

Response to Comments Document for the
Recirculated Portions of the Draft EIR

ROBLAR ROAD QUARRY

Environmental Impact Report
SCH # 2004092099

Prepared for
County of Sonoma Permit and
Resource Management Department

September 2010



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September 2010



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CHAPTER I

Introduction

A. CEQA Process

Background

On August 4, 2004, the County of Sonoma sent a Notice of Preparation (NOP) to governmental agencies and organizations and persons interested in the proposed Roblar Road Quarry (project). The NOP requested those agencies with regulatory authority over any aspect of the project to describe that authority and to identify the relevant environmental issues that should be addressed in the EIR. In addition, the County held a public scoping meeting on September 1, 2004, at Dunham Elementary School in Sonoma County.

In May 2008, the County of Sonoma (the Lead Agency) released for public review a Draft EIR on the proposed Roblar Road Quarry. A 45-day public review and comment period on the Draft EIR began on May 20, 2008 and closed on July 22, 2008. The County also held a public hearing to receive oral public comment on the Draft EIR at the Sonoma County Permit and Resource Management (PRMD), at 2550 Ventura Avenue in Santa Rosa on June 19, 2008.

In October 2009, the County published the Response to Comments Document on the proposed Roblar Road Quarry, which included the comments received during the review period, and responses to the significant environmental issues raised in those comments. Supplemental information was included in the Response to Comments Document in March 2010 (in the form of a revised Master Response HYD-1) to respond to additional comments received on the EIR Response to Comments Document, and to expand upon and refine the proposed management of water resources for the quarry project; this additional information did not represent significant new information or change any conclusions regarding the significance of project impacts. The Draft EIR together with the Response to Comments Document as revised constituted the Final EIR for the proposed project at that time. The County held two public hearings on the Final EIR at the Sonoma County PRMD – on December 17, 2009 and April 1, 2010.

Subsequent to the April 1 public hearing, the applicant's biologist reported to the applicant the identification of California tiger salamander (CTS) larvae in two ponds on the project site, discovered during newly conducted aquatic surveys. (Previous aquatic surveys conducted on the project site between 2002 and 2007 did not identify this species.) CTS are a federally endangered and State threatened special status species.

Recirculated Portions of the Draft EIR

On June 15, 2010, the County of Sonoma (the Lead Agency) released for public review recirculated portions of the Draft Environmental Impact Report (also referred to hereafter as the “Recirculated Draft EIR”). The document presented significant new information that had been made available subsequent to the circulation of the Draft EIR related to the newly-identified CTS larvae on the project site, evaluated specific project environmental impacts associated with the CTS, and identified feasible mitigation measures to ensure impacts to the CTS would be mitigated to a less than significant level. In addition, the document presented recent new information that is available regarding greenhouse gases (GHGs), including pending/adopted greenhouse gas regulations, established a quantitative threshold of significance for evaluating the project’s impact to GHGs, and identified feasible mitigation measures to ensure impacts to the GHGs would be mitigated to a less than significant level.

Consistent with *CEQA Guidelines* Section 15088.5(c), since the required revisions were limited to a few portions of the Draft EIR, the County elected to recirculate only the portions of the Draft EIR that had been modified. The revisions to the Draft EIR were limited to portions of the following chapters of the Draft EIR: Chapter II, Summary; Chapter IV.D, Biological Resources; Chapter IV.E, Transportation and Traffic; Chapter IV.F, Air Quality; Chapter V, Alternatives; Appendix D, Biological Resources; and Appendix E, Air Quality. Accordingly, in accordance with the *CEQA Guidelines* Section 15088.5(f)(2), the County requested that reviewers limit the scope of their comments to the revised portions of the Recirculated Draft EIR.

A 45-day public review and comment period on the Recirculated Portions of the Draft EIR began on June 15, 2010, and closed on July 30, 2010. The County also held a public hearing to receive oral public comment on the Draft EIR at the Sonoma County Permit and Resource Management Department (PRMD), at 2550 Ventura Avenue in Santa Rosa on July 15, 2010.

Final EIR

The Draft EIR (May 2008), together with the Response to Comments Document (as revised March 2010), the Recirculated Portions of the Draft EIR (June 2010), and this Response to Comments Document on the Recirculated Portions of the Draft EIR, constitute the Final EIR for the proposed project. The Final EIR is an informational document prepared by the Lead Agency that must be considered by decision-makers before approving the proposed project (*CEQA Guidelines*, Section 15090). California Environmental Quality Act (CEQA) *Guidelines* (Section 15132) specify the following:

“The Final EIR shall consist of:

- (a) The Draft EIR or a revision of that draft.
- (b) Comments and recommendations received on the Draft EIR either verbatim or in a summary.
- (c) A list of persons, organizations, and public agencies commenting on the Draft EIR.

- (d) The responses of the Lead Agency to significant environmental points raised in review and consultation process.
- (e) Any other information added by the Lead Agency.”

This document has been prepared pursuant to CEQA and in conformance with the *CEQA Guidelines*. This Response to Comments Document incorporates comments from public agencies and the general public, and contains appropriate responses by the Lead Agency to those comments.

B. Method of Organization

This EIR Response to Comments Document for the proposed Roblar Road Quarry contains information in response to comments raised during the public comment period.

Chapter I describes the CEQA process and the organization of this Response to Comments Document.

Chapter II contains a master response. Numerous comments were received that pertained to a similar issue. The master response provides detailed information related to the issue area in one place rather than dispersing this information throughout the document.

Chapter III contains a list of all persons and organizations that submitted written comments and/or made spoken comments on the Draft EIR during the public review period.

Chapter IV contains copies of the comment letters and public hearing minutes, and the responses to those comments. Within each letter and public hearing minutes, individual comments are labeled with a number in the margin. Immediately following the comment letter are responses to each of the numbered comments.

CHAPTER II

Master Response

Master Response 1: Scope of the Recirculated Draft EIR

As stated in the Recirculated Portions of the Draft EIR (Recirculated DEIR, p. I-2), the State *CEQA Guidelines* authorize a lead agency to recirculate only the portions of an EIR that the agency has elected to modify to address significant new information that arose after publication of the EIR but prior to certification of the EIR. (State *CEQA Guidelines* Section 15088.5(c).) Pursuant to *CEQA Guidelines* section 15088.5(f)(2), the Recirculated DEIR and the notice of availability of the document directed reviewers to limit their comments to the revised portions of the EIR. (Recirc. DEIR, p. I-3; see also Appendix A in this Response to Comments Document for copy of the Notice of Availability.) Consistent with that approach, and as authorized by *CEQA Guidelines* Section 15088.5(f)(2)(ii), in this Response to Comments Document the County has only responded to comments received during the recirculation period that relate to the portions of the EIR that were revised and recirculated.

A number of comments suggest that in addition to the recirculated portions of the EIR related to California tiger salamander (CTS) and greenhouse gas (GHG) emissions, the Recirculated DEIR should also have addressed other issues that the commenter believes were not adequately addressed in the original Draft or Final EIRs. These comments are essentially challenging the adequacy of those original documents, and are not comments on the adequacy of the information presented in the Recirculated DEIR; no response is required. As the Supreme Court made clear in *Laurel Heights Improvement Ass'n ("Laurel Heights II") v. Regents of Univ. of Cal.* (1993) 6 Cal. 4th 1112, 1132, the Legislature's adoption of the requirement that an EIR be recirculated when "significant new information" is added to an EIR was not intended "to promote endless rounds of revision and recirculation of EIRs. Recirculation was intended to be the exception, rather than the general rule."

Some commenters claim that the applicant's pending sale of North Bay Construction is "significant new information" that should have been addressed in the Recirculated DEIR. "Significant new information" for purposes of recirculating an EIR is information that discloses a new or substantially more severe adverse environmental impact or a feasible way to mitigate or avoid such an effect that the project's proponent declines to adopt (State *CEQA Guidelines*, Section 15088.5(a)). The sale of the applicant's construction business does not meet any of these criteria. The applicant for this project is and always has been John Barella, not North Bay

Construction.¹ The applicant has committed to selling aggregate resources from the quarry project site via contract sales only, consistent with the assumptions made in the Draft, Final, and Recirculated Draft EIRs. (Please see Appendix B in this Response to Comments Document for copy of the letter from the applicant's attorney to Sonoma County PRMD.) The applicant has further committed to including in all sales contracts a requirement that haul trucks comply with all applicable mitigation measures and conditions of approval regarding truck emissions and direction of travel (*Ibid.*) The sale of applicant's construction business thus would not result, even indirectly, in a new or substantially more severe adverse environmental impact or disclose a feasible way to mitigate or avoid such an effect that the project's proponent declines to adopt. Recirculation of the EIR on this issue is therefore not required.

See also Master Response GEN-1 in the Final EIR published in October 2009 regarding the project approval process and comments on the merits of the project.

¹ The Draft and Final EIRs and the Recirculated Draft EIR at times erroneously refer to the applicant as North Bay Construction, but the application filed with PRMD for the project was signed by John Barella on behalf of John E. Barella Tr and Andrea M. Barella Tr.

CHAPTER III

Agencies and Persons Commenting on the Draft EIR

A. Agencies and Persons Commenting in Writing

The following agencies, organizations and individuals submitted written comments on the Draft EIR during the public review period.

Letter	Person/Agency and Signatory	Date
A	Bay Area Air Quality Management District (Jean Roggankamp, Deputy Air Pollution Control Officer)	July 27, 2010
B	County of Sonoma Department of Health Services (Walter L. Kruse, MA, REHS, Director of Environmental Health, Public Health Division)	July 20, 2010
C	City of Cotati (Marsha Sue Lustig, Acting Community Development Director, Community Development Department)	July 28, 2010
D	Citizens Advocating for Roblar Road Quality / Citizens Against Roblar Road Quarry (Sue Buxton, President)	July 28, 2010
E	Citizens Advocating for Roblar Road Quality / Citizens Against Roblar Road Quarry (Sue Buxton, President)	July 15, 2010
F	Paula Lane Action Network (Susan Kirks)	July 12, 2010
G	Madrone Audobon Society Incorporated (Robert Speckels, President)	July 10, 2010
H	Northern California Engineering Contractors Association (Michael D. Lopez, President)	July 27, 2010
I	Northern California Engineering Contractors Association (John Bly, Executive Vice President)	July 29, 2010
J	Aaction Rents (Ken Dern, General Manager)	July 30, 2010
K	Jason and Justin Merrick	July 27, 2010
L	Jason and Justin Merrick	July 27, 2010
M	Edwina and Edwina Ryska	July 15, 2010
N	Donna Norton	July 30, 2010
O	Donna Spilman	July 15, 2010

B. Persons Commenting at the Public Hearing

A public hearing on the Recirculated Draft EIR was held by the County on July 15, 2010. The following individuals provided spoken comments on the Draft EIR:

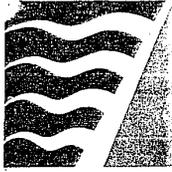
- Edward Ryska
- John Flynn
- Jason Merrick
- Magick
- John Bly
- Donna Spilman
- David Glass
- Donna Norton
- Chris Snyder
- Bruce Norwitt
- Bob Piazza
- John Barella
- Susan Kirks
- Ted Winfield
- Commissioner Lynch
- Commissioner Cook

CHAPTER IV

Written and Spoken Comments on the Draft EIR and Responses to Comments

This chapter contains copies of the comment letters during the public review period on the Draft EIR, and the individual responses to those comments. Each written comment letter is designated with a letter (A through O) in the upper right-hand corner of the letter. Spoken comments on the Draft EIR are also included in the Planning Commission Minutes.

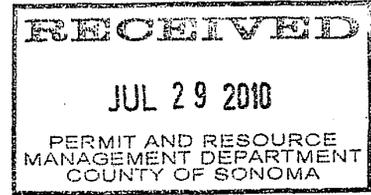
Within each written comment letter, individual comments are labeled with a number in the margin. Immediately following each comment letter is an individual response to each numbered comment.



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT
SINCE 1955

July 27, 2010

Mr. Scott Briggs
Environmental Review Division Manager
Sonoma County PRMD
2550 Ventura Avenue
Santa Rosa, CA 94503-2829



Subject: Roblar Road Quarry Recirculated Portions of Draft Environmental Impact Report

Dear Mr. Briggs:

Bay Area Air Quality Management District (District) staff has reviewed your agency's Recirculated Portions of the Draft Environmental Impact Report (DEIR) for the proposed Roblar Road Quarry (Quarry or Project) located in southern Sonoma County. If the Project is approved, an authority to construct permit and a permit to operate will need to be obtained from the District to allow Quarry operations. Specific operating requirements may be further determined as part of the permitting process.

District staff has the following specific comments on the Recirculated Portions of the DEIR.

- ALAMEDA COUNTY
Tom Bates
(Vice-Chairperson)
Scott Haggerty
Jennifer Hosterman
Nate Miley
 - CONTRA COSTA COUNTY
John Gioia
(Secretary)
David Hudson
Mark Ross
Gayle B. Uilkema
 - MARIN COUNTY
Harold C. Brown, Jr.
 - NAPA COUNTY
Brad Wagenknecht
(Chairperson)
 - SAN FRANCISCO COUNTY
Chris Daly
Eric Mar
Gavin Newsom
 - SAN MATEO COUNTY
Carol Klatt
Carole Groom
 - SANTA CLARA COUNTY
Susan Garner
Ash Kalra
Liz Kniss
Ken Yeager
 - SOLANO COUNTY
James Spering
 - SONOMA COUNTY
Shirlee Zane
Pamela Torliatt
- Jack P. Broadbent
EXECUTIVE OFFICER/APCO

1. The County should consider additional mitigation measures to reduce the Project's greenhouse gas (GHG) emissions. Such measures could include, but are not limited to, using alternative fuel (e.g., biodiesel, electric) construction vehicles/equipment for at least 15% of the fleet (as recommended in the District's California Environmental Quality Act (CEQA) Guidelines as a best management practice), and planting trees (low volatile organic compound species) and vegetation for carbon sequestration. All the mitigation measures committed to by the Project applicant should be included as conditions of approval for the Project. A-1
2. Mitigation measure F.6b states that the Project applicant is committed to offsetting all the GHG emissions remaining above the significance threshold. We recommend that the County refer to the District's guidance for establishing offsite mitigation, available on the District's website. We agree with the County that any offsite mitigation should be implemented locally to the maximum extent possible in order for the community to experience any associated co-benefits. In addition, the Project applicant should identify the appropriate offsite mitigation measures to be implemented prior to Project approval. This would allow for full disclosure and the opportunity for public review. A-2

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3. As you know, on June 2, 2010 the District issued revised CEQA Guidelines and adopted new air quality CEQA thresholds of significance. The County is proposing to modify the portion of the DEIR that addresses GHG emissions, and is now using the thresholds of significance for GHGs that the District currently recommends. The County is not, however, proposing to modify any other portions of the DEIR related to air quality impacts to address the revised CEQA guidelines and thresholds of significance. In particular, for emissions of particulate matter (PM), the County is still using the PM₁₀ thresholds of significance from the District's 1999 CEQA Guidelines. New thresholds of significance for PM_{2.5} have been established, including a Project-level concentration based threshold of 0.3 µg/m³ (annual average). Because the County has decided to use the updated air quality thresholds for GHGs, the District recommends that the County also re-evaluate its conclusion that PM emissions from the Project would be less than significant by updating the analysis to address PM_{2.5} impacts through an air dispersion modeling analysis. This modeling analysis should include the screening approach that is recommended where representative meteorological data does not exist for a project site. The results of this screening analysis should be compared with the results of any modeling completed using off-site meteorological data (e.g., data from the Valley Ford station) to better understand the range of potential air quality impacts that might be expected.

A-3

4. It is not clear why the County used wind speed data from the Sonoma County Airport in Santa Rosa (Appendix E of DEIR) to estimate PM emissions from material handling and storage, and wind erosion. As is noted in the DEIR, the Project is located in the Petaluma Gap. The mean wind speeds from both the District's Valley Ford and Petaluma meteorological monitoring stations, both of which are located in the Petaluma Gap, are nearly 50 percent higher than the mean wind speed at the Sonoma County Airport. The use of wind speed data from the Sonoma County Airport site is also inconsistent with other aspects of the air quality impact analysis conducted by the County in the DEIR. For example, the air dispersion modeling completed for the Project used meteorological data from the Valley Ford station, while in the FEIR the County assesses the frequency of wind speeds at the Project site above threshold levels (used to trigger mitigation measures) by assuming "a roughly 18 percent increase in wind speeds from the Valley Ford meteorological station to the project site."

