Assess What Has Already Been Approved

As already discussed, the applicants had previously obtained approval for a project including an associated ready/mix concrete plant and asphaltic concrete plant. Though the applicants obtained approval to construct these additional facilities based upon a negative declaration, in violation of County Counsel's letter of June 17, 1986, applicants have never obtained vacation of the prior approval. The EIR fails to include any analysis of impacts from these additional parts of the project. (Draft EIR at 6.) Buried in the EIR is the observation that the project could be "expanded" to include these additional facilities. (Draft EIR at 63.)

66

This represents illegal piecemealing of the project. Applicants cannot be allowed to proceed on the basis of a truncated EIR, which does not address these additional facilities, unless and until such time as they obtain vacation of the approval which included these additional facilities. Project piecemealing allows CEQA to be nicked and dined to death, by obtaining approval of the improperly truncated version of the project, and then after it has been instituted, obtaining follow-up approval of the additional facilities, under less stringent environmental scrutiny, arguing that the area has already been converted to the new use, and that the additional facilities will only be incremental, rather than institution of a totally new use. Here, if applicants are not going to institute the additional facilities, they should be ready, willing and able to request the County to vacate the prior approval including those facilities. On the other hand, if they are unwilling to do so, it does not take a genius to discern the true intention and project.

66A

THE REVISIONS REQUIRED TO THE DRAFT EIR
ARE SO FUNDAMENTAL THAT FURTHER PUBLIC REVIEW
IS REQUIRED AS A MATTER OF LAW

Friends of Friant Area presumes that the County will drastically revise the draft EIR in order to remedy the inadequacies which permeate the draft, stemming from the truncated project impact analysis, discussed above.

Where substantial changes in an environmental impact report are made, recirculation and a new period for public

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comment are required as a matter of law. Sutter Sensible Planning, Inc. v. Board of Supervisors, 122 Cal.App.3d 813, 818-823 (1981). See also, Miramonte Home Association v. County of Ventura, 165 Cal.App.3d 357 (1985); 60 Ops.Cal.Atty.Gen. 335, 336 (1977).

Likewise, a new or supplemental EIR is required when either substantial changes are proposed in a project which will require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken, or new information not known when the EIR was certified as complete, has become available. Public Resources Code Section 21166; Guideline Sections 15162, 15163; Twainharte Homeowners Association v. County of Tuolumne, 138 Cal.App.3d 664, 696 (5th Dist. 1982).

67

Here, the draft EIR is a bad joke. By failing to include the additional facilities, by dismissing whole areas from environmental scrutiny by inexplicable reference to the excavation operations at Lone Star, and by numerous other deficiencies discussed below, it fails to serve as a sufficient basis for informed public review or scrutiny of this project. Accordingly, further public review and opportunity to comment will be required, when a new draft EIR is prepared and released for this project.

THERE IS NO REHABILITATION
PLAN AND ADEQUATE
ENFORCEMENT MEASURES ARE NOT INCLUDED

The EIR includes some general statements that the site will be rehabilitated to wildlife lakes and grazing/agricultural land, and that berms and landscaping will be included to halt erosion and to reduce adverse esthetic impacts. (EIR at 10, 14.)

However, absolutely no effective or binding enforcement measures are included. State law requires effective enforcement measures. See, e.g., Surface Mining and Reclamation Act of 1975, Health & Safety Code Section 2774(a). State law further requires that "the lead agency shall insure that the objectives of the reclamation plan will be attained. This may include provisions for liens, surety bonds or other security, to guarantee the reclamation in accordance with the approved reclamation plan." 14 Cal.Admin.Code Section 3404. The reclamation plan is required by Section 3502.

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Here, there is no reclamation plan, which is required by state law, and which itself is to be evaluated under the environmental review process. Further, no enforcement measures such as liens or surety bonds, are included to insure that the provisions of a reclamation plan, would actually be carried out. Generalized statements in an EIR, in the absence of the specific reclamation plan required by law, and in the absence of the enforcement measures, will be absolutely worthless over the decades in which this long-term project is to be carried out.

Plainly, the purposes of the Surface Mining and Reclamation Act of 1975, track those of CEQA. One of the purposes of the legislature in enacting the Surface Mining Act was "to assure that adverse environmental effects are prevented or minimized and that mine lands are reclaimed to a usable condition which is readily adaptable for alternative land uses. Public Resources Code Section 2712(a).

The County would appear to be the lead agency for this project pursuant to Public Resources Code Section 2728. The Act specifies that no person shall conduct surface mining operations unless a permit is obtained from, and a reclamation plan has been submitted to, and approved by, the lead agency. Public Resources Code Section 2770.

Accordingly, a reclamation plan including all of the information in sufficient detail must be furnished, along with enforcement measures, and the EIR must then be reissued with a new comment period, assessing the adequacy of the rehabilitation plan and enforcement measures, along with assessing the rest of the project and its impacts. Friends of Friant Area, hereby specifically objects that no reclamation plan sufficient to comply with law, or enforcement measures, have been filed for this project, or were circulated along with the draft EIR, for public review and comment. Obviously, enforcement measures, including liens and surety bonds, must be fully imposed at the time of initial project approval. Independent, expert advice as to the type of liens, and amount of surety bonds, is required to insure actual implementation of a detailed and specific rehabilitation plan.

THE DRAFT EIR FAILS TO
ADEQUATELY ASSESS THE LOSS OF PRIME
AGRICULTURAL LAND

As a matter of law, conversion of prime agricultural land to non-agricultural use is a significant adverse impact. (CEQA Guidelines, Appendix G(y).)

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The County has previously recognized that "the site is currently being used for agricultural purposes, is prime farmland and is zoned for agricultural use." (Previous County Review, Public Works, September 5, 1985, §8a, Land Use, at 2.)

The vague references in the EIR (pp. 36-37), must be expanded, to clearly reflect the prime nature of this land. 69

CEQA plainly mandates that specific effects on the environment must be avoided or mitigated unless specific conditions make it infeasible to do so. Public Resources Code Sections 21002, 21002.1. Specific written findings are required, either adopting the alternatives or mitigation measures, or specifying the "specific economic, social, or other considerations" making the alternatives or mitigation measures infeasible. Public Resources Code Section 21081, Guideline Sections 15091, 15092. Likewise, in view of the loss of prime agricultural land (as well as other adverse environmental consequences), a statement of overriding considerations would have to be adopted if this project were to be approved, pursuant to Guideline Section 15093.

Obvious alternatives or mitigation measures, would include the no project alternative, or use of other existing sites, so that this site would not have to be converted from agricultural use. So far, there has been no showing of need for this project. The presence of other active and inactive sand and gravel operations in the San Joaquin River area, indicates that there is no public need whatsoever for this project, at this time, in this place. One very obvious alternative, would be to retain this property in agricultural use until such time, if ever, that either growth on the one hand, or absence of adequate, existing sand and gravel production on the other hand, could be shown to necessitate institution of additional sand and gravel operations. The draft EIR itself concedes that the only impact of no project, would be to "reduce available reserves of needed construction materials in the Fresno-Madera region to less than 20 years." (Draft EIR at 3.) Obviously, as long as the property is held in agricultural use, the sand and gravel resource is available to meet any future needs.

INADEQUATE TREATMENT OF GROUNDWATER IMPACTS

Assessment of groundwater use and impacts, and alternative water supplies, are required to be included in an EIR. People v. County of Kern, 62 Cal.App.3d 761 (5th Dist.

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1976) (holding revised EIR inadequate). No data at all is included in the draft EIR as to quantities of groundwater to be used for this project, impacts of the project upon groundwater, or effects on other projects and users from use or pollution of groundwater. With respect to impacts upon groundwater, statements such as chemical treatment may create greater impacts (draft EIR at page 3), are meaningless. 70

ASSESSMENT OF WATER
AND HYDROLOGY ARE INADEQUATE

In Santiago County Water District v. County of Orange, 118 Cal.App.3d 818 (1981), the court held an EIR pertaining to the water needs for sand and gravel extraction inadequate. The court squarely held that conditions of approval (requiring that prior to commencement of mining operations the operator would be required to establish an adequate water supply) did not comply with the CEQA requirement to determine these issues prior to project approval. 118 Cal.App.3d at 828. 71

Any additional facilities necessary must be described in the EIR, and further, facts must be supplied from which to evaluate the pros and cons of supplying the amount of water that sand and gravel extraction requires. 118 Cal.App.3d at 129-30.

The court in Santiago also held that the EIR must contain the factual and analytic basis for its conclusions to allow the public to make an independent, reasoned judgment, 118 Cal.App.3d at 831, that untrue conclusions as to the ability to supply necessary water do not suffice, 118 Cal.App.3d at 830, and that even if there is an ability to meet water requirements for a project, the EIR must assess "the effect of that delivery on water service elsewhere". 118 Cal.App.3d at 831.

All of the above-required contents are conspicuously absent from the draft EIR.

Also, the draft EIR states an untrue conclusion that the Bureau of Reclamation has confirmed that use of riparian water is currently available for any reasonable use, implying that water may be used for the project, to satisfy evaporation and other losses of water. (The draft EIR refers to a loss of water evaporation of approximately 496 acre-feet per year. draft EIR at 16.) Earlier records for this project, reflect an anticipated use of 700,000 gallons of water per day.

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(Environmental Assessment Application, EA No. 2984, at 3, Public Works Department, June 28, 1984.)

The Bureau of Reclamation has indicated in its June 19, 1986 letter, adopted above, that on the land in question, water can only be lawfully used for "irrigation and/or domestic purposes exclusively". The Board continued, "if the project is approved, the Bureau would be concerned about possible illegal diversions from the San Joaquin River for industrial purposes." (Letter, at 2.)

Accordingly, it is necessary to disapprove the project, or modify it so that no water is used for other than irrigation and/or domestic purposes, and to include in the information precise details as to quantities, and facilities, pertaining to water use. Once again, the EIR discussion must also include previously approved facilities for this project, unless prior vacation of those approvals is sought and obtained.

Furthermore, the patently false assertion in the draft EIR that "in a recent letter to the property owner, the Bureau confirmed that use of riparian water for the entire property is currently permissive for irrigation and any reasonable use" (draft EIR at p. 15), illustrates the lack of objectivity in the draft EIR, to be discussed below. The Bureau's letter of June 19, 1986, was transmitted to the developer's EIR preparer, Buada & Associates, with the County Public Works transmittal letter of June 30, 1986. The absence of candor and detailed environmental assessment in this context, is astounding.

THE DRAFT EIR
IS CONCLUSORY AND INADEQUATE

The draft fails to include description of the project's technical, economic, and environmental characteristics, including principal engineering proposals as to water supply, waste treatment, and supporting public service facilities. This failure is in violation of Guideline Section 15124(c). 72

The EIR fails to include required information on the precise location and specifics of the project including detailed and specific maps, plans, and diagrams, as well as technical data. This failure is in violation of Guideline Sections 15124(a) and 15147. 73

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The vagueness and generality of the draft EIR, fails to take account of CEQA's requirements that an EIR on a construction project must be more specific than one on, for example, a general plan (Guideline Section 15146(a),) and that activities not significant in an urban area may be significant in a rural area. Guideline Section 15064(b). 74

Vague reference is made to gold mining. "Waste water from the gold recovery lab will be discharged to a small, shallow settling pond." (Draft EIR at 3.) Also, reference is made to the proposed use of mercury to recover the gold, and drainage of waste water to a settling pond on-site. (Draft EIR at 17.) By law, mercury is an extremely hazardous waste. 22 Cal.Admin.Code Section 6680(d) (472). The contention that "the pond will not intercept the water table", or that "water discharge will be controlled by the water quality control board discharge permit" are totally inadequate in terms of dealing with adverse environmental impacts caused by this extremely hazardous waste. In view of the current concern over groundwater contamination in this area, the vagueness of the draft EIR on this issue is astounding. 75

Further, no indication is given as to whether the mercury waste pond as well as other ponds, will be lined or unlined, or the dimensions of the ponds, or the economic and technological feasibility of treatment.

Also, the scope of the EIR and the project, must be expanded to include applications for permits required under such acts as the Toxic Pits Control Act, Health & Safety Code Section 25208 et seq, and the implementing regulations. These details and applications must be included in, and be the subject of, the EIR. 76

Obviously, the details and information must be included and assessed now, so that the impacts of the on-site gold extraction and use of mercury will be fully understood in advance. On the other hand, if the applicants fail to obtain approval for discharge of mercury on-site, it will be necessary to assess whatever substitute mechanism should be adopted. In other words, the proposed operation and its impacts must be assessed now, and not postponed to the indefinite future. 77

The draft EIR fails to include an adequate description of the environment in the vicinity of the project, including the groundwater basin. 78

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The draft EIR fails to adequately address primary and secondary impacts of water supply, energy, and waste proposals, and road improvements, in providing access to previously undeveloped land, in violation of Guideline Section 15126(f). 79

Technical and specialized analysis was not included in appendices readily available for public examination, and submitted to all clearinghouses assisting in public review, in violation of Guideline Section 15147. The draft failed to cite documents used in preparation by page and section number, where technical reports were used as the basis for statements in the EIR, in violation of Guideline 15148. 80

The draft EIR (at 11), states that the final configuration of lakes and rehabilitated areas will vary based upon various unknown conditions found on-site during mining. There is, accordingly, a total failure to prepare the type of detailed, specific, rehabilitation plan, required both by the Surface Mining Act, and by CEQA for mitigation purposes. Obviously, in the absence of a specific plan, it would be impossible to adopt effective enforcement measures such as liens and surety bonds. There would be no way to judge performance. 81

ASSESSMENT OF NOISE IMPACTS IS INADEQUATE

The EIR grudgingly concedes that noise will be one of the unavoidable adverse impacts which cannot be completely mitigated. (Draft EIR at 61.) Statements such as, "impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 a.m. within 500 feet of the nearest residence" (draft EIR at 4), are totally useless. No alternative or mitigation measures are considered or adopted, such as, for example, simply prohibiting all operations between 6 p.m. and 7 a.m., Monday through Friday, and totally on Saturday, Sunday, and holidays. 82

It appears from reviewing the noise section (draft EIR at pp.28-33), that noise levels of the project will violate the rural residential standard. If the applicants think that it is inappropriate to apply the rural residential standard to this project (draft EIR at 27), they should seek amendment of the County's noise element standards, not simply brush the standards aside in the draft EIR. The area is obviously rural--and that is one of its principal attractions both as to near by Lost Lake Regional Park, and the

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residences. Such matters as referring to the possibility of obtaining a variance from the Fresno County Health Department (draft EIR at 32), on the one hand, concede violation of noise standards, and on the other hand, accomplish nothing in terms of environmental assessment of noise.

The noise impact is obviously a serious one, and of great concern to the residents who object to approval of this project. By law, projects which conflict with adopted environmental plans and goals of the community where it is located (Guideline, Appendix G(a)), are significant adverse effects. This project conflicts with the adopted noise standards.

Once again, alternatives such as no project, location of the project on a different site, or effective mitigation measures are required, unless the findings of overriding circumstances previously referred to are made. Since there is no immediate need for this project, there are no overriding circumstances necessitating approval at this time, and, accordingly, adverse impacts such as noise must be effectively avoided or mitigated.

IDENTIFICATION OF VEGETATION AND WILDLIFE AND ASSESSMENT OF IMPACTS IS INADEQUATE

The draft EIR indicates a number of wildlife species (draft EIR at 20) that have been inventoried either at the site or at Lost Lake Park (draft EIR at 20), but fails to indicate whether any of the species identified are threatened or endangered. Apparently, no specific inventory has been formed to see whether any of the threatened or endangered animals identified within the San Joaquin River area such as the San Joaquin pocket mouse, Valley elderberry long-horn beetle, California yellow billed cuckoo, bald eagle, or great blue heron, are present. No inventory of natural vegetation at all was included, and it is therefore impossible to determine whether any endangered or threatened plants such as the San Joaquin Valley orcuttia grass, fleshy owl clover, or heartwags pseudobahia, are found on the site. The applicants' criticism that Fresno County has failed to make Lost Lake a viable recreational and wildlife pond, does not provide the type of specific information necessary to determine the impacts of this project on wildlife and vegetation.

83

With respect to mitigation measures, such general statements as "the planting of berms with various species of scrubs and trees could improve food and shelter for many

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species" (draft EIR at 21), are meaningless in terms of constituting effective alternative or mitigation measures.

In short, much more work, study, and analysis are necessary here.

CONFLICT WITH USES OF
LOST LAKE REGIONAL PARK
AND FRIANT ROAD

The draft EIR recognizes (at 38), that adjacent Lost Lake Park "is one of the most popular County parks".

Obviously, this project will conflict with recreational use of adjacent Lost Lake Park, and also with recreational use, including bicycle riding on Friant Road. Noise, air, traffic, and esthetic impacts will adversely affect these critical county recreational resources--Lost Lake Park and Friant Road--designated a scenic road by the County. No detailed assessment of these impacts is included, nor are any effective alternatives or mitigation measures proposed.

84

THE EIR FAILS TO INCLUDE ADEQUATE
CUMULATIVE IMPACT AND GROWTH ANALYSIS

A. There Is No Adequate Treatment
Of Cumulative Impacts

An EIR must include a list of other projects causing related or cumulative impacts (including those projects outside the control of the agency), and an analysis of the cumulative impacts together with options for mitigating or avoiding any significant cumulative impacts. (Guideline Section 1530.)

The project must be viewed in connection with the effects of past projects, other current projects and probable future projects. Public Resources Code Section 21083(b). The project simply may not be considered and evaluated in a vacuum. People v. County of Kern, 62 Cal.App.3d 761, 773-74 (5th Dist. 1976).

The six conclusory sentences under the heading "cumulative impacts" (draft EIR at 60), fail totally to comply with these requirements.

In this regard, Friends of Friant Area in their letter of June 3, 1986 (transmitted to the EIR preparer by the

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Public Works Department in its letter of June 30, 1986),
referenced a number of residential developments including:

Ball Ranch Development (700 units) and golf
course;
Woodward Lake Development (6,000 population);
Leo Wilson Development (2,000 population);
Millerton Lake Trailer Park;
Lone Star extraction site;
Friant--Table Mountain Bingo Parlor;
New Town, future development;
Guarantee Building (900 employees);
Kaiser Hospital; and
Freeway 41 access.

The EIR fails completely to assess the interrelated
and conflicting resource and public service demands and
impacts of this project, along with these other projects in
the same general area, including such obviously interrelated
matters as traffic, air pollution, water supply, water
quality, and esthetics.

85

In addition, the San Joaquin River Reconnaissance
Study (Volume I at p.III-16, June 1986), lists twenty-nine
different Fresno and Madera County permits for mineral
extraction in this area. A list of these permits is included
below:

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Table III-3
 RIVERBOTTOM CONDITIONAL USE PERMITS
 FOR MINERAL EXTRACTION OPERATIONS

Location	Permit	Applicant	Date Approved	Acres
A - Fresno County	2172	Beck, Markentine	Oct. 15, 1985	254
B - Fresno County	367	Pacific Cement and Aggregates	Nov. 7, 1960	Portion of 800
C - Fresno County	2032	Lone Star	Sept. 4, 1984	147
D - Madera County	75-98	Lone Star	1975	196
E - Fresno County	859	Pacific Cement and Aggregates	Mar. 18, 1969	173
F - Fresno County	1269	Lone Star	Jan. 7, 1975	20
G - Fresno County	367	Pacific Cement and Aggregates	Nov. 7, 1960	Portion of 800
H - Fresno County	860	Pacific Cement and Aggregates	Mar. 18, 1969	80
I - Fresno County	839	Evertee G. Rank	Jan. 21, 1969	300
J - Fresno County	1007	Western Rock	Jan. 4, 1972	370
K - Fresno County	1906	River Rock Products	Mar. 20, 1984	326
L - Fresno County	1950	Ken Brueckner	Mar. 15, 1983	28
M - Madera County	80-1	Sexton and Bradley	Feb. 4, 1980	270
N - Fresno County	1268	Stewart and Nuss	Aug. 26, 1975	55
O - Fresno County	1644	Stewart and Nuss	Sept. 24, 1979	241
P - Madera County	56-77	Pinedale Rock and Sand	1956	124
	60-76		1960, 1980	
	61-63		1961	
	61-120	Industrial Asphalt of California	1961	
	61-121		1961	
	61-122		1961	
	61-128		1961	
	66-97	Madera Rock and Volpa Brothers	1966	
Q - Madera County	61-42			
	65-48	Stewart and Nuss	1961	110
R - Madera County	61-42			
	61-43	Stewart and Nuss	1961	220
S - Madera County	64-57	Leslie Howard	1964	89
T - Fresno County	1646	River Rock Products	Oct. 22, 1979	450

Source: Fresno and Madera County Conditional Use Permit Files.

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There is a total failure to address the cumulative impacts of this project plus the numerous other mineral extraction operations. The large number of previously approved sand and gravel operations also demonstrates the absence of any real need for this project, making it impossible for either the Planning Commission or the Board of Supervisors, to, in good faith, adopt the statement of overriding considerations, and to make the findings supporting approval of this project, in view of the adverse environmental consequences. 86

Also, a glance at the map included in the San Joaquin River Area Reconnaissance Study immediately following the list, discloses that this project would be the most distant from the areas being developed in Fresno County. Thus institution of this new use on this property, would result in greater inefficiency, waste of energy, more traffic, and longer trips to reach construction sites, than would result from continued utilization of the other, previously approved sites. 87

Further, the EIR fails to include any analysis of whether some of the sites previously approved have been abandoned, or not instituted. Any such lack of demand would, of course, further demonstrate the absence of any public need for this project. 88

Finally, cumulative impact analysis should also include the compatibility of this project and its impacts on existing, new, and anticipated residential and recreational developments. 89

B. The Assessment Of Growth Is Insufficient

An EIR must include a detailed statement on growth-inducing impacts of the project. Public Resources Code Section 21100(g). An EIR must also discuss the ways in which the proposed project could foster growth "either directly or indirectly." Guideline Section 15126(g).

Guideline Section 15126(g), states that projects which could remove obstacles to population growth are examples of growth-inducing projects. That section further mandates that consideration must be given to whether increases in population may further tax existing community service facilities. Guideline Section 15126(f), states secondary impacts generally commit future generations to similar uses.

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The contention in the draft FIR that the project "...is the expansion of an existing sand and gravel extraction operation. It will not in itself accelerate the market demand for the product" (draft EIR at 60), is meaningless.

There are only two possibilities. Either the project is necessary, which means that the project will furnish sand and gravel for additional construction and growth which otherwise could not take place, in which case, pursuant to CEQA, the growth and its impacts must be assessed in this EIR. Or, as appears to in fact be the case, there is no need for this project, which means that the overriding circumstances necessary to justify approval of this project in face of the adverse consequences cannot be found to exist. What is clear is that the applicant cannot have it both ways by contending that the project is necessary, while at the same time failing to perform the growth-inducing analysis required in the EIR. 90

A PROGRAM EIR IS REQUIRED

As previously set forth, there are a large number of existing and proposed sand and gravel residential, and other projects in the San Joaquin river area. The County, along with the County of Madera and City of Fresno have recently recognized the threat posed to this invaluable area, by performing the San Joaquin River Area Reconnaissance Study. Accordingly, a program EIR should be prepared pursuant to Guideline Section 15168, to insure a more detailed consideration of effects and alternatives, and to insure consideration of cumulative impacts, broad policy alternatives, and program wide mitigation measures. 91

THE EIR FAILS TO INCLUDE REQUIRED FORECASTING

Forecasting in an EIR is required by Guideline Section 15144.

The EIR fails to do necessary forecasting, simply referring to unknowns, or evading the need for forecasting by use of conclusory statements. 92

THE EIR FAILS TO INCLUDE ARCHAEOLOGICAL/HISTORICAL DATA

The EIR simply makes conclusory statements (draft EIR at 59), evading the requirement to perform an archaeological investigation. 93

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NO TRUE ALTERNATIVES OR
ALTERNATIVE SITES ARE CONSIDERED

Alternatives to the project, or the location of the project, must be included in an EIR. Guideline Section 15126(d); San Bernardino Valley Audubon Society v. County of San Bernardino, 155 Cal.App.3d 738 (1984). Though the EIR states that "the project could locate in another location in the San Joaquin river bottom" (draft EIR at 63), it fails to identify or assess any other sites. Further, in view of the large number of previously approved sand and gravel operations in the San Joaquin river area, obvious alternatives such as continued or increased utilization of existing sites, have been improperly foreclosed from consideration. 94

IDENTIFICATION AND ASSESSMENT
OF ALTERNATIVES IS INSUFFICIENT

The treatment of alternatives (draft EIR at 62-64) is conclusory and uninformative. This would appear to be an ideal site for future expansion of Lost Lake Regional Park. That alternative needs to be assessed by the County in detail. This is especially so in view of the explosive growth taking place in the northern part of the County. Likewise, it appears totally unnecessary to convert this prime agricultural land, to non-agricultural use. 95

MITIGATION MEASURES
ARE ABSENT OR INADEQUATE

The draft EIR in some places suggests mitigation measures. Nowhere are they made mandatory. A mitigation measure on paper only is absolutely worthless. Specific mitigation measures must be both proposed and guaranteed, including measures dealing with the noise impacts of the project, instituting a detailed and specific rehabilitation plan, and dealing with air and water pollution. 96

FAILURE TO
IDENTIFY ADVERSE IMPACTS

The draft EIR fails to identify a number of adverse environmental impacts including conflicts with existing plans and also with existing recreational and residential uses, cumulative impacts, growth-inducing impacts, water quality impacts, energy demand, water demand, and other impacts. All unavoidable adverse impacts must be identified and assessed in the draft EIR, not just the ones set forth at page 61 of the draft EIR. 97

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THE DRAFT EIR FAILS TO
ASSESS THE LOSS OF VALUABLE TOPSOIL

The project area is part of the historic Alluvial plain of the San Joaquin River. The topsoil, estimated to be an average of six feet in depth, will be removed for the project. Loss of valuable topsoil is conceded by the draft EIR (at 61). However, the impacts of this loss are not assessed. 98

FAILURE TO ADDRESS ISSUES RAISED
IN RESPONSE TO THE NOTICE OF PREPARATION

A number of issues were raised as responses to the Notice of Preparation, and transmitted to the developer's EIR preparer, Buada & Associates, with the County Public Works' letter of June 30, 1986. These issues must be addressed in the EIR and include:

The destruction of the serenity and tranquility of Lost Lake Park, bird sanctuary, and neighborhood due to noise from machinery and trucks; 99

Daily pollution of the air with dust, spores, and residual pesticides, as well as offensive odors from the asphaltic plant; 100

The effects on groundwater and San Joaquin River water from waste water, gold processing residue, mercury, and other chemicals and wastes; 101

The diversion of needed irrigation and domestic water from the river and the ground for gravel and gold processing, adversely affecting downstream users; 102

The source and quantity of water needed to recover the gold; 103

The ponding areas that require special abatement to eliminate insect breeding, and the effects of use of chemicals or other abatement measures; 104

The effect of water usage and pollution for the project on existing wells on the eastside of Friant Road; 105

An EIR response to the study of Cole and Fuller which indicates a decrease in need for aggregate leading to the closure of several plants in the area, raising the issue of whether this project is necessary; 106

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The destruction of the County designated bike lane due to truck traffic and debris scattered from gravel trucks; 107

The policing, monitoring, and enforcement of any alternatives or mitigation measures or conditions, responding to issues of concern; 108

The widespread belief that the County has in the past, approved projects with certain limitations or conditions, including limitations on operating hours or days, and then subsequently, either not enforced, or reduced or eliminated the restrictions, after the project is operating. It therefore appears that any true mitigation measure or condition must be accompanied by bond or enforceable covenant, insuring to the benefit of the persons affected by the project, in order to insure the effectiveness and permanence of mitigation measures; 109

The source and quantity of large amounts of fuel, water, and energy to be used during the various phases of this project, and the impact of providing such resources; 110

The long-term environmental impacts of the project. 111

THE DRAFT EIR FAILS TO REFLECT
THE INDEPENDENT JUDGMENT OF THE LEAD AGENCY

Friends of Friant Area, through legal counsel, pointed out in their responses to the Notice of Preparation (by letter dated June 3, 1986), that,

The County should take care not to exceed the limits on delegation of its duties to agents of the applicant. Though the CEQA Guidelines (14 Cal.Admin.Section 15000 et seq) authorize initial preparation of the draft EIR by the applicants' consultant, 'the draft EIR which is sent out for public review must reflect the independent judgment of the lead agency. The lead agency is responsible for the adequacy and objectivity of the draft EIR.' 14 Cal.Admin.Code Section 15084(e).

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Despite this, the draft EIR sent out for public review was prepared by Buada & Associates, the applicants' consultant, and evidences absolutely no independent County review or contribution whatsoever. It is our understanding that Buada & Associates have represented the applicants from the inception of this project, and took the position during prior proceedings that no EIR was even necessary. 112

Friends of Friant Area believe, based upon review of the draft EIR that the document is not objective. The one-sided draft EIR, replete with faulty assumptions and omissions, has required comments of extraordinary length to deal with its many deficiencies. It is requested that the County prepare an objective, independent draft EIR, issue the document, and commence a new public review period based upon a draft EIR complying with CEQA.

Quoting again from our letter of June 3, 1986,

Furthermore, the lead agency is itself required to prepare the responses to comments on the draft EIR, and to prepare the final EIR. 14 Cal. Admin. Code Sections 15088, 15089. We are advised that the applicants' consultant is preparing the draft EIR here. We contend that the County's practice allowing the applicants' consultant virtually total control over the content of the draft EIR, and allowing the applicants' consultant to prepare responses to comments on the draft EIR, and to prepare the final EIR, fails to comply with law.

In People v. County of Kern, 62 Cal.App.3d 761, 775 (5th Dist. 1976), the court held that responses to comments must be prepared by the county or its staff, not representatives of the developer.

The draft EIR which has been issued, fails to furnish an adequate basis for public review and comment. The faulty assumptions, and omissions of whole areas of inquiry such as, for example, details on a rehabilitation plan, hours of operation, or toxic waste disposal, or cumulative impacts of this and other projects, have meant that there is no document sufficient to form the basis for review and comment by appropriate experts, and by other public agencies.

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In addition to requesting issuance of a new, adequate draft EIR for public review and comment, Friends of Friant Area also request that the County itself prepare responses to comments on the draft EIR, and itself prepare the final EIR, in compliance with law. In the event that County staff resources are not sufficient to perform these tasks, the County should obtain the services of an independent consultant, to assist the County.

112a

COMMENTS BASED UPON THE
RECENTLY COMPLETED
SAN JOAQUIN RIVER AREA RECONNAISSANCE STUDY

The County along with the County of Madera and City of Fresno, recently completed (June 1986) the San Joaquin River Area Reconnaissance Study, because of alarm over the fragmented approach to growth in the San Joaquin river influence area. The following comments on this draft EIR are based upon that study, and responses to that study:

- A. Comments On San Joaquin River Reconnaissance Study By Harold Tokmakian, Professor Of Urban And Regional Planning, Fresno State University, And Former Fresno County Planning Director And Fresno City Planning Commissioner

Investigation must be performed to determine whether the Corps of Engineers has jurisdiction under S.404 of the Clean Water Act, over some or all of the property which is the subject of this project. (Vol. III at p.I-8);

113

"How is rehabilitation insured? My understanding of the situation is that rehabilitation conditions are not routinely enforced at the local level nor is there any oversight by the California Division of Mines and Geology." (Id at p.I-9);

114

Analysis of existing conditions must address unique agricultural products of the river bottom, including aqua-culture, and address either the existence or the potential for speciality high value vegetable crops. (Id at p.I-10);

115

The San Joaquin river area and river bottom are such unique resources in the valley that otherwise normal planning or review practices are not applicable or appropriate. (Id);

116

Handwritten note:
+
County does not
have the staff to
conduct this

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The air-quality discussion omits discussion of TSP in the area. "Dust from sand and gravel extraction and processing, real or perceived, is a significant issue that should be addressed." (Id); 117

The map following page IV-38 in Volume I of the San Joaquin River Area Reconnaissance Study, shows that the entire southern half to two-thirds of the subject property, is a specific location for the Canada Goose. Professor Tokmakian (Vol. III at p.I-11) raises questions as to the significance of the San Joaquin river bottom as a resource of state wide, national, and international significance because portions of the area are wintering habitat for the Canada Goose. This issue must be addressed, along with potential statutory or treaty violations, under the federal Migratory Bird Treaty Act; 118

There is no adequate description of the scenic resources of the area of the project. (Id at p.I-12); 119

"As one of the most unique physical and environmental settings in the Central Valley, the San Joaquin River bottom and its viewshed has an economic value associated with the quality of life for residents of the Central San Joaquin Valley. The significance and value of the river in this sense will increase as alternative scenic and natural esthetic resources become scarcer as a result of local population growth and urban expansion." (Id); 120

The pell-mell, fragmented approach to approving projects in the San Joaquin river influence area without paying close attention to cumulative impacts, and lost opportunities for alternative uses, is especially troubling in view of the fact that the river area is so unique and invaluable a resource to the County of Fresno. The noise, traffic, and other adverse impacts raised by this project, will be far more significant in this area, than in other areas. Also, a glance at the map, shows that given the proximity to both Friant Road and Lost Lake Park, the project area would be ideal for acquisition by the County for a park. Parks, trees, quiet, clean air, clean water, and scenic beauty, are going to be absolutely indispensable to efforts by the County and other governments in the area, to attract clean and responsible growth to the Fresno area. Sacramento has become a thriving hub, and significantly, a number of years ago Sacramento County and City embarked upon a successful effort to create a beautiful parkway and 121

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series of parks along the American River. When executives (and their spouses) from companies considering relocating go to Sacramento, government and business officials have some very impressive recreational areas to show them. Surveys have shown that as much as 90% of recreational activities are carried out in areas that have water. The San Joaquin river area is Fresno's magnet for recreation. Peace and quiet are indispensable to that type of recreation, and this draft EIR ignores the long-term interest of Fresno County in this absolutely critical scenic resource.

B. Other Comments On the San Joaquin River Reconnaissance Study

"I trust that open space and protection of the natural environment can be maintained in this [San Joaquin River] area as has been done along the American River in Sacramento." (George Healy Tondel, at p. I-15);

122

The air-quality discussion in the draft EIR has failed to address the environmental setting. The San Joaquin river bluffs confine a small canyon. Cool dense air forms or flows into the canyon, and often remains to become a distinct air mass. This area is susceptible to concentration of pollutants from all sources. Air along pollution sources such as Friant Road at times show much greater levels of pollutants than similar areas outside the bluffs. It is also known that fog forms first and dissipates last in the river bottom. Chemical reaction of the pollutants may exacerbate the hazardous health effects of the pollutants. (Acid fogs from SOX and NOX are known examples.) The fact that a problem already exists in a fragile environment should be emphasized in the EIR, and the air quality of the micro-environment of the river between the bluffs must be studied to determine the impacts of the emissions from this project. (See comments, San Joaquin River Committee, id at p. I-27);

123

The air quality and noise sections of the draft EIR are deficient because they fail to reflect the fact that the river bottom is a trough where flat land values are insufficient. (Sierra Club comments, id at p. I-40);

124

"Madera County in the San Joaquin Basin and Fresno County from the Friant-Kern Canal to Fresno Slough in the Tulare Lake Basin have both been declared by EPA to be a sole source aquifer. Contamination of any sort of groundwater is considered a threat to drinking water

125

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in the area, and local government is required by EPA to take extraordinary steps to prevent such contamination from surface use." (Id at pp.I-29-30);

The cursory reference to discharge of mercury, an extremely hazardous waste, without detailed study and analysis in the EIR, is astounding in light of the groundwater problems already being experienced in the Fresno area. Mercury has been designated an extremely hazardous waste because it is toxic. The dictionary definition for toxic is poison. (Webster's Ninth New Collegiate Dictionary, 1985);

126

Friends of Friant Area are understandably concerned about the planned discharge of poison into their groundwater.

C. San Joaquin River Area Reconnaissance Study

The area is in a region that has been designated as a nonattainment area because state and federal air quality standards for ozone and suspended particulates are violated. The area also frequently experiences prolonged periods of air inversion with little air movement. Inversion conditions resulting in the build-up of air pollutants occur regularly during the winter. The area currently violates air quality standards for CO, particulates, nitrogen oxide, and ozone. "Sand and gravel and farming operations are the primary sources of particulates." (Study Vol.I at p.IV-11-12) In view of these facts, the emissions, including particulates, from this project, obviously require detailed study and analysis;

127

"The river bottom area also consists primarily of prime agricultural soils (Class I and II). These soils are some of the most productive soils found in the San Joaquin Valley." (Id at p.IV-24) In view of these facts, the loss of 170 acres of prime agricultural land (draft EIR at 61), caused by this project, obviously requires further analysis, and development and consideration of alternatives avoiding this adverse impact;

128

The San Joaquin River was important to the Yokut Indians that inhabited the area. Twelve archaeological sites have been recorded along the San

129

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Joaquin River between Friant Dam and Freeway 99. Most lands adjacent to the river or within the river bottom have not been subjected to systemic archaeological survey. (Id at p.IV-52) A survey needs to be performed to insure that an important archaeological site is not on the subject property.

In addition to lead, urban runoff contains cadmium, chromium, copper, mercury and zinc. These metals normally settle-out in various pools or settling ponds and, if not removed over a period of time, tend to accumulate and enter the local food chain. (Id at p.V-14)

130

Once again, detailed and comprehensive study and analysis are required pertaining to the gold recovery operation, so that the impacts of mercury, a poison, entering the food chain will be fully explored and considered, prior to any approval of this project;

131

Public acquisition of additional lands in the San Joaquin river area is necessary, to insure that in the future, open space will remain. (Id p.V-58) This again points to the need to consider acquisition of this property for expansion of Lost Lake Park.

132

OTHER SPECIFIC ISSUES NOT
ADEQUATELY ADDRESSED BY THE DRAFT EIR

A. Gold Extraction

All methods of placer gold mining require large quantities of water. What are the specific sources and quantities of water for this project?

133

What is the particular mercury extraction process to be used? There is more than one mercury recovery process.

What will be done with the waste water used to separate the gold from the fine sand?

How will the waste water ponds be constructed, where will they be located, and what will be their dimensions? Waste water and mercury percolate through soil into the groundwater. It is not believed that there is any known way to recover 100% of the mercury for reuse.

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The process of vaporizing mercury and recovering the gold from the mercury--gold amalgam--needs to be described. How will the accidental escape of the vapor (extremely dangerous) be prevented?

Mercury behaves very differently in different forms. What will be the form of mercury here?

Where will the lab be placed?

If there are no known problems (draft EIR at 17), why is a permit required?

How are adverse impacts prevented simply by obtaining a water board permit?

Where have other similar extraction operations taken place and what have been the impacts there?

There is no such thing as 100% removal of mercury (law of thermodynamics), and also there is no such thing as an insignificant mercury level since it is highly toxic and percolates through soil. What precise methods will be used to cope with these problems?

B. Erosion

How rapidly does natural revegetation, as suggested in the draft EIR, occur? 134

How much erosion will take place before revegetation occurs? 135

The site soils have "moderate to high erosion potential" with "moderate slopes". (Draft EIR at 12.) What will prevent most of the topsoil from eroding shortly after final grading? 136

Are the design plantings the fastest growing? 137

What does "timely planting" mean? (Draft EIR at 3.) 138

Will "timely planting" be done during any season with appropriate flora, or will berms sit and erode for a while first? 139

Is there enough topsoil for ten-foot berms on three sides? 140

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After erosion, will there be enough topsoil to put back for any use in areas where berms are leveled?	141
The overburden varies from two and one-half to nine feet and contains sand and fine gravel. (Draft EIR at 12.) Will this be suitable for non-eroding berms which need to be "adequately compacted"?	142
Will applicants do plantings on lakesides or only on berms?	143
What will be the effect of rain percolating through the berms?	144
What will be planted on dry sandy berms? Riparian species seem unlikely.	145
What will be done with boulders from the operation?	146
Will berm plantings require irrigation initially?	147
C. <u>Groundwater</u>	
Will groundwater be diverted to ponds and away from Lost Lake?	148
How will applicants insure that excavation does not interfere with any groundwater channels?	149
D. <u>Eutrophication</u>	
How will groundwater fill of new lakes affect Lost Lake?	150
Without circulation, how fast will eutrophication progress?	151
Will an aeration system be installed?	152
Will there be a culvert to Lost Lake?	153
Lost Lake is now eutrophic, and accordingly supports very few fish species, mainly shad. Of what value, then, would be any lakes remaining after the completion of sand and gravel extraction?	154

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E. Vegetation/Wildlife

What species are gone, and what are the details behind such statements as "steady decline in species and numbers of individuals"? Table one (draft EIR at 20) shows only seven animal species declining, and there is no table for plant species. 155

Is not refuge for migrating species such as the Canada goose as or more important than for resident species? 156

The list of birds appears incomplete. The San Joaquin Area Reconnaissance Study has a much longer list obtained from the Audubon Society. Also a plant list is available from the Reconnaissance Study. Why have these lists not been used? Obviously, more work is necessary here. 157

The draft EIR concedes (at 21) that "dust does extensive damage to vegetation". What then, will be the effects of this operation? 158

Is this project not likely to result in monoculture, rather than diversity of species? 159

Does not restoration/vegetation take 15 to 20 years after a pond is abandoned? Therefore, does not this project commit the area to dust and desolation for a period more like 30 to 40 years, rather than 15 to 20 years? 160

What will be the details of rehabilitation, including sloping, soil put back in ponds, depth of water, height of sides above water, and methods of replanting in terms of effort to preserve or improve riparian habitat? 161

Will not excavation, in fact, disturb and destroy existing habitat? 162

In view of the County's past-track record, who will insure that revegetation, landscaping, and rehabilitation are continually, and timely accomplished over the next 20 to 40 years of this project, and how can performance possibly be insured in the absence of such enforcement measures and incentives as surety bonds and liens? 163

F. Noise/Dust

How can noise possibly be reduced by excavation in comparison to agricultural production? 164

Ms. Sharon Berg
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Does not the moving of topsoil and building of berms obviously create dust problems? If not, why are water trucks or "dust palliative" necessary? 165

In view of the fact that agricultural operations are planned to continue on part of the property while excavation takes place on other portions of the property, what will be the total quantities of dust and particulates produced? 166

How much dust is already being produced by Lone Star? 167

Why should the noise standard not be applied to the project simply because Friant Road already violates the standard? (Draft EIR at 27.) 168

How long is a "relatively brief" period of time? (Draft EIR at 30.) 169

What is the combined effect of project noise with Friant Road noise as to the residences, Friant Road bike riders, and Lost Lake users? 170

If Friant Road traffic noise is comparable to project noise (draft EIR at 32), does this mean that the combined effect will be double or even worse? 171

G. Land Use

Rehabilitation with lakes (draft EIR at 4) to provide wetlands and riparian habitat and fishery, would be for whose benefit? Is it realistic to expect that this will be done in the absence of binding enforcement measures including surety bonds, or acquisition by the County? In other words, how can conditions or mitigation measures which are more a matter of public interest than matters of economic interest to the private landowner, be guaranteed in the absence of surety bonds, public acquisition, or dedication? 172

Will the County require dedication of the property to public use by a certain date in return for approval of the project? 173

How will piled up dirt add to scenic highway quality? 174

Will the berms eventually be levelled to rehabilitate the land for agriculture? 175

Ms. Sharon Berg
September 24, 1986
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- The "nature study area" (draft EIR at 46) 1,000 feet away is not the only area occupied by wildlife or wildlife observers. 176
- Why should the eastern edge of Lost Lake be disturbed at all? 177
- With respect to the statement (draft EIR at 46) that noise and activity behind berms should not affect most wildlife, which species will be affected? Also, how about wildlife on the wrong side of the berms? 178
- With respect to the statement that farming should continue until excavation reaches it (draft EIR at 46), how can berms be built before excavation if farming continues? 179
- How soon will farming cease before berm building and excavation, with land left to do nothing but create dust? 180
- What impact will development of this project have on land in the area under Williamson Act contracts? 181
- How is the project consistent with the General Plan designation of the river environs for agricultural and "open space" uses? What is the impact of this collective industry upon agriculture, recreation, residents, and open space? 182
- How will excess asphalt and other wastes from processing (see below) be disposed of? What will be the air and water quality, and noise impacts from the off-site processing? 183

THE EIR FAILS TO IDENTIFY
OR ASSESS THE PHASES OF THE PROJECT
LOCATED ON LONE STAR PROPERTY

After preparation of these comments, including the third section above dealing with the truncated project description and draft EIR, we received in the mail a truly amazing document--a copy of Environmental Assessment Application No. 3174 for Project No. CU2241, dated September 22, 1986. A copy of that application, for the parts of this project to be located on the Lone Star property, is attached. 184

The application recites that materials from the Beck property will be processed on Lone Star property. The application indicates that 2 to 4,000,000 gallons per day of

Ms. Sharon Berg
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water will be used, but includes absolutely no environmental analysis of air pollution, noise, water supply, water quality, or other environmental impacts. The application states that Lone Star will process the Beck materials while Lone Star materials are also being mined, making it plain that Lone Star is not being abandoned.

This represents gross violation of CEQA. Guideline Section 15165 plainly mandates that where industrial projects or a phased project are undertaken as part of a larger project, an EIR must be done on the larger project. Obviously, the Beck extraction and Lone Star processing are part of one larger project. This draft EIR is patently defective because it fails to include assessment of water use, processing operations, and environmental impacts, proposed to take place on the Lone Star property.

A revised draft EIR is necessary so that the public is not deprived of the right to comment on those parts of the operation planned for the Lone Star property.

These violations are so patently obvious, indeed, so absurdly childish, that Friends of Friant Area hereby expressly cautions that attorneys fees' against the County are likely pursuant to Code of Civil Procedure §1021.5, if additional CEQA litigation is necessary to correct these gross violations of law. Such fees have on occasion been very substantial.

It is patently ridiculous for the County to tolerate this kind of nonsense, and these end-runs on CEQA, to the prejudice of the concerned public and nearby residents.

CONCLUSION

Friends of Friant Area hereby request preparation and release by the County, of a revised draft environmental impact report, fully addressing the relevant environmental setting, issues, and impacts of this project. Also, an additional period for public review and comment on the revised document is requested, so that the public and concerned residents may have the opportunity to comment on specific plans and proposals for this project as opposed to the generalities making up the draft EIR.

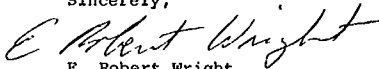
Finally, Friends of Friant Area object to the approval of this project, because it is not necessary, but will have numerous significant adverse environmental impacts.

THOMAS, SNELL, JAMISON, RUSSELL AND ASPERGER

Ms. Sharon Berg
September 24, 1986
Page 34

Friends of Friant Area request that these comments be responded to in detail in the final environmental impact report for this project.

Sincerely,



E. Robert Wright

ERW:cmc
Enclosures

cc: Friends of Friant Area,
Messrs. Bartels, Kooyumjian and Neal (w/encls.)

June 17, 1986

E. Robert Wright
THOMAS, SNELL, JAMISON,
RUSSELL & ASPERGER
P.O. Box 1461
Fresno, CA 93716

Jack Hindmarsh
MOTSCHIEDLER, MICHAELIDES & WISHON
1255 West Shaw Avenue, Suite 103
Fresno, CA 93711

Re: Friends of Friant

Gentlemen:

This is to let you know that Fresno County's position concerning settlement of this case has not changed. Our original concerns remain the same and we have not been furnished with any new arguments that would change them.

As you recall, the County's concerns center around two areas. First, we are unable to recommend that the Board of Supervisors agree to a stipulated judgment. This is because we are concerned about continuing jurisdiction by the court, and frankly, since we do not feel the Board of Supervisors acted improperly, we are unable to recommend the Board accept such a proposal.

Secondly, we cannot agree to the language contained in Paragraph 3 of the proposed settlement stipulation that would require an EIR on projects that are not contemplated under CUP 2172. It appears that this language is overbroad and would extend relief well beyond that requested in the original petition for writ of mandate. In effect, this provision would be similar to a covenant running with the land requiring the Board to guarantee in the future that an EIR would be required regardless of the scope of the project proposed and even if the project were completely different from the one at issue.

Assistants Thomas J. Roggs, James B. Weisman
Chief Deputy J. Wesley Harris
Senior Deputies John E. Butler, Michael E. Erwin

Deputies John F. Duffy, E. Marshall Hodgkins III, Philip M. Jey,
Jeffrey L. Kuhn, Cynthia J. Manzer, Vincent J. McGraw,
Nancy L. Smith, Donald D. Stephensen, Jr., Pamela A. Stone,
Howard K. Watkins, George L. York

3-77

- 2220 Tulare, Suite 121P/P.O. Box 1648/Fresno, California 93718/Phone (209) 488-3478
 2314 Mendocino Street, Fresno, California 93721/Phone (209) 488-3704
 2220 Fresno Street, Fresno, California 93721/Phone (209) 488-3101

Page Two
E. Robert Wright, Esq.
Jack Hindaarsh, Esq.
Re: Friends of Friant
June 17, 1986

Although we do not feel that the settlement as proposed is agreeable, it is not our intention to impede the processing of the EIR that Beck/Warkentine has agreed to prepare and process through the hearing procedures. In fact, staff is in the process of preparing necessary documents to facilitate that process.

However, in order to continue with the process and thereby take the EIR through the various review and hearing processes, we require some action be taken by Beck/Warkentine requesting that the Board of Supervisors' previous action regarding the negative declaration on CUP 2172 be rescinded. I think the most appropriate way to facilitate that would be for Beck/Warkentine to send a request to the County Public Works Department requesting that CUP 2172 be vacated by the Board of Supervisors. We would then schedule an agenda item for the Board to take the action concerning the request to vacate the existing CUP. Beck/Warkentine could then apply for a new CUP and run through the process required to process that new application with an EIR..

An alternative to this proposal would be to have defendants request the Board vacate the negative declaration and order the existing CUP to be reprocessed with an EIR.

Let me know whether the County's proposals on how to proceed at this point are agreeable, whether you have any questions or comments, and when we can expect a request to vacate the Board's decision concerning CUP #2172.

Sincerely,

MAX E. ROBINSON
County Counsel


By PHILIP M. JAY
Deputy County Counsel

PMJ:eej
7489j

6. Noise

a., and c. - Noise has been identified as a potential impact resulting from the proposed project.

Several noise studies have been prepared by the applicant and have been reviewed by the Fresno County Environmental Health Services. EHS comments regarding noise impacts are as follows:

1. The consultant has measured existing noise levels from Friant Road which exceed the Noise Elements' Rural Residential Standard of 55 Ldn (Ldn represents day-night average sound level). In fact, the existing levels exceed the Urban Residential standard in most cases. Project related noise will increase the levels an additional three to six decibels during the month of operations conducted closest to individual residences.

2. Annualized Ldn levels based on one to three months operation at the closest location indicate only a slight average increase of from 0.4dB to 1.2dB. Annualized Ldn represents a yearly average for a noise impact which has occurred for a period of less than one year.
3. Compliance with the Noise Ordinance is difficult to judge, however, based upon the indicated L max (maximum noise level) levels and previous analysis there are likely to be violations during periods of operations conducted closest to individual residences.

The project will increase the noise level in the area and impact nearby residences. EHS has not requested any additional information regarding noise but has recommended that mitigation measures be proposed to attenuate the potential noise increases. In addition, the applicant must comply with the Noise Ordinance and the Noise Element of the General Plan.

8. Land Use

- a. There are several potential land use conflicts at this site. The subject property is designated on the General Plan as part of the San Joaquin River Influence Area which recognizes the multiple use values of the river valley area. The subject site also lies within one of three areas in the County identified by the Mineral Resources Section of the Open Space-Conservation Element of the General Plan as a principal location for commercially suitable sand and gravel.

While this site would appear to be a prime location for extraction of sand and gravel there are other considerations that create classic land use conflicts. The site is currently being used for agricultural purposes, is prime farm land and is zoned for agricultural use. An orchard and vineyard are established and are an aesthetic amenity to the area and users of Friant Road.

Friant Road, adjacent to the site, is designated as a scenic highway on the Scenic Highway Element of the Fresno County General Plan. Maintaining the County's scenic resource areas, and more particularly the view along Friant Road, is important to residents of the area and the County.

The site is also adjacent to heavily used and popular Lost Lake Regional Park which could be adversely affected by the development of the site for sand and gravel extraction. The nature of the proposed development will conflict with the type of activity Lost Lake Park supports. The serenity and aesthetic appeal of the park will be affected, as well as a possible decline in the number of park and campground users. Lost Lake Park is a County facility valued by many and should be protected from uses that would diminish its numerous attributes.

The nature of the land use conflicts at the site make it difficult or impossible for suitable mitigation measures to be proposed that would effectively resolve the conflict in all areas.

10. Agriculture

- a. This project will result in the loss of 93 acres of prime farm land. The site is currently being used for agricultural purposes and maintains an established orchard and vineyard. To reclaim the site for farmland after excavation, proper backfill material and techniques will be required to make it productive as farmland (see discussion in earth resources section). Despite efforts to rehabilitate the site to productive agricultural land, high ground water may limit the type of crop and productivity of the reclaimed land for agricultural use.

11. Hazards

- c. The site could become an attractive nuisance and potential hazards could result from water-filled holes or pits on the site if children were to fall in or play near the pits. Fencing, berms and access control at the entrance gate could reduce this risk.

14. Transportation/Circulation

a., and f. - The project will generate approximately 250 truck trips per day. This will increase traffic considerably on Friant Road and cause some disruption to users of Friant Regional Bikeway and Friant Scenic highway. Safety hazards to cyclists on Friant Regional Bikeway would be increased by the addition of 250 truck trips and the spillage of sand and gravel from the trucks on to the bikeway.

The Fresno Cycling Club has expressed concerns about safety to cyclists. Their comments are as follows:

1. There will be greater risk of an accident involving a cyclist simply because of the addition of 250 large, fast-moving vehicles. The danger of a collision is intensified with young riders who often have difficulty maintaining a straight line along the edge of the road. They may inadvertently "weave" into the path of vehicles approaching from the rear especially when they are hit by the blast of air caused by a large truck passing at high speed a few feet away. This concussion of air has also caused cyclists to lose control and run off the road and crash as a result.
2. Debris from the trucks, particularly gravel and sand are hazardous to bicyclists. Large gravel often causes wheel and tire damage to light-weight bicycles while small gravel causes tire punctures. Gravel is frequently thrown back from the tires of passing vehicles striking cyclists with enough force to cause injury. Loose sand causes bicyclists to lose control sometimes resulting in serious falls.
3. Cyclists would be exposed to increased levels of noise and air pollution from which they have no protection.

In a previous similar proposal, (CUP 2019) Staff was unable to develop conditions which, to any significant degree, could address the concerns regarding hazards to cyclists using the Friant bikeway.

19. Aesthetics

- b. The project will be aesthetically unattractive to the residents living along the bluff during the 20-25 years of the proposed project life and to travelers along Friant Scenic Highway. Although berms and landscaping are proposed as mitigation measures, they would not completely screen the project from view of Friant Road and Lost Lake Park, and will do little to reduce the impacts to the bluff residents who are located above the site.

When the operation is completed there is the potential for the ponds to become stagnant, creating possible odor, insect and aesthetic impacts.

The project has the potential to create significant aesthetic impacts, which in the previous application (CUP 2019) the Staff was unable to develop conditions to mitigate visual impacts on the residences located on bluff east of Friant Road.

20. Recreation

The project could adversely impact the County's Lost Lake Park and its users by creating noise, dust, traffic, vibrations, and hazardous areas near the Park. There is a potential adverse impact to bird and wildlife population in the Park and to fishing in Lost Lake. The serenity and aesthetic appeal of the Park could be affected, resulting in a possible decline in the number of park and campground users. The park is a valuable recreational and open space resource available to the public and should be protected so it can continue to function as a passive day use park and campground for County residents.

22. Controversy

The project has the potential to generate public controversy concerning environmental effects. The residents in the immediate area and others in the community have publicly raised concerns regarding noise, traffic and safety hazards, adverse impacts to the aesthetics of the area and impacts to Lost Lake Park.

SMB:eh
4392C-22
9/5/85

NOTE: Please write legibly in ink or type. This will be included as part of the Environmental Assessment.

Staff Analyst Sharon Berg

QUESTIONNAIRE

EA 2984 OTHER PROJECT #s CUP 2172

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project? a. Yes, I have enough information.

b. No, the following information is needed: _____

2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.

Impacts include loss of land currently in production; the proposal would construct an incompatible use next to Flat Lake Park due to high noise levels, dust, truck traffic and similar conflicts; the proposal would create a potential hazardous area of water-filled pit and dangerous equipment in a populated and high public use area; The proposal would act as a barrier to future growth of the Triad Community in that direction.

3. Are the potential impacts, identified in Question 2, significant enough to warrant the preparation of an EIR?

a. Yes b. No

- 4a. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?

For conditions of approval refer to General Plan policies 306-0613.01, 306-0613.05 and 306-0613.06 in their entirety.

- 4b. Please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential impacts identified in Question 2, or to implement the conditions identified in Question 4a.

5. Comments - Please attach additional sheet, if necessary.

This proposal is virtually the same one that was denied in 1983.

General Plan policy 306-0613.02 states that "incompatible land uses should not be permitted within the impact area of existing or potential mining areas."

Signature Debra Hansen, Staff Analyst III Agency Planning

Date 7/16/85

Phone 453-5012

Rev. 11/84

D-83

[2]

Please write legibly in ink or type. This will be included as part of the Environmental Assessment.

Staff Analyst Sharon Berg

QUESTIONNAIRE

EA 2984

OTHER PROJECT #s CUP 2172

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project? a. Yes, I have enough information.

b. No, the following information is needed:

RECEIVED

JUL 30 1985

FRESNO COUNTY
PLANNING DEPARTMENT

2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.

Noise: despite muffling and screening, noise, especially the low frequencies will be a problem. Low frequency noise travels great distances, and penetrates sound insulation that medium and high frequencies do not. Should the operation generate infrasound, which is "sound" that is just below the threshold of hearing, may be some serious health (see attached sheet)

3. Are the potential impacts, identified in Question 2, significant enough to warrant the preparation of an EIR?

a. Yes b. No

- 4a. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?

Screening: that the screening be denser; two rows of orchard trees are no screen; additional plantings are necessary. Enforcement: active enforcement of dust, water quality and noise mitigation measures and rehabilitation of worked over sites will be necessary; perhaps performance in these areas can be made a condition of continued operations.

- 4b. Please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential impacts identified in Question 2, or to implement the conditions identified in Question 4a.

EIR, CUP process

5. Comments - Please attach additional sheet, if necessary.

Lost Lake may be truly 'lost' as a recreation area as long as there is surface mining next to it.

Check if you need a copy of the environmental determination

Signature Jon Roll

Date 7-30-85

Agency CITY OF FRESNO

Phone 488-1361

Rev. 11/84

Contact JOHN VAN PETER KB:eh

D-84

[3]

EA 2984 Project #CUP 2172

2. (Cont.)

problems as a result. Infrasound travels incredible distances, penetrates noise attenuation insulation, and has been known to cause vertigo, nausea, depression, and other symptoms in people subjected to it.

NOTE: Please write legibly in ink or type. This will be included as part of the Environmental Assessment.

Staff Analyst Sharon Berg

QUESTIONNAIRE

EA 2984 OTHER PROJECT #s CUP 2172

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project? a. Yes, I have enough information.

b. No, the following information is needed: **RECEIVED**

JUN 18 1985

FRESNO COUNTY
PLANNING DEPARTMENT

2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.

Change in land use. Two thirds of the area is Stanford sandy loam a prime farmland soil. Takes land out of production for 20-25 years

3. Are the potential impacts identified in Question 2, significant enough to warrant the preparation of an EIR?

a. Yes b. No

- 4a. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?

County monitoring of Operational and Rehabilitation plans.

- 4b. Please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential impacts identified in Question 2, or to implement the conditions identified in Question 4a.

Seed fertilizer and mulch bermed areas to prevent erosion and disturb areas which won't be rehabilitated back into cropland

5. Comments - Please attach additional sheet, if necessary.

Check if you need a copy of the environmental determination

Signature

Date

Melvin B. Oliver
7/17/85

D-86

Agency

Phone

USDA Soil Conservation
497-5223

Rev. 11/84
KB:eh

[4]



SIERRA JOINT UNION HIGH SCHOOL

33326 NO. LODGE RD.

TOLLHOUSE, CALIF. 93667

TEL: 865-8311, AREA CODE 209

November 23, 1983

RECEIVED
NOV 28 1983

FRESNO COUNTY
ENVIRONMENT &
DEVELOPMENT SERVICES

Mr. Joseph Ceja
Resources and Development Dept.
4499 E. Kings Canyon Road
Fresno, CA 93702

Re: Unclassified Conditional
Use Permit Application #2019

Dear Mr. Ceja:

The Sierra Joint Union High School's primary concern is the traffic hazard that will be generated each day by the addition of trucks and other vehicles to the traffic on Friant Road and other roads in the school district.

The Revised Data Sheet indicated 250 trucks, running five days a week, between the hours of 6:00 A.M. and 6:00 P.M. During these hours, school buses are operating, students are standing at the side of the road waiting for the bus, and in some cases, young drivers are driving to school in their own vehicles. Students and vehicles will be placed in hazardous situations as these trucks utilize the roads in the district. Traffic accidents are already a concern of the school district without the addition of another 250 trucks and other vehicles required for this operation.

For this reason, Sierra Joint Union High School is opposed to the issuance of the Unconditional Use Permit for this project.

Sincerely,

Merritt L. Gilbert
District Superintendent

MLG:1m

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NOV 28 1983

FRESNO COUNTY RESOURCES
& DEVELOPMENT DEPARTMENT

[5]

✓

MERRITT GILBERT
Superintendent

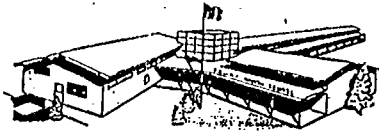
ROBERT HANSEN
Principal of
Educational Services

D-87

JERRY LAIRD
Principal of Student Services
Athletic Director

SHARON DARNELL
Dean of Girls
Special Ed Director

BOARD OF TRUSTEES: Thomas Lee, Phillip Olson, Homer Scott, C. W. Smith, Thomas Wheeler



Friant Union School

Box 223

FRIANT, CALIFORNIA 93626

November 22, 1983

Joseph Ceja
Resources and Development Department
Fresno County Planning Commission
4499 E. Kings Canyon Road
Fresno, California 97302

Re: Unclassified Conditional Use Permit
Application No. 2019

It has come to our attention that a rock, sand, gravel and heavy metal extraction and processing operation is proposed on a 25+ acre parcel of land located in our school district and along Friant Road.

We are opposed to this type of operation because of the added trucks on Friant Road. We are concerned for the safety of our school children who cross Friant Road coming to and from school. We are concerned for children waiting at their bus stops along Friant Rd and we are concerned for the safety of our two school buses that travel Friant Rd.

The assessment report that we reviewed stated that approximately 250 trucks per day would be added to Friant Rd. This amount will definitely make an impact on our school district and the safety of our children.

Friant Road is a designated scenic route and bicycle path. How can these trucks be compatible to the area?

Thank you for considering this letter.

Sincerely,

Richard E. Blanchard
Superintendent

REB:ub

D-88

[6]

QUESTIONNAIRE

EA 2984 OTHER PROJECT #s CUP 2172

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project?
 - a. Yes, I have enough information.
 - b. No, the following information is needed: How much loose sand and gravel will be scattered on the road by 250 truck trips from the proposed plant?

2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.
The Friant Expressway is the most popular bikeway in the Fresno-Clovis area. Dozens of cyclists on light-weight bicycles use that route everyday for recreational riding, exercise, and training for racing. Many of the cyclists who ride there are novice riders who are inexperienced at riding (Cont'd Pg

3. Are the potential impacts, identified in Question 2, significant enough to warrant the preparation of an EIR?
 - a. Yes
 - b. No

- 4a. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?
 - Construction of a bikeway, separate from the main roadway, would reduce the risk of accidents resulting from debris from the trucks on the roadway and the additional vehicle traffic. Cyclists would still be exposed to increased noise and air pollution.

- 4b. Please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential impacts identified in Question 2, or to implement the conditions identified in Question 4a.

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JUL 29 1985

FRESNO COUNTY PLANNING DEPARTMENT

5. Comments - Please attach additional sheet, if necessary.
The Fresno Cycling Club has over 250 members in the Fresno-Clovis area. The majority of us ride on Friant Road on a regular basis. We are firmly opposed to this project.
 Check if you need a copy of the environmental determination

Signature [Signature]
Date 7-26-85

Agency Fresno Cycling Club
Phone 488-4457
Rev. 11/84
KB:eh

[]

QUESTIONNAIRE - Page 2

2. In traffic. Traffic volume on Friant Road is heavy much of the time under current conditions. The addition of 250 truck trips will only increase the hazard to bicyclists for several reasons:
1. There will be greater risk of an accident involving a cyclist simply because of the addition of 250 large, fast-moving vehicles. The danger of a collision is intensified with young riders who often have difficulty maintaining a straight line along the edge of the road. They may inadvertently "weave" into the path of vehicles approaching from the rear especially when they are hit by the blast of air caused by a large truck passing at high speed a few feet away. This concussion of air has also caused cyclists to lose control and run off the road and crash as a result.
 2. Debris from the trucks, particularly gravel and sand are hazardous to bicyclists. Large gravel often causes wheel and tire damage to light-weight bicycles while small gravel causes tire punctures. Gravel is frequently thrown back from the tires of passing vehicles striking cyclists with enough force to cause injury. Loose sand causes bicyclists to lose control sometimes resulting in serious falls.
 3. Cyclists would be exposed to increased levels of noise and air pollution from which they have no protection.

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JUL 29 1985

FRESNO COUNTY
PLANNING DEPARTMENT

H. Staff Analysis/Recommended Findings of Fact

Finding 2: Adequacy of Streets and Highways

Access to the site is via Friant Road which is classified as an Expressway on the Fresno County General Plan. This stretch of Friant Road carries an average daily traffic volume of 3,200 (1981) vehicles per day. The proposal will generate as many as 250 additional truck trips per day.

-6-

D-91

[8]

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According to the Development Engineering Section of the Public Works & Development Services Department, the destination of the majority of the material extracted from this site will be the metropolitan area and, therefore, the majority of the trucks will be directed south of the project site. Because of the traffic generated at the existing material extraction sites located in the vicinity of Rice and Friant Roads, the majority of the truck traffic increase on Friant Road due to this project will be from Rice Road north to the proposed plant site. Despite the additional 250 truck trips per day with an average of one truck entering or leaving the site every one and one-half minutes during the peak hours, the Development Engineering Section does not consider this to be excessive. However, improvements to Friant Road at the access point will be required to provide for safe ingress and egress from the site. Although Friant Road may be capable of accommodating the additional traffic, this project has generated concerns regarding safety hazards to the users of the existing bike path along Friant Road, school buses, school children, and high school students driving to and from school.

Sierra Joint Union High School and Friant Union School have submitted letters opposing this project because of concerns for the safety of school children. The schools have stated that the additional truck traffic will create a hazard for their buses and pupils using Friant Road. Sierra Joint Union High School notes that the 6:00 a.m. to 6:00 p.m. hours of operation are the same hours that school buses are operating. During these hours, students are also waiting at the side of the road for the buses and, in some cases, young drivers are driving to school in their own vehicles.

Finding 3: Adverse Effects on Surrounding Properties

The project site is located north of an approved rock, sand, and gravel operation, and Lost Lake Regional Park is adjacent to the north and west. Across Friant Road to the east are residential homesite parcels, and a residential subdivision has been approved by Madera County to the west on the river bluff.

The project site is zoned AE-20 and is considered prime productive farmland with Class I and II soils based on the Soil Conservation Service's rating system. The site is presently farmed with nut trees and grape vines. The applicant's rehabilitation plan would result in the conversion of 93.3 acres of prime farmland to wildlife ponds. The land to be backfilled and used as farmland may not be reclaimed to the productive state of the present land. The resultant farmland with a higher groundwater table could limit the potential use of the land for farming. It could be that a more limited excavation of the resource material would allow more land to be reclaimed as productive farmland.

The applicant has proposed several measures to mitigate adverse noise and visual effects of the project on the surrounding properties. These measures include (1) locating the processing plant at the southwest corner of the site at a depth of ten feet below the existing ground level; (2) construction of a 15-foot high landscaped earthen berms on the north and east sides of the processing plant; (3) maintaining a 50-foot setback from Friant Road with retention of trees and planting of additional landscaping within the setback area; (4) mufflers installed on all equipment; and (5) the phasing sequence which will keep the excavation hidden from Friant Road for most of the first half of the operation's life. However, even with the mitigation measures offered by the applicant, the project may still have adverse visual and noise impacts on Lost Lake Park, which is a passive park used for fishing and camping, the scenic road designation, and the residences on the bluff.

Potential land use conflicts with users of Lost Lake Regional Park, which is adjacent to the project, have also been identified. The serenity of the park, as well as its aesthetic appeal, will be affected. Depending on the magnitude of these impacts, park usage could decline. Operational characteristics also could adversely impact the bird population that exists at the park.

Safety hazards to cyclists using the Friant Regional Bikeway and Friant Scenic Highway are another concern. In addition to the increase of truck traffic, there will be spillage of sand and gravel from the trucks onto the bikeway.

The potential land use conflicts with Lost Lake Park and the safety hazards to the cyclists are both potential impacts which cannot be reduced to an acceptable level with mitigation measures.

Other impacts, such as impacts to earth resources, degradation of water quality, safety hazards from on-site pits, and impacts to Lost Lake wildlife, were identified and are further discussed in the attached Initial Study.

Finding 4: General Plan Consistency

The Mineral Resources Section of the Open Space/Conservation Element of the County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The subject site lies within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Operation of the site as proposed and in accordance with conditions designed to minimize conflicts with surrounding land uses and the natural environment could be consistent with the General Plan.

The subject property is designated on the General Plan as part of the San Joaquin River Influence Area. These policies recognize the multiple use values of the river valley. Because of the unique characteristics of relief, wildlife, vegetation, and natural beauty of this region, it is essential that any development require careful planning. Based on the plan of operation and rehabilitation proposed by the applicant, plus any additional conditions and mitigation measures deemed necessary to address any concerns and impacts, this use could be in basic conformance with the River Influence Policies. However, as indicated in Finding 3, it is doubtful that recommended conditions of approval could adequately mitigate the potential impacts to an acceptable level. The ultimate restoration of the site to productive agricultural use and wildlife lakes will assure the maintenance of the open-space character of the river area in conformance with the River Influence Policies.

Friant Road is designated as a Scenic Highway on the Scenic Highways Element of the Fresno County General Plan from the city of Fresno to Lost Lake. Portions of this operation will be visible from the Friant Road. The applicant has proposed to limit extraction by providing a 50-foot setback from Friant Road and use existing nut trees and additional landscaping as a visual buffer. The east portion of the property would be rehabilitated for agricultural purposes during and after the completion of the project.

The processing facilities will be located on the southwest portion of the site. The applicant proposes to construct a berm and plant the top with trees and shrubs along the east side of the processing area to minimize the visual impact. This measure, plus the distance and the additional screening provided by the trees that will remain along the 50-foot buffer strip along the road, should obscure the view of the plant from Friant Road.

I. Staff Recommendation

Staff does not believe that Findings 2, 3, and 4 can be made and, therefore, recommends denial of Unclassified Conditional Use Permit Application No. 2172.

However, if the Commission determines that the required findings can be made, it should approve Unclassified Conditional Use Permit Application No. 2172, subject to the conditions stated on attachment B. These conditions, together with additional conditions, were developed by Staff at the request of the Planning Commission last year on Conditional Use Permit No. 2019.

MM:uz
25198

County of

FRESNO

Public Works & Development Services Department

Richard D. Welton
Director

June 30, 1986

Mr. John Buada
Buada & Associates
6353 N. Blackstone
Fresno, CA 93710

Dear Mr. Buada:

Subject: Draft EIR - Stephen Beck

The Development Services Division has received six responses to the Notice of Preparation for the above-mentioned project. These are enclosed for your review and input into the Draft EIR preparation process. The environmental issues identified to be addressed in the EIR are summarized below. Please refer to the letters from each agency or individual for a more detailed description of their concerns.

1. Hazardous road and traffic conditions generated by addition of truck traffic and other commercial and residential projects planned for the area.
2. Impacts to Lost Lake Park.
3. Noise impacts to the neighborhood and Lost Lake Park.
4. Air pollution generated by vehicular traffic and project operations.
5. Groundwater and San Joaquin River degradation from waste water discharges, farming pesticides, and gold processing residue.
6. Diversion of irrigation water from the San Joaquin River, to include effect on downstream uses and requirements of Department of the Interior as discussed in their letter of June 19th, attached.
7. Effect of water usage on existing wells, to include those on the east side of Friant Road.
8. Impacts from gold extraction process, to include chemical usage.
9. Impacts from insect breeding in ponding areas.
10. Impacts to bike lane from debris falling from gravel trucks.
11. Cumulative impacts of the project and other projects planned for the area (as listed in letter from Friends of Friant).

D-95

453-5055

4499 East Kings Canyon Road/Fresno, California 93702/Phone (209) _____
Equal Employment Opportunity - Affirmative Action - Handicap Employer

[10]

12. Impacts from loss of prime agricultural land and removal of topsoil.
13. Impacts on aesthetic character of the area and nearby properties.
14. Reduction of riparian, fish, and wildlife habitat, and identification of any endangered species affected by the project.
15. Conflicts with the San Joaquin River Influence area plan and the mineral resources plan.
16. Discussion of reclamation plan that will provide benefits for wildlife and vegetative resources.
17. Potential on-site hazard such as water filled holes or pits.

If you have any questions regarding these responses, please call me.

Very truly yours,

Jerry K. Boren
Development Services Manager

Sharon M. Berg
Sharon M. Berg
Staff Analyst III

SMJ:jw
4538K

Attachments - Response to NOP from:

State of California
Dept. of Conservation - Division of Mines and Geology
Dept. of Fish & Game

United States Dept. of the Interior - Bureau of Reclamation
Friends of Friant
Thomas, Snell, Jamison, Russell & Asperger, Attorneys at Law
Selma M. Layne

11/1/86

✓



United States Department of the Interior

BUREAU OF RECLAMATION
MID-PACIFIC REGIONAL OFFICE
2800 COTTAGE WAY
SACRAMENTO, CALIFORNIA 95825

IN REPLY: MP-750
REFER TO:

JUN 19 1986

RECEIVED

JUN 23 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

Mr. Jerry K. Boren,
Development Services Manager
Public Works & Development
Services Department
County of Fresno
4499 East Kings Canyon Road
Fresno, California 93702

Subject: May 12, 1986 Notice of Preparation of a Draft Environmental
Impact Report (DEIR) for a Proposed Sand and Gravel Operation;
Lead Agency - County of Fresno; Project Applicant -
Beck/Markentine (Holding No. 4)

Dear Mr. Boren:

Thank you for granting us an extension of time to respond to the
subject notice in your May 9, 1986 phone conversation with Ms. Traci
Vos of my staff. As she indicated to you, the Bureau believes there
are several major issues which should be addressed in the DEIR. After
reviewing the subject notice, we would like to offer the following
background information and comments.

