

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT

for the

KUNZLER TERRACE MINE PROJECT

The California Environmental Quality Act (CEQA) requires the lead agency to make certain findings in certifying a Final EIR, and in approving a project for which there are potentially significant impacts. These findings for the Kunzler Terrace Mine Project are presented below, along with facts and evidence to support each finding.

Record of Proceedings

Mendocino County has prepared a Final Environmental Impact Report (EIR) for the proposed project. The Final EIR is comprised of two documents. These documents are identified below:

- 1) Draft EIR, Kunzler Terrace Mine Project, September 2009, and
- 2) Final EIR, Kunzler Terrace Mine Project, May 2010.

The documents and other materials that constitute the record of proceedings on which these findings are based are located at the Count of Mendocino, 501 Low Gap Road, Room 1440, Ukiah, California. The custodian for these documents is the Mendocino County Department of Planning and Building Services. This information is provided in compliance with Public Resources Code §21081.6(a) (2). The State Clearinghouse Number of the EIR is 2008042108.

Project Description

Granite Construction Company (Granite) proposes to develop a sand & gravel quarry on an approximately 65-acre site in unincorporated Mendocino County, approximately one mile north of the City of Ukiah.

The project applicant, Granite Construction Company (Granite), has submitted an application to obtain approval of a use permit and mining and reclamation plan pursuant to the California Surface Mining and Reclamation Act (SMARA), and the Mendocino County Surface Mining and Reclamation Ordinance to excavate approximately 30.3 acres. The total amount of marketable material proposed for extraction is estimated at 3.37 million tons. Average yearly extraction would be 100,000 to 250,000 tons per year depending on market demand. The project proposes to extract aggregate from the mine to a maximum depth of 65 feet from ground surface in keeping with recommendations of the site-specific hydrogeologic assessment. The proposed project would

operate year-round, Monday through Saturday, with normal operating hours of 5:00 AM to 7:00 PM. Rock and gravel screening would average 813 cubic yards per day and sand screening would average 438 cubic yards per day. A combination of wet and dry excavation would be used and the crushing operation will average 1000 cubic yards per day with a maximum of approximately 3500 cubic yards per day. The majority of the mined material would be hauled to either Granite's North State Street Plant for use in asphalt concrete or Granite's Talmage Processing Plant for Portland cement concrete production. Some aggregate may be shipped directly to local private and public construction sites, agricultural users, homeowners, and other customers.

Mining of site materials will be performed in a phased manner to allow for concurrent site reclamation. Mining would occur in three phases, with the fourth phase involving implementation of final reclamation and revegetation activities. The end use of the project will be open space (ponds), with the northwestern portion of the property available for future industrial uses. The total life of the project is estimated to be 25 years, approximately twenty years for mining operations, with an additional five years to complete reclamation activities.

As described in the Final EIR, the current mining and reclamation plan does not include the floodplain benching component on Ackerman Creek. The applicant has removed this component due to comments received during public review of the Draft EIR regarding the water quality, biological, and cultural impacts of this activity. Removal of this component affects the proposed phasing of the project, as described in the revised Reclamation Plan (Appendix A of the Final EIR), but has no other effects to project operation or reclamation.

Project Objectives

CEQA Guidelines Section 15124(b) requires that the project description contain a clearly written statement of objectives, including the underlying purpose of the project. The statement of project objectives is an important determinant for the lead agency when it develops a reasonable range of alternatives to evaluate in the EIR. The project applicant's objectives for the proposed project include the following:

- Provide a reliable source of construction grade sand and gravel to meet current and projected regional demand.
- Responsible operation of a profitable mine and materials supply facility.
- Provide for approximately 20 years of operation.
- Provide for a continued annual production level up to approximately 250,000 tons/year.
- Provide on-site staffing of between five and ten employees throughout production life of the mine.

- Avoid sensitive natural resources; minimize aesthetic impacts through site design, phasing, and concurrent reclamation; and implement reclamation concurrently with mining operations throughout the life of the mine.
- Improve the current degraded state of the Ackerman Creek.
- Reclaim the project site to an open space end use that provides habitat and visual quality.

Environmental Impact Report

Prior to the release of the Draft EIR, Mendocino County (Lead Agency) issued a Notice of Preparation (NOP) for a 30-day comment period on October 27, 2008. While no scoping letters were received during the 30-day comment period, a scoping meeting was held on November 5, 2008. Comments received at the hearing were considered in the Draft EIR.

The Draft EIR for the Kunzler Terrace Mine Project was submitted to the State Clearinghouse (SCH#2008042108) and released for public and agency review on September 23, 2009. This public review and comment period was scheduled to conclude on December 12, 2009. A hearing on the Draft EIR was held by the Planning Commission on October 15, 2009.

Certification

The Planning Commission finds that

1. The Final EIR for the Kunzler Terrace Mine Project has been completed in compliance with the California Environmental Quality Act (CEQA);
2. The Final EIR was presented to the Mendocino County Planning Commission, and the Commission has reviewed and considered the information contained in the Final EIR and presented at public hearings prior to considering the proposed project; and
3. The Final EIR reflects the County of Mendocino's independent judgment and analysis.

Potentially Significant Effects

The Planning Commission finds that the project will have potentially significant impacts, as described below, but that these impacts will be reduced to a less-than-significant level, with the implementation of feasible mitigation measures.

Impact 3.3.1: Project operations, including the processing plant, off-road equipment, haul trucks, employee trips, and sources of fugitive dust (unpaved areas, storage piles, etc), would generate criteria pollutant emissions. This impact is potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.3.1: Implement Mitigation Measure 3.3.3 and comply with MCAQMD fugitive dust control requirements (Rule 1-430).

Impact 3.3.3: Implementation of the project may lead to increases in chronic exposure of nearby sensitive receptors to certain toxic air contaminants from various stationary and mobile sources. This impact is potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.3.3: The applicant shall implement one of the following:

- Approximately 55 percent of off-road mining equipment and diesel haul trucks with 50 horsepower or greater used in mining operations shall be equipped with CARB verified Level 3 emission control technologies. Such technology would reduce particulate matter emissions by 85 percent or greater or to a level of less than 0.01 g/bhp-hr.
- Utilize a conveyor belt system to transport aggregate from the mine to the processing area.