A-4

5. The District recommends that the County enhance the ongoing monitoring of PM mitigation measures (which the County is relying on to conclude that PM impacts from the Project will be less than significant) by adding a requirement for PM ambient air quality monitoring. The District made a similar recommendation to the County for the proposed Dutra Haystack Landing Asphalt and Recycling Facility, and it is our understanding that the County agreed to include this monitoring into that project's conditions. Accurate and reliable continuous PM monitors, with low operating and maintenance costs, are available for this purpose.

A-5

Comment Letter A

Mr. Scott Briggs

-3-

July 27, 2010

If you have any questions regarding these comments, please contact Sigalle Michael, Senior Environmental Planner, at (415) 749-4683.

Sincerely,


Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director Shirlee Zane
BAAQMD Director Pamela Torliatt

Letter A. Bay Area Air Quality Management District (Jean Roggankamp, Deputy Air Pollution Control Officer)

- A-1 The commenter indicates that the County should consider additional mitigation measures to reduce the project GHG emissions, including use of alternative fuels (e.g., biodiesel, electric) construction vehicles/equipment for at least 15 percent of the fleet, and planting trees and vegetation for carbon sequestration.

The EIR identifies a number of measures either required as mitigation or proposed as part of the project that would serve to reduce project GHG emissions to less than significant, including those measures recommended by the commenter. Specifically, Mitigation Measure F.6b in the Recirculated Draft EIR specifies the applicant shall fuel its on-road and off-road vehicles with alternative fuels (such as biodiesel and compressed natural gas) to the extent feasible. All mitigation measures will be included in the Conditions of Approval for the project.

With respect to vegetative planting, as described in detail in the Draft EIR (May 2008) Project Description, a fundamental component of the proposed project involves on-going reclamation of mined areas during the 20-year mining operation, and final reclamation of the site once all mining is completed. Reclamation would include applying growth medium (native topsoil) and reseeding and planting activities. The proposed plant list is presented in Table III-3 in the Draft EIR includes a mix of shrubs, grasses and trees. In addition, at the start of the project, new trees are also proposed to be planted in the vicinity of the proposed office, equipment storage area and parking lot, and along the proposed access road and on the perimeter of the proposed quarry footprint for aesthetic and wind screening purposes.

- A-2 The commenter recommends referral to the District's guidance for establishing offsite mitigation available on their website. The County did consult with the District when developing the proposed mitigation measures identified in the Recirculated Draft EIR for reducing project GHG emissions, and reviewed the referenced document. Mitigation Measure F.6b is consistent with the District's guidance. The commenter indicates it agrees with the County that mitigation for reducing GHG emissions be implemented locally to the maximum extent possible; this comment is noted.

The commenter also indicates the project applicant should identify the appropriate off-site mitigation measures to be implemented prior to project approval. Mitigation Measure F.6a-b in the Recirculated Draft EIR provides the necessary framework to ensure feasible on-site and off-site measures shall be implemented to reduce project GHG emissions to less than significant, but also allow flexibility in the selection and potential modification of the specific mitigation options to be used over the project duration. As specified in Mitigation Measure F.6b, any offset of project GHG emissions shall be demonstrated to be real, permanent, verifiable, enforceable, and additional, as determined by PRMD.

- A-3 The commenter indicates the County utilized the thresholds of significance for GHGs from the District's revised *CEQA Guidelines*, but is not proposing to modify any other air quality impacts in the Draft EIR using the District's updated thresholds for other project emissions, including particulate matter.

As specified in BAAQMD Resolution No. 2010-06, and as stated in the Recirculated Draft EIR, the updated BAAQMD Guidelines apply to projects for which the Notice of Preparation (NOP) is issued or environmental review begins *after* the adoption of the guidelines in June 2010. The NOP for the proposed Roblar Road Quarry was issued in August 2004, and consequently, the updated BAAQMD Guidelines do not apply to the Roblar Road Quarry EIR.

Nonetheless, since no adopted quantitative GHG significance threshold existed at the time the Roblar Road Quarry Draft EIR (May 2008) and EIR Response to Comments Document (October 2009) were published, and thus, no significance determination of the impact of project GHGs was made in the EIR, the County elected to evaluate the project GHG emissions using the new BAAQMD GHG significance threshold in the Recirculated Draft EIR. However, the County has also elected to limit the scope of new air quality analysis to this specific issue.

Please also see Master Response 1 in Chapter II in this Response to Comments Document.

- A-4 The commenter raises issues related to wind data. These issues are outside the scope of the Recirculated Draft EIR, but were addressed as part of the responses to BAAQMD's comment letter on May 2008 Draft EIR, and in Master Response AQ-1 in the October 2009 Response to Comments Document. Please see also Master Response 1 in Chapter II in this Response to Comments Document.
- A-5 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. However, Master Response AQ-1 in the October 2009 Response to Comments Document expanded mitigation measures to further minimize project generated dust, including additional wind screening and the requirement for implementation of a wind monitoring program. Please see also Master Response 1 in Chapter II in this Response to Comments Document.



COUNTY OF SONOMA
DEPARTMENT OF HEALTH SERVICES

Rita Scardaci, PHN, MPH – Director
Ruth Lincoln, PHN, MA – Assistant Director
Benita McLarin, MS, MHA – Assistant Director

Environmental Health Division
Walter L. Kruse - Director

July 20, 2010

Scott Briggs
Environmental Review Division Manager
Sonoma County Permit & Resource Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403-2829

**Re: Recirculated Portions of Draft Environmental Impact
Report # SCH 2004092099**

Dear Mr. Briggs:

The Department of Health Services has reviewed the recirculated portions of the Draft Environmental Impact Report (EIR), SCH # 2004092099, for Roblar Road Quarry, located at 7601 & 7175 Roblar Road. The document addresses changes in the environmental setting as it relates to the newly identified California Tiger Salamander larvae found on the site and the revised California Environmental Quality Act guidelines for Green House Gas Emissions by the Bay Area Air Quality Management District.

B-1

The Department of Health Services has no further comments on this project at this time.

Please contact Christine Sosko at csosko@Sonoma-county.org or (707) 565-6521 if you have any questions.

Sincerely,

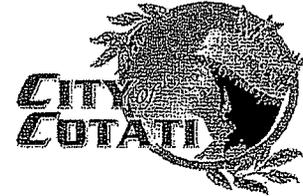
Walter L. Kruse, MA, REHS
Director of Environmental Health
Department of Health Services
Public Health Division

C: Christine Sosko, REHS, Environmental Health Program Manager
Leslye Choate, REHS, Supervising Environmental Health Specialist
James Tyler, REHS, Supervising Environmental Health Specialist

Letter B. County of Sonoma Department of Health Services (Walter L. Kruse, MA, REHS, Director of Environmental Health, Public Health Division)

- B-1 The commenter indicates the County of Sonoma Department of Health Services has reviewed the recirculated portions of the Draft EIR and has no further comments on the project at this time. The comment is noted.

City of Cotati
Community Development Department
Planning Division



July 28, 2010

Mr. Blake Hillegas
Sonoma County Permit and Resources Management Department
2550 Ventura Avenue
Santa Rosa, CA. 95403
bhillega@sonoma-county.org

SUBJECT: Roblar Road Quarry Project
Recirculated Portions of the Environmental Impact Report

Dear Blake,

The City of Cotati appreciates the opportunity to comment on the Recirculated Environmental Impact Report for Roblar Road Quarry Project.

The City of Cotati is the closest city to the Proposed Project. Haul trucks must pass through Cotati in order to access Highway 101 and other County arterials. The Roblar Road Quarry Project contributes to an increase in GHG emissions within the City of Cotati due to increased truck traffic and the accompanying idling that will increase as the local intersections and road segment Levels of Service deteriorate. Some of these impacts are noted within the Draft EIR under the analysis for the following intersections:

- State Route 116 at US 101 SBRamp
- State Route 116 at Old Redwood Highway.

C-1

Due to the GHG emissions impacts that are specific to the City of Cotati, the City is requesting the following:

1. The EIR require GHG emission offsets be provided locally *within* the City of Cotati. There are many opportunities within Cotati to provide carbon offsets that will assure that Cotati is not negatively impacted as a result of the trucks which must enter and exit the Roblar Road Quarry through the City of Cotati.
2. A GHG emissions reductions program be a requirement of the EIR and that the City have a membership within the team that is required to approve that program. Program shall be required to be approved and in place prior to any Quarry operations permits being issued.

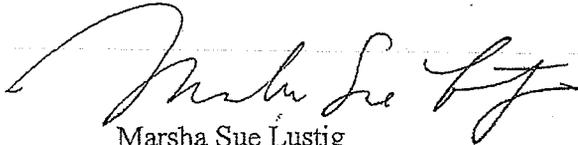
C-2

C-3

City of Cotati
Roblar Road Quarry
Recirc EIR
July 28, 2010

Again, thank you for the opportunity to comment on the Roblar Road Quarry Recirculated Environmental Impact Report. If you have any questions or comments regarding the above comments, I can be reached at 665-3637.

Sincerely,



Marsha Sue Lustig
Acting Community Development Director

Cc: Dianne Thomsson, City Manager
Damien O'bid, City Engineer

Letter C. City of Cotati (Marsha Sue Lustig, Acting Community Development Director, Community Development Department)

- C-1 The commenter indicates that the project would contribute to increases in GHG emissions within the City of Cotati due to increased haul trucks and accompanying idling that would increase as the local intersections and road segment levels of service deteriorate.

The Draft EIR (May 2008) addressed all potential project traffic impacts, including those that would occur at study intersections within the City of Cotati (i.e., SR 116 and U.S. 101 Southbound ramp, and SR 116 and Old Redwood Highway). The Draft EIR determined that project effect on the level of service at the intersection of SR 116 and U.S. 101 Southbound ramp would be less than significant, and project effect on the level of service at the intersection of SR 116 and Old Redwood Highway would be reduced to less than significant with implementation of signal timing optimization identified in Mitigation Measure E.2d.

See also responses that follow regarding mitigation of project GHG gases, including those that would be generated by the project within the City of Cotati.

- C-2 The commenter requests that the EIR require GHG emission offsets be provided within the City of Cotati, noting that there are many opportunities within Cotati to provide carbon offsets. Mitigation Measure F.6b provides for, among other offset options, the funding of local projects that will result in real, permanent, verifiable, enforceable, and additional reduction in GHGs; this could include specific opportunities within the City of Cotati and/or other local jurisdictions. Further, GHG issues are regional issues influenced more by air basin boundaries than political boundaries, making the exact location of local-area offset within Sonoma County unimportant.
- C-3 The commenter requests that the EIR require a GHG emissions reduction program and that the City have a membership within the team that is required to approve the program. The commenter further states that such program be approved and in place prior to any Quarry operations permit.

Mitigation Measure F.6a-b in the Recirculated Draft EIR provides the necessary framework to ensure feasible on-site and off-site measures shall be implemented to reduce project GHG emissions to less than significant. The applicant must annually report actual GHG emissions and employ specified methods to ensure emissions are reduced to below the significance threshold. Furthermore, pursuant to *CEQA Guidelines*, the County will adopt a Mitigation Monitoring and Reporting Program (MMRP) to ensure compliance with mitigation measures during project implementation. The mitigation measures required by the County to reduce or avoid significant project impacts will be made conditions of project approval as set forth in a MMRP. Until mitigation

measures have been completed, the County would remain responsible for ensuring that implementation of mitigation measures occurs in accordance with the MMRP.



CARRQ

Citizens Advocating for Roblar Rural Quality

Citizens Against Roblar Road Quarry

200 Vlaardingen Lane, Petaluma, CA 94952

www.carrq.org

July 28, 2010

By Hand-Delivery

Robert Williams, Chair
Commissioner Don Bennet
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 94503

Re: Roblar Road Quarry (SCH No. 2004092099) – Recirculation of Draft Environmental Impact Report

Dear Chair Williams and Commissioners:

Citizens Advocating Roblar Road Quality (“CARRQ”) hereby comments on the recirculated Draft Environmental Impact Report (“DEIR”) for the proposed Roblar Road Quarry (the “Project”). We comment on five principal subjects.

We begin by commenting on the air quality issues addressed by the recirculated DEIR. CARRQ hereby comments on this issue through the expert report of Dr. Petra Pless (attached as Exhibit 1). Among other things, Dr. Pless finds that the air quality conclusions of the DEIR cannot be adequately assessed because the DEIR is not adequately documented.

D-1

Second, we comment on the biological resource issues through the expert report of Ms. Kimberly A. Fitz (attached as Exhibit 2). The biological resources impact analysis and mitigation measures remain inadequate and have not been resolved due to the failure of the recirculated DEIR to be adequately documented.

D-2

Third, CARRQ summarizes and attaches documents filed in the Sonoma County Superior Court that pertain to CARRQ's Public Record Act ("PRA") request, which is now being decided by Judge Daum. For months the County has refused to make available to CARRQ records requested under the PRA that pertain to the Project. CARRQ earlier objected to the Planning Commission's further consideration of the Project in the absence of these documents, and here repeats these objections. Since both the previously released FEIR and recirculated DEIR lack documentary evidence to support its air quality and biological resource conclusions (as stated in Dr. Pless's and Ms. Fitz's reports) and because the County has not complied with CARRQ's Public Record Act request, CARRQ hereby requests that the comment period for the recirculated DEIR be extended until such time as that information and those records are produced by the County.

D-3

Fourth, CARRQ objects to the County's destruction of records that should properly be part of the administrative record under Public Resource Code ("PRC") § 21167(e)(10).

D-4

Fifth, CARRQ comments that the sale of the business of the applicant, North Bay Construction, to a competitor constitutes significant new information that should be disclosed and analyzed in a recirculated DEIR. The FEIR's and the DEIR's analyses of the air and transportation impacts is premised on assumptions regarding contracted sales by the applicant, as well as indemnities and other commitments by North Bay Construction. Thus, the sale constitutes significant new information which should be addressed by the FEIR and DEIR. It is not.

D-5

Finally, we note that the recirculated DEIR does not discuss significant issues which remain unaddressed by either the EIR or DEIR for the Project. We conclude by summarizing the unresolved issues that the recirculated DEIR does not address.

D-6

1. **Air Quality**

We turn first to the DEIR's analysis of air quality issues. CARRQ hereby submits the attached report of Dr. Petra Pless dated July 28, 2010 (Exhibit 1). As described in detail by Dr. Pless, numerous potential environmental impacts associated with the Project have not been properly reviewed, identified, or mitigated. While recirculated DEIR estimates criteria pollutant and greenhouse gas, it fails to provide adequate information how these results were derived, and provides an incomplete methodology which is inadequate to verify the presented results. After it received the DEIR, CARRQ timely requested information from the County necessary to evaluate the DEIR's conclusions. The County has responded that it will not provide this information to CARRQ before the close of the comment period on July 28, 2010. See letter from County Counsel dated so stating (Exhibit 3). The recirculated DEIR also fails to (i) evaluate potential impacts associated with the emissions of PM2.5, and (ii) include the identification of fugitive dust emission sources or provide emission estimates. The recirculated portions of the DEIR also fail to analyze the Project in light of the Bay Area Air Quality Management District's recently adopted thresholds of significance for criteria pollutants.

Further, the FEIR and recirculated DEIR completely fail to address the environmental impact of the proposed recycling operations of the Project. Five to ten percent of the proposed production capacity of the Project is anticipated to be recycled concrete or asphalt from North Bay Construction projects, according to County staff reports. Yet the FEIR and recirculated DEIR fail to provide information regarding the emissions from the proposed or expected concrete and asphalt recycling process. This failure was a significant omission in the FEIR. It was not corrected or addressed in the recirculated DEIR.

The DEIR's emission estimates rely on unsupported assumptions and fail to analyze the new federal ambient air quality standards for nitrogen dioxide. Further,

D-7

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D-11

several of the draft DEIR's proposed mitigation measures are not effective; nor does the DEIR present a monitoring or reporting plan. See Pless Report, Exhibit 1.