Proposals almost identical to the present proposal for a sand and
gravel extraction and processing operation on the same land parcel
were submitted to the County of Fresno in September 1983 and July
1985. The major issues for those proposals included conflicting local
land uses, probable negative environmental impacts, and public
opposition. In both instances, Bureau comments reflected concerns
about potential San Joaquin River water quality degradation and
riparian water rights conflicts.

The following specific issues should be addressed or included in an
EIR for the present sand and gravel operation proposal:

1. A discussion of the potential impacts and/or implications that
applicable water rights contracts and agreements would or could
have on the proposed project, and vice-versa. In particular,
owners of contiguous landholdings bordering the San Joaquin River
from Friant Dam to Gravelly Ford (a gaging station located on the
River in the vicinity of the old Gravelly Ford Ranch), entered
into water rights contracts with the Bureau for, "...settlement
of certain former water rights from the San Joaquin River."
Basically, these contracts provide for the adjustment and/or
settlement of defined water rights related to the operation of

D-97

[10]

Friant Dam and Millerton Reservoir. The water rights settlement contracts do not grant a water right. Further, the actual lands on which the landholder can apply/utilize San Joaquin River water is in dispute. It appears as though the land parcel identified in the proposed project is identical (or nearly so) to what was termed Holding No. 4 in the aforementioned water right settlement contracting program. Each contract (in this case the one for Holding No. 4) contains an exhibit which shows all of the lands in that particular holding. The exhibit for Holding No. 4 is attached as Attachment 1. Also from the contract, Article 7 on page 5 states:

"The United States does not and will not so far as it and its successors and assigns are concerned, object to any reasonable and beneficial use of the water of the River for irrigation and/or domestic purposes exclusively upon the land described in Exhibit A; Provided, that water to supply such beneficial use or uses shall be taken only from water in the River at a point or at points upon, adjacent to or opposite said described land or at a point upon said described land from underground sources."

The proposed utilization of San Joaquin River water in Stage III of the operational statement is the key to this issue. As quoted earlier, the water rights settlement contract states that the Bureau will not object to "...any reasonable beneficial use of the water of the River for irrigation and/or domestic purposes exclusively..." The proposed use of the water conflicts with the use of water as defined in the contract. Therefore, if the project is approved, the Bureau would be concerned about possible illegal diversions from the San Joaquin River for industrial purposes.

2. The issue of conflicts among neighboring land uses should be addressed. These include mining operations, the aesthetic value of the area as perceived by the residents of the bluffs, the residents of Friant and the recreationists visiting Lost Lake Park, proposed developments such as the nearby Ball Ranch Project, open space designations in the County General Plan, agricultural activities, migratory waterfowl, and other wildlife considerations.

While mining/extraction operations are permissible under the General Plan, the Plan specifically states that the river environs be designated for agricultural and "open space" uses. The intent of that designation and the conflict between it and

the proposed project should be addressed. Also, if the project is approved, the issue of two similar industrial-type extraction and processing operations situated approximately 2.25 miles apart should also be addressed relative to the General Plan, as should the impact of this collective industry to the other agricultural and open space uses.

3. Condition No. 5 of the proposal specifies time limits on the excavation, processing and maintenance activities. Time limits should also be established for the operation of the asphalt and concrete batch plants.
4. Storage, handling and disposal of the fuels, solvents, cementitious materials, asphaltic oils and concomitant wastes associated with an operation like this should also be addressed. Under the operational statement of the proposal, it states that no significant amount of waste will be produced. While this may be true on the input side of the operation, the same cannot be said of the output side of the operation. How the excess asphalt, either from overloaded trucks or from end-of-the-day overruns will be disposed of should also be addressed. The potential for problems with water and air quality as a result of any of these items should also be addressed.
5. A discussion of the impact of Condition No. 12 of the proposal and the ability of that land to be subsequently farmed should be included. Many crops, especially tree, vine and other permanent crops, are stressed and physiologically impacted by the continual presence of groundwater in their root zones. A great many crops have root zones that exceed five feet in depth. Additionally, settlement or subsidence of the backfill material will likely occur. If this happens, the depth to groundwater would decrease and the potential problem described above would be exacerbated.
6. With respect to Item No. 22C under the Zoning Ordinance Section, who determines the "...reasonable and practical measures..." that shall be taken to protect the habitat of wildlife? These measures and the entity responsible for carrying them out should be clearly defined prior to project approval.
7. The last paragraph of the narrative on "Background" information should be amended to say that during flood situations, releases have been as high as 14,200 cfs, with the possibility of even higher releases. Should conditions warrant, these higher releases will be made.

We believe that these issues must be addressed in the DEIR and problems resolved prior to project approval. Thank you for the opportunity to comment. Please provide us with a copy of the DEIR when it is completed. You may contact Ms. Traci Vos at (916) 978-5130 if you have any questions.

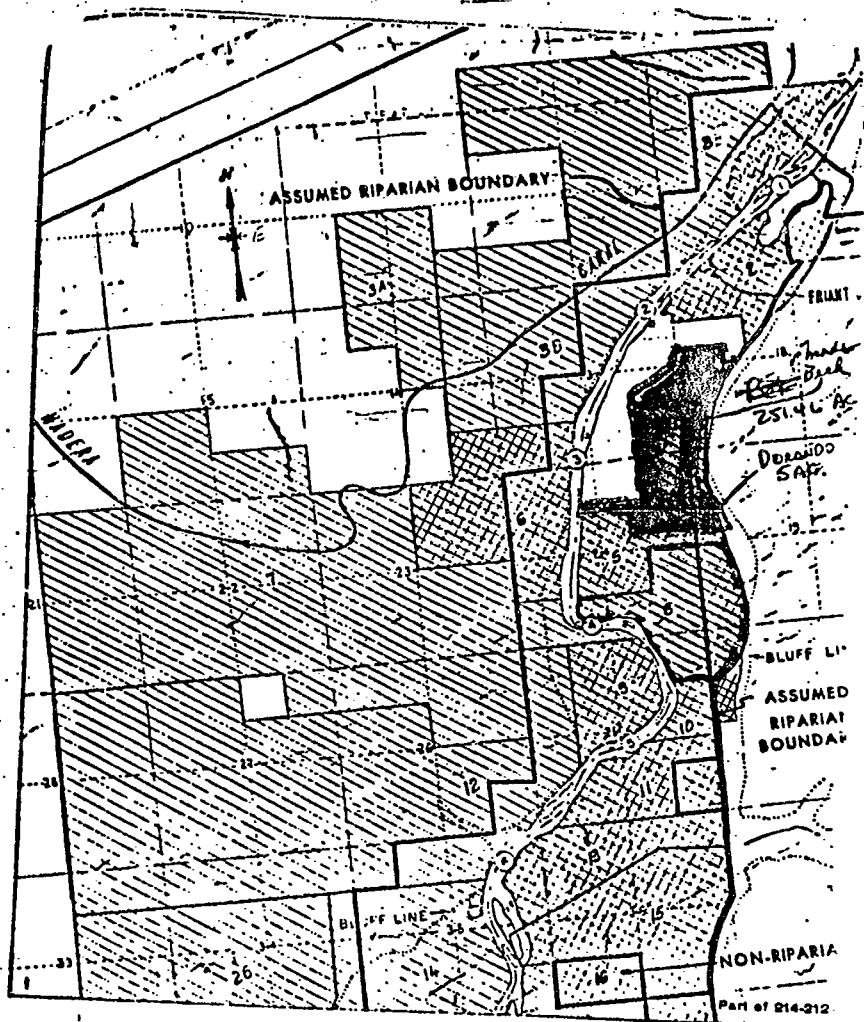
Sincerely,



LAWRENCE F. HANCOCK
ACTING REGIONAL DIRECTOR

Attachment

cc: Project Superintendent, Fresno



D-101

ATTACHMENT 1 ✓

May 27, 1986

RECEIVED

JUN 2 1986

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

Fresno Co Public Works &
Development Services Dept.
Attn: Sharon Berg
4499 E. Kings Canyon Rd.
Fresno, CA 93702

RE: Stephen Beck Gravel Extraction Site
15755 N. Friant Rd.

Dear Ms Berg:

This letter is my response to the Environmental Impact Report
being prepared for the above project.

My particular response is in regard to the traffic impact that
this particular gravel operation will have on Friant Road.

At the present time we have a gravel truck passing the signal
at Friant and Audubon every 1.5 minutes. This in addition to
the every growing traffic from Woodward Lakes now causes several
minutes wait to turn from Friant to Blackstone.

My understanding is that when the Beck gravel site is in full
operation they will also be adding one truck 1.5 minutes begin-
ning at 6:00 a.m. This is a horrendous amount of added traffic,
which will be compounded when Friant Road is rerouted in the
next three months north of Nees to Blackstone, where the traffic
is in a continuing stream now.

Please consider the impacts of traffic in our EIR report. Remember
that Guarantee will have 900 employees in their complex at Audubon
and Friant Roads which will further complicate and impact the ADT
on all roads in this area.

Sincerely,

Selma M. Layne

Selma M. Layne
414 E. Loyola Avenue
Fresno, CA 93710

D-102

[12]



Public Works & Development Services Department

Richard D. Welton
Director

DATE: September 22, 1986

TO: *Jeff Tweedie, Comm. Development & Planning Division
Don Gouge, Comm. Development & Planning Division
Matthew Takahashi, Development Services Division
*Harris Hays, Development Services
Bob Thompson, Development Services
*Al Steele, Resources Division, Geology
Richard Anthony, Resources Division, Solid Waste
*Henry Griffin, Development Engineering
*Michael Robinson, Environmental Health
Cosmo Insalaco, Agricultural Commissioner
Bob Sheesley, Farm Advisor
Hal McKinney, Sheriff's Office
Al Solis, City of Fresno, Development Department
Jim Martin, City of Fresno, Public Works Department
John Beyer, U. S. Soil Conservation Service
U. S. Bureau of Reclamation
*Jim Wolfson, Cal. Reg. Water Quality Control Board
*M. B. Parlier, Cal. Dept. of Transportation
George Nokes, Cal. Dept. of Fish & Game
State Department of Water Resources
Resource Agency, Division of Mining & Geology
Madera County Planning Department
Doug Harrison, FMPCD
Marvin Panter, LAFCO
Friant School District
Sierra School District
C. W. Allison, Fresno County Farm Bureau
Audubon Society
Sierra Assoc. for the Environment, Michael Bordenave
Fresno Cycling Club
Richard Bartels
*Robert Wright
R. L. Neal
Stanley Kooyumjian
San Joaquin River Committee
Pauline Getz
Peggy Smith
Jeff Roberts
Hal Tokmakian
Friends of Friant
Air Pollution Control District, Fresno
Recreation and Wildlife Commission
Fire Protection District, Sanger
Sharon Berg, Staff Analyst III SB

1700 W. WILSON ST.
SUBJECT: ENVIRONMENTAL ASSESSMENT NO. 3174

CONDITIONAL USE PERMIT NO. 2241

RECEIVED
SEP 23 1986

D-103

453-5055

4499 East Kings Canyon Road/Fresno, California 93702/Phone (209) 453-5055
Equal Employment Opportunity - Affirmative Action - Handicap Employer

The project described in the attached Environmental Assessment Application is being reviewed by the Fresno County Public Works & Development Services Department, Development Services Division, for environmental effects as mandated by the California Environmental Quality Act and for conformity with plans and policies of the County.

Please review the proposal and respond to the questionnaire. Answer the questions according to your specific area of expertise.

We must have your comments by October 13, 1986. Comments received after this date may not be used. The project is tentatively scheduled to be considered by the Planning Commission on November 6, 1986.

Please address any correspondence or questions related to environmental issues to me. Any questions related to policy/design issues should be directed to Margie McHenry at 453-5055.

SB:jw
0088K

Attachments

*Site Plan Enclosed

RECEIVED
SEP 24 1986
THOMAS, SMELL, JAMISON,
RUBBELL AND ASPERGER

ENVIRONMENTAL ASSESSMENT APPLICATION

Office Use Only

EA No. 3174
Project No. (s) CV 2241
Application Rec'd.

INSTRUCTIONS

Answer all questions completely. An incomplete form may delay processing of your application. Use additional paper if necessary and attach any supplemental information to this form. Attach an operational statement if appropriate. This application will be distributed to several agencies and persons to determine the potential environmental effects of your proposal. Please complete the form in a legible and reproducible manner (i.e., use black ink or type).

GENERAL INFORMATION

- Isaac Ball, Azalia Biglione,
1. Property owner: Willis Ball, Helen Sauter Phone: 209/349-0519
Mailing address: 12760 N. Friant Road, Fresno, CA 93706
Street City State Zip
2. Applicant: Lone Star Industries, Inc. Phone: 415/463-1420
Mailing address: P. O. Box 5252, Pleasaton, CA 94566
Street City State Zip
3. Representative: Peter H. Cotter Phone: Same
Mailing address: Same
Street City State Zip
4. Proposed project: To extend the duration of our CUPs 367 & 2032 to enable applicant to process materials from the Beck property (see attached sheet).
5. Project location: West side of Friant Road between Willow Avenue and Lost Lake Park
6. Project address: 13475 N. Friant Road
7. Section/Township/Range: 24,25,26 11S 20E / 19,30 / 11S / 21E 8. Parcel size: 1,106± acres
300-070-04,05,10,12,14,15,25 300-180-01
9. Assessor's Parcel No.: 300-250-07,08,09,10,11,12 300-310-01
300-040-04,05,06
10. Land Conservation Contract No. (if applicable): NA

11. What other agencies will you need to get permits or authorization from: No additional permits required.
- | | |
|--|---|
| <input type="checkbox"/> LAFCO (Annexation) | <input type="checkbox"/> Air Pollution Control District |
| <input type="checkbox"/> CALTRANS | <input type="checkbox"/> Reclamation Board |
| <input type="checkbox"/> Division of Aeronautics | <input type="checkbox"/> Department of Energy |
| <input type="checkbox"/> Water Quality Control Board | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Airport Land Use Commission | |

12. Existing Zone District: AE-20

13. Existing General Plan land use designation: Mineral Resource & Open Space

ENVIRONMENTAL INFORMATION

14. Existing site information

Present land use: Mineral Extraction & Processing

Describe existing physical improvements including buildings, water (wells) and sewage facilities, roads, and lighting. Include a site plan or map showing the previously listed improvements: Sand and gravel processing plant and associated

facilities including, but not limited to, a house, hot plant, batch plant, dry concrete-mix sacking.

Describe the major vegetative cover: Grazing fields and riparian veg.

Any perennial or intermittent water courses? If so, show on map: Yes

Is property in a flood prone area? Describe: No

15. Describe surrounding land uses (e.g., commercial, agricultural, residential, school, etc.):

North: Farming

South: Farming

East: Homes & open space

West: Farming & open space

16. What land use(s) in the area may be impacted by your project?: No new impacts except for extension of life for existing use.

17. What land use(s) in the area may impact your project?: None.

18. How many vehicle trips per day do you anticipate being generated by your project? (include type of vehicles): _____
See 16. above.

19. Describe any source(s) of noise from your project that may affect the surrounding area: _____
See 16. above.

20. Describe any source(s) of noise in the area that may affect your project: _____
None

21. Describe the probable source(s) of air pollution from your project: Existing operation
22. Proposed source of water:
 private well
 community system--Name: Existing stream diversion & ponds
23. Anticipated volume of water to be used (gallons per day)²: 2-4,000,000 gal/day
24. Proposed method of liquid waste disposal:
 septic system/individual
 community system--Name: _____
25. Estimated volume of liquid waste (gallons per day)²: None
26. Anticipated type(s) of liquid waste: None
27. Anticipated type(s) of hazardous wastes²: Used oil
28. Anticipated volume of hazardous wastes²: Several gallons per week
29. Proposed method of hazardous waste disposal²: Contractor
30. Anticipated type(s) of solid waste³: Trash
31. Anticipated volume of solid waste (tons or cubic yards per day)³: Less than 1 lb/employee/day
32. Proposed method of solid waste disposal: Contractors
33. School district(s) serving this area: Sierra School District, Friant Union
34. Fire protection district(s) serving this area: Mid Valley
35. Has a previous application been processed on this site? If so, list title and date: 367-1985; 367-1960; 2032-1985

To the best of my knowledge, the foregoing information is true.

Dh Langher 8/22/86
 Signature /Date

¹Refer to Development Services-Conference Checklist
²For assistance, contact Environmental Health System, 445-3271
³For assistance, contact Richard Anthony, Resources, 453-5059

8/27/86

APPLICATION TO MODIFY EXISTING
CONDITIONAL USE PERMITS 367 & 2032

LOCATION

This project is located in Fresno County on the west side of Friant Road between Willow Avenue and Lost Lake Park. The site is within the San Joaquin River bottom area and has been continuously mined for sand and gravel since 1924.

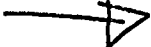
PROPOSED PROJECT

Lone Star Industries is the possessor of Fresno County Conditional Use Permit No. 367 and 2032. Pursuant to CUP 367 Lone Star operates a processing facility for materials extracted or to be extracted from the property described in the two use permits. Both permits have time limitations on their lives. See CUP 367 Area A, condition No. 1, Area B, condition No. 1 and CUP 2032 Exhibit B, condition No. 1, copies attached.

Dr. Stephen Beck has or is seeking a use permit from the County for his property which is near the 367 and 2032 properties. By this application Lone Star desires to obtain changes in CUP 367 and 2032 so as to permit it to be able to process the Beck materials at its 367 facility. Lone Star proposes that it be permitted to process the Beck property materials prior to the completion of the mining of the 367 property and the 2032 property. Lone Star therefore respectfully requests that the above-mentioned use permit conditions be changed so as to extend the life of both permits to and including December 31, 2015 and to make specific under CUP 367 Lone Star's right to process the Beck materials at the 367 facility.

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 367

Conditions for Area "A"

- 
1. Extraction operations shall be allowed for a maximum of 20 years from the date extraction commences pursuant to Conditional Use Permit No. 367 (as modified hereby) or Conditional Use Permit No. 2032 whichever commences first.
 2. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m., except that within a 700-foot radius of the southwest corner of APN 300-310-17, the hours of operation shall be 7:00 a.m. to 4:30 p.m. Routine maintenance of excavation equipment shall be allowed Monday through Sunday limited to the hours of 7:00 a.m. to 8:00 p.m.
 3. No extraction shall be allowed east of Friant Road.
 4. All extraction operations, including stockpiling, shall be set back a minimum of 200 feet from the existing San Joaquin River Channel. Riparian vegetation within 200 feet of said Channel shall not be disturbed.
 5. Any areas of significant riparian vegetation within the site and not within said 200 foot river setback shall be preserved until sand and gravel excavation requires removal or destruction.
 6. A berm shall be construed between the 310-foot and 320-foot contour lines on the north property line adjoining Lost Lake Park.
 7. A 50-foot wide setback shall be provided from the Friant Road right-of-way line which will be established by the Site Plan Review. A berm and/or landscaping consisting of trees and shrubs shall be provided within the setback area to effectively screen the extraction site from Friant Road. The Director of the Resources and Development Department may allow the width of the berm or landscaped area to be less than 50 feet if effective screening can be demonstrated. The berm and/or landscaping shall be completed within six months from the date excavation commences pursuant to Conditional Use Permit No. 2032 or Conditional Use Permit No. 367 (as modified hereby).
 8. A single, two-way driveway access shall be allowed on Friant Road at a point approximately 1,400 feet north of the south boundary of Section 19. The connection to

UNCLASSIFIED CONDITIONAL USE PERMIT NO. 367

Conditions for Area "B"

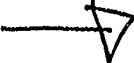
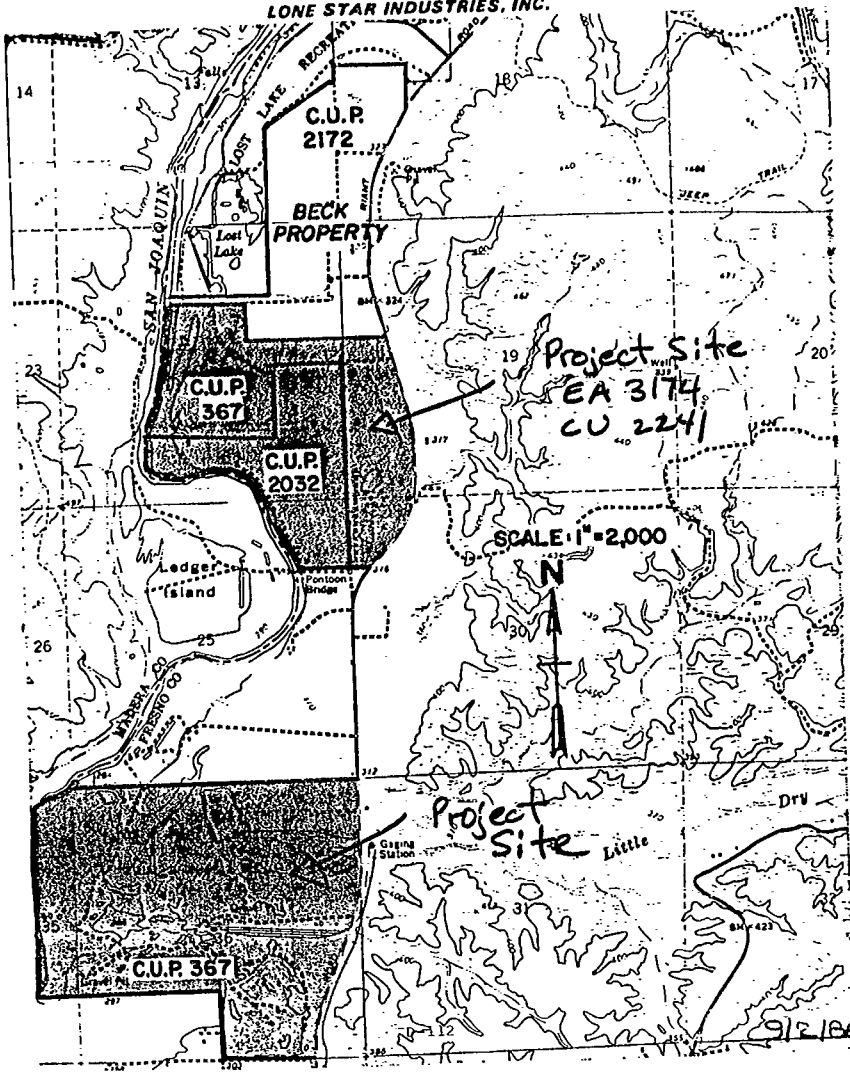
- 
1. The processing plant operation shall be discontinued upon completion of material extraction allowed pursuant to Conditional Use Permit No. 2032, Conditional Use Permit No. 367 or upon the twentieth (20th) anniversary of the date of County approval of these Conditions, whichever occurs last. In no event shall the life of the operation exceed 20 years.
 2. All operations shall be limited to weekdays during the hours of 6:00 a.m. to 6:00 p.m. except that in the event of any emergency as determined by any governmental body or agency, excavation and processing may proceed as needed notwithstanding the aforesaid.
 3. Except for the main sand pile, the height of material stockpiles shall not exceed 25 feet unless the Permittee is able to satisfy County that it will plant landscaping which will, within five (5) years of planting, effectively screen such stockpiles from view from Friant Road.
 4. Landscaping consisting of riparian-type trees shall be provided along the frontage of Friant Road and Birkhead Avenue to effectively screen the view of the plant and the stockpiles from the highway user within five years. A landscape plan shall be prepared by an architect or landscape architect and shall be submitted within 90 days of the date of this agreement. The landscaping shall be completed within six months of the approval of the plan.
 5. A dust palliative shall be applied to all internal circulation roads as frequently as necessary to control dust. Dust palliatives may include road oil, water, magnesium chloride, or other proven materials.
 6. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
 7. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
 8. The Permittee shall allow the County Staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for this monitoring must be executed before excavation authorized by this permit is begun. Cost of this periodic monitoring shall be at the expense of the Permittee.

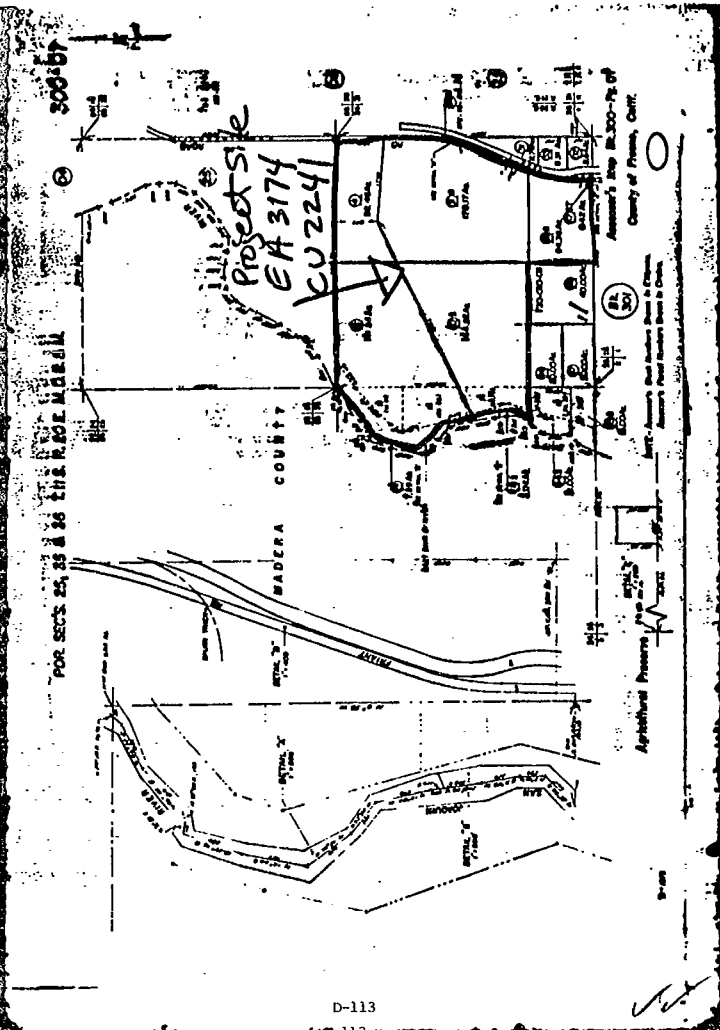
EXHIBIT "B"

Unclassified Conditional Use Permit No. 2032

1. Unclassified Conditional Use Permit No. 2032 shall expire eight years from the date excavation commences or upon expiration of Conditional Use Permit No. 367, whichever date is later, provided that in any event Unclassified Conditional Use Permit No. 2032 shall expire 15 years from the date of this resolution of approval.
2. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m., except that within the southerly 700 feet of the property the hours of operation shall be 7:00 a.m. to 4:30 p.m. Routine maintenance of excavation equipment shall be allowed Monday through Sunday limited to the hours of 7:00 a.m. to 8:00 p.m.
3. Stockpiling of material shall not be allowed within 200 feet of the south property line, nor shall any excavation be allowed within a 260-foot radius of the front entry of the residence on the adjoining property to the south.
4. Haul roads shall be designed in a manner that will direct traffic away from the south property line.
5. A dust palliative shall be applied to all haul roads as frequently as necessary to control dust. Dust palliatives may include road oil, water, magnesium chloride, or other proven materials.
6. Sprinklers or other devices approved by the Resources and Development Department shall be utilized as needed in Phase I to minimize dust generation.
7. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District. (The applicant must file an application for authority to construct with the Fresno County Air Pollution Control District.)
8. The use shall be operated in such a manner as to avoid creating a dust or noise nuisance.
9. Prior to initiation of Phase I, a noise attenuation berm shall be constructed along the south property line and along the westerly boundary of the extraction site a distance of 400 feet from the south property line. The berm shall be a minimum of 15 feet in height, or at least five feet higher than the effective height of the noise source. That portion of the south berm adjacent to landscaping on the adjoining homesite shall have a slope of 3:1 or less and shall be landscaped with trees and/or shrubs similar to those on the homesite. The remaining portion of the berm shall be planted with native grasses.

LONE STAR INDUSTRIES, INC.

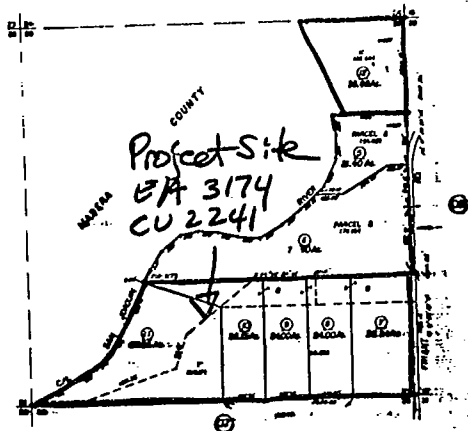




SUBDIVIDED LAND & POR. SEC. 25, T11S, R.20E. M.D.B. & M.

The Area Area
00-00

300-25



old Map No. 1175 - Bl. 6, Pg. 28

Assessor's Map 02-000-00-000

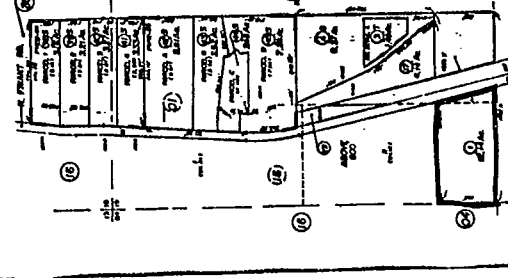
County of Adams, Tenn.

NOTE - Assessor's Map Numbers Show in Circles
Assessor's Parcel Numbers Show in Squares

D-114

300-4

FOR SECS 16 & 19, T. 115, R. 21 E., M. 2 N. M.



Plat for Secs 16 & 19, T. 115, R. 21 E., M. 2 N. M.

Assessor's Map No. 300-Pl. 31
County of Fresno, Calif.

Assessor's Office
Fresno, California

Project Site
EA 3174
CU 2241

FOR SEC'S 18, 19, 20, 21, 22, 23 & 24, T11S, R20E & 21E, MCHEN

300-04

Project Site
EA 3174
CU 2241

Assessor's Map 20-300-PL-04
County of Fresno, Calif.

Agricultural Preferred

NOTE: Please write legibly in ink or type. This will be included as part of the Environmental Assessment.

Staff
Analyst Sharon Berg

QUESTIONNAIRE

EA 3174 OTHER PROJECT #s CUP 2241

1. Is there sufficient information for you to evaluate the probable environmental impacts of this project? _____ a. Yes, I have enough information.

_____ b. No, the following information is needed: _____

2. What potential adverse impacts will the project have on the vicinity or inhabitants of the project itself (e.g., change in traffic volumes, water quality, land use, soils, air, etc.)? Be as precise as possible and answer only for your area of expertise.

3. Are the potential impacts, identified in Question 2, significant enough to warrant the preparation of an EIR?

_____ a. Yes _____ b. No

- 4a. If the project is approved, what conditions of approval are necessary to implement County plans and policies or to protect the public health, safety, and general welfare?

- 4b. Please identify specific existing regulations, standards, or routine processing procedures which would mitigate the potential impacts identified in Question 2, or to implement the conditions identified in Question 4a.

5. Comments - Please attach additional sheet, if necessary.

Check if you need a copy of the environmental determination

Signature _____

Date _____

D-117
Agency _____

Phone _____

Rev. 11/84

KB:eh

APPENDIX E

RESPONSES TO COMMENTS

INTRODUCTION

This section presents responses to comments received on the Draft EIR (DEIR) that are included in Appendix D.

A. BUREAU OF RECLAMATION - LAURENCE HANCOCK

Response 1. Correction noted on interpretation of diversion and use of water from the San Joaquin River for current and future uses. However, the Bureau's concern over illegal diversions of water for industrial purposes on the project site is moot, since the proposed project will neither have a processing plant nor will it use riparian water as clearly stated on page 17 of the Draft EIR. Use of diverted river water for irrigation of reclaimed land within riparian or non-riparian areas would have the same status as current usage of diverted water for irrigation on such lands.

B. OFFICE OF PLANNING AND RESEARCH - JOHN B. OHANION

Response 2. Refer to following Responses to each State Agency.

C. DEPARTMENT OF CONSERVATION - DENNIS O'BRYANT

Response 3. The project application and DEIR both contained a written and graphic (mined-land) reclamation plan. They are described on Page 6 and 10 of the DEIR. Enlarged copies of Figure 3 (Project Design) and Figure 4 (Reclamation Plan) are submitted as Figure 3A and 4A respectively as part of this Final EIR.

Response 4. SMARA Section 2772(a), (d) & (h). Refer to Response 3.

Response 5. SMARA Section 2772(j). The Fresno County Zoning Ordinance, (Section 858-E2) requires that a bond be filed guaranteeing completion of reclamation plan as approved with the permit.

Response 6. CAC Section 3503(g). Refer to Response 4.

Response 7. Future grazing or agricultural areas should be covered with a final layer of stored overburden and seeded with native grasses to minimize erosion and produce pasture for livestock and cover for wildlife.

D. DEPARTMENT OF FISH AND GAME - JACK PARNELL

Response 8. Refer to page 10, paragraph 4 of DEIR for proposed reclamation and scheduling. Final details and timetable for planting are determined as a matter of practice during the Site Plan Review process.

Additional native species of plants which attract wildlife and have good growing habits, as well as provide screening and aesthetic beauty on the berms, identified in comments from the U.C. Extension, Farm Advisor's Office are incorporated into this Final EIR as additional mitigation measures.

Refer to Response 34.

E. CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, CENTRAL VALLEY REGION - JAMES WOLFSON

Response 9. The following is a description of the gold recovery process as proposed on the project site.

Initial Recovery Process:

As part of the excavation operation, gold will be recovered as a by-product. Gold-bearing sand usually occurs near or just below the ground-water level. The gold-bearing sands will be recovered by a completely mechanical system. Excavated material will be placed into a mobile separator (a modified land scraper). Through the use of mechanical screens and shakers the larger material (gravel and large-grain sand) will be separated and stockpiled immediately adjacent to the separator for transport to Lone Star's off-site sand and gravel processing plant. Water is mixed with the remaining sands to produce a wet, heavy concentrate, known as black sand.

Much of the material excavated at this level is wet from groundwater. If additional water is necessary, water will be pumped from the standing water in the excavation pit. Wash water will be returned to the pit for reuse. The final concentrate will be collected in barrels and transported to the on-site gold recovery labs. At the end of an 8-hour day, approximately 1200 lbs. of concentrate will be produced. During the above-described initial separation process no chemicals will be used and no contamination of water will therefore occur.

Secondary, lab recovery process:

The secondary recovery process will take place in an on-site laboratory approximately the size of a 2-car garage. The concentrate will be placed in a Hydrofuge, which uses centrifical motion and water to produce a high-grade concentrate. No mercury or chemicals are used in this process. Approximately 20 lbs of

heavy concentrate are produced from the original 1200 lbs. of raw concentrate. Water from the hydrofuge process is discharged to a shallow settling pond 3 to 4 feet deep.

The final recovery process has been changed by the applicant, since the DEIR, to a strictly mechanical process using no mercury or other chemicals. This final mechanical process separates gold from the heavy concentrate. The gold is then melted and poured into a miner's bar.

F. FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT,
PLANNING DIVISION. - RICHARD BRAUN

Response 10. Refer to Page 8, paragraph 3, Lone Star DEIR.

Response 11. Comments Noted.

G. FRESNO COUNTY RESOURCES DIV. - ALBERT STEELE

Response 12. Comments Noted.

H. FRESNO COUNTY PUBLIC WORKS - H. GRIFFIN AND BOB THOMPSON

Response 13. Comments Noted.

I. FRESNO COUNTY PUBLIC WORKS DEVELOPMENT SERVICES - AL DIAS

Response 14. Comments Noted.

J. FRESNO COUNTY FARM ADVISOR - PAM ELAM-WENZEL

Response 16. List of suggested native plants for use on berms and for erosion control are hereby incorporated as mitigation measures.

K. MOTSCHIEDLER, MICHAELIDES & WISHON - CARL MOTSCHIEDLER

Response 17. Comments Noted.

L. SAN JOAQUIN RIVER COMMITTEE - CLARY CREAGER

Response 18. The project presently under review does not appear to require a program EIR as defined in Section 15168 of the CEQA guidelines. Although the CEQA guidelines encourage the use of program EIR's in appropriate circumstances, this is not a mandatory requirement and is not necessary for the present proposal. The instant application does not involve a decision to carry out a new government program, does not involve adoption of a new body of regulations in a regulatory program, nor does it

commit the County to any larger, area wide project.

Response 19. An Operational Plan and Rehabilitation (Reclamation) Plan which comply with the Fresno County Zoning Ordinance were submitted with the Conditional Use Permit. They are described on Page 6 and 10 of the DEIR under project objectives, and graphically on Figure 3 (Project Design) and Figure 4 (Rehabilitation Plan). Enlarged copies of Figure 3A and 4A are included with this Final EIR.

This project does not include any processing plant, ready-mix plant or asphalt batch plant. Therefore, it will not have any significant water requirements. Water used for the gold recovery operation described in Response 9 will be from water in the excavation pits and will be recirculated back to the pits for reuse.

Response 20. A Rehabilitation Plan is identified in the Table of Contents as Figure 4, Page 11. The Rehabilitation Plan is described on Page 6 and 10 under project objectives. It complies with all requirements of the Fresno County Zoning Ordinance and is compatible with Fresno County Open Space Policy, resulting in lakes, riparian vegetation, fish and wildlife habitat, and agriculture.

Response 21. The procedures followed by the County of Fresno in preparation of the Draft EIR in this matter comply fully with the provisions of Section 15084 of the CEQA guidelines. The Draft and the response to comments are the result of extensive review, analysis, and research undertaken by Fresno County Staff. Numerous meetings have taken place in connection with the Draft EIR and the response to comments. In short, the draft has undergone extensive review and analysis by the staff and reflects the County's independent judgment (See response to comment 62).

Response 22. Existing conditions at Lone Star's processing plant:

Refer to Lone Star DEIR.

Refer to Response 20 and 36.

Response 23. Discussion of alternatives in a DEIR is not limited to uses presently permitted by the General Plan. Any proposal for a use not permitted by the General Plan at the time submitted would, of course, require a General Plan Amendment prior to consideration.

Response 24. Run-off from the side of the berms away from the project site will have the potential to run off-site to adjoining Lost Lake Park. Such run-off will be significantly reduced by the proposed timely planting of berms with

groundcover, shrubs and trees. Any run-off from the side of the berms adjacent to the project will obviously run on-site.

The first excavation phase of the project is downgradient from the rest of the property. As soon as the first excavation is started run-off will be to the lowest point or to the excavation pits or lakes on-site since they will obviously be lower than the surrounding property. Run-off to Lost Lake which is lower than the site will be blocked by the berms and the remaining natural ground below the berms.

The County does not require that run-off be contained on-site. However, storm water run-off will not be allowed to adversely impact adjacent properties. This will be reviewed on the Grading and Drainage Plan which is required as part of the Site Plan Review Process.

Response 25. The designated floodway is the floodway with a designed flow of 20,000 CFS as adopted by the Reclamation Board, the Resources Agency, State of California. Floodway Map, panel #580, indicates that with the exception of a small portion of the finger of land which extends to the river and which will not be excavated, the parcel is outside the 100 or 500 year event.

Response 26. Please refer to excavation and rehabilitation profile on Figure 4 and enlarged Figure 4A contained in this Final EIR.

All top-soil will remain on-site.

The dust palliative in active excavation areas and on haul roads is water that is applied by water trucks during the dry season. Enforcement of dust mitigation measures as well as any other aspect of the operational plan or rehabilitation plan are enforceable through the Fresno County Zoning Ordinance, usually on a complaint basis. Ordinance Section 858-E6 additionally states:

"All material extraction sites in the County of Fresno are subject to a periodic inspection once every two years or such other period as required in a Conditional Use Permit to determine compliance with operational and rehabilitational plans.

The required periodic inspections shall not impair the County's right to perform additional on-site inspections as may be necessary and appropriate to insure compliance with the requirements of the Conditional Use Permit or other provisions of law. The Board of Supervisors may adopt by resolution a schedule setting forth the fees that may be imposed for required periodic inspections."

Response 27. Refer to Response 1 & 20.

Haul road to adjacent Lone Star property is shown on Figure 3 and 3A. Access to Friant Road is Lone Star's existing road recently constructed to County standards under CUP 367 as revised.

The referred to finger of land is under the same ownership as the project property but is not part of the project and will not be excavated as indicated on Figures 3 and 3A.

Response 28. Details of landscaping plans are required as a matter of practice during the Site Plan Review process after the Conditional Use Permit is approved.

Response 29. Refer to Response 26 & 28.

Response 30. See Responses 26 and 140.

Response 31a. Mitigation measures are enforced as a condition of approval of the Conditional Use Permit and Site Plan.

Response 31b. Refer to Response 1.

Response 32. Refer to Response 9.

Response 33. Aerating systems commonly used in ponds involve the use of a submersible pump which pumps pond water above the surface of the pond for certain periods during the day in order to circulate and add oxygen to the water.

Rehabilitated lakes will be maintained the by property owner, used for fishing and provide important wildlife habitat. Additional use of the lakes for aqua-culture are also being considered.

Response 34. Many of the comments indicate that the authors have not been upon the specific site that was inventoried and reported on. The site is an area totally disturbed by a farm operation. There are few, if any, native plant or animal species surviving. The vegetation is primarily orchard and alien Mediterranean annuals. There are rodents and some bird species that can and do frequent the ranch. The list that was compiled reflects what was observed on and in the vicinity of the project site and was not intended to be an all-inclusive list of plants and animals in the area.

The bird list was an inventory of the birds actually found on the proposed gravel extraction site. Birds were included from the Lost Lake area because of the proximity and due to the premise that when the area is rehabilitated as proposed the vegetative and animal species will likely become similar to those that are currently found in the park area. There is no doubt

that at one time the site was both a migrational route and foraging ground for some wildlife. With proper care after gravel extraction or farm removal the land could become wildlife productive again.

The rodent population does not appear to include the San Joaquin Pocket Mouse as of now. Trapping has occurred. Ground squirrels, pocket gophers and domestic mice as trapped are considered vermin. In Fresno County the Agricultural Commissioner's office also furnishes poison to control them. This author does not necessarily condone this practice.

The mitigation features attempt to use native and non-native species of rapid growth and reproduction on the berms as a temporary stop gap. Long term mitigation will need to be addressed when the fate of the property has been decided. Replanting of native trees such as Valley Oaks and Sycamores should occur after all potential disturbance is past.

The plant list furnished by Peggy Smith was consulted and is incorporated into this Final EIR by reference. Seeds of many native plants are now available from seed companies and could be planted after the land stabilizes.

Early photos show that much of the area was denuded. Whether this occurred naturally or was caused by early white man is unknown. It will support native plants if given proper protection. Unfortunately, alien plants have almost totally encroached upon the Beck Ranch because of continued man-caused disturbance.

We concur with our original statement and the comment that deer will fawn and survive if protected from dogs. Many other species of wildlife will also survive if protected from domestic cats and dogs as well as from people with guns, etc.

The Valley Elderberry Long-Horn Beetle was searched for, however this author and others contacted could find no evidence of them. When Rich Coviello, entomologist with U. S. Ag Extension, was contacted he stated that they appear to be found further west in the valley. "Yellow-billed cuckoos have not been inventoried in this area since the 1940's", stated Rob Hansen. This author was probably one of the last persons to see them with Dr. Leo Hadsell, Ornithology Professor, F.S.U, while on a field trip in the summer of 1948. Bald eagles are only winter visitors and the majority, up to thirty individuals, spend their days near Millerton Lake and the surrounding semi-isolated areas.

Great blue herons are common and are considered a pest by some ranchers. The California Fish and Game has problems with them at the San Joaquin State Fish Hatchery.

Dust is a well-known problem for vegetation. Some plants are more disturbed by it than others. Hopefully the tall berms and vegetation should partially protect vegetation in the area. Limited damage will occur.

Three plant species that are rarely found have not been found on the Beck property. San Joaquin Valley Orcuttia and Fleshy Owl's Clover are both plants found in vernal pool soil after the pools dry up. There are no vernal pools on the property. Heertweg's Pseudobahia is found on small rolling hills. The closest habitat found with this plant is in Millerton Lake State Park. The local authority for these three species is John Stebbins, botanist, California State University, Fresno, and the California Native Plant Society.

Excavation will not disturb any existing native habitat. The County needs to address the subject of who will have the final authority and ability to police the project.

The cumulative result of this and other gravel projects has been the construction of new and added wildlife habitat whereas farming and water channelization have destroyed much native habitat, such as the riparian.

Response 35. The unique acoustical characteristics of the area have been taken into account in the noise evaluation process, with particular respect to topography, vegetation and the transmission of sound between the project area and the bluffs and between the project area and Lost Lake Regional Park. Reflections of sound or echoing are not significant factors in these receptor locations. We would agree that a variance is not an effective form of noise mitigation, since it does not reduce the noise-related impacts of the project.

Response 36. Refer to Response 20. Section 858-E2 of the Fresno County Zoning Ordinance requires that the operator deposit security with the County to assure completion of rehabilitation:

"Security, as herein specified, shall be deposited by the operator of a permanent material extraction site in the event any phase of the rehabilitation plan is not completed in accordance with the approved permit, and upon notification of the amount of security by the Director. Pending the deposit of security the operator shall not conduct any further activity on or from the premises. Said security shall be in the form of cash deposited by the operator with the County or in an approved irrevocable escrow or its equivalent, and shall be in an amount determined by the Director equal to one hundred (100) percent of the total cost of completing the subject phase of rehabilitation. Said security may be partially released during the progress of rehabilitation as long as the same ratio of security is maintained on deposit

for all uncompleted work."

Response 37. Fog periodically reduces visibility during the winter months in the Central Valley. Fog tends to dwell longer in the riverbottom areas. During foggy periods, the potential for traffic hazards is increased.

Residents from the seven homes directly across from the project site must merge with traffic on Friant Road. The access drive for truck traffic from Lone Star's present excavation operation is south of the residential driveways with all trucks traveling south to the Lone Star processing plant. Project traffic will use the same access road and travel direction.

Response 38. P.M. peak hour traffic counts are shown in Table 7, page 49 DEIR. The A.M. peak hour counts are shown in Table 7A shown below:

TABLE 7A

A.M. Peak Hr Count - Friant Road

<u>Mon/Date/Day</u>	<u>A.M. Peak_Hr_Count</u>	<u>Peak_Hr</u>	<u>%</u>
6/24/M	261	6-7 a.m.	5.6
6/25/T	282	6-7 a.m.	5.7
6/26/W	304	6-7 a.m.	5.3
6/27/Th	343	6-7 a.m.	6.6
6/28/F	331	6-7 a.m.	6.0
6/29/S	390	11-12 N.	6.3
6/30/Su	457	11-12 N.	5.6

Response 39. Refer to Response 38.

Forecasting of expected traffic volumes through the year 2006, including future projects such as Friant New Town, are included in the DEIR (page 52, 3rd paragraph). Also, these other developments will participate in widening of Friant Rd. to 4 lanes.

Refer to Response 85.

Response 40. Refer to Response 10.

Condition of approval for Lone Star's CUP's 2032 and 367 requires dust to be minimized within FCAPCD Standards by use of water and water trucks. Applicant's proposal to use the same method should be made conditions of approval.

Response 41. The project site is not presently riparian habitat. This project will increase wetlands and riparian habitat.

Refer to Response 18.

Response 42. On April 3, 1984, the Fresno County Board of Supervisors upheld the appeal by the project applicant and overturned the decision of the Planning Commission to require an EIR. In addition, they found no substantial evidence that the project may have a significant effect on the environment.

In recognizing the Board of Supervisor's previous decision that the preparation of an EIR was not necessary and the fact that the Environmental Assessment revealed no additional potential significant impacts, a Negative Declaration was recommended for Conditional Use Permit No. 2172.

M. THOMAS W. PHILLIPS

Response 43. Refer to Response 20

Response 44. Refer to Response 26

Response 45. Rehabilitation costs and security deposit are determined during the Site Plan Review process.

Response 46. Refer to Response 33. Channeling river flows through the site would not be possible without considerable alterations to Lost Lake Park and adjoining properties to the south. Such a considerable engineering project with its accompanying economic and environmental impacts would be both impractical and economically infeasible.

Response 47. Refer to Response 23.

Response 48. Refer to Response 34.

Response 49. Refer to Response 16.

Response 50. Terracing is not required for visual buffer-berms constructed less than 20 feet in height above the original grade. For berms taller than 20 feet in height, terraces and brow ditches should be constructed approximately every 10 feet of slope distance.

Response 51. Refer to Response 9.

O. FRIENDS OF FRIANT AREA - RICHARD AND IRMA BARTELS, STANLEY AND DORIS KOBYUMJIAN, R. AND ORA NEAL

Response 52. Refer to Response 10.

Response 53. Valley Fever is the result of a fungus known as *Coccidioides immitis* or *Cocci* which lives about 2 inches below the soil surface, soaking up winter rains. It can cause problems

any time, but it is most potent when the long hot summer dries it out, creating a layer of nearly weightless spores. Then the ground is broken--by agriculture, construction, archaeology or burrowing animals--these spores become airborne (American Lung Association). Inhaling these spores which can attach to lung tissue can result in Valley Fever.

Since the fungus lives in the top 2 inches of soil, if it exists on the project site, it will have been continually disturbed by common agricultural practices such as discing or even the passage of tractor or truck tires; on a regular basis throughout the year with the existing agricultural operation. Since the spores only exist in the top 2 inches, excavation below that level will not result in any increase in potential release of such spores.

The gold recovery process is a wet operation and will not result in the release of dust. Refer to Response 9.

Response 54. Ponds on other similar operations are regularly planted with mosquito fish by the Fresno Mosquito Abatement District. Additional surface treatments are made if necessary during the District's regular monitoring program.

Response 55. Proposed hours of operation are 6 a.m. to 6 p.m., Monday through Friday.

The noise source from the project is an intermittent source as defined by Fresno County Noise Ordinance.

Response 56. The addition of truck traffic from Lone Star's current excavation site on Friant Road was evaluated during the review of CUP's 367 and 2032 which was recently reviewed and approved. Conditions of approval required the construction of improvements to Friant Road and on-site road improvements built to County Standards.

Response 57. Refer to page 15, last paragraph, DEIR. Analysis included on-site and off-site wells (i.e. wells east of Friant Rd.)

Refer to Response 9.

Frequency of monitoring by Water Quality Control Board is determined at issuance of Discharge Permit.

Gold rights are proprietary information.

Response 58. Proposed berms are not the same as existing berms on Lone Star property. Refer to page 10, 3rd paragraph, DEIR. Comments noted on suggested standards.

Setbacks for any future widening of Friant Road will be determined by conditions of approval of the Conditional Use Permit or by Site Plan Review.

The DEIR does not set conditions. It suggests mitigation measures for consideration by the approving body.

Response 59. The statement that the study by Cole and Fuller (Mineral Lands Classification Study, 1986) indicates a decrease in aggregate need is erroneous. The study discusses the variation in per capita consumption rate on page 56 of the study, such as the high interest rates during the 1980 to 82 period which lowered the construction rate and consequently the aggregate demand. However, the study concludes, page 58-59, that based on average consumption rates, together with the increase in population within the consumption region, consumption of aggregate will steadily increase. Existing reserves (mineral resource land under permit) will last less than 24 years, (page 62, 3rd paragraph DEIR, page 60 and 65, Mineral Land Classification Report). This is based on the average demand. However, should unforeseen events occur, such as massive urban renewal, disaster reconstruction, earthquake, or large scale road projects (i.e. Fwy 41, Fwy 180, Fresno County 20 year transit-tax road improvement program), consumption would change radically and the depletion of available reserves would arrive in less than 24 years.

The State Classification Report states further that the available reserves needed for the foreseeable future amount to only 44% of the projected demand over the next 50 years (Guidelines for Classification and Designation of Mineral Resources, 1978, Division of Mines and Geology, define the foreseeable future as 50 years).

Sand and gravel are one of the designated uses under the multiple-use open space policies of the River Influence Plan. There are no policies or criteria in the General Plan that establishes priorities between mineral resource production and agricultural uses. Refer to page 44, paragraphs 4, 5, and 6; page 45, paragraphs 1, 2, and 3; and page 62 and 63 for discussion of agricultural impacts vs. mineral resource impacts.

Response 60. Refer to Response 1.

Response 61. This project does not include any plant facilities (page 2 and 6 DEIR). The DEIR is required to discuss possible alternatives each of which would have its own environmental assessment.

Response 62. The final EIR does reflect the review and independent judgment of the lead agency, Fresno County. County staff has reviewed extensively the material submitted by Mr.

Buada and has requested revisions and corrections as appropriate. The draft EIR was widely distributed to County, State, and Federal agencies, as well as community groups and individual interested parties. The response to comments reflects the input of County and other agencies.

Response 63. Comments noted.

P. THOMAS, SNELL, JAMISON, RUSSELL & ASPERGER; E. ROBERT WRIGHT.

Response 64. The hearing process being utilized in this matter is fully authorized and complies with all applicable CEQA regulations. The comment is largely inaccurate and misstates the status and events involved in the lawsuit filed by Friends of Friant area in connection with existing CUP 2172. The lawsuit was filed as a challenge to the negative declaration issued in connection with the issuance of CUP 2172 by the Board of Supervisors. Contrary to Mr. Wright's characterization, the lawsuit was and continues to be vigorously disputed by both the County of Fresno and the Applicant, Mr. Beck. Additionally, the contention that the County failed to comply with CEQA or attempted to circumvent CEQA is simply inaccurate.

Through the course of the lawsuit concerning CUP 2172, all parties agreed to postpone the progress of the suit in light of settlement proposals made by the Applicant's attorney. Settlement of the suit, however, was not possible due to Mr. Wright's insistence on demanding settlement conditions that were completely beyond the scope of any issues contained in the lawsuit. The applicant made the determination to apply for a new CUP and to prepare an EIR. It is entirely within the Applicant's rights and allowed by County procedures to process this present CUP Application even though existing CUP 2172 is still valid.

As to the letter from the County Counsel's office dated June 17, 1986, this only suggested two potential alternatives on how CUP 2172 could be dealt with in light of the present application for a new CUP. The County has received assurances by the Applicant that it would agree to a condition that should this present CUP 2235 be approved, it will automatically supersede existing CUP 2172. This is a feasible and proper alternative to the June 17 letter and should alleviate Friends of Friant Area's concerns that CUP 2172 be rescinded.

As to the comment concerning the close of the comment period, attached is a letter dated September 25, 1986, to Mr. E. Robert Wright, stating the County's position that there was no requirement that the comment period be extended. This letter was never responded to by Mr. Wright.

Response 65. Refer to Responses 10 & 15.

Response 65a. Refer to Page 13, last paragraph, and page 14, Lone Star DEIR.

Response 66. The present CUP is separate and apart from the previously approved CUP 2172. (See response to Comment 64.) The new CUP will be conditioned upon the rescission of the existing CUP, as agreed to by the applicant.

Response 66a. (See Response to Comment 66.)

Response 67. A supplement to the Beck Draft EIR addressing the environmental impacts that may exist because of the processing of the Beck material at the existing Lone Star plant, has been prepared and circulated for public review.

Response 68. Refer to Responses 19, 20, 21, 26 and 36.

Response 69. Class I and Class II soils as identified in the DEIR are considered prime agricultural soils.

Comments pertinent to approval process, not DEIR.

Refer to Response 59.

Response 70. Refer to Response 19 and Response 57.

Response 71. Refer to Response 1 & 19.

Response 72. Refer to Response 19.

Response 73. The application and DEIR contain all data and details required by the Fresno County Zoning Ordinance Section 856, Mineral Resource Extraction.

Response 74. The draft EIR has addressed specific impacts to the environment as identified in the initial study and in doing so has taken into consideration the rural nature of the area. The document has received extensive review by various agencies, each of which provided a specific area of expertise for the overall review of the project.

Response 75. Refer to Response 9.

Response 76. Since the gold recovery operation has been revised to exclude the use of mercury or other toxic chemicals, it does not fall under the purview of the stated acts.

Response 77. Refer to Response 9.

Response 78. Schmidt, (1977) described groundwater conditions at Friant. A number of hardrock wells have been drilled south of the town of Friant including three domestic wells at the Lost Lake Recreation Area (Figure E-1). These wells were cased off opposite the alluvium and thus produce water from the underlying hardrock. One well that is 226 feet deep reportedly yielded 20 gpm. The yields of the other two wells were not available, but are believed to be about 10 gpm. The long-term well yields are unknown. Irrigation water for the park is supplied directly from the San Joaquin River.

A number of hardrock wells have been drilled south of Friant. Well depths generally range from about 100 to over 600 feet, and depths less than 200 feet are common. Well yields are generally low, often less than 5 gpm, although two wells reportedly yielded over 15 gpm (air tests). Long-term well yields are unknown.

Forty-five feet of alluvium were penetrated at alluvial well T11S/R21E-18D. The alluvium was underlain by about 60 feet of hard decomposed granitic rock. Forty eight feet of alluvium were penetrated at well T11S/R20E-130. The alluvium was underlain by about 24 feet of decomposed granitic rock. The water level measured in January 1977 (31 feet) in well (T11S/R21E-18E, just southwest of well 18-D, indicated a water-level elevation close to that of the San Joaquin River at low stage. Thus, about 20 feet of the alluvium is saturated near well T11S/R21E-18D even during low river stages. Production characteristics of the alluvium in this area are unknown as it was cased off in the domestic wells.

One well in a terrace comprised of the Riverbank Formation about one and one-half miles south of Friant penetrated almost 170 feet of alluvium, of which about 40 were saturated. The well was perforated from 150 to 160 feet in depth. Well yield after drilling was reported to be 17 gpm with 13 feet of drawdown.

Unused well T11S/R21E-18B is reportedly about 70 feet deep. The depth to water was 40 feet in January 1977. This indicates a water-level elevation similar to that of the San Joaquin River at low stage.

Response 79. Refer to Responses 1, 9, 10 and 27.

Response 80. Section 15147 of CEQA states that "Appendices to the EIR may be prepared in volumes separate from the basic EIR document, but shall be readily available for public examination and shall be submitted to all clearinghouses which assist in public review". The Table of Contents in the DEIR - Appendix B - states that Technical Volume II is available from the Fresno County Public Works & Development Services Department. The technical studies were submitted to the State Clearinghouse.

Response 81. Details of proposed excavation and rehabilitation shown on Fig. 3 and 4 of DEIR and enlarged Fig. 3A and 4A included with this Response to Comments are based on best available technical information from surface seismic tests and numerous test pits. However, until excavation actually occurs, variations in subsurface conditions remain to a certain degree unknown. It is impossible to excavate the entire site to determine actual sub-surface conditions prior to project approval.

Security bonds as required by the Fresno County Zoning Ordinance, Section 858 E2 are determined on maximum proposed excavation. Variations to excavation plans due to discovered sub-surface conditions usually result in than less the maximum excavation.

Response 82. Mitigation Measure #9, DEIR page 4. The word "can" should be used instead of "may" in the statement: "Impacts may be reduced ...". Noise impacts have been defined as noise levels which exceed applicable noise level standards. Mitigation is directed at reducing project-related impacts as defined in this way. The rural residential category of the Noise Element applies to the area between Friant Road and the bluffs in terms of land use but not in terms of the existing noise environment, which is comparable to a more densely populated area located adjacent to a major roadway or other transportation-related noise source. Existing noise levels in the Lost Lake area are representative of a rural residential area, however, significant project-related impacts would not be expected in this area due to shielding by proposed berms and existing topography.

Due to the existing noise environment, the "Urban Residential and Noise Sensitive Receivers" category of the Noise Ordinance is the applicable standard. The Fresno County Noise Ordinance may be applied along Friant Road, however, its standards may be adjusted to account for existing traffic noise. The concept is defined in Section 8.40.040 of the Ordinance.

A variance is not an effective mitigation measure, even though it would be in compliance with the Noise Ordinance.

Response 83. Refer to Response 34.

Response 84. Assessment of impacts to Lost Lake Park and Friant Road's designation as a scenic road are included in detail in the DEIR; page 45, last paragraph, page 46 paragraphs 1-6, page 47 paragraphs 3 and 4, page 56 last paragraph, page 57 paragraphs 2, 3, 4, 5 and 6.

Response 85. The DEIR author concurs with the original statement that the project is the continuation of an existing operation and will not result in a net increase in excavation

activity or truck traffic. Refer to Response 13. Cumulative impacts related to the immediate area are limited to existing impacts from the present operation being extended to the project site.

Cumulative impacts to traffic on Friant Rd. and Willow from the continuation of the present amount of truck traffic from Lone Star's current operation when it is switched to the project site is discussed fully in the DEIR page 52. It included all approved projects along Friant Road from Millerton Road to Woodward Park. It did not include assessment of impacts to proposed projects such as Ball Ranch Development or the Table Mountain Bingo Parlor since they are only proposals and not probable projects.

Response 86. Refer to Response 85. Refer to Response 59.

Response 87. The project is immediately adjacent to an existing approved, operating site as recommended by the Fresno County General Plan (Refer to page 40, 2nd paragraph DEIR).

Response 88. Refer to Response 59.

Response 89. Refer to Response 85.

Response 90. The author concurs with the original statement that, "...the project will not in itself accelerate the market demand for the product." The presence of a product does not create demand. The need for additional available sources of material to meet the long-term needs of the region is identified in the Mineral Resources Classification Study. Refer to Response 59.

Response 91. (See Response to Comment 18.)

Response 92. Forecasting has been included in the EIR where reasonable, such as in the traffic analysis, with projections made to the year 2006 (page 52, 3rd paragraph DEIR).

Response 93. The project site has been intensively modified by farming for almost 40 years. Constant cultivation would have destroyed any archaeological evidence that would be visible during a normal archaeological reconnaissance. Both initial studies determined that an archaeological investigation was, therefore, not required. Should archaeological evidence become uncovered during excavation, an archaeologist should be consulted prior to further excavation of the immediate area.

Response 94. The author concurs with original statement in DEIR. The State Mineral Land Classification Study assumed complete excavation of all existing permitted sites including this project site and determined that remaining permitted reserves would last less than 24 years (Refer to Response 59).

Response 95. Future expansion of Lost Lake Regional Park onto this site is discussed under alternatives on page 64, paragraph 3. Conversion to park uses would also necessitate removing the site from agriculture. Refer to Response 59.

Response 96. The EIR process does not approve or deny projects or place conditions on their approval. The DEIR suggests appropriate measures to mitigate identified impacts. Only the approving body, Planning Commission or Board of Supervisors, has the authority to mandate mitigation measures.

Response 97. Page 61 of the DEIR identifies all unavoidable adverse impacts as determined in the body of the DEIR.

Response 98. Refer to Response 26.

Response 99. Refer to page 21, 1st paragraph DEIR.

Response 100. Refer to Response 19.

Response 101. There is no discharge to the San Joaquin River.

Response 102. Refer to Response 1.

Response 103. Refer to Response 9.

Response 104. Refer to Response 54.

Response 105. Refer to Response 57.

Response 106. Refer to Response 59.

Response 107. Refer to page 53, paragraph 1 and 3, DEIR.

Response 108. Refer to Response 30.

Response 109. Refer to Responses 30 and 36.

Response 110. Refer to Response 19.

Response 111. Refer to page 65, DEIR

Response 112 & 112a. (See Response to Comment 62.)

Response 113. None of this property is currently wetlands nor was in recent history based on early photos of the area (Refer to Response 34) which would place the site outside the jurisdiction of Section 404 of Clean Water Act.

Response 114. Refer to Responses 26 and 36.

Response 115. Refer to Response 33; page 10, paragraph 4 and page 46 last paragraph DEIR.

Only one permit for aqua-culture, (catfish farm) exists along the San Joaquin River adjacent to River Rock Products old plant site at the extension of Polk Avenue. However, it is not currently operational. California Department of Fish & Game operates a Fish Hatchery below Friant Dam in concrete ponds.

Specialty vegetable crops are grown in some locations on the San Joaquin riverbottom, including the River Rock Products II location below the intersection of Cooper Ave. and Friant Expressway. Refer to DEIR, page 46, last paragraph.

Response 116. Reference stated refers to land development, such as residential subdivisions and is out-of-context for this project. However this project is not being reviewed under "normal" planning or review practices since an EIR has been prepared, while other similar projects have not required them.

Response 117. Refer to Response 40. Air quality impacts including TSP (Total Suspended Particulates) from Lone Star's processing plant are controlled by existing Fresno County Air Pollution Control District (FCAPCD) permits. (FCAPCD Comments on Lone Star's Environmental Assessment 3174)

Response 118. Refer to Response 34. There is presently no wetlands or riparian habitat on the project site. Rehabilitation as proposed will add lakes, wetlands and riparian habitat thereby increasing beneficial habitat for the Canadian Goose and other wildlife.

Response 119. Refer to IVC, Aesthetics, pages 54-58 DEIR

Response 120. Refer to Response 119.

Response 121. The comment is purported to be based on comments by Harold Tokmakian submitted on the San Joaquin River Reconnaissance Study, however, a review of his comments indicates no such comment. Comments noted.

Response 122. Comments Noted.

Response 123. Refer to Response 40 & 117.

Response 124. Refer to Responses 35 and 123.

Response 125. Refer to Response 57.

Response 126. Refer to Response 9.

Response 127. Refer to Response 40 & 117.

Response 128. Refer to page 44 paragraph 4,5,6; page 45 paragraph 1 & 2, page 46 last paragraph; DEIR.

Response 129. Refer to Response 93.

Response 130. The project does not involve urban run-off.

Response 131. Refer to Response 9.

Response 132. Refer to Response 95.

Response 133. Refer to Response 9.

Response 134. Refer to DEIR page 10, 4th paragraph and page 56, 1st and 2nd paragraphs.

Response 135. Refer to Response 24.

Response 136. Refer to Response 16.

Several methods are available for minimizing the loss of topsoil on freshly planted slopes including scheduling the revegetation to allow sufficient time to achieve root penetration prior to the onset of winter rains; and the use of jute netting, straw, or geotechnical fabrics.

Response 137. Refer to Response 16 and 34.

Response 138. Actual landscape design and timing of planting are determined as a matter of practice during Site Plan Review process. Normally, landscaping is required within six months (as proposed) together with requirement for irrigation systems.

Response 139. Refer to Response 138.

Response 140. The proposed berms to be placed along the property line adjacent to Lost Lake Park and the bait store are 10 feet high by 50 feet wide and will cover a total length of 7,174 feet, requiring a total of 66,426 cubic yards. Assuming an average depth of overburden on the site of 6 feet (depth varies from 2-1/2 to 9 feet), Phase 1 alone (72 acres) will provide 687,280 cubic yards of overburden available for berm construction. Less than 10% will be required for berms. The remainder will be stockpiled for rehabilitation use.

Response 141. Refer to Responses 136 and 140.

Response 142. Refer to page 14, paragraphs 4 and 5 DEIR.

Response 143. Refer to page 10, paragraph 4 DEIR.

Response 144. Refer to page 14, paragraph 4 and 5 DEIR.

Response 145. Refer to Responses 16, 34 and 138.

Response 146. "Boulders" are unlikely to occur in sand and gravel deposits in this area based on other operations in the San Joaquin River. Cobbles are transported to the Lone Star plant for processing.

Response 147. Refer to Response 138.

Response 148. It is unlikely that water will be diverted from Lost Lake since the direction of groundwater flow in the area is not precisely known. The direction is believed to be generally parallel to the San Joaquin River (Schmidt, October 1986).

Response 149. Refer to page 17, paragraph 2 DEIR. Excavation and rehabilitation as proposed will not create any barriers or diversions to groundwater flow

Response 150. Refer to Response 148.

Response 151. Lost Lake has been in existence since the 1940's. Eutrophication has only begun to be a problem in recent years, approximately 40 years later.

Response 152. An aeration system may be required as a condition of approval of the Conditional Use Permit or Site Plan. >

Response 153. A culvert to Lost Lake has not been proposed. One or more could be required as a condition of approval of the Conditional Use Permit or Site Plan. >

Response 154. Refer to Responses 33, 151, 152 and to page 18 last paragraph DEIR.

Response 155. Refer to Response 34.

Response 156. Refer to Responses 34 and 41.

Response 157. Refer to Responses 16 and 34.

Response 158. Refer to Response 34.

Response 159. Refer to page 22, last paragraph, and Response 34.

Response 160. Refer to DEIR, page 10, 4th paragraph and page 56, 1st and 2nd paragraphs. Final grading for rehabilitation will be completed immediately after the completion of each phase with rehabilitation complete within one year.

Response 161. Refer to Figures 3 & 4 DEIR and Figures 3A & 4A included in this EIR and Response 143.

Response 162. Refer to page 19, paragraph 1 DEIR, Refer to Response 34 and 41.

Response 163. Refer to Response 26 and 36.

It is not clear what is meant by the County's past "track record" in connection with rehabilitation plans. Conditions in CUP's are enforced on a complaint basis by the Fresno County Department of Public Works and Development Services. The Department routinely investigates the validity of complaints made concerning violations and is the enforcement agency that brings about the resolution of said complaints through negotiated settlement or court action, where necessary. Appropriate actions can also include proceedings to revoke the CUP. The enforcement mechanisms that exist are adequate to deal with any future problem that might occur in connection with the conditions in this application.

Response 164. There is no statement in the DEIR that noise will be reduced in comparison to agricultural production.

Response 165. Water trucks are necessary to minimize any potential dust problems.

Response 166. Similar operations on the San Joaquin River include agriculture adjacent to excavation areas. As long as water trucks are used in the excavation areas and on haul roads, impacts have been minimal. Certain agricultural operations (i.e. discing, harvesting of almonds) associated with existing vineyards and orchards create considerable amount of dust periodically throughout the year.

Response 167. Conditions of approval for Lone Star's CUP's 367 and 2032 require dust to be minimized within standards by the use of water and water trucks.

Response 168. Refer to Response 82.

Response 169. Refer to page 30 last paragraph DEIR, for example illustrated.

Response 170. The combined effect of the existing noise environment with project noise have already been included in the addendum to the noise analysis contained in Appendix F of this Final EIR.

Potential project-generated noise levels were combined with existing ambient conditions identified in Figures 6 and Tables 2 and 3, DEIR, to reach the estimated noise level contours

identified in Figure 8, DEIR.

Response 171. Refer to Response 170.

Response 172. Refer to Response 26 and 36.

Response 173. The County currently has no plans to acquire or request dedication of the property for public use.

Response 174. Berms are proposed to be landscaped.

Response 175. Yes. Refer to page 10, 4th paragraph DEIR.

Response 176. Comments noted.

Response 177. Comments Noted.

Response 178. Refer to Response 34.

Response 179. Obviously, farming will not continue on that portion of the phase which is being excavated. Sufficient overburden exists on the 20% of the 1st phase to provide sufficient material for all proposed berms. Refer to Response 140.

Response 180. Refer to page 6, paragraph 3 DEIR.

Response 181. None anticipated.

Response 182. Mineral extraction, specifically sand and gravel operations, are included as one of the multiple-use "open space" uses in the River Influence Policies of the Fresno County General Plan.

Response 183. Refer to Response 22.

Response 184. Refer to Response 22.

Comment noted. The Draft EIR prepared in connection with this project has been supplemented to include a discussion of the environmental impacts that are entailed in connection with the processing of Beck material at the existing Lone Star plant. The supplemental EIR has been circulated for public review in compliance with CEQA regulations.

APPENDIX F

ADDENDUM

ENVIRONMENTAL NOISE ANALYSIS

BECK RANCH EXCAVATION PERMIT
FRESNO COUNTY, CALIFORNIA

Prepared for

BUADA ASSOCIATES
6353 N. Blackstone Avenue
Fresno, California 93764

Prepared by

BROWN-BUNTIN ASSOCIATES, INC.
Visalia, California

June 9, 1986

(Revised February 6, 1987)

BBA

Figure 4 has been prepared to illustrate the extent of worst-case project-related noise impacts with the proposed berms in place, assuming that excavation activities occur between the hours of 6:00 a.m. and 6:00 p.m. and that excavation and loading equipment could operate within 50 feet of the property line. The L_{dn} 60 dB contour shown in Figure 4 is representative of the extent of land area potentially impacted by noise levels exceeding the land use compatibility criterion of the Fresno County Noise Element for noise-sensitive land uses. The L_{max} 65 dBA contour shown in Figure 4 indicates areas where noise levels from project-related sources could exceed the maximum allowed by the Fresno County Noise Ordinance during the nighttime (10:00 p.m. - 7:00 a.m.) hours. Also shown in Figure 4 are the 60 dB L_{dn} contour for existing traffic on Friant Road and a shaded area which represents the cumulative noise exposure for both roadway and excavation sources on any one day while excavation is occurring at the location indicated by the dot.

It should be noted that the noise impacts depicted by Figure 4 would only occur for a relatively brief period of time at any one location as the excavation process moves through the various phases. The noise level data and distances to noise exposure contours summarized in Tables IV and V may be used to estimate worst-case noise exposure at any given location after 10-15 dB have been subtracted to account for the presence of a berm if applicable. An example of this is the residence located behind the store near the entrance to Lost Lake Regional Park, which is approximately 175 feet from the center of the closest acre proposed for excavation. Based upon information contained within the "Operational, Phasing and Rehabilitation Plan" prepared by the project operator, excavation activities on any one acre would occur for approximately 12-13 days. During that time period, typical noise levels as defined by L_{dn} , L_{50} , and L_{max} would be approximately 56 dB, 55 dB and 70 dBA, respectively, after subtracting 15 dB for the presence of the berm. Noise exposure would be less before and after the closest acre is excavated.

From the above discussion and Figure 4 it is apparent that noise levels may exceed the requirements of the Fresno County Noise Ordinance and Noise Element on a temporary basis at residences located relatively close (within approximately 500 feet) to the excavation area. One way to reduce such temporary impacts would be to prohibit excavation activities within 500 feet of an existing residence between 6:00 a.m. and 7:00 a.m. It is estimated that noise levels would still exceed the ordinance standards in some categories by up to 5 dB (L_{50}) although such a restriction would represent a significant form of mitigation. Figure 5 has been prepared to show the maximum extent of worst-case noise exposure with excavation hours limited to 7:00 a.m. - 4:00 p.m. Also shown in Figure 5 are the expected cumulative noise impacts for both roadway and excavation sources on any one day when excavation activities

Figure 4

Project-Related Noise
Levels: Hours 6:00 a.m.
to 6:00 p.m.