Impact 3.4.1: Mining, reclamation, restoration, and floodplain benching has the potential to result in adverse impacts to raptors (including osprey) and other migratory or nesting birds; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.4.1: The following measures shall be implemented to reduce potential impacts on nesting osprey and other raptors:

1. If project activities (construction including clearing and grubbing, and initial grading; mining; and reclamation) will begin between March 1 and September 30 (nesting season), a qualified biologist shall conduct a preconstruction survey of all potential nesting habitats within 30 days prior to the start of project activities within 500 feet of construction project activities on the west side of the Russian River. If project activities are delayed or suspended for more than 30 days after the pre-construction

survey and during the nesting season, the site shall be resurveyed. The results of these surveys shall be documented in a technical memorandum that shall be submitted to the California Department of Fish and Game (if special-status birds are documented) and/or Mendocino County. This memorandum shall be made available to MCWA and to other agencies upon request.

2. If an active nest is found during the preconstruction survey, coordination with the California Department of Fish and Game will be required to determine the appropriate protective measures.
3. If the preconstruction survey indicates that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by birds or that are located more than 500 feet from active nests may be removed (500 feet is the distance regularly recommended by DFG to prevent impacts to active raptor and other avian nests). This distance may be modified in consultation with DFG.
4. If an active nest is located within 250 feet of project activities, a biologist shall monitor the nest weekly during project activities to evaluate potential nesting. The biological monitor will have the authority to stop work if work appears to be resulting in nest abandonment or forced fledging. No trees with active nests shall be removed until the nest is determined to be inactive. This monitoring requirement may be modified in consultation with DFG.
5. The biological monitor shall maintain a monthly biological monitoring log detailing the time, date, conditions, and observations that were made during all site visits, including stop-work orders. The biological monitoring log shall be submitted each month to the California Department of Fish and Game and/or Mendocino County. This monitoring log shall be made available to MCWA and to other agencies upon request.

Impact 3.4.2: Mining, reclamation, restoration, and floodplain benching associated with the proposed project has the potential to result in adverse impacts to northwestern pond turtle; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

3.4.2: To reduce impacts to northwestern pond turtle, the following measures shall be implemented:

1. No more than two weeks prior to the commencement of ground-disturbing activities within the aquatic or riparian areas, the applicant will retain a qualified biologist to perform surveys for northwestern pond turtle within affected suitable

aquatic and riparian habitat on the project site. Surveys will include northwestern pond turtle nests as well as individuals. The biologist (with the appropriate agency permits) will temporarily relocate any identified northwestern pond turtles upstream of the construction site, and temporary barriers will be placed around the construction site to prevent ingress.

2. Construction shall not proceed until the work area is determined to be free of northwestern pond turtles and their nests. A biologist will monitor all ground-disturbing project activities within the aquatic or riparian areas. The biologist will be responsible for relocating adult northwestern pond turtles that move into the construction zone after construction has begun. If a nest is located within a work area, the biologist (with the appropriate permits from the CDFG) may move the eggs to a suitable facility for incubation, and release hatchlings into the creek system in late fall.
3. The results of these surveys shall be documented in a technical memorandum that shall be submitted to the California Department of Fish and Game (if northwestern pond turtles are documented) and/or Mendocino County. This memorandum shall be made available to MCWA and other requesting agencies. In addition, the biological monitor shall maintain a monthly biological monitoring log detailing the time, date, conditions, and observations that were made during all site visits, including stop-work orders. The biological monitoring log shall be submitted each month to the California Department of Fish and Game and/or Mendocino County. This monitoring log shall be made available to MCWA and to other agencies upon request.

Impact 3.4.3: Reclamation and floodplain benching has the potential to result in adverse impacts to special-status salmonids; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation 3.4.3: The following measures will avoid or minimize potential construction-related impacts to special-status salmonids present in the vicinity of project site:

1. All construction activities within the Russian River and Ackerman Creek will be restricted to low-flow periods of June 15 through October 15. Longer in-water work periods may be approved only in consultation with NOAA Fisheries.
2. If construction activities within actively flowing channels are necessary, water from around the construction area will be diverted around the construction area using a sheet pile coffer dam or similar technique. Measures 3, 4 and 5 shall apply to the use of a cofferdam.

3. Sediment curtains will be placed downstream of the construction zone to prevent sediment disturbed during coffer dam installation from being transported and deposited outside of the construction zone.
4. Prior to construction of the placement of the sediment curtains and installation of the coffer dam, a qualified fisheries biologist will conduct fish relocation activities, and immediately release captured fish to a suitable habitat near the project site. Capture and relocation activities will be conducted in accordance with the Guidelines for Electrofishing Waters Containing Salmonids Listed under the Endangered Species Act (NMFS, 2000).
5. A qualified fisheries biologist shall monitor the construction site during placement and removal of the cofferdams, as well as during dewatering of the construction site, to ensure that adverse effects to special-status fish species are minimized and to capture and relocate, if necessary, any special-status fish stranded within the coffer dam.
6. Silt fencing will be installed in all areas where construction occurs within 100 feet of the Ackerman Creek and the Russian River and where construction runoff may flow into the channel. Spoil sites will be located so they do not drain directly into the waterways. If a spoil site drains into a water body, catch basins will be constructed to intercept sediment before it reaches the channels.
7. Spoil sites will be graded to reduce the potential for erosion.
8. A spill prevention plan for potentially hazardous materials will be prepared and implemented. The plan will include the proper handling and storage of all potentially hazardous materials, as well as the proper procedures for cleaning up and reporting of any spills. If necessary, containment berms will be constructed to prevent spilled materials from reaching the creek channels. See also Mitigation Measure 3.7.1.
9. Equipment and materials will be stored at least 50 feet from waterways. No debris such as trash and spoils will be deposited within 100 feet of waterways. Staging and storage areas for equipment, materials, fuels, lubricants and solvents, will be located outside of the stream channel and banks. Stationary equipment such as motors, pumps, generators, compressors and welders, located within or adjacent to the stream will be positioned over drip pans. Any equipment or vehicles driven and/or operated within or adjacent to the stream will be checked and maintained daily, to prevent leaks of materials that if introduced to water could be deleterious to aquatic life. Vehicles will be moved away from the stream prior to refueling and lubrication.
10. Proper and timely maintenance for vehicles and equipment used during construction will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the creeks. Maintenance and fueling will be conducted in an area that meets the criteria set forth in the spill prevention plan (i.e., away from sensitive drainages).