↑ D-11
cont.

2. **Endangered Species Issues**

Neither the recirculated DEIR nor the FEIR adequately addresses the impact of the Project on endangered species, including the American badger, the California red-legged frog, and the California tiger salamander. The report of Kimberly A. Fitz, submitted as Exhibit 2 to this comment letter, addresses these issues, and CARRQ incorporates the comments in Ms. Fitz's report here in full.

D-12

3. **Failure of the County to Disclose Records Under the Public Record Act**

The County has not produced records pertaining to the Project requested by CARRQ under the Public Records Act.

CARRQ initially requested documents from the County that pertain to the Project under California's Public Record Act last year. The County has refused to produce certain documents. Its refusal led CARRQ to file a petition under the Public Record Act before Judge Daum in Sonoma County Superior Court to compel production of the requested documents. This request is now pending before Judge Daum. The history of CARRQ's PRA request and subsequent petition is as follows.

D-13

On or about December 17, 2009, CARRQ formally requested documents from the County of Sonoma under the California Public Records Act. See Exhibit 1 to Declaration of Aaron S. Dutra (hereafter "Dutra declaration") in Support of CARRQ's Amended Verified Petition for an Order to Show Cause and to Institute Proceedings for Injunctive and Declarative Relief to Enforce the Public Records Act and Compel the Public Disclosure of Documents under Government Code §§ 6258 and 6259 (hereafter "Amended Verified Petition"), filed with the Superior Court, County of Sonoma, on April 28, 2010.

↓

CARRQ's Amended Verified Petition and supporting papers, including the Dutra declaration and exhibits thereto, are attached collectively as Exhibit A.

After months of negotiations and repeated requests by CARRQ, the County refused to produce documents responsive to CARRQ's Public Records Act requests on several grounds, including the so-called "deliberative process" privilege. See correspondence between counsel for CARRQ and County of Sonoma from January, 2010 through April, 2010, attached collectively as Exhibit 2 to the Dutra declaration in support of CARRQ's Amended Verified Petition.

To date, the County continues to refuse to produce documents that it asserts are protected by the "deliberative process" privilege. A description of these documents is contained in the County's privilege logs, attached as Exhibits 3 and 3A to the Dutra declaration in support of CARRQ's Amended Verified Petition.

Due to the County's refusal to produce all documents responsive to CARRQ's Public Record Act Requests, including those the County contends are subject to the "deliberative process" privilege, CARRQ filed a Verified Petition for an Order to Show Cause and to Institute Proceedings for Injunctive and Declarative Relief to Enforce the Public Records Act and Compel the Public Disclosure of Documents under Government Code §§ 6258 and 6259 ("Verified Petition") on or about April 26, 2010. On April 28, 2010, CARRQ filed its Amended Verified Petition. See Exhibit A.

On May 6, 2010, the Honorable Elliot L. Daum of the Sonoma County Superior Court issued an Order to Show Cause pursuant to Government Code § 6250 et seq., why the County should not be compelled to turn over the documents described in CARRQ's Amended Verified Petition on May 17, 2010. See Exhibit B. Under Government Code § 6259, this order to show cause was issued upon a finding that certain public records were improperly withheld by the County from a member of the public.



D-13
cont.

At the May 17, 2010 Order to Show Cause hearing, the Court permitted the parties to file further submissions, including on the issue of the asserted public interest, and set a new briefing and hearing schedule. See Court's May 17, 2010 Minute Order, attached as Exhibit C.

Pursuant to the Court's May 17, 2010 order, Petitioner CARRQ timely filed a Second Amended Verified Petition for an Order to Show Cause and to Institute Proceedings for Injunctive and Declarative Relief to Enforce the Public Records Act and Compel the Public Disclosure of Documents under Government Code §§ 6258 and 6259 ("Second Amended Verified Petition") on June 1, 2010. See Exhibit D. The Second Amended Verified Petition provides further clarification regarding the public interest at issue in this matter.

The County responded to CARRQ's Second Amended Verified Petition by filing the following documents, which are attached collectively hereto as Exhibit E:

- Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Blake Hillegas in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Scott Briggs in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Pete Parkinson in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Maria J. Cipriani in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Phyllis C. Gallagher in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Declaration of Sally McGough in Support of Respondents' Brief on Merits of Public Records Act Claims;
- Notice of Hearing on Motion to Strike and Demurrer;
- Memorandum of Points and Authorities in Support of Respondents' Motion to Strike and Demurrer;

D-13
cont.

- Motion to Strike and Demurrer; and
- Application for Leave to File Brief in Excess of Fifteen Pages.

In response, CARRQ timely filed the following documents, attached collectively hereto as Exhibit F:

- Petitioner's Reply to Respondents' Opposition on the Merits to Second Amended Verified Petition; and
- Petitioner's Opposition to Respondents' Motion to Strike and Demurrer.

CARRQ's Second Amended Verified Petition was heard by the Superior Court on July 14, 2010. CARRQ has requested, but not yet received, a copy of the transcript of the hearing. CARRQ will submit a copy of the hearing transcript to become part of this Administrative Record at a later date when it is available.

At the July 14, 2010 hearing on CARRQ's Second Amended Verified Petition, and pursuant to Government Code § 6259, the Court ordered the County to produce the documents at issue at a subsequent in camera review. The Court did not permit counsel for CARRQ to attend the in camera review. The Court has not yet issued an order regarding CARRQ's Second Amended Verified Petition. CARRQ will submit the Court's order regarding CARRQ's Second Amended Verified Petition to become part of this Administrative Record at a later date when it is available.

Accordingly, CARRQ requests that the comment period for the recirculated DEIR be extended until a reasonable time after the documents ordered by Judge Daum are produced to CARRQ. If the County will not extend the period, CARRQ reserves its right to comment upon any and all issues related to the content of these emails once they are released to CARRQ.

D-13
cont.

4. **The County's Failure to Compile an Administrative Record for This Project as Required Under CEQA**

After its Public Record Act request, CARRQ learned of information that leads CARRQ to believe that the County has not complied, and may still not be complying, with the requirements of CEQA to compile the administrative record pertaining to the Project under Public Resource Code § 21167(e)(10). Under Public Resource Code § 21167(e)(10), the County must compile an administrative record that contains all interagency communications, such as those within the Permit and Resource Management Department (the "PRMD"), that pertain to the approval or consideration of the Project.

Despite the requirements of Under Public Resource Code § 21167(e)(10), CARRQ has learned interagency communications regarding the County's consideration of the Project have been routinely destroyed by the County. We understand from the statements of County Counsel at the Court hearings which addressed this subject, as well as documents the County has filed with the Court, that only a very limited number of interagency communications regarding the Project¹ have been retained. These retained communications are the subject of the Public Record Act request. Numerous other interagency communications regarding this project apparently may no longer exist and are not now part of the administrative record. CARRQ believes this is improper under CEQA.

It appears, based upon County Counsel's statements and representations to the Court, that as a matter of considered policy the County does not keep any PRMD internal agency communications in the ordinary course of business. Further, declarations of County staff clearly establish that all existing internal agency communication of the PRMD, including staff notes and memoranda that pertain to any land use project, are routinely discarded by the County once "the preparation of environmental documents is

¹ Those which happened to have been retained by Mr. Parkinson, Mr. Hillegas, or Mr. Briggs.

completed.” See attached Parkinson Declaration, ¶17; Briggs Declaration, ¶5; Hillegas Declaration, ¶7.

PRC §21167.6(e)(10) requires that all of such documents be part of the County’s administrative record of the Project. PRC §21167.6(e)(10) requires the County to produce (or at least disclose) interagency communications relating to the approval or consideration of the Project in subsequent CEQA proceedings. The County’s past practice of routinely destroying these documents for the Project is inconsistent with the statute.

The County’s customary and routine practice of destruction of its internal agency communications that bear upon its approval of the Project makes it likely that many documents pertaining to the Project cannot and will not be part of the administrative record as required under PRC §21167.6(e)(10). CARRQ requests that the Planning Commission extend the comment period for the DEIR until (i) it conducts an investigation into this practice, (ii) undertakes remedial action to correct, to the extent possible, this practice with respect to the Project, and (iii) assembles, and makes available to the public, the proper administrative record for the Project.

5. Sale of Ownership in North Bay Construction to Ghilotti Construction

After the recirculation of the DEIR, CARRQ understands from news reports that North Bay Construction has been sold to Ghilotti Construction. See press report dated June 18, 2010. Exhibit 4. Since the recirculated DEIR provides no information on this subject, neither CARRQ nor any member of the public can understand the impact this sale will have on any of the facts and the assumptions reflected in the analysis in the FEIR or recirculated DEIR. CARRQ requests that the County provide such information in a recirculated DEIR. We note that both the FEIR’s and recirculated DEIR’s analysis of air and transportation impacts assumes contracted sales by North Bay Construction. It



D-14
cont.

D-15

is unclear whether the contracted sales restriction will apply to all future owners of the site. The present ownership of the site itself is unclear. We do not know whether North Bay Construction, or its owner, Ghilotti Construction, own the site. We do not know whether any of the agreements, indemnities, or other understandings between the County and the applicant remain in place or are legally effective. At the very least, the purchase of applicant by its main competitor undercuts the purported economic advantages of the Project upon which the County's statement of overriding consideration depends. All this raises significant new information which must be addressed by the County and considered by the public before the project can be recommended for approval.

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D-15
cont.

6. **The Recirculated DEIR**

The recirculated DEIR does not address issues left unresolved in the FEIR. The following issues remain unaddressed:

(a). **Haul Routes**

The impact of the alternative haul route identified in the EIR as the environmentally preferred alternative is insufficiently analyzed. In particular, the alternative haul route proposed to be constructed through land currently under a conservation easement held by the Sonoma County Agricultural Preservation and Open Space District (the "Open Space District") is not an "alternative" at all. Rather, it is an integral component of the project itself, proposed by the applicant, and that should be fully analyzed by the FEIR, and the recirculated DEIR should (but does not) fully analyze the impacts on the adjacent land that will remain subject to the conservation easement. It should (and does not) analyze whether this haul route through "open space" can comply with laws governing the exchange of lands subject to conservation easements (including whether the County can comply with requirements of supporting appraisals).

D-16
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In addition, CARRQ notes that the FEIR and recirculated DEIR should (but do not) analyze the environmental impacts of the route over lands within an Open Space District conservation easement or through the Neve property (the "Overland Routes"), and contrast the impacts of the Overland Routes to an alternative haul route that would use the existing right of way along Roblar Road west of the proposed Quarry. The FEIR and recirculated DEIR should (but do not) compare the environmental impacts of the alternative use of Roblar Road west of the project site as a haul route with the use the Overland Route or the "Open Space" route as a haul route.

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D-16
cont.

(b). **Roadway Wear Impacts.**

The FEIR and recirculated DEIR should disclose and analyze (but do not) the impacts to and mitigation of roadway wear. The calculated traffic index for project haul roads in the FEIR does not indicate how the level of significance was obtained. The differential between the existing and existing plus project traffic indexes, which appear in FEIR Table 4.E.11, does not explain those levels' significance. The calculation of the levels' significance must be explained in a recirculated DEIR. Further, the significance of the mitigation measures discussed in FEIR Section 4.E (at page 30) under Mitigation Measure E6A, 6B should be re-evaluated. Specific criteria that will require the applicant to rebuild the roads should be stated. In addition, a recirculated DEIR should analyze whether the roadway maintenance agreement proposed under Measure E6B will fully mitigate the degradation to pavement by this project. The recirculated DEIR does not address any of these issues. It should (but does not) analyze whether the impacts of the project to roadway degradation will be fully recovered through any agreement or mitigation, and if they may not be, the reason for this failure of mitigation should be explained. Finally, if identified mitigation measures that would reduce roadway wear impacts to less than significant are nonetheless rejected by the County as infeasible, the FEIR or recirculated DEIR should specifically address why it is infeasible for the applicant to compen-

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D-17
cont.

sate the County and public for such roadway degradation. No such analysis appears in either document.

↑ D-17
| cont.

(c). **Recycling Operations.**

The County Staff Report states that up to 10% of the proposed production is anticipated to be recycled concrete or asphalt. The FEIR and recirculated DEIR should disclose (but do not) whether or not the conditions of approval will restrict recycling to no more than 10% of the proposed production in the future, and how such restrictions (if any) would be enforced, and should analyze the environmental impacts associated with this activity on all resources, including biology, air quality and water quality. The FEIR and recirculated DEIR do not address any of these subjects or even touch upon the impacts the proposed recycling will have upon the environment.

| D-18

(d). **Water Quality.**

A December 15, 2009 letter from the California Regional Water Quality Control Board stated that the Board did not believe sufficient mitigation has been provided for impacts to surface waters, and that they were concerned the Quarry would degrade the water quality. County Staff and applicant responded to this letter by constructing new groundwater models and redesigning its systems in and around the quarry. These new models and designs by applicant and County Staff should have been addressed in the recirculated DEIR. In particular, any and all plans and models offered by applicant in order to show mitigation to protect surface and groundwater should be reviewed in a recirculated DEIR released to the public for review and comment.

| D-19

Respectfully submitted,

Sue Buxton
President

PROOF OF SERVICE

On July 28, 2010, I served the attached **Letter to the Sonoma County Planning Commission**, dated July 28, 2010, on the parties in this action by placing a true copy thereof in sealed envelope(s), addressed as follows:

Sonoma County Permit and Resources
Management Department
2550 Ventura Avenue
Santa Rosa, CA 95403
Fax: 707-565-1103

I caused the attached document to be personally delivered to the persons at the addresses set forth above. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on July 28, 2010.

Sue Burk

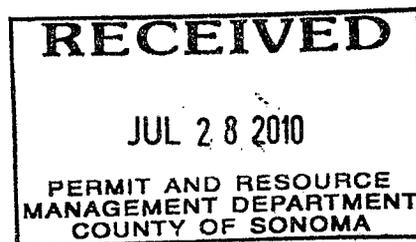


EXHIBIT I

Pless Environmental, Inc.

440 Nova Albion Way, Suite 2
San Rafael, CA 94903
(415) 492-2131 voice
(815) 572-8600 fax

BY EMAIL

July 27, 2010

Sue Buxton
Citizens Advocating for Roblar Rural Quality
200 Vlaardingen Lane
Petaluma, CA 94952

Re: Review of Final Environmental Impact Report for Roblar Road Quarry

Dear Ms. Buxton,

Per your request, I have reviewed documents related to the Environmental Impact Report ("EIR") for the Roblar Road Quarry ("Project")¹ published by the Sonoma County Permit and Resource Management Department ("PRMD") as the lead agency under the California Environmental Quality Act ("CEQA").

Background

The project-specific EIR analyzes potential environmental impacts associated with the proposed Project at 7601 and 7175 Roblar Road in Sebastopol, CA. The Project would establish a new quarry encompassing 70 acres with a maximum annual production of 570,000 cubic yards for 20 years for a maximum lifetime production of 11,400,000 cubic yards of material. Five to 10 percent of the proposed production is anticipated to be recycled concrete or asphalt from North Bay Construction ("Applicant" or "NBC") projects.²

¹ County of Sonoma Permit and Resource Management Department, Draft Environmental Impact Report, Roblar Road Quarry, SCH #20040920999, May 2008 (hereafter "Draft EIR");

County of Sonoma Permit and Resource Management Department, Response to Comments Document, Environmental Impact Report, Roblar Road Quarry, SCH #20040920999, October 2009 (hereafter "Final EIR");

County of Sonoma Permit and Resource Management Department, Sonoma County Planning Commission Staff Report, December 17, 2009 (hereafter "Staff Report"); and

County of Sonoma Permit and Resource Management Department, Recirculated Portions of Draft EIR, Environmental Impact Report, Roblar Road Quarry, SCH #20040920999, June 2010 (hereafter "Recirculated portions of the Draft EIR").

² Staff Report, pp. 2-3.

Comments

As discussed in my comments below, a number of potential environmental impacts associated with the Project have not been properly reviewed, identified, or mitigated.

The following table of contents summarizes the organization of this letter.

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I. The EIR Is Not Adequately Documented

The EIR presents estimates of criteria pollutant and greenhouse gas ("GHG") emission calculations and results of ambient air quality modeling and a human health risk assessment but fails to provide adequate information how these results were derived. The Draft EIR provides only an incomplete methodology in Appendix E, which is inadequate to verify the presented results.