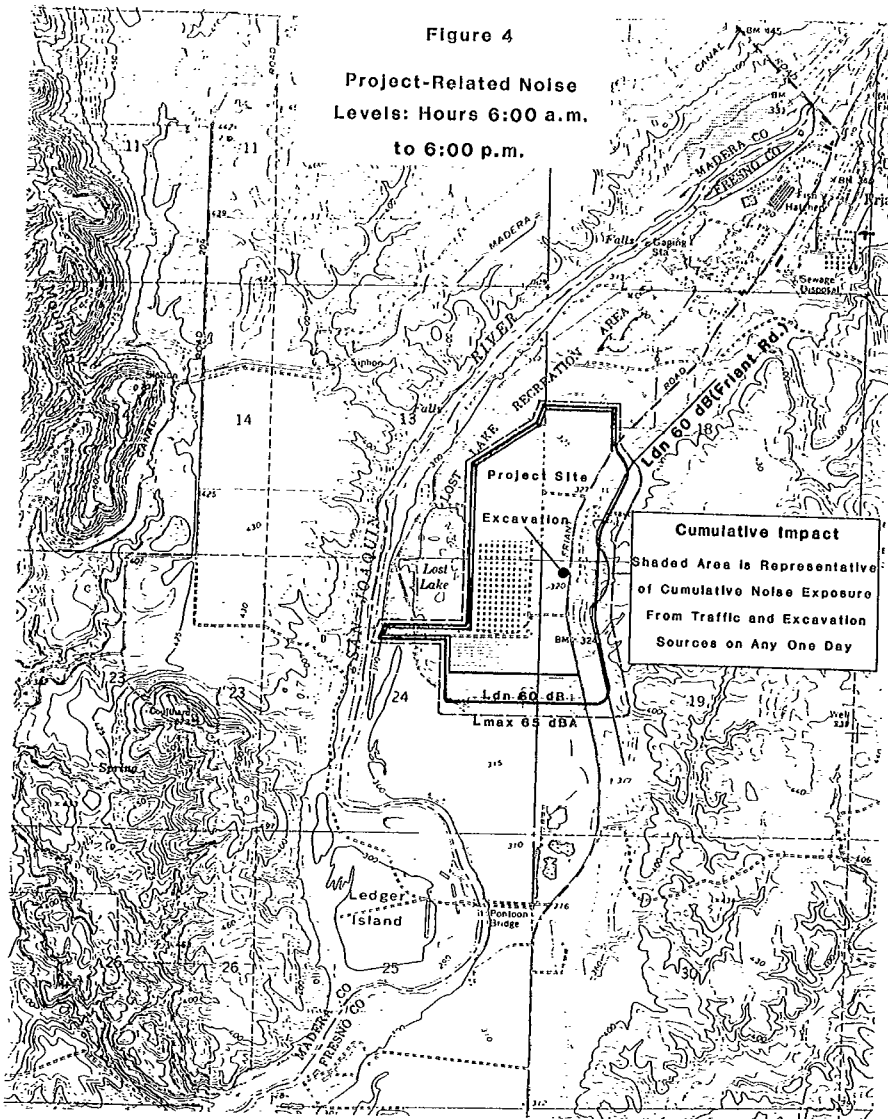
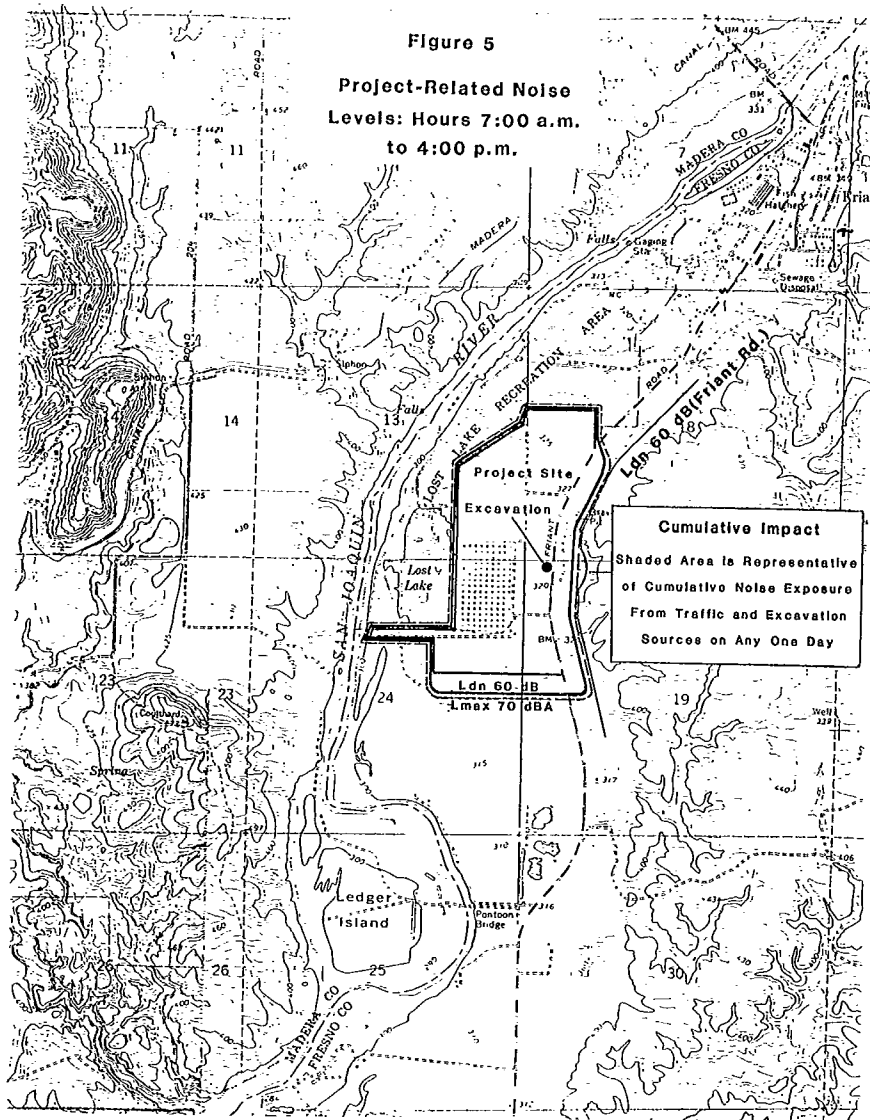


Figure 5

Project-Related Noise
Levels: Hours 7:00 a.m.
to 4:00 p.m.



are occurring at the location indicated by the dot. Another factor to be considered is that project-related noise levels along the bluffs will be reduced significantly if the affected residence is located behind the edge of the bluff where line-of-sight to the noise source is interrupted. Also, existing traffic on Friant Road generates noise levels which are comparable in many instances to project-related noise levels in this area. Due to shielding by the proposed berms and the topographical relationship between the project site and the area west of the site, project-related noise levels exceeding the County standards would not be expected in Lost Lake Regional Park.

Of special concern to Fresno County are the possible effects of project-related noise levels on wildlife in the Lost Lake Regional Park Nature Trail area. Although documentation in available literature is sadly incomplete, research has identified potential effects including masking of auditory signals, behavioral changes and physiological reactions. According to research published by the U.S. Environmental Protection Agency (Reference 1), most studies have involved the use of laboratory animals and noise levels which are significantly louder than those expected from project-related activities.

Behavioral changes in wildlife have been observed in the field for different types of animals with greatly variable results. Concerning birds, studies of methods to repel starlings indicated a lack of sensitivity to high noise levels unless they were repeated in close succession. Other studies have shown that adult condors are very sensitive to noise, and abandon their nests when disturbed by sonic booms, blasting, or even traffic noise. Studies concerning the effects of noise on waterfowl were not discovered in the process of researching available references.

Based on the topographical relationship and distance between the Lost Lake Regional Park Nature Trail area and the project site and the location of proposed berms, it is unlikely that project-related noise levels will be a factor in the trail area. Measurements of existing ambient noise levels in the trail area indicate that existing noise sources probably generate noise levels which exceed those expected from project-related activities. Until more definitive research has been completed which identifies levels at which adverse effects occur for different wildlife species, it is not possible to objectively evaluate such project-related impacts.

Reference 1. U.S. Environmental Protection Agency, Public Health and Welfare Criteria for Noise, July 1973.

CONCLUSIONS

Noise levels from the proposed Beck Ranch sand and gravel excavation operation have been evaluated based upon a comparison of project-related noise levels to the criteria of the Fresno County Noise Element of the General Plan and the Fresno County Noise Ordinance. Based upon noise level data obtained for the existing Lone Star Industries excavation/loading operation and proposed hours of operation, the proposed excavation/loading operation would not generate noise levels in excess of Fresno County standards in Lost Lake Regional Park. Project-related noise levels could exceed Fresno County standards on a temporary basis at existing homes located east of the project site. Such impacts would be minimized by the proposed 15 foot berm along the eastern property line near the store at the entrance to Lost Lake Regional Park. Impacts could be further reduced by restricting hours of operation in the vicinity of existing homes. It should be noted that existing homes located east of the project site near Friant Road are presently exposed to noise levels from traffic comparable in intensity to estimated levels from the project. Also, the noise levels presented in this report are worst-case estimates based upon the operation of excavation and loading equipment within 50 feet of the property line. While excavation activities are occurring near the eastern edge of the project site, cumulative noise levels from both traffic and excavation sources would exceed present traffic noise levels by a maximum of 1.7 (7:00 a.m. to 4:00 p.m. operation) to 2.7 (6:00 a.m. to 6:00 p.m. operation) dB, L_{dn} at approximately 500 feet from the center of Friant Road. As the excavation/loading process progresses through the various phases of the project, noise impacts at specific noise sensitive receivers will be reduced. Annual average noise levels would not be expected to exceed applicable Fresno County noise standards at any location near the project site.



County Counsel

Max E. Robinson
County Counsel

September 25, 1986

E ROBERT WRIGHT ESQ
THOMAS SNELL JAMISON RUSSEL & ASBERGER
2445 CAPITOL STREET
PO BOX 1461
FRESNO CA 93716

Re: Draft EIR for Beck Ranch
Conditional Use Permit 2235

Dear Mr. Wright:

This is to confirm notification made to you by the Fresno County Department of Public Works and Development Services that your September 12, 1986 request to extend the comment period in the above-referenced matter will not be granted. In your September 12 letter you raised various points which you feel necessitate delaying the processing of the Draft Environmental Impact Report for CUP 2235. Our response to your concerns are as follows.

First, you indicate that since the applicant has not requested that existing CUP 2172 be rescinded, the present processing of the Draft Environmental Impact Report on CUP 2235 must be suspended. We disagree.

The applicant is presently processing a new CUP for a project different from that contemplated by CUP 2172. This is allowed under County regulations and is in accordance with same. Further, as the applicant's attorney indicated to you in his July 3, 1986 letter, they will agree that approval of CUP 2235 will automatically supercede CUP 2172. This seems reasonable. I fail to see how my letter to you on June 17, 1986 (to which I never received a response) can be interpreted to require a suspension of the processing of the Draft EIR on CUP 2235. In any event, it does not appear that the mere existence of CUP 2172 requires a halt to processing of the EIR.

Next, you state that the Draft EIR contains two volumes, the second of which was not distributed. The so-called second volume consists of technical data which, under section 15147 of the CEQA guidelines, need not be distributed.

Assistants: Thomas J. Rigg, James G. Waterman
Chief Deputy: J. Wesley Merritt
Senior Deputies: John E. Stutser, Michael E. Smith

Deputies: John F. Duffy, Philip M. Jay, Jeffrey L. Kuhn, Cynthia J. Manzer,
Vincent J. McGraw, Nancy I. Smith, Donald D. Stehensen, Jr.,
Pamela A. Stone, Howard K. Walkina, Georgia L. York

- 2220 Tulare, Suite 121/P.O. Box 1548/Fresno, California 93716/Phone (209) 486-3478
- 2514 Mangrove Street, Fresno, California 93721/Phone (209) 486-3704
- 2220 Fresno Street, Fresno, California 93721/Phone (209) 486-3101

Page Two
E. Robert Wright, Esq.
Re: Draft EIR for Beck Ranch
CUP 2235
September 25, 1986


It only has to be made readily available to interested parties. In addition, our records indicate that you were, in fact, mailed a copy of the technical data. This does not seem to warrant an extension of the comment period.

Finally, we do not agree with your contention that the Draft EIR in this project is unusually complex, thus requiring an extension. The 45-day comment period allowed on the Draft EIR is consistent with past County practice. In fact, there have been more complex projects than this processed by the County with a shorter comment period and no significant problems were encountered. Most of the issues involved in this CUP do not appear complex and have been discussed at various public hearings and commented on at length in connection with previous applications. We are confident that you will timely file your comments on the Draft and that the comments will be complete.

For the above reasons, we concur with the Department that an extension of time does not appear to be warranted based on the reasons outlined by you. If you wish to discuss this matter further or feel there are other concerns you wish to raise that are not contained in your recent letter, do not hesitate to give me a call.

Very truly yours,

MAX E. ROBINSON
County Counsel


By PHILIP M. JAY
Deputy County Counsel

PMJ:ssj
cc: Sharon Berg, Public Works
& Development Services
9262j

File # 7512

FINAL
SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT

LONE STAR
PROCESSING PLANT
CU 2241 EA 3174

BECK RANCH
SAND AND GRAVEL PERMIT
CU 2235 EA 3157

JUNE 1987

FRESNO COUNTY DEVELOPMENT SERVICES DEPARTMENT

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PREFACE

This document, together with the Supplemental Draft EIR (DEIR) published in April 1987, constitutes the final Supplemental EIR for the proposed Beck Ranch Sand and Gravel Permit and the processing of Beck Ranch materials by the existing Lone Star Processing Plant. Appendix G contains a list of persons receiving a copy of the Supplemental DEIR and list of persons receiving notification of the availability of the Supplemental DEIR; Appendix H contains written comments received from persons, organizations and agencies responding to the Supplemental DEIR; Appendix I contains responses of the lead agency to the comments received on the Supplemental DEIR.

Issues pertinent to the excavation of sand and gravel from the Beck Ranch are discussed in the Beck Ranch DEIR and Final EIR. Issues pertinent to the transportation of that material to the existing Lone Star Processing Plant and the processing of that material are contained in the Supplemental DEIR and this Final Supplemental EIR. Comments received on the Supplemental DEIR for which answers are contained in Beck Ranch DEIR or Final EIR are referenced herein to those documents.

INTRODUCTION AND SUMMARY
REVISED

This Environmental Impact Report (DEIR) has been prepared to assess the potential environmental impacts of the proposal by Stephen Beck, property owner, to have Lone Star Industries process sand and gravel resource materials excavated from the Beck Ranch. This assessment is based on a review of the project plans, review of existing county and other government agency permits; consultation with the operator; evaluation of technical data prepared for the project site and on-site surveys of the property and surrounding land uses.

In accordance with the scope of work approved by Fresno County and the Initial Study, the DEIR focuses on the relationship of the proposed project to riparian water rights, groundwater quality, air quality, noise, traffic, recreation, and aesthetics. The County has determined that the project will not have significant impacts on other resources including earth, plant life, animal life, land use, population, public services, energy, utilities, and archaeology.

Buads Associates was assisted by the following consultants and subcontractors in preparing the DEIR.

- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic.

The Lone Star site is located in the San Joaquin Riverbottom area on the west side of Friant Road just north of its intersection with Willow Avenue (Figure 1). The San Joaquin Riverbottom area has historically been used for farming and is the primary source for sand and gravel resources in the region. The plant site is part of the property known as the Ball Ranch which has been used as a sand and gravel excavation and processing site since the mid-1920's (Figure 2). The bulk of the sand and gravel resources have been depleted. Some material suitable for road fill remains for current and future use. Mature riparian vegetation has grown up around the ponds and the ranch has developed over the years into a prime fishing and wildlife area due to the efforts of the Ball family. Lodger Island, 1 mile to the north on the Madera County side of the river, is a recent rehabilitated sand and gravel site, excavated by Lone Star Industries.

The processing plant facility and the Ball Ranch excavated site are governed by CUP 367 issued in 1960. In 1985, in a settlement with Fresno County, property owned by Lone Star Industries adjacent to the Beck Ranch was approved for excavation

under CUP 367, and an adjoining 150 acre site immediately to the south was approved for excavation under CUP 2032. Together these two parcels form Lone Star's existing excavation site, Figure 1. As part of the terms of the settlement, the plant was restricted to processing material from CUP's 367 and 2032 only.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors for the Beck Ranch. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several landowners adjacent to the Beck Ranch challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant on the Beck Ranch. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. A DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predated CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining on the San Joaquin River. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental EIR was necessary to evaluate impacts to the Lone Star plant relating to the processing of materials from the Beck Ranch. This Supplemental EIR was required to be filed before the Beck Ranch application could be heard by the Planning Commission.

The remaining issues to be resolved by this Supplemental EIR include: impacts to mineral resources; alleged unauthorized use of San Joaquin River water; potential contamination of ground and surface water during recovery of gold; potential intensification of existing noise impacts; potential increases in truck traffic and impacts to recreational travel; visual impacts; and cumulative impacts relating to processing resource from the Beck Ranch. Impacts to Lost Lake Park have been evaluated in the Beck Ranch EIR.

A choice remains to be made between the project with its continuation of existing impacts from the plant; no project which may potentially cause the plant to close before the end of its existing permit, and lead to the potential permanent loss of the resource material from the Beck Ranch due to the future encroachment of additional uses incompatible to resource recovery; expansion of the Beck Ranch project to include an on-site processing plant which would increase project impacts to Lost Lake Park and the surrounding area and increased truck traffic; or an alternative location for the processing of Beck Ranch materials at another existing processing plant which would increase product cost by increasing haul distances and would increase truck traffic impacts over more miles of County roads.

If the project develops as proposed, certain environmental impacts may occur:

1. MINERAL RESOURCES: Complete excavation of the mineral resources on both excavation sites may not occur. Under optimal conditions for the entire life of the plant, 10 years, an estimated 4.5 million tons will not be recovered. Under fluctuating market conditions, an estimated 8.9 million tons of material may not be recovered. Unrecovered resources will be permanently lost after the expiration of the current permit for the plant unless a new permit is acquired.

Mitigation:

- o A provision could be included to allow one or two 5-year extensions of CUP 367 at the end of the present permit period, 2005, subject to review by the Planning Commission for compliance with conditions and to evaluate changes in surrounding land use.

2. WATER: A larger volume of water may be used over the life of the plant. Peak usage based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than

160 truckloads per day could be transported to the Lone Star plant.

3. AIR QUALITY: A large quantity of emissions may occur over the life of the plant. Peak emissions, based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads per day could be transported to the Lone Star plant.

4. NOISE: Ambient noise levels will continue to include plant and truck noise for the duration of the permit.

Mitigation:

- o The use of rubber-liners in the hoppers, rubber-coated screens, and the placement of a berm next to the core crushers can help reduce existing noise levels.

5. TRAFFIC: The presence of haul trucks on this stretch of Friant Expressway would continue for the life of the plant permit, 18 years, which would be longer than if the plant were forced to close earlier due to lack of materials to process. The maximum truck trips per day would remain at existing levels.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads per day could be transported to the Lone Star plant.
- o Additional warning signage should be posted north of the plant entrance.
- o Visibility of the plant intersection could be improved by the removal of the north portion of the landscaping along Friant Road.

6. AESTHETICS: The plant facility will continue to be visible from the bluffs and from Friant Expressway.

Mitigation:

- o None available.

7. LOST LAKE PARK: Impacts to recreational use of Lost Lake Park were identified in the Initial Study. Lost Lake Park

is approximately 2 miles away and impacts from the existing processing operation are not apparent. Continuation of processing will not create any significant impacts to the Park. Significant impacts to the Park will occur from the excavation of materials from the Beck Ranch and have been evaluated in the Beck Ranch EIR.

Mitigation:

- o Refer to Beck Ranch EIR.

APPENDIX G
NOTIFICATION

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Thomas, Snell, Jamison, Etc.
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Stanley G. Kooyumjian
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San Joaquin River Comm.
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Clary Creager
12245 Old Friant Road
Fresno, CA 93706

Jim Wolfson
Cal. Regional Water Qual. Cont.
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Fresno, CA 93726

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Fresno, CA 93721

Politi Branch Library
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Fresno, CA 93710

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John Beyer
U.S. Soil Conservation Service
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Fresno, CA 93721

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Tollhouse, CA 93667

Friant Union Elementary School
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Friant, CA 93626

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Fresno, CA 93721

Al Solis, City of Fresno
Development Department
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Fresno, CA 93721

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Madera, CA 93637

Hal Tokmakian
Department of Urban/Regional
Planning, CSUF
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Fresno, CA 93791

Friends of Friant
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Friant, CA 93626

Fresno Cycling Club
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Fresno, CA 93773

Steve Magarian
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Fresno, CA 93721

Air Pollution Control District
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Fresno, CA 93755

W.B. Parlier
CALTRANS
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Fresno, CA 93778

George Nokes
Cal. Dept. of Fish & Game
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Fresno, CA 93710

State Dept. of Water Resources
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Fresno, CA 93726

Permitting Unit, Toxic Sub.
Regional Office, N. Cal.
1250 Power Inn Road
Sacramento, CA 95826

Resource Agency
Division of Mines & Geology
1416 N. Street, Room 1341
Sacramento, CA 95814

Mid Valley Fire Protection
210 S. Academy
Sanger, CA 93656

Michael Bordenave
Sierra Association for Env.
1771 Circle Drive West
Fresno, CA 93704

Pauline Getz
P. O. Box 9489 G-2
Fresno, CA 93792

Peggy Smith
4610 Rowell
Fresno, CA 93726

State Health Department
5545 E. Shields
Fresno, CA 93727

State Reclamation Board
1416 9th Street, Room 455-6
Sacramento, CA 95814

Jeffrey Roberts
5477 N. Fresno
Fresno, CA 93710

Recreation & Wildlife Commission
c/o Parks & Recreation
Attn: Ken Takeuchi
Stop # 10

APPENDIX_H
COMMENTS_RECEIVED

The following persons, organizations, and public agencies submitted comments on the Supplemental Draft EIR.

- A. State Office of Planning and Research, David D. Nuenkamp
- B. Bureau of Reclamation, U. S. Department of Interior, Forrest Coleman.
- C. Fresno County Public Works & Development Services Department, Henry Griffin
- D. Planning Division, Fresno County Public Works and Development Services Department, Charles Seitz
- E. San Joaquin River Committee, Clary Cresger
- F. Fresno County Public Works and Development Services Department, Harris Hays
- G. Friends of Friant Area; Thomas, Snell, Jamison, Russell & Asperger; E. Robert Wright

OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO, CA 95814



Sharon Berg
Fresno County
449 E. Kings Canyon
Fresno, CA 93702

May 21, 1987

Subject: Lone Star Processing Plant - CUP 2241; EA 3174
SCH# 86051210

Dear Ms. Berg:

The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call Peggy Osborn at 916/445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

A handwritten signature in cursive script, appearing to read "David C. Nunenkamp".

David C. Nunenkamp
Chief
Office of Permit Assistance



IN REPLY
REFER TO: PRO-428
710.

United States Department of the Interior

BUREAU OF RECLAMATION
MID PACIFIC REGION
FRESNO OFFICE (CVP)
FEDERAL BUILDING, ROOM 2215
1130 "O" STREET
FRESNO, CALIFORNIA 93721

RECEIVED

MAY 12 1987

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

MAY 11 1987

Ms. Sharon Berg,
Staff Analyst III,
County of Fresno, Public Works
and Development Services Department
4499 East Kings Canyon Road
Fresno, California 93702

Dear Ms. Berg:

Subject: Comments on the Draft Environmental Impact Report
for Lone Star Processing Plant--Proposed
Conditional Use Permit No. 2241, Environmental
Assessment No. 3174, Review and Comment

This office has reviewed the subject document and proposed action
and does not have any comments.

Thank you for the opportunity to respond. Should you have any
further questions, please contact Rosalie Faubion of our staff,
at (209) 487-5138.

Sincerely,

Rosalia A. Calaman

For BURKE GILES
Project Engineer
FRESNO OFFICE

2

County of



Inter Office Memo

Date: May 12, 1987
To: Sharon Berg
From: Henry Griffin
Subject: CUP 2241, EA 3174

RECEIVED

MAY 13 1987

COUNTY OF FRESNO
PUBLIC WORKS & DEVELOPMENT SERVICES DEPT

EA 3174

No comments.

CUP 2241

1. Friant Road is classified as an expressway with 60' of R/W existing.
23' of additional R/W is needed across this parcel.

3

HG:jg

PC-9 (8/80)

DATE: May 19, 1987

TO: Sharon Berg, Staff Analyst III
Development Services

FROM: Charles Seitz, Staff Analyst III
Planning Office

SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE LONE STAR PROCESSING PLANT (CONDITIONAL USE PERMIT NO. 2241, ENVIRONMENTAL ASSESSMENT NO. 3174) AND BECK RANCH SAND AND GRAVEL PROJECT (CONDITIONAL USE PERMIT NO. 2235, ENVIRONMENTAL ASSESSMENT NO. 3151)

The County has received a proposal for a residential community on the property adjacent on the north to the Lone Star plant (Ball Ranch Specific Plan). It has not yet been accepted for processing, but would include 721 homesites, a golf course with club house, and a 80 unit multi-family complex. Approval of using the Lone Star plant for processing material from the Beck property could result in conflicts between the two proposals, if both projects were approved. Both projects have Draft Environmental Impact Reports prepared for them, but this Environmental Impact Report does not identify the potential impacts.

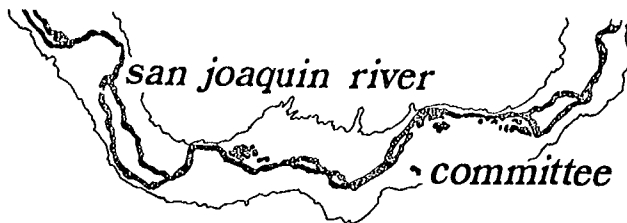
CS:ah
6566C-14

DATE: May 19, 1987
TO: Sharon Berg
FROM: Harris Hays *HH*
SUBJECT: DEIR - Beck Ranch/Lonestar

It is proposed that Lonestar will extract material at the Beck Ranch (CUP 2235) and temporarily abandon existing material extraction operations covered by CUP 367 and 2032. If this occurs, material would not be extracted from these sites for a period of more than two years. It, therefore, could be concluded that with cessation of the extraction for a period of two years or longer, based on Section 873 of the Zoning Ordinance, there would be no right to return to these sites and extract material after the completion of the extraction on the Beck Ranch. Further, Section 858 requires that rehabilitation of each working phase must be completed within three years of commencement of extraction from any phase of the site. Based on these two Zoning Ordinance provisions, it would appear that the project could not function in compliance with the proposed method of operation and retain the right to extract on the two previously approved CUP sites. In order to address this problem, all three sites should be included within one master site plan that includes phasing, timing, progression of extraction, and rehabilitation of the three properties. The master site plan must conform with all conditions of approval of each CUP, and the approved rehabilitation plans. It is recognized that the sequence of timing of the extraction and rehabilitation will be different than stated within the CUP's. The master site plan must comply with the time frames of expiration of the approved CUP's. County Counsel has determined that if a condition is imposed on CUP 2235 that requires a master site plan approved by the Department subject to the above-mentioned conditions, then the operator would preserve his right to extract on the three sites during the life of these CUP's.

4A

HH:jw
1614K



May 18, 1987

Sharon H. Berg
Fresno County Public Works
and Development Services
4499 East Kings Canyon Road
Fresno, CA 93702

RESPONSE TO SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT
Lone Star Processing Plan - CU 2241 EA 3174
Beck Ranch Sand and Gravel Permit - CU 2235 EA 3157

Dear Ms. Berg:

1. CEQA requires, "the DEIR shall be prepared directly by or under contract to the lead agency". (Section 15084 [a] CEQA, June 1986). This draft has been prepared by Buada Associates under contract to the applicant. CEQA also requires, "before using a draft prepared by another person, the Lead Agency shall subject the draft to the agency's own review and analysis. The DEIR which is sent out for public review must reflect the independent judgment of the Lead Agency". (Section 15084 [e], CEQA, June, 1986).

The DEIR says on page 2 that after reviewing the response to the comments, the County determined that a supplemental DEIR was necessary. Who prepared the response to the comments? It is not clear what is the County's role in the preparation of, review of, and comments on the Beck Ranch Draft EIR or this supplemental Draft EIR for Lone Star Processing Plant. 5

The DEIR goes beyond a description of the Mineral Resources of the site to justify the project economically. The author of the DEIR is biased and an advocate for the project. The lead agency has no control over the document's advocacy. The DEIR is not objective and in violation of CEQA requirements. The DEIR process should be terminated and reconsidered under procedures which comply with CEQA.

2. The argument under Alternatives, No Project, that the Lone Star plant will close without the Beck Ranch site CUP now does not address the Fresno County General Plan amendment 245 designating the Beck Ranch as HRZ 2, (Mineral Land Classification, Aggregate Material in the Fresno Production-Consumption Region, 1986, Special Report 158) or Section 3.03 of the 6

H-6

2135 FRESNO STREET • SUITE 219 • FRESNO, CA 93721 • (209) 268-8683

Mineral Resources Regulation of Fresno County which says that within areas designated as having known mineral resources uses not compatible with mineral resource recovery shall not be permitted.

What are the "inherently incompatible uses" in the area referred to at the top of Page 43? No mention has been made of these uses in the preceding sections of the DEIR.

3. The compound issue of disruption of wildlife habitat on two sites, the Beck Ranch and the two Lone Star Excavation Sites is an issue that was not addressed in the Beck Ranch DEIR nor in this supplemental DEIR. When both sites are disrupted and no one in a final state of rehabilitation, wildlife must seek other areas for forage and refuge. The cumulative effect of these disruptions of the habitat crowd other habitats and push other wildlife out of habitat. 7

4. The Project Description does not address the reason for mining the Beck Ranch first, instead of completing the extraction at the existing Lone Star site. Two mining sites and two areas of disrupted lands will be impacts on the environment simultaneously for a possible total of 28 years. A mitigation measure not identified under impacts on Aesthetics is the completion and rehabilitation of Lone Star's existing excavation site prior to commencing disruption of the lands at Beck Ranch. 8

5. The Project Description is vague in reference to the present Lone Star excavation site. Is that site the parcel of land governed by CUP 367 or CUP 2032 or both? The Project Objectives, II, B. paragraph 2, page 8, says that excavation on the existing Lone Star site during this period would take place only if certain "materials in demand" at a "point in time" were not "readily" available from the Beck Ranch. (Quotations ours) It is possible that the existing excavation site and Beck Ranch could be mined simultaneously for a long period of time. The DEIR does not address the impacts of that condition. 9

6. The DEIR on page 13 explains that the production output at the Lone Star processing plant is determined by two factors; market demand and plant capacity. The Draft EIR goes on to say under impacts that Lone Star does not intend to increase plant capacity. Under mitigation measures for impact on Water, Air Quality, and Noise the proposal by the applicant not intending to increase production or excavation capacity is not enforceable. 10

7. While the number of trucks hauling resources from Beck Ranch to the Lone Star Plant may remain the same as without the project, the hauling distance is longer and trucks will remain on the road for a longer period of time. The DEIR does not address the exposure of traffic to a longer period of truck traffic. 11

Sharon Berg
Fresno County Planning
May 18, 1987
Page 3

The mitigation measure for impact on water usage on page 5 of the DEIR does not specify whether the 180 truckloads is daily, weekly or monthly. Limiting the number of truckloads is an uncontrollable and unenforceable mitigation measure in Fresno County.

8. According to Item 28(a) of the contract of United States with the property owners and the successors of interest, the water so used (for industrial purposes in connection with the processing of rock, sand, and gravel) is to be returned to the River free of pollution and/or contamination. Is the evaporation of water directed from the river an unentitled taking? 12

9. Is the cessation of excavation for more than two years under CUP 367 or CUP 2032 a condition under which the CUP's can be revoked? (Fresno County CUP Procedures, Section 873 -J, page 461). If the phase plans and reclamation plans for CUP's 367 and 2032 are not timely, is that not cause to revoke the CUP's? (Section 873, CUP Procedures). 13

10. CUP 367, Site B, never has permitted the chemical processing of gold, although the DEIR says on page 11 that mercury was previously used. Although the Water Control Control Board determined in 1981 that a permit was not needed, this application for revision of permit is reason to require inspection of the gold chemical processing location on site for mercury residues, and to test ground water at that location for mercury. 14

Sincerely,

Clary Creager
CLARY CREAGER,
President

CC:ms
L1EE4

FRIENDS OF FRIANT AREA,
RICHARD BARTELS, R.L. NEAL, STANLEY G. KOOYUMJIAN

COMMENTS
On Supplemental Draft Environmental Impact Report
For Lone Star Processing Plant,
Conditional Use Permit #2241,
Environmental Assessment #3174; and Beck Ranch,
Sand and Gravel Permit, Conditional Use Permit #2235,
Environmental Assessment #3157

TO: MS. SHARON BERG
Staff Analyst III
County of Fresno
Public Works & Development
Services Department
4499 East Kings Canyon Road
Fresno, California 93702

May 19, 1987

E. Robert Wright, Esq.
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Telephone: (209) 442-0600

Attorneys for Friends of
Friant Area, et al.

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THOMAS, SNELL, JAMISON, RUSSELL AND ASPERGER

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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May 19, 1987

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DONALD W. JAMISON, OF COUNSEL
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Ms. Sharon Berg
Staff Analyst III
County of Fresno
Public Works & Development
Services Department
4499 East Kings Canyon Road
Fresno, California 93702

Re: Comments On Supplemental Draft
Environmental Impact Report For Lone
Star Processing Plant, Conditional Use
Permit #2241, Environmental Assessment
#3174; and Beck Ranch, Sand and Gravel
Permit, Conditional Use Permit #2235,
Environmental Assessment #3157

Dear Ms. Berg:

These comments on the above-referenced draft EIR, are submitted on behalf of Friends of Friant Area, an unincorporated association, and Richard Bartels, R.L. Neal, and Stanley G. Koooyumjian, all of whom reside in the immediate vicinity of the proposed project. The above organization and named individuals, object to the approval of the project, on the grounds set forth herein, and in their incorporated comments.

THE SCOPE OF THE EIR HAS BEEN
ILLEGALLY LIMITED TO THE LONE STAR
PROCESSING OF MATERIALS FROM THE BECK RANCH

The project consists of two major aspects. The permit sought would allow the sand and gravel extracted from the Beck property to be processed at the Lone Star plant and would also extend the life of Lone Star's existing permit to process materials from its own property (conditional use permits 367 and 2032) from the year 2005, to the year 2015.

A. The Scope Of The Draft EIR Is Illegally Limited To The Lone Star Aspects Of The Project

The "whole of the action" obviously includes the extraction of materials from the Beck property, as well as the

Ms. Sharon Berg
May 19, 1987
Page 2

processing of materials on the Lone Star property. Neither activity could take place without the other. Numerous cumulative and interrelated impacts and activities are included, beginning with the transportation of the materials extracted from the Beck property, to the Lone Star property for processing.

The California Environmental Quality Act (CEQA) defines "project" broadly, to mean "the whole of an action". Guideline Section (14 Cal.Admin.Code) §15378(a).

Further,

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval. Section 15378(c).

CEQA, The California Supreme Court has held that under

...environmental considerations do not become submerged by chopping a large project into many little ones--each with a minimal potential impact on the environment--which cumulatively may have disastrous consequences. Bozung v. Local Agency Formation Commission, 13 Cal.3d 263, 283-84 (1975).

Similarly, CEQA's requirements,

'Cannot be avoided by chopping up proposed projects into bite-size pieces' which, when taken individually, may have no significant adverse effect on the environment. Christward Ministry v. Superior Court, 180 Cal.App.3d 99, 113 (1986).

In a decision directly on point, the court held in Citizens Association For Sensible Development Of Bishop Area v. County Of Inyo, 172 Cal.App.3d 151, 166-167 (1985), that a county had abused its discretion, stating,

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The division of the shopping center project into two parts constituted an abuse of discretion by the lead agency... This approach is inconsistent with the mandate of CEQA that a large project shall not be divided into little ones because such division can improperly submerge the aggregate environmental considerations of the total project.

The court added that,

The danger of filing separate environmental documents for the same project is that consideration of the cumulative impact on the environment of the two halves of the project may not occur. 172 Cal.App.3d 151, 166.

Here, it is necessary to prepare a new draft EIR on both parts of the overall project, and to allow circulation and public comment upon that one EIR covering all parts of the overall project. The division of the overall sand and gravel extraction and processing project into two parts constitutes 15
flagrant and deliberate disregard of CEQA's commands, since Friends of Friant Area already advised (comments on environmental assessment October 13, 1986, at pp.8-9), that one EIR would be necessary on all parts of the overall project. (Those comments are later adopted and incorporated herein by reference, and are attached to these comments.)

B. The EIR Is Also Artificially And Illegally
Foreclosed From Considering The Current
Conditions And Effects Of The Lone Star Plant

The entire premise of the draft EIR, is that it is unnecessary to do anything other than to respond to each impact such as traffic, noise, or air quality by stating that since Beck materials will be processed instead of Lone Star 16
materials, there really are no additional impacts. In addition to the extremely serious deficiencies of this approach discussed below, this also disregards the County's comments on the environmental assessment. The County staff stated in clear terms:

The existing environmental conditions at the Lone Star site are largely unknown. Before amending the CUP, an EIR should be

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prepared to address current conditions on the site, compliance with conditions of CUP 367 and their effectiveness in mitigating impacts of the processing plant. It is difficult to assess the impacts of the processing plant operation without specific information as to exactly what conditions and impacts exist on the site. (Draft EIR, Appendix A, Initial Study, last unnumbered page.)

However, the EIR fails to address these issues raised by the County staff.

The false and conclusory assumptions of the draft EIR in this respect are true with respect to each and every environmental issue. Therefore, in view of the time constraints (addressed below), it is sufficient to take one of these impacts as an example of the deficiencies of the draft EIR with respect to all impacts. Air quality is discussed at pages 19-20. The discussion concedes that Fresno has been designated a non-attainment area for particulate matter and photochemical oxidants and that the metropolitan area has also been so designated for carbon monoxide. The plant generates particulate emissions, while the truck traffic generates the other pollutants as well. The draft EIR offers nothing, other than to state that "Lone Star does not intend to increase its production or excavation capacity", and could be limited to "no more than the 180 loads/day presently being transported from the existing Lone Star excavation site." (Draft EIR at 20.)

This is a new project, involving both a totally new project, and amendment of an existing permit. Accordingly, full CEQA compliance is necessary, and must assess the entire project, including the impacts of the existing Lone Star operation.

As has been previously pointed out, the project description has been improperly truncated, and the EIR fails to include an accurate, stable and finite project description.

An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR. ... Here, the selection of a narrow project as a launching pad for a vastly wider proposal frustrated CEQA's public

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information aims. The department's calculated selectica of its truncated project concept was not an abstract violation of CEQA. In formulating the EIR, the department...did not proceed 'in a manner required by law'. (\$21168.5) County Of Inyo v. City Of Los Angeles, 71 Cal.App.3d 185, 199-200 (1977).

The court continued by stating that it is only through an accurate view of a project that public decision-makers can weigh the project's environmental costs, and assess other alternatives, and also expressly stated that, "a curtailed, and enigmatic or unstable project description draws a red herring across the path of public input." 71 Cal.App.3d 198.

If Lone Star were abandoned, that would create a lower environmental base point from which to begin the environmental analysis. There is no known doctrine under CEQA by which one project somehow gets "credit" because of impacts caused by a similar project on adjacent or nearby property. On the other hand, if Lone Star is not abandoned (draft EIR at p.8 clearly contemplates continued use), then the EIR has failed to assess the impacts of doubling the potential excavation and processing

This approach also demonstrates flagrant disregard of CEQA's mandate, since Friends of Friant Area clearly pointed out this deficiency in their comments on the Beck Ranch draft EIR of September 24, 1986 (at p. 5).

Finally, the draft EIR is in these regards conclusory and self-serving, to the point of being in bad faith. The actual facts are that Lone Star now has a permit to extract and process materials from its own property. What is sought is to also be able to extract and process materials from the Beck property. In the absence of formal action vacating the existing Lone Star permits, and restoration of those properties, the claim that Lone Star materials would not be processed during the period that Beck materials would be processed, is nothing more than a false and absolutely meaningless project description. Since the Applicants are not seeking to vacate the existing Lone Star permits, and to restore the existing Lone Star excavation sites, it would be a gross abuse of discretion to approve these projects, prior to such binding and effective action.

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THERE IS NO NEED WHATSOEVER
FOR THIS PROJECT

The draft EIR concedes, and it will be shown below, that the overall project has a number of significant adverse environmental impacts. Accordingly, pursuant to CEQA, the project may only be approved if specific findings are made of economic, social, or other circumstances making alternatives, or mitigation measures infeasible.

Friends of Friant Area, in comments on the Beck draft EIR of September 24, 1986 (at pp.16-16a), referenced the 29 different Fresno and Madera County permits for mineral extraction in the area, identified in Volume I at page III-16 of the San Joaquin River Reconnaissance Study (June 1986). (These comments are later adopted and incorporated herein by reference, and are attached hereto.) Despite the earlier comment by Friends of Friant Area (at p. 17)--that the Beck "EIR fails to include any analysis of whether some of the sites previously approved have been abandoned, or not instituted. Any such lack of demand would, of course, further demonstrate the absence of any public need for this project..."--this EIR also fails to include any such analysis. There are a number of abandoned sites included among those listed, and this demonstrates the absence of any overriding circumstances justifying approval of this project, in the face of the adverse environmental impacts identified.

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Furthermore, this entire application and draft EIR themselves demonstrate the total absence of need at this time for the project. Lone Star itself just obtained permit 2032 in 1984, as well as extension of permit 367 following a settlement with Fresno County. The premise of the EIR (at pp.1, 8, 12-13, 14) that Lone Star would to some degree cease extracting materials under its recently reissued permits, to instead process materials for 15 years or so from the Beck Ranch until the Beck materials are depleted, and then return to process Lone Star materials is absurd. To take the EIR at face value, it concedes that there is no need for this project, since Lone Star sees no need to extract materials from its own properties for the next 15 or so years. Furthermore, it would be absurd planning on the part of the County to allow Lone Star to cease an existing use, and instead institute a new use on other property--the Beck property--creating totally new and unnecessary environmental impacts as a result of the switch. If the Lone Star

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properties are unsuitable for sand and gravel extraction, the permits should be vacated and the sites restored.

It is no answer to assert as does the EIR, that mineral resources are present in the San Joaquin River area and should be excavated. Sand and gravel operations have numerous adverse environmental impacts, and also require costly rehabilitation efforts. It makes no sense at all to have any more of these operations underway at one time than are necessary. Proper planning and concern for cumulative environmental impacts, requires that existing operations be kept to a minimum, with completed operations being rehabilitated, as new operations are commenced. Either the Beck 254 acres should be preserved from these impacts until such time as the Lone Star properties are excavated, or, the Lone Star properties should be restored if there is a valid reason for substituting the Beck properties.

In conclusion, it also should be noted that at page 8 of the EIR, references are made that under certain circumstances, excavation might also take place at the Lone Star site during the period that Beck materials are excavated. It must be recognized and assessed by the County, that the Applicants for these permits are not fools, and that the real intention here is to simply avoid the requirement to assess the additional impacts from processing materials from both sites at the same time. In view of the absence of County monitoring and enforcement conceded by the EIR and discussed below, the County simply should not allow permits to exist for both the Beck and Lone Star properties at the same time. The EIR estimates 12.5 million tons of saleable material remaining at the Lone Star site, and 12 million tons at the Beck site. Draft EIR at 14-15. The obvious environmentally preferable alternative, and intelligent solution, is to simply make no change at all, and if at the end of Lone Star's existing permit it has not completely excavated all materials from the Lone Star site, an extension of the permit can be considered at that time. Or, as an alternative, the three-year extension considered necessary by the EIR, could be considered at this time. Meanwhile, the Beck property should be kept in agricultural use, avoiding totally unnecessary and significant adverse environmental impacts by unnecessarily withdrawing prime agricultural land from production, until such time as the Lone Star excavations are completed.

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THE EIR AND EIR PROCESS
FOLLOWED HERE, LACK OBJECTIVITY

Nowhere does the EIR suggest any sensible or realistic alternatives, mitigation measures, or enforcement measures such as bonds or enforceable covenants, or dedication for public access, which could mitigate or avoid adverse impacts of the project. The obvious alternative is to simply continue processing Lone Star materials, and keep the Beck property in agricultural use, until such time as the Lone Star materials are excavated. If, as the EIR states (at p.43) increased development would likely prohibit excavation of the Beck materials in the future, would not the same increased development likewise prohibit excavation of the Lone Star materials in the future? Only a biased, developer prepared EIR such as this one, would fail to recognize as the most obvious and preferable alternative, keeping the Beck Ranch in agricultural use until Lone Star excavation is completed.

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As another example, the draft EIR recognizes the impacts of truck traffic caused by the project, on users of the bike lanes on Friant Road. (Draft EIR at 36-37.) Instead of suggesting that the County remove the bike lanes to a new alignment independent of the roadway (draft EIR at 37) an objective EIR could and would suggest that the Applicants themselves be required to contribute to such independent bikeways.

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Indeed, in view of the front page stories in the Fresno Bee of May 10 and 11, 1987, contrasting the effective actions in Sacramento to create the American River Parkway with the non-action in Fresno with respect to the similar San Joaquin resource, these pending project proposals allow for a golden opportunity to include conditions requiring furthering the idea of a San Joaquin River parkway. This EIR ignores such obvious alternatives as conditioning project approvals upon dedication of bikeways or pathways along the San Joaquin River, which in view of the large amount of property involved in Lone Star's permits no. 367 and 2032, could single handedly accomplish much of the parkway at no cost to the county. It is submitted that these types of conditions must be assessed in the final EIR, and by the Planning Commission and Board of Supervisors. But furthermore, the absence of development of these and/or other mitigation measures demonstrate the lack of objectivity in the EIR. Furthermore, such conditions are directly related to the issues involved. The overall project will have adverse impacts upon Lost Lake Park. In light of that, it is most reasonable to offset the diminution and the environmental amenities offered by Lost Lake Park, by parkway dedications.

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Further lack of objectivity, is demonstrated by the refusal of the County Public Works staff (Ms. Sharon Berg's supervisor) to allow any extension whatsoever in preparing these comments. Extensions were requested both in writing by Friends of Friant Area on May 7, 1987, and in addition, by the undersigned, by telephone call on May 14, 1987. Though the applicants allowed six months to elapse following the October 13, 1986 comments by Friends of Friant Area on the environmental assessment, until preparation of the EIR by the applicant's consultant and release by the County on April 16, 1987, county staff refused to even allow Friends of Friant an extension as short as two days -- to May 21, 1987 -- the same date allowed for return of comments by state agencies. This obviously demonstrates total subordination of County staff to the dictates of the applicants, since County staff could have no valid reason whatsoever for not allowing such extensions.

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As was true of the Beck EIR, the Lone Star EIR, prepared by the same consultant, fails to reflect the independent judgment of the lead agency. For the third time, Friends of Friant Area expressly warns that under CEQA, even though the initial preparation of the draft may be by the applicants' consultant, "The draft EIR which is sent out for public review must reflect the independent judgment of the lead agency. The lead agency is responsible for the adequacy and objectivity of the draft EIR. 14 Cal.Admin. Code §15084(3).

24

As was true of the Beck EIR, the Lone Star EIR sent out for public review was prepared by Buada & Associates, the applicants' consultant, and evidences absolutely no independent County review or contribution whatsoever.

Once again, it is requested that the County prepare one objective, independent draft EIR, issue the document on the overall project, including both the Beck excavation and the Lone Star processing, and commence a new public review, based upon a draft EIR complying with CEQA. The County is again warned, that this entire process is deficient, and will likely result in extraordinary waste of time and money on the part of the County, and liability for attorneys' fees, in view of the failure to hold a public review period on a draft EIR complying with CEQA.

We are also advised that the County intends to allow the applicants' consultant to prepare the responses to

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comments on the draft EIR. In People v. County of Kern, 62 Cal.App.3d 761, 775 (5th Dist. 1976), the Court of Appeal for this district held that responses to comments must be prepared by the county or its staff, not by representatives of the developer. The county is again warned that failure to comply with the decision of the California Court of Appeals, will likely subject the county to attorneys' fees and appropriate sanctions for bad faith ignoring of CEQA and controlling judicial authority.

ADOPTION BY REFERENCE OF EARLIER AND OTHER COMMENTS

By violating CEQA and failing to prepare one EIR on the overall project, the County and the Applicants have made it impossible for the public to have a meaningful opportunity to comment on, and assess the overall project in a comprehensive and yet succinct way. Accordingly, it is necessary to adopt and incorporate herein by this reference as comments on this EIR, comments already made on the Beck EIR. According, Friends of Friant Area expressly adopt and incorporate herein by reference, their comments of September 24, 1986, on the Beck Ranch draft EIR. In addition, the comments which were adopted and incorporated by reference at pages 3-4 of those comments are also expressly adopted and incorporated herein as comments on the Lone Star Draft EIR. A complete copy of the September 24, 1986, comments on the Beck Ranch EIR together with the comments attached to those comments, is attached hereto. Furthermore, Friends of Friant Area's comments of October 13, 1986, on the Lone Star Environmental Assessment are also adopted and incorporated herein by reference and a complete copy of those comments is likewise attached hereto. It is submitted that the Lone Star EIR has failed totally to address any of the comments or concerns raised in either the September 24, 1986, comments on the Beck draft EIR or the October 13, 1986, comments on the Lone Star Environmental Assessment.

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In addition, Friends of Friant Area hereby expressly adopts and incorporates herein by reference all critical or adverse comments made by other governmental agencies, private organizations and groups and individuals on the draft EIR. Furthermore, Friends of Friant Area hereby expressly reserves the right to raise or identify additional issues at later stages of administrative or judicial proceedings, and hereby expressly warns that in view of the lack of objectivity of the draft EIR, and the unreasonable refusal of the county staff to allow any extensions of time, that it is likely that courts will allow additional issues to

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be raised and argued in terms of deficiencies in the draft EIR.

THE PROJECT WOULD ILLEGALLY USE SAN JOAQUIN RIVER WATER

The Beck EIR attempted to falsely represent prior Bureau of Reclamation statements of position regarding the illegal diversion of San Joaquin River water for the project. The Lone Star EIR (at pages 17-18) raises new false responses to the Bureau's 1947 contract. The reference to paragraph 28 of the 1947 water contract in no way demonstrates the availability of San Joaquin River water for this project. The 1947 contract has plainly limited to property specifically described therein. Most of the Beck property is not so described. It is obviously not possible to lawfully use San Joaquin River water for this industrial use - clearly not irrigation or domestic use - as to non-contract properties. Furthermore, the contract plainly requires return of the water to the San Joaquin River, without pollution, whereas this project involves use of large quantities of water which clearly (draft EIR at page 17) will not be returned to the River.

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Assessment of ground water availability, use, and impacts, and surface water availability, use, and impacts, respectively, are inadequate, with revision and re-release of an adequate draft EIR for public comment, being required. See People v. County of Kern, 62 Cal. App. 3d, 761 (5th Dist. 1976) (ground water), and Santiago County Water v. County of Orange, 118 Cal. App. 3d, 818 (1981) (holding EIR pertaining to water needs for sand and gravel extraction inadequate).

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Once again, in view of the appellate court decisions directly on point in terms of ground water issues, and water issues relating to sand and gravel extraction projects, the county is likely to be hit very hard by the courts in terms of being held liable for Plaintiffs' attorneys' fees, in the absence of a comprehensive EIR assessing these water supply and water quality issues.

NUMEROUS SIGNIFICANT ADVERSE ENVIRONMENTAL
IMPACTS HAVE BEEN IDENTIFIED

In the initial study (draft EIR, Appendix A) the County has identified the following adverse impacts: substantial air omissions or deterioration of ambient air quality (2a), unauthorized use of San Joaquin River water

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(3k), change in noise levels (6c), risk of release of hazardous substances (11a), increase of traffic hazards (14f), esthetics, and obstruction of scenic vistas (19a), impacts on recreation (20), and controversy over the project (22). The draft EIR concedes unavoidable adverse impacts which cannot be completely mitigated (at page 42), including water, air quality, noise, traffic and esthetics.

In view of these conceded significant adverse impacts which cannot be completely mitigated, it is not possible to approve this project, without specific economic, social or other circumstances overriding these environmental considerations. Obviously, since all that is necessary is to maintain the Beck property in its existing agricultural use until completion of excavation at Lone Star, there are no overriding circumstances necessitating approval for this project. The sole basis for approving the project is the whim or desire of the applicants, which obviously does not constitute the type of overriding economic or social considerations necessary to support approval of a project having adverse environmental impacts under CEQA.

FAILURE TO IDENTIFY OBVIOUS ADVERSE IMPACTS

Conversion of prime agricultural land is expressly recognized in Appendix G of the CEQA guidelines as a significant adverse environmental impact. The whole thrust of this project is to unnecessarily convert the Beck prime agricultural land from agricultural use when this is totally unnecessary in view of the opportunity to simply continue utilizing the Lone Star property. The EIR is facially deficient in failing to identify this as an adverse impact, and in failing to assess it.

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Other impacts will include the substantial diminishing of habitat for fish, wildlife, and plants, the use of large amounts of water, fuel, and energy, and such use will be in a wasteful manner; substantial degradation of water quality, use of the Beck property will interfere with movement of migratory species including the Canada Goose (area of specific location for the Canada Goose, see San Joaquin River Area Reconnaissance Study, Volume I, map following page IV-38). There has been no site specific animal and plant studies to determine whether the project will affect rare and endangered species of animals or plants whereas the San Joaquin River Area Reconnaissance Study (June 1986) identifies such species in the San Joaquin River Area, so that site specific studies are obviously required. There also will be

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substantial demonstrable negative esthetic effects including visual and noise, conflicts with adopted environmental plans and goals of the community by conflicting with new residential approvals in the area and recreational uses of Lost Lake Regional Park, and conflict with the scenic road designation of Friant Road and the bikeway, as well as impacts identified in previous comments.

ABSENCE OF CUMULATIVE AND GROWTH INDUCING IMPACT ANALYSIS

Once again, there has been a total failure to list, much less assess, other existing and planned projects. Friends of Friant Area has previously, in the September 24, 1986, comments on the Beck EIR, identified 29 other permits for mineral extraction in the area (comments, at page 16-A) referencing San Joaquin River Reconnaissance Study, Volume I, at page III-16, as well as ten major projects including five major residential developments (September 24, 1986, comments at page 16).

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There is a total failure to assess the cumulative impacts of this project plus the numerous other mineral extraction operations. Furthermore, the EIR fails completely to assess the cumulative, interrelated, and conflicting resource and public service demands and impacts of this project, along with the other planned and developing residential projects. The common issues and impacts encompassing all of these projects include such matters as air pollution, water supply, water quality, traffic, noise, esthetics, and energy and other resource demands. Friends of Friant Area have previously called for preparation of a program EIR on all of these projects. The City of Fresno and County of Madera have called for a moratorium pending completion of the program study of the San Joaquin River Area. Unless and until such time as the County sees the obvious wisdom of joining in this common effort, it is necessary that the EIR for this project include a complete and comprehensive cumulative impact and growth inducing impact analysis. The seven conclusory sentences making up the "cumulative impacts" portion of the EIR (at pages 41-42) fail to even list all of the other relevant projects including both other sand and gravel extraction operations as well as residential developments, much less assess the cumulative effects of these projects.

Cumulative impacts are especially significant because of the issues raised by the recent front page stories in the Fresno Bee, contrasting Sacramento's effective action

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to create its American River Parkway with Fresno County's failure to capitalize on the San Joaquin River resource. Friends of Friant Area also mentioned these possibilities in the comments of September 24, 1986 (at pages 24-25).

"The pell-mell, fragmented approach to approving projects in the San Joaquin River influence area without paying close attention to cumulative impacts, and lost opportunities for alternative uses is especially troubling in view of the fact that the river area is so unique and invaluable a resource to the County of Fresno. The noise, traffic and other adverse impacts raised by this project, will be far more significant in this area, than in other areas. Also, a glance at the map, shows that given the proximity to both Friant Road and Lost Lake Park, the project area would be ideal for acquisition by the county for a park. Parks, trees, quiet, clean air, clean water and scenic beauty are going to be absolutely indispensable to efforts by the county and other governments in the area, to attract clean and responsible growth in the Fresno area. Sacramento has become a thriving hub, and significantly, a number of years ago, Sacramento county and city embarked upon a successful effort to create a beautiful parkway and series of parks along the American River. When executives (and their spouses) from companies consider relocating to Sacramento, governmental and business officials have some very impressive recreational areas to show them. Surveys have shown that as much as 90% of recreational activities are carried out in areas that have water. The San Joaquin River Area is Fresno's magnet for recreation. Peace and quiet are indispensable to that type of recreation and this draft EIR ignores the long-term interest of Fresno County in this absolutely critical scenic resource.

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The Lone Star EIR likewise ignores the long-term interest of the County in the San Joaquin River Area. The cumulative impacts of all of these projects must be identified and assessed. In addition to the legal requirements for doing so, the County should be interested in requiring comprehensive environmental analysis in order to make the wisest possible decisions concerning this unique and valuable area.

OTHER COMMENTS

The EIR does not suggest any true mitigation measures at all. Any so-called mitigation measures mentioned, are mentioned in terms of "could be" imposed, not should be imposed. Furthermore, no mitigation measures which would inconvenience or cost the applicants in any way are suggested. The entire EIR reads as a self-serving document intended to avoid raising any issues which could lead to project denial, or effective but costly mitigation measures.

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At every point in the EIR where truck traffic is considered, the issue is limited to traffic between the Beck property and the Lone Star processing plant. Presumably, the materials processed at Lone Star will be transported somewhere by some means. No assessment at all is given to that part of the transportation issue.

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Mercury Discharge. It is crystal clear that mercury is going to be used to recover gold from the Beck excavation materials (Beck EIR, at 17). The fact that mercury may not be used at the Lone Star plant (Lone Star EIR at 11) is irrelevant to the use of mercury at the Beck property, and furthermore, the Lone Star EIR disclaims any responsibility for analysis of conditions at the Beck property.

35

It is necessary to supplement the comments previously made on the Beck draft EIR, and the Lone Star environmental assessment, because Proposition 65, the safe drinking water and toxic enforcement act of 1986 has been enacted since the close of the comment periods on those matters. In previous comments, various parties were extremely concerned about the use and discharge of mercury into the (sole-source aquifer), as part of the goldmining process. See comments on Beck draft EIR, Friends of Friant Area, at pages 12, 25-28; San Joaquin River Committee comments at page 3; Thomas W. Phillips comments at page 2.

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Proposition 65 enacted by initiative on November 4, 1986, has changed the law. Previously, hazardous or,

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extremely hazardous substances could be discharged, providing various permits were obtained and conditions were met. Proposition 65, however, enacted a straightforward "prohibition on contaminating drinking water with chemicals known to cause cancer or reproductive toxicity." Proposition 65 added §25249.5 to the Health & Safety Code providing:

No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in §25249.9.

Mercury is an extremely hazardous waste by law, and is so listed because it is toxic. 22 Cal.Admin.Code §6680(d)(472). Mercury will be on the published list of those chemicals known to the state to cause cancer or reproductive toxicity (if it is not so already), pursuant to Health & Safety Code §25249.8 added by Proposition 65, because, among other reasons, mercury is identified by reference in Labor Code §6382(d). See Appendix A, 29 C.F.R.1910.1200.

Given the timetable established by Proposition 65 as to when its various prohibitions will become fully applicable, it is plain the discharge of mercury in the San Joaquin River influence area simply will not be a lawful activity. The Beck/Lone Star applications and environmental documentation, therefore require fundamental revision to reflect Proposition 65's elimination of public agency discretion to allow any toxic contamination of water. If a method of recovering gold is to be used which does not involve the discharge of mercury, it is absolutely necessary that such method (which does not appear to be known to experts in the field), be identified with specific references being made to the technical authorities pertaining to the feasibility of such methods. Furthermore, the Beck and Lone Star applications must be conditioned to absolutely prohibit the use of mercury or any other toxic substances.

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With respect to air quality (p.19), noise (p.21), traffic (p.30), and all other issues, the EIR fails to assess the fact that all environmental impacts will be for a period roughly twice as long as under the existing permit. Furthermore, the impacts will be from the excavation and processing of 24 million tons of materials as opposed to the 12 million tons estimated to exist under the existing permits confined to Lone Star. CEQA is concerned with long-term environmental impacts, and it is obvious that the air quality, water quality, noise, traffic, and other impacts of this project will be about twice that of the Lone Star excavation and processing alone, and will extend for a period of about 30 years as opposed to the 15 years of the existing permit. The draft EIR fails totally to address these long-term impacts.

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This entire process is so deficient that it is absolutely impossible to accomplish CEQA's goals of informed and meaningful public comment. The EIR purports to be a supplemental draft EIR as to both Lone Star and Beck--that is its title. The County's notice of April 16, 1987, states that any comments should be limited to "the Lone Star processing site as the review of the Beck Ranch draft EIR has already been completed." In view of that limitation, the Lone Star EIR obviously does nothing to heal the deficiencies of the Beck EIR and, the County accordingly, has still not prepared the draft EIR, and held the comment period on a legitimate draft EIR, so as to comply with the notice and comment provisions of CEQA.

38

The draft EIR concedes that the County does not monitor or enforce conditions or ordinance provisions relating to sand and gravel operations. (Draft EIR at pp.35, 37.) Here, there is still no reclamation plan, which is required by state law, and which must include enforcement measures such as liens or surety bonds to insure that reclamation plans are actually carried out. (See, September 24, 1986 Friends Of Friant Area Comments at pp. 7-8.) Here, there is no rehabilitation plan, there are no effective enforcement measures, and in the absence of binding and irrevocable covenants, bonds, and liens, the suggestion of mitigation measures (in the context of failure of the County to monitor existing sites and to require rehabilitation of already completed Lone Star operations) makes the entire process a bad joke. Furthermore, the EIR also indicates that since the initial Lone Star approval, permission has been extended to allow operations on Saturday mornings until 1:00 PM, as well as weekdays. In this context, surrounding residents, and recreational users of the area, are simply not protected by

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the County, from drastic changes or expansions of initially approved plans.

As a graphic example of this, just two years ago Lone Star sought approval from the County for permit 2037. Now, Lone Star seeks to change the entire focus of the excavation operation from its properties to the Beck Ranch. The attempt is made to bootstrap new approval to the former approval by stating that it is simply a replacement of an ongoing use. The attempt here to switch Beck for Lone Star, a mere two years after the Lone Star approval, evidences a process in which the initial approval bears no relation to the true project.

There has been total failure to identify growth inducing issues and assess them (EIR at p.41). The whole purpose of the sand and gravel extraction is to furnish materials for construction, i.e., growth. The increase from 12 to 24 million tons of saleable materials, has obvious growth inducing impacts, which must be assessed, not ignored, in the EIR. 40

There is a reference in the EIR (at pp.36-37) to existing landscaping. What landscaping? 41

The EIR fails to assess the effect of excavation and removal of materials, on the ability to recharge the groundwater. 42

The City and County are preparing an EIR on the area by August. It makes no sense to attempt to slip this project through, prior to completion of that environmental analysis, and review and assessment of the issues raised there. Also, that document could furnish much of the information to help formulate an adequate cumulative impact assessment and growth inducement discussion, in a new, sufficient draft EIR. 43

CONCLUSION

Friends of Friant Area hereby request preparation and release by the County of one draft EIR, on the overall project. Also, an additional period for public review and comment on the revised document is requested, so the public and concerned residents may have the opportunity to comment on specific plans and proposals for the true project, as opposed to the generalities and conclusory statements making up the Beck and Lone Star draft EIRs. 44

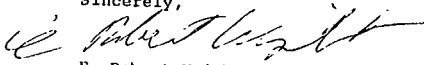
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Further, Friends of Friant Area object to the approval of this project, because it is not necessary, but will have numerous significant adverse environmental impacts. Friends of Friant Area further request that these comments be responded to in detail in the final EIR for the project, and that in accordance with the April 16, 1987 notice, these comments be appended to the final EIR.

45

Sincerely,



E. Robert Wright

ERW:cmc

cc: Friends of Friant Area,
Messrs. Bartels, Kooyumjian and Neal (w/encls.)

Appendices to comments from Friends of Friant Area, Richard Bartels, R.L. Neal, Stanley Kooyumjian; Comments on Supplemental Draft EIR for Lone Star Processing Plant; E. Robert Wright; are contained in the Beck Ranch Final EIR

RECEIVED

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Ms. Sharon Berg
Staff Analyst III
County of Fresno
Public Works & Development
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4499 East Kings Canyon Road
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Re: Comments On Environmental Assessment
Application No. 3174, Project No. CV2241,
Applicant, Lone Star Industries, Inc.

Dear Ms. Berg:

These comments on the above-referenced environmental assessment application, are submitted on behalf of Friends of Friant Area, an unincorporated association, and Richard Bartels, R.L. Neal and Stanley G. Kooyumjian. These comments are in addition to those submitted separately by the above organization and individuals. The Lone Star application is for permission to process sand and gravel extracted from Beck property, at Lone Star facilities. The Beck application would convert that land from agricultural use, to sand and gravel extraction.

Friends of Friant Area and the above-named individuals object to the approval of either the Lone Star, or the Beck, applications.

1.

There Is Not Sufficient Information
To Evaluate The Probable
Environmental Impacts Of This Project

Virtually no information at all is given. The Environmental Assessment Application indicates that 2-4 million gallons per day of water will be used, and that there will be hazardous waste, although the hazardous substances are not even identified.

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In order to evaluate the probable environmental impacts of this project, the following additional information is needed:

- (1) There must be a study performed as to the quantity and source of water to be used for the project, including impacts on other water users of making the supply available, and whether the water may lawfully be used for the project, in view of the Bureau of Reclamation limitations on water to "irrigation and/or domestic purposes exclusively."
- (2) A study must be performed on impacts on water quality of this project, and include identification and assessment of hazardous wastes.
- (3) Both traffic and noise studies are necessary, in view of the rural character of the surrounding area, and the already heavy use on Friant Road and on the Audubon Road area.
- (4) A pump test must be performed, and also, a sewage feasibility study is necessary.
- (5) In view of the violation of air quality standards in the area, including the standard for particulates, the fact that sand and gravel operations have been identified as the primary source of particulates in the area, and the manner in which air pollutants are easily concentrated in the area confined by the San Joaquin River bluffs, meteorological and air quality studies are necessary, to determine the degree to which this project will exacerbate air pollution in the area.
- (6) Site specific animal and plant studies are necessary to determine identity of, and impact on, endangered species.
- (7) A site specific archaeological survey is necessary because the San Joaquin River Area Reconnaissance Study has already identified a dozen or so Indian sites in the general area, and concluded that more are likely.

Finally, this proposal to process materials extracted from the Beck property, at Lone Star facilities, is obviously part of one larger project--the overall extraction and processing operation. This project cannot lawfully be separated from Beck Ranch Conditional Use Permit No. 2235, Environmental Assessment No. 3157. (California Environmental

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Quality Act (CEQA), Guideline Section 15165, 14 Cal.Admin. Code.) One environmental impact report (EIR), is required to address all impacts of both parts of the overall project. Also, cumulative effects of each project part must be assessed. Information here is inadequate, because there is no analysis of environmental effects and cumulative impacts, of the parts of the project including mineral extraction, to be located on the Beck property. This subject is addressed in greater detail under heading 5, below.

Furthermore, because of the obvious connection between this application and the Beck Ranch Conditional Use Permit Application, Friends of Friant, et al., hereby expressly adopt by reference, as though fully set forth herein, their comments and enclosures on draft environmental impact report for Beck Ranch Conditional Use Permit No. 2235, Environmental Assessment No. 3157 review and comment, which were filed on that application, on September 24, 1986. A copy of said comments and all adopted enclosures thereto, is attached hereto for your convenience. Each and every comment and enclosure therein, is expressly adopted as being equally applicable to this Application. Furthermore, each and every comment herein, is expressly adopted and incorporated herein by reference, into Friends of Friant Area's September 24, 1986 comments, on the Beck application.

2.

Potential Adverse
Impacts That The Project Will Have

This project will cause significant adverse impacts on the environment, set forth in Appendix G, to the CEQA Guidelines. (14 Cal.Admin.Code.) These impacts will include:

(1) The project will convert prime agricultural land to non-agricultural use since the purpose of this part of the project is to accommodate the extraction of minerals from the Beck property, which requires conversion of that property's prime agricultural land to non-agricultural use.

(2) The project will increase the emission of air pollutants, including particulates, in an area which already violates ambient air quality standards. Likewise, additional truck traffic and industrial operations caused by this project, will contribute substantially to existing and projected air quality violations.

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(3) Both because of the included operations, and the associated operations on the Beck property, the project will conflict with established recreational uses of Lost Lake Regional Park, and bicycle and other recreational uses of Friant Road, a scenic roadway.

(4) Because of hazardous waste material generation, air emissions, and water quality degradation, the project will create a potential public health hazard and involve the use, production, and disposal of materials posing a hazard to people, animals, and plants in the area affected, including persons relying on groundwater.

(5) The project will conflict with adopted environmental plans and goals of the community, by conflicting with new residential approvals in the area, recreational uses of Lost Lake Regional Park, and by conversion of land from agricultural use.

(6) The project will have a substantial, demonstrable negative esthetic effect, by reason of the impacts identified above, and in the attached comment letter on the Beck application.

(7) Site specific animal and plant studies are necessary to determine whether the project will affect rare or endangered species of animals or plants. The San Joaquin River Area Reconnaissance Study (June 1986), recently completed by the County, along with the County of Madera and City of Fresno, identified such species in the San Joaquin River area, so that site specific studies are plainly required.

(8) The project will interfere substantially with the movement of migratory species, including the Canada Goose. Much of the area, is a specific location for the Canada Goose. (San Joaquin River Area Reconnaissance Study, Vol.I, map following p. IV-38.)

(9) The project will substantially degrade water quality. The project is also likely to contaminate a public water supply, now that the area has been declared by EPA to be a sole source aquifer. The project also will therefore substantially degrade groundwater resources.

(10) The project, by furnishing materials used in construction, is intended to, and will, induce substantial growth of population.

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(11) The project will cause an increase in traffic, including truck traffic, which is substantial in relation to the existing traffic load and capacity of the street system.

(12) The project will encourage activities which will result in the use of large amounts of fuel, water, and energy, and will use fuel, water, and energy in a wasteful manner. The Application itself mentions that 2-4 millions gallons per day of water will be used for the project.

(13) By reason of additional operations, the project will increase substantially the ambient noise level for surrounding areas.

It is plain that the project will result in additional impacts. The Application states that "Lone Star proposes that it be permitted to process the Beck property materials prior to the completion of the mining of the 367 [Lone Star] property and the 2032 [Lone Star] property." (Lone Star Application to modify existing Conditional Use Permit Nos. 367 and 2032, August 27, 1986.)

The project will also substantially diminish habitat for fish, wildlife, or plants.

Finally, as stated above, the comments of Friends of Friant Area, et al. on the Beck Ranch Application, have been expressly adopted and incorporated herein by reference. All of the impacts identified in those comments, are incorporated as though fully set forth herein.

3.

The Potential Impacts Identified
Above Are Significant Enough To Warrant
The Preparation Of An EIR

Plainly, and as a matter of law, the impacts identified above are significant enough to warrant preparation of an EIR. Furthermore, the significance of the impacts have been conceded as a result of the preparation of a draft EIR pertaining to the parts of the project planned for the Beck property, which would render any attempt to approve the parts of the same project to be located on the Lone Star property, an obvious and unlawful attempt to circumvent CEQA. The Lone Star Application expressly states, "by this Application Lone Star desires to obtain changes in CUP 367 [Lone Star] and 2032

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[Lone Star] so as to permit it to be able to process the Beck materials at its 367 [Lone Star] facility." (Lone Star Application to modify existing Conditional Use Permit Nos. 367 and 2032, August 27, 1986.) Accordingly, an EIR is required to assess all impacts of the overall project, regardless of whether specific parts of the project are to be located on Beck property, or Lone Star property.

Furthermore, Friends of Friant Area comments on the Beck draft EIR, showed there is no need for either part of the project at this time. Numerous sand and gravel operations have been approved, with some not actually operating at this time. The presence of serious adverse environmental impacts, absence of need for the project, presence of public controversy (90 or more opponents of the project--see petition filed against Beck application), makes the identification and assessment of alternatives, including the no-project alternative absolutely indispensable. That is the function of an EIR.

4.A

Necessary Conditions Of Approval

In the absence of sufficient information to evaluate the probable environmental impacts of this project, and in the absence of an EIR, it is not possible to accurately determine what conditions of approval are necessary, or whether this project could lawfully be approved even with conditions of approval. Furthermore, has is already been pointed out by an eminent expert, Harold Tokmakian, Professor of Urban and Regional Planning, Fresno State University, and former Fresno County Planning Director and Fresno City Planning Commissioner, that rehabilitation conditions are not routinely enforced at the local level. (Comments on San Joaquin River Reconnaissance Study, Vol.III at p.I-9.) Obviously, conditions which are not enforced are worthless.

A site rehabilitation plan, limitation in hours of operation to Monday through Friday, 7:00 a.m. to 6:00 p.m., with no operation on holidays, evenings, or weekends, prohibition of discharge of hazardous materials into the soil or surface or groundwater, best available technology to limit air pollutant emissions including particulates, and prohibition of any illegal use of water, or use of water reducing the supply available to other users, are examples of potential conditions for this project. However, the County apparently either routinely ignores its own conditions, or simply eliminates them upon subsequent application of an applicant. In the absence of provisions making conditions irrevocable, and for liens,

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surety bonds or other security, it is not known how conditions of approval would actually mitigate any of the adverse impacts of the project.

4.B

Identification Of Existing Standards
To Mitigate Potential Impacts

A reclamation plan, with adequate enforcement measures, such as liens, surety bonds, or other security, to guarantee the reclamation in accordance with the approved plan, is required by state law. See, Health & Safety Code Section 2774 (a), 14 Cal.Admin.Code Section 3404, 3502, Public Resources Code Section 2712(a), 2770.

With respect to the hazardous materials referenced in the application, there is a whole body of state laws in effect, including the Porter-Cologne Water Quality Control Act, and the Toxic Pits Control Act, Health & Safety Code Section 25208 *et seq.* Under these laws, Friends of Friant Area, et al., does not believe it is possible to lawfully discharge hazardous materials into the soil or the groundwater. Furthermore, the applicant would itself appear to be a "generator" within the meaning of hazardous waste control laws (22 Cal.Admin.Code Section 66078), requiring lawful disposal of hazardous waste materials at approved facilities.