11. A qualified biological monitor will be on site during construction activities within actively flowing channels. The biological monitor will be authorized to halt construction if impacts to special-status salmonid species are evident.
12. Current riparian vegetation will be retained to the extent feasible.
13. Should floodplain benching be included in the approved project, a hydro-seeding mix that includes a mixture of annual and native perennial species (e.g., creeping wild rye or other deep-rooted species), will be applied to reduce the potential for erosion.
14. A technical memorandum summarizing all fish relocation activities shall be submitted to NOAA Fisheries and/or Mendocino County. This memorandum shall be made available to MCWA and other requesting agencies. In addition, the biological monitor shall maintain a monthly biological monitoring log detailing the time, date, conditions, and observations that were made during all site visits, including stop-work orders. The biological monitoring log shall be submitted each month to the California Department of Fish and Game and/or Mendocino County. This monitoring log shall be made available to MCWA and to other agencies upon request.

Impact 3.4.4: Operation of the terrace mining project has the potential to result in stranding or entrapment of special-status salmonids; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.4.4: The following measures will avoid or minimize potential mining-related impacts to special status salmonids present in the vicinity of the project site.

Mining Phase

For the duration of the estimated 20-year mining phase of the proposed project, Granite shall develop and implement a salmonid rescue and relocation program in consultation with NMFS and CDFG. The program shall be implemented subsequent to overtopping events. Mining activities shall be halted until salmonid rescues have been completed. This measure will minimize entrapment of salmonids in the pit to greatest extent feasible.

Reclamation Phase

Option A. The applicant shall implement the river-pond connection described in Alternative 3 of the EIR; or

Option B. Granite shall maintain a salmonid rescue and relocation program in consultation with NMFS and CDFG until it is determined by those agencies that such a program is no longer necessary.

Impact 3.4.6: Mining, reclamation, restoration, and floodplain benching associated with the proposed project has the potential to result in adverse impacts to riparian habitat; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.4.6: The following measures will avoid or minimize potential construction-related impacts to riparian habitat:

1. Prior to removal of any trees, an ISA Certified Arborist shall conduct a tree survey in areas that may be impacted by construction activities. This survey shall document tree resources that may be adversely impacted by implementation of the proposed project. The survey will follow standard professional practices. The survey shall be documented in a report which details the number of trees to be removed as well as the trees' species, DBH, and condition. This report shall be submitted to Mendocino County and shall be made available to MCWA and other agencies upon request.
2. Current riparian vegetation will be retained to extent feasible. A Tree Protection Zone (TPZ) shall be established around any tree or group of trees to be retained. The TPZ will be delineated by an ISA Certified Arborist. The TPZ shall be defined by the radius of the dripline of the tree(s) plus one foot. The TPZ of any protected trees shall be demarcated using fencing that will remain in place for the duration of construction activities.

Construction-related activities shall be limited within the TPZ to those activities that can be done by hand. No heavy equipment or machinery shall be operated within the TPZ. Grading shall be prohibited within the TPZ. No construction materials, equipment, or heavy machinery shall be stored within the TPZ.

3. To ensure that there is no net loss of riparian habitat, Granite shall create or restore riparian habitat that is of a like function and value to the habitats lost pursuant to the reclamation plan. The Kunzler Terrace Mine Reclamation Plan includes performance standards for revegetation that will ensure successful restoration of the riparian areas and other impacted habitats. Annual monitoring of the performance standards for revegetated areas shall be documented in a report which details the results of the monitoring. This report shall be submitted to Mendocino County and shall be made available to MCWA and other agencies upon request.

Impact 3.4.7: Reclamation, floodplain benching, and mining operations have the potential to result in adverse impacts to Foothill yellow-legged frog; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.4.7: The following measures will avoid or minimize potential construction-related impacts to FYLF potentially present in the vicinity of project site:

1. Construction activities within FYLF habitat (within the channel of the Russian River and Ackerman Creek) shall be conducted between April 1 and November 1 (FYLF active period). A qualified biologist, holding all pertinent permits or authorization for handling FYLF shall conduct a pre-construction survey (for any and all life stages) of the proposed project site two weeks prior to the onset of construction activities, shall provide construction crew training on minimization measures pertinent to the project, and shall monitor the construction site for compliance with minimization measures during construction. The results of pre-construction surveys shall be documented in a technical memorandum that shall be submitted to the USFWS, Mendocino County, and other agencies upon request.
2. Silt fencing will be installed in all areas where construction occurs within 100 feet of Ackerman Creek and the Russian River and where construction runoff may flow into the channel (per Mitigation Measure 3.4.3).
3. Proper and timely maintenance for vehicles and equipment used during construction will be provided to reduce the potential for mechanical breakdowns leading to a spill of materials into or around the Creek/River. Maintenance and fueling will be conducted in an area that meets the criteria set forth in the spill prevention plan (i.e. away from sensitive drainages).
4. A qualified biological monitor will be on site during construction activities. The biological monitor will be authorized to halt construction if impacts to FYLF are evident. In addition, the biological monitor shall maintain a monthly biological monitoring log detailing the time, date, conditions, and observations that were made during all site visits, including stop-work orders. The biological monitoring log shall be submitted each month to the USFWS, Mendocino County and will be available for review by any other interested parties.
5. Current riparian vegetation will be retained to extent feasible.

Impact 3.5.1: The proposed project could adversely impact known and unknown cultural resources, including unique archaeological resources and historic resources; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.5.1a: CA-MEN-3111H (the rails, ties, and ballast of the NWPRR adjacent to the project site) shall be avoided during all project related ground-disturbing

activities. If avoidance is not possible, an assessment should be completed by a qualified Architectural Historian to determine whether CA-MEN-3111H is eligible for inclusion on the California Register of Historical Resources or the National Register of Historic Places. Tasks necessary for the completion of such an evaluation may include, and are not limited to, further documentary research, resource site visit and condition assessment, the identification and recordation of any associated structural features such as historic-period culverts or bridges, and the completion of eligibility applications (if necessary). A technical report detailing the methodology and results, as well as significance and eligibility assessment shall be drafted for submission. Normal use of the road easement (Kunzler Ranch Road) by vehicles, including haul trucks, to access the project site is excluded from this mitigation measure.