I understand Citizens Advocating for Roblar Rural Quality ("CARRQ"), has repeatedly requested the following from the County:

- Criteria air pollutant emission estimates in their native format (Excel, not protected);
- Greenhouse gas emission estimates in their native format (Excel, not protected);
- Modeling files for ambient air quality modeling including all input/output files for ISC-3 modeling; and
- Modeling files for human health risk assessment including all input/output files for HARP modeling.

I understand that as of today, July 27, 2010, three days before the end of the comment period on July 30, 2010, these files have not been provided by the County. Without the information contained in these files, it is impossible to verify any of the data presented in the EIR's air quality section, including:

- Maximum daily and annual average operational emissions of criteria pollutants presented in Table IV.F-4);
- Project source contribution to nitrogen oxides ("NOx") and particulate matter equal to or smaller than 10 micrometers ("PM10") in 2007 and 2027 presented in Table IV.F-5;
- Total reduction in maximum daily and annual NOx and PM10 emissions with implementation of the proposed mitigation measures presented in Tables IV.F-6 and IV.F-7;
- Estimated annual average diesel particulate matter ("DPM") concentrations from the Project at study receptors presented in Table IV.F-8); or
- Maximum Project-related annual greenhouse gas emissions presented in Table IV.F-9.
- Snapshot example of mitigation of greenhouse gas emissions presented in Table IV.F-10.

Thus, the County expects the public to accept the presented results in blind faith and deprives the public of the possibility for independent review.

D-20

II. The Recirculated Portions of the Draft EIR Fail to Address New Thresholds of Significance Published for Criteria Pollutants Recently Adopted by the Bay Area Air Quality Management District

The Bay Area Air Quality Management District ("BAAQMD") has recently adopted substantially revised CEQA Guidelines which contain new, lower thresholds of significance to bring the region into compliance with ambient air quality standards for criteria pollutants. While the thresholds are not required for Projects whose CEQA review began before the revised CEQA Guidelines were adopted, the Project's conformance with the new thresholds should be presented to the public and the lead agency to make an informed decision on the significant impacts the Project would have on local and regional air quality.

D-21

Thus, the Final EIR should be revised to compare the Project's criteria pollutant emissions with these new thresholds to evaluate the Project's contribution to potential future non-compliance events.

III. The EIR Fails to Evaluate Potential Impacts Associated with Emissions of PM2.5

The EIR fails to provide emission estimates for the particulate matter with a diameter of 2.5 micrometers or smaller ("PM2.5"). The U.S. EPA has ruled that emission estimates for particulate matter with a diameter of 10 micrometers or smaller ("PM10") can no longer be used as substitute for PM2.5. The EIR should be revised to include estimates of PM2.5 and, if they exceed the BAAQMD's new thresholds of significance, should provide ambient air quality modeling of PM2.5 to determine whether the Project's emissions would exceed state or federal ambient air quality standards.

D-22

IV. The EIR Fails Include a Number of Fugitive Dust Emission Sources in Its Emission Estimates

The EIR fails to include the following fugitive dust PM10 emissions in its estimates: a) on site entrained road dust PM10 emissions from non-road equipment (dozer, loader, water truck, rock truck) traveling on unpaved roads; b) of off-site entrained road dust PM10 emissions from on road haul truck traffic traveling on paved roads; and c) emissions from recycling concrete and asphalt.

D-23

V. The EIR Fails Provide Adequate Information and Emission Estimates for Concrete and Asphalt Recycling Process

The EIR fails to provide any information about the equipment that would be used to recycle concrete and asphalt. For example, the EIR should indicate whether there would be a hot-mix asphalt plant on site. Potential impacts on air quality due to recycling of concrete and asphalt were not analyzed.

D-24

VI. The EIR's Emission Estimates Rely on Unsupported Assumptions

The EIR assumes makes a number of assumptions that are not supported including: a) average trip distance of 30 miles (each way) for employees and 24 miles (each way) for haul trucks; 478 daily and 50,148 annual vehicle trips; one-sixteenth of a mile vehicle travel on unpaved roads on-site; etc. None of these assumptions are documented.

Considering that many North Bay Construction projects are located outside of Sonoma County, the average trip distances of 30 miles for employees and 24 miles for haul trucks (each way) appears low. For example, the Applicant's website shows that of 28 current projects 10 are located outside of the County. These include:

- Benicia Water Tank Project, Benicia (56 miles)
- Columbus Parkway, Vallejo (50 miles)
- Mare Island South Grading, Vallejo (39 miles)
- Hawthorne Village Apartments, Napa (38 miles)
- Ashton Parc, Sacramento (100 miles)
- Elmira Road Widening, Vacaville (40 miles)
- Walden Glen Subdivision, Napa (38 miles)
- Wilson Ave., Vallejo (40 miles)
- Vaca Valley Business Park Phase 2, Vacaville (40 miles)
- Futo Vineyards, Oakville (40 miles)³

The EIR should be revised to provide adequate documentation for all assumptions.

D-25

VII. The EIR Presents outdated Information with Respect to the 1-Hour Federal Ambient Air Quality Standard for NO₂

The Final EIR should be revised to include the new federal 1-hour ambient air quality standard for nitrogen dioxide ("NO₂") of 0.100 ppm.⁴

D-26

VIII. The EIR Fails to Estimate for Emissions of NO_x from Blasting, Potentially Failing to Determine a Significant Impact

The EIR states that dynamite would be used to blast rock that is too hard to push out of the hill with large equipment. However dynamite, a nitroglycerin-based explosive, is rarely used these days in quarries due to its hazardous properties. The most widely used explosive is a mixture of ammonium nitrate and fuel oil ("ANFO").

D-27

³ North Bay Construction, Current Projects; <http://www.nbcinc.net/projects/index.html>, accessed July 14, 2010. Distances estimated with Google.

⁴ See California Air Resources Board, State and National Air Quality Standards, revised February 16, 2010; <http://www.arb.ca.gov/research/aaqs/aaqs2.pdf>.

The ammonium nitrate is in the form of a prill (small, bead-like pellet), which absorbs the fuel oil. ANFO is far less hazardous than dynamite and breaks more rock per unit of cost. Thus, it is the preferred explosive for blasting rock. The EIR must be revised to provide estimates of nitrogen oxides ("NOx") emissions from blasting with ANFO. Although NOx emissions from blasting may only contribute a small proportion of total Project NOx emissions, the rapid release and high concentration that may be associated with such activities may pose a health risk should the resulting plume not dissipate rapidly and subsequently drift on to the populations in the surrounding environs. In studies of open-mine blasting, NO₂ was present in most of the plumes typically ranging between 0 and 17 parts per million ("ppm"). The 1-hour California ambient air quality standard for NO₂ is 0.18 ppm which is not to be exceeded. Therefore, blasting emissions would likely by far exceed the 1-hour California standard. This is a significant impact that the EIR has not identified and that is not adequately mitigated. The Project should be required to implement a blasting monitoring program that includes NO₂ measurements.

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D-27
cont.

IX. Several of the Draft EIR's Proposed Mitigation Measures Are Not Effective or Enforceable and the Draft EIR Fails to Present a Monitoring and Reporting Plan

In general, the EIR requires extensive mitigation for impacts on air quality and contribution to greenhouse gas emissions for which the Applicant should be commended. However, some mitigation measures, as written, are too vague and therefore ineffective in achieving their goals of reducing emissions or are not enforceable.

For example, Mitigation Measure F.1c, the requirement to use 2003 and newer haul trucks "to the extent feasible" is not enforceable.⁵ Instead it should be required that a certain verifiable percentage be hauled with 2003 or newer model trucks.

D-28

Similarly, Mitigation Measures F.1e and F.6.b, the requirement to use alternative powered equipment "where feasible" is not enforceable. Mitigation Measure F.1e requires that feasibility be determined by "market availability and cost considerations" and submitted in an annual report to the PRMD.⁶ Clearly, the Applicant does not have much incentive to identify all available equipment in this report to the PRMD. Thus, the report is not sufficient to verify that all feasible equipment would be used. Further, the mitigation measure contains no standard for the PRMD to determine feasibility. Thus, the mitigation measure as written is not enforceable and ineffective.

⁵ Draft EIR, p. IV.F-21 and Recirculated Final EIR, p. II-42.

⁶ Final EIR, p. IV-41.

Mitigation Measure F.1e also requires that hours of operation of heavy duty equipment and idling be limited "where feasible."⁷ The mitigation measure fails to specify what "where feasible" means and how this measure would be enforced. Thus, this mitigation measure is not enforceable as a practical matter.

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D-28
cont.

Finally, the EIR does not contain a mitigation monitoring and reporting program for the proposed mitigation measures that can be independently verified, as is customary for CEQA documents. Mitigation monitoring and reporting is required as a matter of law. The Governor's Office of Planning and Research explains:

Despite CEQA's emphasis on mitigation, until 1988 the Act did not require that agencies take actions to ensure that required mitigation measures and project revisions were indeed being implemented. When reports of gross disregard for mitigation requirements reached the State Legislature in that year, it responded by enacting AB 3180 (Cortese). Section 21081.6 of the Public Resources Code, added by this bill, provides that whenever a mitigated negative declaration is adopted or a public agency is responsible for mitigation pursuant to an EIR, the agency must adopt a program for monitoring or reporting on project compliance with the adopted mitigation. The legislation was signed into law by Governor Deukmejian in September of 1988 (Chapter 1232, Statutes 1988) and took effect on January 1, 1989.⁸

D-29
cont.

The CEQA Guidelines were revised to reflect the requirements of AB 3180 and state in part:

Prior to the close of the public review period for a draft environmental impact report or mitigated negative declaration, a responsible agency, or a public agency having jurisdiction over natural resources affected by the project, shall *either* submit to the lead agency complete and detailed performance objectives for mitigation measures which would address the significant effects on the environment identified by the responsible agency or agency having jurisdiction over natural resources affected by the project, *or* refer the lead agency to appropriate, readily available guidelines or reference documents.⁹

Here, the Draft EIR *neither* contains complete and detailed performance objectives for its proposed mitigation measures *nor* does it reference any readily available guidelines or reference documents. One or the other must be included in the Draft EIR for public review. (For guidance on the outline and contents of a mitigation

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⁷ *Ibid.*

⁸ Governor's Office of Planning and Research, CEQA Technical Advice Series, Tracking CEQA Mitigation Measures Under AB 3180, *emphasis added*;
http://ceres.ca.gov/ceqa/more/tas/CEQA_Mitigation/CEQA_Mit.html.

⁹ California Public Resources Code § 21081: Findings Necessary for Approval of Project; § 21081.6(c): Adoption of Reporting or Monitoring Program for Changes, 2009.

monitoring and reporting plan, *see*, for example, the Sacramento Railyards Specific Plan EIR.¹⁰)

↑ D-29
cont.

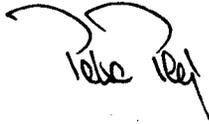
X. Conclusions

In my opinion, the EIR fails to identify all significant adverse impacts on air quality and does not require all feasible mitigation in an enforceable and effective way.

↑ D-30

Please feel free to call me at (415) 492-2131 or e-mail at petra@ppless.com if you have any questions about the comments in this letter.

Sincerely,



Petra Pless, D.Env.

¹⁰ City of Sacramento, Railyards Specific Plan, Final Environmental Impact Report, SCH No. 2006032058, November 2007, Appendix D; <http://www.cityofsacramento.org/dsd/projects/railyards/feir/>.

EXHIBIT 2

July 20, 2010

Members of Sonoma County Planning Commission
Blake Hillegas, Member of Sonoma County Planning Staff
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
(submitted via email July 22, 2010)

Re: Roblar Road Quarry Proposal, PLP03-0094

Dear Members of the Planning Commission and Mr. Hillegas:

This comment letter pertains to the above-referenced proposal.

At the request of Citizens Against Roblar Rock Quarry (CARRQ), I have visually inspected the quarry site from outside the property boundaries and reviewed the Biological Resource sections of the DEIR and FEIR for the Roblar Road Quarry Proposal; on CARRQ's behalf, I offer the following biologically-based comments prompted from the discovery of presence of the California tiger salamander (CTS) on the site.

I am the principle wildlife biologist and owner of BioConsultant LLC; an environmental consulting firm in Santa Rosa. My CV is attached. My experience in wildlife biology is documented in the CV.

CTS and Upland Habitat Mitigation

Given the recent discovery of CTS larvae in two stock ponds on the adjacent parcels of the quarry project site, the 70 acres of upland habitat that will be permanently lost due to quarry construction creates a significant impact that will require further analysis, replacement and mitigation.

According to the DIR....

The project site consists of two parcels, the 70 acre-parcel that would be directly disturbed by the proposed quarry, and a separate 128.76-acre parcel that surrounds the quarry parcel. In all cases where onsite biological mitigation is identified to mitigate the quarry impacts, such mitigation would occur on the separate 128.76-acre parcel.

The "mitigation parcel" is a fairly narrow, U-shaped parcel that encloses the quarry parcel. Contained within it is the North pond that supports CTS, a large oak woodland stand, unpaved roadways, an existing ranch, and a portion of the proposed alternative haul road. It is unclear how much of the mitigation parcel

D-31

supports high quality grassland/upland habitat. This 128.76 acre parcel can't be assumed to have the features required by CTS without full evaluation of its qualities for support of the species.

The FEIR mitigations as outlined in D.11a-11b states that the *"The applicant is required to compensate for the loss of CTS breeding and upland habitat in accordance with federal and state regulation and shall not be less than a 1:1 ratio"* but does not address analysis/studies to determine the adequacy of the mitigation upland habitat in terms of suitability and quality. The mitigation habitat must be suitable for CTS survival and equivalent to the upland habitat to be lost/ removed.

D-31
cont.

The Biological Opinion and Habitat Mitigation Plan must include an evaluation of the quality of the terrestrial/upland habitat of the "mitigation parcel" in terms of available aestivation/refugia sites, current CTS occupation, food sources, size and connectivity to breeding ponds.

CTS Outlying Population

The onsite CTS larval detection is located 1.75 miles west of and outside the 2003 USFWS draft Potential Range of the Sonoma County CTS. Often outlying animal sub-populations are most variable and are thus particularly important in terms of retaining genetic diversity within a single area. The degree to which these newly-found populations of CTS contribute to the genetic diversity of the salamander populations in Sonoma County would require future study, but it is possible that these outlying populations may have genes less common in core populations. If such were the case, conserving these peripheral populations would be particularly important for survival of the species.

D-32

Cumulative Effects of the Loss of Upland Habitat

Studies conducted by Fawcett (2007) have identified that California red-legged frog CRF is also present in the Center pond and utilizing the surrounding upland habitat. The DEIR also acknowledges that the American badger, a California Species of Special Concern is present. I have observed extensive badger use in the upland habitat adjacent to the Center Pond. Given the documented presence of multiple special status species (CTS, CRF and badger) all utilizing the grassland habitat, the permanent loss of the high quality upland grassland habitat has not been sufficiently addressed nor have the cumulative impacts under CEQA definition been adequately analyzed.

D-33

The DEIR or FEIR do not include any specific mitigation that reduces the loss of the upland habitat to "less than significant."

Other Special Status Species

A biotic study was conducted by Golden Bear Biostudies (June 2003); by most industry standards, the study is outdated and rather lacking in baseline information. The report states that additional late season botanical and wildlife surveys would be conducted and submitted as addenda but the addendum is not in the record. The

D-34

2003 study focused only on species of aquatic habitat; no upland wildlife surveys were performed.

The study concluded that *“surveys did not result in any observations of special status plants or animals. Therefore, there will be no adverse impacts to special status species (subject to final surveys in early summer 2003).”*

Since the study was completed, three special status species have been discovered (CTS, CRF and badger). Additionally, California Department Fish and Game (CDFG) has issued a new protocol for botanical surveys: *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (November 24, 2009).

The lack of survey effort for highly probable special status species such as northwestern pond turtle, foothill yellow-legged frog, burrowing owl, bats, raptors and badger supplies no baseline information to determine impact significance and provide meaningful mitigations, which compounds the inability of these studies to adequately analysis cumulative impacts.