Likewise, EPA's designation of the region as a sole source aquifer, would appear to preclude any degradation of groundwater quality by reason of operation of either the Lone Star or Beck parts of the project.

The County, along with other authorities, has already determined that the area is a "non-attainment" area because state and federal air quality standards for ozone and suspended particulates are violated. Furthermore, the County has determined that sand and gravel operations, are one of two primary sources of particulates in the area. (San Joaquin River Area Reconnaissance Study, Vol. I at p.IV-9-12.) Accordingly, denial of the application, or strong prohibitions or limitations and pollution control technology, are necessary to prevent this project from substantially worsening existing air quality violations.

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5.

Comments

In addition to other comments above, or incorporated by reference, it is plain that one EIR must be prepared pertaining both to the extraction and to other parts of the project located on the Beck property, and the processing and other parts of the project located on the Lone Star property.

Project is defined broadly.

'Project' means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately. Guideline Section 15378(a).

Furthermore, .

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval. Section 15378(c).

CEQA's requirements,

'cannot be avoided by chopping up proposed projects into bite-size pieces' which, when taken individually, may have no significant adverse effect on the environment. Christward Ministry v. Superior Court, 180 Cal. App.3d 99, 113 (1986).

In the words of the California Supreme Court, CEQA mandates,

...that environmental considerations do not become submerged by chopping a large project into many little ones--each with a minimal potential impact on the environment--which cumulatively may have disastrous consequences. Bozung v. Local Agency Formation Commission, 13 Cal.3d 263, 283-84 (1975).

The danger of filing separate environmental documents for the same project is that con-

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sideration of the cumulative impact on the environment of the two halves of the project may not occur. Citizens Association For Sensible Development Of Bishop Area v. County Of Inyo, 172 Cal.App.3d 151, 166 (1985).

The court held in the Bishop Area case, that the county had abused its discretion, expressly stating,

The division of the shopping center project into two parts constituted an abuse of discretion by the lead agency. This approach is inconsistent with the mandate of CEQA that a large project shall not be divided into little ones because such division can improperly submerge the aggregate environmental considerations of the total project. 172 Cal.App.3d at 167.

Here, the "whole of the action" obviously includes the processing of materials on the Lone Star property, as well as the extraction of those same materials on the Beck property. Furthermore, neither activity could take place without the other. Numerous cumulative and interrelated impacts and activities are included, beginning with the transportation of the materials extracted from the Beck property, to the Lone Star property for processing. Friends of Friant Area submits that in view of the Guideline Sections defining "project", the cases prohibiting division of a project into smaller parts with respect to environmental impact analysis, and Guideline Section 15165 requiring a single EIR for the ultimate project, it would be an abuse of discretion for the County to approve either the Beck application, or the Lone Star application, prior to preparation, circulation, and comment upon, one EIR on all parts of the overall project.

Conclusion

Friends of Friant Area, et al., submit that neither the Beck application nor the Lone Star application, are ready for Planning Commission consideration on November 6, 1986. One EIR must be prepared for the overall project, including both the Beck parts and the Lone Star parts of the project. The EIR must then be submitted to the State Clearinghouse, concerned agencies, and the public for review and comment, to only be heard by the Planning Commission following preparation of responses to the comments, and preparation of a final EIR, by the County.

THOMAS, SNELL, JAMISON, RUSSELL AND ASPERGER

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Finally, Friends of Friant, Richard Bartels, R.L. Neal, and Stanley G. Kooyumjian, as well as the undersigned, each request a copy of the environmental determination.

Sincerely,



E. Robert Wright

ERW:cmc

Enclosure

cc: Friends of Friant Area,

Messrs. Bartels, Kooyumjian and Neal (w/o encls.)

APPENDIX I
RESPONSES TO COMMENTS

INTRODUCTION

This section presents responses to comments received on the Draft EIR (DEIR) that are included in Appendix H.

A. STATE OFFICE OF PLANNING & RESEARCH - DAVID NUENKAMP

Response 1. No response required.

B. BUREAU OF RECLAMATION - FORREST COLEMAN

Response 2. No response required.

C. FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT - HENRY GRIFFIN

Response 3. Comments noted.

D. PLANNING DIVISION, FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT - CHARLES SEITZ.

Response 4. Since no project has been accepted for processing, no impacts can be identified. The proposal for the Ball Ranch, when it is filed, will be inconsistent with the existing General Plan and will require a General Plan amendment. Approval of such an amendment would be a significant departure from the historical existing land-use policies for the San Joaquin Riverbottom.

E. FRESNO COUNTY PUBLIC WORKS AND DEVELOPMENT SERVICES DEPARTMENT, HARRIS HAYS

Response 4a. Comments noted.

F. SAN JOAQUIN RIVER COMMITTEE - CLARY CREAGER

Response 5. Response to this comment is similar to response to Comment 21 of the initial Beck EIR.

Section 15084(d)(3) and (4) provides in pertinent part:

"The lead agency may choose one of the following arrangements or a combination of them for preparing a draft EIR.

.

(3) Accepting a draft prepared by the applicant, a

consultant retained by the applicant, or any other person.

(4) Executing a third party contract or memorandum of understanding with the applicant to govern the preparation of a draft EIR by an independent contractor.

The procedure followed by the County of Fresno in the preparation of both the initial draft EIR and this supplemental EIR comply fully with the provisions of section 15084 of the CEQA guidelines. The supplemental draft is the result of extensive review, analysis, discussion and research undertaken by Fresno County staff. This supplemental draft EIR fully reflects the independent judgment of the lead agency and is the result of extensive work by County staff. Statements that the County's independent judgment was not used are simply inaccurate.

Response 6. Although the existing Fresno County General Plan and proposed amendments to it state that incompatible uses within the area designated MKZ-2 or that are impacted by such zones should not be permitted, there are several incompatible uses which already exist in such areas. There is a bait shop/hamburger stand adjacent to the Beck Ranch site and there are rural residential homes and lots overlooking both the Beck Ranch site and the Lone Star sites. In addition, while the General Plan states "should not be allowed" it does not expressly prohibit them, leaving open the possibility of incompatible uses to be approved such as the proposed Ball Ranch project which includes residential development.

Response 7. Impacts to wildlife on the Beck Ranch site were discussed in the Beck Ranch EIR beginning on page 19 and in the Beck Ranch Final EIR in Response 34, page E-6. Lone Star's existing excavation site is an approved project and is not identified as an issue in the Initial Study. The Beck Ranch application and the existing permits for the Lone Star excavation site (CUP's 367 and 2052) require excavation to be done in phases, with reclamation to be completed within 3 years of completion of excavation in each phase as required by Section 605 of the Zoning Ordinance. At no time on either site will more than one phase be in active excavation and one phase in the process of reclamation. The remaining phases will either be in their present state if not yet excavated or will have already been reclaimed. Refer to Response 8.

As noted in the Beck Ranch Final EIR, Response 34, pages E-6 to E-8 and Response 41, page E-9, the Beck Ranch is not native wildlife habitat, but long-time farm. Neither is the Lone Star excavation site an existing wildlife habitat. The area subject to excavation has been denuded of native

vegetation for many years and is cultivated, grazing land. The only riparian or mature vegetation, i.e. Valley Oaks along the San Joaquin River are excluded from excavation by a 200-foot setback.

Response 8. Refer to Item F, page H-5a of Final Supplemental EIR; Fresno County Public Works and Development Services Department, Harris Hays.

Response 9. The approved Site Plan for the existing Lone Star excavation site includes both CUP's 367 and 2032 as identified in Figure 1 of the Supplemental DEIR.

Refer to Response 7.

Response 10. If limitations on the number of truckloads per day were made a condition of approval as suggested in the DEIR under mitigation measures on pages 19, 20 and 37, such a condition would be enforceable under the Fresno County Zoning Ordinance.

Response 11. The hauling distance and amount of time the trucks will remain on the road is exactly the same as without the project, since the access point to Friant Road with the project is the present, existing access road on Lone Star existing excavation site.

The last mitigation measure on page 5 should read "...180 truckloads per day..."

Refer to Response 10.

Response 12. Refer to Item B Page H-3 of Final Supplemental EIR Comments from Bureau of Reclamation.

Response 13. Refer to Response 8.

Response 14. The use of mercury in the gold recovery process has been discontinued. This project does not propose the reuse of mercury. No comments were received from the California Regional Water Quality Control Board.

G. FRIENDS OF FRIANT; THOMAS, SNELL, JAMISON, RUSSELL & ASPERGER; E. ROBERT WRIGHT

Response 15. This comment is simply inaccurate. The comment claims that the County is illegally "chopping up" the project into smaller projects which would minimize or tend to ignore potential environmental impacts. The contrary is true. The scope of the EIR is not being broken down into smaller pieces but is, in fact, being expanded in

such a manner that all aspects of potentially separate projects are being considered together. The initial draft EIR has now been augmented by this supplemental EIR so that the potential impacts of both the extraction of materials at the Beck Site and the processing of them at the Lone Star Site are now covered as a whole.

This is not a situation as that present in the case of Citizens Association for Responsible Development of Bishop Area v. County of Inyo (1985) 172 Cal.App.3d 151 where a project was divided in such a manner that environmental concerns were potentially ignored. The present situation presents a case where the original draft with its supplement now covers the entire project. The documents are not mutually exclusive documents intended to be presented at different time periods. The initial draft with supplement should be considered as a whole EIR covering the entire project.

Response 16. Existing conditions are clearly outlined on Page 19 DEIR and the present mitigation measures are effective and reliable in meeting Fresno County APCD standards. As is discussed on Pages 19 & 20 of the Supplemental DEIR, the average annual amount of material being processed will not increase as a result of this project. APCD standards are based on annual emissions. With no change to annual emissions, the project will be within APCD standards.

Response 17. Refer to Response 8.

Response 18. The State Division of Mines and Geology Mineral Land Classification Study indicates that existing reserves under permits are insufficient to meet long-term needs of the Fresno-Clovis region (Page 60 and 65 Mineral Land Classification Report and Response 59 page E-12, and Response 94 page E 17 Beck Ranch Final EIR). Sufficient additional reserves must be placed under permit now in order to provide additional sources of material for the future. Waiting 15 plus years for the resources from the existing permit to be exhausted risks the probability of additional uses such as more homesites on the bluffs being developed during that intervening period which would be potentially incompatible with mining (page 42 and 43 Supplemental DEIR).

Response 19. Refer to Response 8.

Response 20. Refer to Response 18.

Response 21. The County evaluated traffic conditions, including bicycle usage, when establishing conditions for

Lone Star's existing excavation site. Significant improvements were required and have been constructed to assure traffic safety for the motorist and the bicyclist. The project will utilize the same access road and improvements with no increase in traffic. Improvements included a northbound left-hand turn lane, 2,500 foot acceleration lane, 200-foot northbound deceleration lane, dedication of right-of-way, relocation of southbound bike lane 10 feet west of acceleration lane, and a 200-foot southbound deceleration at the plant site.

Refer to Response 11.

Response 22. Refer to Response 21. Without an approved parkway plan, there is no basis to determine appropriate locations for bikeways or pathways along the San Joaquin River.

Response 23. The supplement to the Beck EIR was distributed for public view with a 30 day time limitation. The review period for the State was also 30 days, however, due to mailing and processing procedures at the State, their 30 day review period started and ended 2 days past the local review time. The extension was not granted because the 30 day review period is sufficient and is also in compliance with CEQA regulations. In the interest of meeting the established Planning Commission hearing deadlines, County staff determined the two days were necessary to complete the response to comments process in a timely manner.

Response 24. Refer to Response 5.

Response 25. Refer to Response 5.

Response 26. Refer to Response 5.

Comments noted.

Response 27. Refer to Item B, Page H-3 of Final Supplemental EIR Comments from Bureau of Reclamation.

Response 28. Comments noted.

Response 29. Comments noted.

Response 30. Refer to pages 36, 38, 44 and 45 of the Beck Ranch and Response 69, Beck Ranch Final EIR.

Response 31. Impacts referenced relate to Beck Ranch excavation and are discussed in Beck Ranch DEIR.

Response 32. Refer to Response 85, 2nd paragraph, Responses

90, 92 and 94 page E-17 Beck Ranch Final EIR; and Response 95 page E-18.

Response 33. The EIR process does not approve or deny nor impose conditions on their approval. The EIR suggests appropriate measures to mitigate identified impacts. Only the approving body, Planning Commission or Board of Supervisors, has the authority to mandate mitigation measures.

Response 34. Traffic carrying processed material from the Lone Star plant to the market is an existing condition that would remain the same. Changes to truck traffic would only occur between the excavation site and the plant.

Response 35. No mercury is to be used during any part of the gold recovery process at the Beck Ranch. Refer to revised Introduction and Summary, 4th paragraph page 4, Beck Ranch Final EIR.

Response 36. Refer to Response 35.

Response 37. Refer to sections on Cumulative Impacts, Unavoidable Adverse Impacts and Alternatives on pages 41, 42 & 43 of Supplemental DEIR.

Response 38. Comments noted. The thirty-day period for comments allowed on the supplemental draft complies with CEQA guidelines, Section 15087. Adequate opportunity has been provided for comment to both the initial draft EIR and the supplemental draft circulated for the entire project.

Response 39. An approved rehabilitation (reclamation) plan for the Lone Star processing plant is part of CUP 367. A rehabilitation plan is included in the Beck Ranch application (See response 19, page E-1 Beck Ranch Final EIR, refer to Resp. 19, page 19).

Response 40. Refer to response 90, Beck Ranch Final EIR.

Response 41. Mature trees and bushes have been planted since the mid-1980's along the front site frontage with Friant Road for approximately 3/4 of a mile beginning at the south property line. They include Virginia oaks and Bottle Brush. In 1985, as agreed in their settlement with Fresno County on CUP 367, Alders, eucalyptus and Cottonwoods were planted to fill in along with the installation of a drip irrigation system.

Response 42. The plant recharges ground water on a daily basis, 1st paragraph, page 17 Supplemental DEIR. No excavation is proposed at the plant site.

Response 43. Comment is in error. No EIR is being prepared by the City of Fresno, Fresno County or Madera County on the San Joaquin River.

Response 44. Refer to Response 15.

Response 45. Comments noted.

DRAFT
ENVIRONMENTAL IMPACT REPORT

Volume I

BECK RANCH
SAND AND GRAVEL PERMIT
CU 2235 EA 3157

JULY 1986

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I. INTRODUCTION AND SUMMARY

This Environmental Impact Report (EIR) has been prepared by Buada Associates to assess the potential environmental impacts of the proposal by Stephen Beck and Lone Star Industries to excavate sand and gravel on a 251 acre site owned by Stephen Beck located near the San Joaquin River in Fresno County. This assessment is based on a review of all project plans; review of appropriate State and County plans for the area; consultation with the applicant and operator; evaluation of technical data specifically prepared for this project; and on-site surveys of the property and surrounding land uses.

In accordance with a proposal approved by Fresno County, the EIR focuses on the relationship of the proposed project to erosion and ground settlement; groundwater quality; riparian water rights and usage; vegetation and wildlife; noise; land use; agriculture; recreation; traffic; and aesthetics. The County has determined that the project will not have significant impacts on other resources including air quality, population, public services, energy, utilities, and archaeology. The basis for the above identified focused issues was determined by two initial studies prepared for similar projects on the same property.

Buada Associates was assisted by the following consultants as subcontractors in preparing the EIR.

- o J. H. Kleinfelder and Associates, Geotechnical Consultants, performed the evaluation of erosion potential and fill settlement potential.
- o Kenneth D. Schmidt, Groundwater Consultant, performed the evaluation of impacts to groundwater.
- o Robert F. Winter, Biologist, performed the evaluation of vegetation and wildlife impacts.
- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic and surface water hydrology.

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin Riverbottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to the project, is a flooded quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone

Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent rehabilitated sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just east of the project.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several adjacent landowners challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

Among the issues raised by the Environmental Assessments, by testimony during the public hearings, and by the lawsuit were: conflicts between the loss of agricultural land and the recovery of a needed resource; potential impacts to wildlife in Lost Lake Park; noise impacts from the plant operations, extraction operations and haul trucks to the users of Lost Lake Park, and adjacent residents; traffic conflicts on Friant Road between project trucks and school buses, bicycles and auto traffic; impacts to water quality and quantity; potential illegal use of riparian water from the San Joaquin River; discharge of wastewater to San Joaquin River; the use of large amounts of fuel, water, and energy; and visual impacts to residents on the bluffs, users of Lost Lake and Friant Road travelers.

This new application does not include a sand gravel processing plant, concrete ready-mix batch plant or asphalt batch plant. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. Potential impacts from any plant site have therefore been eliminated. Potential truck traffic conflicts from additional trucks and a new access point on Friant Road have also been eliminated. Potential impacts have been reduced to those associated with extending Lone Star Industries' existing excavation operation to include the project site and continuing extractive operations in the area for a longer period of time.

Among the remaining issues to be resolved by this EIR include: conflicts between the loss of agricultural land and the recovery of a needed mineral resource; impacts to water quality and quantity; impacts to wildlife; noise impacts to park users and adjacent residents; continuation of existing traffic conflicts between sand and gravel trucks and school buses, bicycles and auto traffic; any use of riparian water; and visual impacts to park users, adjacent residents and Friant Road travelers. A choice

remains to be made between the project including recovery of a needed, mineral resource with its related impacts; no project with a retention of agricultural land and permanent loss of the resource; a reduced project or excavation of only a portion of the resource; and permanent loss of the remainder; an alternative location of the project relocating impacts to another area and permanent loss of the site's resources; or alternative uses of the site such as residential, golf courses, or expansion of Lost Lake Park.

If the project is developed as proposed, certain environmental impacts may occur.

1. Erosion: Some erosion may occur during construction of the berms and along the banks of the proposed lakes prior to revegetation. Timely planting of the berms with groundcover, shrubs and trees as proposed in the project design should keep erosion to a minimum. A natural revegetation process normally occurs rapidly around the lakes, limiting any erosion to the first month or so if final grading occurs during the rainy season. All run-off will be contained on-site.
2. Sand and Gravel Resources: Sand and gravel resources will be permanently removed from the site. The only mitigation measure would be no project. Such a measure would reduce available reserves of needed construction materials in the Fresno-Madera region to less than 20 years.
3. Groundwater: The proposed excavation will intersect the groundwater level. Groundwater will ultimately fill the pits forming freshwater lakes. Runoff from the site will also flow into the lakes. There will be a minor loss of water to evaporation. Mitigation of evaporative loss is limited to chemical treatment of the lakes or shallower excavation. Chemical treatment may create greater impacts. Shallower excavation will result in permanent loss of resource and reduce available construction material reserves.
4. Riparian Water: The removal of the vineyard and orchard will reduce the current use of riparian water.
5. Wastewater Discharge: Waste water from the gold recovery lab will be discharged to a small, shallow settling pond. A discharge permit will be required from the California Regional Water Quality Control Board.
6. Lake Eutrophication: In the long-term, eutrophication

(loss of oxygen) may slowly occur in the lakes created by the project as it has in the adjacent Lost Lake. Culverts placed in the dikes separating the lakes would increase circulation.

7. Dust: Dust from current agricultural operations will be reduced as agricultural production is replaced by excavation of the resource. Dust from excavation operations and from the project's haul roads during the dry season will be minimized by the proposed use of dust palliative on the roads and/or the use of water trucks on the haul roads and in the excavation areas.
8. Wildlife. Some species of wildlife will be temporarily disturbed during construction of berms. The proposed landscaped berms and rehabilitated lakes will provide additional riparian habitat and will attract a more diverse species in larger numbers.
9. Noise: Noise levels will temporarily increase in the area. With the exception of extractive operations within 500 feet of residences, noise levels will be within the standards of the Fresno County Noise Ordinance. Impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 a.m. within 500 feet of the nearest residence.
10. Land Use: Agricultural production potential will be reduced on the site. The extraction of sand and gravel will provide a recognized economic resource to the Fresno-Madera region. No County policy clearly establishes priorities when this contradiction arises. The present agricultural areas will be replaced by the proposed lakes which will provide valuable wetlands, riparian habitat, and fishery. This additional habitat will in the long-term attract wildlife in greater numbers and diversity to the Lost Lake area.
11. Hazards: The excavation pits may present a safety hazard during operation. Sloping of the sides during rehabilitation to 2H to IV (horizontal to vertical) as proposed in the project design and fencing of the property as required by the Zoning Ordinance will minimize hazards.
12. Traffic: Existing sand and gravel truck traffic on Friant Road to the Lone Star Industries' processing plant will continue for a longer period of time. By utilizing Lone Star's existing access road, a new access road and additional traffic conflict point will be eliminated.

13. Aesthetics: Areas of active excavation will be visible from the bluffs just east of Friant Road and from the western bluffs in Madera County. Excavation on the eastern half of the site will be visible from Friant Road unless additional landscaping is planted within the set back to provide a more effective screen.

II. PROJECT DESCRIPTION

A. Project Location

The project is located in Fresno County on the west side of Friant Road, just south of the Town of Friant and approximately 4 miles north of the City of Fresno (Figure 1). The site is within the San Joaquin Riverbottom area adjacent to Lost Lake Park and is overlooked by the adjacent eastern river bluffs in Fresno County and the western river bluffs across the San Joaquin River. It is included in Section 13 & 24 of Township 11 South, Range 20 East, and Sections 18 & 19 of Township 11 South, Range 21 East, Mount Diablo Base and Meridian, the Friant, U.S.G.S. 7 1/2 Minute quadrangle (Figure 2).

B. Project Objectives

The proposed project is the excavation of sand and gravel resources and the recovery of any gold. Trucks will haul material from the site across Lone Star's adjacent property to their existing access drive onto Friant Rd. to the Lone Star plant approximately 1-1/2 miles away.

It is anticipated that 20 to 30 acres will be excavated each year. A 20 year permit is requested to allow for a fluctuating market. Excavation will occur in four phases (Figure 3). All excavation will occur outside of the designated floodway of the San Joaquin River. There will be no discharge or runoff of water from the project site to the river. The current vineyard and orchard will gradually be removed as excavation occurs. That portion not being excavated will continue to be farmed until excavation reaches that area. Each phase will be excavated and rehabilitated in three stages.

Stage One will be the removal of topsoil to expose the resource material. Topsoil will be removed by excavation equipment and used for berms along the property line adjacent to Lost Lake Park, or stockpiled to be used for rehabilitation of excavated areas.

Stage Two will be the area of active excavation. Material will be removed using either a dragline, scrapper or other excavation equipment. Material will be loaded by a front-loader into haul trucks for transport to the processing plant. During this stage, in areas where gold is likely to occur (i.e. sandy areas at or about the water line) mechanical gold recovery equipment will separate potential gold-bearing sand concentrate. Dust from excavation and haul roads will be controlled by the use of water trucks and/or application of a dust palliative on the road.

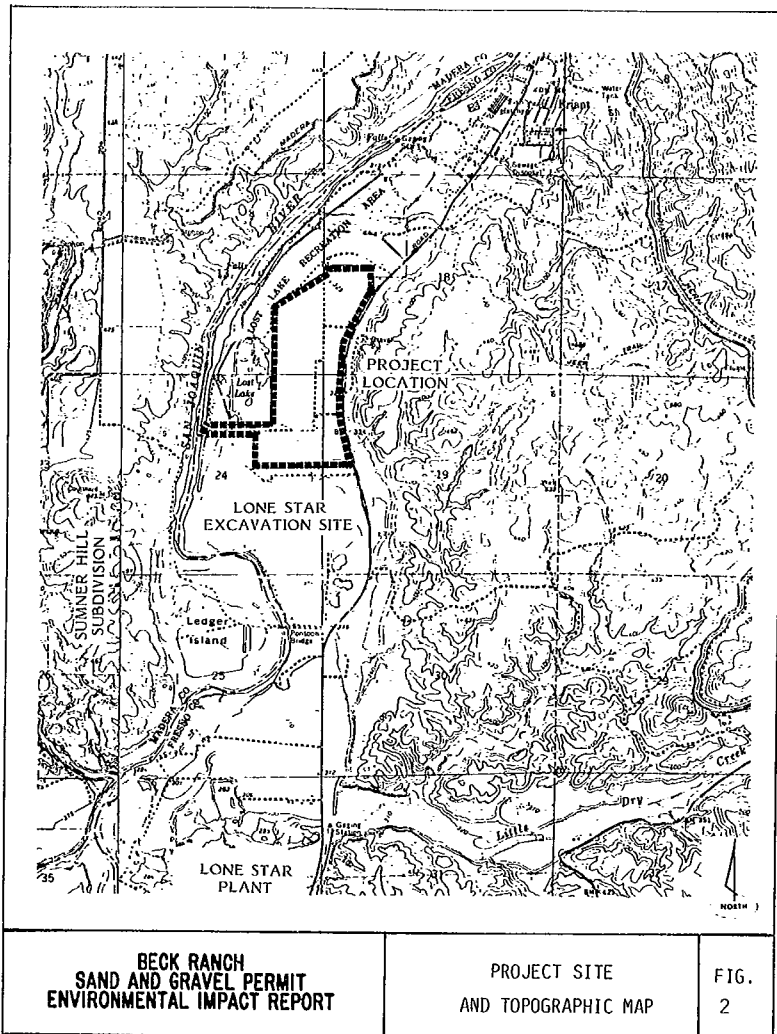
Stage Three will be the rehabilitation of completed excavation areas. After removal of the resource, lakes will be created on the majority of the site (approximately 170 acres). In areas



BECK RANCH
SAND AND GRAVEL PERMIT
ENVIRONMENTAL IMPACT REPORT

REGIONAL LOCATION

FIG.
1



where no excavation occurs, or the excavation is shallow due to the limited availability of resources, the overburden will remain or be replaced, allowing these areas to be used for grazing or farm land. The final location of the reclaimed lakes and farm land will depend in part on the depth of material, location and shape of bedrock and other conditions as yet unknown which may be found on-site during excavation. Initial grading and sloping will occur on an on-going basis. Final rehabilitation will be completed within one year of the completion of each area.

A 50 foot setback for excavations will be maintained along Friant Road and along the boundary adjacent to Lost Lake Park and the hamburger stand. Within the setback along Friant Road, the existing almond trees will remain as a screen. Additional landscaping or berms will be located along the frontage where no trees presently exist.

In order to provide a noise and visual buffer between the project and Lost Lake Park, 10-foot high berms will be placed along the western and northern edges of the site and between the site and the residence, hamburger stand and baitshop in the northeast corner. The berms will be constructed of topsoil being saved for future rehabilitation. Native trees, shrubs, and ground cover will be planted on the berm to stop erosion and to aesthetically blend them in with the environment at Lost Lake.

The site will be rehabilitated to wildlife lakes and to grazing/agricultural land (Figure 4). Stored topsoil or topsoil from berms will be utilized in contouring and sloping banks. Native riparian grasses, shrubs and trees are expected to begin to re-establish themselves within one year after final contouring as has been experienced at other sand and gravel lakes along the San Joaquin River. Water in the lakes will be from groundwater percolation due to the excavation being below groundwater level. Final grazing/agricultural areas are anticipated to be areas where tests have shown an overabundance of sand or where minor amounts of recoverable resource occurs.

The existing house and structures will remain.

C. Intended Use of EIR.

This EIR will be used by the County of Fresno in considering approval of Conditional Use Application CU 2235 filed by Stephen Beck for the above-described project. The California Regional Water Quality Control Board will utilize the EIR for any discharge permit.

III. NATURAL ENVIRONMENTAL CONDITIONS, PROJECT IMPACTS AND

MITIGATION MEASURES

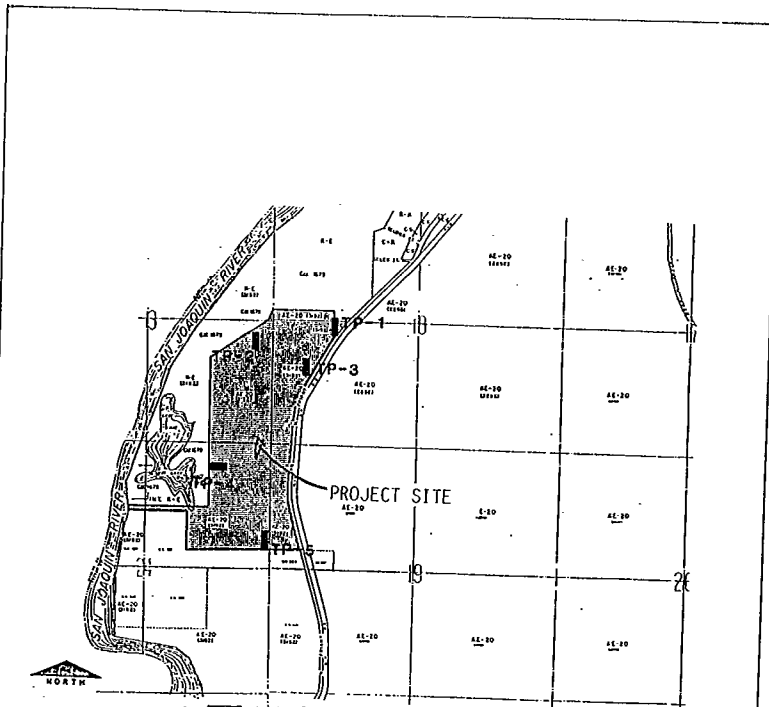
A. GEOTECHNICAL

The site is located on a flood plain in a topographic trough formed by the San Joaquin River. The San Joaquin River is approximately 1050 feet west of the property channel and outside the designated floodway. It is relatively flat, having been leveled prior to planting the existing vineyard and orchards.

The soils of the site were evaluated on two separate occasions by using backhoe test pits (Fig. 5). The surface overburden soils consist of poorly graded silty sands to a depth of 2-1/2 to 9 feet and contain various amounts of fine gravel and some silty lenses. These soils have a moderate to high erosion potential for most types of construction with moderate slopes. Although the surface soils are underlain by a thin layer of silt in a few locations, the majority of the site appears to be immediately underlain by sand and gravel extending to bedrock. Depth to bedrock underlying the site ranges from 15-1/2 to 40 feet.

Impacts

- o The overburden would be removed and used for berms around the western, northern and a portion of the eastern perimeters of the site. Berms could be subject to erosion if not adequately compacted during construction and if left bare of vegetation.
- o Overburden not needed for berms will be used to create gentle sloping banks during the on-going rehabilitation process. The 2H:1V (horizontal to vertical) sloping banks as required by the Zoning Ordinance could be subject to periodic erosion during the rainy season. However, based on observation of numerous other similar excavation operations, a natural revegetation process of native riparian grasses, shrubs and trees occurs rapidly in this area. Erosion would therefore normally be limited to the first few months after final grading if it happened to be the rainy season, after which the natural revegetation process should adequately control erosion.
- o In areas where excavation is shallow due to the availability of limited resources in a particular area, the overburden will be replaced, allowing those areas to be used for grazing/agricultural purposes. Upon completion of the project, the berms will be removed and the material used to complete rehabilitation of the ponds and/or the agricultural areas. Soils presently used to



APPROXIMATE TEST PIT LOCATION
 APPROXIMATE SCALE=1"=2000'

Source: J. H. Kleinfelder & Associates

<p>BECK RANCH SAND AND GRAVEL PERMIT ENVIRONMENTAL IMPACT REPORT</p>	<p>GEOTECHNICAL TEST SITES</p>	<p>FIG. 5</p>
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support agricultural production would then support riparian vegetation around the ponds, grasses for grazing and possible field crops.

- o The overburden when replaced as fill will be subject to settlement. The amount of settlement will depend upon the total thickness and soil compaction and will be on the order of 2 to 4 inches for a 5-foot thick fill. The majority of settlement should take place during placement of the fill. The filled areas may not be suitable to support structures unless the fill was engineered for compaction during placement.
- o The underlying sand and gravel would be removed from the site and processed for sale as building products. Upon completion of excavation, the existing sand and gravel, a non-renewable resource, will be permanently gone.

Mitigation Measures

- o Berms should be planted as proposed with vegetation including grasses, shrubs, and trees within six months of construction to reduce erosion.
- o Berms should not exceed an 8-inch loose maximum, and slopes should be constructed no steeper than 2 to 1 horizontal to vertical and no flatter than 3 to 1. Flatter slopes intercept more rainfall and expose more surface to erosion. Care should be taken to avoid nesting of large-size material within the berm to reduce possibility of subsidence and slumping. Compaction by conventional earth-moving equipment during construction of the berms should be sufficient to minimize erosion.

B. HYDROLOGY

The project site was leveled for irrigation in 1950. The profile of the land, and soil types are more conducive to water percolating through the soil to the groundwater table than to surface water runoff flows. An insignificant amount of irrigation water currently drains to the adjacent Lost Lake. There is no run-off to the river.

Based on available well logs and from a number of test pits dug on the site, the average depth to first groundwater occurrence is approximately 25 feet. In the test pits water was first encountered at about 30 feet. Water levels on the southern end of the adjacent Lone Star Operation are currently encountered at 12 to 15 feet.

Water levels in the adjacent Lost Lake average approximately 40 feet below the surface of the subject property. The elevation of lake water fluctuates only slightly with the height of the water in the river. It is apparent that lake levels are maintained primarily by ground water seepage from adjacent properties and to a minor extent by irrigation water from the project site.

The present agricultural operation is presently irrigated with water pumped from the San Joaquin River and from on-site wells. Water is pumped from the river to a 2.5 acre pond on the north end of the site. Irrigation water is then channeled to flood-irrigate the almond orchard, vineyards, and row crops.

In the early 1950's a water rights settlement contract was signed by the property owner with the Bureau of Reclamation. In a recent letter to the property owner, the Bureau confirmed that use of riparian water for the entire property is currently permissive for irrigation and any reasonable use. (Bureau of Reclamation letter, 1984).

Impacts

- o The proposed excavation would cause a minor alteration of existing surface water flows. The proposed ponds would cause any runoff flows to drain into the ponds rather than off-site or into Lost Lake. Since the ponds intersect the water table, circulation of water within the pond would cause mixing of pond water with ground water. Similar excavation operations in California and Arizona have encountered no instances of groundwater quality impairment due to excavation. During excavation, any contaminants (i.e. diesel fuel, oil, etc.) resulting from equipment operation would be insignificant and would not affect the water quality of the underlying

groundwater table (Schmidt, June 1986). The project itself will use no riparian water since the resource material will be transported to the existing off-site plant for processing.

- o The existing vineyards and orchards presently consume water by evapotranspiration. A portion of the irrigation water re-enters the groundwater supply through percolation. Actual loss of water is through evaporation which averages about 2.3 feet per acre per year for irrigated lands in Fresno County (Interim Best Management Plan for Water Quality). The actual evaporation loss from 251 acres of farmland crops amounts to 577 acre feet per year (2.3 acre feet x 251 acres = 577 acre feet).

The proposed ponds would increase the area of open water by approximately 170 acres and increase local evaporation. The annual pan evaporation at Fresno is approximately 65 inches. Evaporation from a free body of water is approximately 70% of this or 46 inches. Annual rainfall of 11 inches would decrease the evaporation to 35 inches. This represents a loss of water evaporation of approximately 496 acre-feet per year (.35 divided by 12 = 2.92 x 170 acres = 496 acre feet). If the remaining approximately 81 acres were to be irrigated, there would be additional loss of 186.3 acre-feet per year (2.3 acre-feet x 81 acres = 186.3 acre-feet). The total evaporation loss from the rehabilitated project would be 682.3 acre-feet per year (496 acre-feet from lakes + 186.3 acre feet from irrigation). There would be a net increase in evaporation loss between the current agricultural operation and the proposed project of 113.3 acre feet per year. While there is an increase in water lost to evaporation, it is insignificant compared to the total evaporation losses for the County lands. Irrigation ditches and discharge channels would contribute greater losses.

- o Replacement of the existing agricultural operation with the resulting ponds from this project would stop the present flow of irrigation waste water into Lost Lake. Agricultural waste water has been known to contain contaminants from pesticides and fertilizers in some cases. As agricultural operations are reduced, any associated contaminants will diminish accordingly
- o As the vineyard and orchards are gradually removed with each phase, the need for irrigation water from the river will also be proportionally reduced. The rehabilitated grazing/agricultural lands may use riparian water for

irrigation. The project itself will use no riparian water since the resource material will be transported to the existing off-site plant for processing.

- o During the active excavation, the pits will be de-watered (water pumped from excavation pit to temporary holding pond or other rehabilitated pond) to allow deeper excavation. The water that is removed is moved only a short distance and water would continue to percolate in the general area. No domestic wells on the property or in the surrounding area are expected to be impacted during de-watering (Schmidt, June 1986). Upon completion of the excavation, the dewatering pumps are turned off and the water level returns to the level of the surrounding groundwater within a short time, usually 24-48 hours (Mathis, July 86).
- o As part of the excavation operation, gold will be recovered as a by-product. The recovery of gold-bearing sands is accomplished by a mechanical system which separates the sand concentrate (known as black sand). The gold-bearing sand usually occurs at or below the ground water level. Since the system is completely mechanical, no impacts to water quality will occur during this initial recovery process.
- o The resulting concentrates will be transported in barrels to an on-site lab where the gold will be removed using the mercury recovery process. Upon removal of the gold, the mercury is also fully recovered for re-use and any remaining water is drained to a small, shallow (3-4 feet deep) settling pond adjacent to the lab. The pond will not intercept the water table.

Although there are no known problems associated with similar, small gold recovery labs, a discharge permit will be required from the California Regional Water Quality Control Board (Wass, July 1986). The permit may require periodic sampling or monitoring of the discharge water to determine if any trace remnants of mercury remain. No adverse impacts are expected to occur since water discharge will be controlled by the Water Quality Control Board discharge permit.

- o During the life of the project, movement of water during dewatering of excavation areas should provide adequate circulation in ponds and minimize eutrophication (loss of oxygen). A certain amount of eutrophication will occur between the ponds due to the natural lateral movement of groundwater, especially between the project's ponds and Lost Lake. Any dike between Lost Lake and the project's ponds will be the remaining gravel between them which

will not be excavated. The loose-fitting nature of gravel will allow for a freer flow of water through the dike. However, without a periodic circulation of water, eutrophication may slowly occur as it has in Lost Lake over the last 40 years.

Mitigation Measures

- o Mitigation of evaporative loss is limited to chemical treatment of water surface to reduce evaporation or alternative excavation or rehabilitation plans such as shallower excavation so that the majority of the site would be rehabilitated to dry land instead of lakes. Chemical treatment may have greater adverse impacts (especially to wildlife) than would the effects of evaporative losses. (Sanger Rock & Sand EIR, 1980) Shallower excavation would not allow the full recovery of the aggregate. This would likely result in a permanent loss of the resource since recovery at a later date may not be economically feasible or incompatible uses may have increased in the surrounding area making recovery impossible.
- o Compliance with the discharge permit from the Regional Water Quality Control Board for the gold lab is adequate mitigation.
- o Culverts placed in the dikes separating the rehabilitated lakes would increase circulation. An aerating system would provide long-term benefits and prevent eutrophication.

C. VEGETATION AND WILDLIFE

The area proposed for the gravel extraction area is currently a farm operation. The land is disturbed and can no longer be thought of as a wildlife area even though many species of birds now periodically use the site. The area in its original state probably did not support many species of resident wildlife. With the current farming, almond trees were planted, temporary brush piles were constructed, with some remaining for several years before burning and a small farm pond was created. Most of the species found on the site now are migrants. A very few species found on the site live in the San Joaquin riparian and forage out onto the farm land. In its present use, the land does not provide much food or shelter for species that would normally reside here.

The adjacent Lost Lake recreation site has been studied each spring on a weekly basis for more than fifteen years as a college laboratory for a biology field class (Table 1). There has been a rather steady decline in animal species and numbers of individuals since the first study began. There are several reasons for the loss of wildlife:

- a. Foremost is the development of the river bank for fishing and picnicking with the subsequent loss of riparian habitat.
- b. Increasing use of the area by humans, including car use, loud noises such as radios and people shooting guns or bows.
- c. Loss of wildlife such as destruction of bird nests, killing of reptiles and trapping by the daily human visitors.
- d. Picking of wildflowers or other destruction of vegetation.
- e. The development of farm operations on the Madera side of the river has greatly reduced habitat and species of animals that formerly lived there.

Lost Lake is suffering due to eutrophication. The water and various residues are trapped in the lake with little or no flushing action of the water.

Fresno County appears to be short of funds to make Lost Lake a viable recreational and wildlife pond. They have done very little to improve Lost Lake proper. Many unique plant species have been removed along the river. Plants such as deer brush, Western redbud, Western spice bush, wild cherry, and seedling sycamore trees have been removed in the past.

TABLE 1

WILDLIFE SPECIES THAT HAVE BEEN INVENTORIED ON THE SITE AND
IN LOST LAKE PARKMammals--

- | | |
|----------------------|-------------|
| 1. Striped skunk | 5. Gray fox |
| 2. Raccoon | 6. Beaver |
| 3. Longtailed weasel | 7. Muskrat |
| 4. Bobcat | |

Reptiles and Amphibians--

- | | |
|---------------------------|-------------------------|
| 1. Rattlesnake(1) | 6. Western skink |
| 2. Gopher snake | 7. Western toad |
| 3. King snake | 8. Tree frog |
| 4. Red-sided garter snake | 9. Bullfrog |
| 5. Western fence lizard | 10. Western pond turtle |

Birds--

- | | |
|-----------------------------|-------------------------------|
| *1. Western grebe | 30. Forster's tern |
| 2. Horned grebe | 31. Caspian tern |
| 3. Eared grebe | 32. Black tern |
| *4. Pied-billed grebe | 33. Black-shouldered kite |
| 5. Double-crested cormorant | 34. Red-shouldered hawk |
| *6. American bittern | *35. Osprey |
| 7. Black-crowned cormorant | 36. White-throated swift |
| 8. Anthony's green heron | 37. Purple martin |
| 9. American Egret | 38. Anna's hummingbird |
| 10. Great blue heron | 39. Black-chinned hummingbird |
| 11. Mallard | 40. Belted kingfisher |
| 12. Green-winged teal | 41. Black phoebe |
| 13. Cinnamon teal | 42. Say's phoebe |
| 14. Ruddy duck | 43. Tree swallow |
| 15. Canvasback duck | 44. Violet-green swallow |
| 16. Redhead | 45. Cliff swallow |
| 17. Pintail | 46. Rough-winged swallow |
| *18. Ring-necked duck | 47. Barn swallow |
| 19. Lesser scaup | 48. Scrub jay |
| 20. Barros's goldeneye | 49. American crow |
| 21. Bufflehead | 50. Long-billed marsh wren |
| 22. Hooded merganser | 51. Western mockingbird |
| 23. Sora rail | 52. Audubon's warbler |
| *24. Common gallinule | 53. Sage sparrow |
| 25. American coot | *54. Red-winged blackbird |
| 26. Killdeer | 55. Tri-colored blackbird |
| 27. Common snipe | 56. Brewer's blackbird |
| 28. Ring-billed gull | 57. Northern oriole |
| 29. California gull | 58. Phainopepla |

*Species declining in recent years

Impacts

- o The noise levels, if developed as proposed, with berms and vegetation keeping sound levels lower than the operation and downriver, will probably not impact any of the wildlife currently known to inhabit the area or to use it as a resting place. Examples are the geese that formerly stopped on the Ball Ranch. The steady noise levels from the Lone Star gravel operation did not seemingly affect the geese, however, any strange automobile or human intrusion would cause them to vacate the area for varying lengths of time. The Ball Ranch deer herd behaved in a similar fashion to the geese.

The steady, predictable gas cannons firing often used in orchards does not affect most wildlife. The use of gas cannons is rated low in effectiveness and are considered ineffective. (California Agriculture, 1956) The nesting of small bird species often occurs in areas of heavy human use so long as the use appears relatively constant. Female deer will fawn in areas of medium to heavy use by humans if they have cover and are protected from dogs.

- o The gravel operation as proposed, using a dust palliative or water trucks on haul roads and in excavation areas during dry seasons should produce minimal dust. Certain practices for the existing agricultural operation create considerable amounts of dust periodically throughout the year. Dust can and does do extensive damage to vegetation.
- o The heavy use by people and vehicles during gravel operations may tend to force some shy species to temporarily search for other habitat areas with little disturbance. The riparian habitat is becoming so scarce that this is now a major problem in California. 70%-90% of the riparian habitat has been lost in Central California. (Mitchell, May 1986)

Mitigation Measures--

- o The planting of berms with various species of shrubs and trees could improve food and shelter for many species compared to what is currently there.

Examples of fast-growing species:

- a. Red iron-bark eucalyptus-winter food for migrating hummingbirds and orioles
- b. Carolina and Hollyleaf cherries produce lush green foliage and fruits.

- c. Russian olive-excellent food source.
 - d. Pyracantha bushes-food for birds and cover for small mammals.
 - e. Multiflora rose-excellent fencing and habitat for bird or mammal species.
 - f. Liquid amber trees-fall color for humans and excellent seeds for wildlife.
- o The gravel pits, as most others in the past, will provide more riparian habitat for wildlife in the future when they are planted. The rehabilitated complex, in the long term would be richer in habitat and wildlife diversity than current agricultural use.

D. NOISE

1. Existing Noise Environment

Existing sources of environmental noise in the vicinity of the project site include vehicular traffic on Friant Road and within Lost Lake Regional Park, occasional aircraft overflights and extraction and processing activities at the adjacent Lone Star Industries' sand and gravel operation.

Existing ambient noise level* measurements were conducted at several locations in the vicinity of the project site. Monitoring locations were selected in response to specific concerns regarding existing noise levels at typical residential locations on the San Joaquin River bluffs, in an area in Madera County across the river where residential development is proposed, and in the Lost Lake Regional Park. Monitoring sites are shown on a U.S.G.S. topographic map of the project area in Figure 6. The results of the ambient noise level measurements are summarized in Table 2.

TABLE 2

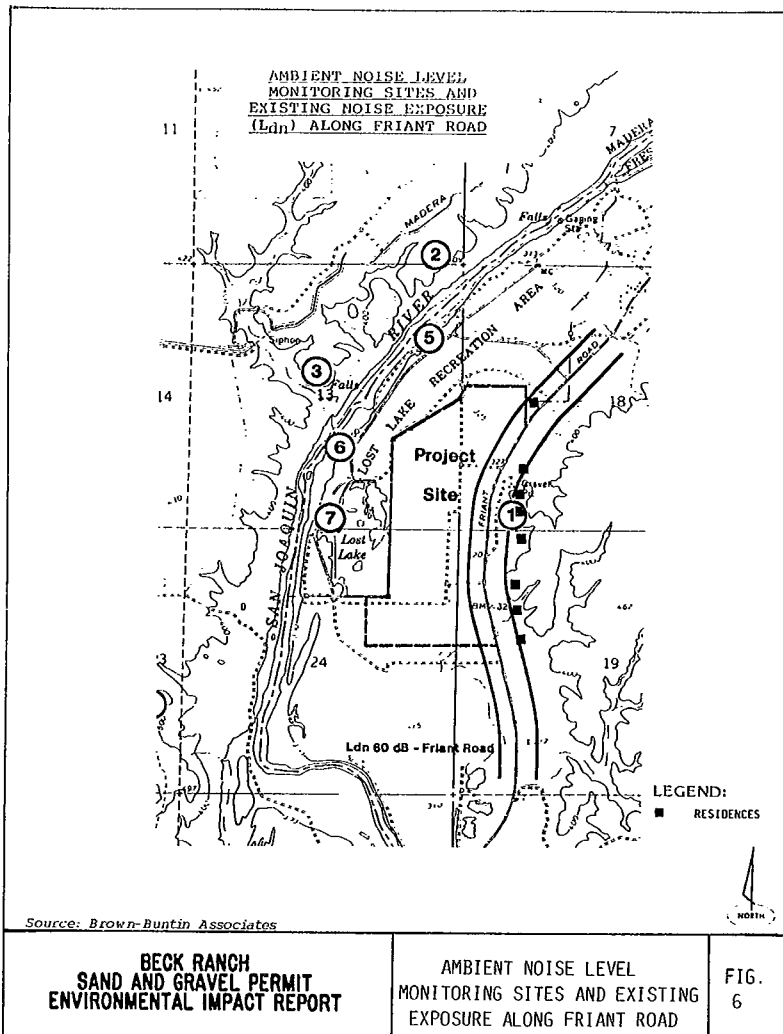
SUMMARY OF AMBIENT NOISE LEVEL MEASUREMENTS
MARCH 23 AND 25, 1984

Site	Date	Time	L _{eq}	L _{max}	Source (L _{max})
1	3/23/84	7:45 am	49 dB	65-70 dBA	Trucks*
1	3/25/84	5:20 pm	57 dB	70 dBA	Motorcycles
2	3/23/84	8:15 am	38 dB	40 dBA	Trucks
3	3/23/84	8:45 am	38 dB	45 dBA	Aircraft
4	3/23/84	9:30 am	43 dB	50 dBA	Trucks
4	3/25/84	6:30 pm	34 dB	40 dBA	Motorcycles
5	3/23/84	10:45 am	52 dB	60-65 dBA	Autos
5	3/25/84	5:45 pm	65 dB	80-90 dBA	Motorcycles
6	3/23/84	11:15 am	45 dB	50 dBA	Birds
7	3/23/84	11:35 am	48 dB	55 dBA	Aircraft

*Not all sand and gravel trucks

Source: Brown-Buntin Associates

*For an explanation of the terminology used in this discussion, please refer to footnotes at the end of this section



In order to provide additional information concerning the 24-hour variation in existing background noise levels in the vicinity of the project site, noise levels were continuously monitored for a 92-hour sample period. The monitoring system was placed at the edge of the bluff overlooking Friant Road at a distance of approximately 350 feet from the center of the roadway (Site #1, Figure 6). The monitoring site was selected to be representative of typical residential setbacks along the bluffs in the vicinity of the project site. Measured L_{dn} values over the sample period ranged from 59.6 to 60.6 dB L_{dn} with an average of 60.1 dB L_{dn} for the entire 92-hour sample period. Typical maximum noise levels ranged from 74-78 dBA and were presumably caused by trucks and motorcycles with modified exhaust systems. The highest noise level recorded during the sample period was 87 dBA.

According to the Fresno County Department of Public Works, the Average Daily Traffic (ADT) for Friant Road from traffic counts taken in June 1985 in the vicinity of the project site was approximately 4033 with approximately 31% of that volume being medium and heavy trucks. Of the traffic, 89% occurs between the hours of 7:00 a.m. and 10:00 p.m. Based on this data, the distances from the center of the roadway to L_{dn} contour values were calculated. West of Friant Road, the calculations assumed an acoustically "soft" site since existing soil and vegetation provide some absorption of sound. East of Friant Road, an acoustically "hard" site was assumed since persons residing along the bluffs look down on the roadway and sound is attenuated only by atmospheric absorption. L_{dn} contour locations for existing conditions as measured from the center of the roadway are summarized in Table 3 and plotted on a map of the project area in Figure 6.

TABLE 3

EXISTING CONDITIONS
 DISTANCE (FEET) FROM CENTER OF
 ROADWAY TO L_{dn} CONTOURS
 FRIANT ROAD NEAR BECK RANCH

<u>Contour Value</u>	<u>East of Roadway</u>	<u>West of Roadway</u>
L_{dn} 70 dB	85	56
L_{dn} 65 dB	182	120
L_{dn} 60 dB	391	258

Source: Brown-Buntin Associates

Noise levels measured in Lost Lake Park ranged from L 45-65 dBA depending upon time and location. Maximum levels in the picnic areas were generally caused by passing automobiles and motorcycles (60-90 dBA at 25 feet) and by radios (45 dBA at 150 feet). Aircraft overflights generated levels of 45-50 dBA depending upon type of aircraft and altitude. Noise levels along the Lost Lake Nature Trail (Site #6, Figure 6) averaged 40-45 dBA depending upon proximity to running water. Vehicular traffic on park roads produced maximum noise levels ranging from 40-45 dBA along the trail. Birds generated noise levels ranging from 40-50 dBA. Noise levels from vehicular traffic on park roads is effectively attenuated in the trail area by topography and vegetation.

2. Noise Standards

The Fresno County Noise Ordinance contains exterior noise level standards. The maximum exterior noise levels allowed by the Fresno County Noise Ordinance are 70 dBA during the daytime hours (7:00 a.m. - 10:00 p.m.) and 65 dBA during the nighttime hours (10:00 p.m. - 7:00 a.m.), when measured at an existing noise sensitive receiver location. As defined by the ordinance, noise sensitive receivers include churches, schools, hospitals, libraries and residential uses. The noise ordinance also contains standards which regulate noise levels of lesser intensity but longer duration. The noise ordinance standards are summarized in Table 4.

TABLE 4
FRESNO COUNTY NOISE ORDINANCE STANDARDS

Category	Cumulative Number of minutes in any one-hour time period	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
1 (rural, res.)	30	50	45
2 (urban)	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

Source: Chapter 8.40, Fresno County Ordinance Code

Policy #4.02 of the Fresno County Noise Element establishes that in order to maintain an acceptable environment, the maximum allowable noise levels for rural residential uses (Category 1)

should be 55 dB L_{dn} or an L_{50} of 50 dBA during the day (7:00 a.m. - 10:00 p.m.) and 45 dBA during the night (10:00 p.m. - 7:00 a.m.). The rural residential standard is only applied in instances where existing background noise levels are sufficiently quiet (Typically 55 dB L_{dn} or less). The maximum allowable noise levels for urban residential (category 2) and noise sensitive receivers are 60 dB L_{dn} or an L_{50} of 55 dBA during the day and 50 dBA at night. Areas subject to a noise exposure of 60 dB L_{dn} or greater are identified as noise impacted areas by the Noise Element.

From Figure 6 it is apparent that noise levels as defined by L_{dn} and daytime L_{50} presently exceed the Fresno County Noise Element standards for rural residential land uses due to the close proximity of Friant Road which is a major noise source for the area. Since existing noise levels at typical residential setbacks along Friant Road are presently above the county's standards for rural residential receivers, it would seem inappropriate to apply such a standard to the Beck Ranch project. Although the urban residential and noise sensitive receiver land use category of the Noise Element does not adequately describe existing residential uses along Friant Road, the existing noise environment in this area is representative of a more densely-populated area with nearby major transportation-related noise sources.

Impacts

In order to determine project noise levels, noise measurements were taken of equipment at the existing Lone Star Industries' excavation area south of and adjacent to the project. The same equipment will be used for the project. Maximum noise levels during the measurement period were caused by the banging together of the dragline bucket and chain and by aggregate being dumped into empty truck trailers. Table 5 is a summary of the measurements, indicating maximum noise levels and the statistical distribution of noise levels over time.

TABLE 5
SUMMARY OF LONE STAR EXCAVATION
NOISE LEVEL MEASUREMENTS
JUNE 3, 1986

<u>Descriptor</u>	<u>Distance (feet)</u>	<u>Sound Pressure Level (dBA)</u>
L_{50}	400*	63
L_{25}	400*	65
$L_{8.33}$	400*	67

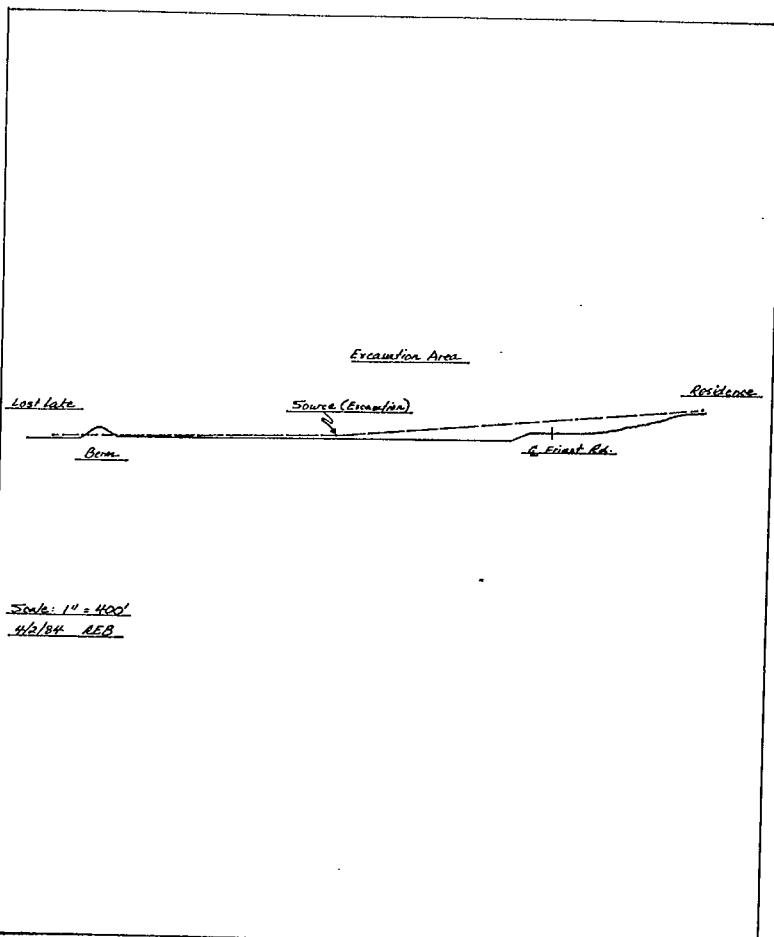
TABLE 5 - Cont'd

<u>Descriptor</u>	<u>Distance (feet)</u>	<u>Sound Pressure Level (dBA)</u>
L _{1,67}	400*	69
L _{max}	400*	72
L _{eq}	400*	64
L _{eq} (dragline)	200	72
L _{max} (dragline)	200	82
L _{eq} (loader)	165	72
L _{max} (loader)	165	86

*400 feet from the loader and approximately 600 feet from the dragline

Source: Brown-Buntin Associates

- o The operator has proposed that berms be located along the western, northern and part of the eastern boundaries of the excavation area. The proposed berms are approximately 10 feet high with respect to the existing project grade. The effectiveness of a noise barrier is determined by the geometric relationship between the noise source, receiver and barrier. The amount of attenuation provided by a barrier is calculated from the difference in distance sound must travel when passing through a barrier compared to the distance it must travel when refracted over the barrier. In order to be effective, the barrier must interrupt line-of-site between the source and receiver. Generally, a barrier will be more effective if it is located either close to the source or receiver. Figure 7 has been prepared to illustrate the topographical relationship between the project site and Lost Lake Regional Park to the west and between the project site and the bluffs area east of the project site. It is apparent from Figure 7 that line-of-sight is effectively blocked between the excavation area and Lost Lake Regional Park. Depending on the depth of the excavation and the proximity of equipment to the berm, noise levels from excavation activities would be reduced by 10-15 dB in the Lost Lake Regional Park area as a result of the proposed berm. It is also apparent from Figure 7 that the proposed berm will not be effective in reducing noise levels from excavation/loading activities as they affect the bluffs



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LINE-OF-SIGHT
FROM EXCAVATION SOURCE

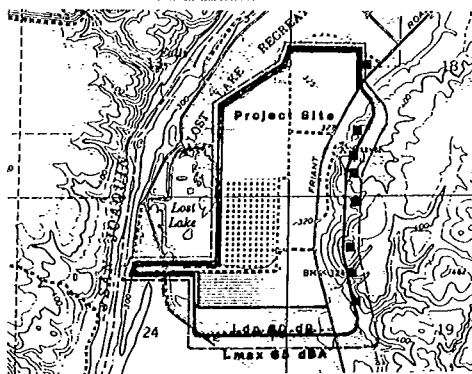
FIG.
7

area east of Friant Road.

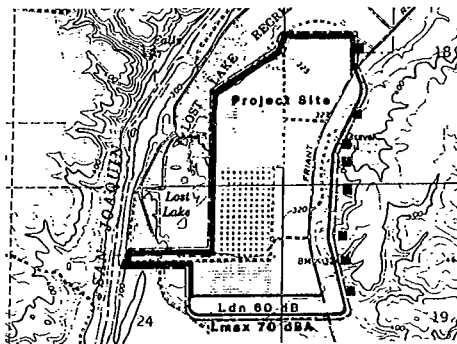
Figure 8 illustrates the extent of worst-case project-related noise impacts with the proposed berms in place, assuming that excavation activities occur between the hours of 6:00 a.m. and 6:00 p.m. and that excavation and loading equipment could operate within 50 feet of the project property line. The L_{dn} 60 dB contour is representative of the extent of land area potentially impacted by noise levels exceeding the land use compatibility criterion of the Fresno County Noise Element for noise-sensitive land uses. The L_{max} 65 dBA contour indicates areas where noise levels from project-related sources could exceed the maximum allowed by the Fresno County Noise Ordinance during the nighttime (10:00 p.m. - 7:00 a.m. hours). Due to shielding by the proposed berms and the topographical relationship between the project site and the area west of the site, project-related noise levels exceeding the County standards would not occur in Lost Lake Regional Park.

- o Based on a worst-case estimate of excavation within 50 feet of the project property line, noise levels may exceed the requirements of the Fresno County Noise Ordinance and Noise Element on a temporary basis at residences located within 500' of the excavation area. This would affect the residence behind the burger stand/bait shop and two of the seven residences on the eastern bluff. The remainder of the residences are more than 500' away from the excavation areas. As the excavation/loading process progresses through the various phases of the project, noise impacts at specific noise sensitive receivers will be reduced.

The noise impacts would only occur for a relatively brief period of time at any one location. The noise level data and distances to noise exposure contours may be used to estimate worst-case noise exposure at a given location after 10-15 dB have been subtracted to account for the presence of a berm if applicable. An example of this is the residence located behind the store near the entrance to Lost Lake Regional Park, which is approximately 175 feet from the center of the closest acre proposed for excavation. Excavation activities on any one acre would occur for approximately 12-13 days. During that time period, typical noise levels as defined by L_{dn} , L_{50} , and L_{max} would be approximately 56 dB, 55 dB and 70 dBA, respectively, after subtracting 15 dB for the presence of the berm. Noise exposure would be less before and after the closest acre is excavated.



Project-Related Noise
Levels: Hours 6:00 a.m.
to 6:00 p.m.



Project-Related Noise
Levels: Hours 7:00 a.m.
to 4:00 p.m.

LEGEND:
 ■ RESIDENCES



Source: Brown-Buntin Associates

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 ENVIRONMENTAL IMPACT REPORT**

**PROJECT-RELATED
 NOISE LEVELS**

**FIG.
 8**

If the affected residence is located behind the edge of the bluff where line-of-sight to the noise source is interrupted, project-related noise levels along the bluffs will be reduced significantly. Also, the existing traffic on Friant Road generates noise levels which are comparable in many instances to project-related noise levels in this area.

Annual average noise levels would not be expected to exceed applicable Fresno County noise standards at any location near the project site.

Mitigation Measures

- o The proposed berms should be constructed as proposed prior to excavation, to assure that the buffer is in place in advance of noise generation.
- o Temporary impacts could be reduced by prohibiting excavation activities within 500 feet of an existing residence between 6 a.m. and 7 a.m., since it is only the closest 500 feet which generate the temporary noise impacts. It is estimated that noise levels would still exceed the ordinance standards in some categories by up to 5 dB (L_{eq}) although such a restriction would represent a significant form of mitigation. Figure 8 shows the maximum extent of worst-case noise exposure with excavation activities prohibited within 500 feet of an existing residence between 6 a.m. and 7 a.m.
- o A variance may be obtained from the Fresno County Health Department since the noise levels would exceed the noise standards only periodically and are temporary in nature. While this will not reduce the noise levels, it will bring the project into compliance with the Fresno County Noise Ordinance.

ACOUSTICAL TERMINOLOGY

AMBIENT NOISE LEVEL:

The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

A-WEIGHTED SOUND LEVEL:

The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.

CNEL:

Community Noise Equivalent Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

DECIBEL, dB:

A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

EQUIVALENT ENERGY LEVEL, L_{eq} :

The sound level corresponding to a steady state sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.

L_{dn} :

Day/Night Average Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

NOTE: CNEL and L_{dn} represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the equivalent energy noise exposure for a shorter time period, typically one hour.

L_{max} :

The maximum A-weighted noise level recorded during a noise event.

L_n :

The sound level exceeded x percent of the time during a sample interval. L_{10} equals the level exceeded 10 percent of the time (L_{90} , L_{50} , etc.)

NOISE EXPOSURE CONTOURS:

Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L_{dn} are the descriptors utilized herein to describe community exposure to noise.

IV. CULTURAL ENVIRONMENTAL CONDITIONS, PROJECT IMPACTS AND
MITIGATION MEASURES

A. LAND USE

1. Existing Setting

The project site is located along the San Joaquin River just south of the Town of Friant and approximately 4-1/2 miles north of the City of Fresno. The riverbottom area is basically rural in nature. It is a prime source for sand and gravel resources and contains several sand and gravel extraction and processing sites. The other predominate land uses are agriculture and grazing. There are scattered pockets of rural residential along Friant Rd. and on the bluffs east of the road (Figure 9).

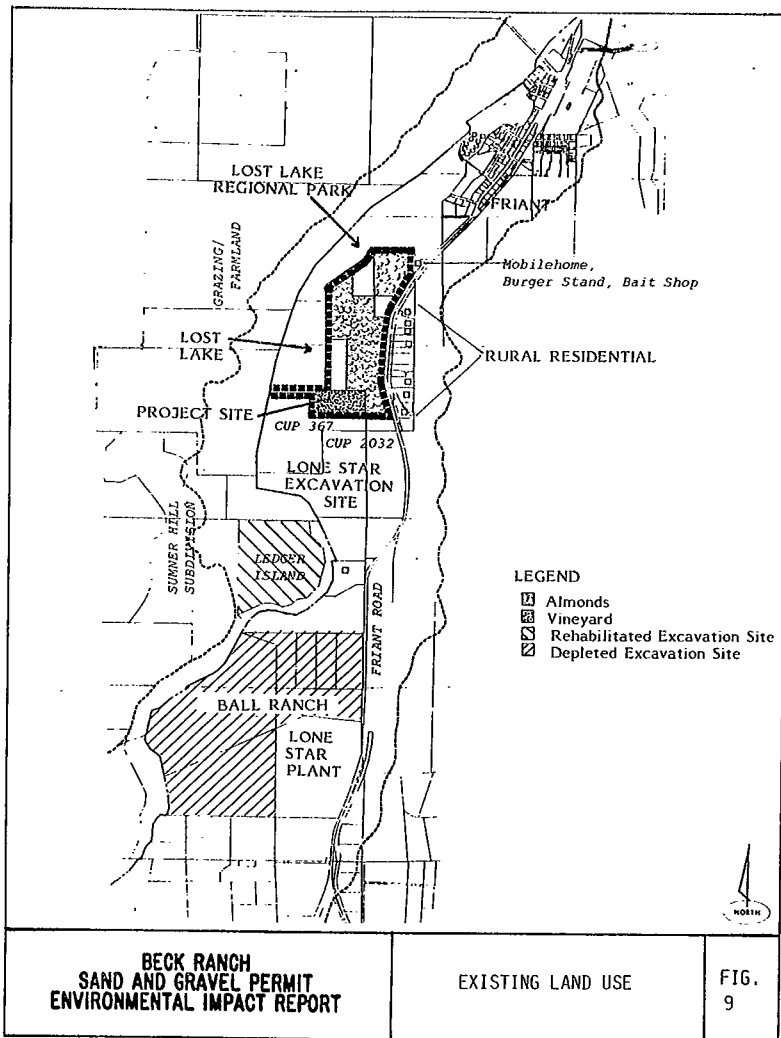
The site contains 251 acres, most of which is currently planted with a grape vineyard and almond orchard. The 356 acre property immediately to the south is an active sand and gravel extraction site operated by Lone Star Industries under Conditional Use Permits (CUP) #367 & 2032. The bluffs immediately to the east have developed to rural residential lots containing seven homes, two of which are owned by the project owner. A hamburger stand and bait shop, together with a mobile home, are located at the northeast corner of the site. Lost Lake Regional Park is located on the west and north sides of the property. The lake itself, which is a flooded sand and gravel site where material was excavated for Friant Dam, is immediately to west of the property. The park is used primarily for fishing and picnicking and as a nature preserve. The park entrance is just north of the site, but is mainly undeveloped in that area. The town of Friant is about 1/4 mile northeast along Friant Road. Friant Dam and the Millerton Lake State Recreation Area are located just northeast of Friant.

Across the River in Madera County, the bluffs have historically been grazing land. To the northwest orchard and vineyards have been developed. A 47-lot residential subdivision known as Sumner Hill is being developed on 200 acres to the southwest of the site.

Future Projects

A specific plan for the planned new community of Millerton, proposed population of 8,000 to 10,000 was approved by the Fresno Board of Supervisors in December 1984. The plan envisions a community located 2 miles east of the town of Friant on 820 acres along both sides of Millerton Road.

A master planned project has been proposed to be located on



557 acres of the Ball Ranch just north of the Lone Star processing plant. It is planned for 721 single family dwelling units, 80 lodge units, and an 18 hole golf course and country club. It would require an amendment for the Fresno County General Plan. An environmental reconnaissance study was completed for the project in October 1985. Project developers are awaiting the outcome of the San Joaquin River Reconnaissance Study (See discussion later in this section.) before continuing further with project processing.

Another project to develop 415 acres for rural residential northwest of the project on the Madera County Bluffs was denied pending the outcome of the San Joaquin River Reconnaissance Study.

Agriculture

The project site is currently in agriculture and has been farmed since 1948 (Figure 9). None of the surrounding river bottom land is in agricultural use. Approximately 33 acres are vacant and are periodically planted to seasonal crops. There are 36.8 acres in grapes, 31.5 acres of Palominos planted in 1948 and 5.3 acres of Thompson planted in 1950. Almond trees originally covered 152.1 acres which were planted in various phases since 1964. Fifteen acres of trees were recently removed in 1985 due to the loss of production caused by the presence of a disease common to almond orchards commonly referred to as "crazy top." Much of the remainder of the orchard is also infected with the disease (Dowler, April 86).

The Soils on site (Figure 10) have been classified by the United Soil Conservation Service as follows:

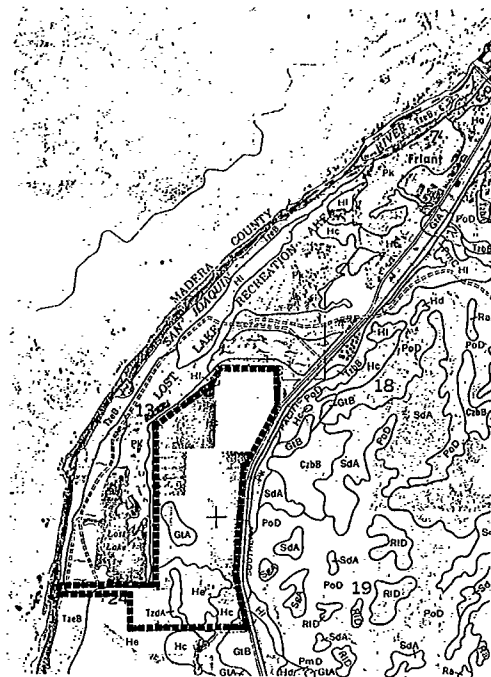
TABLE 6

PROJECT SOILS

<u>Soil Type</u>	<u>Capability Unit</u>
GtA Greenfield sandy loam	Class I
Hc Hanford sandy loam	Class II
He Hanford sandy loam, gravelly substratum	Class II
TzdA Tujunga cobbly loamy sand	Class IV

The capability units basically describe the soils limitations for a range of agricultural uses.

Class I Soils have few limitations that restrict their use.



Source: Soils of Eastern Fresno County



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PROJECT SITE SOILS

FIG.
10

- Class II Soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- Class IV Soils have severe limitations that reduce the choice of plants, require very careful management or both.

Field observations indicate that on-site circumstances on much of the project dictate that agricultural crops such as seasonal vegetables are more suited to the actual soil condition than trees and vines (Dowler, May 1986). Sand and gravel present at shallow depths limits the water holding capacity for deeper rooted crops such as trees and vines. Cobble is also intermixed with the soil at surface levels often causing damage to farm equipment. Both factors increase production costs.

Recreation

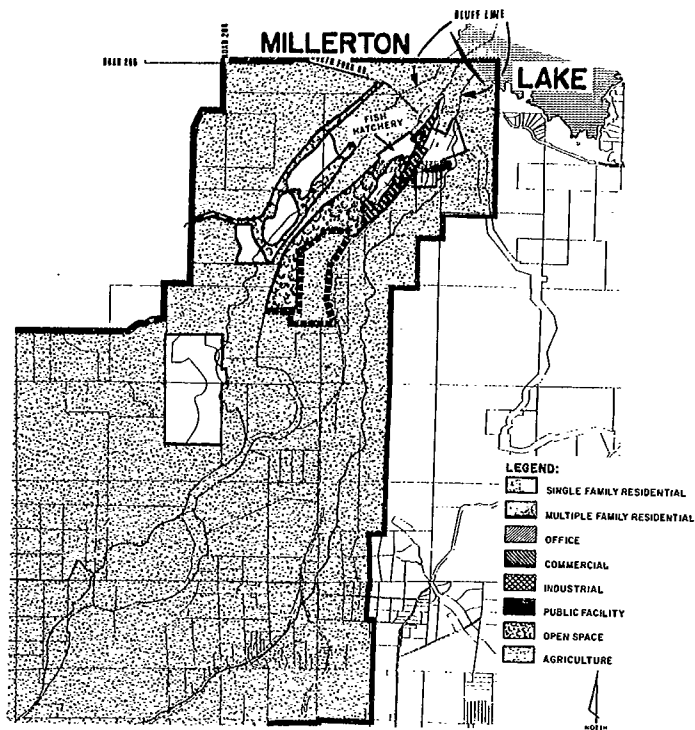
Lost Lake Park, established in 1959, and owned and operated by Fresno County is adjacent to the project site on the north and west. The park property contains 305 acres of which 90 acres are developed for day use, 70 acres are used as a primitive nature study area, and 38 acres encompass Lost Lake itself. The lake is a former quarry site for sand and gravel used in the construction of Friant Dam. In addition, there are 38 overnight camping units. The remainder of the park property remains undeveloped.

Current year projects to be completed in early 1986-87 include remodeling of two restrooms at the campground, construction of a group picnic area, and construction of a fishing facility on the river which is accessible to the handicapped. Planned capital improvement projects for fiscal year 1987-88 include a group reservation picnic area and overnight camping area (Takeuchi, June 1986).

The park is one of the most popular county parks second only to Avocado Lake on the Kings River. The 1985 estimate for users was 150,000 users per year. A 1981 study conducted by Pacific Development Institute of Clovis, indicated that 78% of users were from Fresno and Clovis. The most popular uses of the park include fishing, picnicking, bird watching and nature study activities in that order. Of those surveyed, 19% rated the park as excellent, 56% good and 23% fair (Takeuchi, June 1986).