3.5.1b: An archaeological monitoring plan for ground-disturbing activities within the setback areas of the Russian River and Ackerman Creek shall be developed and implemented by a qualified archaeologist who meets the Secretary of Interior's Standards, in consultation with the Lead Agency and local Native American representatives. Specific monitoring scheduling and protocols will be defined by the archaeological monitoring plan. The archaeological monitor is responsible for the completion of daily monitoring logs and will likewise document and photograph any cultural materials discovered during ground-disturbing activities. Should previously unknown archaeological or historical resources be encountered, Mitigation Measure 3.5.1c must be implemented. Should previously unknown human burials or remains be encountered during project activities, Mitigation Measure 3.5.2 must be implemented.

3.5.1c: Should prehistoric or historic subsurface cultural resources be discovered during project-related activities, all work within 50 feet of the find shall stop and a qualified archaeologist shall be contacted to document the discovery, evaluate the potential resource, and assess the significance of the find in accordance with CEQA Guidelines Section 15064.5. If any find is determined to be significant, the project proponent and the archaeologist shall develop, in consultation with local Native Tribes, a cultural resources recovery and treatment plan. This plan shall establish appropriate protocol and further action necessary in order to preserve the resource or otherwise establish appropriate mitigation that will minimize further adverse impact. Significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards.

Impact 3.5.2: The proposed project could potentially impact previously unidentified human remains; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Measure 3.5.2: If human skeletal remains are uncovered during project construction, work in the vicinity of the find shall cease and the Mendocino County coroner will be contacted to evaluate the remains, following the procedures and protocols set forth in Section 15064.5 (e)(1) of the *CEQA Guidelines*. If the County coroner determines that the remains are Native

American, the project proponent will contact the Native American Heritage Commission, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641), who will identify a Most Likely Descendent, who will make recommendations for the treatment of any human remains.

Impact 3.5.3: The proposed project could potentially impact a unique paleontological resource, or site, or unique geologic feature; therefore this impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.5.3: In the event that paleontological resources are discovered, the project proponent will retain a qualified paleontologist. The paleontologist will document the discovery as needed, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. If fossil or fossil bearing deposits are discovered during construction, excavations within 50 feet of the find will be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (in accordance with Society of Vertebrate Paleontology standards (Society of Vertebrate Paleontology, 1995). The paleontologist will notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the project proponent determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important. The plan will be submitted to the project proponent for review and approval prior to implementation.

Impact 3.7.1: The proposed project may create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. This impact would be potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.7.1: The project applicant shall ensure, through the enforcement of contractual obligations, that all contractors transport, store, and handle construction related hazardous materials on the project site in a manner consistent with relevant regulations and guidelines, including those recommended and enforced by the California Department of Transportation, Regional Water Quality Control Board, and MCEHD, such as the Storage Statement and a Spill Prevention Control and Countermeasure Plan (SPCCP) and the Hazardous Materials Management Plan prepared as part of the proposed project. The project applicant shall also ensure that all contractors immediately control the source of any leak and immediately contain any spill utilizing appropriate spill containment and countermeasures as outlined in the Spill Prevention Plan. If required by any regulatory

agency, contaminated media shall be collected and disposed of at an offsite facility approved to accept such media. In addition, all precautions required by the RWQCB-issued NPDES construction activity storm water permits will be taken to ensure that no hazardous materials enter any nearby waterways.

Impact 3.7.2: Implementation of the proposed project has the potential for existing and/or previously unidentified contamination to be encountered during proposed project site preparation, construction activities, and mining activities. This impact would be potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measures

Measure 3.7.2: If contaminated soil and/or groundwater are encountered or suspected contamination is encountered during project construction or mining activities on the proposed project site, work shall be halted in the area, and the type and extent of the contamination shall be identified. A qualified professional, in consultation with the overseeing regulatory agency (RWQCB, DTSC, and/or MCEHD) shall then develop an appropriate method to remediate the contamination, and determine the appropriate handling and disposal method of any contaminated soil and/or groundwater. If required, a remediation plan shall be implemented in conjunction with continued project construction or operations.

Impact 3.8.2: Spills or leakage of oil and gas products (i.e., petroleum hydrocarbons) could result in the contamination of surface water and/or groundwater resources and violation of water quality standards pertaining to such contaminants. This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.8.2: The following requirements and provisions shall be incorporated in the SPCCP for the proposed project:

- Fuels and lubricants would be stored in approved double-walled containers.
- Waste oils and lubricants would be stored in approved containers and secondary containments. Waste oils would be removed from the site as needed by a licensed petroleum products recycling contractor.

- Refueling and maintenance activities involving the fuel and lubrication truck shall take place no closer than 100-feet from the top of the pit slope.
- The above ground diesel fuel tank shall be placed no closer than 100-feet from the top of the pit slope.

Impact 3.8.6: The proposed project would alter the drainage pattern of both the floodplain and the active stream channels (Ackerman Creek and the Russian River), this could result in substantial erosion and/or sedimentation during flood events (e.g., pit capture, or release of stored sediments). This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.8.6: The condition of the weir shall be inspected annually (in the spring, prior to May 1st) for stability. The inspection shall be performed by a professional engineer licensed in the State of California. Any erosion or undercutting of the weir base or perimeter, or other factors that could impact weir stability, shall be noted and repaired immediately. An inspection of the setback areas shall also be performed annually (at the same time as weir inspection), with emphasis upon the topographic low points (such as the location near the southeast corner of the project site where the pit would begin draining to the Russian River when full). Any substantial erosion shall be noted (i.e., evidence of gullyng or head-cutting across the ground surface) and repaired immediately (e.g., using turf reinforcement mats [TRM], rock, or other similar approaches). All repairs or maintenance activities shall be completed by October 1st of the same year. Granite shall submit an inspection report to Mendocino County staff each year documenting the results of the inspection and, if repairs or maintenance are necessary, providing a work plan for addressing all noted issues. Granite shall incur all responsibilities and costs for inspection, maintenance, and repair for the life of the proposed project. Prior to completion of the proposed project, a deed restriction (in form and substance acceptable to the County Counsel) shall be recorded against the property such that this mitigation measure is made a condition of property ownership and would be applicable in perpetuity.