While the DEIR offers Mitigation measures D-1-7 to avoid and minimize direct impacts with pre-construction surveys there is no baseline information to determine significance and cumulate effects. Additionally, the mitigations offered in D-1-7 do not address loss of habitat.

The biotic study should be updated or a new study should be conducted adhering to the new DFG botanical protocols. The study should cover the bloom time of all potentially occurring rare plant species and include surveys for upland special status species.

The new DFG protocol states that additional surveys maybe necessary if... *“Surveys are not current”* and provide the following explanation. *“Habitats, such as grassland or desert plant communities that have annual and short-lived perennial plants as major floristic components may require yearly surveys to accurately document baseline conditions for purposes of impact assessment”*. The Mendocino County Department of Planning and Building Services considered most biotic studies valid for 5 years, unless changes in vegetation and/or conditions have occurred.

American Badger

While a badger study, titled *ESA Roblar Road Quarry Project (2007)* was conducted on the potential alternative haul road alignment area, no studies were performed on the actual quarry site. The report cites CNDDDB badger occurrence #382 located nearby on Roblar Road, which was submitted by this author, but this study failed to disclose onsite occurrence #404, located on the quarry project site. This occurrence was reported 03-15-2007 by the applicant’s biologist, Dr. Michael Fawcett. His description cites *“hundreds of badger burrows on the site, dozens appear to be active”*.

D-34
cont.

D-35

Another occurrence submitted but not yet posted on CNDDDB is located on Blank Road, less than 2 miles to the north of the quarry project. This site also contains hundreds of badger burrows with potential denning activity (personal obs). Other badger sites within 5 miles include occurrence #405 and #407, both near Highway 101 and Cotati. Occurrences #408, #232, #390 are located west of the quarry site at distances greater than 5 miles.

It is apparent that the quarry project site and surrounding landscape is extensively used by badger in it's nomadic, wide-ranging lifestyle. The quarry site appears to be situated within a current movement corridor with surrounding documented badger presence. Conserving contiguous movement corridors is vital for the survival of our local wildlife in their efforts to move among urban areas and remnant habitat patches to find adequate resources and avoid population inbreeding.

The DEIR states that D.5 ".....addresses potential project impacts to American badger and the loss of annual grasslands that support this species...." However, the mitigations offered only avoid direct impacts (injury/mortality) but no measures or discussion regarding the "loss of annual grassland" is actually provided. Again cumulative impacts cannot be analyzed without the baseline studies completed prior to such analysis.

An additional survey of the project site should be included in the EIR, and it should contain the following as a minimum:

- Due to the high potential for intermittent use as well as denning use the time frame for pre-construction surveys should be shortened or include multi pre-construction surveys: within 30-day and within 2-day.
- If exclusion techniques to passively relocate badgers are used those burrows must be monitored for activity by dusting the den entrances and reading tracks overnight or using remote cameras to insure the burrows are not natal dens or still occupied by badger or other animals.
- Recommendations to avoid blasting during birthing and pup rearing times.

Blasting Impacts on Semi-Fossorial Animals

Fossorial or semi semi-fossorial animals are animals that live a portion of their lives underground and thus may be extra susceptible to ground vibration disturbances such as those projected to be caused by the blasting. Three of the special status species within the upland habitat can be classified as fossorial or semi-fossorial animals (CTS, CRLF, and badger). The burrowing owl has high probability to also occur on the site.

The USFWS considers ground vibration disturbances as a negative impact on other semi-fossorial animals such as the federally endangered semi-fossorial Point Arena

D-35
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D-36

mountain beaver (*Aplodontia rufa nigra*) and provides guidelines (USFWS 2010) to reduce ground vibration disturbance such as buffer zones and seasonal restrictions.

Neither the DEIR nor the FEIR addresses this issue sufficiently. Possible mitigation measures might include buffer zones and/or scheduling the blasting timetable to occur outside of critical breeding and denning months.

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D-36
cont.

Sincerely,

Kim Fitts

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Ph: 707-539-4488
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kfitts@bioconsultant.net
www.bioconsultant.net

REFERENCES

California Natural Diversity Data Base (CNDDB). Rarefind 3.0.5 query of the Two Rock, Novato, Petaluma, Petaluma River, and Sears Point USGS 7.5-minute topographic quadrangles and Sonoma County.

California Department of Fish and Game. November 24, 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. Sacramento, CA.

Environmental Science Associates (ESA), Roblar Road Quarry Project, American Badger Site Assessment, Prepared for the County of Sonoma, August 2007(a).

ESA, Roblar Road Quarry Project, California Tiger Salamander Protocol-level Survey, Prepared for the County of Sonoma, August, 2007(b).

Fawcett, M., Waaland, M., Roblar Road Quarry, Summary of Observations Regarding Special-Status Species, 2002-2005, letter report to Marco Waaland, Golden Bear Biostudies, Santa Rosa, CA, October 11, 2005.

Fawcett, M., Waaland, M., Roblar Road Quarry, Summary of Observations Regarding Special Status Species, 2002-2005, letter report to Marco Waaland, Golden Bear Biostudies, Santa Rosa, CA, October 11, 2005.

Fawcett, M. Forwarded email to V. Griego, USFWS, documenting CTS near Roblar Road, May 17, 2007 (ESA, 2007b, Attachment A).

Golden Bear Biostudies, Biotic Assessment – Special Status Species & Habitat Survey of the Sonoma Rock Roblar Quarry Site in Sonoma County, prepared for North Bay Construction, Petaluma, CA, June 2003.

U.S. Fish and Wildlife Service (USFWS). 2010. Draft Point Arena Mountain Beaver Standard Protection Measures for No-take Determinations. Unpublished document on file at the Arcata Fish and Wildlife Office, Arcata, California.

Wildlife Research Associates, New Biological Information for the Recirculation Draft EIR, Roblar Road Quarry. Letter report to Jerry Cossey- North Bay Constructions, Inc. April 30, 2010

Letter D. Citizens Advocating for Roblar Road Quality / Citizens Against Roblar Road Quarry (Sue Buxton, President)

- D-1 The commenter claims air quality conclusions in the Recirculated Draft EIR cannot be adequately assessed because the EIR is not adequately documented, and refers to comments raised in Exhibit 1 of the comment letter. The commenter is referred to response to Comment D-20, below.
- D-2 The commenter asserts that the biological resources impact analysis and mitigation measures remain inadequate and have not been resolved because the EIR is not adequately documented, and refers to comments raised in Exhibit 2 of the comment letter. The commenter is referred to responses Comments D-31 through D-37, below.
- D-3 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document. It should also be noted that in a ruling issues on August 11, 2010, Judge Daum upheld the County's claim that all the records sought be CARRQ in that proceeding are exempt from disclosure.
- D-4 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-5 Please see Master Response 1 in Chapter II in this Response to Comments Document. John Barella is the applicant for the project, not North Bay Construction. John Barella's sale of North Bay Construction is not a change in the project or a change in conditions that would result in new or substantially more severe environmental impacts than already analyzed.
- D-6 The commenter claims the Recirculated Draft EIR does not discuss significant issues which remain addressed by the EIR. The commenter is referred to specific responses or referral to Master Responses that follow.
- D-7 The commenter makes a general comment that numerous potential environmental impacts associated with the project have not been properly reviewed, identified or mitigated. The commenter then asserts that the Recirculated Draft EIR fails to provide adequate information on how criteria pollutant and GHG emissions were derived, and that the Recirculated Draft EIR provides an incomplete methodology that is inadequate to verify the presented results. The commenter is referred to response to Comment D-20, below.
- D-8 The information necessary to evaluate the Recirculated Drat EIR's conclusions is provided in the document itself, including in the Appendices.

- D-9 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-10 The commenter is referred to response to Comment D-18, below. As explained in that response, all potential impacts of the storage, processing and transfer of recycled materials, including contribution to greenhouse gases are accounted for in the EIR analyses.
- D-11 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document. See also response to Comment D-28, below.
- D-12 The commenter claims the Recirculated Draft EIR or the Final EIR does not adequately address the project impact on endangered species, including the American badger, the California red-legged frog (CRLF) and the California tiger salamander (CTS), and refers to comments raised in Exhibit 2 of the comment letter. The commenter is referred to responses Comments D-31 through D-37, below.
- D-13 The commenter is referred to response to Comment D-3, above.
- D-14 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-15 The commenter is referred to response to Comment D-5, above
- D-16 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-17 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-18 The commenter indicates the EIR should disclose whether or not conditions of approval will restrict recycling to no more than 10 percent of the proposed production, how such restrictions would be enforced, and should analyze the environmental impacts associated with this activity on all resources, including biology, air quality and water quality.

Details on proposed concrete and recycling operations were described in the May 2008 Draft EIR Project Description. It should be noted the EIR assumes the maximum daily and annual production in its analysis of potential environmental impacts, and the processing of imported recyclables is a component of the total materials that would be produced each year. Consequently, all potential impacts of the processing of recycled materials, including contribution to greenhouse gases are accounted for in the EIR analyses. Furthermore, consistent with the Draft EIR, the applicant would not accept recycled material except in conjunction with the sale of aggregate, such that the inbound leg of truck trips importing recycled materials to the quarry would be coordinated with the outbound leg for off-hauling of aggregate materials from the quarry. Consequently,

no increase in truck haul trips (and any associated GHGs) beyond that associated with the proposed hauling of aggregate materials is anticipated.

Similarly, since the recyclable materials would not consist of hazardous waste, would be confined to storage within the quarry footprint, and would be subject to the same dust control measures as the mined aggregate materials during storage, processing and transfer, no specific effects on biological resources (including CTS) or natural resources would be anticipated beyond that already addressed in the EIR.

D-19 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

D-20 Only the comments regarding the GHG analysis in the Recirculated DEIR are responded to here; comments on other air quality issues are outside the scope of the Recirculated Draft EIR.

The Recirculated Draft EIR Appendix E contains substantial technical data to support the summarized GHG results and conclusions presented in the main body of the EIR. Specifically, Appendix E-3, Table 1 provides detail on the number, equipment type and operational characteristics of project off-road mobile equipment that would be used, and the associated estimated GHG emission contribution from this source. Appendix E-3, Table 1 also presents the estimated GHG emission contribution from project on-road sources (aggregate haul trucks, sediment haul trucks and employee vehicles). Appendix E-3, Table 2 presents the estimated GHG contribution from the operation of the proposed diesel generator. Appendix E-3, Table 3 presents the estimated GHG contribution from on-site electrical usage, including project pumps and buildings. Finally, Appendix E-3, Table 4 provides detail on the GHG contribution from the project land use conversion of the site and loss of carbon sequestration.

It should be noted the assumptions for project equipment type and operational characteristics, project haul truck and employee trips, and project electrical usage presented in the Appendix E-3 of the Recirculated Draft EIR that were used for determining GHG emissions are consistent with those assumptions and methodologies used for the Draft EIR air quality analysis, as presented in Appendix E-2 of the May 2008 Draft EIR, or as supplemented in the EIR Response to Comments Document (as revised March 2010).

In summary, the technical data presented in Appendix E-3, Tables 1 through 4 provides substantial supporting information for, and correlates directly with, the project GHG emission estimates presented in the main body of the Recirculated Draft EIR. Collectively, this information provides a sufficient level of technical detail to permit an adequate understanding of the project GHG impact and independent verification of the presented results.

- D-21 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Response to Comment A-3, and Master Response 1 in Chapter II in this Response to Comments Document.
- D-22 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Response to Comment A-3, and Master Response 1 in Chapter II in this Response to Comments Document.
- D-23 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document. It should be noted, however, contrary to the commenter's claim, fugitive dust emissions are accounted for in the EIR air quality analyses.
- D-24 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document. It should be noted, however, that a hot-mix asphalt plant is not proposed on the site as part of the project and would not be allowed under the County's use permit for the project.
- D-25 The commenter asserts that the EIR estimates of average employee and haul truck trip distances are not supported by documentation.

The estimate of haul truck trip lengths was estimated using an average of driving distances between the proposed quarry and anticipated destinations for quarry aggregate. As discussed in the Draft EIR Project Description, the proposed project is specifically intended to provide a local source of high-quality aggregate in the south central portion of the County to minimize required transport distances. The applicant estimates over 90 percent of the product produced at the proposed quarry would be used in Sonoma County (including the Cities of Cotati, Petaluma, Rohnert Park, Sebastopol, and south Santa Rosa), and the balance used in the Novato area of Marin County. The average one-way travel distances from the quarry site to the city centers of Cotati, Rohnert Park and Sebastopol are approximately 15 miles, to Petaluma is approximately 19 miles, to Santa Rosa is approximately 21 miles, and to Novato is approximately 30 miles. Using a weighted average yielded a one-way haul distance of approximately 18.3 miles. Consequently, the average one-way haul distance haul distance of 24 miles assumed in the air quality analysis in the EIR provides an overly conservative estimate of resultant air emissions.

Average employee trip lengths associated with the proposed quarry were also conservatively developed. In fact, the current Sonoma County Transportation Authority Travel Model (SCTM/07) estimates the average one-way home-to-work trip length in Sonoma County at 17.8 miles. Even when considering the potential for some proposed quarry employees to be coming from out of county, the 30-mile average one-way trip length used in the EIR for employees provides a highly conservative estimate of resultant air emissions.

The commenter lists a number of locations throughout the Bay Area and Sacramento regions where North Bay Construction has construction projects currently underway. Since, as noted above, the quarry would primarily serve the south central portion of the County, the list identified by the commenter is not relevant for estimating average haul truck and employee trip lengths for the proposed project.

- D-26 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-27 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document. It should be noted, however, contrary to the commenter's claim, the EIR makes no reference to, and the applicant does not propose, the use of dynamite for blasting.
- D-28 The commenter asserts that the requirement to use 2003 and newer haul trucks to the extent feasible in Mitigation Measure F.1c, the requirement to use alternative powered equipment where feasible in Mitigation Measure F.1e and F.6b, and the requirement that hours of operation of heavy duty equipment and idling be limited where feasible, are not enforceable.

With respect to the Mitigation Measure F.1c, the commenter is referred to response to Comment H-4 in the October 2009 Response to Comments Document. With respect to Mitigation Measures F.1e and F.6b, as previously discussed in response to Comment H-2 in the October 2009 Response to Comments Document, the use of alternative powered equipment is required to the extent feasible in recognition that alternative powered equipment suitable for some aspects of quarry operations may not be available or commercially feasible.

With respect to Mitigation F.1e/F.6b, the requirement for limiting diesel-powered equipment idling to five minutes or less where feasible is consistent with existing California Air Resources (CARB) regulations. Specifically, pursuant to CARB In-Use Off-Road Diesel Vehicle Regulation (effective June 15, 2008), operators of applicable off-road diesel-fueled vehicles are limited to no more than five minutes of idling. The additional requirement for limiting hours of operation of heavy duty equipment where feasible identified in Mitigation F.1e/F.6b, while not a regulation, would minimize overall fuel consumption used by heavy duty equipment, and consequently, would be economically advantageous for the applicant.

- D-29 The commenter claims the Recirculated Draft EIR does not contain a mitigation and monitoring program for the proposed mitigation measures that can be independently verified. Reference to the requirements for preparation of a mitigation monitoring and reporting program were discussed in the May 2008 Draft EIR, October 2009 Response to Comments Document, and June 2010 Recirculated Draft EIR. Prior to approval of the project, the County must certify the Final EIR and adopt a reporting and monitoring program for mitigation measures identified in this report in accordance with the

requirements of Public Resources Code Section 21081. CEQA does not require mitigation monitoring programs to be circulated with or included in the EIR (*Christward Ministry v. County of San Diego* (1993) 13 Cal.App.4th 31, 49). However, separate from the EIR, the County will adopt a Mitigation Monitoring and Reporting Program for the decision-makers review and consideration.

The commenter also cites a portion of Public Resources Code 21081.6(c), which requires responsible agencies or agencies with jurisdiction over natural resources affected by the project, to submit performance objectives to the lead agency for mitigation measures for which they would have jurisdiction over, or refer the lead agency to the appropriate available guidelines or reference documents. The applicable agencies conducted that task primarily by way of letters submitted in response to the Notice of Preparation, and/or by way of the agency comment letters submitted on the Draft EIR and Recirculated Draft EIR. In any case, the mitigation measures identified in the EIR describe all necessary performance standards to be met, including those standards that are dictated by responsible agencies and agencies with jurisdiction over natural resources affected by the project.