Land Use Policy

The Fresno County General Plan through its River Influence Policies designates the San Joaquin Riverbottom, including the project site for multiple-use open spaces including; agriculture,



Source: San Joaquin River Reconnaissance Study

**BECK RANCH
SAND AND GRAVEL PERMIT
ENVIRONMENTAL IMPACT REPORT**

**GENERAL PLAN
LAND USE DESIGNATIONS**

**FIG.
11**

mineral resource extraction, golf courses, fisheries, stables, parks, recreation and wildlife refuges. Relating to mineral resources, it is a stated objective to "Preserve and enhance areas of significant natural resources, the retention of which is to maintain the environmental quality and economic potential of the area."

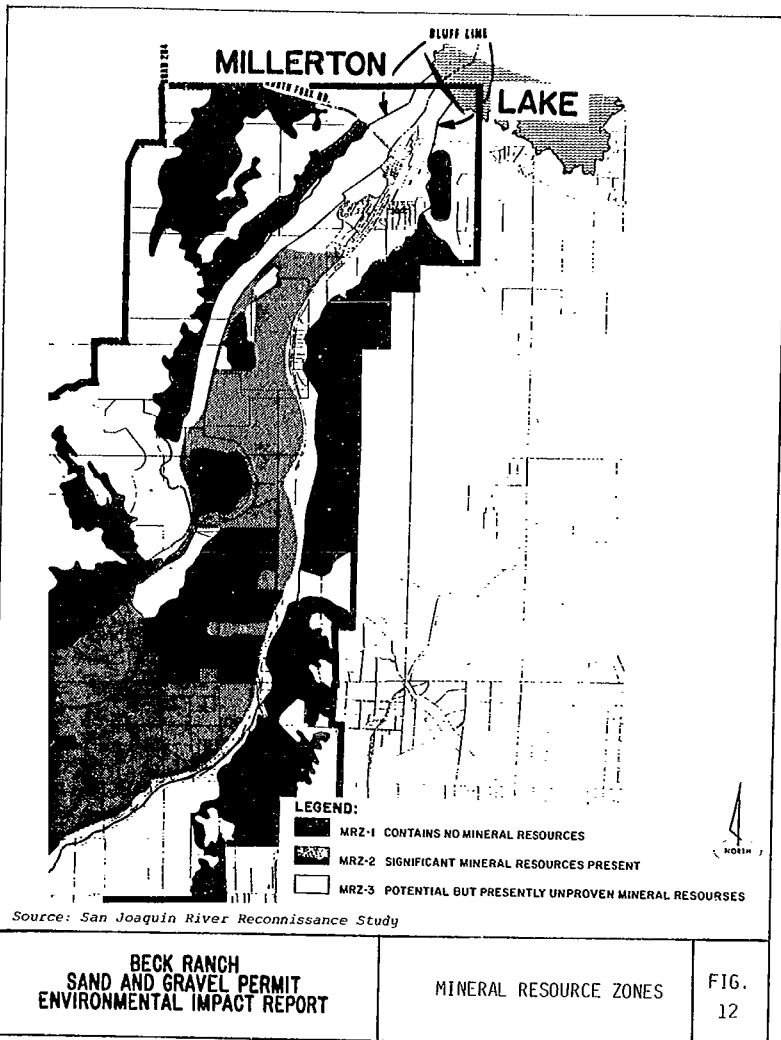
The Mineral Resources Section of the Open Space/Conservation Element of the General Plan identifies sand and gravel as a valuable economic resource to the County and encourages the development of mineral resources when conflict with surrounding land use and the natural environment can be minimized. It further identifies the San Joaquin River bottom area, including the project site, as one of three principal locations for sand and gravel resource extraction. Among its objectives and policies are the conservation of the resource; protection of existing or potential resource sites from incompatible uses in the surrounding area; new operations should be located adjacent to existing or worked out mining operations; and the requirement for the rehabilitation and reuse of the mining site after recovery of the resource.

In addition, the State has just recently completed its Mineral Land Classification of Aggregate Materials in the Fresno Production-Consumption Region as required by the State Mining and Reclamation Act (SMARA) of 1975. That report identifies most of the entire San Joaquin River bottom area including the project site from Highway 99 to the town of Friant as Mineral Resource Zone 2 (MRZ-2) which indicates that significant mineral (sand and gravel) deposits are known to exist (Fig. 12). The report was adopted by the State Mining and Geology Board on July 11, 1986.

The Board will now transmit the classification report to the local lead agencies (i.e. Fresno County, Madera County, City of Fresno). Upon receipt of the classification report, each lead agency must within twelve months thereof, develop and adopt mineral resource management policies to be incorporated in its general plan. These policies will:

- a. Recognize the mineral classification information, including the classification maps, transmitted to it by the Board.
- b. Emphasize the conservation and development of identified mineral deposits.

The State Mining and Geology Board may ...(further)... designate specific geographic areas that contain mineral deposits of regional significance. "Designation" is the formal recognition by the State Mining and Geology Board, after consultation with lead agencies and other interested parties, of areas containing mineral deposits of regional or statewide significance that



should be considered for protection from land uses incompatible with mineral extraction. These deposits are deemed to be of prime importance in meeting the future needs of the region or the state" (Mineral Land Classification, Aggregate Material in the Fresno Production-Consumption Region Special Report 158, 1986). At its hearing on July 11, 1986 the State Mining and Geology Board initiated the designation process and gave it a high priority schedule.

The Scenic Highway Element of the Fresno County General Plan designated Friant Road as a Scenic Highway. One of the objectives of that Element is to preserve the scenic quality of land adjacent to scenic roads.

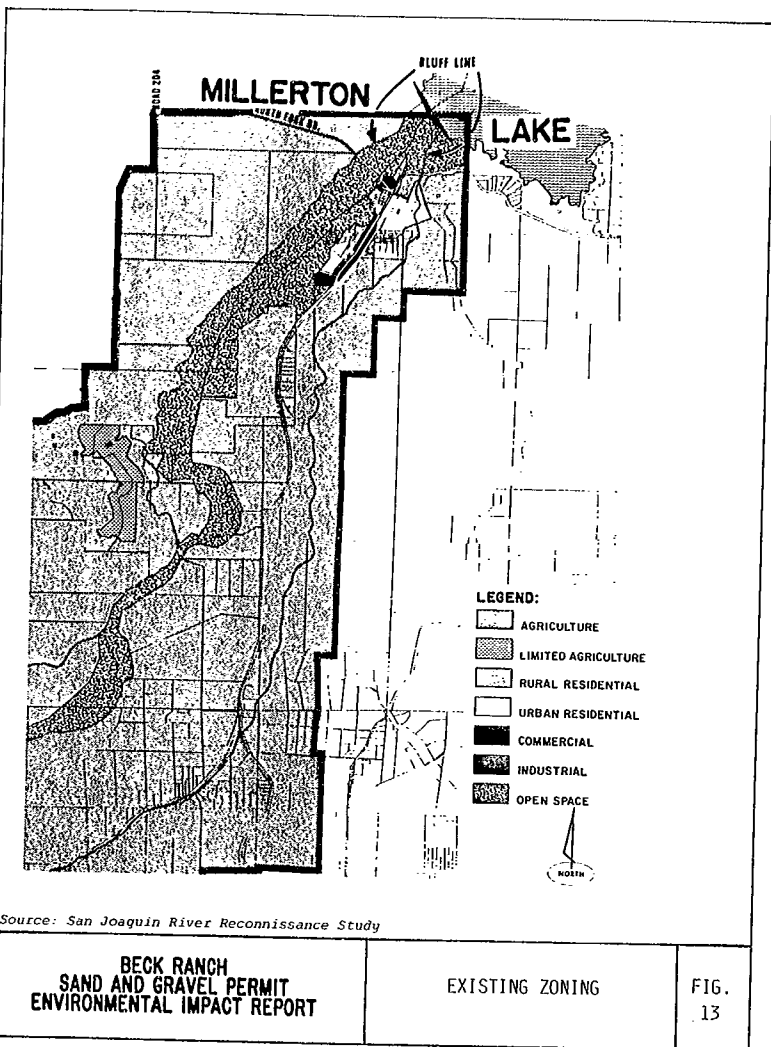
The Madera County General Plan designates the land west of the site across the San Joaquin River primarily for resource conservation and public lands and agriculture. The Summer Hill residential subdivision and an area to the northwest are designated for rural residential.

A joint study is being conducted of the San Joaquin River bottom and bluffs from Friant Dam to Westlawn Avenue, just west of Freeway 99 by the Counties of Fresno and Madera and the City of Fresno. The study was initiated in response to several river bottom and bluff proposals for residential development in the three given jurisdictions. The initial authorized phase of the study was a Reconnaissance Study to determine existing natural and cultural land use conditions. The preliminary report has been completed and is being considered by the joint entities. It has not been determined if an actual plan will be authorized. Pending completion and public hearings of the Reconnaissance Study, new applications are not being accepted within the study area which are not in compliance with existing plans.

Zoning

The project site and the surrounding areas to the south and east are zoned AE-20, exclusive agriculture, twenty acre minimum parcel size (Figure 12). Although zoned AE-20, the homesites on the bluff just east of the site range from 2.4 acres and 8.5 acres in size (Figure 9). Most of the parcels were created prior to the application of AE-20 zoning in 1977. Variance No. 2862 was approved in 1984 allowing five lots on the bluff ranging in size from 1.81 acres to 4.11 acres. As a condition of approval, a note was required to be placed on the subdivision map (or parcel maps) stating as follows:

"The divided parcels adjoin rock, sand and gravel deposits situated to the west ... (i.e. Beck property) ... of the subject property and a discretionary permit to excavate such deposits may in the future be approved by the Fresno County Board of Supervisors."



In addition there was a requirement that "... each parcel shall be landscaped in such a manner as to effectively buffer said sites from future mineral extraction operations to the west of the parcels" (i.e. Beck property).

Lost Lake Park is zoned RE (Recreation). The town of Friant is zoned for a variety of urban residential and commercial uses. In Madera County the zoning is primarily for agriculture, ARF (Agricultural, Rural,) and ARE-160 (Agricultural, Rural, Exclusive, 160 acre minimum) west of the San Joaquin River. The Sumner Hill subdivision is zoned RRS, (Rural, Residential, Single-Family).

Impacts:

- o The proposed use is consistent with the River Influence Policies and Mineral Resources Section of the Conservation Element of the Fresno County General Plan in that it provides for the extraction of a valuable mineral resource; locates the operation adjacent to both an existing mining site and a worked-out site (Lost Lake); and includes a rehabilitation plan conforming to conditions set forth in the General Plan. Compliance with the requirement for minimizing impacts to surrounding uses and the natural environment is dependent on the implementation of effective mitigation measures. If the measures contained in the project design and the appropriate mitigation measures suggested in this EIR are incorporated into the conditions of approval of the project, adverse impacts would be effectively reduced to the maximum extent possible.
- o Approximately 170 acres would be permanently lost to agriculture. This will be an adverse impact adding to loss of agricultural land to urbanization. While this is a conflict with the General Plan, the extraction of mineral resources is identified as a recognized, irreplaceable, exhaustible economic resource to the Fresno-Madera County. No policy clearly establishes priorities when these two policies contradict each other. However, the Agricultural Policies and the AE (Exclusive Agricultural) zone district identify mining as a permitted use.
- o The loss of vineyard will have little if any impact on the grape industry. The Palomino variety is an old variety and there is little market for them today. There are only five acres of Thompsons, which are currently over-produced in the Valley. (Dowler, April 86)
- o The loss of almond orchard will also have little impact

on the almond market. Almonds are also over-produced. This factor together with the disease element which is prevalent in the orchard does not warrant the man-hours needed to show a profit. (Dowler, April 1986)

- o The value of the agricultural production from this property to the community is minimal compared to the value of sand and gravel resources to the community. More people and the community as a whole will benefit many more times from roads, homes, construction projects, etc. which would be built from the resource from this site than there would be from utilizing food products produced on this site (Dowler, April 1986).
- o The present agricultural area would be replaced by valuable wetlands and riparian habitat. Riparian areas along the San Joaquin River and throughout the Valley have been reduced to a fraction of their original size due in a large part to conversion to agriculture, irrigation and flood control projects which have constructed dams and diverted water. Such areas have been reduced in the State of California to only 5% of what was present at the turn of the century (San Joaquin River Reconnaissance Study, 1986) The addition of this site would enhance the reestablishment of riparian sites along the San Joaquin River and expand the wildlife and natural area around Lost Lake Park.
- o The homes on the bluff east of Friant Road would be adversely impacted to various degrees during the life of the project. The most noticeable impacts would be visual and noise. Since the homes on the bluff are located above the site, the active excavation areas will be visible at different times to different homes depending on which phase of the project is active. The residence, hamburger stand and bait shop at the northeast corner of the site would be adversely impacted during excavation at that end of the site. (See Aesthetics Section and Noise Sections)
- o During construction and landscaping of the berms along the lake and park boundaries, users of the park will be temporarily exposed to equipment activity unassociated with park activities. After the berms are in place the only activities visible to park users may be the tops of the larger equipment when they are operating adjacent to the berms. As they move away from the berms, or as soon as excavation reaches 10 feet, they will no longer be visible. Another factor in the effectiveness of the berms is that the majority of park users will be below the level of the project site due to existing topography. Consequently their line of

sight will angle upwards from the peak of the berms. As the landscaping fills in along the top of the berms, no activities should be visible.

- o During construction and landscaping of the berms, park users will be temporarily subjected to equipment noise uncharacteristic of normal park activities. When the berms are in place, projected-related noise levels are not expected to exceed the County Noise Standards in Lost Lake Park (See Noise Section).
- o The nature study area is across Lost Lake and approximately 1000 feet away from the project boundary. It is also separated from the Lake by a rise in topography and vegetation. Since noise levels will be within noise limits for a noise-sensitive receptor (See Noise Section) due to distance, topography, and the proposed berms, and the site is not visible from the Nature Study Area, no impacts to wildlife or nature study observers are expected.
- o Wildlife along the eastern edge of Lost Lake will be temporarily disturbed during construction and landscaping of the berms. Once the berms are in place, noise and activity behind the berms should not affect most wildlife (See Wildlife and Noise Sections).
- o The ultimate conversion of agricultural land on the site to lakes and terrestrial habitat would create more diverse habitat resources in the immediate area. This additional habitat will in the long term, attract wildlife in greater numbers and diversity to Lost Lake due to its proximity (See Wildlife Section).
- o The excavation pits may present a potential safety hazard to users of Lost Lake Park. However, Lost Lake itself is an old quarry site that was not rehabilitated. Nearly vertical slopes exist on the east and south sides of the Lake. Few accidents at the Lake have been reported since the park was established (Takeuchi, May 1986).

Mitigation

- o Those areas not actively under excavation should continue to be farmed until excavation reaches that phase. Topsoil should be saved as excavation occurs and should be placed back as the last covering of final reclamation so that the most productive soil is available to the crops. Rehabilitated farm areas could be planted to a variety of crops. Vegetables which are shallow rooted, would be suitable for areas where the

water table is shallower. In areas where less material was removed and the water table is deeper, trees and vines could be planted. There is a growing market for vegetables in the Valley on a year-around basis (Dowler, April 1986).

- o As proposed, rehabilitation should begin within one year of completion of excavation to minimize aesthetic impact to surrounding bluff residences. (See Aesthetics Section).
- o The berms should be constructed prior to excavation of each phase to assure that noise levels in the park are not excessive. Landscaping of the berms should take place immediately after the berms are constructed to allow the vegetation to grow as quickly as possible (See Vegetation Section for recommended species). This will also allow the berms to blend in quickly with the park's environment.
- o Boundaries of the property adjacent to the park should be fenced and signs posted to discourage trespassers. The steep slopes on the east and south sides of Lost Lake would act as a deterrent since the slopes are nearly vertical and difficult to traverse on foot. Sloping the banks of lakes to 2H to 1V (horizontal to vertical) in accordance with the standards of the Zoning Ordinance will minimize hazards after rehabilitation.

B. TRAFFIC AND CIRCULATION

1. Existing Traffic Network

Friant Road: Friant Road is classified as an expressway and is planned for ultimate construction as a four lane divided highway with six lanes between Shepherd Avenue and Blackstone Avenue. It serves as a major highway link between the project and the Fresno Clovis Metropolitan Area (FCMA) to the south and the unincorporated community of Friant to the north.

Friant Road currently has a travel lane and a bike lane in each direction. Separate left turn lanes have been installed in Friant Road at Willow Avenue, at the entrance to Lone Star's sand and gravel excavation site located immediately south of the project and at Lone Star's sand and gravel plant located south of Ball Ranch. Acceleration and deceleration lanes have also been installed at both sites.

Friant Road between Copper Avenue and Shepherd Avenue along the frontage of the Woodward Lake development was recently widened on the east side and has two lanes in the northbound direction. Friant Road between Copper Avenue and Blackstone Avenue is planned to be widened in the near future to a minimum of four travel lanes by 1990 and to have an interchange with Freeway 41.

Willow Avenue: Willow Avenue is classified as an arterial and is planned for ultimate construction to a four lane divided roadway. It will serve as a major highway link between the community of Friant and the easterly portion of the FCMA. The roadway between Friant Road and Herndon Avenue has a travel lane in each direction and forms a "T" intersection with Friant Road approximately three miles south of the project. Separate left and right turn lanes have been installed in Willow Avenue at the intersection. There is a service road extending westerly from the Friant Road/Willow Avenue intersection. The service road approach and the west bound Willow Avenue left turn movements are controlled by stop signs. All other movements are uncontrolled. Willow Avenue southeasterly of Friant Road is curvilinear with fairly steep grades for about three-quarters of a mile and from that point to Herndon Avenue the road is flat and straight. The planned extension of Willow Avenue between Herndon Avenue and Barstow Avenue has not been constructed.

Millerton Road: Millerton Road is classified as an arterial. It is a two lane east-west roadway connecting to Friant Road and Road 206 on the west and to Auberry Road and State Hwy 168 to the east.

Copper Avenue: Copper Avenue is an east-west roadway classified as a collector. It extends westerly from Friant Road

and will distribute traffic to various parts of the Fresno-Clovis Metropolitan Area (FCMA) via Minnewawa Avenue, and Willow Avenue.

Bikeways: The FCMA bikeway system includes a regional bikeway route along the Friant Corridor from Audubon Drive to the community of Friant. The route has been installed as bike lanes along the Friant Road alignment. The long-range Bicycle Plan would also extend a bicycle path from Lost Lake south and west along the San Joaquin River to Skaggs Bridge on Highway 145. The Fresno County Board of Supervisors has adopted a recreation trail plan which included a multiple purpose trail including bicycles, hiking and equestrian along Friant Road from Woodward Park to the community of Friant. The width and specific location of the multiple purpose trail has not been defined.

2. Existing Traffic Conditions

Friant Road. Friant Road is a 55 mph roadway with a 50 mph posted speed limit in the vicinity of Lost Lake recreational area. The County of Fresno staff indicated that the most recent traffic count was taken from June 24 to 30 of 1985 north of Willow Avenue at the Council of Government's Transportation Modeling Station. The 24 hour and peak hour seven day average count was 5761 and 464 vehicles, respectively. With a seasonal adjustment factor the annual ADT was 4033. The average peak hour percentage of the 24 hour count was 8.0%.

TABLE 7

TRAFFIC COUNT-FRIANT ROAD

<u>Mon./Date/Day</u>	<u>24 Hr Count (Veh)</u>	<u>Peak Hr Count (Veh)</u>	<u>Peak Hr.</u>	<u>%</u>
6/24/M	4632	340	5-6 p.m.	7.0
6/25/T	4928	400	5-6 p.m.	8.0
6/26/W	5748	489	5-6 p.m.	8.5
6/27/T	5193	408	5-6 p.m.	7.9
6/28/F	5485	404	3-4 p.m.	7.4
6/29/S	6235	492	3-4 p.m.	7.9
6/30/S	8105	712	6-7 p.m.	8.8

The average daily traffic (ADT) on Friant Rd. from 1975 to 1985 furnished by the County is shown in Table 8.

TABLE 8
AVERAGE DAILY TRAFFIC (ADT)
FRIANT ROAD

<u>Year</u>	<u>ADT</u>
1975	3600
1976	3000
1977	2900
1978	3800
1979	3100
1980	4200
1982	4800
1985	3700

Approximately 30% of the Friant Rd. traffic volume is made up of trucks. The counts were furnished by the County. Buses and vehicles larger than a pick-up truck were classified as trucks. The truck mix is shown in Table 9.

TABLE 9
TRUCK MIX ON FRIANT ROAD

<u>Axles</u>	<u>%</u>
5	11.8
4	0.3
3	1.3
2	<u>17.2</u>
	30.6

Willow Avenue: Willow Avenue is a 55 mph roadway between Friant Road and Herndon Avenue. The most recent Willow Avenue traffic count furnished by the County was taken in July of 1984 north of Shepherd Ave. and the ADT was 3500 vehicles of which 7.5% were trucks. The peak hour traffic in both directions was 310 vehicles or 8.9% of the ADT and it occurred between 5-6 p.m.

Bus Route: Friant Road and Willow Avenue serve as bus routes for school buses of the Friant Union and Sierra Joint Union School Districts. The Friant Union School District enrolls students from kindergarten to the 8th grade and the Sierra Joint Union School District enrolls students from the 9th grade to the 12th grade. The bus schedule and stop locations of the Friant Union School District are described in Table 10.

TABLE 10

FRIANT SCHOOL BUS STOPS

<u>Time</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:35 a.m.	3	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW.
7:56 a.m.	2	Friant Rd. east side	Approximately 500' north of Willow Ave.
8:00 a.m.	2	Friant Rd. east side	Approximately 750' south of Durando Ranch DW
3:22 p.m.	2	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW
3:26 p.m.	1	Friant Rd. west side	Driver walks student across Friant Rd. to east side
3:35 p.m.	2	Friant Rd. west side	Home of students on west side

The bus schedule and stop locations for the Sierra Joint Union School District are described in Table 11

TABLE 11

SIERRA JOINT UNION SCHOOL DISTRICT BUS STOPS

<u>Time</u> <u>a.m.</u>	<u>Time</u> <u>P.m.</u>	<u>No. of</u> <u>Students</u>	<u>Road</u>	<u>Description</u>
7:00	4:28	1	Friant Rd west side	Approximately 2 mi. south of Lost Lake Recreation Area Rd.
7:04	4:24	1	Friant Rd. west side	Approximately 3/4 mi. north of Dry Creek

The bus route in the afternoon route is reversed and begins from Auberry Rd. and ends on Friant Road.

Impacts

- o No additional truck trips will be generated since the project will be a continuation of Lone Star's existing excavation operations on the adjacent property to the south. The vehicle trips from the project on Friant Road will continue to be 260 truck trips and 12 automobile trips for a total of 272 vehicle trips. All trips will be between the site and the Lone Star plant to the south.
- o The year 2006 traffic projections with the project are 12110 ADT on Friant Road north of Willow Avenue, 9770 ADT on Friant Road southwesterly of Willow Avenue and 6180 ADT on Willow Avenue south of Friant Road. These projections are based on full buildout of other approved projects including Park Fort Washington, Woodward Lake and Millerton New Town. Roadways will not have any capacity problems and the projected ADT will be within the capacity of 10,000 to 13,000 ADT of each of the roadways (Fresno County Public Works, May 1986).
- o There are five school bus stops on Friant Road to pick up and discharge nine students. The bus stops are located where buses can maneuver off the travel lane to board and discharge students. Buses have a problem of accelerating into the main stream of traffic. However, this is an existing problem. The approval of this project will not create new conflicts with truck traffic. However, it will extend the number of years trucks from the area will be using this portion of Friant Road.
- o The presence of Woodward Park to the south and Lost

Lake and Millerton Lake recreational areas to the north suggest that a higher than average bicycle usage may be produced. The separation of bike lanes from the traffic lanes will continue to provide protection. The aggravation of the trucks mixed with the bikes is an existing condition and will remain unless the Multiple Purpose Trail Plan adopted by the Board of Supervisors to remove the bike lanes to a new alignment independent of the roadway.

Mitigation Measures

- o Approval of the project as proposed using the existing access to Friant Road from Lone Star's operation will require no additional roadway improvements.
- o The transport of material should be conducted in a manner to avoid spillage on county roads. The current permits for Lone Star (CUP 367 and 2032) require that should spillage occur from trucks leaving the site, the applicant will provide for removal of the spillage from the roadway at the extraction site access road as frequently as needed. A cash deposit is required to be maintained in an amount of \$1,000.00 to allow the County to remove sand and gravel if corrective action is not taken by the operator within 24 hours of notification by the County. These measures should also be made a condition of this permit.

C. AESTHETICS

There are four major views of the project site; from the eastern bluffs in Fresno County; the western bluffs in Madera (both approximately 80 to 100 feet above the valley floor); from Lost Lake Park; and from Friant Road. A fifth view is from the mobile home and hamburger stand and baitshop located between Friant Road and the northeast corner of the site. Much of the existing vista is an aesthetically pleasing one. The river with its accompanying ribbon of riparian vegetation is in a semi-natural state having been altered to some extent by Friant Dam and agriculture. The remainder of the floodplain has been changed extensively by man with roads, farms, parks and material extraction sites.

The eastern bluffs of the river valley are immediately east of the site across Friant Road and are approximately 80 feet above the site. Several houses look directly down on the property. Two of the houses are owned by the applicant. The view from the top of the eastern bluffs includes: the Friant Expressway directly below the bluffs, the project site with its orchards and vineyards directly in front of them across Friant Road; a portion of Lost Lake (a former gravel extraction site) about 1/2 mile away; the developed picnic and fishing areas in Lost Lake Park along the San Joaquin River directly west approximately 2/3 mile away; Lone Star's current sand and gravel operation just south of the project site; some natural riparian vegetation along the river south of Lost Lake Park; and the western bluffs in Madera County. The homes on the north end of the eastern bluffs also have the town of Friant in their view. The sand and gravel activities include active excavation pits with draglines, scrapers, and front loaders operating and trucks hauling material to the off-site processing plant.

The western bluffs in Madera County are at the same elevation and range from approximately 1/3 of a mile away at their closest point at the northwest end of the site to over a 1/2 mile away at their furthest point at the south end of the site. No homes currently exist on the western bluffs. However, a residential subdivision, Sumner Hill, is developing (roads have been built but no homes have been built yet) approximately 1 mile southwest of the site (Figure 9). The project will be visible from some of the future homes in the subdivision. Another residential subdivision was denied pending the outcome of the San Joaquin River Reconnaissance Study. If approved, it would have been located 1/3 of a mile northwest of the site on property designated by the Madera County General Plan for rural residential (Fig. 11). The viewshed includes the river directly below with its accompanying thread of riparian vegetation; a full view of Lost Lake and the park; the project site approximately 1/3 to 1 mile away; and Lone Star's existing excavation operation. Much of Friant Road is hidden by the project's trees

or by the berms along Friant Road next to Lone Star's operation. The future homes in the Sumner Hill subdivision will also overlook a recently rehabilitated former excavation site known as Ledger Island.

The view from Lost Lake Park includes the western and northern edges of the project site. Much of the park is 20 to 25 feet below the project, especially along the river where the picnic and fishing areas are, with the exception of a few locations along the western edge of Lost Lake and along the entrance road. Park users along the picnic and fishing area next to the river, and on the softball diamond look up to the project site.

The traveler on Friant Road is on an eyelevel with the eastern edge of the site. The view is primarily of the orchard with only 12 acres along the road not planted with trees. The owners and visitors of the hamburger stand and bait shop have an immediate view of the northeast corner of the orchard.

Impacts

- o The proposed project will affect the visual characteristics of the area significantly. Residents of the existing homes on the eastern Fresno County bluffs will see a gradual change as portions of the existing vineyard and orchard are removed for each phase over the life of the project, to be replaced first by active excavation and ultimately by rehabilitated lakes and grazing/agricultural land.

The first changes in the view will be the removal of the vineyard or orchard in the area that is going to be excavated next. This will be followed by removal of the overburden by excavation equipment usually about 5-10 acres at a time, several times a year. The removal of the resource will follow which involves active excavation pits, temporary material and waste stockpiles, and holding ponds for dewatering excavation areas. Twenty - thirty acres per year may be excavated depending on availability of resource in each area and economic conditions. The final step will be the rehabilitation of the completed excavation area, which is required by the Fresno County Zoning Ordinance to take place within one year after the completion of excavation. Rehabilitation, as practiced by Lone Star Industries on their current operation adjacent to the project, is an on-going process. As overburden is removed from the next area due for excavation, it is used to slope the banks of excavated areas behind them. This occurs several times a year. Final grading occurs within one year. As soon as the pumps are turned off

surface and groundwater flows will maintain the excavation as a fresh water lake. Past history of similar excavation operations on the San Joaquin River has shown that a natural revegetation process usually occurs within one year, especially adjacent to lakes. Grasses and forbs along with willows would be the first to become established, followed by larger tree species, such as sycamore, cottonwoods and alders over a longer period of time (Ledger Island EIR).

On an average basis 20 - 40 acres of open ground would be visible at any one point in time as either areas being prepared for excavation, active excavation pits, or excavated areas in the process of being rehabilitated. The remainder of the site will either be orchard or vineyard areas still being farmed or rehabilitated lakes with riparian vegetation and gently sloping, grazing or agricultural areas.

Most of the above activities will be visible by the residents along the central portion of the eastern bluff during the life of the project. The most northern and southern residents will mainly view operations when they occur on the northern or southern end of the site respectively. The activities in the open areas will be unsightly as compared to their present view. The final view of the rehabilitated lakes may be considered more aesthetically pleasing than the existing view. It will be more in keeping with a river environment and will attract a far more diverse variety of wildlife.

- o The future residents of Sumner Hill subdivision on the western bluffs will have a similar view of the above-described activities, although the impact will be masked considerably due to their distance from the site.
- o Dust could be a problem during the dry months if the proposed use of a dust palliative is not adhered to. Certain agricultural operations for the existing vineyard and orchard create considerable amounts of dust periodically throughout the year.
- o Landscaped berms along the western and northern and a portion of the eastern boundary of the site are proposed to screen the site from Lost Lake Park and the hamburger stand/bait shop. Instead of looking at the edge of an orchard, the view will then be a 10 foot high by 50 foot wide berm with groundcover, shrubs and trees. With the landscaping added to the top of the berm a screen will be formed. To the majority of the

park users which are lower than the park site, the screen will in effect even be higher. Most of the equipment is 12-13 feet tall and only a small part of the actual excavation occurs adjacent to the berms. Very little if any of the activity will be seen except when the berms are being erected and landscaped and when they are removed at the end of the project. In addition the majority of the activity occurs below the natural ground level beginning 2-1/2 - 9 feet below the surface to an average depth of 35 feet.

- o A 50 foot setback is proposed along Friant Road with the existing almond trees to remain that are presently within that 50 feet. Additional landscaping is proposed where no almond trees presently exist. While the operation is occurring on the western half of the site the almond orchard will serve as a fairly effective screen for the traveler on Friant Road. However, as the orchard is removed on the eastern half of the site a few rows of almond trees will not form a very effective screen, especially when the trees are bare in the winter.
- o At the completion of the project, the view from all areas of the rehabilitated lakes with riparian vegetation and a more diverse wildlife, together with the grazing/agricultural land may be more aesthetically pleasing than the present vineyard and orchards.

Mitigation Measures

- o No other effective screen measures are available to screen the operation from either of the bluffs. Following the proposed rehabilitation plan on a consistent basis will be the most effective measure.
- o No other reasonable screening methods are available for screening the project from Lost Lake Park and the hamburger stand/baitshop. The proposed landscaped berms will actually be more in keeping with the park-like atmosphere than the existing orchard.
- o Additional landscaping placed between the remaining almond trees along Friant Road would provide a more effective screen for travelers on Friant Rd. A berm could be placed along the roadside similar to the berm recently placed along the Lone Star's current operation on the adjacent property to the south. Although it may effectively screen the excavation activities, it is far less aesthetic than the proposed setback with almond trees and landscaping.

- o A dust pallative should be placed on all haul roads and/or water trucks should be used on a regular basis on both the roads and excavation areas during the dry months as proposed by the operator.

V. EFFECTS FOUND NOT TO BE SIGNIFICANT

The following effects were found not to be significant by the Initial Studies prepared for the project site or by evaluation during the EIR preparation process.

A. Air

The proposed project will not create additional air emissions or deteriorate ambient air quality since it is a continuation of an existing excavation operation.

B. Population

The project will not encourage the development of presently undeveloped areas or alter existing plans affecting the location or distribution of population. It is consistent with the General Plan for the area which designates the site for open space.

C. Public Services

Approval of this project will not have an effect upon or result in the need for additional fire or police protection, schools or other governmental public facilities or services. The project will continue to use existing public services and will not generate substantial numbers of new employees requiring additional public services.

D. Energy

Operation of this project will not generate a need for additional use of fuel or energy since it is a continuation of an existing excavation operation and will utilize an existing processing facility. The project will not increase the amount of material currently being excavated and processed on an annual basis.

E. Utilities

No new utility facility will be needed. Project will utilize existing utilities at processing plant. Extractive operations will not require additional utilities.

F. Archaeological/Historical

The project is above the historic floodway where most archaeological sites in the area have been known to occur. It has also been leveled and farmed since the 1940's which in all probability have destroyed or disturbed any possible sites that may have been present.

VI. CUMULATIVE IMPACTS

The proposed project is the expansion of an existing sand and gravel extractive operation. It will not in itself accelerate the market demand for the product. The existing volume of truck traffic and operational noise will remain the same. It will expand the area to be excavated to the north thereby exposing more of the surrounding area to the existing noise, truck traffic, and visual impacts. The general area will be impacted for a longer period due to the extended length of excavation.

Development of future projects in the area either approved such as the Millerton New Town Specific Plan Area, Park Fort Washington or Woodward Lakes Estates, or proposed such as the Ball Ranch Specific Plan will not be affected by this project since the truck traffic already exists on Friant Road from the Lone Star operation.

VII. UNAVOIDABLE ADVERSE IMPACTS

The project as proposed will result in a number of unavoidable adverse impacts which cannot be completely mitigated. The following is a summary of those unavoidable impacts:

1. Geotechnical
 - a. Erosion: Even though erosion is largely controlled, a certain amount, although insignificant and contained on-site, will inevitably occur some time during the life of the project. The result will be a loss of valuable top soil.
 - b. Sand and Gravel Resources: The project will ultimately remove the sand and gravel resource from the site, thereby reducing the future available resources for the area.
2. Hydrology. There will be a loss of water due to evaporation from the lake surface.
3. Wildlife. Some species of wildlife may be temporarily disturbed during construction of the berms adjacent to Lost Lake.
4. Noise. Project-related noise may periodically exceed noise standards at two of the residences on the bluffs and the residence adjacent to the hamburger stand/bait shop when excavation activities are closest to them.
5. Land-Use.
 - a. Agriculture: There will be a loss of 170 acres of productive agricultural land.
 - b. Recreation: Park users will be temporarily disturbed during construction of the berms.
6. Traffic: The existing intermingling of trucks with autos, school buses and bicycles will be extended for a longer period of time.
7. Aesthetics: Areas of active excavation will be unsightly to bluff residents until rehabilitated. Park areas will be temporarily exposed to construction activity during placement of berms.

VIII. ALTERNATIVES

NO PROJECT

The denial of the application would eliminate all impacts, adverse, mitigated, and positive, relating to this project. It may also lead to the non-utilization of the resource in the future. There are already a number of uses in the area which are inherently incompatible with sand and gravel mining. If the resource is not recovered now while those uses are few, then increased development in the area, both in Fresno and Madera Counties, would likely prohibit excavation in the future. Fresno County policy recognizes mineral deposits as a valuable resource which must be protected from incompatible uses.

"The importance of rock, sand, and gravel aggregate to the Fresno-Clovis building industry cannot be overstated. Aggregate must be mined where suitable deposits are found, and to be most economical, they should be extracted and processed near the consumer. The deposits must be of sufficient quality to meet the specifications of various private and public construction projects and of sufficient quantity to justify the extraction plant investment. The San Joaquin Riverbottom has provided a reasonably cheap source of quality aggregate for many years. The fact that the extracting plants lie in proximity to urbanized areas has helped to keep transfer costs low, ultimately helping to reduce the cost of construction," (San Joaquin River Reconnaissance Study).

In addition to Fresno County policy, the State has identified the project site as containing mineral resources of economic significance and of potential statewide significance. The State Geologist indicates that unless additional reserves (mineral resource land under permit) are found existing reserves will be depleted in only 24 years (Mineral Lands Classification, 1986). It should also be noted that the State assumed that all the available reserves would be used with the Fresno Production-Consumption Region (a circular area extending 25 miles from central Fresno). However, that region excluded the foothill and mountain areas of Fresno and Madera County which consume as much as 10 - 15% of the resource from the region, meaning the available reserves would be depleted much sooner than 24 years (Central Valley Rock Sand and Gravel Association, June 1986).

In calculating existing reserves, the State also assumed that the previously approved permit for the property (CUP 2172) would be exercised. Loss of this site, together with the resource used by the foothill and mountain areas, would subsequently reduce the available reserves to less than 20 years.

REDUCE PROJECT SIZE

The reduction of the size of the project would

correspondingly reduce the amount of land disturbed by the project and shorten the life of the project. Basically the same impacts would occur but for a shorter period of time. Less agricultural land would be lost. This alternative would result in leaving a portion of the resource, which would likely never be recovered, since mining at a later date would be more costly and additional incompatible uses would likely be located nearby. This reduction would not allow full recovery of the resource and consequently allow the loss of a recognized, valuable, irreplaceable economic resource to Fresno County.

ALTERNATIVE REHABILITATION

The entire property could be restored for agricultural use. This would involve removing only a portion of the resource by excavating to shallower depths. This would allow the topsoil to be replaced so that it would be above the groundwater table and useable for agricultural purposes. This alternative would considerably shorten the life of the project and thereby reduce impacts from excavation considerably. It would save 251 acres of valuable agricultural land but result in the loss of at least half of the recoverable resource. No existing County policy establishes priorities between mineral resource extraction and agricultural uses.

EXPAND PROJECT SCOPE

The project could be expanded to include a processing plant, ready-mix-concrete plant, and asphalt batch plant. Conditional Use Permit (CUP 2172) was approved for the site in 1985, which included the above plants. Project impacts would be expanded considerably to include: noise from plant operations; increased truck traffic from two sites operating side by side (Lone Star and Beck Ranch Project); visual impacts from the plant; and increased water usage. While these impacts may be mitigated they would still be greater in scope than the proposed project.

ALTERNATIVE LOCATION

The project could locate in another location in the San Joaquin riverbottom. Although it would remove impacts from this area, it would simply relocate those impacts to other affected uses adjacent to the relocated project. Resource sites large enough to economically recover the resource that are available (willing seller or lessor) or not already preempted by other uses are very few in number. In order for the Fresno-Madera region to continue to have an economical source of this important ingredient to the building industry, all resource sites should be available for recovery. Loss of this site would reduce the available resource.

ALTERNATIVE USES

The site could be considered for uses other than mineral resource excavation. The General Plan currently only allows agriculture and other open space uses. However, there are a number of residential/golf course projects currently in the planning stages within the riverbottom area. Such proposed projects were the main impetus for the initiation of the San Joaquin River Reconnaissance Study. This site could be a potential site for a similar project, although it would require a General Plan amendment.

Impacts from such a project would be considerable. There would be significant impacts to traffic, water usage, agriculture, public recreation and aesthetics. It would create a major change in the character of the area and would result in a permanent loss of the mineral resources.

The County could acquire the site for the future expansion of Lost Lake Regional Park. This would maintain the open space nature of the area and would allow for greater public access to the riverbottom area. However, it would result in a loss of the mineral resources, also a valuable resource to the public.

IX. RELATIONSHIP BETWEEN LONG-TERM AND SHORT TERM IMPACTS

During the life of the project, 15 - 20 years, the surrounding area would be subject to a continuation of the impacts associated with the existing Lone Star sand and gravel extraction site immediately adjacent to the project. Truck traffic would continue for a longer period of time, active excavation areas will remain unsightly until rehabilitation, and ambient noise levels will remain higher. In the long-term, the rehabilitation, as excavation is complete in each area, will create an aesthetically-pleasing environment in keeping with the natural riverbottom area. Lakes with riparian vegetation will create a more diverse habitat and attract wildlife in greater numbers. Potential uses of the site include open space, recreation, fishery, wildlife preserve or water-front home sites.

X. IRREVERSIBLE CHANGES AND COMMITMENT OF RESOURCES

The project would eliminate 170 acres of agricultural land. The remaining agricultural land would likely be used for seasonal agricultural use. Extraction of the resource would result in a permanent loss of the reserve. The resulting lakes would create a more productive riparian/aquatic environment for wildlife, thereby helping to reverse the steady loss of riparian areas to agriculture and development.

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APPENDIX A
INITIAL STUDIES



Public Works & Development Services Department
4499 East Kings Canyon Road/Fresno, California 93702

ENVIRONMENTAL ASSESSMENT/INITIAL STUDY

EA NO. 2984

PROJECT NO(S):: CU 2172

APPLICANT: Beck/Warkentine

PROJECT DESCRIPTION: See attached Environmental Assessment Application

POTENTIAL IMPACTS: Identified on the Environmental Impact Checklist

SOURCES CONSULTED: See addressees on attached letter. Comments received are indicated by a check mark and are attached hereto.

ENVIRONMENTAL RECOMMENDATION

- Upon consideration of the evidence, it has been determined that it is not fairly arguable that this project will have a significant impact on the environment, and a Negative Declaration will be recommended.
- The proposed project may or will have a significant adverse impact on the environment and the preparation of an EIR will be recommended.

Performed by Sharon Berg
Staff Analyst III

Reviewed by Kate L. Brundel
Staff Analyst III

Date 8/2/85

Date Aug. 23, 1985

	N/A	YES	NO
4. <u>Plant Life</u> Will the project result in:			
a. Change in the diversity of species or number of any species of plants (including trees, shrubs, grass, crops, microflora, and aquatic plants)?	---	---	✓
b. Reduction of the numbers of any unique, rare or endangered species of plants?	---	---	✓
c. Introduction of new species of plants into an area or a barrier to the normal replenishment of existing species?	---	---	✓
d. Loss of any plants, or groups of plants, which are of aesthetic significance to the area?	---	---	✓
5. <u>Animal Life</u> Will the project result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals, including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	---	---	✓
b. Reduction of the numbers of any unique, rare or endangered species of animals?	---	---	✓
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	---	---	✓
d. Deterioration to existing fish or wildlife habitat?	---	---	✓
6. <u>Noise</u> Will the project result in:			
a. Significant increases in existing noise levels?	---	✓	---
b. Exposure of people to severe noise levels?	---	✓	✓
c. Change in noise character?	---	✓	---
7. <u>Nuisances</u> Will the project produce:			
a. Substantial increases of light or glare?	---	---	✓
b. Vibrations, unsightly areas or other nuisances?	---	---	✓
8. <u>Land Use</u> Will the project result in:			
a. A substantial alteration of the present or planned land use of an area?	---	✓	---
b. Substantial changes in surrounding land uses in terms of density, scale, or architectural design?	---	---	✓
9. <u>Natural Resources</u> Will the project result in:			
a. Increase in the rate of use of any natural resources?	---	---	✓
b. Substantial depletion of any nonrenewable natural resource not planned in existing planning documents?	---	---	✓
10. <u>Agriculture</u> Will the project result in:			
a. Reduction in acreage of prime farmlands?	---	✓	---
b. Significant effects to the continued agricultural uses of adjacent properties?	---	---	✓

	N/A	YES	NO
17. <u>Utilities</u> Will the project result in a need for new systems or substantial alterations to the following utilities:			
a. Power or natural gas?	—	—	KK
b. Communications systems?	—	—	KK
c. Water?	—	—	KK
d. Sewer or septic tanks?	—	—	KK
e. Storm water drainage?	—	—	KK
f. Solid waste and disposal?	—	—	KK
18. <u>Human Health</u> Will the project result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	—	—	KK
b. Exposure of people to potential health hazards?	—	—	KK
19. <u>Aesthetics</u> Will the project result in:			
a. The obstruction of any scenic vista or view open to the public?	—	—	✓
b. The creation of an aesthetically offensive site open to public view?	—	✓	—
20. <u>Recreation</u> Will the project result in an impact upon the quality or quantity of existing recreational opportunities?	—	✓	—
21. <u>Archaeological/Historical</u> Will the project result in an alteration of a significant archaeological or historical site, structure, object, or building?	—	—	✓
22. <u>Controversy</u> Does the project have the potential to generate serious public controversy concerning environmental effects?	—	✓	—
23. <u>Mandatory Findings of Significance</u>			
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	—	—	✓
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future).	—	—	✓
c. The possible effects of a project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.	—	—	✓
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	✓

DISCUSSION OF POTENTIAL IMPACTS AND THEIR SIGNIFICANCE

The discussion below is a compilation of the environmental comments received on the proposed project. The numbers and letters correlate with the preceding Environmental Checklist.

1. Earth

b., c., and e. - Potential impacts to earth resources that could result from the project are differential settlement of reclaimed land, erosion of stockpiled top-soil and possible difficulty in reclaiming land to productive farmland.

Although differential settlement was identified as a potential impact, the extent or magnitude at the site is unknown. The Geology Section of Development Services has indicated that this is a problem that can be connected by proper engineering and additional backfill, if needed, in areas that might settle.

Top-soil stockpiled on the site is subject to erosion, however, adherence to the Grading and Drainage Ordinance should mitigate this potential impact. Difficulty in reclaiming farmland was identified as a potential problem, however, the Farm and Home Advisors office has indicated that, if the backfill material is relatively small (2"-3" diameter) and if there is 5 feet of top-soil, most crops or orchards would be productive.

3. Water

e., and j. - There are potential adverse impacts to water quality in the San Joaquin River from settling ponds and unauthorized fill material that could be used for backfill in the excavation sites.

These impacts will be mitigated by discharge permits from CRWQCB and approval of the backfill material by Environmental Health Services (EHS).

6. Noise

a., and c. - Noise has been identified as a potential impact resulting from the proposed project.

Several noise studies have been prepared by the applicant and have been reviewed by the Fresno County Environmental Health Services. EHS comments regarding noise impacts are as follows:

1. The consultant has measured existing noise levels from Friant Road which exceed the Noise Elements' Rural Residential Standard of 55 Ldn (Ldn represents day-night average sound level). In fact, the existing levels exceed the Urban Residential standard in most cases. Project related noise will increase the levels an additional three to six decibels during the month of operations conducted closest to individual residences.

2. Annualized Ldn levels based on one to three months operation at the closest location indicate only a slight average increase of from 0.4dB to 1.2dB. Annualized Ldn represents a yearly average for a noise impact which has occurred for a period of less than one year.
3. Compliance with the Noise Ordinance is difficult to judge, however, based upon the indicated L max (maximum noise level) levels and previous analysis there are likely to be violations during periods of operations conducted closest to individual residences.

The project will increase the noise level in the area and impact nearby residences. EHS has not requested any additional information regarding noise but has recommended that mitigation measures be proposed to attenuate the potential noise increases. In addition, the applicant must comply with the Noise Ordinance and the Noise Element of the General Plan.

8. Land Use

- a. There are several potential land use conflicts at this site. The subject property is designated on the General Plan as part of the San Joaquin River Influence Area which recognizes the multiple use values of the river valley area. The subject site also lies within one of three areas in the County identified by the Mineral Resources Section of the Open Space-Conservation Element of the General Plan as a principal location for commercially suitable sand and gravel.

While this site would appear to be a prime location for extraction of sand and gravel there are other considerations that create classic land use conflicts. The site is currently being used for agricultural purposes, is prime farm land and is zoned for agricultural use. An orchard and vineyard are established and are an aesthetic amenity to the area and users of Friant Road.

Friant Road, adjacent to the site, is designated as a scenic highway on the Scenic Highway Element of the Fresno County General Plan. Maintaining the County's scenic resource areas, and more particularly the view along Friant Road, is important to residents of the area and the County.

The site is also adjacent to heavily used and popular Lost Lake Regional Park which could be adversely affected by the development of the site for sand and gravel extraction. The nature of the proposed development will conflict with the type of activity Lost Lake Park supports. The serenity and aesthetic appeal of the park will be affected, as well as a possible decline in the number of park and campground users. Lost Lake Park is a County facility valued by many and should be protected from uses that would diminish its numerous attributes.

The nature of the land use conflicts at the site make it difficult or impossible for suitable mitigation measures to be proposed that would effectively resolve the conflict in all areas.

10. Agriculture

- a. This project will result in the loss of 93 acres of prime farm land. The site is currently being used for agricultural purposes and maintains an established orchard and vineyard. To reclaim the site for farmland after excavation, proper backfill material and techniques will be required to make it productive as farmland (see discussion in earth resources section). Despite efforts to rehabilitate the site to productive agricultural land, high ground water may limit the type of crop and productivity of the reclaimed land for agricultural use.

11. Hazards

- c. The site could become an attractive nuisance and potential hazards could result from water-filled holes or pits on the site if children were to fall in or play near the pits. Fencing, berms and access control at the entrance gate could reduce this risk.

14. Transportation/Circulation

a., and f. - The project will generate approximately 250 truck trips per day. This will increase traffic considerably on Friant Road and cause some disruption to users of Friant Regional Bikeway and Friant Scenic highway. Safety hazards to cyclists on Friant Regional Bikeway would be increased by the addition of 250 truck trips and the spillage of sand and gravel from the trucks on to the bikeway.

The Fresno Cycling Club has expressed concerns about safety to cyclists. Their comments are as follows:

1. There will be greater risk of an accident involving a cyclist simply because of the addition of 250 large, fast-moving vehicles. The danger of a collision is intensified with young riders who often have difficulty maintaining a straight line along the edge of the road. They may inadvertently "weave" into the path of vehicles approaching from the rear especially when they are hit by the blast of air caused by a large truck passing at high speed a few feet away. This concussion of air has also caused cyclists to lose control and run off the road and crash as a result.
2. Debris from the trucks, particularly gravel and sand are hazardous to bicyclists. Large gravel often causes wheel and tire damage to light-weight bicycles while small gravel causes tire punctures. Gravel is frequently thrown back from the tires of passing vehicles striking cyclists with enough force to cause injury. Loose sand causes bicyclists to lose control sometimes resulting in serious falls.
3. Cyclists would be exposed to increased levels of noise and air pollution from which they have no protection.

In a previous similar proposal, (CUP 2019) Staff was unable to develop conditions which, to any significant degree, could address the concerns regarding hazards to cyclists using the Friant bikeway.

19. Aesthetics

- b. The project will be aesthetically unattractive to the residents living along the bluff during the 20-25 years of the proposed project life and to travelers along Friant Scenic Highway. Although berms and landscaping are proposed as mitigation measures, they would not completely screen the project from view of Friant Road and Lost Lake Park, and will do little to reduce the impacts to the bluff residents who are located above the site.

When the operation is completed there is the potential for the ponds to become stagnant, creating possible odor, insect and aesthetic impacts.

The project has the potential to create significant aesthetic impacts, which in the previous application (CUP 2019) the Staff was unable to develop conditions to mitigate visual impacts on the residences located on bluff east of Friant Road.

20. Recreation

The project could adversely impact the County's Lost Lake Park and its users by creating noise, dust, traffic, vibrations, and hazardous areas near the Park. There is a potential adverse impact to bird and wildlife population in the Park and to fishing in Lost Lake. The serenity and aesthetic appeal of the Park could be affected, resulting in a possible decline in the number of park and campground users. The park is a valuable recreational and open space resource available to the public and should be protected so it can continue to function as a passive day use park and campground for County residents.

22. Controversy

The project has the potential to generate public controversy concerning environmental effects. The residents in the immediate area and others in the community have publicly raised concerns regarding noise, traffic and safety hazards, adverse impacts to the aesthetics of the area and impacts to Lost Lake Park.

SMB:eh
4392C-22
9/5/85.

ENVIRONMENTAL ASSESSMENT/INITIAL STUDY

File No. EA 9219

EA No. 2653

Applicant: San Joaquin Hills

PROJECT DESCRIPTION: See attached Data Sheet

SOURCES CONSULTED: See addressees on attached letter. Comments received are indicated by a check mark and are attached hereto.

ENVIRONMENTAL DETERMINATION

The Fresno County Planning Department has determined, based on this Environmental Assessment/Initial Study, that:

- upon consideration of the evidence, it has been determined that it is not fairly arguable that this project will have a significant impact on the environment, and a Negative Declaration will be recommended.
- the proposed project may or will have a significant adverse impact on the environment and the preparation of an EIR will be recommended.

Performed by Sharon Berg
Staff Analyst III

Reviewed by Rick Allen
Senior Staff Analyst

Signature Sharon Berg
Date 12/1/83

Signature _____
Date _____

ENVIRONMENTAL IMPACT CHECKLIST

1. Earth (b, c, e)

The project proposal is to excavate to 37 feet. This is significant displacement of the soil, even though a rehabilitation plan is proposed. For design purposes a depth to groundwater of 25 feet should be used, even though the present average depth to water is approximately 30 feet. With this in mind, it may be difficult to reclaim to farmland if the site is excavated to 37 feet as shown in the cross sections. A minimum 5 feet of soil cover above the high water level is recommended for successful farming. If the area to be reclaimed to farmland is excavated to 37 feet, a total backfill of 17 feet will be necessary to create a land surface 5 feet above the expected high groundwater level.

The rehabilitation plan must be approved by E.H.S. for backfill material.

Top-soil that is stockpiled on the site is subject to erosion into the San Joaquin River. All reshaped banks and the stockpiled top soil should be seeded, fertilized and mulched to prevent erosion.

This impact should be explored further in the E.I.R.

3. Water (e) [comments from U.S. Department of the Interior Bureau of Reclamation]

The project appears to propose the construction of facilities on or near, the same area covered by the Bureau's San Joaquin River water rights Holding No. 4. About one-half of the project area is riparian lands. The project area outside the riparian boundary would not be entitled to entail pumping large amounts of water from the river in their processing operation. If the project was approved, we are concerned about possible illegal diversion from the San Joaquin River.

The water impounded in Millerton Lake is delivered by the Bureau of Reclamation to many irrigation districts and water users for agricultural, municipal, and industrial purposes. This includes delivery of water down the San Joaquin River below Friant Dam. The Bureau of Reclamation, in order to protect the interest of its water users, will protest any development that might impair the quality of the water in the San Joaquin.

6. Noise (a,c)

Noise levels will increase as a result of the project. The level or magnitude of noise is not known and this should be addressed in the E.I.R.

8. Land Use (a)

The project site is zoned for agriculture and is prime farm land.

10. Agriculture (a)

This project will result in the reduction of prime farm lands.

DRAFT
ENVIRONMENTAL IMPACT REPORT

Volume II TECHNICAL STUDIES

BECK RANCH
SAND AND GRAVEL PERMIT
CU 2235 EA 3157

JULY 1986

Prepared By
Buada Associates
6353 N. Blackstone Ave.
Fresno, Ca. 93710
(209) 432-4902

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J. H. KLEINFELDER & ASSOCIATES

GEOTECHNICAL INVESTIGATION
PROPOSED GRAVEL EXTRACTION OPERATION
LOST LAKE, FRESNO COUNTY
FRESNO, CALIFORNIA

May 28, 1986

F-1476-2



J.H. KLEINFELDER & ASSOCIATES

GEOTECHNICAL & ENVIRONMENTAL CONSULTANTS
MATERIALS TESTING LABORATORIES

1975 "E" STREET
FRESNO, CALIFORNIA 93706
(209) 486-0750

File: F-1476-2
June 9, 1986

Mr. Stephen Beck
1602 Divisadero
Fresno, CA 93721

Subject: Addendum #1
Geotechnical Investigation
Proposed Gravel Extraction Operation
Lost Lake, Fresno County, California

Dear Mr. Beck:

Based upon additional information given to us by Mr. John C. Buada of Buada Associates, we have reviewed our report on the subject project dated May 28, 1986. Presented herewith are revised recommendations together with additional analysis regarding erosion control and comments on the suitability of the overburden material for use in rehabilitating the property for agriculture.

These recommendations are intended to augment or modify those presented in the original report. This addendum is subject to the same limitations as presented in the original report, to which should be permanently attached. All parties to the project should be made aware of this additional information.

In the original report, we recommend that the berms be constructed of Engineered Fill compacted to 90% of the maximum dry density (per ASTM D-1557).

In telephone discussions with Buada Associates, on June 6, 1986, John Buada indicated that the visual buffers (berms) would be heavily vegetated. This would include both ground cover (grasses shrubs, etc.) and visual screen (trees). We believe that this vegetative cover, if properly placed and maintained, should provide a significant erosion control feature. As such, the following comments apply:

- Compaction to 85% of the maximum dry density should be sufficient for berm construction. This should be readily achievable with conventional earth moving equipment with minimal effort.
- Brow ditches may be considered optional.
- The use of cobbles, boulders and large stone material as rip rap is not required.

Walnut Creek Sacramento Stockton Fresno Merced Fairfield Los Angeles San Ramon Rohnert Park
Denver, Colorado Reno, Nevada Las Vegas, Nevada St. George, Utah



J. H. KLEINFELDER & ASSOCIATES

File: F-1476-2
June 9, 1986
Page 2

Upon completion of gravel extraction operations, the berms will be leveled and the berm material placed to rehabilitate the property for agricultural use. The berm material, when replaced on the property will be subject to settlement. The amount of settlement will depend upon the total thickness and the soil compaction, and will be on the order of 2 to 4 in for a 5 ft thick fill. The majority of settlement should take place during placement of the fill. Compaction requirements should be based on the intended agricultural application.

It has been a pleasure to be of continued service on this project. If you have any questions, please call.

Respectfully submitted,

J. H. KLEINFELDER & ASSOCIATES



Scott R. Ward
Staff Engineer



Lloyd A. Crask, P.E.
Senior Engineer

SRW:LAC:tmr



J.H. KLEINFELDER & ASSOCIATES
GEOTECHNICAL & ENVIRONMENTAL CONSULTANTS
MATERIALS TESTING LABORATORIES

1975 "E" STREET
FRESNO, CALIFORNIA 93706
(209) 486-0750

File: F-1476-2
May 28, 1986

Mr. Stephen Beck
1602 Divisadero
Fresno, CA 93721

Subj: Geotechnical Investigation
Proposed Gravel Extraction Operation
Lost Lake, Fresno County
Fresno, California

Dear Mr. Beck:

Attached are the results of our geotechnical evaluation of the "overburden" material for the above referenced project. This report addresses the suitability of the "overburden" material for its intended use in burn construction and makes conclusions regarding the settlement and erosive potential of this material. This work was authorized by Mr. John C. Buada, Buada Associates and was performed in conformance with the scope of work outlined in our proposal dated March 18, 1986.

We appreciate the opportunity to be of continued service on this project. If you have any questions concerning our report or require additional information, please call.

Respectfully submitted,

J. H. KLEINFELDER & ASSOCIATES

Scott R. Ward
Staff engineer

Lloyd A. Crask, P.E.
Senior Engineer

SRW:RTB:tmr
Attachment

Walnut Creek Sacramento Stockton Fresno Alameda Fairfield Los Angeles San Ramon Rohnert Park
Denver, Colorado Reno, Nevada Las Vegas, Nevada St. George, Utah



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J. H. KLEINFELDER & ASSOCIATES

GEOTECHNICAL INVESTIGATION
PROPOSED GRAVEL EXTRACTION OPERATION
LOST LAKE, FRESNO COUNTY
FRESNO, CALIFORNIA
MAY 28, 1986

INTRODUCTION

This report presents the results of a geotechnical investigation for the subject site located in Fresno County, California. The purpose of the investigation was to assess the 4 to 12 ft thickness of surface material identified as "overburden" in the "Application for Material Permit", and to provide our conclusions regarding the erosion and settlement potential of this material for its intended use in berm construction. The investigation consisted of backhoe excavations and a field reconnaissance by our staff geological engineer. J. H. Kleinfelder and Associates (Kleinfelder) has performed an investigation at this site titled "Preliminary Sand and Gravel Reserve Determinations" dated December 23, 1980 (File: F-1476-1).



SITE DESCRIPTION

The site is located between the Lost Lake recreation area and Friant Road and includes portions of the northeast 1/4 of Section 24 and the southeast 1/4 of Section 13, Township 11 south, Range 20 east. The site is located on a flood plain in a topographic trough formed by the San Joaquin river. The San Joaquin River is located approximately 1,000 ft west of the property. The site is relatively flat and consists of approximately 253 acres. A major portion of the site is planted in almond trees and vineyards. Two single family residences are located in the southeastern portion of the site. Access is provided by earthen avenues. A locator map showing the general site location and general site plan is presented as Plate A-1.

METHODOLOGY

The overburden material was evaluated by excavating 5 backhoe test pits in various areas across the site. The depths of excavation ranged from 7 to 10 ft below existing ground surface, and encountered silty sands and sands with varying amounts of gravel to the maximum depths explored. Bulk samples were obtained at selected depths within the excavations. Relatively undisturbed samples were obtained at selected elevations by driving a 2 in I.D. modified Porter sampler into the ground using the backhoe hydraulics. The samples were retained for visual and laboratory classifications, and a continuous log was recorded by our staff geological engineer. For a more detailed description of



the surface conditions encountered, refer to the test pit logs presented as Plate A-2.1 through A-2.5. The laboratory test results are presented on Plates A-3 through A-6.

SUBSURFACE CONDITIONS ENCOUNTERED

In general, the materials encountered in the upper 10 ft are similar to those encountered in our previous investigation. Briefly stated, the surface overburden soils consist of poorly graded silty sands to a depth of 2-1/2 to 9 ft. These sands contain various amounts of fine gravel and some silty lenses.

CONCLUSIONS

- ° The overburden materials generally appear to be well suited for the construction of visual buffer type berms.
- ° The materials have a moderate to high erosive potential for most types of construction with moderate slopes. Special erosion control mitigation measures are warranted.
- ° The compressibility of excavated overburden material if stockpiled or used for berm construction is expected to be on the order of 6% of the total height of the berm. The majority of settlement of constructed berms or stockpiled material should occur during the construction and stockpiling operations.

RECOMMENDATIONS

We recommend that all berms be constructed of Engineered Fill compacted to 90% of the maximum dry density as determined by ASTM D-1557 test procedure. Individual lift thicknesses should not exceed a maximum of 8 in loose maximum, and slopes should be constructed no steeper than 2 to 1 horizontal to vertical



and no flatter than 3 to 1. Care should be taken to avoid nesting in the incorporation of large plus 3 in material within the Engineered Fill. In addition to the minimum and maximum slope constraints, additional protection from erosion can be accomplished by the construction of brow ditches to intercept and re-direct runoff. The brow ditches should drain at a gradient no greater than 2%. The use of vegetative cover to further mitigate erosion is recommended. The placement of cobbles, boulders and large size stone as rip-rap along the berm slopes may also be considered. Periodic maintenance of brow ditches and vegetation should be performed, as well as the repair of any small erosion rills that occur along the slopes.

LIMITATIONS

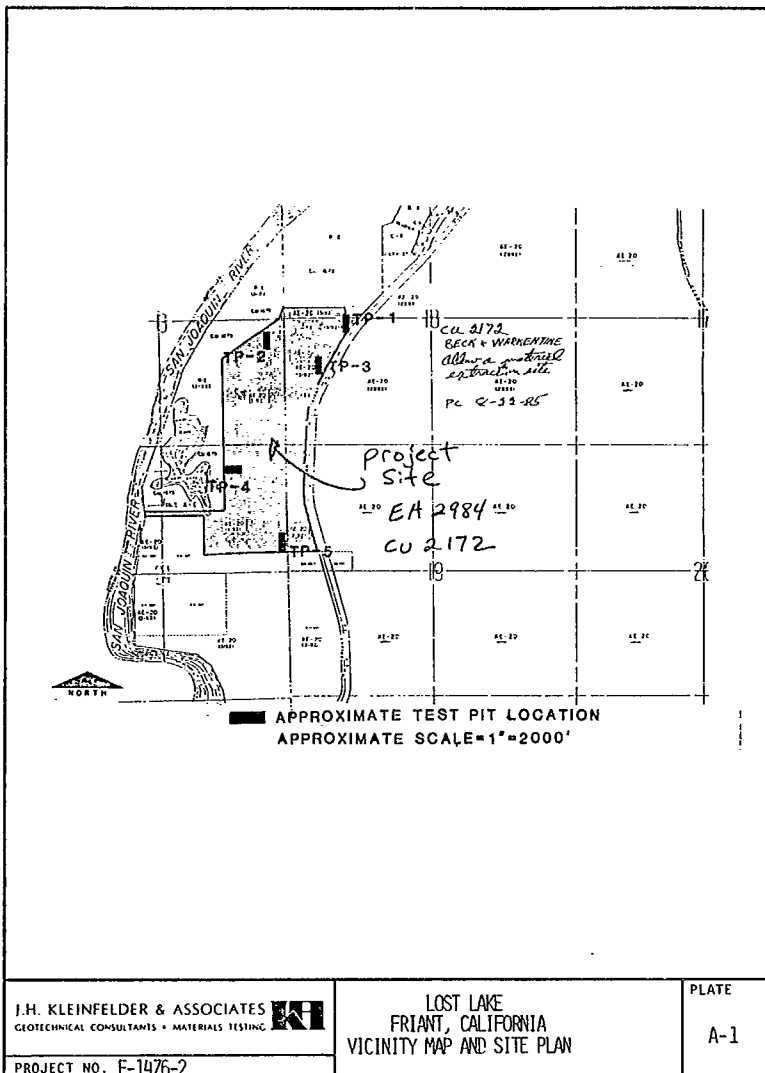
1. The conclusions and recommendations of this report are for design purposes for the proposed Gravel Extraction Operation in Fresno County, California, as described in the text of this report. The conclusions and recommendations in this report are invalid if:
 - a. The design loads change
 - b. The report is used for adjacent or other property
 - c. The additional services section of this report is not followed
 - d. Changes in grades and/or ground water occur between the issuance of this report, and construction other than those anticipated in this report
 - e. If any other change is implemented which materially alters the project from that proposed at the time this report is prepared
2. The conclusions and recommendations in this report are based upon:
 - a. The 5 exploratory test pits excavated at the site



J. H. KLEINFELDER & ASSOCIATES

APPENDIX A





I.H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS • MATERIALS TESTING



LOST LAKE
 FRIANT, CALIFORNIA
 VICINITY MAP AND SITE PLAN






PLATE

A-1

PROJECT NO. F-1476-2

UNIFIED SOIL CLASSIFICATION SYSTEM

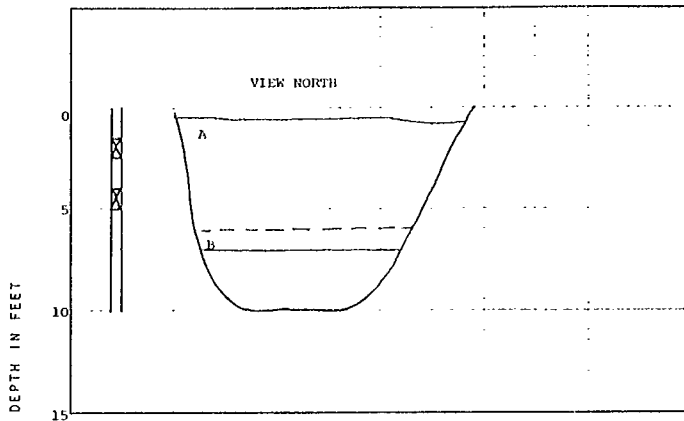
MAJOR DIVISION		LR	DESCRIPTION	MAJOR DIVISION		LR	DESCRIPTION
FINE-GRAINED SOILS	CLAYEY SANDS AND SILTY CLAYS	EM	Well-graded sandy or silty clay with little or no fines	FINE-GRAINED SOILS	SILTS AND CLAYS	ML	Inorganic silty and very fine sands, rock flour, silts or clayey fine sands or clays with little or no plasticity
		EH	Fairly graded sandy or silty clay with medium to high plasticity			CL	Inorganic clays of low to medium plasticity, gravelly clay, sand, clay, silty clay, lean clay
	SANDS AND SILTY SANDS	SM	Fine-grained sandy or silty clay with medium to high plasticity		ML	Inorganic silts and organic silts of low to medium plasticity	
		SH	Well-graded sands or gravelly sands, little or no fines		OH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, plastic silts	
SANDS AND SILTY SANDS	SP	Fairly graded sands or gravelly sands, little or no fines	ML	Inorganic clays of high plasticity, fat clays			
	SW	Fine sands, sandy silt mixtures	OH	Organic clays of medium to high plasticity			
		SC	Clayey sand, sand clay mixture	HIGHLY ORGANIC SOILS		PT	Peat and other highly organic soils

-  Bag sample
-  Standard penetration split spoon sample
-  Modified California sampler
-  Shelby tube sample
-  Water level observed in boring
- No recovery
- NFWE No free water encountered

NOTE: The lines separating strata on the logs represent approximate boundaries only. The actual transition may be gradual. No warranty is provided as to the continuity of soil strata between borings. Logs represent the soil section observed at the boring location on the date of drilling only.