Should the applicant construct a river-pond connection as described in Alternative 3 of the EIR, annual weir inspections and deed restrictions shall no longer be necessary and this mitigation shall be deemed complete.

Impact 3.12.1: Under Existing with Project conditions study area intersections could operate at a deficient LOS. This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Measure 3.12.1: There are a number of options that would improve or maintain current levels of peak hour LOS operations at this intersection. The applicant and County shall implement one of the following measures:

- a. Prohibit project haul truck traffic during the weekday PM peak hour (4:30 to 5:30). This measure could be implemented as a condition of project approval. Without project truck traffic PM peak hour approach movements would continue to operate as they do currently.
- b. Require all outbound haul truck traffic to turn right onto North State Street during the AM (7:30 to 8:30) and PM (4:30 to 5:30) peak hours. This measure would require southbound trucks to travel north on North State Street and access the U.S. 101 southbound ramp at Lake Mendocino Drive. This measure also could be implemented as a condition of project approval and would result in LOS E operations at the westbound approach during the PM peak hour. This option (Alternative Route A) is analyzed in the Alternatives section of this report.
- c. Provide an alternative route for southbound project haul trucks. This option (Alternative Route B) would provide a roadway link from the project site on existing private roads south to the signalized Ford Road / North State Street intersection where project trucks would turn right onto North State Street and access the nearby U.S. 101 southbound ramp. This measure would result in LOS E operations at the westbound approach of North State Street / Kunzler Ranch Road intersection during the PM peak hour. This option would require use agreements between the project sponsors and private property owners. The private roadways would require survey testing and possible upgrading prior to use as haul routes. This option (Alternative Route B) is analyzed below.
- d. **Signalization.** Applicant would contribute a fair share payment to the installation of the traffic signals identified below. Measures listed above would be eliminated at such time the necessary improvements are constructed and the traffic impacts are reduced to an acceptable level. Traffic roundabouts may be installed in lieu of traffic signals if site-specific studies indicate their feasibility and effectiveness. The fair share payment shall consist of either (1) payment of the traffic improvement fee developed per the UVAP Nexus Study, or (2) a not-to-exceed amount calculated for each intersection.

North State Street / Kunzler Ranch Road (#6). Installation of a traffic signal would result in acceptable LOS B or better conditions during the AM and PM peak hour at all approaches of this intersection. A traffic signal at this location would improve safety by insuring that westbound left-turns would receive sufficient green time during a cycle to maneuver from Kunzler Ranch Road to southbound North State Street. As noted, current traffic levels at this intersection do not meet the peak hour volume signal warrant.

North State Street / Northbound U.S. 101 Ramps (#8). The installation of a traffic signal at this intersection would improve overall operations to LOS C or better during the AM and PM peak hours. As under existing conditions the peak hour traffic volume signal warrant would be met at this location.

The Route 101 Corridor Interchange Study documented a higher than average collision rate at this intersection at the off-ramp, on ramp and freeway mainline in the vicinity of ramp merge. The excess collision rate is due primarily to inadequate merge length and substandard radius at the on-ramp and inadequate merge capacity (on-ramp) and congestion at the intersection. The Route 101 study recommends signalization at both the northbound and southbound ramps in conjunction with optimization and coordination with the North State Street /Kuki Lane signalized intersection to the south to address near-term operational problems.

The project sponsor would be required to contribute a fair share toward the implementation of the identified improvements measures where appropriate. The Ukiah Valley Area Transportation Impact Fee Nexus Study, September 2008 (Nexus Study) provides a description of the techniques used to calculate the fee for the Transportation Impact Fee Program (TIFP) capital project list. The TIFP list identifies long range improvement projects for U.S. 101 interchanges in the Ukiah Valley corridor including interchanges at Lake Mendocino Drive, North State Street and SR 222. The Nexus Study provides an overall cost estimate for interchange projects but does not specify proposed improvement measures.

Impact 3.12.2: Under the 2015 with Project condition study area intersections could operate at a deficient LOS. This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Measure 3.12.2: The applicant and County shall implement one of the following measures:

- a. Prohibit project haul truck traffic during the weekday PM peak hour (4:30 to 5:30). This measure could be implemented as a condition of project approval. Without project truck traffic PM peak hour approach movements would continue to operate as they do currently.
- b. **Signalization.** Applicant would contribute a fair share payment to the installation of the traffic signals identified below. Measures listed above would be eliminated at such time the necessary improvements are constructed and the traffic impacts are reduced to an acceptable level. Traffic roundabouts may be installed in lieu of traffic signals if site-specific studies indicate their feasibility and effectiveness. The fair share payment shall consist of either (1) payment of the traffic improvement fee developed per the UVAP Nexus Study, or (2) a not-to-exceed amount calculated for each intersection.

North State Street / Hensley Creek Road (#5). The delays at this intersection would primarily be due to traffic generated by the community college exiting at the eastbound approach left-turn movement. Installation of a traffic signal at this intersection would result in PM peak hour LOS B or better operations for both

baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

North State Street / Kunzler Ranch Road(#6). The delays at this intersection would be at the westbound approach left-turn movement during the PM peak hour under conditions without and with project traffic. Other than the installation of a traffic signal the improvement measures described for the Existing with Project scenario at this intersection would not mitigate the LOS F conditions. The previous measures include prohibiting project haul traffic during the PM peak hour or, require all project outbound haul truck traffic to turn right onto North State Street during the PM peak hour (Alternative A) or, provide an alternative route for southbound project haul trucks (Alternative B). While these measures would not restore acceptable PM peak hour LOS operations at the westbound approach, implementation of one or more of these measures would remove westbound and southbound left-turn large haul trucks from the intersection during peak hour conditions. A reduction of heavy truck traffic would contribute to overall safer operations on North State Street at this intersection.