- D-30 The commenter states a general opinion that the EIR fails to identify significant adverse impacts on air quality and does not require feasible mitigation in an enforceable and effective way. The commenter is referred to responses to Comments D-20 to D-29, above.
- D-31 The commenter states that the discovery of CTS on the site creates a significant impact that requires analysis and mitigation. Such an analysis and appropriate mitigation is provided in the Recirculated Draft EIR in Impact and Mitigation Measure D.11. The development of detailed mitigation plans that include the location of mitigation breeding ponds and long-term site management obligations have not been finalized and are the subject of ongoing consultation with the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). The specific mitigation details (including pond size, hydrology, etc.) are the subject of the federal Biological Opinion that will be issued by the USFWS in accordance with Mitigation Measure D.11. Nevertheless, Mitigation Measures D.11 identifies the necessary performance standards for the project to meet as required by CDFG and USFWS (e.g., mitigation ratios for replacement of breeding and upland habitat). As referenced in the Recirculated Draft EIR, the created pond(s) will be held to the management conditions and performance standards described under Mitigation Measure D.3. Such measures include an adaptive management plan to quantify site conditions relative to performance standards for a period of five years. Monitored conditions include hydrology (depth and timing of ponding), presence of CRLF and CTS in any life history stage, vegetative cover and the absence of non-native predators.

The commenter notes that the 128.76-acre portion of the project site outside the quarry footprint cannot be assumed to have habitat features required by CTS without a full evaluation of its qualities to support this species. The entire project site was field

surveyed in support of the Draft EIR and Recirculated Draft EIR and the entire area showed similar resources in terms of extensive small mammal activity and high quality annual grassland habitat quality. It is presumed that CTS presently use the 128.76 acre portion of the site as upland aestivation habitat and it is reasonable to conclude that these areas would continue to provide high quality upland habitat for salamanders following project implementation.

The commenter suggests that the EIR fails to address the adequacy of the mitigation area to support CTS. As the commenter suggests, the Biological Opinion must address the adequacy of mitigation sites to support CTS populations. The level of habitat and mitigation detail that is required in support of the USFWS formal consultation process are the subject of the federal Biological Opinion that will be issued by the USFWS. By all indications, the mitigation parcel is comparable in habitat values and CTS suitability to lands that would be affected by the project.

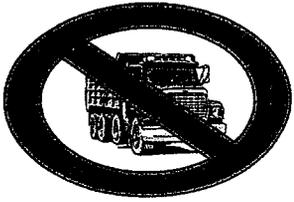
- D-32 The commenter speculates that the CTS population on the site may be genetically unique from the larger Sonoma County CTS population and deserving of special protection. The USFWS regulates the Sonoma County CTS population as a single population and does not provide special protection to outlying breeding sites. In any case, with the implementation of mitigation measures from the Recirculated Draft EIR, CTS populations on the project site would remain intact.
- D-33 The commenter raises the issue that the loss of grasslands that are used by CTS is not sufficiently addressed in the Recirculated Draft EIR. The commenter notes that the Draft EIR and Final EIR do not include any measures to reduce the loss of upland habitat to “less than significant.” Both CEQA and CDFG regulate impacts to sensitive natural communities. *CEQA Guidelines* Appendix G indicates that a project would have a significant impact if it would, “have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFG or USFWS.” Neither CDFG nor the USFWS identify non-native annual grasslands as a sensitive natural community that requires protection. Nonetheless, annual grasslands are the most common natural community in the regional project area, and implementation of the project would not significantly reduce the availability of this widely distributed plant community. Project impacts to CRLF and the American badger were addressed in the May 2008 Draft EIR for the project.
- D-34 The commenter states that the 2003 Golden Bear Biostudies biological report that was prepared for the project is outdated and lacking in baseline information, concluding that the study should be updated or a new study conducted. The 2003 biological report referenced by the commenter is one of several biological studies that have been conducted on the project site and vicinity. While the May 2008 Draft EIR, October 2009 EIR Response to Comments Document and 2010 Recirculated Draft EIR incorporated portions of the 2003 biological report in describing site conditions, the environmental documents also included substantial additional biological survey data that was collected subsequent to the June 2003 biological report. In fact, additional surveys for CTS, CRLF

and other animals were conducted on the project site by the applicant's biologist in November 2003, March 2004 and September 2005. ESA biologists also conducted field reconnaissance surveys for wildlife and plant life on the project site in March 2005; protocol level surveys for the CTS on the project site and alternative haul route segments in April and May 2007; and an American badger site assessment in June 2007. Furthermore, the Recirculated Draft EIR reports the results surveys conducted for CTS and CRLF on the project site and surrounding drainage in March and April 2010. Contrary to the commenter's opinion, the collective body of survey data for the project site is current, which accounts for the identification of CTS on the project site in the Spring of this year. CRLF were identified in Center Pond prior to circulation of the DEIR and FEIR, and re-identified on the site in subsequent surveys.

The commenter cites her interpretation of CDFG survey guidelines and the Mendocino County survey guidelines to suggest that survey data for the Roblar Road project is outdated. To the contrary, vegetation communities on the site were field verified for the Draft EIR, Final EIR and Recirculated DEIR analysis, and are current. The comment that Mendocino County considers biotic surveys valid for a 5-year period is noted. Biological survey reports often have a limited window within which the stated conclusions are considered valid. However, it must be emphasized that the conditions described in the report were field-truthed and verified, and updated where necessary during the EIR analysis.

- D-35 The commenter raises issues already addressed in the May 2008 Draft EIR and that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- D-36 The commenter speculates that CTS may be especially vulnerable to ground vibration disturbances caused by infrequent blasting. To determine the validity of this concern, a survey of the scientific literature base finds that no scientific studies have been performed to examine the effects of blasting on subterranean amphibians, including CTS. In any case, the senior wildlife analyst on the Draft EIR, Final EIR and Recirculated Draft EIR, Brian Pittman, has been directly involved in several recent large scale projects that required blasting within CTS upland habitat. These projects required formal consultation with the USFWS and provided extensive project-level mitigation of impacts to CTS; in all cases, the USFWS did not identify the effects of blasting as potential effect to this species. Given these factors, no significant effects from blasting on CTS are identified.

The comment letter contained a number of attachments. These attachments are included as Appendix C-1 and C-2 in this Response to Comments Document.



CARRQ

Citizens Advocating for Roblar Rural Quality

Citizens Against Roblar Road Quarry

200 Vlaardingen Lane, Petaluma, CA 94952

www.carrq.org

July 15th, 2010

VIA HAND DELIVERY

Robert Williams, Chair
Commissioner Don Bennet
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Roblar Road Quarry – Sonoma County (“County”) Planning Commission
Recommendations Regarding Certification of Final Environmental Impact Report (the
“FEIR”), Mineral Resource Combining District Rezoning and Use Permit for 70 Acre
Hard Rock Quarry Mining and Reclamation Plan (collectively, the “Project”)

Dear Chair Williams and Commissioners:

I, as a resident of Sonoma County, on my own behalf as an individual and as member of Citizens Advocating for Roblar Rural Quality (“CARRQ”),¹ submit the following comments regarding the above-referenced items on the Planning Commission’s July 15th, 2010 agenda.

The Planning Commission should not recommend certification of the FEIR or approval of the Project for the following independent reasons:

The Biotic Assessment done on this site was done in 2003. Biotic assessments expire after 5 years. Will a new study to evaluate all plant and animal species on the site be required before this project moves forward?

E-1

¹ Please note our change of name; previously, CARRQ members have submitted comments under the name Citizens Against Roblar Rock Quarry.

The Staff Report of December 15th estimates 60-80 percent of the material produced by the Project will be used for North Bay Construction projects, using North Bay Construction trucks or haulers. John Barella just sold North Bay construction to Giolatti. How will this sale affect contracts for rock sale and gravel truck contracts and travel directions? How will John Barella control truck traffic patterns if he no longer owns the business that is using the rock?

E-2

By treating Alternative 2 as an alternative to the Project, rather than as an applicant-proposed component of the Project itself, the FEIR impermissibly omits an adequate evaluation of the environmental impacts of the greenhouse gases and other emissions, transportation costs and safety risks associated with this additional distance.

E-3

We assert that the applicant should maintain a bond for the benefit of the County and area landowners in an amount adequate to remediate damage resulting from the migration of contaminants from the landfill as a result of the Project. The FEIR includes no analysis of the magnitude of the liability the County may face in the event of such contamination. Operation of the Project should be suspended at any time that the required bond is not in place, irrespective of the vesting status of the use permit and rezoning.

E-4

Condition of approval/mitigation measure 130 should provide that PRMD will verify that a biological opinion or any other necessary approval or clearance from the U.S. Fish and Wildlife Service have been obtained prior to issuance of any grading permit for the Project.

E-5

As a general comment, to the extent that the County seeks to have the applicant indemnify the County against risks that the conditions of approval/mitigation measures are inadequate to prevent environmental harms, the FEIR does not contain substantial evidence that the applicant has the economic or legal ability to indemnify the County as proposed by condition of approval/mitigation measure 41. It is feasible to require such proof, not only of the applicant but also, as a continuing mitigation measure/condition of approval, of all of the applicant's successors in interest. Failure to provide an adequate indemnity should result in immediate suspension of operations of the Project, irrespective of the vesting status of the Project. What is to stop John Barella from forming a corporation for the quarry operation, and then declaring bankruptcy when environmental contamination arising from the quarry project makes it economically infeasible for him to pay for the cleanup?

E-6

If mitigations require purchasing land from a wetlands bank, will it be mandatory that the wetlands bank used to replace mitigated land be in the Americano watershed? Will the wetlands bank have financial security in perpetuity, so taxpayers do not become liable for maintenance of the wetlands bank if the operator becomes

E-7

Comment Letter E

financially incompetent? Can we see written proof of this financial security?

↑ E-7
| cont.

Will the project be allowed to recycle concrete and asphalt at the site on Roblar Road? If so how much recycling will be allowed and for how many years?

| E-8

My understanding is that the information provided in the EIR is inadequate to verify the presented results for criteria pollutant and greenhouse gas emission estimates and ambient air quality and health risk assessment modeling. I have requested that County staff provide the following documents to analyze these issues: Existing criteria air pollutant and greenhouse gas emission estimates in their native format (Excel, not protected), modeling files for ambient air quality modeling and human health assessment risk assessment including all input/output files for the ISC-3 modeling, and all input/output files for HARP modeling. I reserve the right to comment on these issues if and when the County provides this information.

| E-9

Sue Buxton

Sue Buxton President CARRQ

Letter E. Citizens Advocating for Roblar Road Quality / Citizens Against Roblar Road Quarry (Sue Buxton, President)

E-1 The commenter asserts that the biotic assessment conducted for the project site in 2003 is outdated, and inquires if a new study to evaluate all plant and animal species on the site will be conducted. The commenter is referred to response to Comment D-34.

E-2 Please see Master Response 1 in Chapter II in this Response to Comments Document.

E-3 The commenter asserts that by treating Alternative 2 as an alternative to the proposed project, the EIR omits an adequate evaluation of the environmental impacts of the greenhouse gas emissions.

The EIR provides sufficient detailed quantitative analysis to provide a meaningful comparison of the relative greenhouse gas impacts of the Alternative 2 and the proposed project. In fact, as shown in Tables IV.F-9 and V-5a in the Recirculated Draft EIR, an equal quantitative analysis of Alternative 2 and the project was conducted in order to allow a direct comparison of estimated greenhouse gas emission results for each scenario.

The commenter raises other issues in this comment that are outside the scope of the Recirculated Draft EIR, including claims of an inadequate evaluation of the environmental impacts of other air quality emissions, as well as transportation costs and safety risks associated with the additional distance. Please see Master Response 1 in Chapter II in this Response to Comments Document.

E-4 This is a comment on the merits of the project, not the adequacy of the Recirculated DEIR. The question of whether the project's benefits outweigh its significant environmental effects will be decided by the Board of Supervisors, based on substantial evidence, when it determines whether or not to approve the project. Your comment will be forwarded to the Board of Supervisors for its consideration. Please also see Master Response 1 in Chapter II in this Response to Comments Document.

E-5 The commenter states that the project condition of approval/mitigation measure 130 should be revised to reflect that a grading permit should not be issued prior to the USFWS issuance of a Biological Opinion. The commenter likely meant to comment on condition of approval 133, which relates to California red-legged frogs. Issuance of a grading permit for the site cannot occur prior to the issuance of Biological Opinion by the USFWS, thus, it is unnecessary to include the suggested provision in the EIR.

E-6 This is a comment on the merits of the project, not the adequacy of the Recirculated DEIR. The question of whether the project's benefits outweigh its significant environmental effects will be decided by the Board of Supervisors, based on substantial

evidence, when it determines whether or not to approve the project. Your comment will be forwarded to the Board of Supervisors for its consideration.

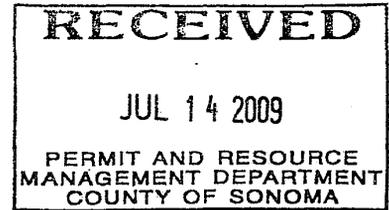
E-7 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

E-8 Please see response to Comment D-18.

E-9 Please see response to Comment D-20.

July 12, 2010

Members of Sonoma County Planning Commission
Blake Hillegas, Member of Sonoma County Planning Staff
PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403-2829
(submitted via email July 13, 2010)



Re: Roblar Road Quarry Proposal, PLP03-0094

Dear Members of the Planning Commission and Mr. Hillegas:

This comment letter is presented prior to the scheduled Planning Commission hearing on Thursday, July 15, 2010.

I received copies from Mr. Hillegas of most requested documents related to the proposal's Biological Resources. Unfortunately, I did not receive the WSA April 2010 report until Monday, July 12th.

Comments contained herein primarily pertain to the reopened EIR process, Biological Resources Chapter. Comments result from a review of DEIR, FEIR, Biological Resources reports and proposed mitigation measures for Special Status Species. We reserve the right to provide additional comments prior to July 31, 2010.

The Land and Habitat

The proposed Roblar Road quarry site is situated in a significant, pristine upland habitat within the Estero Americano watershed. This context for all Biological Resource findings is important to keep in mind. The proposed rock quarry and all activities associated with it are detrimental and destructive of this significant upland habitat area. The conserved-eased agricultural properties of Wilson and Tresch, by virtue of agricultural preservation, have contributed significantly to support of this intact upland area with high significance in terms of conservation values and species presence and survival.

F-2

Twenty-one Special Status species have been identified as occurring or expected to occur. These include: California Tiger Salamander, California Red Legged Frog, Foothill Yellow-Legged Frog, Northwestern Pond Turtle, Cooper's hawk, Sharp-Shinned hawk, White-tailed Kite, Golden eagle, Burrowing owl, Oak titmouse, Lawrence's goldfinch, California horned lark, Loggerhead shrike, Allen's hummingbird, American badger, and 5 species of bat (pallid, Pacific Western big-eared, long-eared myotis, Yuma biotis, and fringed myotis). In addition, two Special Status fish species, central California Coast steelhead and tidewater goby, are reported to occur downstream within 7 miles in the Estero Americano watershed.

F-2

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When reporting about the federally endangered California Tiger Salamander, the California Academy of Sciences series, "Hot Spot: California on The Edge," indicates: "It's All About the Land: ...Research shows that adults, and particularly juveniles, roam far and wide, migrating a mile or more from their breeding pools. A minimum of several hundred acres of upland habitat surrounding a pool are necessary for the species to survive. Reserves of multiple breeding ponds surrounded by 1000 acres or more of undisturbed habitat are required to ensure their survival. Unfortunately, such large tracts of undisturbed land are extremely rare in California's Great Central Valley. The good news is that cattle ranching and California tiger salamander can share the same land. Ranchers **are viewed as key conservation partners for the salamanders**. On the first rainy nights of winter, adult salamanders emerge and migrate to large vernal pools where they mate and lay eggs. Adults leave soon after egg-laying, and return to their underground retreats. After hatching, young salamanders eat small crustaceans and insects, including mosquito larvae. Later they eat larger aquatic insects, tadpoles of Pacific tree frogs, and even each other. Three to six months later, juvenile salamanders become adults. They leave the pools and settle into the underground refuges of small mammal burrows before the dry summer season begins. **Their unique biology makes these salamanders extremely vulnerable to habitat modification by humans**. Juveniles take 4 to 5 years to reach sexual maturity, and most do not breed more than once in a lifetime. In very dry years, mating may not take place at all. These black-and-yellow California tiger salamanders are mainly terrestrial, living with a mile or so of a vernal pool. However, they are seldom seen by people, **since they live almost exclusively underground in the cool, safe burrows of pocket gophers and ground squirrels**. The California tiger salamander is one of the most distinctive, geographically-restricted species of vernal pool animals."