POOR QUALITY ORIGINAL

J.H. KLEINFELDER & ASSOCIATES GEOTECHNICAL CONSULTANTS • MATERIALS TESTING		LOST LAKE FRIANT, CALIFORNIA TEST PIT LOG LEGEND		PLATE A-2
PREPARED BY:	DATE:	PROJECT NO. F-1476-2		
CHECKED BY:	DATE:			



(surface recently filled)

DEPTH IN FEET	MATERIAL DESCRIPTION
A	0 - 6": Silty SAND: fine, with trace of coarse to medium subround to subangular gravel, dry and with roots in upper 6", trace horizontal mottling reddish brown, moist, loose to medium dense (SM). 6": Color change to light reddish brown, grades slightly coarser
B	7": SAND: medium to fine, with trace of fine gravel, occasional cobble, small amount, silt, subround to subangular, arkosic, light brown to grey, moist, medium dense, (caving at 9' deep) (SM).
	TEST PIT TERMINATED AT: 10' DATE COMPLETED: 5-2-86 NFW

J.H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS • MATERIALS TESTING



LOST LAKE
 FRIANT, CALIFORNIA
 LOG OF TEST PIT NO. 1

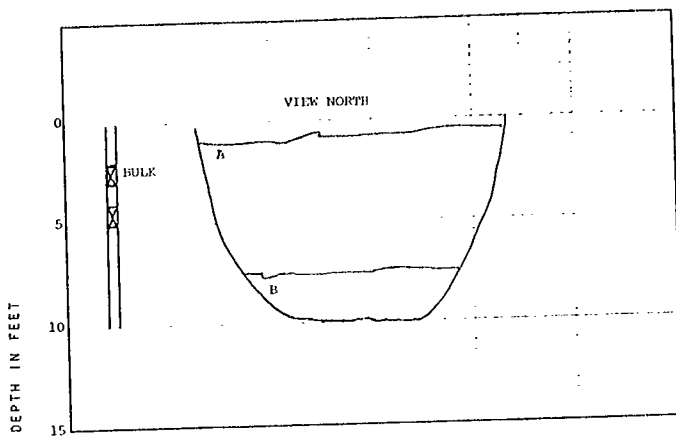
PLATE

A-2.1

PREPARED BY: DATE:

CHECKED BY: DATE:

PROJECT NO. F-1476-2



(surface recently filled)

DEPTH IN FEET	MATERIAL DESCRIPTION
A	0 - 8": Silty SAND: fine, trace fine gravel, subround to subangular, non-plastic fines, brown, dry to moist, loose, with numerous roots & organics (SM) 8" - 3': Silty SAND: fine, small amount of fine gravel, subround to subangular, brown, moist, medium dense (SM) 3' - 3': grades finer, less gravel, increased rust mottling 4' - 7': wet, free moisture on soil, grades coarser, increasing sand.
B	Sandy GRAVEL: small amount cobbles, trace silt, very round to subangular, imbricated, dark brown, moist to wet, dense (GH)
TEST PIT TERMINATED AT: 10'	
DATE COMPLETED: 5-2-86	
NFWF	

J.H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS • MATERIALS TESTING



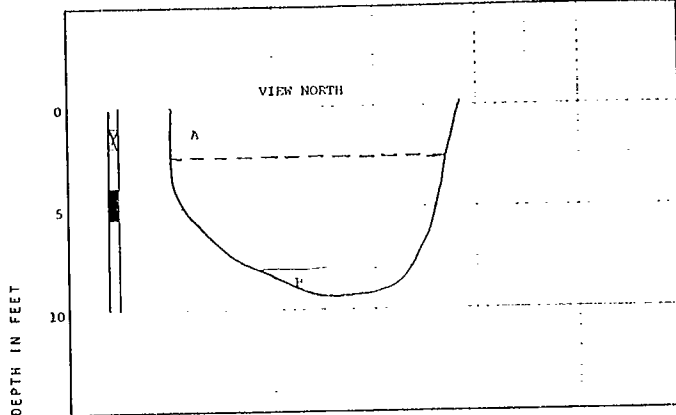
LOST LAKE
 FRIANT, CALIFORNIA
 LOG OF TEST PIT NO. 2

PLATE

A-2.2

PREPARED BY: DATE:
 CHECKED BY: DATE:

PROJECT NO. F-1476-2



15 (recently filled field)

DEPTH IN FEET	MATERIAL DESCRIPTION
A	Silty SAND: fine, subround to subangular, brown, moist, loose to medium dense, loose in upper 6" (SM) @ 2½: color change to light reddish brown, trace fine gravel
B	@ 8': Sandy GRAVEL: small amount cobbles, trace silt, coarse to fine, very round to subround, imbricated, moist, very dense (GM) (caving at 8')
	TEST PIT TERMINATED AT: 9½' DATE COMPLETED: 5-2-86 NFWB CAVING AT: 8'

J.H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS • MATERIALS TESTING



LOST LAKE
 FRIANT, CALIFORNIA

LOG OF TEST PIT NO. 3

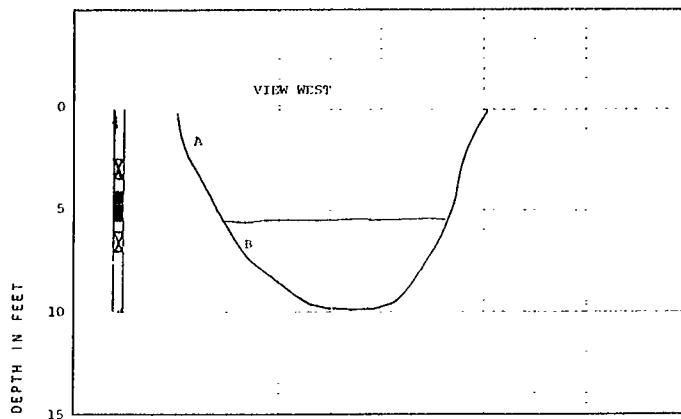
PLATE

A-2.3


PREPARED BY: _____ DATE: _____

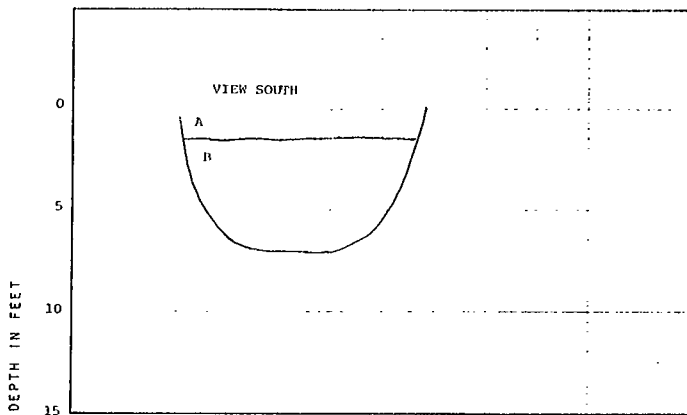
CHECKED BY: _____ DATE: _____

PROJECT NO. F-1476-2




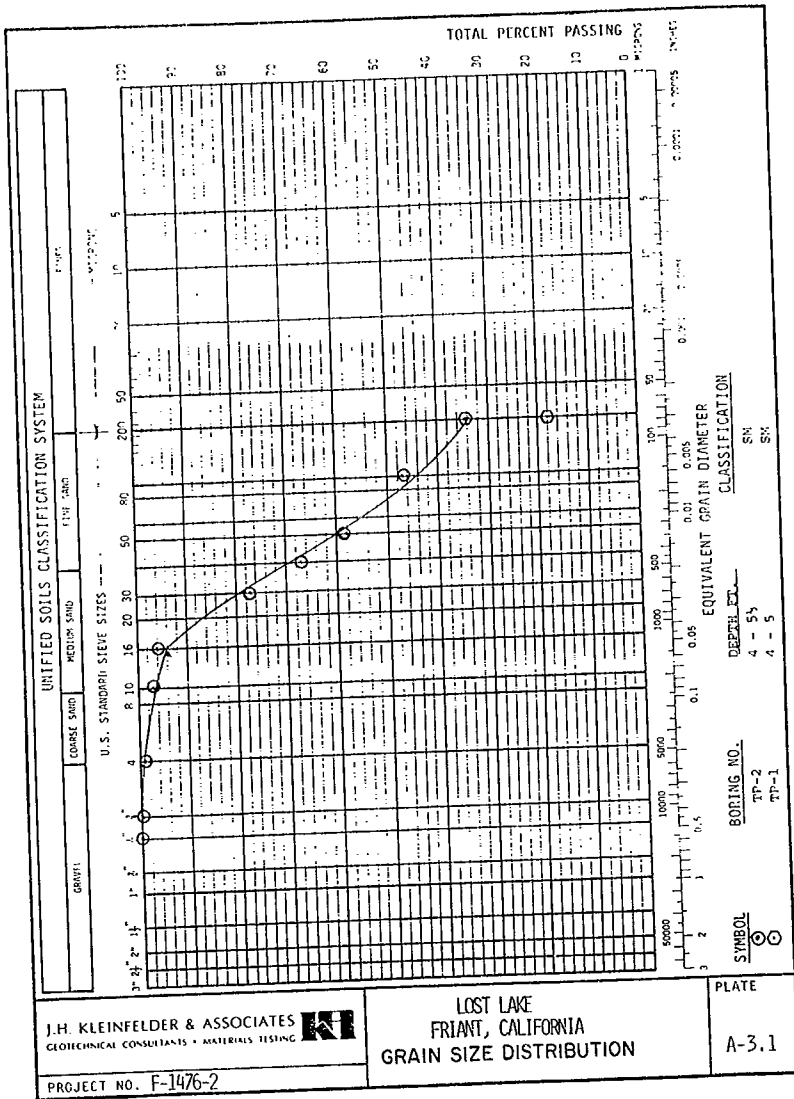
DEPTH IN FEET	MATERIAL DESCRIPTION
A.	Silty SAND: fine, subround to subangular, brown, moist, medium dense, (SM), loose and dry in upper 6"
B.	SAND: fine, small amount very round coarse gravel, clear, subround to subangular, arkosic, light brown with trace iron staining, loose, (SM) (significant caving at 5')
TEST PIT TERMINATED AT: 10'	
DATE COMPLETED: 5-2-86	
NFWE	
SIGNIFICANT CAVING AT: 5'	

J.H. KLEINFELDER & ASSOCIATES GEOTECHNICAL CONSULTANTS • MATERIALS TESTING		LOST LAKE FRIANT, CALIFORNIA LOG OF TEST PIT NO. 4	PLATE
			A-2,4
PREPARED BY:	DATE:	PROJECT NO. F-1476-2	
CHECKED BY:	DATE:		



DEPTH IN FEET	MATERIAL DESCRIPTION
A	SAND: fine, some round to very round coarse to fine matrix supported gravel, brown, moist, dense to medium dense (SP-GM)
B	Sandy GRAVEL: coarse to fine, round to very round, brown, moist, dense
	4': grades coarser, increase in coarse gravel with small amount cobbles
	TEST PIT TERMINATED AT: 7'
	DATE COMPLETED: 5-2-86
	NFWE
	SIGNIFICANT CAVING AT: 3'

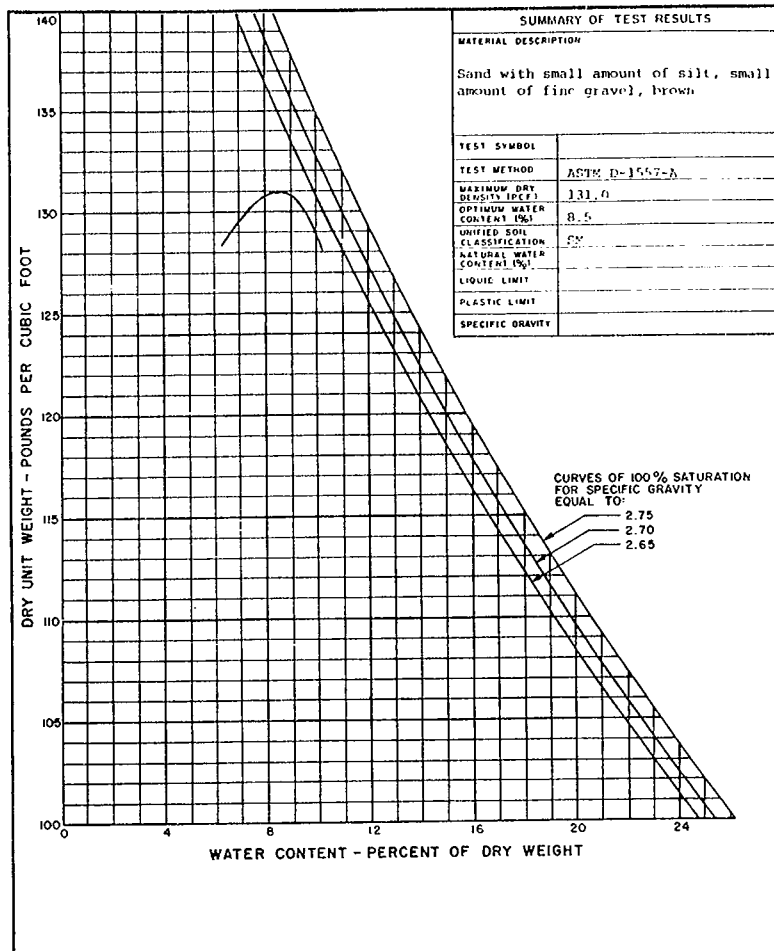
J.H. KLEINFELDER & ASSOCIATES <small>GEOTECHNICAL CONSULTANTS • MATERIALS TESTING</small> 		LOST LAKE FRIANT, CALIFORNIA LOG OF TEST PIT NO. 5	PLATE A-2.5
PREPARED BY:	DATE:		
CHECKED BY:	DATE:	PROJECT NO. F-1476-2	



J.H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS • MATERIALS TESTING

PROJECT NO. F-1476-2

LOST LAKE
FRIANT, CALIFORNIA
GRAIN SIZE DISTRIBUTION



J. H. KLEINFELDER & ASSOCIATES
 GEOTECHNICAL CONSULTANTS - ENGINEERING LABORATORY

LOST LAKE
 FRIANT, CALIFORNIA

PREPARED BY: GSA
 CHECKED BY: SRW

DATE: 5-23-86
 DATE: 5-27-86

COMPACTION DIAGRAM

PROJECT NO. F-1476-2 | PLATE NO. A-4

BIOLOGICAL REPORT
FOR
BECK RANCH
SAND AND GRAVEL PERMIT

Prepared by
Robert F. Winter
Consulting Biologist
2050 N. DeWolf Ave.
Clovis, CA 93612

July 1986

Beck Environmental Impact Report

Biological Description of the Area as it is now----

The area proposed for the gravel extraction area is currently a farm operation. The land is disturbed and can no longer be thought of as a wildlife area even though many species of birds now periodically use the site. The area in its original state probably did not support many species of resident wildlife. With the current farming, almond trees were planted, temporary brush piles were constructed, with some remaining for several years before burning and a small farm pond was created. Most of the species found on the site now are migrants. A very few species found on the site live in the San Joaquin riparian and forage out onto the farm land. In its present use, the land does not provide much food or shelter for species that would normally reside here.

The Lost Lake recreation site must also be considered due to its close proximity to the proposed gravel extraction site. Lost Lake has been studied each spring on a weekly basis for more than fifteen years as a college laboratory for a biology field class. This author has noted a rather steady decline in animal species and numbers of individuals since the first study began. There are several reasons for the loss of wildlife.

- a. Foremost is the development of the river bank for fishing and picnicking with the subsequent loss of riparian habitat.
- b. Increasing use of the area by humans, including car use, loud noises such as radios and people shooting guns or bows.
- c. Loss of wildlife such as destruction of bird nests, killing reptiles and trapping by the daily human visitors.
- d. Picking of wildflowers or other destruction of vegetation.
- e. The development of farm operations on the Madera side of the river has greatly reduced habitat and species of animals that formerly lived there.

The ponded area known as Lost Lake is dying due to eutrophication. The water and various residues are trapped in the lake with little or no flushing action of the water.

Probable Impacts if the Gravel Operation is Developed as Proposed----

The noise levels, if developed as proposed, with berms and vegetation keeping sound levels lower than the operation to the west and downriver, will probably not impact any of the wildlife currently known to inhabit the area or to use it as a resting place. Examples are the geese that formerly stopped on the Ball Ranch. The steady noise levels from the Lone Star gravel operation did not seemingly affect the geese, however any strange automobile or human intrusion would cause them to vacate the area for varying lengths of time. The Ball Ranch deer herd behaved in a similar fashion to the geese. The steady, predictable gas cannons firing does not affect most wildlife. The use of gas cannons rated low in effectiveness and are considered ineffective in a study reported in "California Agriculture," Volume 40, May-June 1986, page 5-Bird Damage to Pistachios. The nesting of small bird species often occurs in areas of heavy human use so long as the use appears relatively constant. Female deer will fawn in areas of medium to heavy use by humans if they have cover and are protected by dogs.

This gravel operation as proposed should produce minimal dust. Dust can and does do extensive damage to vegetation.

The heavy use by people and vehicles during gravel operations may tend to force some shy species to search for other habitat areas with little disturbance. The riparian habitat is becoming so scarce that this is now a major problem in California. Reported by Dale Mitchell, Biologist for the California Department of Fish and Game, 70%-90% of the riparian habitat has been lost in Central California.

Concerns voiced by various Concerned Parties----

Fresno County Parks Department has the same concerns voiced in the preliminary report such as noise, dust and vibrations as they may affect wildlife and/or human use of the park. The Parks Department would require a setback of 100' from the boundaries of the park with a planting of specimen sized conifer trees.

The San Joaquin River Committee, upon careful evaluation voiced the opinion that the gravel is a much needed commodity but should be extracted as needed. Hopefully the project and mitigation should eventually be beneficial to both wildlife and recreation. The largest concern that they observed is that often, in past developments, restrictions and mitigations are designed but there seems to be little policing or enforcement. Some projects that originally appeared to be sound were left as near disaster areas. There must be at least one public agency who is responsible.

- The Audubon Society was contacted and gave varying viewpoints. Chiefly the topic appears to have not been studied to any great extent. They are familiar with the park and do hold the annual bird count mid-day meeting at Lost Lake. Their major concern is not to create additional environmental problems for wildlife. Dave Selleck, who has worked in the area since the conception of the park both as the Manager of Game species for the California Department of Fish and Game and as an observer in the Audubon Society, voiced his concerns over declining environmental needs for wildlife at Lost Lake Park.
- Rob Hansen, ornithologist, concerned himself with loss and potential loss or acquisition of riparian habitat. He stated bird diversity and abundance is highest in riparian habitat. California Department of Fish and Game is concerned with possible water pollution going into the San Joaquin River as well as dust further contributing to the loss of wildlife. They recognize the size restrictions of the current Lost Lake Park and over-use by humans at times. Again, it was stated that the former large flocks of geese that wintered at the Hall Ranch and occasionally at Lost Lake are disappearing due to the surrounding habitat loss and feeding areas.
- Examples of fast-growing species:
- Red Iron-bark eucalyptus - winter food for migrating hummingbirds and orioles.
 - Carolina and Hollyleaf cherries produce lush green foliage and fruits.
 - Russion olive - excellent food source.
 - Pyracantha bushes - food for birds and cover for small mammals.
 - Mulifloria rose - excellent fencing and habitat for bird or mammal species.
 - Liquid amber trees - fall color for humans and excellent seeds for wildlife.
- The gravel pits as most others in the past, will provide more riparian habitat for wildlife in the future when they are planted.

Mitigating Factors----

The planting of berms with various species of shrubs and trees could improve food and shelter for many species compared to what is currently there.

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Examples of fast-growing species:

- a. Red iron-bark eucalyptus - winter food for migrating hummingbirds and orioles.
- b. Carolina and Hollyleaf cherries produce lush green foliage and fruits.
- c. Russian olive - excellent food source.
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- e. Muliflora rose - excellent fencing and habitat for bird or mammal species.
- f. Liquid amber trees - fall color for humans and excellent seeds for wildlife.

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Currently a part of Lost Lake is essentially lost to use by both wildlife and the public. It is a disturbed area producing little habitat for wildlife. The gravel company with its large equipment could resurface the land into a useable area.

Fresno County appears to be short of funds to make Lost Lake a viable recreational and wildlife pond. They have done very little to improve Lost Lake proper. Many unique plant species have been removed along the river. Plants such as deer brush, Western redbud, Western spice bush, wild cherry, and seedling sycamore trees have been removed in the past.

Wildlife Species that have been Inventoried on the Site and Adjacent Park----

Mammals--

- | | |
|----------------------|-------------|
| 1. Striped skunk | 5. Gray fox |
| 2. Raccoon | 6. Beaver |
| 3. Longtailed weasel | 7. Muskrat |
| 4. Bobcat | |

Reptiles and Amphibians--

- | | |
|---------------------------|-------------------------|
| 1. Rattlesnake(1) | 6. Western skink |
| 2. Gopher snake | 7. Western toad |
| 3. King snake | 8. Tree frog |
| 4. Red-sided garter snake | 9. Bullfrog |
| 5. Western fence lizard | 10. Western pond turtle |

Birds--

- | | |
|-----------------------------|-------------------------------|
| *1. Western grebe | 30. Forster's tern |
| 2. Horned grebe | 31. Caspian tern |
| 3. Eared grebe | 32. Black tern |
| *4. Pied-billed grebe | 33. Black-shouldered kite |
| 5. Double-crested cormorant | 34. Red-shouldered hawk |
| *6. American bittern | *35. Osprey |
| 7. Black-crowned cormorant | 36. White-throated swift |
| 8. Anthony's green heron | 37. Purple martin |
| 9. American Egret | 38. Anna's hummingbird |
| 10. Great blue heron | 39. Black-chinned hummingbird |
| 11. Mallard | 40. Belted kingfisher |
| 12. Green-winged teal | 41. Black phoebe |
| 13. Cinnamon teal | 42. Say's phoebe |
| 14. Ruddy duck | 43. Tree swallow |
| 15. Canvasback duck | 44. Violet-green swallow |
| 16. Redhead | 45. Cliff swallow |
| 17. Pintail | 46. Rough-winged swallow |
| *18. Ring-necked duck | 47. Barn swallow |
| 19. Lesser scaup | 48. Scrub jay |
| 20. Barros's goldeneye | 49. American crow |

21. Bufflehead
22. Hooded merganser
23. Sora rail
- *24. Common gallinule
25. American coot
26. Killdeer
27. Common snipe
28. Ring-billed gull
29. California gull

50. Long-billed marsh wren
51. Western mockingbird
52. Audubon's warbler
53. Sage sparrow
- *54. Red-winged blackbird
55. Tri-colored blackbird
56. Brewer's blackbird
57. Northern oriole
58. Phainopepla

*Species declining in recent years

ENVIRONMENTAL NOISE ANALYSIS
BECK RANCH EXCAVATION PERMIT
FRESNO COUNTY, CALIFORNIA

Prepared for

BUADA ASSOCIATES
6353 N. Blackstone Avenue
Fresno, California 93704

Prepared by

BROWN-BUNTIN ASSOCIATES
Visalia, California

June 9, 1986

BBA

INTRODUCTION

The Beck Ranch Excavation Permit is a proposal to extract rock, sand and gravel from a 251-acre site located between Lost Lake Regional Park and Friant Road within Fresno County. The excavated material would be transported to the existing Lone Star Industries processing plant south of the project site.

The project site is located in an area dominated by agricultural and recreational land uses with some residential uses located on or near the San Joaquin River bluffs east of the site. The Lone Star Industries sand and gravel operation is located adjacent to and south of the project site. The closest existing residence is located approximately 300 feet from the eastern boundary of the Phase Three excavation area.

It is the purpose of this report to identify and quantify significant project-related noise impacts, and to present recommendations for mitigation wherever feasible. It is intended that the results of the study be incorporated into an Environmental Impact Report being prepared for the project.

CRITERIA

The determination of whether or not a particular noise impact should be considered significant is generally based upon comparisons with applicable state and local standards and to recognized public health criteria. Local standards include land use compatibility criteria from the Fresno County Noise Element of the General Plan, and the Fresno County Noise Ordinance (adopted in 1978). The standards of the County's noise ordinance are consistent with recommendations made by the California Office of Noise Control (ONC).

Policy #4.02 of the Fresno County Noise Element establishes that in order to maintain an acceptable environment, the maximum allowable noise levels for rural residential uses should be 55 dB L_{dn} * or an L_{50} of 50 dBA during the day (7:00 a.m. - 10:00 p.m.) and 45 dBA during the night (10:00 p.m. - 7:00 a.m.). The rural residential standard is only applied in instances where existing background noise levels are sufficiently quiet (typically 55 dB L_{dn} or less).

* For an explanation of the terminology used in this report refer to Appendix A: "Acoustical Terminology".

The maximum allowable noise levels for urban residential and noise sensitive receivers are 60 dB L_{dn} or an L_{50} of 55 dBA during the day and 50 dBA at night. Areas subject to a noise exposure of 60 dB L_{dn} or greater are identified as noise impacted areas by the Noise Element.

The Fresno County Noise Ordinance contains exterior noise level standards for sources not preempted by state or federal regulations which are based on the statistical distribution of noise over time. The maximum levels allowed by the ordinance are 70 dBA during the daytime hours (7:00 a.m. - 10:00 p.m.) and 65 dBA during the nighttime hours (10:00 p.m. - 7:00 a.m.), when measured at an existing noise sensitive receiver location. As defined by the ordinance, noise sensitive receivers include churches, schools, hospitals, libraries and residential uses. The noise ordinance also contains standards which regulate noise levels of lesser intensity but longer duration. The noise ordinance standards are summarized in Table I.

TABLE I
FRESNO COUNTY NOISE ORDINANCE STANDARDS

Category	Cumulative Number of minutes in any one-hour time period	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
1	30	50	45
2	15	55	50
3	5	60	55
4	1	65	60
5	0	70	65

Source: Chapter 8.40, Fresno County Ordinance Code

EXISTING NOISE ENVIRONMENT

Existing sources of environmental noise in the vicinity of the project site include vehicular traffic on Friant Road and within Lost Lake Regional Park, occasional aircraft overflights and extraction and processing activities at the nearby Lone Star Industries sand and gravel operation.

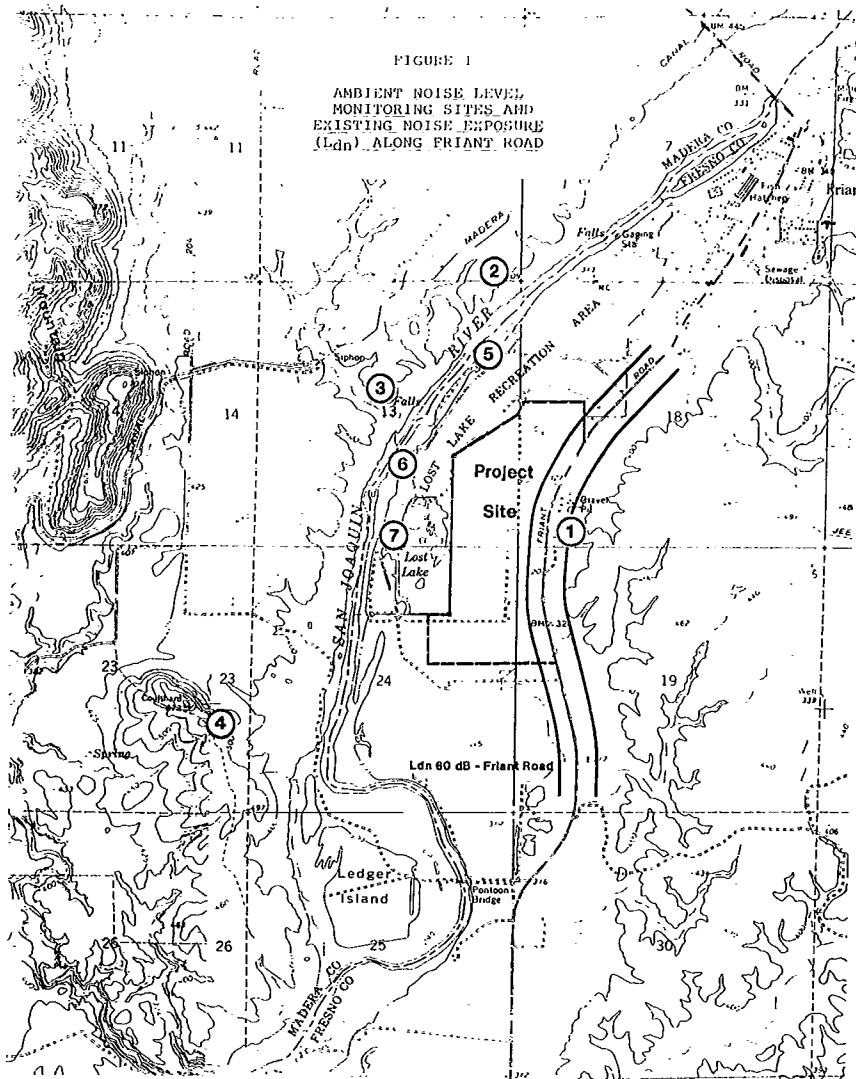
Existing ambient noise level measurements were conducted by BBA on March 23 and 25, 1984, at seven locations in the vicinity of the project site. Monitoring locations were selected in response to specific concerns regarding existing noise levels at typical residential locations on the San Joaquin River bluffs, in an area in Madera County across the river where residential development is proposed, and in Lost Lake Regional Park. Monitoring sites are shown on a U.S.G.S. topographic map of the project area in Figure 1. Noise monitoring equipment consisted of a Bruel & Kjaer (B&K) Type 2218 integrating sound level meter equipped with a B&K Type 4165 1/2" microphone which meets the specifications of the American National Standards Institute (ANSI) for Type I (Precision) sound level meters. The measurement system was calibrated in the field prior to use with a B&K Type 4230 acoustical calibrator certified by its manufacturer to be in compliance with National Bureau of Standards (NBS) reference levels to ensure the accuracy of the measurements. Noise measurements were conducted in terms of L_{eq} , although maximum levels from easily-identified sources were noted. The results of the March 23 and 25, 1984 ambient noise level measurements are summarized in Table II.

TABLE II
SUMMARY OF AMBIENT NOISE LEVEL MEASUREMENTS
MARCH 23 AND 25, 1984

Site	Date	Time	L_{eq}	L_{max}	Source (L_{max})
1	3/23/84	7:45 am	49 dB	65-70 dBA	Trucks
1	3/25/84	5:20 pm	57 dB	70 dBA	Motorcycles
2	3/23/84	8:15 am	38 dB	40 dBA	Trucks
3	3/23/84	8:45 am	38 dB	45 dBA	Aircraft
4	3/23/84	9:30 am	43 dB	50 dBA	Trucks
4	3/25/84	6:30 pm	34 dB	40 dBA	Motorcycles
5	3/23/84	10:45 am	52 dB	60-65 dBA	Autos
5	3/25/84	5:45 pm	65 dB	80-90 dBA	Motorcycles
6	3/23/84	11:15 am	45 dB	50 dBA	Birds
7	3/23/84	11:35 am	48 dB	55 dBA	Aircraft

Source: Brown-Buntin Associates

FIGURE 1
 AMBIENT NOISE LEVEL
 MONITORING SITES AND
 EXISTING NOISE EXPOSURE
 (Ldn) ALONG FRIANT ROAD

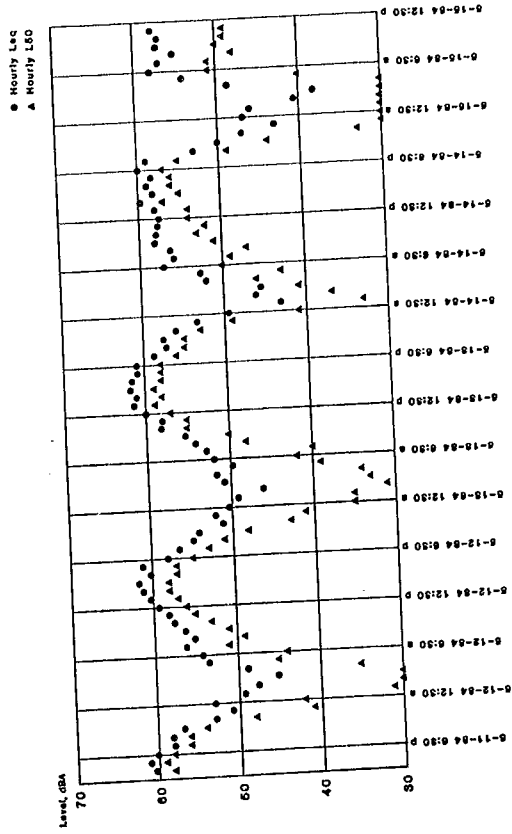


In order to provide additional information concerning the 24-hour variation in background noise levels in the vicinity of the project site, a Digital Acoustics DA607 Environmental Noise Analyzer equipped with a GenRad Type 1962-9602 1/2" microphone was used to continuously monitor noise levels from 3:30 p.m. on Friday, May 11, 1984 to 6:30 p.m. on Tuesday May 15, 1984. The monitoring system was placed at the edge of the bluff overlooking Friant Road at a distance of approximately 350 feet from the center of the roadway (Site #1, Figure 1). The monitoring site was selected to be representative of typical residential setbacks along the bluffs in the vicinity of the project site. The monitoring system complies with ANSI requirements for Type I (Precision) sound level meters, and was calibrated in the field prior to use with an acoustical calibrator certified by its manufacturer to be in compliance with NBS reference levels. Measured L_{dn} values over the sample period ranged from 59.6 to 60.6 dB L_{dn} with an average of 60.1 dB L_{dn} for the entire 92-hour sample period. Typical maximum noise levels ranged from 74-78 dBA and were presumably caused by trucks and motorcycles with modified exhaust systems. The highest noise level recorded during the sample period was 87 dBA at 5:30 p.m. on Sunday, May 12, 1984. Although no one was present at the site to identify the source, it is likely that a motorcycle (Harley-Davidson) with a modified exhaust system was responsible for the event since there were reportedly large numbers of these bikes in the area at the time. Figure 2 shows the hourly variation of noise levels as defined by L_{eq} and L_{50} over the sample period.

From Figure 2 it is apparent that noise levels as defined by L_{dn} and daytime L_{50} presently exceed the Fresno County Noise Element standards for rural residential land uses due to the close proximity of Friant Road which is a major noise source for the area. Since existing noise levels at typical residential setbacks along Friant Road are presently above the county's standards for rural residential receivers, it would seem inappropriate to apply such a standard to the Beck Ranch project. Although the urban residential and noise sensitive receiver land use category of the Noise Element does not adequately describe existing residential uses along Friant Road, the existing noise environment in this area is representative of a more densely-populated area with nearby major transportation-related noise sources.

Noise levels from existing annual average volumes of traffic on Friant Road were evaluated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108) and traffic data obtained from Fresno County. The FHWA Model is the analytical method currently favored by most state and local agencies, including Caltrans, for the prediction of traffic noise levels. The model is based upon reference energy emission levels for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver and the acoustical characteristics of the site. The FHWA Model was developed to predict hourly L_{eq}

Figure 2
Hourly Noise Levels
Site #1: 5/11/84 - 5/15/84



BBA

values for free-flowing traffic conditions, and is generally considered to be accurate within ± 1.5 dB. To predict L_{dn} values, it is necessary to determine the hourly distribution of traffic for a typical day and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

According to the Fresno County Department of Public Works, the Annual Average Daily Traffic (AADT) for Friant Road for existing conditions (June-1985) in the vicinity of the project site is approximately 4033 with approximately 31% of that volume being medium and heavy trucks. Based on traffic counts performed by Fresno County in 1980 near the project site, 89% of the traffic occurs between the hours of 7:00 a.m. and 10:00 p.m. The estimated speed of vehicles in the vicinity of the project site is 50 mph. Using the above-described traffic data and the FHWA methodology, the distances from the center of the roadway to L_{dn} contour values of 70, 65 and 60 dB were calculated. West of Friant Road, the calculations assumed an acoustically "soft" site since existing soil and vegetation provide some absorption of sound. East of Friant Road, an acoustically "hard" site was assumed since persons residing along the bluffs look down on the roadway and sound is attenuated only by atmospheric absorption. L_{dn} contour locations for existing conditions are summarized in Table II and plotted on a map of the project area in Figure 1.

TABLE III

DISTANCE (FEET) FROM CENTER OF
ROADWAY TO L_{dn} CONTOURS
FRIANT ROAD NEAR BECK RANCH

<u>Contour Value</u>	<u>East of Roadway</u>	<u>West of Roadway</u>
L_{dn} 70 dB	85	56
L_{dn} 65 dB	182	120
L_{dn} 60 dB	391	258

Source: Brown-Buntin Associates

Of special concern to Fresno County are existing and potential future noise levels in Lost Lake Regional Park. As noted in Table II, noise levels measured in the park on March 23 and 25, 1984, ranged from L_{eq} 45-65 dBA depending upon time and location. Maximum levels in the picnic areas were generally caused by passing automobiles and motorcycles (60-90 dBA at 25 feet) and by radios (45 dBA at 150 feet). Aircraft overflights generated levels of 45-50 dBA depending upon type of aircraft and altitude. Noise levels along the Lost Lake Nature Trail (Site #6, Figure 1) averaged 40-45 dBA

depending upon proximity to running water. Vehicular traffic on park roads produced maximum noise levels ranging from 40-45 dBA along the trail. Birds generated noise levels ranging from 40-50 dBA. Fortunately, noise levels from vehicular traffic on park roads is effectively attenuated in the trail area by topography and vegetation.

PROJECT-RELATED NOISE IMPACTS

Noise impacts from the proposed sand and gravel excavation operation will result from the operation of heavy equipment within the various phases of the project site. All processing of material will occur at the existing Lone Star Industries plant, and project-related truck traffic will follow the same routes presently used by Lone Star Industries. The project operator has proposed that excavation activities occur between 6:00 a.m. and 6:00 p.m. Monday through Friday.

The excavation of material within the various phases of the project area will be accomplished by a dragline and scraper. The scraper will be used to remove overburden from the excavation area and the dragline will be used to remove sand and aggregate material. A front loader will be used to load double trailers pulled by diesel truck tractors for transportation to the Lone Star Industries processing plant. The equipment used in the excavation and processing operations is the same equipment presently in use within the Lone Star Industries excavation area south of and adjacent to the project.

In order to document the noise levels from existing Lone Star Industries operations, BBA conducted noise level measurements on June 3, 1986 at a distance of approximately 400 feet from the loading operation and 600 feet from the dragline operation. Noise levels were sampled at 5 second intervals for a period of 15 minutes using a B&K Type 2218 precision integrating sound level meter equipped with a B&K Type 4165 1/2" microphone. Additional measurements were conducted in closer proximity to the excavation and loading equipment using a B&K Type 2230 precision integrating sound level meter equipped with a B&K Type 4155 1/2" microphone. The measurement systems were calibrated in the field prior to use using a B&K Type 4230 acoustical calibrator. The front loader (a Terex 7261 with a 5 yd. bucket and Detroit Diesel engine) and dragline (a Marion 111M with a 4 1/2 yd. bucket and CAT D375 engine) were in full and continuous operation during the measurements. Trucks were arriving and departing from the excavation site in a typical manner. There was no shielding caused by topography or other factors between the measurement sites and the excavation/loading

operation. Maximum noise levels during the measurement period were caused by the banging together of the dragline bucket and chain and by aggregate being dumped into empty truck trailers. Table IV is a summary of the June 3, 1986 measurements, indicating maximum noise levels and the statistical distribution of noise levels over time.

TABLE IV
SUMMARY OF LONE STAR EXCAVATION
NOISE LEVEL MEASUREMENTS
JUNE 3, 1986

<u>Descriptor</u>	<u>Distance (feet)</u>	<u>Sound Pressure Level (dBA)</u>
L ₅₀	400*	63
L ₂₅	400*	65
L _{8,33}	400*	67
L _{1,67}	400*	69
L _{max}	400*	72
L _{eq}	400*	64
L _{eq} (dragline)	200	72
L _{max} (dragline)	200	82
L _{eq} (loader)	165	72
L _{max} (loader)	165	86

* 400 feet from the loader and approximately 600 feet from the dragline.

Source: Brown-Buntin Associates

Using the above-described noise level data and the assumption that excavation/loading activities would occur between the hours of 6:00 a.m. and 6:00 p.m., distances from the center of the excavation/loading activities to noise exposure contour values corresponding to applicable Fresno County standards were calculated. Such calculations assumed a generalized front loader noise spectrum (CAT 988D), geometric spreading for a typical point noise source and normal atmospheric absorption. These contours, which do not include adjustments for shielding by topography or other factors, are representative of a worst-case condition. Contour distances are summarized in Table V.

TABLE V

DISTANCE FROM EXCAVATION/LOADING
ACTIVITIES TO NOISE EXPOSURE CONTOURS
BECK RANCH - NO SHIELDING

<u>Contour</u>	<u>Description</u>	<u>Distance (feet)</u>
L _{dn}	60 dB	620
L ₅₀	50 dBA	1526
*L ₅₀	45 dBA	2419
L ₂₅	55 dBA	1164
*L ₂₅	50 dBA	1824
L _{0,33}	60 dBA	873
*L _{0,33}	55 dBA	1393
L _{1,67}	65 dBA	653
*L _{1,67}	60 dBA	1063
L _{max}	70 dBA	532
*L _{max}	65 dBA	882

* Denotes nighttime Noise Ordinance Standard

Source: Brown-Buntin Associates

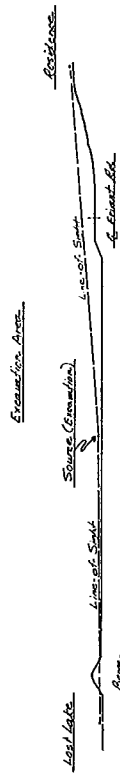
MITIGATION

In order to mitigate noise impacts from the proposed project, the operator has proposed that berms be located along the western, northern and part of the eastern boundaries of the excavation area. The proposed berms are approximately 10 feet high with respect to the existing project grade.

The effectiveness of a noise barrier is determined by the geometric relationship between the noise source, receiver and barrier. The amount of attenuation provided by a barrier is calculated from the difference in distance sound must travel when passing through a barrier compared to the distance it must travel when refracted over the barrier. In order to be effective, the barrier must interrupt line-of-site between the source and receiver. Generally, a barrier will be more effective if it is located either close to the source or receiver. Figure 3 has been prepared to illustrate the topographical relationship between the project site and Lost Lake Regional Park to the west and between the project site and the bluffs area east of the project site. It is apparent from Figure 3 that line-of-sight is effectively

Figure 3

Topographical Cross-Section: Excavation Area



Scale: 1" = 400'
4/2/84 AEB

BBA

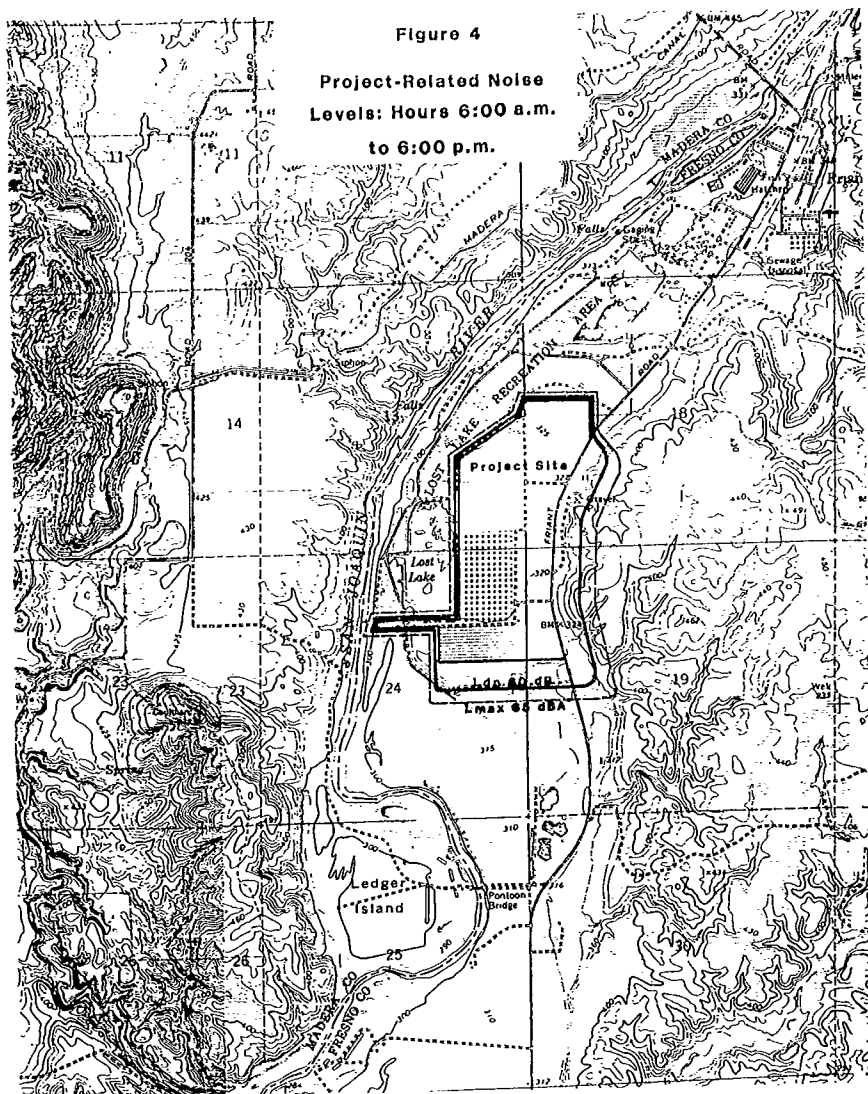
blocked between the excavation area and Lost Lake Regional Park. Depending on the depth of the excavation and the proximity of equipment to the berm, noise levels from excavation activities would be reduced by 10-15 dB in the Lost Lake Regional Park area as a result of the proposed berm. It is also apparent from Figure 3 that the proposed berm will not be effective in reducing noise levels from excavation/loading activities as they affect the bluffs area east of Friant Road.

Figure 4 has been prepared to illustrate the extent of worst-case project-related noise impacts with the proposed berms in place, assuming that excavation activities occur between the hours of 6:00 a.m. and 6:00 p.m. and that excavation and loading equipment could operate within 50 feet of the property line. The L_{dn} 60 dB contour shown in Figure 4 is representative of the extent of land area potentially impacted by noise levels exceeding the land use compatibility criterion of the Fresno County Noise Element for noise-sensitive land uses. The L_{max} 65 dBA contour shown in Figure 4 indicates areas where noise levels from project-related sources could exceed the maximum allowed by the Fresno County Noise Ordinance during the nighttime (10:00 p.m. - 7:00 a.m.) hours.

It should be noted that the noise impacts depicted by Figure 4 would only occur for a relatively brief period of time at any one location as the excavation process moves through the various phases. The noise level data and distances to noise exposure contours summarized in Tables IV and V may be used to estimate worst-case noise exposure at a given location after 10-15 dB have been subtracted to account for the presence of a berm if applicable. An example of this is the residence located behind the store near the entrance to Lost Lake Regional Park, which is approximately 175 feet from the center of the closest acre proposed for excavation. Based upon information contained within the "Operational, Phasing and Rehabilitation Plan" prepared by the project operator, excavation activities on any one acre would occur for approximately 12-13 days. During that time period, typical noise levels as defined by L_{dn} , L_{50} , and L_{max} would be approximately 56 dB, 55 dB and 70 dBA, respectively, after subtracting 15 dB for the presence of the berm. Noise exposure would be less before and after the closest acre is excavated.

From the above discussion and Figure 4 it is apparent that noise levels may exceed the requirements of the Fresno County Noise Ordinance and Noise Element on a temporary basis at residences located relatively close (within approximately 500 feet) to the excavation area. One way to reduce such temporary impacts would be to prohibit excavation activities within 500 feet of an existing residence between 6:00 a.m. and 7:00 a.m. It is estimated that noise levels would still exceed the ordinance standards in some categories by up to 5 dB (L_{50}) although such a restriction would represent a significant

Figure 4
Project-Related Noise
Levels: Hours 6:00 a.m.
to 6:00 p.m.



form of mitigation. Figure 5 has been prepared to show the maximum extent of worst-case noise exposure with excavation hours limited to 7:00 a.m. - 4:00 p.m. Another factor to be considered is that project-related noise levels along the bluffs will be reduced significantly if the affected residence is located behind the edge of the bluff where line-of-sight to the noise source is interrupted. Also, existing traffic on Friant Road generates noise levels which are comparable in many instances to project-related noise levels in this area. Due to shielding by the proposed berms and the topographical relationship between the project site and the area west of the site, project-related noise levels exceeding the County standards would not be expected in Lost Lake Regional Park.

CONCLUSIONS

Noise levels from the proposed Beck Ranch sand and gravel excavation operation have been evaluated based upon a comparison of project-related noise levels to the criteria of the Fresno County Noise Element of the General Plan and the Fresno County Noise Ordinance. Based upon noise level data obtained for the existing Lone Star Industries excavation/loading operation and proposed hours of operation, the proposed excavation/loading operation would not generate noise levels in excess of Fresno County standards in Lost Lake Regional Park. Project-related noise levels could exceed Fresno County standards on a temporary basis at existing homes located east of the project site. Such impacts would be minimized by the proposed 15 foot berm along the eastern property line near the store at the entrance to Lost Lake Regional Park. Impacts could be further reduced by restricting hours of operation in the vicinity of existing homes. It should be noted that existing homes located east of the project site near Friant Road are presently exposed to noise levels from traffic comparable in intensity to estimated levels from the project. Also, the noise levels presented in this report are worst-case estimates based upon the operation of excavation and loading equipment within 50 feet of the property line. As excavation/loading process progresses through the various phases of the project, noise impacts at specific noise sensitive receivers will be reduced. Annual average noise levels would not be expected to exceed applicable Fresno County noise standards at any location near the project site.

Respectfully submitted,



Robert E. Brown
Principal Consultant

REB/tlh

ACOUSTICAL TERMINOLOGY

- AMBIENT NOISE LEVEL: The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.
- A-WEIGHTED SOUND LEVEL: The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the response of the human ear and gives good correlation with subjective reactions to noise.
- CNEL: Community Noise Equivalent Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
- DECIBEL, dB: A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
- EQUIVALENT ENERGY LEVEL, L_{eq} : The sound level corresponding to a steady state sound level containing the same total energy as a time varying signal over a given sample period. L_{eq} is typically computed over 1, 8 and 24-hour sample periods.
- L_{dn} : Day/Night Average Level. The average equivalent A-weighted sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.
- NOTE: CNEL and L_{dn} represent daily levels of noise exposure averaged on an annual basis, while L_{eq} represents the equivalent energy noise exposure for a shorter time period, typically one hour.
- L_{max} : The maximum A-weighted noise level recorded during a noise event.
- L_n : The sound level exceeded x percent of the time during a sample interval. L_{10} equals the level exceeded 10 percent of the time (L_{90} , L_{50} , etc.)
- NOISE EXPOSURE CONTOURS: Lines drawn about a noise source indicating constant energy levels of noise exposure. CNEL and L_{dn} are the descriptors utilized herein to describe community exposure to noise.

TRAFFIC STUDY
OF
BECK RANCH
FOR
MATERIAL EXTRACTION
IN
THE COUNTY OF FRESNO, CALIF.

BY

DSK ENGINEERING CO.
1750 E. BULLARD AVE., #102
FRESNO, CA 93710
JULY 1986

TRAFFIC AND CIRCULATION

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2. FCMA Bikeway Routes
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4. Existing Traffic Conditions
5. Year 2006 Traffic Conditions

Traffic and Circulation

A. Introduction

The project as shown on Fig. 1 is located on the west side of Friant Rd. south of the entrance to the Lost Lake Recreation Area. The site is approximately 251 acres and is used to farm seasonal crops.

Rock, sand and gravel will be extracted for a period of 20 to 25 years from the site. The annual volume is expected to be up to one million tons, depending on demand. The property immediately to the south is owned by Lone Star Ind. Inc. and has approved permits for sand and gravel extraction and processing. Lone Star Ind. Inc. processing plant is located at a site approximately 2 miles south of the project.

B. Existing Traffic Network

1. Friant Rd: Friant Road is classified as an expressway and is planned for ultimate construction as a four lane divided highway with six lanes between Shepherd Ave. and Blackstone Ave. It serves as a major highway link between the project and the Fresno Clovis Metropolitan Area (FCMA) to the south and the unincorporated community of Friant to the north.

Friant Rd. currently has a travel lane and a bike lane in each direction. Separate left turn lanes have been installed in Friant Rd. at Willow Avenue, at the entrance to Lone Star's sand and gravel excavation site located immediately south of the project and at Lone Star's sand and gravel plant located south of Ball Ranch. Acceleration and deceleration lanes have also been installed at both sites.

Friant Rd. between Copper Avenue and Shepherd Ave. along the frontage of the Woodward Lake development was recently widened on the east side and has two lanes in the northbound direction. Friant Rd. between Copper Avenue and Blackstone Ave. is planned to be widened in the near future to have a minimum of four travel lanes by 1990 and have an interchange with Freeway 41.

2. Willow Avenue: Willow Ave. is classified as an arterial and is planned for ultimate construction to a four lane divided roadway. It will serve as a major highway link between the community of Friant and the easterly portion of the FCMA. This roadway between Friant Rd. and Herndon Ave. has a travel lane in each direction and forms a "T" intersection with Friant Rd. approximately three miles south of the project.

Separate left and right turn lanes have been installed in Willow Ave. at the intersection. There is a service road extending westerly from the Friant Rd./Willow Ave. intersection. The service road approach and the west bound Willow Ave. left turn movements are controlled by stop signs. All other movements are uncontrolled.

Willow Ave. southeasterly of Friant Rd. is curvilinear with fairly steep grades for about three-quarters of a mile and from that point to Herndon Ave. the road is flat and straight. The planned extension of Willow Ave. between Herndon Ave. and Barstow Ave. has not been constructed.

3. Millerton Rd: Millerton Rd. is classified as an arterial. It is a two lane east-west roadway connecting to Friant Rd. and Road 206 on the west and to Auberry Rd. and State Hwy 168 to the east.
4. Copper Ave: Copper Ave. is an east-west roadway classified as a collector. It extends westerly from Friant Rd. and will distribute traffic to various parts of the FCMA via Minnewawa Ave., and Willow Ave.
5. Bikeways: The FCMA bikeway system as shown in Fig. 2 includes a regional bikeway route along the Friant Corridor from Audubon Drive to the community of Friant. The route has been installed as bike lanes along the Friant Rd. alignment. The long range Bicycle Plan would also extend a bicycle path from Lost Lake south and west along the San Joaquin River to Skaggs Bridge on Highway 145. On April 15, 1975, the Fresno County Board of Supervisors adopted a recreation trail plan as shown in Fig. 3 which included a multiple purpose trail including bicycles, hiking and equestrian along Friant Rd. from Woodward Park to the community of Friant. The width and specific location of the multiple purpose trail has not been defined.

C. Existing Traffic Conditions

1. Friant Rd. Friant Rd. is a 55 mph roadway with a 50 mph posted speed limit in the vicinity of Lost Lake recreational area. The County of Fresno staff indicated that the most recent traffic count was taken from June 24 to 30 of 1985 north of Willow Ave. at the Council of Government's Transportation Modeling Station. The 24 hour and peak hour seven day average count is 5761 and 464 vehicles, respectively. Using a 0.70 season adjustment factor the ADT is 4033. The average peak hour percentage of the 24 hour count is 8.0%. The counts are shown in Table A.

TABLE A

<u>Mon./Date/Day</u>	<u>24 Hr Count (Veh)</u>	<u>Peak Hr Count (Veh)</u>	<u>Peak Hr.</u>	<u>λ</u>
6/24/M	4632	340	5-6 p.m.	7.0
6/25/T	4928	400	5-6 p.m.	8.0
6/26/W	5748	489	5-6 p.m.	8.5
6/27/T	5193	408	5-6 p.m.	7.9
6/28/F	5485	404	3-4 p.m.	7.4
6/29/S	6235	492	3-4 p.m.	7.9
6/30/S	8105	712	6-7 p.m.	8.8

The average daily traffic (ADT) on Friant Rd. from 1975 to 1985 furnished by the County is shown in Table B.

TABLE B

<u>Year</u>	<u>ADT</u>
1975	3600
1976	3000
1977	2900
1978	3800
1979	3100
1980	4200
1982	4800
1985	3700

Approximately 30% of the Friant Rd. traffic volume is made up of trucks. The counts were furnished by the County.

Buses and vehicles larger than a pick-up truck were classified as trucks. The truck mix is shown in Table C.

TABLE C

<u>Axles</u>	<u>%</u>
5	11.8
4	0.3
3	1.3
2	<u>17.2</u>
	30.6

2. Willow Ave: Willow Ave. is a 55 mph roadway between Friant Rd. and Herndon Ave. The most recent Willow Ave. traffic count furnished by the County was taken in July of 1984 north of Shepherd Ave. and the ADT was 3500 vehicles of which 7.5% were trucks. The peak hour traffic in both directions was 310 vehicles or 8.9% of the ADT and it occurred between 5-6 p.m.

The existing traffic volumes are shown in Figure 4.

3. Bus Route: Friant Rd. and Willow Ave. serve as bus routes for school buses of the Friant Union and Sierra Joint Union School Districts. The Friant Union School District enrolls students from kindergarten to the 8th grade and the Sierra Joint Union School District enrolls students from the 9th grade to the 12th grade. The bus schedule and stop locations of the Friant Union School District on Friant Road are described in Table D.

TABLE D

<u>Time</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:35 a.m.	3	Friant Rd. West Side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW.
7:56 a.m.	2	Friant Rd. east side	Approximately 500' north of Willow Ave.

<u>Time</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
8:00 a.m.	2	Friant Rd. east side	Approximately 750' south of Durando Ranch DW
3:22 p.m.	2	Friant Rd. west side	Approximately 1-3/4 mi. south of entrance to Lost Lake Rec. Area Rd. at Durando Ranch DW
3:26 p.m.	1	Friant Rd. west side	Driver walks student across Friant Rd. to east side
3:35 p.m.	2	Friant Rd. west side	Home of students on west side

The bus schedule and stop locations for the Sierra Joint Union School District on Friant Road are described in Table E.

TABLE E

<u>Time a.m.</u>	<u>Time p.m.</u>	<u>No. of Students</u>	<u>Road</u>	<u>Description</u>
7:00	4:28	1	Friant Rd west side	Approximately 2 mi. south of Lost Lake Recreation Area Rd.
7:04	4:24	1	Friant Rd. west side	Approximately 3/4 mi. north of Dry Creek

The bus schedule in the afternoon route is reversed on Friant Road.

D. Potential Impacts

1. Trip Generation, Distribution and Assignment.

No additional truck trips will be generated since the project will be an extension of Lone Star's existing excavation operation. Lone Star's existing traffic is 260 truck trips and 12 automobile trips for a total of 272 vehicle trips. These trips will continue for the duration of the project.

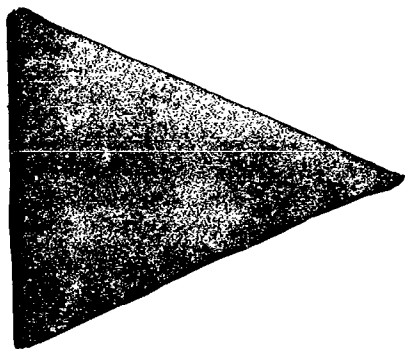
2. Year 2006 Traffic Conditions.

The year 2006 traffic projections with the project are shown in Fig. 5 and are 11125 ADT on Friant Rd. north of Willow Ave., 9140 ADT on Friant Rd. southwesterly of Willow Ave. and 5722 ADT on Willow Ave. south of Friant Rd. These projections are based on full build-out of the approved projects noted on Figure 1 which are Park Fort Washington, Woodward Lakes and Millerton New Town.

E. Mitigation Measures

1. Intersections and Roadways. Project generated traffic will not have a measurable effect on the intersections within the study area. The roadways will not have any capacity problems and the projected ADT will be within the capacity of 10000 to 13000 ADT of the roadways.
2. Friant Union & Sierra Joint Union School District Bus Routes. There are five school bus stops on Friant Rd. to pick up and and discharge nine students. The bus stops are located where buses can maneuver off the travel lane to board and discharge students. Buses have a problem of accelerating into the main stream of traffic. However, this is an existing problem. The approval of this project will not add new truck traffic, but will extend the number of years truck traffic will be using this portion of Friant Road.
3. Bikeways. The presence of Woodward Park to the south and Lost Lake and Millerton Lake recreational areas to the north suggest that a higher than average bicycle usage may be produced. The separation of bike lanes from the traffic lanes will continue to provide protection. The aggravation of the trucks mixed with the bikes is an existing condition and will remain unless the Multiple Purpose Trail Plan adopted by the Board of Supervisors relocate the bike lanes to a new alignment independent of the roadway.

The transport of material should be conducted in a manner to avoid spillage on county roads. The current permits for Lone Star (CU 367 and 2032) require that should spillage occur from trucks leaving the site, the applicant will provide for removal of the spillage from the roadway at the extraction site access road as frequently as needed. A cash deposit is required to be maintained in an amount of \$1,000.00 to allow the County to remove sand and gravel if corrective action is not taken by the operator within 24 hours of notification by the County.



5ab

File #7512
July 28, 1987
Resolution #87-310



Agenda Item

Date: July 28, 1987 (Continued from July 14, 1987)
To: Board of Supervisors
From: Planning Commission

Subject: RESOLUTION NO. 9985 - UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 and ENVIRONMENTAL ASSESSMENT NO. 3157;
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241 and ENVIRONMENTAL ASSESSMENT NO. 3174

Unclassified Conditional Use Permit Application No. 2235 and related Environmental Impact Report filed by Stephen Beck to allow the excavation of rock, sand, and gravel, with incidental gold recovery, on a 251-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District located on the west side of Friant Road adjacent to Lost Lake Regional Park (just east of Lost Lake), approximately one-half mile south of the unincorporated community of Friant (15755 Friant Road) (SUP. DIST.: 5) (APN 300-160-45 and 46); and

Unclassified Conditional Use Permit Application No. 2241 and related Supplement Environmental Impact Report filed by Lone Star Industries, Inc. proposing to allow rock, sand, and gravel excavated from the above referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue (13475 Friant Road) (SUP. DIST.: 2) (APN 300-040-18; 300-070-04, 05, 10, 12, 14, 15, 25; 300-080-01; 300-250-07, 08, 09, 10, 11, 12; 300-310-01).

PLANNING COMMISSION ACTION:

At its hearing of June 11, 1987, the Commission considered the Staff Reports and Environmental Impact Reports prepared for the projects and testimony (Summarized on Exhibit "A"). A motion was made and seconded to deny the applications based on a determination that Findings 2, 3, and 4 could not be made. The motion failed on a three-to-three vote:

ADMINISTRATIVE OFFICE REVIEW Paul J. Bunker Page 1 of 2
BOARD ACTION: DATE July 28, 1987 APPROVED AS RECOMMENDED _____ OTHER X



UPHELD APPEALS; CERTIFIED ENVIRONMENTAL IMPACT REPORT; ADOPTED RESOLUTION APPROVING FINDINGS AS REQUIRED BY CEQA AND ZONING ORDINANCE; APPROVED CONDITIONAL USE PERMITS WITH CONDITIONS AS RECOMMENDED IN EXHIBITS "A" AND "B" OF RESOLUTION NO. 87-310.

UNANIMOUS _____ ANDREEN No. CONRAD Aye KOLIGIAN Aye LEVY abstained RAMACHER Aye


5
276

Sabb

VOTING: Yes: Commissioners Radics, Stephens, Breemer
No: Commissioners Furgurson, Lingo, McCrummen
Absent: Commissioners Cruff, Orosco, Quist

A motion was then made and seconded to approve the applications. The motion failed on a three-to-three vote, thus constituting denial of Unclassified Conditional Use Permit Application No. 2235 and Unclassified Conditional Use Permit Application No. 2241.

VOTING: Yes: Commissioners Lingo, Furgurson, McCrummen
No: Commissioners Breemer, Radics, Stephens
Absent: Commissioners Cruff, Orosco, Quist


RICHARD D. WELTON, Director
Public Works & Development Services Department
Secretary-Fresno County Planning Commission

NOTE: The Planning Commission action is final unless appealed to the Board of Supervisors within 15 days of the Commission's action.

RDW:RB:uz
1856K

#7512

RESOLUTION NO. 9985

EXHIBIT "A"

Staff:

The Public Works & Development Services Department presented its Staff Reports dated June 11, 1987, and the Environmental Impact Reports prepared for the projects by Buada Associates dated July, 1986, and April, 1987. Staff indicated that Condition No. 21 as recommended should be modified to require that rehabilitation of any phase be completed within one year of commencing excavation in a subsequent phase rather than within 90 days.

Applicants:

Mr. James McKelvey, representing Stephen Beck, spoke in support of Unclassified Conditional Use Permit Application No. 2235. His presentation included the following major points of information:

- The project was modified in an attempt to reduce environmental impacts by deleting the processing plant operation, deleting the utilization of mercury and other chemicals in the gold recovery operation, limiting the amount of truck traffic, and utilizing an internal haul road system rather than taking direct access to Friant Road.
- The Environmental Impact Reports prepared for the project identified numerous mitigation measures related to noise, land use, traffic, and aesthetics. These mitigation measures will be incorporated into the projects.
- All environmental issues have been addressed by changes to the project or conditions of approval. The Environmental Impact Report can be certified.
- Eliminating a portion of the agricultural operation and providing additional wildlife areas as proposed under the rehabilitation plan will result in less agricultural related chemicals from entering the local groundwater and an increase in the amount of riparian vegetation available for wildlife.
- The Fresno community would derive a great benefit from the project since the rock, sand, and gravel supply is located near the metropolitan area. Transportation costs would be less than if the material had to be transported longer distances from the Kings and Kaweah River areas. Hauling from these outlying areas would result in greater amounts of air pollution and potential traffic hazards.

#7512

- The findings of fact can be made for these projects. The Fresno County Board of Supervisors made similar findings and approved a material extraction operation on the subject site in 1985.
- Condition No. 6 should be amended to delete the requirement of "conifer" trees and permit species acceptable to the Parks Division. Condition No. 13 requiring "residential" mufflers is ambiguous. Condition No. 23 has already been complied with, and Condition No. 26 should not require fencing between the Beck and Lone Star properties since both sites would be mined.

Mr. Thomas O'Donald, representing Lone Star Industries, spoke in support of Unclassified Conditional Use Permit Application No. 22A) and offered the following comments:

- The new project will result in only one material processing plant being operated rather than two as previously approved.
- Condition No. 4, requiring an earthen berm to be provided around the core crusher, should be modified to allow for "other similar sound-reducing measures." The requirement that improvements be made within 120 days should be extended by at least 30 days.
- Condition No. 6, requiring removal of vegetation within 120 days of project approval, should be amended to read within 120 days of staff approval.

Others:

Linda Falasco, representing the Central Valley Rock, Sand, and Gravel Association, spoke in support of the requests.

James Oakes, representing the Business Industry Association and the Fresno County and City Chamber of Commerce, spoke in favor of the requests.

Clary Creager, representing the San Joaquin River Committee, spoke in opposition to the applications and offered the following comments:

- The Environmental Impact Report (EIR) prepared for the project is insufficient and was biased since it was prepared by the applicant's advocate.
- The cumulative impacts of the project including water quality issues, the rehabilitation plan, and noise impacts were not fully discussed in the EIR.
- The proposed mitigation measures are not sufficient to address impacts.

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Mr. Jeffrey Boswell representing Madera County property owners owning 2,000 acres of land adjacent to the Beck Ranch on the west side of the San Joaquin River spoke in opposition to the request. His presentation included the following major points:

- The proposed berm will not block adverse visual and noise impacts to surrounding bluff area residents.
- It is questionable whether or not Mr. Beck owns title to all the property under consideration or whether the State Lands Commission owns a portion of it.
- As many as 400 homes on the bluff may look down on the site.
- The Rehabilitation Plan presents problems. The phases should be much smaller than 50 to 60 acres in size.
- The major incentive for the material extraction operation is not the mining of rock, sand, and gravel materials, but the mining of gold. The occurrence of gold is more prevalent near Friant Dam.

Five area property owners spoke in opposition to the request and offered the following comments:

- Truck traffic entering onto and traveling along Friant Road creates hazardous conditions for bicyclists.
- It is questionable whether the material resource is needed given the present available supply at other local extraction sites.
- Adverse noise and air quality impacts will result from the project.
- If Unclassified Conditional Use Permit Application No. 2235 is approved, a condition of approval should indicate that Conditional Use Permit No. 2172 issued on the same site is no longer valid.
- The legal description of Unclassified Conditional Use Permit Application No. 2241 is inaccurate.
- The operational plan for Conditional Use Permit Application No. 2235 should include more phases to comply with current standards that require that no single phase be greater than 80 acres or 25 percent of the project area.
- The reclamation plan is incomplete. It is not known where the mining waste will be deposited.

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Correspondence: A petition signed by 89 persons in opposition to the project was submitted to the Commission.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA

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4	In the Matter of)
5	UNCLASSIFIED CONDITIONAL USE)
6	PERMIT APPLICATION NO. 2235)
7	Stephen Beck, and)
8	UNCLASSIFIED CONDITIONAL USE)
9	PERMIT APPLICATION NO. 2241)
10	Lone Star Industries)
11	_____)
		RESOLUTION MAKING FINDINGS AND APPROVING CONDITIONAL USE PERMIT APPLICATIONS

12 WHEREAS, Unclassified Conditional Use Permit Application No. 2235
13 has been filed by Stephen Beck proposing to allow the extraction of rock,
14 sand, and gravel with incidental gold recovery on a 251-acre parcel of land
15 in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District
16 on the west side of N. Friant Road, approximately one-half mile south of the
17 unincorporated community of Friant; and

18 WHEREAS, Unclassified Conditional Use Permit Application No. 2241
19 has been filed by Lone Star Industries proposing to allow rock, sand, and
20 gravel excavated from the above-referenced property to be processed in an
21 existing processing plant located on an approximate 185-acre parcel of land
22 in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District
23 on the west side of Friant Road directly north of Willow Avenue; and

24 WHEREAS, said applications were heard by the Fresno County Planning
25 Commission on the 11th day of June, 1987; that a motion to approve said
26 applications was made and seconded but failed on a three-to-three vote, thus
27 constituting denial; and

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1 WHEREAS, an Environmental Impact Report (FIR) and a Supplemental
2 Environmental Impact Report have been prepared for Unclassified Conditional
3 Use Permit Application No. 2235 and Unclassified Conditional Use Permit
4 Application No. 2241; and

5 WHEREAS, Section 15090 of the California Environmental Quality Act
6 (CEQA) Guidelines requires that the Board certify that the Final
7 Environmental Impact Report and the Supplemental Environmental Impact Report
8 was completed in compliance with CEQA, and that the Board has reviewed and
9 considered the information contained in the Final Environmental Impact
10 Report and the Supplemental Environmental Impact Report prior to approval of
11 the project; and

12 WHEREAS, Section 15091 of the State CEQA Guidelines requires that
13 the Board, when considering a project for which an Environmental Impact
14 Report has been prepared, shall not approve said project without making one
15 or more of the following findings for any identified significant effect:

16 (a) Changes have been required in the project to avoid or
17 substantially lessen the significant effect.

18 (b) Another agency has responsibility to require appropriate
19 changes and has or should require such changes.

20 (c) Specific economic, social, or other considerations make
21 mitigation measures or project alternatives infeasible; and

22 WHEREAS, the following impacts were identified as significant for
23 Unclassified Conditional Use Permit Application No. 2235: (1) erosion; (2)
24 excavation will intersect groundwater level; (3) wastewater discharge; (4)
25 lake eutrophication; (5) dust; (6) wildlife; (7) noise; (8) safety hazards
26 from excavation pits; (9) traffic; (10) temporary disruption of recreational
27 users at Lost Lake Park; and (11) aesthetics; and

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1 WHEREAS, the following impacts were identified as significant for
2 Unclassified Conditional Use Permit Application No. 2241: (1) increase in
3 use of water; (2) air quality; (3) noise; (4) traffic; (5) disruption to
4 recreational use of Lost Lake Park; and (6) aesthetics; and

5 WHEREAS, Section 15093 of the State CEQA Guidelines requires that
6 where the decision of a public agency allows the occurrence of significant
7 effects which are identified in the Final EIR and Supplemental EIR, but are
8 not at least substantially mitigated, the approval must contain a finding
9 that the benefits of the project outweigh the unavoidable adverse
10 environmental effects; and

11 WHEREAS, aesthetic impacts have been identified as a significant
12 effect, which cannot be substantially mitigated, for Unclassified Conditional
13 Use Permit Application Nos. 2235 and 2241; and

14 WHEREAS, Section 873 of the Fresno County Ordinance Code prescribed
15 findings to be made in connection with the subject conditional use permit
16 applications; and

17 WHEREAS, this matter came on appeal by the applicants for hearing
18 before this Board on the 14th and 28th days of July, 1987, at which time it
19 considered all testimony and evidence relating to said conditional use
20 permit applications, and the Final EIR and the Supplemental EIR;

21 NOW, THEREFORE, BE IT RESOLVED that the Board certifies the Final
22 Environmental Impact Report and Supplemental Environmental Impact Report as
23 specified in Section 15090 of the State CEQA Guidelines.

24 BE IT FURTHER RESOLVED that this Board makes a finding as to CEQA
25 Section 15091 for Unclassified Conditional Use Permit Application No. 2235
26 that changes have been required in the project to avoid or substantially
27 lessen the significant effects or impacts identified as 1 through 10 above,
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1 and that economic and physical limitations make mitigation measures for
2 potential adverse aesthetic impacts infeasible.

3 BE IT FURTHER RESOLVED that this Board makes a finding as to CEQA
4 Section 15091 for Unclassified Conditional Use Permit Application No. 2241
5 that changes have been required in the project to avoid or substantially
6 lessen the significant effects or impacts identified as 1 through 5 above,
7 and that economic and physical limitations make mitigation measures for
8 potential adverse aesthetic impacts infeasible.

9 BE IT FURTHER RESOLVED that this Board has determined that the
10 rock, sand, and gravel material on the Beck Ranch is a finite resource of
11 high quality and is an economic asset to the community at large. Failure to
12 extract the material now may preclude extraction at a later time due to
13 competing land uses as growth occurs on adjacent properties. Failure to
14 allow the utilization of rock, sand, and gravel on the Beck Ranch will
15 hasten the day when rock, sand, and gravel will have to be transported to
16 the Fresno-Clovis Metropolitan Area from more distant sources. The
17 additional transportation costs would increase the costs of constructing
18 roads, housing, and other projects. When the rock, sand, and gravel
19 operations are completed, planned reclamation will result in additional
20 riparian habitat and recreational resources for the community at large.

21 BE IT FURTHER RESOLVED that this Board makes a finding as to
22 Section 15093 that the benefits of Unclassified Conditional Use Permit
23 Application No. 2235 and Unclassified Conditional Use Permit Application No.
24 2241 outweigh the unavoidable adverse environmental effects.

25 BE IT FURTHER RESOLVED that this Board does hereby make its
26 findings for the subject conditional use permit applications as more
27 particularly set forth below:

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- 1 Finding 1: All site improvements and excavation areas at the Beck Ranch
2 are set back from property lines as required. Sufficient area
3 is available to carry out the types of activities proposed.
4 The site is adequate in size and shape for the proposed use.
5 The Lone Star Industries plant site is of adequate size and
6 shape to accommodate all existing uses. The applicant does
7 not propose to add any new plant equipment as a result of
8 processing the new materials from the Beck Ranch, nor does the
9 applicant intend to increase plant capacity. Therefore, the
10 site can be found to be adequate in size and shape.
- 11 Finding 2: Access to the sites is via Friant Road which is classified as
12 an Expressway on the Fresno County General Plan. This stretch
13 of Friant Road carries an average daily traffic volume of
14 4,930 (1985) vehicles per day.
15 According to the applicants, the capacity of the processing
16 plant will remain unchanged, thus limiting traffic to a
17 maximum of 180 truck loads per day. The Development
18 Engineering Section has indicated that Friant Road is of
19 adequate width and pavement type to accommodate this traffic,
20 and that the existing access roads are adequate to handle the
21 proposed truck traffic.
- 22 Finding 3: The Beck Ranch site is located north of an approved rock,
23 sand, and gravel operation, and Lost Lake Regional Park is
24 adjacent to the north and west. Across Friant Road to the
25 east are residential homesite parcels, and a residential
26 subdivision has been approved by Madera County to the west on
27 the river bluff.
- 28 ///

1 The Environmental Impact Reports prepared for these projects
2 identified the following potential adverse impacts that might
3 occur from the extraction of resource material on the Beck
4 site: (1) erosion; (2) excavation will intersect groundwater
5 level; (3) wastewater discharge; (4) lake eutrophication; (5)
6 dust; (6) wildlife; (7) noise; (8) safety hazards from
7 excavation pits; (9) traffic; (10) temporary disruption of
8 recreational users at Lost Lake Park; (11) removal of resource
9 material from the site; (12) minor loss of water to
10 evaporation; (13) reduction in use of riparian water; (14)
11 loss of agricultural land; (15) aesthetics. Numerous
12 conditions have been developed to address these concerns. If
13 operated subject to these conditions, the material extraction
14 project will not have any adverse impacts.

15 The Lone Star processing plant site is located within the San
16 Joaquin River Bottom Area and is overlooked by the river
17 bluffs on either side of the San Joaquin River. The
18 processing plant site is adjacent to two large previously
19 mined open-space areas to the north and west, agriculture to
20 the south, and grazing to the east across Friant Road.

21 As noted in the Environmental Analysis Section, the
22 Supplemental Environmental Impact Report prepared for the
23 project identified several potential impacts related to
24 mineral resources, water, air quality, noise, traffic and
25 circulation, and aesthetics. Numerous conditions have been
26 developed to address these concerns. If operated subject to
27 these conditions, the processing plant operation will not have
28 any adverse impacts.

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Finding 4: The Mineral Resources Section of the Open Space/Conservation Element of the Fresno County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The Beck Ranch and Lone Star Industries sites lie within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Conditions designed to minimize conflicts with surrounding land uses and the natural environment will be imposed on these projects. If operated in conformance with these conditions, the uses will be consistent with the General Plan.

Both the Beck Ranch and Lone Star Industries properties are designated on the General Plan as part of the San Joaquin River Influence Area. Existing policies recognize the multiple use values of the river valley. Because of the unique characteristics of relief, wildlife, vegetation, and natural beauty of this region, it is essential that any development require careful planning. Based on the plan of operation and rehabilitation proposed for the Beck Ranch, and the controls imposed by the conditions of approval, the extraction use will be in conformance with the River Influence Policies. The ultimate restoration of the site to productive agricultural use and wildlife lakes will assure the maintenance of the open-space character of the river area in conformance with the River Influence Policies. The conditions of approval as required for the Lone Star Industries

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processing plant will mitigate potential adverse impacts, and thus ensure that this use will remain in conformance with the River Influences Policies.

Friant Road is designated as a Scenic Highway on the Scenic Highways Element of the Fresno County General Plan from the City of Fresno to Lost Lake. Portions of the Beck Ranch material extraction operation will be visible from Friant Road. The applicant has proposed to limit extraction by providing a 50-foot setback from Friant Road and use existing nut trees and additional landscaping as a visual buffer. The east portion of the property would be rehabilitated for agricultural purposes during and after the completion of the project. The Lone Star processing plant is visible from Friant Road; however, no expansion of the plant equipment is proposed.

BE IT FURTHER RESOLVED that Unclassified Conditional Use Permit Application Nos. 2235 and 2241 be and are hereby approved, subject to those conditions set forth in Exhibits "A" and "B" attached hereto and incorporated herein by reference.