Installation of a traffic signal at this intersection would result in PM peak hour LOS B or better operations for both 2015 baseline and with project conditions. The peak hour traffic volume signal warrant would be met only under PM peak hour with project conditions at this intersection.

North State Street / Orr Springs Road (#7). The delays at this intersection would primarily be due to traffic at the eastbound approach left-turn movement in the PM peak hour. Installation of a traffic signal at this intersection would result in PM peak hour LOS B or better operations for both 2015 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

North State Street / Northbound U.S. 101 Ramps (#8). The delays at this intersection would primarily be due to traffic exiting U.S. 101 at the northbound off-ramp (westbound approach) during the PM peak hour. The installation of a traffic signal at this intersection would improve overall operations to LOS C or better during the AM and PM peak hours for both 2015 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

As noted, this intersection experiences a higher than average number of collisions due to inadequate merge lengths and capacities at the on-ramp and congestion at the off-ramp intersection. The near-term improvement of a signal at this intersection would include signalization at the southbound off-ramp and coordination with the existing signalized intersection at Kuki Lane/North State Street.

North State Street / Southbound U.S. 101 Ramps (#9). The installation of a traffic signal at this intersection would improve overall operations to LOS D or better during the AM and PM peak hours for both 2015 baseline and with project conditions. The near-term improvements developed for this intersection (Route 101 Corridor Interchange Study) include a signal at the southbound off-ramps that

would be coordinated with the existing signal at Kuki Lane. Other near-term improvements include a signal at the northbound ramps and an increased acceleration lane on the U.S. 101 overcrossing.

SR 222 / U.S. 101 Southbound Ramps (#12). The unacceptable delays at this intersection would primarily be due to southbound and northbound approach (off-ramps) right-turn movements during the AM and PM peak hours. The installation of a traffic signal at this intersection would improve overall operations to LOS B or better during the AM and PM peak hours for both 2015 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

Future improvements proposed for this interchange (Route 101 Corridor Interchange Study) include modifications to the current configuration the installation of signals at both northbound and southbound ramp intersections and the optimization and coordination of the existing signal at Airport Park Boulevard with the newly installed ramp signals.

SR 222 / U.S. 101 Northbound Ramps (#13). The northbound approach at this intersection would operate at unacceptable delay levels due to PM peak hour left-turn movements. Installation of a traffic signal at this intersection would improve overall PM peak hour operations to LOS B or better. The peak hour traffic volume signal warrant would be met at this location under PM peak hour conditions.

The installation of a traffic signal at this intersection would likely be part of the overall future proposed improvements for the SR 222 interchange as described above (see intersection #12).

The project sponsor would be required to contribute a fair share toward the implementation of the identified improvements measures where appropriate. The Ukiah Valley Area Transportation Impact Fee Nexus Study, September 2008 (Nexus Study) provides a description of the techniques used to calculate the fee for the Transportation Impact Fee Program (TIFP) capital project list. The TIFP list identifies long range improvement projects for U.S. 101 interchanges in the Ukiah Valley corridor including interchanges at Lake Mendocino Drive, North State Street and SR 222. The Nexus Study provides an overall cost estimate for interchange projects but does not specify proposed improvement measures.

Impact 3.12.4: Project operation would contribute to the degradation of pavement on public roads. This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below:

Mitigation Measure 3.12.4: Traffic-related repairs on Kunzler Ranch Road shall be initiated when the owners of the road and users of the easement reach a decision that such

repairs are necessary. Granite's fair share shall be calculated based on the proportion of applicant's heavy truck trips to the total number of heavy truck trips on the road that year. Consistent with Civil Code Section 845, in the absence of a road maintenance agreement, applicant shall be required to pay its fair share of the cost and expense incurred for traffic-related repairs of Kunzler Ranch Road.

Significant and Unavoidable Impacts

The Planning Commission finds that the project will have significant impacts described below that cannot be eliminated or reduced to a less than significant level.

Impact 3.2.1: Implementation of the proposed project would result in the permanent conversion of land designated by the Department of Conservation FMMP as *Prime Farmland, Farmland of Statewide Importance or Unique Farmland*. This would be a potentially significant impact.

The Planning Commission finds that as to such significant effects identified above:

Specific economic, legal, social, technological, or other considerations, make potential mitigation measures infeasible, as described below.

Mitigation for agricultural resources may take the form of avoidance, minimization, restoration, preservation, or compensation (providing substitute resources off-site). These forms of mitigation correspond to CEQA Guidelines Section 15370. For the proposed project, avoidance is not possible, as the location of the mineral resources corresponds to the prime farmland as identified in the FMMP. Minimization is incorporated into the project to an extent, as the project is phased, and agricultural activity will continue on a phase until it is mined, thus extending agricultural activity during the life of the project. The phasing plan will be enforceable through the surface mining permit and the reclamation plan. However, this will not reduce the impact to less than significant. Restoration is infeasible, as the mining will result in a finished grade below the groundwater level. Preservation in this instance, is similar to avoidance, and is infeasible for the same reason. Compensation generally takes the form of off-site acquisition of farmland, typically an Agricultural Conservation Easement (ACE). Acquisition of an ACE is considered infeasible for the proposed project for the reasons discussed below.

An ACE does not replace the on-site resources, but rather, it addresses the indirect and cumulative effects of farmland conversion. Indirect effects include the pressure created to encourage additional conversions, as development pressure raises the speculative value of the land and increases the economic costs of farming due to land use incompatibilities (limitations on pesticide use, nuisance complaints due to dust and odor, vandalism, predation by domestic pets, increased traffic, etc.). Because the project site is surrounded by existing and vacant industrial uses, with the exception of the west side, it is unlikely that this project would effect neighboring agricultural uses. There are agricultural uses to the east, but they are separated by the natural barrier of the Russian River. In addition, the end use of the property is open space (including habitat), rather than urban development. Open space is compatible with agriculture, and would not create indirect development pressure on agricultural lands.

Impact 3.12.3: Under the 2030 with Project condition study area intersections could operate at a deficient LOS. This impact is considered potentially significant.