F-3

The federally threatened California Red-Legged Frog is "the largest native frog in the Western United States...(and) has sustained a 70 percent reduction in its geographic range ... Only a few drainages are currently known to support California Red-Legged Frogs in the Sierra Nevada foothills, compared to more than 60 historical records...**General habitat characteristics:** The California red-legged frog requires a variety of habitat elements with aquatic breeding areas embedded within a matrix of riparian and upland dispersal habitats. Breeding sites of the California red-legged frog are in aquatic habitats including pools and backwaters within streams and creeks, ponds, marshes, springs, sag ponds, dune ponds and lagoons. **Additionally, California red-legged frogs frequently breed in** artificial impoundments such as stock ponds. Upland habitats downed woody vegetation, leaf litter, and **small mammal burrows; habitats that provide protection from predators and prevent desiccation** (drying) of California red-legged frogs...Factors associated with declining populations of the California red-legged frog include degradation and loss of its habitat through agriculture, urbanization, mining, overgrazing, recreation, timber harvesting, non-native plants, impoundments, water diversions, degraded water quality, use of pesticides, and introduced predators. The reason for decline and degree of threats vary by geographic location. California red-legged frog populations are threatened by more than one factor in most locations...The California red-legged frog recovery plan provides a strategy for recovery of the species. Recovery objectives in the recovery plan include: 1) protecting existing populations by reducing threats; 2) restoring and creating habitat that will be protected and managed in perpetuity; 3) surveying and monitoring populations and conducting research on the

F-4

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biology of and threats to the species; and 4) re-establishing populations of the species within its historic range." (US Fish and Wildlife Service, Pacific Southwest Office).

↑ F-4
cont.

A review of the Special Status species list also reveals the interrelation among species. The CTS will inhabit pocket gopher and ground squirrel burrows, California Red-Legged frog may breed in pocket gopher and ground squirrel burrows, and the pocket gophers and ground squirrels are prey in the ecosystem of, for example, Cooper's hawk, White-tailed kite, Golden Eagle, and Sharp-Shinned Hawk. Certainly, the primary forage for the American Badger are the pocket gopher and the ground squirrel. It appears a complete assessment for the presence of Burrowing Owl in the area has not been conducted. A more complete avian survey of species nesting in, resident and migratory, in this upland habitat area is strongly recommended.

F-5

F-6

Upland Habitat Conservation, American Badger

Paula Lane Action Network (PLAN) is a Sonoma County, West Petaluma-based nonprofit organization whose mission includes research and education to protect and preserve rural land, open space and wildlife habitat, and to support sustainable agriculture within that context. PLAN was formed in 2001 and incorporated in 2004 as a public benefit, nonprofit organization. PLAN's Board of Directors, Advisors and volunteer members include individuals with expertise in conservation, land use and environmental review, education, general contracting and construction, real estate and property management, health care and education, and information technology. A current project of PLAN is support for the City of Petaluma's Paula Lane Open Space Preserve in West Petaluma, a Matching Grant project of the Sonoma County Agricultural Preservation and Open Space District currently moving through the funding approval process. This 11.22 acre land contains a century-old American Badger habitat, which is a core maternal area with year-round activity and a regionally recognized area of long-term American Badger presence. The land is centrally located in a wildlife corridor that serves badger and multiple species in a north-south and north-south-west movement area. Just southwest of Paula Lane in the Windsor Drive area is a federally conserved habitat for California Red-Legged Frog. The Paula Lane area is approximately 9.5 miles east of the Roblar Road area. The complex ecosystem in the Paula Lane upland habitat area is similar to identified species and interrelations described above on the proposed Roblar Road quarry property. A complete Paula Lane land and area avian survey over a 3-year period revealed similar avian species as preliminarily identified in the Roblar Road area. Burrowing owl has not been identified to date in the Paula Lane area.

F-7

Paula Lane Action Network is currently developing a Mammal Reporting Form (MRF) to facilitate mapping and documentation of American Badger habitat and presence in West and South Sonoma County. This information will be provided as local input to the Bay Area Open Space Council's Upland Habitat Database and Goals project.

Paula Lane Action Network has collaborated with Sonoma County biologist Kim Fitts of Bioconsultant LLC for 7 years in monitoring and documenting badger habitat and presence on Paula Lane in West Petaluma, South Sonoma County. Biologist Fitts is considered the expert

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Sonoma County biologist pertaining to American Badger. While badger habitat has been fragmented, is threatened, and badger presence is not widely spread in Sonoma County, badger burrows and badger sightings have been reported in Petaluma on Paula Lane, at Jenner Headlands on the Sonoma coast (protected), at Carrington Ranch on the Sonoma coast (protected), and in the Willow Creek and Red Hill areas (protected) in Northwest Sonoma County. A recent site visit to Roblar Road and to a property adjacent to the proposed Roblar Road Quarry site revealed active badger presence (Figure 1), burrows from 50' to 200' of the proposed quarry site, and a pastoral open setting conducive to active burrowing and ability to survive. It is my understanding Biologist Fitts has filed documentation of badger presence in the Roblar Road area with the California Natural Diversity Database; this was not reported by the applicant's biologist.

F-7

Recent research by Diamond and Bros (July 2008, International Congress for Conservation Biology) also confirms the threat to survival of American Badger from loss of habitat and ability to range. "Small populations of North American Badgers, *Taxidea Taxus*, live in fragmented areas within the San Francisco Bay Area and Monterey Bay Counties in Northern California. Due to increasing fragmentation of badger habitats it is important to identify potential corridors that badgers may utilize to facilitate the movement between the habitat patches..." ("Using GIS and Roadkill Data to Identify Habitat Characteristics Associated with North American Badger Movement Patterns and Evaluate Corridor Models," July 2008, presented).

The San Francisco Bay Area Upland Habitat Goals Project, a project of the Bay Area Open Space Council, is an important regional planning tool for conservation and protecting biodiversity in the 9-county Bay Area Region. Sonoma County is included in this database and project development, and American Badger is one of the target mammal species of this project.

Review of Roblar Road Quarry Project-American Badger Site Assessment, August 2007

The cover page for the report shows a badger burrow with a hard cover book situated next to it.

The report relates to a site assessment rather than an actual habitat survey. It appears the biologist and his associate, based on a description in the report, blocked 7 areas and then included information on whether or not badger burrows and/or foraging were observed in these areas. References utilized by the biologist to support findings and conclusions dated from 1937 to 1990. Presence of the American Badger (a California Species of Concern since 1987) was described in areas of the quarry site and in the "proposed alternative haul route" (Pittman).

F-8

The author does not include documentation from the California Natural Diversity Database of the West Petaluma Paula Lane badger presence or an additional report filed in the Roblar Road area by Biologist Fitts, as referenced above, This data was available for inclusion.

The author does not utilize more current documentation regarding threatened, fragmented habitat and the American Badger as a key species in upland habitat areas for identification and

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mapping, part of the Bay Area Open Space Council's Upland Habitat Goals project. Utilizing outdated supporting information, it appears the author's conclusions about stability and safety for the American Badger in the midst of a proposed rock quarry operation, access road and explosive blasting with noise and ground vibration, are also inaccurate. "While the proposed alignment and quarry site appear to be situated in an area with moderate badger activity, given the large range of the species and minimal denning opportunities in the proposed alignment, the overall effect of the alternative haul route would likely be negligible relative to the reproduction, cover, and foraging needs of this species." (p. 9, report). The author cites badger home ranges, based on the outdated information, of "400 acres to over 2,000 acres." (p. 9, report). Perhaps in early America, in other States, and in the 1930's and 40's prior to development and fragmentation of habitat for many species, including American Badger, this was true.

F-8
cont.

However, today, fragmented habitat due to development and human encroachment is a primary factor related to diminishing Special Status species such as American Badger, biodiversity and survival.

The proposed mitigation measures for the identified significant impacts to the American Badger population on the proposed quarry site as well as the proposed alternative haul route area are insufficient and are drawn from inaccurate conclusions by biologist Pittman in his assessment.

Mitigation measures in the EIR included:

- D-5, Chap. IV, p. 155: ... "Within 30 days prior to initiation of each mining phase, a qualified biologist shall survey for badgers within 100 feet of project activities. If no evidence of badger presence is detected, no further mitigation is required. If evidence of badgers is identified..."
- Use exclusion techniques to passively relocate any badgers that are present in project areas or within 50 feet of project activities. When outside the project area but within 50 feet of activities, vacated dens shall be temporarily covered using plywood sheets or similar materials.
- To reduce the risk of badger mortality from vehicles, the use of private (non-county operated) haul roads shall be limited to daylight hours during the March to June badger pupping season with gated access.
- A 25 mile per hour posted speed limit shall be posted for roads on the site."

F-9

"Utilizing the above mitigation measures for the significant American Badger presence on the site and in the surrounding area, the significance of negative environmental impacts would be mitigated to Less than Significant."

Comment:

Our comments are based on research and monitoring of active American Badger habitat over a period of ten years. Badgers in burrows during the day could include young who are blind for the first 4-6 weeks of life. The proposal to "passively relocate" a badger raises several concerns - the stress involved in an attempted trapping of a badger for relocation, along with where a

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trapped badger would be released, the possibility of a female being trapped and removed from the protective role of her young, along with the question of how to relocate newborn or young badgers who are solely reliant on their maternal guardian. Badgers burrow and choose their ground-based burrow in a natural fashion. Attempting to trap and relocate a badger and, in particular, a female badger with her young, during daylight hours would be unnatural and extremely stressful for the badger, whether it be an individual male badger, an individual female badger, or a female badger with her young who can number from 1 to 5 additional badgers. Such a mitigation measure could prove to be extremely harmful and a complete failure. Attempting to relocate a badger could also result in competition for limited habitat and displacement of other members of the same species. It is also clear from observing and visiting one of the immediately adjacent properties to the proposed quarry site that a healthy and active habitat for American Badger is intact and, in fact, pristine, a rare finding for Sonoma County in terms of an undisturbed habitat within a complex ecosystem and the ability for fairly free ranging for the badger over several acres.

It would be in the highest and best public interest and interest of biological resources that contribute to the vital and complex ecosystem on the Roblar Road property and the adjacent conserved-eased lands to protect the conservation values that exist in concert with the active agricultural land in that area, as recognized by the Sonoma Co. Agricultural Preservation and Open Space District.

The proposed mitigation measure of placing a piece of plywood or "other material" over what appears to be an inactive burrow within 50 feet or 100 feet of planned activities is not a mitigation measure and has no relevance with regard to protection of the species, mitigation of significant negative environmental impacts, and habitat. In addition, inactive and abandoned badger burrows are frequently utilized by smaller mammals, such as foxes and skunks, for cover and for raising young. Although these species are not protected per se, it is important for the awareness of the general public to know that a mass obliteration of other wildlife would likely occur on the Roblar Road property, should the quarry proposal be approved.

In addition, stating that the American Badger is nocturnal and, therefore, proposing a restriction of excessive heavy truck traffic during daylight hours to minimize additional mortality is a limited and unacceptable mitigation proposal. A female badger will forage during daylight hours while her young remain in a burrow. An American Badger in a burrow during daylight hours in the proximity of the proposed quarry area, the proposed alternative haul route or any road associated with access to the proposed quarry, could also be significantly and negatively impacted by the constant ground vibration and noise associated with operational activity and excessive truck traffic proposed for this project.

F-9
cont.

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Noise, Blasting, Explosion Impact

Section G of Chapter IV describes Noise impacts and proposed mitigation measures.

The section focuses on noise and vibration impacts to humans and does not address what can only be described as the potential devastating impacts on wildlife, keeping in mind the American Badger is a ground-based mammal, in burrows during daytime, and, except for a female badger with young, foraging nocturnally, with no ability to leap away and run or attempt to fly away like other species.

Appendix F, the November 2006 Revey report, appears to be the only reference utilized by ESA to determine potential noise and blasting and vibration impacts on wildlife. Author Revey cites a study performed at the Washington Park Zoo in Portland, Oregon, and concluded, based on that study and observation of several species, no significant impact from blasting. The author did not mention in the study that a zoo contains an artificial environment of caged and captured animals who would not be able to escape and whose behavior would not equate with wildlife species in a natural setting. The author noted that a pair of black rhinos mated during construction on tunnels at the zoo and concluded no long term disturbance to that species. The author indicated he observed white-tailed deer in an open-air explosive testing range in Pennsylvania. He noted during blasting deer might "casually" lift their head and look toward the test site, but never ran away or "appeared" bothered by the loud noise. The author concludes that, like the animals at the Washington Park Zoo, the deer had "become acclimatized to the blasting noise." One could likely conclude, utilizing this line of reasoning, the various species did not move because they were stunned and stayed still during such explosive noise and blasting. In the case of caged and captured animals who are already in an unnatural setting and unable to escape, subjected to explosive blasting, this does not adequately measure or indicate impact of such unnatural and harmful noise and vibratory impacts on wild and/or domestic animals.

In the Appendix F Noise discussion, Revey lastly notes he was involved in several expansion projects in a five-year period at the local County landfill that involved blasting within 1000 feet of dairy cows. Blast noise levels reached as high as 128 dBL. The author notes initial concern by dairy operators who later concluded the blasting had no impact on their dairy cows. Revey utilizes this conclusion to draw his conclusion that there was no impact on the dairy cows. He then concludes, "Based on the referenced studies and observations of the author of the many other projects, blasting at the Roblar Road Project would have little or no impact on domestic or wild animals near the site or on neighboring properties." (p. 22).

These observations and studies do not reflect the conditions of the upland habitat, complex ecosystem, with multiple wildlife species, including the ground-based, burrowing, American Badger and utilization of abandoned burrows by CTS and California Red-Legged Frog, and cannot be utilized to ascertain potential negative significant impacts of the sustained noise and explosive blasting that would accompany a quarry project.

F-10

Sonoma County Planning Commission
Re: Roblar Road Quarry Proposal, PLP03-0094
July 12, 2010, P. 8

Revey cites a USBM study on page 7 of his report of blast-induced noise using A-weighted, C-weighted and Linear microphones. The linear peak noise in that study of 120dBL was said to equate to "only 112 cBC and 85 dBA." Revey's comparison to the Roblar Road theoretically proposed blasting noise 600 feet away, or 200 feet closer than the USBM study, proposes to be around 122.5 dBL. The 85 dBA equivalent cited in the USBM study would clearly thus be somewhat higher. According to the National Institute on Deafness and Other Communication Disorders (NIDCD), prolonged exposure to any noise 85 decibels can result in hearing loss.

The noise equivalent of 90 decibels is a power mower and 150 a firecracker. (NIDCD, National Institutes of Health, June 2010).

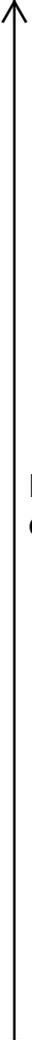
The reader may recall a recent July 4, 2010 incident in Sonoma County related to firecrackers, or fireworks. Keeping in mind, Revey estimates the impact of a blast 600' away from a residence at the Roblar Road quarry site (not delineating the closeness or possible habitat locations of nearby wildlife), the relevant story was broadcast on Channel 7, ABC TV, on July 5, 2010. "Taz," a trained German Shepherd police dog in Santa Rosa, was placed by his handlers' parents in an outdoor backyard kennel on July 4th. Explosive bottle rockets nearby resulted in clear distress on the part of the dog (viewed by surveillance video) as he tried to escape the experienced negative impact and eventually scaled the 4-foot high wall and did escape the area. Taz was found by a veterinary technician the following day many miles away, with an injured leg. Several reported eyewitness accounts to Paula Lane Action Network of firecracker/fireworks impacts to domestic animals, including horses, reveal a high level of trauma, attempt to escape by running, and exhaustion and extreme stress on July 5. Such eyewitness accounts are equally valid to Revey's reporting and likely more representative of clear and relevant negative noise and explosive impacts to domestic animals.