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THE FOREGOING Resolution was passed and adopted by the following vote
of the Board of Supervisors of the County of Fresno this 28th day of July,
1987, to-wit:

AYES: Supervisors Conrad, Koligian, Ramacher

NOES: Supervisor Andreen

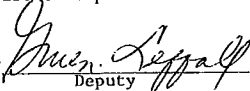
ABSTAINED: Supervisor Levy

ABSENT: None


CHAIRPERSON Board of Supervisors

ATTEST:

SHARI GREENWOOD, Clerk
Board of Supervisors

By 
Deputy

File #7512

Agenda #5a

Resolution No. 87-310

EXHIBIT "A"

Conditions of Approval

Unclassified Conditional Use Permit Application No. 2235 - Stephen Beck

1. Development and operation of the use shall conform to the plan and operational statement approved by the Commission, except as modified by the conditions of approval.
2. A Site Plan Review shall be submitted in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. Approval of the Site Plan Review shall be made by the Board of Supervisors. The site plan shall be a Master site Plan combining the extraction operations authorized under Unclassified Conditional Use Permit Nos. 367, 2032, and 2235. The "Master Site Plan" shall indicate phasing, timing, progression of extraction, and rehabilitation of the three properties as one combined operation. The Master Plan shall conform with all conditions of approval of each conditional use permit and the approved Rehabilitation Plans.
3. The applicant shall allow the County staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for said monitoring must be executed before excavation authorized by this permit is begun. Cost of said periodic monitoring shall be at the expense of the applicant.
4. Unclassified Conditional Use Permit Application No. 2235 shall expire concurrently with Unclassified Conditional Use Permit No. 367 (Year 2005).
5. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m. Routine maintenance of excavation equipment shall be allowed Monday through Sunday limited to the hours of 7:00 a.m. to 8:00 p.m.
6. A 100-foot wide buffer zone with a minimum ten-foot high berm in the center shall be constructed prior to excavation of each phase and maintained along the west, north, and east property line of the subject parcel, except for that portion of the east property line common with Friant Road. The berms shall not exceed an 8-inch loose maximum, and slopes shall be constructed no steeper than 2:1 horizontal to vertical, and no flatter than 3:1. The berm shall be landscaped with grasses, shrubs, and specimen size conifers in groves planted at 40-foot intervals, or other landscaping as acceptable to the Parks and Recreation Division. The landscape plan shall be subject to approval by the Parks and Recreation Division, and shall include various species that improve food and shelter for animals. All planting shall be completed within 90 days following berm construction. At the west and north property lines adjacent to Lost Lake, the ten-foot high berm shall toe the west property line, and shall have a 1.5:1 slope to discourage pedestrian access. The developer shall have the option of continuing the ten-foot high berm along the north boundary, adjacent to the lake, to the western most boundary line of the subject parcel, or to extend the berm southerly, along the west boundary of Phase 1 as shown on the plan, to a point that will completely screen the plant site from Lost Lake Park users.

7. A 50-foot setback shall be maintained on the common boundary with Friant Road. Existing trees within the 50-foot setback shall remain, and additional landscaping shall be provided at such a time to ensure that the site is totally screened from the motoring public when Phase 4 commences. The landscaping plan and planting schedule shall be submitted to the Department for approval through the Site Plan Review process.
8. A noise attenuation berm shall be constructed along the east property line from Friant Road to the northeast corner of the property. The berm shall be a minimum of 15 feet in height or at least five feet higher than the effective height of the noise source. The slope of the berm shall be 3:1 or flatter, and shall be rounded or contoured to minimize the appearance of being an artificially constructed barrier.
9. A qualified professional experienced in groundwater shall establish the historical high groundwater level and shall submit such documentation with the Site Plan Review application.
10. The maximum depth of excavation shall be determined by conditions of the Site Plan Review, based on the historical high groundwater level and the amount of topsoil or overburden available on the site to backfill the farm area to five feet above said water level. The calculations will be done by a professional engineer and submitted to the County under the Site Plan Review application.
11. The excavated area to be rehabilitated to farmland shall be backfilled with the stored topsoil or overburden to a height five feet above the historical high groundwater level of the subject parcel.
12. The use shall be operated in such a manner as to avoid creating a noise nuisance.
13. Loaders and all other diesel or gasoline-powered equipment shall be equipped with mufflers as approved by the Fresno County Health Department.
14. The operation shall include measures to ensure that dust is kept to a minimum. In particular, truck parking and circulation areas shall be treated with a dust palliative, and repeated as necessary, to prevent the creation of dust by vehicles.
15. A dust palliative shall be applied to all haul roads as frequently as necessary to control dust. Dust palliatives may include road oil, water magnesium chloride, or other proven materials.
16. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
17. A drip irrigation system or its equivalent approved by the Director of the Public Works & Development Services Department shall be provided to ensure maintenance of all landscaping.

18. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems.
19. Height of the topsoil stockpiles shall be restricted as not to be visible from Friant Road or Lost Lake Park. The stockpiles shall be contoured as to blend with the surrounding area and to avoid the appearance of being commercially established storage areas conflicting with the rural character of the community.
20. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be 3:1 or less, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
21. Rehabilitation work in any phase shall proceed in such a manner that no excavated area is allowed to remain in an unrehabilitated state for more than three years. Rehabilitation of any phase shall be completed within one year of commencing excavation in a subsequent phase.
22. All rehabilitation backfill materials shall be subject to approval by the Fresno County Health Department.
23. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the applicant shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel, if corrective action is not taken by the operator within 24 hours of notification by the County.
24. Access to Friant Road shall be limited to the existing access road located on the adjacent property located approximately 1,500 feet to the south.
25. Traffic warning signs, as deemed necessary by the County, shall be posted along Friant Road in both directions from the access road intersection to warn motorists of merging truck traffic. The placement, size, wording, and number of these signs shall be approved by the Director of the Public Works & Development Services Department.
26. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of the Public Works & Development Services Department.
27. The perimeter of the site shall be enclosed with a barbed wire fence and maintained in good condition, excepting that portion adjacent to Lost Lake and the southerly property boundary.
28. The maximum number of daily truck loads generated from the site shall not exceed 180.

29. Boundaries of the property adjacent to Lost Lake Park shall be posted with "no trespass" signs spaced every 150 feet.

NOTES:

1. All operations and rehabilitation activities shall conform to the Development and Rehabilitation Standards, and Special Conditions subsection of Section 858 of the Zoning Ordinance, as specified on Attachment "A".
2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.
3. A reclamation plan for the Surface Mining and Reclamation Act must be submitted to the California Division of Mines and Geology.

Attachment "A"

Unclassified Conditional Use Permit Application No. 2235

Applicable Standards and Conditions
of Zoning Ordinance Section 858-C and F

858-C:

1. No extraction of material or overburden shall be permitted within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. No stockpiled soil or material shall be placed closer than 25 feet from a property boundary.
3. No production from an open pit shall create a slope steeper than 2:1 within 50 feet of a property boundary nor steeper than 1-1/2:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its rehabilitation configuration, and slopes of 1:1 may be maintained five feet below the lowest water table on the property experienced in the preceding three years.
4. The first 100 feet of access road(s) intersecting with a County-maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two-percent grade and shall have a width of not less than 24 feet.
7. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Fresno County Public Works & Development Services Department.
8. Security fencing, four feet in height, consisting of not less than three strands of barbed wire or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet horizontal to one foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.
19. The operator shall comply with all existing and future laws, ordinances, regulations, orders, and decrees of bodies or tribunals.
- 22b. Sufficient topsoil shall be saved to perform site rehabilitation in accordance with the rehabilitation plan.
- 22c. All reasonable and practical measures shall be taken to protect the habitat of wildlife.
- 22d. Temporary stream or watershed diversion shall be restored.

858-E:

2. Security, as herein specified, shall be deposited by the operator of a permanent material extraction site in the event any phase of the rehabilitation plan is not completed in accordance with the approved permit, and upon notification of the amount of security by the Director. Pending the deposit of security, the operator shall not conduct any further activity on or from the premises. Said security shall be in the form of cash deposited by the operator with the County or in an approved irrevocable escrow or its equivalent and shall be in an amount determined by the Director equal to 100 percent of the total cost of completing the subject phase of rehabilitation. Said security may be partially released during the progress of rehabilitation as long as the same ratio is maintained on deposit for all completed work.
3. Where the rehabilitation work as to any phase is not completed within the time period set forth in the approved rehabilitation plan or as extended by the Director, the County may enter upon the operator's premises to perform said work and use said funds deposited as security to pay for the cost thereof. In the event the operator fails to complete rehabilitation work as required herein and has not deposited security as specified herein for the cost of rehabilitation work, the operator shall then be liable to the County for the cost of any rehabilitation work required to be performed by the County in accordance with the rehabilitation plan. Where the County is authorized to enter upon property to cause rehabilitation work to be done, the Conditional Use Permit may be revoked by the Board of Supervisors upon 30 days' written notice first being given to the operator.
6. All material extraction sites in the County of Fresno are subject to a periodic inspection once every two years or such other period as required in a Conditional Use Permit to determine compliance with operational and rehabilitation plans.

The required periodic inspections shall not impair the County's right to perform additional on-site inspections as may be necessary and appropriate to ensure compliance of the requirement of the Conditional Use Permit or other provisions of law. The Board of Supervisors may adopt by resolution a schedule setting forth the fees that may be imposed for required periodic inspections.

EXHIBIT "B"

Conditions of Approval

Unclassified Conditional Use Permit Application No. 2241 - Lone Star Industries

1. Development and operation of the use shall conform to the plan and operational statement approved by the Commission, except as modified by the conditions of approval.
2. The conditions of approval for Unclassified Conditional Use Permit Application No. 367 and 2032 shall remain in full force and effect.
3. The operation shall be limited to a maximum of 180 truck loads per day.
4. The applicant shall modify existing plant equipment by installing rubber liners on the hoppers and utilizing rubber-coated screens. The applicant shall provide an earthen berm or other similar sound-reducing improvements around the core crusher to attenuate noise. The size, location, and construction of such berm or improvements shall be approved by the Fresno County Health Department and the Fresno County Public Works & Development Services Department prior to construction. All improvements shall be made within 120 days of commencing the extraction of material approved in Unclassified Conditional Use Permit Application No. 2235.
5. Traffic warning signs, as deemed necessary by the County, shall be posted along Friant Road in both directions from the plant entrance. The placement, size, wording, and number of these signs shall be approved by the Road Maintenance and Operations Division of the Fresno County Public Works & Development Services Department prior to installation.
6. All vegetation existing along Friant Road north of the plant site that, in the opinion of the Road Maintenance and Operations Division, decreases visibility at the plant site entrance shall be removed within 120 days of commencing excavation of material approved in Unclassified Conditional Use Permit Application No. 2235.
7. This permit shall be subject to satisfaction of Condition No. 2 of Unclassified Conditional Use Permit Application No. 2235.
8. The operator shall be responsible for the costs of maintaining the existing access road improvements at the plant site and excavation site, including the acceleration and deceleration lanes within the right-of-way, which were previously required by Conditional Use Permit No. 2032. Details as to how the maintenance work will be accomplished shall be determined by the Director of the Public Works & Development Services Department prior to the performance of any maintenance work.

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Public Works & Development Services Department

Richard D. Welton
Director

AGENDA ITEM NO. 5
STAFF REPORT
TO

THE FRESNO COUNTY PLANNING COMMISSION
Unclassified Conditional Use Permit Application No. 2235
Environmental Assessment No. 3157
June 11, 1987

Applicant: Stephen Beck Accepted On: July 15, 1986
Request: Allow the excavation of rock, sand, and gravel with incidental gold recovery.
Location: West side of Friant Road adjacent to Lost Lake Regional Park (15755 Friant Road).
Present Zoning: AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing

1. Approximate Area: 251 acres
2. Use of Subject Property: Agriculture, single-family residences
3. Use of Surrounding Area: County recreational park, Lone Star Industries sand and gravel extraction site, single-family residences, bait shop/snack bar
4. Surrounding Zoning: AE-20, Interim R-E, R-E, A-C
5. City Limits: The subject parcel is located approximately one-half mile south of the unincorporated community of Friant.
6. Noticing: Notices were sent to 40 property owners within one-half mile of the subject property.

B. History

On February 2, 1984, the Fresno County Planning Commission denied Unclassified Conditional Use Permit Application No. 2019, which proposed to allow a rock, sand, and gravel extraction operation and related ready-mix concrete and asphaltic concrete plant on the subject property. The Planning Commission's decision was appealed to the Board of Supervisors, and on May 22, 1984, the Board upheld the Commission's decision and denied the appeal.

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On September 12, 1985, the Fresno County Planning Commission considered Unclassified Conditional Use Permit Application No. 2172, which was essentially the same project that was denied in 1984. The Commission's motion to deny the application resulted in a technical denial based on a four-to-four vote. The Planning Commission's decision was appealed to the Board of Supervisors, and on October 15, 1985, the Board of Supervisors overturned the Commission's decision and approved Unclassified Conditional Use Permit Application No. 2172 and the Negative Declaration prepared for the project.

Subsequent to the Board's action, the Friends of Friant, a local association, filed court action to challenge the decision of the Board to approve the project without preparation of an Environmental Impact Report. This court action is still pending.

The applicant has filed the present application and has prepared an Environmental Impact Report to address environmental related issues. The current project differs from the prior proposals in that it deletes the previously proposed processing operation and rerouting of haul trucks through a portion of Lone Star's property to the south rather than taking direct access to Friant Road.

This application is being considered concurrently with Unclassified Conditional Use Permit Application No. 2241 filed by Lone Star Industries, Inc., proposing to process the materials excavated from the subject property at Lone Star's existing processing plant. Because these two projects constitute one project, the Planning Commission should take a single vote on the two applications.

C. Background

The applicant indicates that the site is presently farmed with nut trees and grape vines. An approximate 33-acre portion is used for seasonal crops. The site also includes a 2.5-acre homesite and a 2.5-acre irrigation pond.

The entire property is part of the historic alluvial plain of the San Joaquin River prior to the construction of Friant Dam. The topsoil depth is estimated to be an average depth of six feet. Recent soil and geologic tests indicate that rock, sand, and gravel deposits underlie the soil to an average depth of 37 feet.

Lost Lake Regional Park is adjacent to the west and north of the subject property. The park and Lost Lake itself provided the material for the construction of Friant Dam. The lake remains as a partially rehabilitated pit with steep slopes on the east and south sides of the lake. The lake has been developed by the County for fishing and picnicking. The property to the south is owned by Lone Star Industries.

D. Operational and Rehabilitation Plan

The applicant's operational, phasing, and rehabilitation plan is included as Exhibit "A". Development and operation of the site will be in accordance with this statement.

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E. Site Plan

The site plan submitted by the applicant shows the following major features:

1. The 251-acre parcel with frontage on Friant Road.
2. An access road located approximately 1,000 feet west of Friant Road providing access through the adjacent Lone Star property to Friant Road.
3. The proposed fencing around the entire parcel on the property line.
4. A 50-foot wide landscaped buffer adjacent to Friant Road (existing almond trees).
5. A 50-foot wide buffer within a ten-foot high berm located along the northern and western property lines.
6. Four phases of extraction with a notation as to size and probable duration of the excavation period.
7. Typical excavation and rehabilitation profile.
8. Cross sections including extent of overburden, depth of excavation, and rehabilitated slopes and levels.
9. The location of two residences, a shed, and a proposed office and shop.

F. Environmental Analysis

An Environmental Impact Report (EIR) was prepared for the combined Lone Star and Beck projects. The project proponent offered to prepare an Environmental Impact Report, and retained a consultant for that purpose. The Environmental Impact Report was prepared by the consultant in conformance with County-adopted policies and procedures, as well as the California Environmental Quality Act (CEQA).

The Environmental Impact Report was prepared in two stages. The first was for the extraction operation on the Beck site, the second, a supplement to the Environmental Impact Report, addressed the processing plant on the Lone Star site. The Environmental Impact Report identified the following potential impacts that might occur from the extraction of resource material on the Beck site: (1) erosion; (2) excavation will intersect groundwater level; (3) wastewater discharge; (4) lake eutrophication; (5) dust; (6) wildlife; (7) noise; (8) safety hazards from excavation pits; (9) traffic; (10) temporary disruption of recreational users at Lost Lake Park; (11) removal of resource material from the site; (12) minor loss of water to evaporation; (13) reduction in use of riparian water; (14) loss of agricultural land; and (15) aesthetics.

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An executive summary of the Environmental Impact Report, which discusses the impacts listed above and potential mitigation measures, is attached for your reference.

If the Commission wishes to approve the project, several actions are necessary in regard to the Environmental Impact Report.

The first is to certify the Final EIR. Then the Commission must make findings relative to the significant environmental effects. Finally, the Commission must determine that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

Certification of Environmental Impact Report

Section 15090 of the State CEQA Guidelines requires that the Lead Agency certify that the Final EIR has been completed in compliance with CEQA and that the decision-making body has reviewed and considered the information contained in the Final EIR prior to approval of the project.

Findings

Section 15091 of the State CEQA Guidelines requires that the public agency considering a project for which an Environmental Impact Report has been prepared shall not approve said project without making one or more of the following findings for any identified significant effect:

1. Changes have been required in the project to avoid or substantially lessen the significant effect;
2. Another agency has responsibility and jurisdiction to require appropriate changes and has or should require such changes; and/or
3. Specific economic, social, or other considerations make mitigation measures or project alternatives infeasible.

Statement of Overriding Considerations

Section 15093 of the State CEQA Guidelines requires that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final EIR but are not at least substantially mitigated, the approval must contain a finding that the benefits of the project outweigh the unavoidable adverse environmental effects. These overriding considerations must be fully explained in the record of approval of the project.

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Staff is of the opinion that impacts 1 through 10 identified above can be considered significant but can be substantially mitigated by conditions of the Conditional Use Permit as stated in the staff report. Impacts 11-14 can be considered unavoidable but less than significant. Aesthetic impact, Number 15, is considered significant and cannot be substantially mitigated, requiring a statement of overriding considerations.

G. Staff Analysis/Recommended Findings of Fact

Finding 1: Adequacy of Size and Shape of Subject Parcel

All site improvements and excavation areas are set back from property lines as required by the Fresno County Zoning Ordinance. Sufficient area is available to carry out the types of activities proposed. The site should be adequate in size and shape for the proposed use.

Finding 2: Adequacy of Streets and Highways

Friant Road adjacent to the site is classified as an Expressway on the Fresno County General Plan. This stretch of Friant Road carries an average daily traffic volume of 4,930 (1985) vehicles per day. According to the applicant, the proposal will generate as many as 180 truck trips per day. Development Engineering has indicated that Friant Road is of adequate width and pavement type to accommodate this traffic.

The applicant proposed to take access to Friant Road via the Lone Star property at a point 1,500 feet to the south of his property. Existing improvements to Friant Road at this access point include a left-turn pocket, acceleration, and deceleration lanes that provide safe ingress and egress to the site. According to the applicant, the destination of the majority of the material extracted from this site will ultimately be the metropolitan area and, therefore, the majority of the trucks will be directed south of the project site.

Although Friant Road may be capable of accommodating the additional traffic, the project does generate concerns regarding safety hazards to the users of the existing bike path along Friant Road, school buses, school children, and high school students driving to and from school. During hearings on prior similar projects in this vicinity, the Sierra Joint Union High School and Friant Union School submitted letters of concern for the safety of school children. The schools have stated that truck traffic creates a hazard for their buses and pupils using Friant Road. Sierra Joint Union High School notes that the 6:00 a.m. to 6:00 p.m. hours of operation are the same hours that school buses are operating. During these hours, students are also waiting at the side of the road for the buses and, in some cases, young drivers are driving to school in their own vehicles.

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Finding 3: Adverse Effects on Surrounding Properties

The project site is located north of an approved rock, sand, and gravel operation, and Lost Lake Regional Park is adjacent to the north and west. Across Friant Road to the east are residential homesite parcels, a bait shop/snack bar, and a residential subdivision, approved by Modera County to the west on the river bluff.

The project site is zoned AE-20 and is considered prime productive farmland with Class I and II soils based on the Soil Conservation Service's rating system. The site is presently farmed with nut trees and grape vines. The applicant's rehabilitation plan would result in the conversion of 170 acres of prime farmland to wildlife ponds. The land to be backfilled and used as farmland may not be reclaimed to the productive state of the present land. The resultant farmland with a higher groundwater table could limit the potential use of the land for farming. The loss of the productive farmland could be somewhat mitigated by a more limited excavation of the resource material, so that more land can be reclaimed as productive farmland.

The Environmental Impact Report prepared for this project identified potential land use conflicts between the proposed operation and users of Lost Lake Regional Park. The serenity of the park, as well as its aesthetic appeal, will be affected. Depending on the magnitude of these impacts, park usage could decline. Operational characteristics also could adversely impact the bird population that exists at the park.

The Environmental Impact Report also cited potential safety hazards to cyclists using the Friant Regional Bikeway and Friant Scenic Highway as another concern. This hazard is related to the truck traffic and the spillage of sand and gravel from the trucks onto the bikeway. This project will continue the conflict with the use of Friant Road by sand and gravel trucks, and the bicyclists and recreation users of the area's regional park facilities.

Other unavoidable impacts identified by the Environmental Impact Report that cannot be completely mitigated include the following: erosion of topsoil; loss of water due to evaporation of the lake surfaces; periodically exceeding noise standards at two residences on the bluffs and the residence adjacent to the hamburger stand/bait shop when excavation activities are closest to them; and adverse visual impacts to bluff residents resulting from unsightly excavation activities.

The applicant has proposed several measures to mitigate adverse noise and visual effects of the project on the surrounding properties. These measures include (1) providing ten-foot high landscaped berms to be placed along the western, northern, and northeastern edges of the site; (2) maintaining a 50-foot setback from Friant Road with retention of trees and planting of additional landscaping within the setback area; (3) mufflers installed on all equipment; and (4) the phasing sequence which will keep the excavation hidden from Friant Road for most of the first half of the operation's life. However, even with the mitigation measures offered by the applicant, the project may still have adverse visual and noise impacts on Lost Lake Park, which is a passive park used for fishing and camping, the scenic road designation, and the residences on the bluff.

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Finding 4: General Plan Consistency

The Mineral Resources Section of the Open Space/Conservation Element of the County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The subject site lies within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Operation of the site as proposed and in accordance with conditions designed to minimize conflicts with surrounding land uses and the natural environment could be consistent with the General Plan.

The subject property is designated on the General Plan as part of the San Joaquin River Influence Area. The policies recognize the multiple use values of the river valley. Because of the unique characteristics of relief, wildlife, vegetation, and natural beauty of this region, it is essential that any development require careful planning. Based on the plan of operation and rehabilitation proposed by the applicant, plus any additional conditions and mitigation measures deemed necessary to address any concerns and impacts, this use could be in basic conformance with the River Influence Policies. However, as indicated in Finding 3, it is doubtful that recommended conditions of approval could adequately mitigate the potential impacts. The ultimate restoration of the site to productive agricultural use and wildlife lakes will assure the maintenance of the open-space character of the river area in conformance with the River Influence Policies.

Friant Road is designated as a Scenic Highway on the Scenic Highways Element of the Fresno County General Plan from the City of Fresno to Lost Lake. The applicant has proposed to limit extraction by providing a 50-foot setback from Friant Road and use existing nut trees and additional landscaping and berms as a visual buffer. The east portion of the property would be rehabilitated for agricultural purposes during and after the completion of the project.

H. Staff Recommendation

Staff does not believe that Findings 2, 3, and 4 can be made and, therefore, recommends denial of Unclassified Conditional Use Permit Application No. 2235.

However, if the Commission determines that the required findings can be made to approve Unclassified Conditional Use Permit Application No. 2235, the approval should be subject to the conditions stated in Attachment "B".

In approving the application, the Commission must also take the actions outlined in the Environmental Analysis Section of this report.

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APPENDIX A

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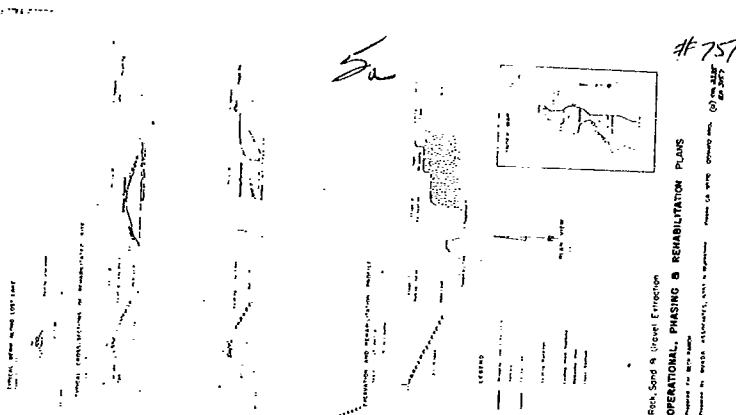
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REQUIRED FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT

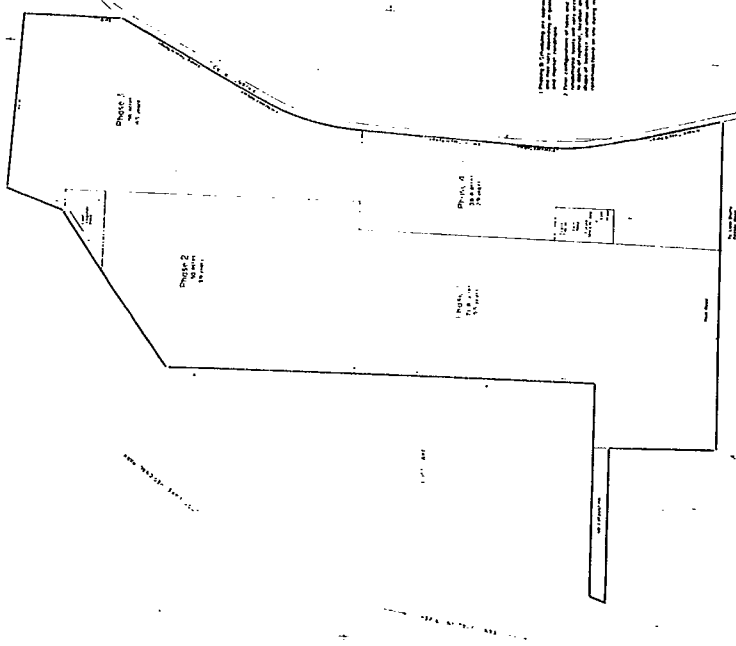
1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and-highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

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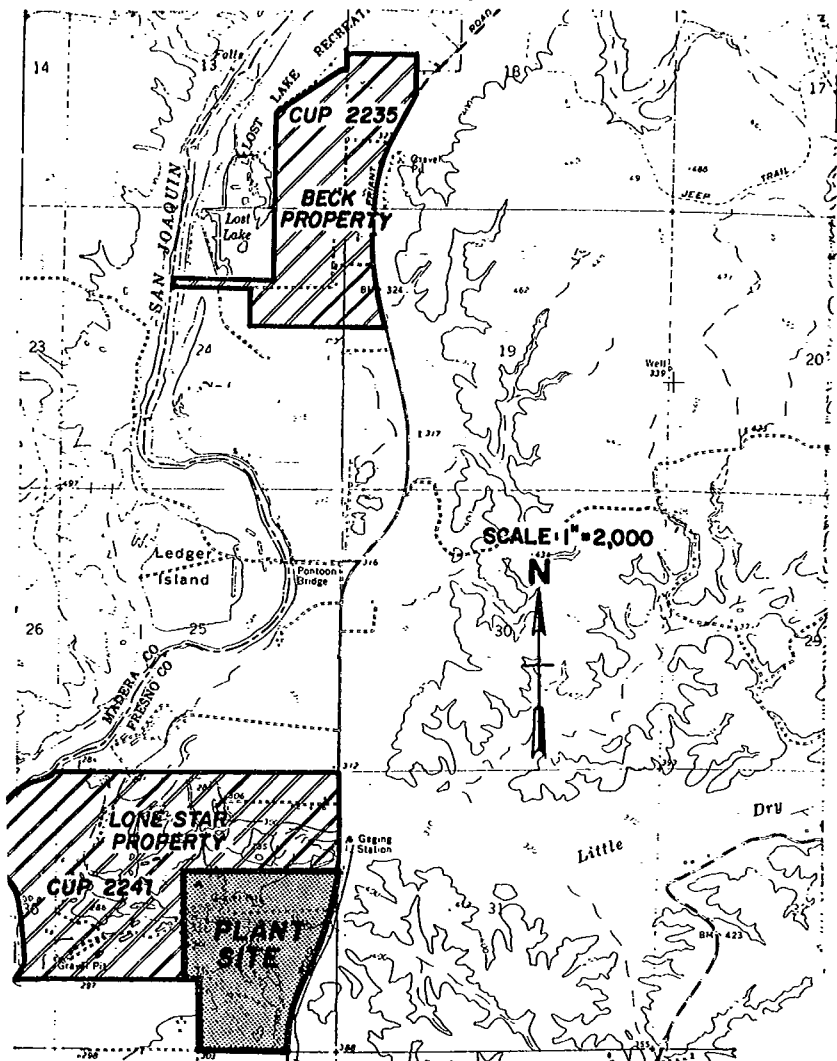
Rep. Sand & Gravel Extraction
OPERATIONAL, PHASING & RESHABILITATION PLANS
 Prepared for the State



Notes:

1. All areas shown on this plan are subject to the provisions of the State of New Jersey.
2. The proposed construction shall be in accordance with the provisions of the State of New Jersey.
3. The proposed construction shall be in accordance with the provisions of the State of New Jersey.
4. The proposed construction shall be in accordance with the provisions of the State of New Jersey.
5. The proposed construction shall be in accordance with the provisions of the State of New Jersey.

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ATTACHMENT "A"

OPERATIONAL AND REHABILITATION PLAN

APPLICANT: Beck Ranch LAND OWNER: Stephen Beck
 Stephen Beck 1602 Divisadero
 1602 Divisadero Fresno, CA 93721
 Fresno, CA 93721

SITE ADDRESS: 15755 N. Friant Rd
 Fresno, CA 93626

LOCATION: The project is located in Fresno County on the west side of Friant Road, just south of the Town of Friant and approximately 4 miles north of the City of Fresno. The site is within the San Joaquin River bottom area adjacent to Lost Lake Park and is overlooked by the adjacent eastern river bluffs in Fresno County and the western river bluffs across the San Joaquin River. It is included in Section 13 & 24 of Township 11 south, Range 21 East, Mount Diablo Base and Meridian, the Friant, U.S.G.S. 7 1/2 Minute quadrangle

I. GENERAL ENVIRONMENTAL DATA:

A. Existing Conditions:

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin River bottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to the project, is a flooded quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent rehabilitated sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just east of the project.

B. Vegetation:

Grape Vineyard, Walnut Orchard, seasonal row crops.

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C. Soil Types:

Hc	Hanford sandy loam	Class 2
Ha	Hanford sandy loam, gravelly substratum	Class 2
GtA	Greenfield sandy loam	Class 3
TzdA	Tujunga cobbly loamy sand	Class 4

(As identified by Soil Survey of Eastern Fresno County, USDA Soil Conservation Source.)

D. Groundwater:

Based on available well logs and from a number of test pits dug on the site, the average depth to first groundwater occurrence is approximately 25 feet. In the test pits water was first encountered at about 30 feet. Water levels on the southern end of the adjacent Lone Star Operation are currently encountered at 12 to 15 feet.

Water levels in the adjacent Lost Lake average approximately 40 feet below the surface of the subject property. The elevation of lake water fluctuates only slightly with the height of the water in the river. It is apparent that lake levels are maintained primarily by ground water seepage from adjacent properties and to a minor extent by irrigation water from the project site.

E. Surface Water:

The project site was leveled for irrigation in 1950. The profile of the land, and soil types are more conducive to water percolating through the soil to the groundwater table than to surface water runoff flows. An insignificant amount of irrigation water currently drains to the adjacent Lost Lake. There is no run-off to the river.

The present agricultural operation is presently irrigated with water pumped from the San Joaquin River and from on-site wells. Water is pumped from the river to a 2.5 acre pond on the north end of the site. Irrigation water is then channeled to flood-irrigate the almond orchard, vineyards, and row crops.

F. Geologic Description:

The site is located on a flood plain in a topographic trough formed by the San Joaquin River. The San Joaquin River is approximately 1050 feet west of the property channel and outside the designated floodway. It is relatively flat, having been leveled prior to planting the existing vineyard and orchards.

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The soils of the site were evaluated on two separate occasions by using backhoe test pits. The surface overburden soils consist of poorly graded silty sands to a depth of 2-1/2 to 9 feet and contain various amounts of fine gravel and some silty lenses. These soils have a moderate to high erosion potential for most types of construction with moderate slopes. Although the surface soils are underlain by a thin layer of silt in a few locations, the majority of the site appears to be immediately underlain by sand and gravel extending to bedrock. Depth to bedrock underlying the site ranges from 15-1/2 to 40 feet.

II. OPERATIONAL PLAN

A. Legal Description (on file).

B. Statement of Operations:

1. The project area contains 25 1/2 acres. Excavation will begin within one year of the granting of the permit.
2. Excavation will occur 6 A.M. to 6 P.M. Monday through Friday, except when within 500 feet of a residence excavation will start at 7 A.M. Exceptions to these normal hours of operation will be declared public emergencies.
3. Excavation of material is estimated to take 8 to 12 years.
4. Sand and gravel will be excavated together with the recovery of any gold. Total estimated volume is 8 million tons. Average annual volume is estimated to 765,000 tons depending on demand.
5. Excavation will occur in four phases (Figure 1). All excavation will occur outside of the designated floodway of the San Joaquin River. There will be no discharge or runoff of water from the project site to the river. The current vineyard and orchard will gradually be removed as excavation occurs. That portion not being excavated will continue to be farmed until excavation reaches that area. Each phase will be excavated and rehabilitated in three stages.

Stage One will be the removal of topsoil to expose the resource material. Topsoil will be removed by scrapers and used for berms along the property line adjacent to Lost Lake Park, or stockpiled to be used for rehabilitation of excavated areas.

Stage Two will be the area of active excavation. Material will be removed using either a dragline or a scraper.

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Material will be loaded by a front-loader into haul trucks for transport to the processing plant. During this stage, in areas where gold is likely to occur (i.e. sandy areas at or about the water line) mechanical gold recovery equipment will separate potential gold-bearing sand concentrate. Dust from excavation and haul roads will be controlled by the use of water trucks.

Stage Three will be the rehabilitation of completed excavation areas. After removal of the resource, lakes will be created on the majority of the site (approximately 170 acres). In areas where no excavation occurs, or the excavation is shallow due to the limited availability of resources, the overburden will remain or be replaced, allowing these areas to be used for grazing or farm land. The final location of the reclaimed lakes and farm land will depend in part on the depth of material, location and shape of bedrock and other conditions as yet unknown which may be found on-site during excavation. Initial grading and sloping will occur on an on-going basis. Final rehabilitation will be completed within one year of the completion of each phase.

As part of the excavation, gold will be recovered as a by-product. The recovery of gold-bearing sands is accomplished by a mechanical system which separates the sand concentrate (known as black sand). The gold-bearing sand usually occurs at or below the ground water level. Since the system is completely mechanical, no impacts to water quality will occur during this initial recovery process. The resulting concentrates will be transported in barrels to an on-site lab where the gold will be removed using a completely mechanical process without the use of mercury or any other chemical.

Sand and gravel will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1 1/2 miles to the south.

A 50-foot setback for excavations will be maintained along Friant Road and along the boundary adjacent to Lost Lake Park and the hamburger stand. The remainder of the boundaries will have a 25-foot setback. Within the setback along Friant Road, the existing almond trees will remain as a screen. Additional landscaping will be located along the frontage where no trees presently exist.

6. Equipment includes scrapers, dragline, front-loaders, mechanical black sand separator, and water trucks. Maximum truckloads per day are estimated to be 185 loads.

7. Road and excavation dust will be controlled by the use of water trucks. Noise levels on equipment will meet Fresno County Noise Ordinance Standards by the use of exhaust mufflers on all vehicles and excavation equipment.

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In order to provide a noise and visual buffer between the project and Lost Lake Park, 10-foot high berms will be placed along the western and northern edges of the site and between the site and the residence, hamburger stand and baitshop in the northeast corner. The berms will be constructed of topsoil being saved for future rehabilitation. Native trees, shrubs, and ground cover will be planted on the berm to stop erosion and to aesthetically blend them with the environment at Lost Lake.

8. Since the processing of resource material occurs off-site at Lone Star's existing processing plant, there will be no significant on-site water requirements.

9. Since the processing occurs off-site, there are no "waste" materials. Material not transported to the site, such as overburden, will be used during rehabilitation in sloping completed excavation areas.

C. Site Plan (Figure 1) submitted shows:

1. Ingress and egress roads, and haul road. (Water trucks are used to minimize dust.)
2. (There are no processing or storage areas since processing occurs off-site).
3. Extent and configuration of slopes to be maintained in excavation areas.
4. (There is a locked gate at Lone Star's entrance road. The entire site is fenced with barbed wire fencing. Signs are posted at the entrance road.)
5. Cross-sections (typical) defining planned slopes and estimated extent of overburden, sand and gravel deposits and water table.

III. REHABILITATION PLAN (RECLAMATION PLAN)

A. The site will be rehabilitated to wildlife lakes and to grazing/agricultural land (Figure 2). Stored topsoil or topsoil from berms will be utilized in contouring and sloping banks. Native riparian grasses, shrubs and trees are expected to begin to re-establish themselves within one year after final contouring as experienced at other sand and gravel lakes along the San Joaquin River. Water in the lakes will be from groundwater percolation due to the excavation being below groundwater level. Final grazing/agricultural areas are anticipated to be areas where tests have shown an overabundance of sand or where minor amounts of recoverable resource occurs.

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Final configuration of the lakes and rehabilitated levels will vary according to the actual depth of the material, location and shape of bedrock or clay layers and other unknown conditions found on the site during mining.

B. Site Plan (Figure 2) submitted shows:

1. New contouring.

2. (Gravel deposits underlying the dike between Lost Lake and site's lakes are porous, allowing a certain amount of flow of water between them which will aid circulation. Culverts between the on-site lakes will allow for further circulation.)

3. Vegetative planting. (See Section IIB-5 and 7. A landscaping plan is required as part of the Site Plan Review process after the CUP is approved.)

4. Access. (See Section IIC-1 & 2)

C. Soil Salvage Plan. (See Section IIB-5 & 9).

D. Schedule of Rehabilitation. (See Section IIB-5).

E. At the termination of operations on the site, all equipment will be removed. The existing house and structures will remain.

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ATTACHMENT "B"

Conditions
for
Unclassified Conditional Use Permit Application No. 2235

1. Development and operation of the use shall conform to the plan and operational statement approved by the Commission, except as modified by the conditions of approval.
2. A Site Plan Review shall be submitted in accordance with the provisions of Section 874 of the Fresno County Zoning Ordinance. The site plan shall be a Master site Plan combining the extraction operations authorized under Unclassified Conditional Use Permit Nos. 367, 2032, and 2235. The "Master Site Plan" shall indicate phasing, timing, progression of extraction, and rehabilitation of the three properties as one combined operation. The Master Plan shall conform with all conditions of approval of each conditional use permit and the approved Rehabilitation Plans.
3. The applicant shall allow the County staff to periodically monitor the proposed use to assure all applicable standards of the General Plan Noise Element and the Noise Ordinance are being met. A recordable agreement allowing for said monitoring must be executed before excavation authorized by this permit is begun. Cost of said periodic monitoring shall be at the expense of the applicant.
4. Unclassified Conditional Use Permit Application No. 2235 shall expire concurrently with Unclassified Conditional Use Permit No. 367 (Year 2005).
5. Excavation operations shall be limited to weekdays during the hours of 7:00 a.m. to 6:00 p.m. Routine maintenance of excavation equipment shall be allowed Monday through Sunday limited to the hours of 7:00 a.m. to 8:00 p.m.
6. A 100-foot wide buffer zone with a minimum ten-foot high berm in the center shall be constructed prior to excavation of each phase and maintained along the west, north, and east property line of the subject parcel, except for that portion of the east property line common with Friant Road. The berms shall not exceed an 8-inch loose maximum, and slopes shall be constructed no steeper than 2:1 horizontal to vertical, and no flatter than 3:1. The berm shall be landscaped with grasses, shrubs, and specimen size conifers in groves planted at 40-foot intervals. The landscape plan shall be subject to approval by the Parks and Recreation Division, and shall include various species that improve food and shelter for animals. All planting shall be completed within 90 days following berm construction. At the west and north property lines adjacent to Lost Lake, the ten-foot high berm shall toe the west property line, and shall have a 1.5:1 slope to discourage pedestrian access. The developer shall have the option of continuing the ten-foot high berm along the north boundary, adjacent to the lake, to the western most boundary line of the subject parcel, or to extend the berm southerly, along the west boundary of Phase 1 as shown on the plan, to a point that will completely screen the plant site from Lost Lake Park users.

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7. A 50-foot setback shall be maintained on the common boundary with Friant Road. Existing trees within the 50-foot setback shall remain, and additional landscaping shall be provided at such a time to ensure that the site is totally screened from the motoring public when Phase 4 commences. The landscaping plan and planting scheduled shall be submitted to the Department for approval through the Site Plan Review process.
8. A noise attenuation berm shall be constructed along the east property line from Friant Road to the northeast corner of the property. The berm shall be a minimum of 15 feet in height or at least five feet higher than the effective height of the noise source. The slope of the berm shall be 3:1 or flatter, and shall be rounded or contoured to minimize the appearance of being an artificially constructed barrier.
9. A qualified professional experienced in groundwater shall establish the historical high groundwater level and shall submit such documentation with the Site Plan Review application.
10. The maximum depth of excavation shall be determined by conditions of the Site Plan Review, based on the historical high groundwater level and the amount of topsoil or overburden available on the site to backfill the farm area to five feet above said water level. The calculations will be done by a professional engineer and submitted to the County under the Site Plan Review application.
11. The excavated area to be rehabilitated to farmland shall be backfilled with the stored topsoil or overburden to a height five feet above the historical high groundwater level of the subject parcel.
12. The use shall be operated in such a manner as to avoid creating a noise nuisance.
13. Loaders and all other diesel or gasoline-powered equipment shall be equipped with residential-type mufflers.
14. The operation shall include measures to ensure that dust is kept to a minimum. In particular, truck parking and circulation areas shall be treated with a dust palliative, and repeated as necessary, to prevent the creation of dust by vehicles.
15. A dust palliative shall be applied to all haul roads as frequently as necessary to control dust. Dust palliatives may include roso oil, water magnesium chloride, or other proven materials.
16. The use shall be operated in compliance with the requirements of the Fresno County Air Pollution Control District.
17. A drip irrigation system or its equivalent approved by the Director of the Public Works & Development Services Department shall be provided to ensure maintenance of all landscaping.
18. All water bodies shall be designed to avoid stagnant water or shall be improved with appropriate circulation systems.

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19. Height of the topsoil stockpiles shall be restricted as not to be visible from Friant Road or Lost Lake Park. The stockpiles shall be contoured as to blend with the surrounding area and to avoid the appearance of being commercially established storage areas conflicting with the rural character of the community.
20. A detailed rehabilitation plan shall be submitted prior to excavation. The plan shall show the number of lakes and islands, and proposed final slopes, contours, and landscaping of the site. Slopes shall be 3:1 or less, and contouring shall provide an appearance consistent with the surrounding area. Landscaping shall be designed by an architect or landscape architect and shall include riparian-type species.
21. Rehabilitation work in any phase shall proceed in such a manner that no excavated area is allowed to remain in an unrehabilitated state for more than three years. Rehabilitation of any phase shall be completed within one year of commencing excavation in a subsequent phase.
22. All rehabilitation backfill materials shall be subject to approval by the Fresno County Health Department.
23. The transport of material shall be conducted in a manner so as to avoid spillage on County roads. If spillage does occur, the applicant shall provide for removal of sand and gravel from the roadway between the extraction site access road and the plant site as frequently as needed. A cash deposit shall be maintained in an amount of \$1,000 to allow the County to remove sand and gravel, if corrective action is not taken by the operator within 24 hours of notification by the County.
24. Access to Friant Road shall be limited to the existing access road located on the adjacent property located approximately 1,500 feet to the south.
25. Structural design of all improved roads shall be in accordance with County standards and approved by the Director of the Public Works & Development Services Department.
26. The perimeter of the site shall be enclosed with a barbwire fence and maintained in good condition, excepting that portion adjacent to Lost Lake.
27. The maximum number of daily truck loads generated from the site shall not exceed 180.
28. Boundaries of the property adjacent to Lost Lake Park shall be posted with "no trespass" signs spaced every 150 feet.

NOTES:

1. All operations and rehabilitation activities shall conform to the Development and Rehabilitation Standards, and Special Conditions subsection of Section 858 of the Zoning Ordinance, as specified on the attachment.

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2. Discharge of water into the San Joaquin River shall be subject to a permit from the California Regional Water Quality Control Board.
3. A reclamation plan for the Surface Mining and Reclamation Act must be submitted to the California Division of Mines and Geology.

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ATTACHMENT "C"

Unclassified Conditional Use Permit Application No. 2172

Applicable Standards and Conditions of
Zoning Ordinance Section 858-C and E

858-C:

1. No extraction of material or overburden shall be permitted within 25 feet of any property boundary nor within 50 feet of a boundary contiguous with a public road right-of-way or recorded residential subdivision.
2. No stockpiled soil or material shall be placed closer than 25 feet from a property boundary.
3. No production from an open pit shall create a slope steeper than 2:1 within 50 feet of a property boundary nor steeper than 1-1/2:1 elsewhere on the property, except steeper slopes may be created in the conduct of extraction for limited periods of time prior to grading the slope to its rehabilitation configuration, and slopes of 1:1 may be maintained five feet below the lowest water table on the property experienced in the preceding three years.
4. The first 100 feet of access road(s) intersecting with a County-maintained road shall be surfaced in a manner approved by the Board and shall not exceed a two-percent grade and shall have a width of not less than 24 feet.
7. Traffic control and warning signs shall be installed as required by the Commission at the intersection of all private roads with public roads. The placement, size, and wording of these signs shall be approved by the Fresno County Public Works & Development Services Department.
8. Security fencing, four feet in height, consisting of not less than three strands of barbed wire or an approved equivalent, shall be placed along any property line abutting a public right-of-way and around any extraction area where slopes steeper than two feet horizontal to one foot vertical are maintained. Such interior fencing will not be required where exterior fencing surrounds the property.
19. The operator shall comply with all existing and future laws, ordinances, regulations, orders, and decrees of bodies or tribunals.
- 22b. Sufficient topsoil shall be saved to perform site rehabilitation in accordance with the rehabilitation plan.
- 22c. All reasonable and practical measures shall be taken to protect the habitat of wildlife.
- 22s. Temporary stream or watershed diversion shall be restored.

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858-E:

2. Security, as herein specified, shall be deposited by the operator of a permanent material extraction site in the event any phase of the rehabilitation plan is not completed in accordance with the approved permit, and upon notification of the amount of security by the Director. Pending the deposit of security, the operator shall not conduct any further activity on or from the premises. Said security shall be in the form of cash deposited by the operator with the County or in an approved irrevocable escrow or its equivalent and shall be in an amount determined by the Director equal to 100 percent of the total cost of completing the subject phase of rehabilitation. Said security may be partially released during the progress of rehabilitation as long as the same ratio is maintained on deposit for all completed work.
3. Where the rehabilitation work as to any phase is not completed within the time period set forth in the approved rehabilitation plan or as extended by the Director, the County may enter upon the operator's premises to perform said work and use said funds deposited as security to pay for the cost thereof. In the event the operator fails to complete rehabilitation work as required herein and has not deposited security as specified herein for the cost of rehabilitation work, the operator shall then be liable to the County for the cost of any rehabilitation work required to be performed by the County in accordance with the rehabilitation plan. Where the County is authorized to enter upon property to cause rehabilitation work to be done, the Conditional Use Permit may be revoked by the Board of Supervisors upon 30 days written notice first being given to the operator.
6. All material extraction sites in the County of Fresno are subject to a periodic inspection once every two years or such other period as required in a Conditional Use Permit to determine compliance with operational and rehabilitation plans.

The required periodic inspections shall not impair the County's right to perform additional on-site inspections as may be necessary and appropriate to ensure compliance of the requirement of the Conditional Use Permit or other provisions of law. The Board of Supervisors may adopt by resolution a schedule setting forth the fees that may be imposed for required periodic inspections.

ENVIRONMENTAL IMPACT REPORT *5a*
EXECUTIVE SUMMARY *49512*

PREFACE

This document, together with the Draft EIR (DEIR), Volumes I & II including Appendices A & B, published in July 1986, constitute the Final EIR for the proposed Beck Ranch Sand and Gravel Permit. This document includes the revised summary of the Draft EIR and the following Appendices: Appendix C contains a list of persons receiving a copy of the Draft EIR and a list of persons receiving notification of the availability of the draft EIR; Appendix D contains written comments received from persons, organizations and agencies responding to the Draft EIR; Appendix E contains responses of the lead agency to the comments received on the Draft EIR.

During the review of the Beck Ranch DEIR, it was determined by Fresno County that a supplemental DEIR and Final EIR (Lone Star Processing Plant Supplemental DEIR) be prepared which evaluates the processing of Beck Ranch materials by the existing Lone Star plant. The responses to comments received to the Beck Ranch DEIR for which answers are contained in the Lone Star DEIR are referenced herein to that Lone Star DEIR.

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INTRODUCTION AND SUMMARY

REVISED

This Environmental Impact Report (EIR) has been prepared by Buada Associates to assess the potential environmental impacts of the proposal by Stephen Beck and Lone Star Industries to excavate sand and gravel on a 251 acre site owned by Stephen Beck located near the San Joaquin River in Fresno County. This assessment is based on a review of all project plans; review of appropriate State and County plans for the area; consultation with the applicant and operator; evaluation of technical data specifically prepared for this project; and on-site surveys of the property and surrounding land uses.

In accordance with a proposal approved by Fresno County, the EIR focuses on the relationship of the proposed project to erosion and ground settlement; groundwater quality; riparian water rights and usage; vegetation and wildlife; noise; land use; agriculture; recreation; traffic; and aesthetics. The County has determined that the project will not have significant impacts on other resources including air quality, population, public services, energy, utilities, and archeology. The basis for the above identified focused issues was determined by two initial studies prepared for similar projects on the same property.

Buada Associates was assisted by the following consultants as subcontractors in preparing the EIR.

- o J. H. Kleinfelder and Associates, Geotechnical Consultants, performed the evaluation of erosion potential and fill settlement potential.
- o Kenneth D. Schmidt, Groundwater Consultant, performed the evaluation of impacts to groundwater.
- o Robert F. Winter, Biologist, performed the evaluation of vegetation and wildlife impacts.
- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic and surface water hydrology.

The site is located on Friant Road adjacent to Lost Lake Park just south of the town of Friant. The property has been farmed since the 1940's and is planted with vineyards, an almond orchard, and row crops. The San Joaquin Riverbottom area has been historically used for farming and is the primary source for sand and gravel resources for the region. Lost Lake, adjacent to

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the project, is a flooded quarry used as a source for sand and gravel during the construction of Friant Dam. The adjacent property to the south is currently being excavated for sand and gravel by Lone Star Industries. Ledger Island, approximately 1/2 mile to the southwest, is a recent rehabilitated sand and gravel site. The San Joaquin River bluffs overlook the site on both sides of the river. There are seven residences on the bluff just west of the project.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several adjacent landowners challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application which is the subject of this Beck Ranch EIR, does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. This Beck Ranch DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predates CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining in the San Joaquin Riverbottom. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental to the Beck EIR was necessary to evaluate impacts to the Lone Star plant

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relating to the processing of materials from the Beck Ranch. This supplement to the Beck EIR was required to be completed before the Beck Ranch application could be heard by the Planning Commission. The Lone Star supplement was filed in January 1987. The Lone Star Final supplement to the EIR was filed concurrently with the filing of this Beck Ranch Final EIR.

Among the issues raised by the Environmental Assessments, by testimony during the public hearings, and by the lawsuit were: conflicts between the loss of agricultural land and the recovery of a needed resource; potential impacts to wildlife in Lost Lake Park; noise impacts from the plant operations, extraction operations and haul trucks to the users of Lost Lake Park, and adjacent residents; traffic conflicts on Friant Road between project trucks and school buses, bicycles and auto traffic; impacts to water quality and quantity; potential illegal use of riparian water from the San Joaquin River; discharge of wastewater to San Joaquin River; the use of large amounts of fuel, water, and energy; and visual impacts to residents on the bluffs, users of Lost Lake and Friant Road travelers.

Deletion of the plant facilities from the Beck Ranch have removed any impacts from an on-site plant. Potential truck traffic conflicts from additional trucks serving an additional plant and a new access point on Friant Road have also been eliminated. Potential impacts have been reduced to those associated with transferring Lone Star Industries' existing excavation operation to the project site and continuing extractive operations in the area for a longer period of time.

In addition, the applicant has revised the project to delete the use of mercury or any other toxic chemical during the recovery of gold in the on-site laboratory and is proposing instead, a strictly mechanical process. The deletion of the use of chemicals has minimized any potential water quality contamination from the wastewater discharge.

Among the remaining issues to be resolved by this EIR include: conflicts between the loss of agricultural land and the recovery of a needed mineral resource; impacts to water quality and quantity; impacts to wildlife; noise impacts to park users and adjacent residents; continuation of existing traffic conflicts between sand and gravel trucks and school buses, bicycles and auto traffic; any use of riparian water; and visual impacts to park users, adjacent residents and Friant Road travelers. A choice remains to be made between the project including recovery of a needed, mineral resource with its related impacts; no project with a retention of agricultural land and permanent loss of the resource; a reduced project or excavation of only a portion of the resource and permanent loss of the remainder; an alternative location of the project relocating

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Mitigation:

- o A discharge permit will be required from the California Regional Water Quality Control Board.
- 6. LAKE EUTROPHICATION: In the long-term, eutrophication (loss of oxygen) may slowly occur in the lakes created by the project as it has in the adjacent Lost Lake.

Mitigation:

- o Culverts placed in the dikes separating the lakes would increase circulation.
- 7. DUST: Dust from current agricultural operations will be reduced as agricultural production is replaced by excavation of the resource.

Mitigation:

- o Dust from excavation operations and from the project's haul roads during the dry season will be minimized by the proposed use of dust palliative on the roads and/or the use of water trucks on the haul roads and in the excavation areas.
- 8. WILDLIFE. Some species of wildlife will be temporarily disturbed during construction of berms.

Mitigation:

- o The proposed landscaped berms and rehabilitated lakes will provide additional riparian habitat and will attract a more diverse species in larger numbers.
- 9. NOISE: Noise levels will temporarily increase in the area. With the exception of extractive operations within 500 feet of residences, noise levels will be within the standards of the Fresno County Noise Ordinance.

Mitigation:

- o Impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 a.m. within 500 feet of the nearest residence.
- 10. LAND USE: Agricultural production potential will be reduced on the site.

Mitigation:

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impacts to another area and permanent loss of the site's resources; or alternative uses of the site such as residential, golf courses, or expansion of Lost Lake Park.

If the project is developed as proposed, certain environmental impacts may occur.

1. **EROSION:** Some erosion may occur during construction of the berms and along the banks of the proposed lakes prior to revegetation.

Mitigation:

- o Timely planting of the berms with groundcover, shrubs and trees as proposed in the project design should keep erosion to a minimum. A natural revegetation process normally occurs rapidly around the lakes, limiting any erosion to the first month or so if final grading occurs during the rainy season. All run-off will be contained on-site.
- 2. **SAND AND GRAVEL RESOURCES:** Sand and gravel resources will be permanently removed from the site.

Mitigation:

- o The only mitigation measure would be no project. Such a measure would reduce available reserves of needed construction materials in the Fresno-Madera region to less than 20 years.
- 3. **GROUNDWATER:** The proposed excavation will intersect the groundwater level. Groundwater will ultimately fill the pits forming freshwater lakes. Runoff from the site will also flow into the lakes. There will be a minor loss of water to evaporation.

Mitigation:

- o Mitigation of evaporative loss is limited to chemical treatment of the lakes or shallower excavation. Chemical treatment may create greater impacts. Shallower excavation will result in permanent loss of resource and reduce available construction material reserves.
- 4. **RIPARIAN WATER:** The removal of the vineyard and orchard will reduce the current use of riparian water.
- 5. **WASTEWATER DISCHARGE:** Waste water from the gold recovery lab will be discharged to a small, shallow settling pond.

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Mitigation:

- o A discharge permit will be required from the California Regional Water Quality Control Board.
- 6. LAKE EUTROPHICATION: In the long-term, eutrophication (loss of oxygen) may slowly occur in the lakes created by the project as it has in the adjacent Lost Lake.

Mitigation:

- o Culverts placed in the dikes separating the lakes would increase circulation.
- 7. DUST: Dust from current agricultural operations will be reduced as agricultural production is replaced by excavation of the resource.

Mitigation:

- o Dust from excavation operations and from the project's haul roads during the dry season will be minimized by the proposed use of dust palliative on the roads and/or the use of water trucks on the haul roads and in the excavation areas.
- 8. WILDLIFE. Some species of wildlife will be temporarily disturbed during construction of berms.

Mitigation:

- o The proposed landscaped berms and rehabilitated lakes will provide additional riparian habitat and will attract a more diverse species in larger numbers.
- 9. NOISE: Noise levels will temporarily increase in the area. With the exception of extractive operations within 500 feet of residences, noise levels will be within the standards of the Fresno County Noise Ordinance.

Mitigation:

- o Impacts may be reduced by prohibiting excavation operations between the hours of 6 a.m. and 7 p.m. within 500 feet of the nearest residence.
- 10. LAND USE: Agricultural production potential will be reduced on the site.

Mitigation:

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- o The extraction of sand and gravel will provide a recognized economic resource to the Fresno-Madera region. No County policy clearly establishes priorities when this contradiction arises. The present agricultural areas will be replaced by the proposed lakes which will provide valuable wetlands, riparian habitat, and fishery. This additional habitat will in the long-term attract wildlife in greater numbers and diversity to the Lost Lake area.

- 11. HAZARDS: The excavation pits may present a safety hazard during operation.

Mitigation:

- o Sloping of the sides during rehabilitation to 2H to 1V (horizontal to vertical) as proposed in the project design and fencing of the property as required by the Zoning Ordinance will minimize hazards.

- 12. TRAFFIC: Existing sand and gravel truck traffic on Friant Road to the Lone Star Industries' processing plant will continue for a longer period of time.

Mitigation:

- o By utilizing Lone Star's existing access road, a new access road and additional traffic conflict point will be eliminated.

- 13. AESTHETICS: Areas of active excavation will be visible from the bluffs just east of Friant Road and from the western bluffs in Madera County. Excavation on the eastern half of the site will be visible from Friant Road.

Mitigation:

- o Landscaping planted within the set back along Friant Road will provide a more effective screen for the traveler.



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Public Works & Development Services Department

Richard D. Welton
Director

AGENDA ITEM NO. 6

STAFF REPORT

TO

THE FRESNO COUNTY PLANNING COMMISSION
UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241
ENVIRONMENTAL ASSESSMENT NO. 3174
June 11, 1987

Applicant: Lone Star Industries Accepted On: September 2, 1986
Request: Allow rock, sand, and gravel to be processed in an existing processing plant.
Location: West side of Friant Road directly north of Willow Avenue (13475 Friant Road).
Present Zoning: AE-20 (Exclusive Agriculture, 20-acre minimum parcel size) District.

A. Area, Existing Land Use, Surrounding Zoning, and Public Noticing

1. Approximate Area: 185 acres
2. Use of Subject Property: Rock, sand, and gravel processing plant
3. Use of Surrounding Area: Grazing, agriculture, vacant, and rural residential.
4. Surrounding Zoning: AE-20
5. City Limits: The unincorporated community of Friant is located approximately 3.5 miles north of the subject property.
6. Noticing: Notices were sent to 37 property owners within one-half mile of the subject property.

B. Background

The existing processing plant was permitted under Conditional Use Permit No. 367 issued in 1960. Conditional Use Permit No. 367 also authorized the excavation of property located north of the plant owned by Lone Star Industries and adjacent to the Beck Ranch. An adjoining 150-acre site immediately to the south was also approved for excavation under Conditional Use Permit No. 2032. Together, these two properties form Lone Star's existing excavation site. A condition of approval of Conditional Use Permit No. 367 limits processing material at the Lone Star plant to material permitted by Conditional Use Permit Nos. 367 and 2032 only.

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The present application is necessary because Lone Star is now proposing to process sand and gravel excavated from the Beck Ranch. All material will be hauled from the Beck Ranch site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1.5 miles to the south.

C. Project Description/Operational Plan

The operational statement submitted by the applicant is included as Exhibit "A". The existing operation was authorized under Conditional Use Permit No. 367 approved in 1960.

D. Site Plan

An area map prepared by Staff shows the following features:

1. The subject 185-acre plant site shown as a portion of a larger 1,108-acre parcel and located directly west of Friant Road.
2. The Beck property located two miles north of the plant site.
3. The San Joaquin River located west of the Beck and Lone Star properties. The San Joaquin River forms the boundary between Madera and Fresno Counties.
4. Lost Lake located directly west of the Beck property.
5. Lost Lake Recreational Area located northwest of the Beck property.

E. Environmental Analysis

An Environmental Impact Report (EIR) was prepared for the combined Lone Star and Beck projects. The project proponent for the Beck project offered to prepare an Environmental Impact Report and retained a consultant for that purpose. The Environmental Impact Report was prepared by the consultant in conformance with County-adopted policies and procedures as well as the California Environmental Quality Act (CEQA).

The Environmental Impact Report was prepared in two stages. The first was for the extraction operation on the Beck site, the second a supplement to the Environmental Impact Report to address the processing plant on the Lone Star site. The Environmental Impact Report identified the following potential impacts that might occur from processing of the Beck resource material at the Lone Star plant: (1) increase in use of water; (2) air quality; (3) noise; (4) traffic; (5) disruption to recreational use of Lost Lake Park; (6) complete excavation of mineral resources on both sites may not occur; and (7) aesthetics.

An executive summary of the Environmental Impact Report, which discuss the impacts listed above and potential mitigation measures, is attached for your reference.

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If the Commission wishes to approve the projects, several actions are necessary in regards to the Environmental Impact Report. The first is to certify the Final Environmental Impact Report. Then the Commission must make findings relative to the significant environmental effects. Finally, the Commission must determine that any remaining significant effects on the environment found to be unavoidable are acceptable due to overriding concerns.

Certification of Environmental Impact Report

Section 15090 of the State CEQA Guidelines requires that the Lead Agency certify that the Final Environmental Impact Report has been completed in compliance with CEQA, and that the decision-making body has reviewed and considered the information contained in the Final Environmental Impact Report prior to approval of the project.

Findings

Section 15091 of the State CEQA Guidelines requires that the public agency considering a project for which an Environmental Impact Report has been prepared shall not approve said project without making one or more of the following findings for any identified significant effect.

- a. Changes have been required in the project to avoid or substantially lessen the significant effect.
- b. Another agency has responsibility to require appropriate changes and has or should require such changes.
- c. Specific, economic, social, or other considerations make mitigation measures or project alternatives infeasible.

Staff is of the opinion that Impacts No. 1 through 5 above can be considered significant but can be substantially mitigated by conditions of the Conditional Use Permit as identified in the staff report. Impact No. 6 can be considered less than significant. Aesthetic Impact No. 7 could be considered significant and cannot be substantially mitigated requiring a statement of overriding consideration.

Statement of Overriding Considerations

Section 15093 of the State CEQA Guidelines requires that where the decision of a public agency allows the occurrence of significant effects which are identified in the Final Environmental Impact Report but are not at least substantially mitigated, the approval must contain a finding that the benefits of the project outweigh the unavoidable adverse environmental effects. These overriding considerations must be fully explained in the record of approval of the project.

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F. Staff Analysis/Recommended Findings of Fact

Finding 1: Adequacy of Size and Shape of Subject Parcel

The subject property is of adequate size and shape to accommodate all existing uses. The applicant does not propose to add any new plant equipment as a result of processing the new materials from the Beck Ranch, nor does the applicant intend to increase plant capacity. Therefore, the site can be found to be adequate in size and shape.

Finding 2: Adequacy of Streets and Highways

Access to the site is via Friant Road which is classified as an Expressway on the Fresno County General Plan. This stretch of Friant Road carries an average daily traffic volume of 4,930 (1985) vehicles per day.

According to the applicant, the capacity of the processing plant will remain unchanged, thus limiting traffic to a maximum of 180 truck loads per day. The Development Engineering Section has indicated that Friant Road is of adequate width and pavement type to accommodate this traffic and that the existing access road is adequate to handle the proposed truck traffic. Permitting additional rock, sand, and gravel to be excavated at the Beck Ranch will result in more materials available for processing at the plant site. This will result in either a greater number of days during which the plant will operate at capacity with maximum traffic levels, or a longer period in which the Lone Star processing plant will operate.

Although Friant Road may be capable of accommodating the additional traffic, the project does generate concerns regarding safety hazards to the users of the existing bike path along Friant Road, school buses, school children, and high school students driving to and from school. During hearings on prior similar projects in this vicinity, the Sierra Joint Union High School and Friant Union School submitted letters of concern for the safety of school children. The schools have stated that truck traffic creates a hazard for their buses and pupils using Friant Road. Sierra Joint Union High School has noted that the 6:00 a.m. to 6:00 p.m. hours of operation are the same hours that school buses are operating. During these hours, students are also waiting at the side of the road for the buses and, in some cases, young drivers are driving to school in their own vehicles.

Although it may be argued that the potential for traffic conflicts will not increase since truck traffic is associated with Lone Star's present extraction operation, the potential for increased conflicts will result if additional excavation is permitted at the Beck Ranch. Additional excavation will result in more materials available for processing at the plant site which will result in either a greater number of days during which the plant will operate at capacity with maximum traffic levels, or a longer period in which the Lone Star processing plant will operate.

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Finding 3: Adverse Effects on Surrounding Properties

The project site is located within the San Joaquin River Bottom Area and is overlooked by the river bluffs on either side of the San Joaquin River. The processing plant site is adjacent to two large previously mined open space areas to the north and west, agriculture to the south, and grazing to the east across Friant Road.

As noted in the Environmental Analysis Section, the Supplemental Environmental Impact Report prepared for the project identified several adverse impacts related to mineral resources, water, air quality, noise, traffic and circulation, and aesthetics. Following is a discussion of these impacts with suggested conditions of approval as recommended by Staff to mitigate these impacts.

1. Mineral Resources

It is estimated, based on test excavations, that the potential production from the Beck Ranch is 12 million tons of rock, sand, and gravel materials. Based on the above production rates, estimated removal of the resource and processing by Lone Star would take 15.75 years under current average production, 14 years under historic peak sales, and 12 years operating at plant capacity every year.

It is also estimated that Lone Star's potential production from its current excavation sites authorized under Conditional Use Permit Nos. 367 and 2032 is 12.5 million tons. Potential materials from both the Lone Star and Beck Ranch sites would take 30.25 years to mine at the average annual production rate, 27 years at the historic peak rate, and 22.5 years operating at plant capacity. Since the remaining time on the Lone Star plant permit is 18.25 years, all of the estimated resources will not be excavated from both sites even under maximum production.

Staff estimates that between 4.25 and 12.0 additional years of excavation would remain after expiration of the current conditional use permit (Year 2005) based upon information provided in the Environmental Impact Report. This would ultimately necessitate amendments to the conditional use permits to extend the time periods of the excavation and processing operations. If this results, other impacts associated with the operation, such as noise, aesthetics, and potential traffic conflicts, will exist for a longer period of time.

2. Water

Water will continue to be lost to evaporation during the processing of sand and gravel from the surface areas of the settling ponds. Approximately 116-acre feet of water will be lost to evaporation each year.

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Staff believes that the loss of 116-acre feet of water from evaporation of settling ponds each year during sand and gravel processing would not adversely impact surrounding properties. Sufficient amounts of groundwater exist to provide for the processing operation without adversely impacting area groundwater.

3. Air Quality

The Environmental Impact Report indicates that dust from the Lone Star plant is a potential source of air pollution. The Report indicates that the plant generates very little dust emissions during the separation process because the material is kept wet during the process. Also, that bag houses are used at the asphalt batch plant, the concrete batch plant, and the materials bagging operation. The plant operates under permits issued by the Fresno County Air Pollution Control District utilizing "best available control technology" to control air pollution and has no recent history of violations or complaints.

The Environmental Impact Report indicates that without the project, the plant facility could be closed before 2005 due to lack of material. Total air emissions would be less than if the plant operated for the entire 18-year period. The annual emissions would remain the same as present over the life of the plant.

If this Conditional Use Permit is approved, plant air emissions within the limits of the Air Pollution Control District permits will continue for at least 18 years. Permitting additional materials to be mined at the Beck Ranch would extend the current time period for which air pollution impacts will exist since an additional 12 million tons of materials would be authorized for processing. However, operation will be subject to the standards of the Air Pollution Control District that will help mitigate potential air quality impacts.

4. Noise

The Environmental Impact Report indicates that existing noise sources are from the processing plant and truck traffic. The Report concludes that the project-related noise impacts of processing aggregate material excavated from the Beck Ranch at the Lone Star Industries plant may be evaluated by determining whether or not noise levels from the plant would be expected to increase as a result of the project. The report states that since the material being excavated from the Beck Ranch is similar to material being processed by the plant, and the hours and type of plant operations would not change, the noise levels generated by the Lone Star Industries processing plant would not be expected to change.

Major noise sources of the plant are from gravel dropping into metal hoppers, gravel moving on the screens, and the rock crushers. Modification to the hoppers by the use of rubber liners and the use of rubber-coated screens have been used successfully by the industry in muffling the noise (Brown, March 1987). The degree of muffling of

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noise has not been fully documented. The rock crushers are located close to ground level. Noise can be significantly reduced by the placement of berms in proximity of the noise source which block the line of sight to the receiver.

It should be noted that although noise levels may remain constant, that with additional rock, sand, and gravel materials available for processing that the noise impacts would remain for a greater length of time. Staff recommends that the suggested mitigation measures for reducing noise levels be required as conditions of approval.

5. Traffic and Circulation

The Environmental Impact Report indicates a number of traffic related impacts that would result from continuation of the plant operation for an 18-year period. These include intermingling of haul trucks with recreational traffic traveling to and from Lost Lake Park, potential conflicts with bike riders, and potential conflicts with school buses. Additionally, the report indicates that visibility to southbound motorists north of the plant entrance is obscured to some degree by existing landscaping. This is due to the plant entrance being on an inside curve.

In order to lessen the potential for traffic conflicts, the County should limit the truck loads from the Beck site to no more than the 180 loads per day presently being transported from the existing Lone Star excavation site.

Because clear site visibility at the plant entrance is restricted due to the road curve north of the entrance, additional signage should be posted north of the plant to warn southbound travelers of slowing and crossing trucks at the plant entrance.

Because visibility at the plant entrance is further restricted due to the mature trees that have grown up around the pond to the north of the plant entrance, the north portion of the landscaping should be removed to improve visibility at the plant intersection.

Staff believes that this project will have additional safety impacts, even though the maximum daily truck trips may not increase above current levels. This is because a larger volume of material will be transported. Approval of this application will, therefore, result in either a greater number of days during which the plant will operate at capacity with maximum traffic levels, or a longer period in which the Lone Star processing plant will operate.

The suggested mitigation measures related to the posting of warning signs and removal of landscaping to improve visibility at the plant intersection should be required as conditions of approval.

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6. Aesthetics

The Environmental Impact Report indicates that the plant operation presently impacts the view from three areas: the bluffs in Madera County, the eastern bluffs in Fresno County, and from Friant Road. The closest western bluffs are approximately one-half mile northwest of the site with one home overlooking the site. There is one home to the southwest on the bluffs approximately one mile away. The Summer Hill Subdivision, that is being developed, is located about one mile to the north with a portion of the development overlooking the river valley.

The eastern bluffs are directly across Friant Expressway. Two homes on the bluffs overlook the project site approximately 500 feet from the project property line near the southeast corner of the site. These properties have full view of the plant facilities, roads, and haul trucks.

Travelers on Friant Road from the south have a view of the upper portions of the taller plant buildings and stockpiles. The lower portions of the buildings and the ground operations are partially screened by landscaping along the front of the site. Travelers driving south have a more obscured view of the tops of the plant buildings due to more mature trees having grown up at the north end of the plant site.

The Environmental Impact Report indicates that without the project, the plant activities may cease in less than 18 years due to lack of material, and that final reclamation of the site, including removal of the structures, would occur shortly thereafter. With the project, the plant will continue in operation for at least 18 years. The existing homes on the bluffs will continue to have a view of the industrial site contrasting to the rural view of agriculture, the Beck Ranch, and the native river valley.

Finding 4: General Plan Consistency

The Mineral Resources Section of the Open Space/Conservation Element of the County General Plan encourages the development of mineral resources when conflicts with surrounding land uses and the natural environment can be minimized. The subject site lies within one of three areas in the County identified as principal locations for commercially suitable sand and gravel. Operation of the site as proposed and in accordance with conditions designed to minimize conflicts with surrounding land uses and the natural environment could be consistent with the General Plan.

The Environmental Impact Report prepared for the project identified several adverse impacts that could not be totally mitigated. These include impacts related to air quality, noise, traffic, and aesthetics. Although these impacts are associated with the current use, approval of the subject project to allow additional excavation and material processing will cause these impacts to be extended over a longer time period.

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G. Staff Recommendation

Staff does not believe that Findings 2, 3, and 4 can be made and, therefore, recommends denial of Unclassified Conditional Use Permit Application No. 2241.

However, if the Commission determines that the required findings can be made to approve Unclassified Conditional Use Permit Application No. 2241, the approval should be subject to the conditions stated in Exhibit "B".

In approving the application, the Commission must also take the actions outlined in the Environmental Analysis Section of this report.