The Planning Commission finds that as to such significant effects identified above:

Changes or alterations have been required in, or incorporated into, the proposed project which would potentially avoid or substantially lessen the significant environmental effects thereof as identified in the EIR, and as described below. However, implementation of all traffic measures identified below cannot be guaranteed by 2030, as neither the County nor Caltrans has secured funding or implemented a capital improvement plan to ensure the improvements will be constructed. No other feasible mitigation measures are available to avoid this cumulative impact, including alternative haul routes. Therefore, due to economic (funding) and legal considerations (lack of an adopted capital improvements program and associated nexus study), this impact is significant and unavoidable.

Measure 3.12.3: The applicant and County shall implement the following measure:

- a. **Signalization.** Applicant would contribute a fair share payment to the installation of the traffic signals identified below. Measures listed above would be eliminated at such time the necessary improvements are constructed and the traffic impacts are reduced to an acceptable level. Traffic roundabouts may be installed in lieu of traffic signals if site-specific studies indicate their feasibility and effectiveness. The fair share payment shall consist of either (1) payment of the traffic improvement fee developed per the UVAP Nexus Study, or (2) a not-to-exceed amount calculated for each intersection.

North State Street / Hensley Creek Road (#5). The delays at this intersection would primarily be due to traffic generated by the community college exiting at the eastbound approach left-turn movement. Installation of a traffic signal at this intersection would result in AM and PM peak hour LOS B or better operations for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

North State Street / Kunzler Ranch Road (#6). The delays at this intersection would be at the westbound approach left-turn movement during the AM and PM peak hour under conditions without and with project traffic. Installation of a traffic signal at this intersection would result in AM and PM peak hour LOS B or better operations for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

The previous measures recommending prohibiting project haul traffic during the peak hours or, requiring all project outbound haul truck traffic to turn right onto North State Street during the peak hours (Alternative A) or, providing an alternative route for southbound project haul trucks (Alternative B) would contribute to safe operations at this intersection. While these measures would not restore acceptable peak hour LOS operations at the westbound approach, implementation of one or more of these measures would remove westbound and southbound left-turn large haul trucks from the intersection during peak hour conditions. A reduction of

heavy truck traffic would contribute to overall safer operations on North State Street at this intersection.

Installation of a traffic signal at this intersection would result in peak hour LOS B or better operations during the AM and PM peak hour for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

North State Street / Orr Springs Road (#7). The delays at this intersection would primarily be due to traffic at the eastbound approach left-turn movement in the PM peak hour. Installation of a traffic signal at this intersection would result in PM peak hour LOS D or better operations for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

The distance between this intersection and Kunzler Ranch Road / North State Street to the north is approximately 500 feet. The relatively close proximity of these two signals would require that they are coordinated so that queuing traffic has sufficient time to clear and avoid operational problems between the two intersections.

North State Street / Northbound U.S. 101 Ramps (#8). The delays at this intersection would be primarily due to traffic exiting U.S. 101 at the northbound off-ramp (westbound approach) during the AM and PM peak hours. The installation of a traffic signal at this intersection would improve overall operations to LOS B or better during the AM and PM peak hours for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

The proposed future improvements at this intersection would include a coordinated signal, increases in acceleration length for on-ramps and mainline merges. These improvements would be implemented in conjunction to improvements to the southbound interchange intersection.

North State Street / Southbound U.S. 101 Ramps (#9). Proposed future improvements (Route 101 Corridor Interchange Study) at this intersection would include a realignment of the on and off-ramps to form a signalized four legged intersection. This newly configured intersection would be coordinated with the signalized intersection at North State Street / Kuki Lane. The implementation of the proposed measures would improve overall operations to LOS D or better during the AM and PM peak hours for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

SR 222 / U.S. 101 Southbound Ramps (#12). The unacceptable delays at this intersection would primarily be due to southbound and northbound approach (off-ramps) right-turn movements during the AM and PM peak hours. The installation of a traffic signal at this intersection would improve overall operations to LOS C or better during the AM and PM peak hours for both 2030 baseline and with project conditions. The peak hour traffic volume signal warrant would be met at this intersection.

The proposed future improvements at this intersection would include a reconfiguring of the current interchange design and a signal at the northbound ramps. The interchange signals would be coordinated with the existing signal at Airport Park Boulevard / SR 222.

U.S. 101 Northbound Ramps (#13). The northbound approach at this intersection would operate at unacceptable delay levels due to peak hour left-turn movements. Installation of a traffic signal at this intersection would improve overall peak hour operations to LOS C or better. The peak hour traffic volume signal warrant would be met at this intersection.

As noted (see intersection #12 above), the installation of a traffic signal at this intersection would be part of a comprehensive future improvement plan for this interchange.

The project sponsor would be required to contribute a fair share toward the implementation of the identified improvements measures where appropriate. The *Ukiah Valley Area Transportation Impact Fee Nexus Study*, September 2008 (Nexus Study) provides a description of the techniques used to calculate the fee for the Transportation Impact Fee Program (TIFP) capital project list. The TIFP list identifies long range improvement projects for U.S. 101 interchanges in the Ukiah Valley corridor including interchanges at Lake Mendocino Drive, North State Street and SR 222. The Nexus Study provides an overall cost estimate for interchange projects but does not specify proposed improvement measures.

Mitigation Monitoring and Reporting Plan

For the mitigation measures described above, a mitigation monitoring and reporting plan (MMRP) has been prepared by the Mendocino County Community Development Department. The MMRP is included in the Final EIR as Table 5-1. The Planning Commission has recommended approval of the MMRP.

Alternatives to the Project

The purpose of the alternatives analysis in an EIR is to describe a range of reasonable alternatives to the project that could feasibly attain the objectives of the project, and to evaluate the comparative merits of the alternatives (CEQA Guidelines Section 15126.6(a)).

Additionally, CEQA Guidelines Section 15126.6(b) requires consideration of alternatives that could avoid or substantially lessen any significant adverse environmental effects of the proposed project, including alternatives that may be more costly or could otherwise impede the project's objectives. The range of alternatives considered must include those that offer substantial environmental advantages over the proposed project and may be feasibly accomplished in a successful manner considering economic, environmental, social, technological, and legal factors.