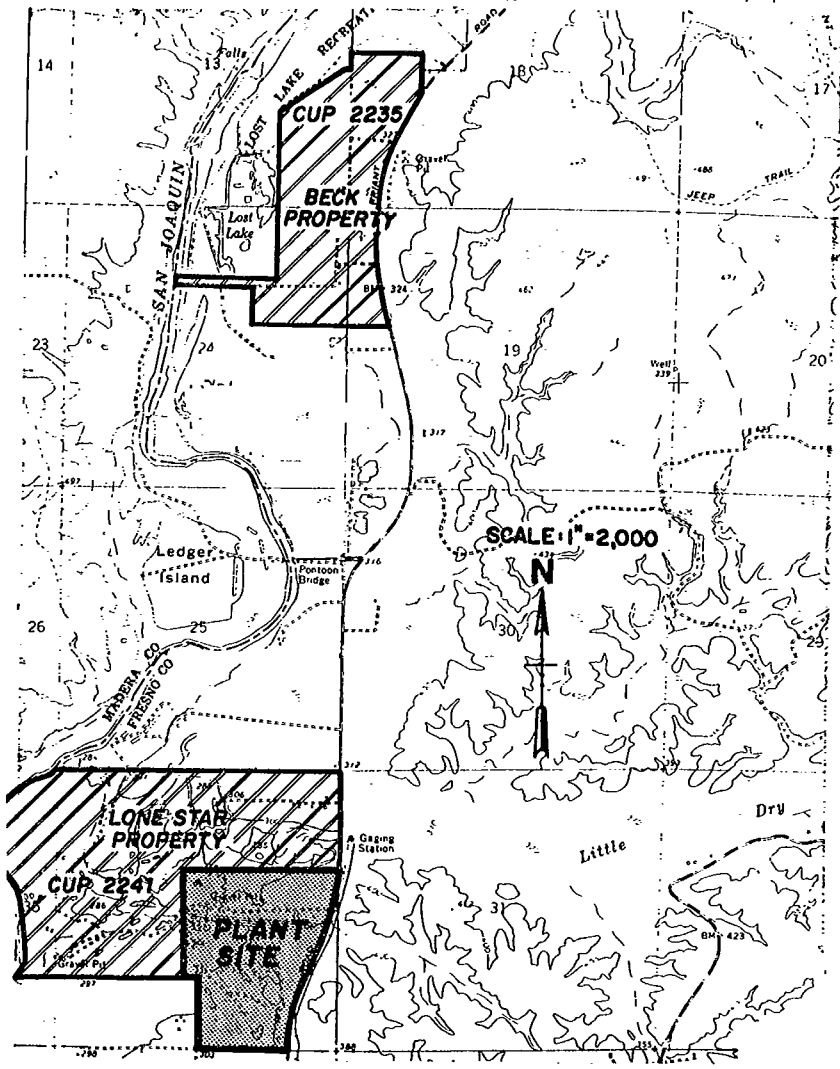
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REQUIRED FINDINGS FOR APPROVAL OF A CONDITIONAL USE PERMIT

1. That the site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by this Division, to adjust said use with land and uses in the neighborhood.
2. That the site for the proposed use relates to streets and-highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
3. That the proposed use will have no adverse effect on abutting property and surrounding neighborhood or the permitted use thereof.
4. That the proposed development is consistent with the General Plan.

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PROJECT DESCRIPTION

A. Project Location

The approximately 856 acre site governed by CUP 367 is located in Fresno County on the west side of Friant Road approximately two and one-half miles north of the city of Fresno and approximately the same distance south of the town of Friant. The site is within the San Joaquin River bottom area. It is included in Section 36 of Township 11 South, Range 20 East and Section 31 of Township 11 South, Range 21 East, Mount Diablo Base and Meridian, and located on the Friant U.S.G.S. 7-1/2 Minute Quadrangle.

B. Project Objectives

Lone Star Industries is proposing to excavate sand and gravel from the Beck Ranch and process the material through its existing plant covered by CUP 367 located approximately 1-1/2 miles to the south. The plant is presently restricted to processing of materials from Lone Star's present excavation sites located immediately south of the Beck Ranch. The excavation sites are governed by CUP's 367 and 2032. The proposed excavation of resource materials from the Beck Ranch is being evaluated by the DEIR prepared in July 1986.

Lone Star Industries is requesting modification of the existing use permits (367 & 2032) to allow processing of the resource material from the Beck Ranch. If the modifications are approved, Lone Star will begin excavating the Beck Property. Lone Star does not intend to mine its existing properties and the Beck Properties simultaneously.

The Lone Star plant facilities, which are on leased land, have been in operation since 1924. The plant site includes a sand and gravel processing plant, an asphalt batch plant, a concrete batch plant, and a materials bagging operation. The asphalt batch plant is operated by Industrial Asphalt. The concrete batch plant is owned and operated by Pacific Ready Mix, a subsidiary of Lone Star Industries.

CUP 367, originally granted in 1960, was revised January 1985 under the terms of a settlement with the County of Fresno. The processing plant operation, including the asphalt batch plant and the concrete batch plant, was limited to 20 years, or until the year 2005. The improvements required under the terms of the settlement have been made including

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landscaping to help screen the plant from Front Road, left-hand turn lanes, and acceleration and deceleration lanes.

The Lone Star plant has a peak, annual processing capacity of approximately 1 million tons of resource material and can, under its CUP 367, operate for a maximum of 12 hours a day. Periodically during peak sales months, the plant operates at maximum capacity.

The processing of the resource material includes washing, screening, crushing, and stockpiling of materials. Sand size materials are further processed to recover gold and possibly other heavy minerals contained in the sand. No mercury or any other hazardous chemicals are used in this process. Processed sand and gravel is mixed with cement at the concrete batch plant. Crushed rock is sold for road base and in the preparation of asphalt at the asphalt batch plant as well as other uses. Sand and gravel is also sold for many uses at the plant. The plant site includes the above mentioned plants as well as a house, shops, scales, dispatch house, and other out buildings. Other plant equipment includes loaders, gravel trucks, asphalt trucks, cement trucks, draglines, cranes, dozers, utility vehicles, scrapers, graders and other miscellaneous equipment conducive to the operation.

Hours of operation as allowed for the sand and gravel plant and the asphalt batch plant are weekdays 6 a.m. to 6 p.m., except in the event of an emergency as determined by a governmental body or agency. Hours of operation for the concrete batch plant are 4 a.m. to 6 p.m. weekdays May through October; 5:30 a.m. to 6 p.m. weekdays November through April; and Saturdays 6 a.m. to 1 p.m. all year.

Even with the addition of materials from the Beck Properties, Lone Star Industries will not exceed its present permitted plant capacity, and therefore, there should be no increase in the maximum number of haul truck trips per day.

Peter H. Cotter
Regional Resources Mgr.

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Exhibit "B"

Conditions

1. Development and operation of the use shall conform to the plan and operational statement approved by the Commission, except as modified by the conditions of approval.
2. The conditions of approval for Unclassified Conditional Use Permit Application No. 367 and 2032 shall remain in full force and effect.
3. The operation shall be limited to a maximum of 180 truck loads per day.
4. The applicant shall modify existing plant equipment by installing rubber liners on the hoppers and utilizing rubber-coated screens. The applicant shall provide an earthen berm around the core crusher to attenuate noise. The size, location, and construction of the berm shall be approved by the Fresno County Health Department and the Fresno County Public Works & Development Services Department prior to construction. All improvements shall be made within 120 days of the effective date of this approval.
5. An additional traffic warning sign shall be placed adjacent to Friant Road north of the plant entrance. The size, shape, wording, and location shall be approved by the Road Maintenance and Operations Division of the Fresno County Public Works & Development Services Department prior to installation.
6. All vegetation existing along Friant Road north of the plant site that, in the opinion of the Road Maintenance and Operations Division, decreases visibility at the plant site entrance shall be removed within 120 days of the effective date of this approval.

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ENVIRONMENTAL IMPACT REPORT
EXECUTIVE SUMMARY

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PREFACE

This document, together with the Supplemental Draft EIR (DEIR) published in April 1987, constitutes the Final Supplemental EIR for the proposed Beck Ranch Sand and Gravel Permit and the processing of Beck Ranch materials by the existing Lone Star Processing Plant. Appendix G contains a list of persons receiving a copy of the Supplemental DEIR and list of persons receiving notification of the availability of the Supplemental DEIR; Appendix H contains written comments received from persons, organizations and agencies responding to the Supplemental DEIR; Appendix I contains responses of the lead agency to the comments received on the Supplemental DEIR.

Issues pertinent to the excavation of sand and gravel from the Beck Ranch are discussed in the Beck Ranch DEIR and Final EIR. Issues pertinent to the transportation of that material to the existing Lone Star Processing Plant and the processing of that material are contained in the Supplemental DEIR and this Final Supplemental EIR. Comments received on the Supplemental DEIR for which answers are contained in Beck Ranch DEIR or Final EIR are referenced herein to those documents.

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INTRODUCTION AND SUMMARY
REVISED

This Environmental Impact Report (DEIR) has been prepared to assess the potential environmental impacts of the proposal by Stephen Beck, property owner, to have Lone Star Industries process sand and gravel resource materials excavated from the Beck Ranch. This assessment is based on a review of the project plans, review of existing county and other government agency permits; consultation with the operator; evaluation of technical data prepared for the project site and on-site surveys of the property and surrounding land uses.

In accordance with the scope of work approved by Fresno County and the Initial Study, the DEIR focuses on the relationship of the proposed project to riparian water rights, groundwater quality, air quality, noise, traffic, recreation, and aesthetics. The County has determined that the project will not have significant impacts on other resources including earth, plant life, animal life, land use, population, public services, energy, utilities, and archaeology.

Buade Associates was assisted by the following consultants as subcontractors in preparing the DEIR.

- o Brown-Buntin Associates, Noise Consultants, performed the evaluation of noise impacts.
- o DSK Engineering, Engineering Consultants, performed the evaluation of traffic.

The Lone Star site is located in the San Joaquin Riverbottom area on the west side of Friant Road just north of its intersection with Willow Avenue (Figure 1). The San Joaquin Riverbottom area has historically been used for farming and is the primary source for sand and gravel resources in the region. The plant site is part of the property known as the Ball Ranch which has been used as a sand and gravel excavation and processing site since the mid-1920's (Figure 2). The bulk of the sand and gravel resources have been depleted. Some material suitable for road fill remains for current and future use. Mature riparian vegetation has grown up around the ponds and the ranch has developed over the years into a prime fishing and wildlife area due to the efforts of the Ball family. Ledger Island, 1 mile to the north on the Madera County side of the river, is a recent rehabilitated sand and gravel site, excavated by Lone Star Industries.

The processing plant facility and the Ball Ranch excavated site are governed by CUP 367 issued in 1960. In 1985, in a settlement with Fresno County, property owned by Lone Star Industries adjacent to the Beck Ranch was approved for excavation

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under CUP 367, and an adjoining 150 acre site immediately to the south was approved for excavation under CUP 2032. Together these two parcels form Lone Star's existing excavation site, Figure 1. As part of the terms of the settlement, the plant was restricted to processing material from CUP's 367 and 2032 only.

In 1984, Conditional Use Application 2019 (CU2019), was denied by the Fresno County Board of Supervisors for the Beck Ranch. The application was for the excavation of sand and gravel and the recovery of any gold together with a sand and gravel processing plant, concrete ready-mix plant and asphalt batch plant. In October 1985, CU 2172 was approved for the same project. In November 1985, a lawsuit was filed by several landowners adjacent to the Beck Ranch challenging that the approval should be overturned on the basis that the Negative Declaration approved for the project was insufficient and that an EIR should have been prepared.

In June 1986, a new application, CU 2235, was filed for the excavation of sand and gravel on the Beck Ranch. This new application does not include a sand and gravel processing plant, concrete ready-mix batch plant or asphalt batch plant on the Beck Ranch. All material will be hauled from the site via Lone Star Industries' existing access road down Friant Road to Lone Star's existing processing plant 1-1/2 miles to the south. In August 1986, Lone Star filed CU 2241 to allow the processing of Beck materials at their existing facility. A DEIR was completed in July 1986 relating to the excavation of resource materials from the Beck Ranch and to the transporting of the resource to the Lone Star's processing facility.

As apparent from the above history, the Beck Ranch project has been the subject of considerable controversy. The Lone Star project has consequently inherited the controversy since they will be processing material from the Beck Ranch project. Additional issues have been raised concerning the Lone Star project since there has been little environmental work done on Lone Star operations. Their original permit, CUP 367 predated CEQA requirements and the 1985 approval of CUP 2032 did not require an EIR. In addition, as was the case with the Beck Ranch project, assertions have been made that a Program EIR be prepared to evaluate not only the Beck Ranch project and the Lone Star project, but also all sand and gravel operations and identified sand and gravel resource sites to determine the cumulative impacts of continued sand and gravel mining on the San Joaquin River. After reviewing the response to comments on the Beck Ranch DEIR and the Initial Study for the Lone Star application, the County determined that a supplemental EIR was necessary to evaluate impacts to the Lone Star plant relating to the processing of materials from the Beck Ranch. This Supplemental EIR was required to be filed before the Beck Ranch application could be heard by the Planning Commission.

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The remaining issues to be resolved by this Supplemental EIR include: impacts to mineral resources; alleged unauthorized use of San Joaquin River water; potential contamination of ground and surface water during recovery of gold; potential intensification of existing noise impacts; potential increases in truck traffic and impacts to recreational travel; visual impacts; and cumulative impacts relating to processing resource from the Beck Ranch. Impacts to Lost Lake Park have been evaluated in the Beck Ranch EIR.

A choice remains to be made between the project with its continuation of existing impacts from the plant; no project which may potentially cause the plant to close before the end of its existing permit, and lead to the potential permanent loss of the resource material from the Beck Ranch due to the future encroachment of additional uses incompatible to resource recovery; expansion of the Beck Ranch project to include an on-site processing plant which would increase project impacts to Lost Lake Park and the surrounding area and increased truck traffic; or an alternative location for the processing of Beck Ranch materials at another existing processing plant which would increase product cost by increasing haul distances and would increase truck traffic impacts over more miles of County roads.

If the project develops as proposed, certain environmental impacts may occur:

1. MINERAL RESOURCES: Complete excavation of the mineral resources on both excavation sites may not occur. Under optimal conditions for the entire life of the plant, 18 years, an estimated 4.5 million tons will not be recovered. Under fluctuating market conditions, an estimated 8.9 million tons of material may not be recovered. Unrecovered resources will be permanently lost after the expiration of the current permit for the plant unless a new permit is acquired.

Mitigation:

- o A provision could be included to allow one or two 5-year extensions of CUP 367 at the end of the present permit period, 2005, subject to review by the Planning Commission for compliance with conditions and to evaluate changes in surrounding land use.
- 2. WATER: A larger volume of water may be used over the life of the plant. Peak usage based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than

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180 truckloads per day could be transported to the Lone Star plant.

3. AIR QUALITY: A large quantity of emissions may occur over the life of the plant. Peak emissions, based on no increase in plant capacity would remain the same.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads per day could be transported to the Lone Star plant.

4. NOISE: Ambient noise levels will continue to include plant and truck noise for the duration of the permit.

Mitigation:

- o The use of rubber-liners in the hoppers, rubber-coated screens, and the placement of a berm next to the core crushers can help reduce existing noise levels.

5. TRAFFIC: The presence of haul trucks on this stretch of Friant Expressway would continue for the life of the plant permit, 18 years, which would be longer than if the plant were forced to close earlier due to lack of materials to process. The maximum truck trips per day would remain at existing levels.

Mitigation:

- o A condition of approval could be placed on the permit, that during excavation of the Beck site no more than 180 truckloads per day could be transported to the Lone Star plant.
- o Additional warning signage should be posted north of the plant entrance.
- o Visibility of the plant intersection could be improved by the removal of the north portion of the landscaping along Friant Road.

6. AESTHETICS: The plant facility will continue to be visible from the bluffs and from Friant Expressway.

Mitigation:

- o None available.

7. LOST LAKE PARK: Impacts to recreational use of Lost Lake Park were identified in the Initial Study. Lost Lake Park

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is approximately 2 miles away and impacts from the existing processing operation are not apparent. Continuation of processing will not create any significant impacts to the Park. Significant impacts to the Park will occur from the excavation of materials from the Beck Ranch and have been evaluated in the Beck Ranch EIR.

Mitigation:

- o Refer to Beck Ranch EIR.

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MOTSCHIEDLER, MICHAELIDES & WISHON
ATTORNEYS AT LAW
1285 WEST SHAW AVENUE
SUITE 103
FRESNO, CALIFORNIA 93711
TELEPHONE (209) 227-3524

J. CARL MOTSCHIEDLER
PHILIP G. MICHAELIDES
A. EMORY WISHON III
JACK HINDMARSH
JAMES A. MCKELVEY

RECEIVED

JUN 12 1987

June 12, 1987

CLERK, BOARD OF SUPERVISORS

The Board of Supervisors
County of Fresno
2281 Tulare Street
Fresno, California 93721

Attention: Clerk of the Board

Re: Appeal, Unclassified Conditional Use Permit
Application Nos. 2235 and 2241 Filed by
Steven Beck and Lone Star Industries

Dear Clerk of the Board:

At its hearing of June 12, 1987, the Fresno County Planning Commission considered the staff report and testimony offered by supporters and opponents of the above-referenced project. At the conclusion of this lengthy hearing, a motion to approve the applications resulted in a 3-3 vote. County Counsel then ruled that such a tie vote constitutes a technical denial of the applications.

The applicants hereby appeal this technical denial in accordance with Section 873-G of the Fresno County Zoning Ordinance. The reasons for the appeal are:

1. The proposed project was approved by the Board of Supervisors on October 15, 1985 as Unclassified Conditional Use Permit No. 2172.
2. After several neighbors filed a lawsuit challenging the Board's approvals, the applicant elected to prepare an EIR in an effort to identify and alleviate the neighbors' concerns. The EIR identified mitigating measures and changes in project design which have now been adopted by the applicant. Consequently, the redesigned project is now much more compatible with surrounding land uses and County plans and policies than when it was first approved.
3. The project is fully consistent with the Mineral Resources section of the Open Space-Conservation Element of the Fresno County General Plan and the policies set forth therein, as acknowledged by the staff of the Public Works and Development es

MOTSCHIEDLER, MICHAELIDES & WISHON
ATTORNEYS AT LAW

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The Board of Supervisors
June 12, 1987
Page Two

Department in its report of June 11, 1987 to the Planning
Commission.

Please set this matter for hearing before the Board of
Supervisors at the first available hearing date following 15 days
from the date of the filing of this appeal as provided in Zoning
Ordinance Section 873-G.

Sincerely,


James A. McKelvey,
Attorney for Steven Beck and
Lone Star Industries

JAM:bgm



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Public Works & Development Services Department

Richard D. Welton
Director

**NOTICE OF PUBLIC HEARING
FRESNO COUNTY PLANNING COMMISSION**

A public hearing will be held on the following applications:

1. UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 and related ENVIRONMENTAL IMPACT REPORT filed by STEPHEN BECK to allow the excavation of rock, sand, and gravel, with incidental gold recovery, on a 251-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District located on the west side of Friant Road adjacent to Lost Lake Regional Park (just east of Lost Lake), approximately one-half mile south of the unincorporated community of Friant (15755 Friant Road); and
2. UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241 and related SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT filed by LONE STAR INDUSTRIES proposing to allow rock, sand, and gravel excavated from the above referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue (13475 Friant Road).

The Planning Commission hearing will be at 10:30 a.m. (or as soon thereafter as possible) on June 11, 1987, in Room 301, Hall of Records, Tulare and "M" Streets, Fresno, California.

Prior to taking action on the project, the Planning Commission will consider the Environmental Impact Report and Supplement prepared for these projects. These documents are available for review in our office, in the main branch of the County public library, and the Politi branch library located at 5771 N. First Street.

Anyone may testify. For information contact Rick Ballentyne, Public Works & Development Services Department, 4499 E. Kings Canyon Road, 453-5055.

NOTE: If at some later date you challenge the final action on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

PLEASE SHARE THIS NOTICE WITH YOUR NEIGHBORS
OR ANYONE YOU FEEL MAY BE INTERESTED

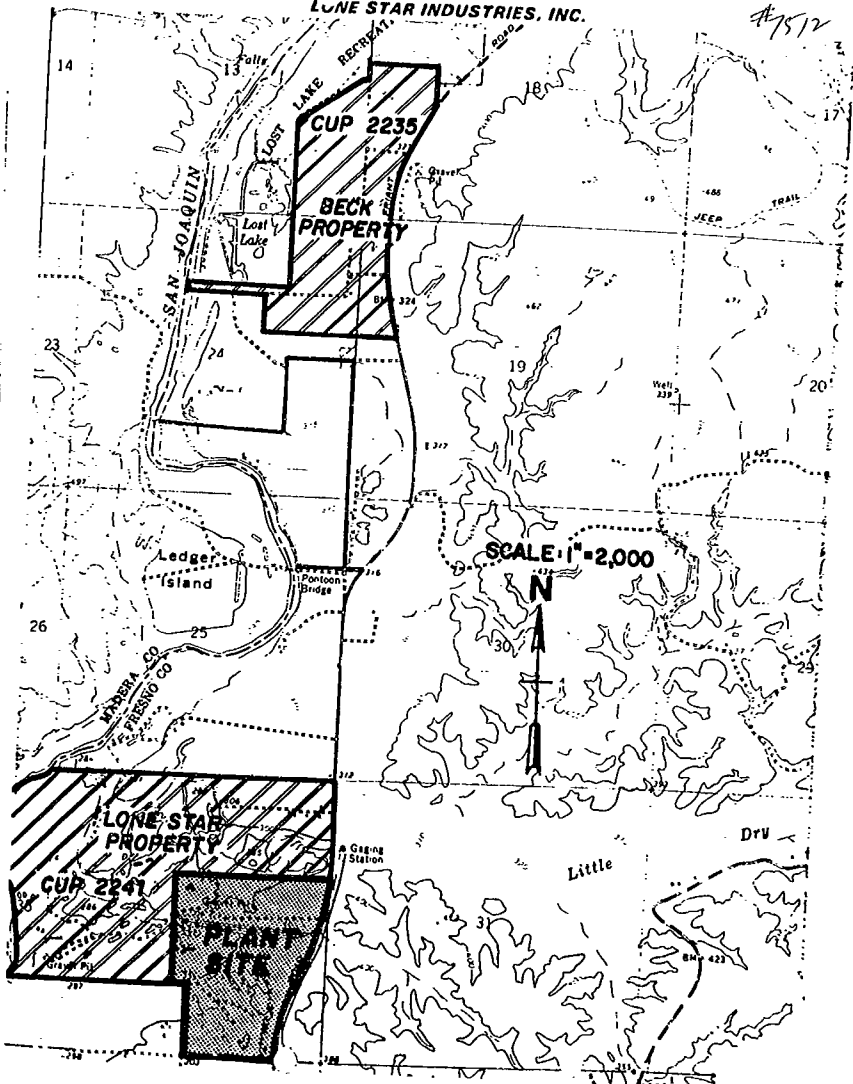
RICHARD D. WELTON, Director
Public Works & Development Services Department
Secretary-Fresno County Planning Commission

RB:uz
1638K

SEE MAP ON REVERSE SIDE
4499 East Kings Canyon Road/Fresno, California 93702/Phone (209) 453-5055
Equal Employment Opportunity - Affirmative Action - Handicap Employer

LONE STAR INDUSTRIES, INC.

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AFFIDAVIT OF MAILING

I declare that on June 25, 1987, at the request of the Fresno County Board of Supervisors, I mailed a notice like the one hereto attached with reference to:

UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 AND RELATED ENVIRONMENTAL IMPACT REPORT FILED BY STEPHEN BECK, AND UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241 AND RELATED SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FILED BY LONE STAR INDUSTRIES.

by depositing in the United States Post Office at Fresno, California, a copy of said notice enclosed in an envelope with postage prepaid, addressed to each of the owners at their addresses, all as shown on the current Fresno County Assessment Roll and shown on the property list compiled from said rolls and in the file of the case.

This declaration is made under penalty of perjury.

By

Gwen. Szygal
Deputy

29301



#7512

NOTICE OF HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO
ON UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 AND RELATED
ENVIRONMENTAL IMPACT REPORT FILED BY STEPHEN BECK, AND UNCLASSIFIED
CONDITIONAL USE PERMIT APPLICATION NO. 2241 AND RELATED SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT FILED BY LONE STAR INDUSTRIES (ON APPEAL)

NOTICE IS HEREBY GIVEN THAT THE BOARD OF SUPERVISORS of the County of Fresno has fixed
Tuesday, the 14th day of July, 1987, at the hour of 2:00 P.M., in the Board Room of said
Board of Supervisors, Room 301, Hall of Records, in the City of Fresno as the time and place
for holding a public hearing on the following matters:

1. UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2235 and related ENVIRONMENTAL IMPACT REPORT filed by STEPHEN BECK to allow the excavation of rock, sand and gravel, with incidental gold recovery, on a 251-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District located on the west side of Friant Road adjacent to Lost Lake Regional Park (just east of Lost Lake), approximately one-half mile south of the unincorporated community of Friant (15755 Friant Road); and
2. UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 2241 and related SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT filed by LONE STAR INDUSTRIES proposing to allow rock, sand and gravel excavated from the above referenced property to be processed in an existing processing plant located on an approximate 185-acre parcel of land in the AE-20 (Exclusive Agricultural, 20-acre minimum parcel size) District on the west side of Friant Road directly north of Willow Avenue (13475 Friant Road).

PLEASE SEE MAP ON REVERSE SIDE

The Fresno County Planning Commission **TECHNICALLY DENIED** this application on June 11, 1987.

Prior to taking action on the project, the Board of Supervisors will consider the Environmental Impact Report and Supplement prepared for these projects. These documents are available for review in the Public Works Office, in the main branch of the County public library, and the Politi branch library located at 5771 N. First Street.

Anyone may testify. For information contact Rick Ballantyne, Public Works & Development Services Department, 4499 E. Kings Canyon Road, 453-5055.

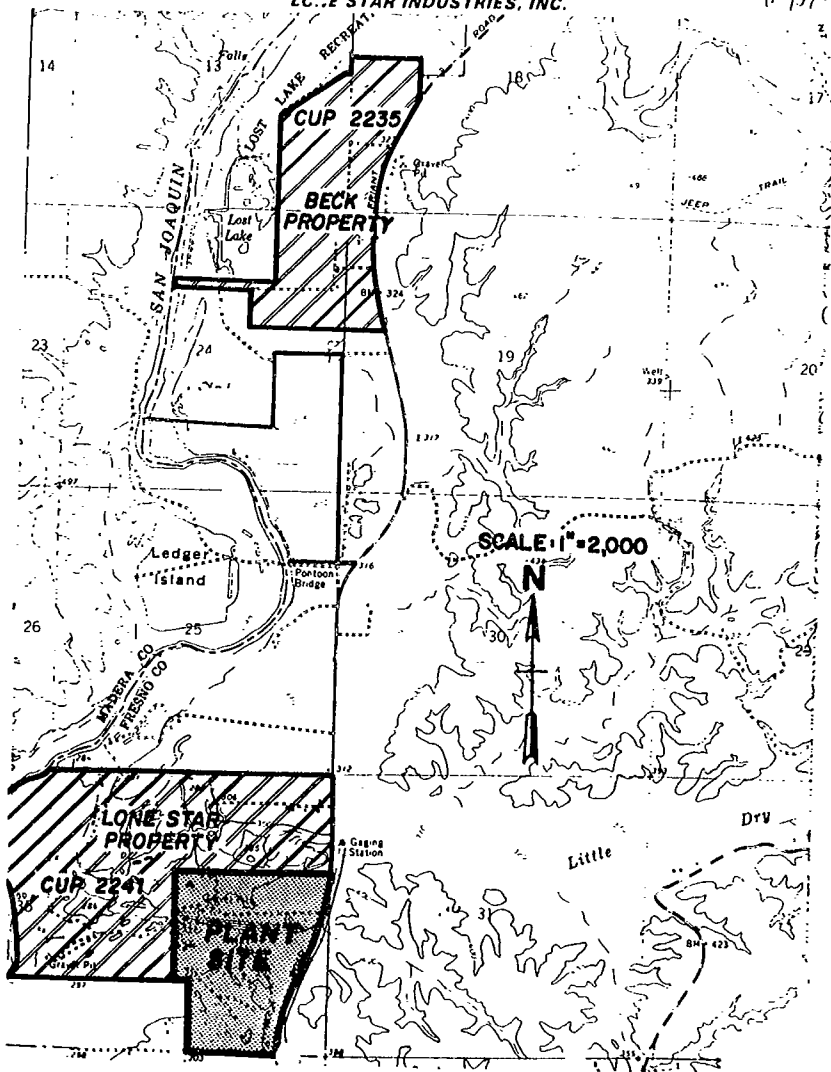
NOTE: If at some later date you challenge the final action on this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Board of Supervisors at, or prior to, the public hearing.

Dated: June 25, 1987

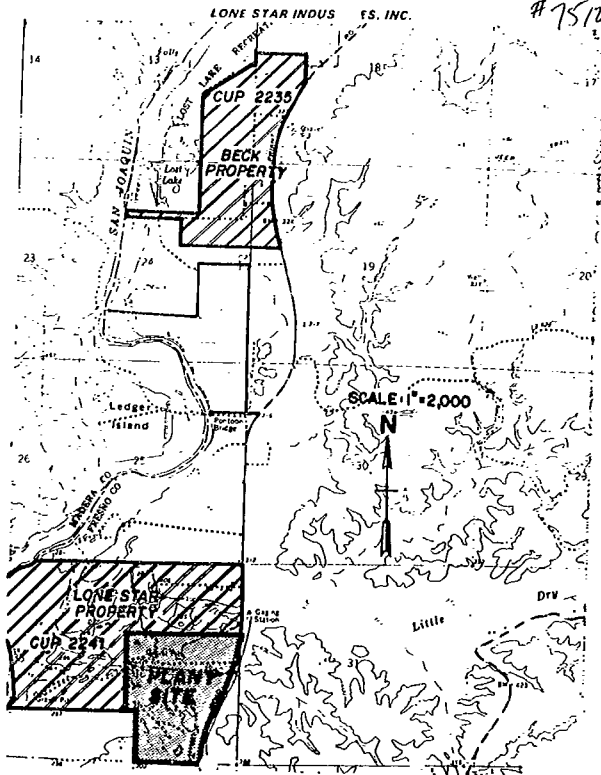
SHARI GREENWOOD Clerk, Board of Supervisors
By *Shari Greenwood*
Deputy

LONE STAR INDUSTRIES, INC.

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AND ROBERT E. TRUSTEE
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HIGGINS ROBERT E. TRUSTEE
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FERRANDO LENA TRUSTEE
30018024

TAX EXEMPT. UTILITY OR POSSESSORY
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FERRANDO PAUL & MADG
905 BERKELEY AVE
MENLO PARK CA 94025
000 000
30018024

JONES PETER E & ANTOINETTE C
264 N MAPLE
FRESHO CA 93705
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~~WILLIS JIMMY L
1215 AUBERRY RD
CLOVIS CA 93612~~

~~WILLIS LISA NORMAN
1215 AUBERRY RD
CLOVIS CA 93612~~

~~CUMMINGS JOHN E & KAY L
12450 N KILLIP
CLOVIS CA 93612~~

~~AGUIRRE JUAN P
7150 N FRIANT RD
P O BOX 2032
CAGUNA HILLS CA 92311~~

~~SU WEI-SHING & POATIA W
4770 N DELAK
FRESNO CA 93724~~

~~HALL ISAAC D
12750 N FRIANT RD
FRESNO CA 93724~~

~~WILLIS JIMMY L
1215 AUBERRY RD
CLOVIS CA 93612~~

~~BECKER BARBARA M
13500 AUBERRY RD
CLOVIS CA 93612~~

~~BALL ISAAC D
12750 N FRIANT RD
FRESNO CA 93724~~

~~BIGLIONE LISA NORMAN
C/O NORMAN J BIGLIONE
12895 AUBERRY ROAD
CLOVIS CA 93612~~

~~BLASINJANE KHOU JK & CAROL L
15535 E TOLLHOUSE RD
CLOVIS CA 93612~~

~~BIGLIONE AZALYA
2273 E COPPER AV
CLOVIS CA 93612~~

~~BLASINJANE KHOU JK & CAROL L
15535 E TOLLHOUSE RD
CLOVIS CA 93612~~

~~BLASINJANE KHOU JK & CAROL L
15535 E TOLLHOUSE RD
CLOVIS CA 93612~~

~~DEUTSCHMAN ROBERT E
7236 E OLIVE
FRESNO CA 93727~~

~~BIGLIONE FRED J JR
12470 AUBERRY RD
CLOVIS CA 93612~~

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12760 N FRIANT RD
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 12760 N FRIANT RD
 FRESNO CA 93706
 30025000
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SUBJECT AREA:

BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
 30025000

BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
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BALL ISAAC D TR
 12760 N FRIANT RD
 FRESNO CA 93706
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BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
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BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
 30025000

BALL WARREN F TRUSTEE
 14439 N FRIANT RD
 FRESNO CA 93706
 30025006

LONE STAR AGGREGATES
 P O BOX 5225
 PLEASANTON CA 94506
 30025012

BALL ISAAC D
 12760 N FRIANT RD
 FRESNO CA 93706
 30025000

BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
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 FRESNO CA 93706
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BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
 30025000

MOUPHILL JAMES C TR
 P O BOX 293
 FRIANT CA 93624
 30025035

LONE STAR AGGREGATES
 P O BOX 5225
 PLEASANTON CA 94506
 30025012

BECKER BARBARA M
 13500 AUBERRY RD
 CLOVIS CA 93612
 30025034

BECKER BARBARA M
 13500 AUBERRY RD
 CLOVIS CA 93612
 30025032

BALL ISAAC D
 12760 N FRIANT ROAD
 FRESNO CA 93706
 30025007

ORTLIER ARTHUR C HELEN I
 3735 N VAN NESS BLVD
 FRESNO CA 93704
 30025075

MOUKADICK JAMES C & DEBTE JACQUELYN
 P O BOX 293
 FRIANT CA 93624
 30025035

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~~BALL ISAAC D
12760 N FRIANT RD
FRESNO CA 93706 PAS 000
3007013~~

~~DE DONALD MARY A & CHARLES A
P O BOX 411
FRESNO CA 93717 PAS 000
3007013~~

~~BALL ISAAC D
12760 N FRIANT RD
FRESNO CA 93706 PAS 000
3007013~~

~~BALL ISAAC D
12760 N FRIANT RD
FRESNO CA 93706 PAS 000
3007013~~

~~BALL ISAC D
12760 N FRIANT RD
FRESNO CA 93706 PAS 000
30128143~~

~~TAYLOR CALVIN E & CHARLENE M
P O BOX 396
PIREDALE CA 93656 PAS 000
30127013~~

~~TAX EXEMPT, UTILITY OF POSSESSORY PARTNERSHIP
10197026H~~

~~ROHM DONALD R
12441 N FRIANT RD
STAR ROUTE
FRESNO CA 93706 PAS 000
30127055~~

~~FRESNO CO
10070791~~

~~FINCH GERALD F & MARY ELLEN BEEBE
1140 CALLAS DR
FRESNO CA 93706 PAS 000
3007038~~

~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 30037025ST~~

~~TAYLOR CALVIN E
P O BOX 396
PIREDALE CA 93656 PAS 000
30127013~~

~~TAX EXEMPT, UTILITY OF POSSESSORY PARTNERSHIP
30007039U~~

~~ROHM DONALD R & CAMILL A
12441 N FRIANT RD
STAR ROUTE
FRESNO CA 93706 PAS 000
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~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 PAS 000
30029006~~

~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 PAS 000
30029019~~

~~HATSON KENNETH L & BURNIA E
12523 AUBERRY RD
CLOVIS CA 93612 PAS 501
301110265~~

~~DE SANTIS PAT & CARMELA
P O BOX 15222
FRESNO CA 93702 TVR 000
301272205~~

~~SILSTONE AZALEA
2273 E COPPER AVE
CLOVIS CA 93612 PAS 000
301110135~~

~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 PAS 000
300070255~~

~~PEDERSEN RICHARD E & DARLENE A
12667 AUBERRY RD
CLOVIS CA 93612 PAS 000
30127026~~

~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 PAS 000
300070055~~

~~SHEEHAN MICHAEL F & SALLY A
6334 N FRUIT
FRESNO CA 93711 PAS 000
30127027~~

~~BALL ISAAC D
12760 N FRIANT ROAD
FRESNO CA 93706 PAS 000
30007004~~

RONDE DONALD R & CAMILLE A
12441 N. FRIANT RD
STAR ROUTE
FRESNO CA 93706

RONDE DONALD R & CAMILLE A
12441 N. FRIANT RD
STAR ROUTE
FRESNO CA 93706

RONDE DONALD R & CAMILLE A
12241 N. FRIANT RD
FRESNO, CA 93706

RONDE DONALD R & CAMILLE A
12241 N. FRIANT RD
FRESNO, CA 93706

BALL ISAAC D
12760 N. FRIANT RD
FRESNO, CA 93706

ELROD GARY R & SANDRA SKY
300 E. LISA
FRESNO CA 93710

BALL ISAAC D T
12760 N. FRIANT RD
FRESNO CA 93706

BALL ISAAC D
12760 N. FRIANT RD
FRESNO CA 93706

BALL ISAAC D TR
12760 N. FRIANT RD
FRESNO CA 93706

AMERICAN PROPERTIES LTD
1300 N. SHAW STE 4-D
FRESNO CA 93711

RONDE DONALD ROGER & CAMILLE A
12441 N. FRIANT RD
STAR ROUTE
FRESNO CA 93706

FAMIGLIA CORPORATION
1439 N. DEARING ST
FRESNO CA 93703

TEST
1320 FT EXPAND

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SUBJECT AREA:

NAME EVELYN L
11865 N. FRIANT RD
FRESNO, CA 93705

#7512

BLASHINGAM, LINDA J
1054 S. LINDA BLVD
CLOVIS CA 95326

DEUTSCHMAN, RHEINOLD
7234 F. OLIVE
FRESNO CA 93720

LORE STAR AGGREGATES
P O BOX 5252
PLEASANTON CA 94566

DELEWIS, J. L. & J. H. HEST
300310031

DUKANDJ, JAMES R. & DIANE
P O BOX 77
FRIANT CA 93626

DURAND, JAMES K. & LIAN
P O BOX 7
FRIANT CA 93626

DUPANDE, JAMES K. & LIAN
P O BOX 77
FRIANT CA 93626

KODVORJIAN, STANLEY G. & DORIS M.
P O BOX 170
FRIANT CA 93626

BARTELS, RICHARD W. & IRMA E.
15516 N. FRIANT RD
STAR ROUTE 40
FRESNO CA 93706

BARTELS, RICHARD W. & IRMA E.
15516 N. FRIANT RD
STAR ROUTE 40
FRESNO CA 93706

BARTELS, RICHARD W. & IRMA E.
15516 N. FRIANT RD
STAR ROUTE 40
FRESNO CA 93706

NEITZ, FNUCTOVS, M.
523 W. PICCO
CLOVIS CA 93612

17512
1576 FRIEMAN
1576 FRIEMAN
1576 FRIEMAN

SUBJECT AREA

LORE STAR AGGREGATES
P O BOX 5252
PLEASANTON CA 94566

BECK, MARY
1602 LEVISADEPK
FRESNO CA 93721
ATTN: Stephen M. Beck

FRESNO CO 300160147

FRESNO CO 306167447

LORE STAR AGGREGATES
P O BOX 5252
PLEASANTON CA 94566

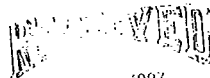
ORTLIEB, ARTHUR & HELEN I.
3735 N. VAN NESS BLVD
FRESNO CA 93704

ROUPATICK, JAMES C. & MERRIE JACOBSEN
P O BOX 263
FRIANT CA 93625

LORE STAR AGGREGATES
P O BOX 5252
PLEASANTON CA 94566

LORE STAR AGGREGATES
P O BOX 5252
PLEASANTON CA 94566

#7512



JUL 13 1987

YORK BOARD OF SUPERVISORS

Dear Supervisor:

The Friends of Friends of Friends... The project you have mentioned...

...The Board of Supervisors... The Board of Supervisors... The Board of Supervisors...

We hope your study of the Board of Supervisors... and specifically the response...

We appreciate your thorough study of the projects and encourage you to once again vote for them...

Respectfully,

Richard Bartels

Richard Bartels, President
Friends of Friends

COMMENTS TO THE FRESNO COUNTY BOARD OF
SUPERVISORS; Re: Beck Ranch EIR (Conditional
use permit No. 2235; Environmental Assessment
No. 3157) and Lone Star Processing Plant
Supplemental EIR (Conditional Use Permit No.
2241; Environmental Assessment No. 3174)

#7512

July 14, 1987

Madame Chairman, Ladies and Gentlemen of the Board, my name is Stanley G. Kooyumjian, my address is 15466 N. Friant Road, Fresno California, 93706.

I have many serious concerns regarding these projects and the implications they will have on the future. I wish to quote or paraphrase to you what I consider to be a few very important issues as stated in a letter, dated May 19, 1987, addressed to Ms. Sharon Berg of the Fresno County Public Works and Development Department, responding to the supplemental DEIR for Lone Star Processing Plant, Conditional Use Permit No. 2241; Environmental #3174; and the Beck Ranch, Sand and Gravel Permit, Conditional Use Permit #2235, Environmental Assessment #3157.

The letter is written by E. Robert Wright of the firm Thomas, Snell, Jamison, Russell and Asperger, Counsel for the Friends of Friant.

The scope of the Draft EIR is illegally limited to the Lone Star aspects of the project. The "whole of the action" obviously includes the extraction of materials from the Beck property, as well as the processing of materials on the Lone Star property. Neither activity could take place without the other. Numerous cumulative and inter-related impacts and activities are included, beginning with the transportation of the materials extracted from the Beck property to the Lone Star property for processing.

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The California Environmental Quality Act (CEQA) defines "project" broadly to mean "the whole of an action." Further - the term "project" refers to activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term "project" does not mean each separate governmental approval.

In the opinion of counsel, in order to be consistent with the mandate of CEQA that here it is necessary to prepare a new draft EIR on both parts of the overall project, and to allow circulation and public comment upon one EIR covering all parts of the overall project. The division of the overall sand and gravel extraction and the processing project into two parts constitutes flagrant and deliberate disregard of CEQA's commands, since Friends of Friant already advised (comments on environmental assessment October 13, 1986) that one EIR would be necessary on all parts of the overall project.

The EIR is also artificially and illegally foreclosed from considering the current conditions and effects of the Lone Star plant.

This is a new project, involving both a totally new project and amendment of an existing permit. Accordingly, full CEQA compliance is necessary and must assess the entire project, including the impacts of the existing Lone Star operations.

Wright's letter cites court cases and other criteria substantiating the necessity of further study.

The letter also states the draft EIR is conclusory and self-serving, to the point of being in bad faith. The actual facts are that Lone Star

#7512

now has a permit to extract and process materials from its own property. What is sought is to also be able to extract and process materials from the Beck property. In the absence of formal action vacating the existing Lone Star permits, and restoration of those properties, the claim that Lone Star materials would not be processed, is nothing more than a false and absolutely meaningless project description. Since the applicants are not seeking to vacate the existing Lone Star excavation sites it would be a gross abuse of discretion to approve these projects, prior to such binding and effective action.

The applicants response in the Final Supplemental EIR to this portion of the letter, response 17, refers to response 8, which refers to page H-5A of the Final Supplemental EIR, which is a memo dated May 19, 1987, from Harris Hays of the Fresno County Public Works and Development Department Services Department, "...it is proposed that Lone Star will extract material at the Back Ranch (CUP 2235) and temporarily abandon existing materials extraction operations covered by CUP 367 and 2032. If this occurs, materials would not be extracted from these sites for a period of more than two years. It, therefore, could be concluded that with cessation of the extraction for a period of two years or longer, based on section 873 of the Zoning Ordinance, there would be not right to return to these sites and extract materials after the completion of the extraction of the Beck Ranch."

The memo goes on to cite other provisions of Section 858 and concludes that County Counsel has determined that if a condition is imposed on CUP 2235 that requires a master site plan approved by the Department subject to other conditions, the operator would preserve his right to

extract on the three sites during the life of these CUP's. #1512

It is our opinion that to implement a master site plan merely approved by the Department would not only be a flagrant disregard of CEQA's mandate but would more than likely end up with a master site plan which the developer would probably dictate to his own interest. With no malice aforethought, have any of you taken the time to actually visit these sites? If so, I am certain you would have noticed the Department approved berms on Friant Board leading to Lone Star's newest project. These Department "approved" berms are nothing more than "bulldozed" mounds of dirt, over which weeds (called native plants) have grown...NOTHING MORE! Even more appalling to ponder is that if this is a display of Lone Star's civic mindedness - forget it!

To further substantiate the inadequacy of these projects is a memo from Charles Seitz, Staff Analyst III, Planning Office, which wisely says in part "...approval of using the Lone Star plant for processing materials from the Beck property could result in conflicts between the two proposals, if both projects were approved. Both projects have Draft Environmental Reports prepared for them, but this Environmental Impact Report does not identify potential impacts."

This is in reference to the recently submitted proposal for a residential community on the Ball Ranch, consisting of, among other things, 721 homesites, 80 multi-family units, tennis courts, swimming pools, a golf course and a 100 acre sewage treatment plant adjacent to my property, a few hundred yards east of the river, and easily visible from my home.

There is no need whatsoever for the Lone Star - Beck project. The draft EIR concedes that the overall project has a number of significant adverse

#7512

environmental impacts. Accordingly, pursuant to CEQA, the project may only be approved if specific findings are made of economic, social, or other circumstances making alternatives, or mitigation measures infeasible.

Furthermore, this entire application and draft EIR themselves demonstrate the total absence of need at this time for the project. Lone Star itself just obtained permit 2032 in 1984, as well as extension of permit 367 following a settlement with Fresno County. The premise of the EIR that Lone Star would to some degree cease extracting materials under its recently reissued permits, to instead process materials for 15 years or so from the Beck Ranch until the Beck materials are depleted, and then return to process Lone Star materials is absurd. To take the EIR at face value, it concedes that there is NO need for this project, since Lone Star sees no need to extract materials from its own properties for the next 15 or so years. Furthermore, it would be absurd planning on the part of the County to allow Lone Star to cease an existing use, and instead institute a new use on other property - the Beck property - creating totally new and unnecessary environmental impacts as a result of the switch. If the Lone Star properties are unsuitable for sand and gravel extraction, the permits should be vacated and the sites restored.

It also should be noted that references are made that under certain circumstances, excavation might also take place at the Lone Star site during the period that Beck materials are excavated. It must be recognized and assessed by the County, that the Applicants for these permits are not fools, and that the real intention here is to simply avoid the requirement to assess the additional impacts from processing materials from both sites at the same time.

#7512

The EIR and EIR process followed here lack objectivity. As was true of the BECK EIR, the Lone Star EIR prepared by the same consultant, fails to reflect the independent judgement of the lead agency. For the third time, Friends of Friant area expressly warns that under CEQA, even though the initial preparation of the draft may be by the applicant's consultant, "...the draft EIR which is sent out for public review must reflect the independent judgement of the lead agency. The lead agency is responsible for the adequacy and objectivity of the EIR,"

Once again, it is requested the County prepare one objective, independent draft EIR, issue the document on the overall project, including the Beck excavation and the Lone Star processing, and commence a new public review, based upon a draft EIR complying with CEQA.

The project would illegally use San Joaquin River water. The Beck EIR attempted to falsely represent prior Bureau of Reclamation statements of position regarding the illegal diversion of San Joaquin River water for the project. The Lone Star EIR raises new false responses to the Bureau's 1947 contract. The reference to paragraph 28 of the 1947 water contract in no way demonstrates the availability of San Joaquin River water for this project. The 1947 contract has plainly limited to property is not so described. It is obviously not possible to lawfully use San Joaquin River water for this industrial use - clearly not irrigation or domestic use - as to non-contract properties. Furthermore, the contract plainly required return of the water to the San Joaquin River, without pollution, whereas this project involves use of large quantities of water which clearly will not be returned to the River.

#7512

Assessment of ground water availability, use, and impacts, and surface water availability, use and impacts, respectively, are inadequate, with revision and re-release of an adequate draft EIR for public comment being required. (Wright's letter refers to two court cases - People v. County of Kern (ground water);

Santiago County Water v. County of Orange (holding EIR pertaining to water needs for sand and gravel extraction inadequate).

Once again, in view of the appellate court decisions directly on point in terms of ground water issues, and water issues relating to sand and gravel extraction projects, the county is likely to be hit very hard by the courts in terms of being held liable for Plaintiffs' attorneys' fees, in the absence of a comprehensive EIR assessing these water supply and water quality issues.

Numerous significant adverse environmental impacts have been identified. In the initial study the County has identified the following adverse impacts: substantial air omissions or deterioration of ambient air quality; unauthorized use of San Joaquin River water; change in noise levels; risk of release of hazardous substances; increase of traffic hazards; esthetics, and obstruction of scenic vistas; impacts on recreation; and controversy over the project. The draft EIR concedes unavoidable adverse impacts which cannot be completely mitigated, including water, air quality, noise, traffic and esthetics.

In view of these conceded significant adverse impacts which cannot be completely mitigated, it is not possible to approve this project, without specific economic, social or other circumstances overriding these environmental considerations. Obviously, since all that is necessary is to maintain the Beck property in its existing agricultural use until

#7512

completion of excavation at Lone Star, there are no overriding circumstances necessitating approval for this project. The sole basis for approving the project is the whim or desire of the applicants, which obviously does not constitute the type of overriding economic or social consideration necessary to support approval of a project having adverse environmental impacts under CEQA.

Mercury Discharge. Although the Beck Ranch final EIR deletes the use of mercury or other toxic chemicals during the recovery of gold in the on-site laboratory and proposes a mechanical process, it is, we feel, absolutely necessary that such method be identified with specific references being made to the technical authorities pertaining to the feasibility of such methods. Furthermore, the Beck and Lone Star applications must be conditioned to absolutely prohibit the use of mercury or other toxic substances.

With respect to air quality, noise, traffic, and all other issues, the EIR fails to assess the fact that all environmental impacts will be for a period roughly twice as long as under the existing permit. Furthermore, the impacts will be from the excavation and processing of 24 million tons of materials as opposed to the 12 million tons estimated to exist under the existing permits confined to Lone Star. CEQA is concerned with long-term environmental impacts, and it is obvious that the air quality, water quality, noise, traffic, and other impacts of this project will be about twice that of the Lone Star excavation and processing alone, and will extend for a period of about 30 years as opposed to the 15 years of the existing permit. The draft EIR fails totally to address these long-term impacts.

#7512

This entire process is so deficient that it is absolutely impossible to accomplish CEQA's goals of informed and meaningful public comment. The EIR purports to be a supplemental draft EIR as to both Lone Star and Beck- that is its title. The County's notice of April 16, 1987, states that any comments should be limited to "the Lone Star processing site as the review of the Beck Ranch draft EIR has already been completed." In view of that limitation, the Lone Star EIR obviously does nothing to heal the deficiencies of the Beck EIR and, the County accordingly, has still not prepared the draft EIR, and held the comment period on a legitimate draft EIR, so as to comply with the notice and comment provisions of CEQA.

Furthermore, the EIR also indicates that since the initial Lone Star approval, permission has been extended to allow operations on Saturday morning until 1:00 P.M., as well as weekdays. In this context, surrounding residents, and recreational users of the area, are simply not protected by the County, from drastic changes or expansions of initially approved plans.

As a graphic example of this, just two years ago, Lone Star sought approval from the County for permit 2037. Now, Lone Star seeks to change the entire focus of the excavation operation from its properties to the Beck Ranch. The attempt is made to bootstrap new approval to the former approval by stating that it is simply a replacement of an ongoing use. The attempt here to switch Beck for Lone Star, a mere two years after the Lone Star approval, evidences a process in which the initial approval bears no relation to the true project.

We join the San Joaquin River Committee, the League of Women Voters, the Fresno County Planning Staff, and the Fresno County Planning Commission in urging you to deny this project. Thank you.

#7512

TO: FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

RE: ENVIRONMENTAL IMPACT REPORT
Stephen Beck and Lone Star Industries
Sand and Gravel Site CU 2235

We, the undersigned, urge denial and object to the approval of the above mentioned project for a Sand and Gravel operation, CU 2235, located on the west side of Friant Road, 15755 North Friant Road.

RECEIVED
JUL 14 1987

NAME

ADDRESS

BOARD OF SUPERVISORS

1. Tomi Codrini 7895 N. Sunnyside
2. Eleanor Hernandez 5641 N. Anna, Fresno
3. Margna Myers 6517 N. Augusta Fresno
4. Phyllis Blohm 5481 N. Hazel Fresno
5. Charlotte Daramoniani 584 E. Bullard¹²² Fresno
6. Dorothy F. Jordan 6343 N. Bond Fresno
7. Deborah S. Johnson 6107 N. Sixth Fresno
8. ~~Donna~~ 5885 ~~...~~
9. Barb Thomas 7377 N. Road
10. Shirley L. Massie 6570 N. Sacker, Fresno
11. Elaine Naman 2483 W. Escalon, Fresno
12. Lisa Hill 2535 E. Palo Alto Fresno

#7512

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NAME

ADDRESS

- | | | |
|-----|----------------------------|---|
| 1. | <i>Pattina Ann Kennedy</i> | <i>2241 N. Anna Fresno, CA 93704</i> |
| 2. | <i>Kathleen E. Maxson</i> | <i>4895 N. Woodrow 15-218 Fresno, Ca. 93726</i> |
| 3. | <i>Lee Cornett</i> | <i>3431 N. Virginia Ln. - Fresno, Ca. 93726</i> |
| 4. | <i>Shylla Comrada</i> | <i>960 E. Birch Fresno 93710</i> |
| 5. | <i>Diane Brown</i> | <i>1623 S. Harrison Fresno 93704</i> |
| 6. | <i>Allen Macy</i> | <i>1456 E. Mesa Fresno 93710</i> |
| 7. | <i>Patty J. Goodbar</i> | <i>2830 E. Sierra Fresno 93710</i> |
| 8. | <i>E. Boyd</i> | <i>5243 N. Fresno #283 Fresno 93710</i> |
| 9. | <i>Suzanna M. Bushore</i> | <i>93 Lind Clovis 93612</i> |
| 10. | <i>Jacqueline Naman</i> | <i>5463 N. Wilson Fresno 93704</i> |
| 11. | <i>Carolyn Snow</i> | <i>1503 E. Mesa Fresno 93710</i> |
| 12. | <i>Frances J. Jones</i> | <i>4323 E. Santa Ana Fresno 93726</i> |

#7512

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<u>NAME</u>	<u>ADDRESS</u>
1. Ken [unclear]	1112 N. [unclear] Friant
2. William R. Langshell	P.O. Box 343 Friant
3. [unclear]	[unclear] Friant
4. Mary Mergian	1455 E. Santa Ana Fresno
5. Jerry Mulach	17384 N. General Rd.
6. Randy Snow	17156 N. WALDRY, Friant
7. [unclear]	P.O. Box 16 Friant
8. Wilene F. Zindenkopf	P.O. Box 443, Friant
9. [unclear]	44010 RD 210, FRIANT
10. Mike [unclear]	P.O. Box 171 Friant CA 95626
11. [unclear]	Box 31 Friant
12. [unclear]	P.O. Box 413 "

#7512

TO: FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

RE: ENVIRONMENTAL IMPACT REPORT
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<u>NAME</u>	<u>ADDRESS</u>
1. Carolyn Fisher	239 W. Browning, Fresno
2. Lynne McJadden	2843 E. Millbrae, Fresno
3. Susan Newman	6523 N. Dearing, Fresno
4. Janet Niino	5012 S. Cherry, Fresno
5. Elaine Sherry	6192 N. Brandt Ave. Fresno
6. Mark Stephen Kinste	3184 N. Selland
7. Elaine C. Mazzei	725 B. Dowewood Ln. Fresno
8. Carol L. Baker	785 E. Robinwood
9. Donald Clark	225 E. Co. Avenue
10. William B. Christensen	6553 N. Hampton
11. Robert Christensen	6553 N. Hampton
12. Gene M. Colvin	7191 N. Teilman, Fresno, CA

#7512

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RE: ENVIRONMENTAL IMPACT REPORT
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NAME

ADDRESS

1. Stanley Ackworth P.O. Box 172 Colton, CA 93602
2. Resmery Sparrow 34339 Wheeler Road, Lodi, Ca. 93267
3. Abbi Curtiss P.O. Box 948 North Fork 93643
4. Jane M. Merriam P.O. Box 76, Fallhouse, Ca 93667
5. Margaret Sanders 35469 Lodge Rd, Tallhousel, Ca 93267
6. Patricia J. Jota 6590 N. Sherman Road, Fresno 93710
7. Bob Hayden 542 E. MARSH (R), Fresno 93710
8. Dolores Hartell 3571 N Temperance Fresno, 93727
9. Francis D. Yager P.O. Box 74, Shaver Fork, Ca 93244
10. Mary Lou Phillips P.O. Box 244, Paathes, Ca. 93651
11. Sparrow & Darnell 30515 Rittle Sandy Rd Paathes, Ca. 93651
12. Joia Bartels 4552 N. Angus, Fresno 93726

#7512

TO: FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

RE: ENVIRONMENTAL IMPACT REPORT
Stephen Beck and Lone Star Industries
Sand and Gravel Site CU 2235

We, the undersigned, urge denial and object to the approval of the above mentioned project for a Sand and Gravel operation, CU 2235, located on the west side of Friant Road, 15755 North Friant Road.

NAME

ADDRESS

1. Frank Madson 21552 No Anger Fresno CA 93726
2. M. Maggad 524 E. Jalara Fresno
3. Walter Isaak 4963 E. Jellins Fresno 93727
4. Carol Kennedy 4882 E. Santa Ana Fresno 93726
5. Gloria Russell 6574 E. Stuart, Fresno, 93727
6. Kim Allison 4904 N. Natch Fresno 93726
7. Zandra K. Ogata 6590 N. Sherman Fresno 93710
8. Susan Pappas 1506 W. Temple Fresno 93711
9. J. Ballan 2324 Valleyview Selma, Ca. 93662
10. Susan Majarian 1635 S. Adler Fresno, Ca 93727
11. Ruth McWilliam 7580 N. Charles Fresno Ca. 93711
12. Samuel B. Lehman 5832 S. Washington, Fresno, CA. 93727

47592

TO: FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

RE: ENVIRONMENTAL IMPACT REPORT
Stephen Beck and Lone Star Industries
Sand and Gravel Site CU 2235

We, the undersigned, urge denial and object to the approval of the above mentioned project for a Sand and Gravel operation, CU 2235, located on the west side of Friant Road, 15755 North Friant Road.

NAME	ADDRESS
1. <i>Mr. [unclear]</i> v. Luis R. SUSA	690 E. Bennett Fresno, CA 93728
2. Richard [unclear]	6125 N. 9th St Fresno 93710
3. Thomas A. Marshall	254 W Teague Fresno 93711
4. Gerald R. Farrington	590 E. Serena Fresno 93710
5. Maurice Van Gorp	3758 Huntington Blvd. Fresno 93702
6. Dr. Joseph Mott, Jr.	1635 E. Cambridge, Fresno 93704
7. Blanton J. Nick	4217 N. Felton Fresno 93702
8. Sandy Williamson	2117 N. Fager Fresno 93704
9. Point Lodge	1915 East Vassar Avenue Fresno 93703
10. [unclear]	6171 E. Liberty Fresno 93727
11. George Dennis [unclear]	13562 [unclear] Fresno 93728
12. Allan Beck	P.O. Box 489 Northfork 93648

#1812

TO: FRESNO COUNTY PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

RE: ENVIRONMENTAL IMPACT REPORT
Stephen Beck and Lone Star Industries
Sand and Gravel Site CU 2235

We, the undersigned, urge denial and object to the approval of the above mentioned project for a Sand and Gravel operation, CU 2235, located on the west side of Friant Road, 15755 North Friant Road.

NAME

ADDRESS

- | 1. | <i>James H. Welch</i> | 1814 E Michigan
Fresno CA 93703 |
|-----|-----------------------------------|------------------------------------|
| 2. | <i>John G. Hill</i> | |
| 3. | <i>George A. [unclear]</i> | 1467 [unclear] Fresno CA 93728 |
| 4. | <i>[Signature] Richard Hanson</i> | 3644 N. D. [unclear] Fresno 93711 |
| 5. | <i>Theodore D. Miranda</i> | 1138 E. Indianapolis Fresno 93704 |
| 6. | | |
| 7. | | |
| 8. | | |
| 9. | | |
| 10. | | |
| 11. | | |
| 12. | | |



#7512
CENTRAL VALLEY ROCK, SAND
& GRAVEL ASSOCIATION, INC.

SAND-GRAVEL • CONCRETE • ASPHALT

July 14, 1987

Statement to the Fresno County Board of Supervisors
Stephen Beck Conditional Use Permit

Madam Chairperson and Members of the Board:

My name is Linda Falasco. My mailing address is Post Office
Box 1111, Los Banos, CA 93635.

My family has been mining aggregates and supplying concrete and
asphalt since the 1940's. We presently have operations in Merced,
Madera and Fresno Counties. I have been employed in the business
on a full time basis since 1978. In 1984, I was elected President
of Central Valley Rock, Sand and Gravel Association and it is in
this capacity which I speak before you today.

The importance of sand and gravel and its role in a built society
cannot be underestimated. In the overall dollar relationship of
non-fuel minerals, sand and gravel ranks third in the economy of
California contributing \$400 million, following cement at \$520
million and boron at \$457 million. (1984 Report of the U.S.
Bureau of Mines)

In fact, minerals as a whole, occupy less than 1/2 of 1% of the
earth's surface. They take thousands and millions of years of
geologic activity for nature to produce. These resources which
qualify for specification quality building materials are rare.
They are finite. Unlike other land uses, their development is
limited. They can be extracted only in locations where they
naturally occur. In this regard, Fresno County is indeed the
wealthy recipient of nature's design.

The report prepared by the State Division of Mines and Geology
estimates the lifespan of the presently permitted sites at 21
years. There are several factors which must be considered by
you which severely reduce their projections.

1. The estimate includes not only the permitted operations
found along the San Joaquin River, but also those permitted
sites on the Kings River.
2. The estimate is projected on an annual growth rate of 1.2%.
This rate is not indicative of the region since the Metro-
politan area is growing at 4.2% annually.

P.O. Box 1165 • Modesto, California 95353-1165 • Phone (209) 577-4072

Colusa • Fresno • Kern • Kings • Madera • Merced • San Joaquin • Stanislaus • Tulare • Yuba

#7512

Beck Conditional Use Permit
July 14, 1987

Thank you for the opportunity to speak before you today. If you have any questions, I will be available to answer them to the best of my ability throughout the hearing.

Respectfully submitted,

CENTRAL VALLEY ROCK, SAND & GRAVEL ASSOCIATION

Linda A. Falasco, President

FIGURE III

FRESNO COUNTY AND CITY CHAMBER OF COMMERCE
 November 4, 1986 Ballot
 MEASURE TO IMPROVE ROADS AND TRANSPORTATION IN FRESNO COUNTY

#7572

**Distribution Formula for
 Local Transportation Purposes**

	1985 Population	Street Miles	1987 25% Local Funding Estimated Based on 25% Street Miles 75% Population
FCMA CITIES			
Clovis	38910	115.00	\$2,948,916
Fresno	274750	1117.00	\$354,597
RURAL CITIES			
Coalinga	7671	30.00	\$2,594,320
Firebaugh	3976	13.00	\$818,830
Fowler	3048	19.00	\$72,047
Huron	3689	19.00	\$36,337
Kerman	4112	18.00	\$30,698
Kingsburg	5734	29.00	\$35,710
Mendota	6062	16.00	\$39,469
Orange Cove	4631	22.00	\$55,758
Parlier	5962	18.00	\$54,505
Reedley	13431	51.00	\$44,481
San Joaquin	2083	10.00	\$54,505
Sanger	13606	54.00	\$125,925
Selma	12866	53.00	\$20,048
Fresno County	170139	3881.00	\$127,805
Total	570670	5275	\$121,540
TOTAL ESTIMATED TAX			\$2,497,213
			\$6,264,959
			\$25,059,835

* Figures represent 25% of total allocation. Does not include additional 75% allocated to specific state projects.

#7512

.00*

.00*

115.00+

1117.00+

30.00+

13.00+

19.00+

19.00+

18.00+

29.00+

16.00+

22.00+

18.00+

51.00+

10.00+

54.00+

55.00+

1584.00*

1564.00*

25944.00=

41095246.00*

#7512

AGGREGATES AND HIGHWAY CONSTRUCTION

Construction uses for aggregates can be divided into four end-use categories:

1. Highway
2. Residential
3. Commercial
4. Government

On a national basis, highways account for 2/3 of the total usage of aggregate materials.

The following identifies aggregate usage per mile for different types of highway construction. The figures were derived from engineering estimates and are based upon stated assumptions for each type of highway. In the original report, a factor of 8.1% for natural sand was omitted. For your convenience, we have revised the figures to include natural sand.

INTERSTATE HIGHWAY CONSTRUCTION: The calculations assume that highways are constructed with 10 inches of concrete, 14 inches of subbase, and have paved shoulders:

- 1) Six-lane interstate highway: 113,505 tons of aggregates per mile.
- 2) Four-lane interstate highway with bridges and interchanges as would be typical of an urban setting: 91,885 tons of aggregates per mile.
- 3) Four-lane rural interstate highway with no bridges or interchanges: 70,265 tons of aggregates per mile.

PRIMARY TWO-LANE HIGHWAY CONSTRUCTION: The calculations assume highways are paved with 4 inches of asphaltic concrete and 8 inches of subbase:

- 1) Two-lane highway with bridges and interchanges: 25,944 tons of aggregates per mile.
- 2) Two-lane highway without bridges and interchanges: 13,512 tons of aggregates per mile.

SECONDARY TWO-LANE HIGHWAY CONSTRUCTION: The calculations assume secondary roads are paved with a maximum of 4 inches of asphaltic concrete and a maximum of 8 inches of subbase:

- 1) Municipal Roads: 13,512 tons of aggregates per mile.
- 2) County Roads: 10,818 tons of aggregates per mile.

See the chart attached

The above information was published in 1975 by the American Institute of Mining, Metallurgical and Petroleum Engineers, Inc. in the fourth edition of MINERALS AND ROCKS.

#7512

AGGREGATES REQUIRED PER MILE OF HIGHWAY*

<u>DESCRIPTION</u>	<u>TONS PER MILE</u>
6 Lane Interstate Highway.....	113,505 tons
4 Lane Interstate Highway with bridges and interchanges.....	91,885 tons
4 Lane Interstate Highway with no bridges or interchanges.....	70,265 tons
2 Lane Primary Highway with bridges and interchanges.....	25,944 tons
2 Lane Primary Highway with no bridges and interchanges.....	13,512 tons
2 Lane Municipal Road.....	13,512 tons
2 Lane County Road.....	10,818 tons

*MINERALS AND ROCKS, Fourth Edition, published in 1975 by the American Institute of Mining, Metallurgical and Petroleum Engineers, Inc.

#7512

HIGHWAY 99 WIDENING
TRANSPORTATION COST IMPACTS
SAN JOAQUIN RIVER VS. ALTERNATIVE RESOURCE SITES 1

DESCRIPTION: Widen to 6 lanes in and near Fresno from 0.1 mile South of E1 Dorado Street overcrossing to 0.7 mile North of Ashlan

COMPLETION TIME: 190 working days

CALTRANS BUDGET: \$6,486,000

Sand & Gravel Materials Required:	San Joaquin 11 Miles \$1.55/ton	Kings River ² 18 Miles \$ 2.30/ton	Kaweah River & Colinga ² 59 Miles \$ 5.88/ton
299 Yards Backfill (449 tons)	\$ 696	\$ 1,033	\$ 2,640
909 Yards Base Rock (1,364 tons)	\$ 2,114	\$ 3,137	\$ 8,020
20,205 Yards Concrete Pavement (32,328 tons)	\$ 50,108	\$ 74,354 ⁴	\$ 190,089 ³
1,421 Yards Structural Concrete (2,274 tons)	\$ 3,525	\$ 5,230 ⁴	\$ 13,371 ³
24,850 Tons Asphaltic Concrete (23,601 tons)	\$ 36,582	\$ 54,282	\$ 138,774
<u>TRANSPORTATION COST COMPARISONS</u>	<u>\$ 93,025</u>	<u>\$ 138,036</u>	<u>\$ 352,894</u>

TRANSPORTATION COST SAVINGS:

San Joaquin River vs. Kings River.....	\$45,011
San Joaquin River vs. Kaweah River/Colinga.....	\$259,869

FOOTNOTES:

1. Source: Public Utilities Commission Minimum Tariff as of 11/84
2. Assumes the permitted sites at these locations are capable of producing the quantities required and delivery within the job completion date time limitations.
3. Ready mixed concrete cannot be transported these distances. Figures represent the combined transportation cost from resource site to manufacture at SJ River and then to jobsite.
4. Assumes transportation of resource to manufacture at SJ River and then to jobsite.

#7512

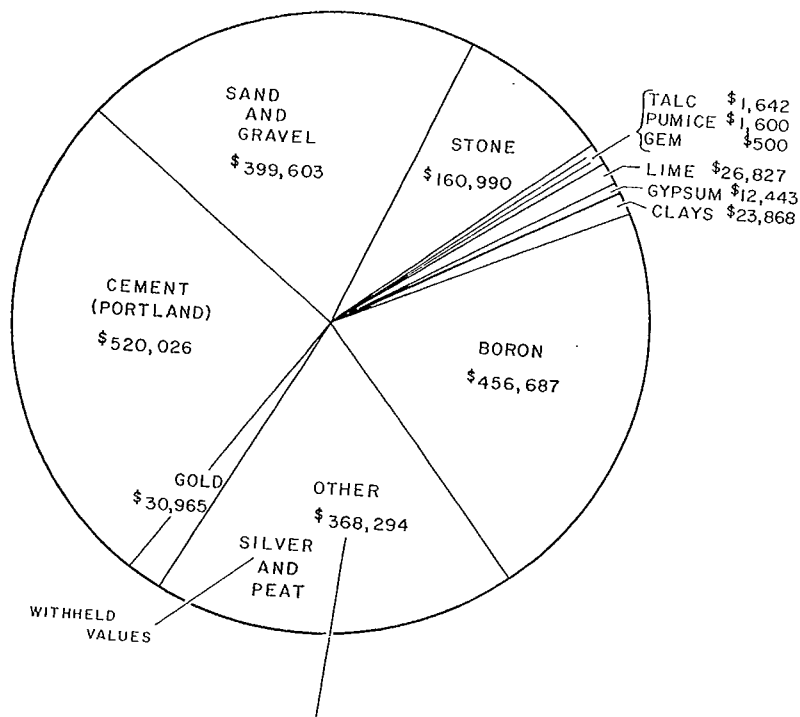
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449.00+
1304.00+
32326.00+
2274.00+
22601.00+
50016.00>

#7512

1984 NONFUEL MINERAL PRODUCTION IN CALIFORNIA

(Value in Thousands of Dollars)



Combined value of asbestos, calcium chloride, cement (masonry), clays (fire clays), copper, diatomite, feldspar, iron ore, lead, magnesium compounds, molybdenum, perlite, potassium salts, rare-earth concentrates, salt, sodium carbonates, sodium sulfate, tungsten ore and concentrate, wollastonite, and withheld values.

Source: U.S. Bureau of Mines Minerals Yearbook 1984, Volume 11.

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55500.00+
21053.00+
57956.00+
37736.00+
31114.00+
114600.00+
210.00+
5349.00+
1,354,16.00+

#7512

FREEWAY 41 EXTENSION
TRANSPORTATION COST IMPACTS
SAN JOAQUIN RIVER vs. ALTERNATIVE RESOURCE SITES¹

DESCRIPTION: Extend Freeway 41 from 0.2 miles south of Bullard Avenue to 0.6 miles north of Augsburg Drive
COMPLETION TIME: 400 Working Days
CALTRANS BUDGET: \$28,000,000

<u>SAND AND GRAVEL MATERIALS REQUIRED:</u>	<u>San Joaquin 11 Miles \$1.55/ton</u>	<u>Kings River² 18 Miles \$2.30/ton</u>	<u>Kaweah River & Coalinga 59 Miles \$5.88/ton</u>
55,500 tons Base Rock	\$ 86,025	\$ 127,650	\$ 326,340
21,053 tons Permeable Base Rock	\$ 32,632	\$ 48,422	\$ 123,792
61,000 tons Asphalt (57,950 tons)	\$ 89,623	\$ 133,285	\$ 340,379
23,585 Yards Concrete (37,736 tons)	\$ 56,491	\$ 145,284 ⁴	\$ 280,379 ³
19,449 Yards Structural Concrete (31,119 tons)	\$ 48,234	\$ 119,808 ⁴	\$ 231,214 ³
1,146,000 tons Borrow Material (Fill)	\$1,776,200	\$2,635,800	\$6,738,480
210 tons Sand Backfill	\$ 325	\$ 483	\$ 1,235
5,348 tons Structural Backfill	\$ 8,289	\$ 12,300	\$ 31,446
<u>TRANSPORTATION COSTS COMPARISON</u>	<u>\$2,100,110</u>	<u>\$3,223,032</u>	<u>\$8,073,632</u>

TRANSPORTATION COST SAVINGS:
San Joaquin River vs. Kings River.....\$1,122,912
San Joaquin River vs. Kaweah River/Coalinga.....\$5,973,512

1. Source: Public Utilities Commission Minimum Tariff as of 11/84
2. Assumes the permitted sites at these locations are capable of producing the quantities required and delivery within the job completion date time limitations.
3. Ready mixed concrete cannot be transported these distances. Figures represent the combined transportation cost from resource site to manufacture at SJ River and then to jobsite.
4. Assumes transportation of resource to manufacture at SJ River and then to jobsite.

#7512

Received of the Treasurer of the
County of ... State of ...
the sum of ... Dollars
for ...

Richard ...

...

#7512

Bank post won't spur conflict, Andreen says

By JAMES WASSERMAN
Bee staff writer

A 15-member group of dentists, accountants and businessmen on the board of a new Fresno bank includes Fresno County Supervisor Judy Andreen, who said Monday there's little chance of conflict between her corporate post and her public position.

Andreen said the bank won't be doing any business with the county and added she will abstain from votes if there's even the perception of a conflict of interest.

Andreen's position on the United Security Bank board came to light recently in a letter seeking shareholders for the new operation. She said Monday she has been with the board for a year and a half.

The District 5 supervisor, who represents Clovis, Centerville, Friant and the Sierra foothills, said she paid the \$100,000 investment required of directors with a mixture of cash and stock left her by her

grandfather, a founder of Guarantee Savings.

Before signing on, she said, she checked with the Fresno County Counsel's Office and a member of her husband's law firm to see whether joining the bank board would cause her conflicts as a county supervisor.

"In a nutshell, the FPPC [Fair Political Practices Commission] definition is anything which would benefit you financially and anything like that you abstain."

Andreen, serving the third year of her first four-year term, said she'd apply a more stringent test than that, though, to issues concerning the bank or members of its board of directors.

"If one of my bank directors came before us with anything — even something not related to making money for me — I'd abstain from that," she said.

She said the bank will be a small one, making it unlikely it will do

See Andreen, Page B2

Andreen

Continued from Page B1

any business with the county.

"I always ask the county Counsel's Office [about potential conflicts] and not just to follow the letter," she said. "It's important, too, to avoid the perception of a problem."

"I think the public has a right to expect us to be above suspicion," she said.

Andreen has abstained from voting before, even on issues in which the county counsel declared her free of conflict. One of her most notable abstentions was in September 1985, when supervisors voted to buy the land under Golden State Plaza for \$1.2 million.

She declined to participate because her husband, Kenneth, is an attorney and represented members of a family that owned half the land involved. Former County Counsel Floyd Viau had concluded there was no conflict if she voted on the issue, but Andreen said she wanted to avoid the appearance of a conflict and "just to be doubly, doubly sure" that there would be no legal challenge of the vote.