The following alternatives are discussed in Chapter 4, "Alternatives:"

- Alternative 1 – "No Project" Alternative

- Alternative 2 – Off-site Alternative
- Alternative 3 – On-site Alternative

Findings:

No Project Alternative

The No Project Alternative is defined as the continuation of the existing condition (baseline) and trends in the project area. This alternative would involve no action on the part of Mendocino County or the project applicant for development of the project site. Under this alternative, the proposed mining and processing expansion would not occur, and the project site would remain in its existing condition as described in Chapter 2, “Project Description,” and in the setting sections of Chapter 3, “Environmental Setting, Impacts, and Mitigation Measures of the EIR.”

The project site has been used for vineyards and a truck maintenance and repair shop is located on approximately 2.5 acres of the northwest corner of the site. Under the No Project Alternative, these uses are assumed to continue on the project site.

Under the No Project Alternative, it is foreseeable that the applicant would seek imported aggregate to supply the needs of North State Street Plant, Talmage Processing Plant, and local construction projects. The most likely source of imported material to the Ukiah Valley is Lake County.

Although the No Project Alternative would avoid most of the on-site potentially significant impacts associated with the proposed project, it does not fulfill the objectives of the project. In addition, it is reasonable to expect that aggregate imports to the Ukiah Valley would increase, thereby increasing impacts related to air quality and greenhouse gas emissions on a regional basis. The No Project alternative does not meet the project objectives.

Off-site Alternative (Hop Kiln Ranch)

There are several parcels located off of Ford Road that are designated as the Hop Kiln Ranch. Parcel sizes range from 5 to 20 acres. Discussions with a real estate agent indicated that these parcels were on the market, however, due to problems with perking, they have been taken off the market. The agent indicated that some of the larger parcels, 20+ acres, may be appropriate for industrial purposes. Approximate listing price would be \$1,000,000 per 20 acre parcel.

This alternative is included in the EIR to provide a basis for comparing the impacts of a similar operation at an alternative location. CEQA Guidelines Section 15126.6(f)(2) specifically addresses the requirements for consideration of alternate locations. The systematic siting approach for off-site alternatives described in the EIR resulted in the selection of this alternative. This off-site alternative was chosen to pursue in more detail over the others because of its proximity to rail, property size, proximity to the proposed site and the applicant’s existing processing plants as well as access. As stated above, the assumption was made that the geological deposit is similar to the proposed site to the north. This would need to be confirmed by a qualified geologist.

This alternative would reduce impacts associated with agriculture, but not to a less than significant level. Active farmland would be converted, but the site does not contain prime farmland (as identified by the State Farmland Monitoring and Mapping Program). The site would reduce impacts related to pit capture and salmonid entrapment, but not to a less than significant level.

This alternative would have similar air emissions qualities compared to the proposed project, but could have a greater affect on nearby sensitive receptors, including a school. Noise levels would be similar to the proposed project, but could have a greater affect on nearby receptors, including a school. Traffic impacts may be greater than the proposed project (although the specific road wear impact to Kunzler Ranch Road would be avoided).

This alternative would achieve most of the project objectives, although acquisition of the site may not be economically feasible. Overall, the alternative does not offer a distinct environmental advantage. Reductions in some impact areas are offset by increases in others.

Onsite Alternative

This alternative design would connect the reclaimed terrace mine to the Russian River in a controlled fashion at the end of the project life. The connection channel will be designed to provide a hydraulic connection for approximately 100 days/year to provide access to an area of refuge for salmonids. This option omits the fuse plug and weir. No changes are proposed to the mining methods, or setbacks, or depths. The flood control weir and fuse plug, would be replaced by a “project life” connection (rather than as a permanent structure as under the proposed project). The project life connection would serve a similar flood control function as the weir and fuse plug during the active mining phase of the project. At the end of the mining phase, the connection to the river would be lowered to provide the desired 100 days/year hydraulic connection.

Implementation of this alternative would require modification of the draft reclamation plan. A revised reclamation plan has been prepared, and is included as Appendix A of the Final EIR. This connection reduces the potential significance of pit capture and salmonid entrapment to less than significant, while avoiding the need for ongoing maintenance of the fuse plug and weir. The following mitigation measure would be necessary to avoid biological impacts associated with this alternative:

Measure 3.4.4-ALT 3:

The implementation of Alternative 3 shall require one of the following measures to reduce the potential for anoxic conditions in the reclaimed pond:

- (a) Limit the reclaimed depth of the pit to 50 feet or less (below existing surface grade);
or
- (b) Prior to reclamation an assessment of water quality conditions throughout the year shall be performed to determine if anoxic conditions occur at depths greater than 50 feet. Depending on the findings of the water quality assessment, Granite will either limit the

This alternative is considered the environmentally superior alternative, as it avoids a potentially significant impact but does not worsen other impacts as a result. This alternative would achieve the project objectives, similar to the proposed project.

STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR for the Kunzler Terrace Mine Project identifies the following significant and unavoidable impacts:

Impact 3.2.1: Implementation of the proposed project would result in the permanent conversion of land designated by the Department of Conservation FMMP as *Prime Farmland, Farmland of Statewide Importance or Unique Farmland*.

Impact 3.12.3: Under the 2030 with Project condition study area intersections could operate at a deficient LOS.

The Planning Commission finds, per Public Resources Code §21081(b), that specific overriding economic, legal, social, technological, or other benefits outweigh the unavoidable adverse environmental effects of the proposed project.

1. The proposed project will implement the following General Plan action items:
 - RM-65.1: Identify and protect resources/areas that may provide opportunities for mineral extraction, including rock quarries and gravel.
 - RM-65.4: Promote offstream terrace mining or hard rock quarrying operations over instream operations.
2. The proposed project would provide a local source of aggregate. Local sources provide regional air quality and greenhouse gas emission benefits as compared to importing aggregate from non-local sources. The California Department of Transportation has identified the permitting of local aggregate sources as an economic and environmental benefit to the state.
3. Proposed project would provide economic benefits, including maximizing the use of existing aggregate processing facilities and investments; providing economical high-grade construction aggregates for use in asphalt concrete, and ready-mix concrete; and securing a reliable 20-year supply of construction aggregate in the Mendocino County area.