Adding the noise and ground vibration from blasting explosives at a quarry to the sustained heavy truck traffic noise and ground vibration and human encroachment activity would, without question, produce a negative and harmful noise and vibrational impact and destruction of natural environment for badgers and other ground-based species in the upland habitat area of Roblar Road.

Additional Comments:

We concur with concerns expressed in the February 1, 2010 letter from Don McEnhill of Russian Riverkeeper.

We are concerned about an apparent request of the applicant to alter a conservation easement placed in perpetuity on an adjacent property to the proposed quarry site, to benefit the quarry operations and the applicant. This request (Butler, January 2008) attempts to establish a precedent related to conservation easements that would appear to be a violation of integrity of process and a violation of trust in those who manage the quarter-cent sales tax revenues on behalf of the public whose funds generate and maintain the Sonoma County Agricultural and Open Space District. If an outright denial is not provided to the applicant, the issue should be



F-10
cont.



F-11

Sonoma County Planning Commission
Re: Roblar Road Quarry Proposal, PLP03-0094
July 12, 2010, P. 9

reviewed and fully vetted by the Citizens Advisory Committee of the Sonoma County Agricultural Preservation and Open Space District, a body of appointees representing the 5 County Districts and relevant areas of Business, Agriculture, Environment and Real Estate. To ensure a fair and representative process of review, within this body, any member who is also a member of the Sonoma County Planning Commission with involvement in the review of the quarry proposal, along with any member who has had or who has contracts with North Bay Construction and/or Ghilotti Construction, or Mr. John Barella as an individual, should recuse from participation in the discussion and any subsequent recommendation to the Board of Directors of the Sonoma County Agricultural Preservation and Open Space District.

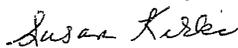
F-11
cont.

An issue within the past two years regarding a property owner's request to allow mitigation on a conserved-eased land, also in the 2nd District, received extensive review and input from the Citizens Advisory Committee to the staff, with recommendations to be submitted to the Board of Directors. As a seated member of the Citizens Advisory Committee at that time, it appeared to me that this input was helpful in both representing Sonoma County citizens' trust in appropriate utilization of sales tax revenues and in assisting the staff in their process of policy considerations and recommendations to the Board of Directors. An agendized discussion of the issue at hand, a request to alter a conservation easement in order to accommodate an operational question of a proposed quarry, would allow for public input in the comment process, as well

Finally, how this proposal continued beyond an initial proposal stage is both concerning and dumbfounding. The only change in conditions since a similar quarry application was last denied has been the continuing evolution of a complex and diverse upland habitat ecosystem on the property and identification and beginning documentation of this. Based solely on the significant negative impacts to Biological Resources, with the opportunity to maintain open space protection and preserve the pristine upland habitat, this project application could (and should) be denied. Combined with multiple other significant individual and cumulative impacts, the impending environmental destruction with proposed, but insufficient, mitigation measures, and the risks to public safety and health, the project application should be denied.

F-12

Sincerely yours,



Susan Kirks for
Paula Lane Action Network

- Figure 1: Photograph, active badger burrows within 200' of Roblar Road Quarry proposed site
- Figures 2 & 3: (Hard copy) Two photographs, Badgers, West Petaluma
- Figure 4: (Hard copy) Roblar Road in proximity to other West Petaluma, South Sonoma County, upland habitat areas

Letter F. Paula Lane Action Network (Susan Kirks)

- F-1 The commenter makes a general statement that the project would be detrimental and destructive of upland habitat. The commenter is referred to specific responses to comments that follow as it relates to the California tiger salamander (CTS).
- F-2 The commenter indicates that 21 special status species have been identified as occurring or expected to occur. The Recirculated Draft EIR actually states that 21 special status species have the potential to occur, and further details which specific species have been identified on the project site through surveys, including the CTS and California red-legged frog (CRLF).
- F-3 Comment F-3 describes the biology and ecology of the CTS. This comment does not comment on the adequacy of the Recirculated Draft EIR; consequently, no response is required.
- F-4 Comment F-4 describes the biology and ecology of the CRLF. This comment does not comment on the adequacy of the Recirculated Draft EIR; consequently, no response is required.
- F-5 Comment F-5 is descriptive in nature does not comment on the adequacy of the Recirculated Draft EIR; consequently, no response is required.
- F-6 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- F-7 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- F-8 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- F-9 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- F-10 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- F-11 Please see response to Comment D-36 in this Response to Comments Document. The effects of bottle rockets on dogs and other large mammals are not relevant to the analysis of potential project noise effects on subterranean amphibians.
- F-12 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

F-13 The commenter makes a general statement about significant negative impacts to biological resources, and preserving upland habitat. As it relates to CTS, the Recirculated Draft EIR addressed all potential impacts to CTS upland and breeding habitat, and identified stringent measures consistent with all the applicable resource agency protocols to ensure these impacts would be mitigated to a less-than-significant level.

The commenter also expresses a number of opinions about the merits of the project. No response is required to those opinions. However, the opinions of the commenter will be made available to County decisionmakers for their consideration. Please see also Master Response 1 in Chapter II of the October 2009 Response to Comments Document.

The comment letter contained a number of attachments. These attachments are included as Appendix D in this Response to Comments Document.



Madrone Audubon Society
INCORPORATED

RECEIVED
JUL 14 2009
PERMIT AND RESOURCE
MANAGEMENT DEPARTMENT
COUNTY OF SONOMA

July 10, 2010

Members of the Sonoma County Planning Commission
Sonoma County PRMD
2550 Ventura Avenue,
Santa Rosa, CA 95403-2829
(hand delivered July , 2010)

Re: Roblar Road Quarry Proposal, PLP03-0094

Dear Sonoma County Planning Commissioners:

On behalf of Madrone Audubon Society, I am writing to express strong concern about biological resource impacts of the above-referenced proposal.

The upland habitat area represented by the proposed project site, the Roblar Road area and surrounding environs is important for grassland and woodland habitat and a movement corridor for multiple species, contributing to species biodiversity and preservation. The proximity of the Roblar Road area to the Sonoma coast and more inland areas of South Sonoma County position it to be a connector of coastal and inland habitat areas.

Special Status avian species in the grassland and forest areas of Roblar Road, according to the Environmental Impact Report, may include Cooper's hawk, Sharp-shinned hawk, Golden eagle, Northern harrier, White-tailed kite, Tri-colored blackbird, Oak titmouse, Burrowing Owl, Lawrence's Goldfinch, California horned lark, Loggerhead shrike, and Allen's hummingbird. A member of the Madrone Audubon Society Board of Directors recently visited an adjacent property site with a view to the quarry and observers noted a Golden eagle nest in a wooded area near the project site. Several of these species have been documented in West Petaluma upland habitat areas as well as at Jenner Headlands during avian surveys. The likelihood of these species occurring on the Roblar Road site and the adjacent areas can be considered realistic. A complete avian survey is strongly recommended.

Of equal concern to complete documentation of migratory and resident avian species in the Roblar Road area is identification of California Red-Legged Frog and California Tiger Salamander larvae, along with American Badger and the possibility of up to 5 bat species. Taken together, this area represents a complex upland habitat ecosystem. It is my understanding adjacent lands to the proposed Roblar Road quarry site have been protected in perpetuity with conservation easements from the Sonoma County Agricultural Preservation and Open Space District to protect agricultural and conservation values.

G-1

G-2

G-3

Sonoma County Planning Commission

PLP03-0094

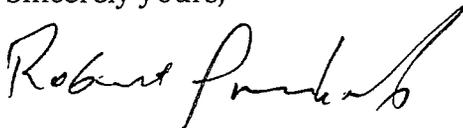
July 10, 2010, Page 2

With other identified significant and detrimental environmental impacts to air quality, water resource and quality, noise (including proposed explosions, blasting and excessive truck noise), traffic and cumulative impacts, this project application should be denied. We encourage continued efforts to preserve and enhance the important conservation values of the Roblar Road area and would be pleased to assist in this process.

G-3
cont.

One resource for your reference is The Bay Area Open Space Council's Upland Habitat Database and Goals project. This regional project includes Sonoma County in the 9-county area planning effort to identify and protect upland habitat and critical linkages for wildlife, as coastal temperatures rise and climate change impacts are monitored and addressed,

Sincerely yours,



Robert Speckels
President

cc: Blake Hillegas, Sonoma County Planning Staff

Letter G. Madrone Audobon Society Incorporated (Robert Speckels, President)

- G-1 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- G-2 The commenter expresses the need for identification of the California red-legged frog and California tiger salamander. The commenter is referred to pages II-9 through II-22 of the Recirculated Draft EIR for a complete discussion of surveys conducted for both these species, and proposed mitigation to ensure potential impacts to these species are mitigated to a less than significant level.
- G-3 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

The commenter also expresses a number of opinions about the merits of the project. No response is required to those opinions. However, the opinions of the commenter will be made available to County decisionmakers for their consideration. Please see also Master Response 1 in Chapter II of the October 2009 Response to Comments Document.



July 27, 2010

Blake Hillegas
Planner III, Project Review
Permit Resource Management Department
bhillega@sonoma-county.org (707) 565-1392

Dear Mr. Hillegas:

I would like you to pass this letter of support for the Roblar Road Quarry project on to the Planning Commission. It is my hope that this letter assists the PC members in moving the EIR for this project forward to the Board of Supervisors with as little delay as possible.

Despite opposition comments, the California Tiger Salamander and the Greenhouse gas emissions issues have been properly vetted and proper mitigation measures have been proposed and identified in the EIR submitted by applicant Barella.

H-1

Many of the public comments on 7-15-10 ignored the fact that this quarry would be in compliance with the Aggregate Resource Management Plan for the County of Sonoma. There is a tradeoff when skimming and mining in the Russian River was eliminated, and the natural conclusion is that hard rock mining would be necessary to replace that aggregate that used to come from the Russian River source.

Having the aggregate mined in our area, to provide materials for our area roads and paths, is sensible. It is not sensible to continue the practice of approximately 1,000,000 tons annually being barged in to the Bay Area from hard rock mining in a foreign country (where we have no control over the environmental impact of that mining) and the barging of the materials up and down our beautiful coastline (where we have no control over the safety of the barges). Additionally, one can certainly make a case for it being less impact to GHG emissions from the shorter trucking haul if Roblar Road was producing aggregate. Why not keep local jobs, local profits and local control over our own resource needs right here?

H-2

Thank you for your consideration of this issue.

We respectfully ask for your support in approving the EIR for the Roblar Road Quarry project and allowing this project to move forward in time to provide the most good for the upcoming roadwork necessary for both Highway 101 and SMART project construction.

Best Regards,

Michael D. Lopez
Northern California Engineering Contractors Association
President

Letter H. Northern California Engineering Contractors Association (Michael D. Lopez, President)

H-1 The commenter indicates issues involving the California tiger salamander and greenhouse gas emissions have been properly disclosed and that adequate mitigation measures have been identified in the EIR. The comment is noted; no response is required.

H-2 The commenter indicates the proposed project would have less impact on greenhouse gas emissions as a result of the shorter truck haul distances compared to hard rock mining sources from more distant locations. This Recirculated Draft EIR also acknowledges this circumstance, and the project can be expected to minimize the carbon intensity of aggregate necessary for the Sonoma County construction industry. See also response to Comment K-4.

The commenter also expresses a number of opinions about the merits of the project. No response is required to those opinions. However, the opinions of the commenter will be made available to County decisionmakers for their consideration. Please see also Master Response 1 in Chapter II of the October 2009 Response to Comments Document.

Blake Hillegas

From: John Bly [john@nceca.org]
Sent: Thursday, July 29, 2010 11:51 AM
To: Blake Hillegas
Subject: Roblar Road EIR

Mr. Hillegas:

I am writing in support of the Roblar Road Quarry project. I have reviewed the EIR and it's supplemental information, and attended and spoke to the PRMD PC in early July, 2010 in support of approving the EIR and moving it to the Sonoma County Board of Supervisors for their action. I simply wanted to document my support for this project and ask that you pass this support along to the PC prior to the 7-30-10 deadline for letters.

I-1

The Roblar Road Quarry project has had extensive study by experts and their findings and recommendations have been incorporated into the EIR. I believe the mitigation measures proposed for CTS protection of habitat and GHG emissions have particularly been effective and satisfactory.

I-2

I believe it is very important that we comply with the spirit of the Aggregate Resource Management Plan and allow our own rock be mined and processed for our local use in making road base, import, asphalt concrete and ready mix concrete products. Accepting the role of a foreign country to supply aggregate from either Canada or Mexico makes zero sense to me in our country's economic malaise. We import too much product already-why add to the trade deficit in these economically challenging times? As to environmental impact, I believe it is far more preferable to deal with our own environmental concerns locally, than to "out-source" the environmental concerns to a foreign country. If we continue to purchase aggregates from foreign countries, and we have no say in their environmental mitigation measures incorporated in the mining of the aggregate that is used in our County, we are passing on our responsibilities to be good stewards of the environment to folks we have no control over.

I-3

Please issue a strong statement of support for the Roblar Road Quarry EIR as soon as possible in order to move this project into its next phase of planning. If you do, soon we can begin experiencing the benefit of having a few more local jobs as well as working sustainably and in an environmentally correct way to supply our own needs for road materials in our area.

What are you grateful for today?

John Bly
Executive Vice President
Northern California Engineering Contractors Association
john@nceca.org
707-546-5500
707-483-0859 cell

1000 Apollo Way, Suite 100
Santa Rosa, CA
www.nceca.org

Letter I. Northern California Engineering Contractors Association (John Bly, Executive Vice President)

- I-1 The commenter expresses opinions about the merits of the project. No response is required to those opinions. However, the opinions of the commenter will be made available to County decisionmakers for their consideration. Please see also Master Response 1 in Chapter II of the October 2009 Response to Comments Document.
- I-2 The commenter indicates adequate mitigation measures have been identified in the EIR to mitigate project impacts to the California tiger salamander and greenhouse gas emissions. The comment is noted; no response is required.
- I-3 The commenter indicates the proposed project would have less impact on greenhouse gas emissions as a result of the shorter truck haul distances compared to hard rock mining sources from more distant locations. This Recirculated Draft EIR also acknowledges this circumstance, and the project can be expected to minimize the carbon intensity of aggregate necessary for the Sonoma County construction industry. See also response to Comment K-4.

Blake Hillegas

From: kend@aactionrents.com
Sent: Friday, July 30, 2010 6:51 AM
To: Blake Hillegas
Subject: Roblar Road Quarry Project

On behalf of Aaction Rents, we respectfully request you pass this letter of support for the Roblar Road Quarry project on the the Planning Commission. It is our hope that this letter assists the PC members in moving the EIR for this project forward to the Board of Supervisors with as little delay as possible. There is always opposition to any project but it's usually from the same small group of people however we live in a democracy where majority wins. Without growth we have no jobs. Why barge gravel from another country when we have it here. This will provide jobs, those people will spend money locally and we all benefit. Right now most of our contractors travel to neighboring counties to work and because of that fact, LOCLAL business suffers. We need to change from no growth to building in Sonoma County again; can you help? We respectfully ask for your support in approving the EIR for the Roblar Road Quarry project and allowing this project to move forward in time to provide the most good for the upcoming roadwork necessary for both Highway 101 and SMART project construction.

J-1

Cordially, Ken Dern, GM for AACTION RENTS

Letter J. Aaction Rents (Ken Dern, General Manager)

- J-1 The commenter expresses a number of opinions on the merits of the project, not the adequacy of the Recirculated DEIR. The question of whether the project's benefits outweigh its significant environmental effects will be decided by the Board of Supervisors, based on substantial evidence, when it determines whether or not to approve the project. Your comment will be forwarded to the Board of Supervisors for its consideration. Please see also Master Response 1 in Chapter II of the October 2009 Response to Comments Document.

July 27, 2010

Jason and Justin Merrick

Petaluma, CA 94952

VIA HAND DELIEVERY

Robert Williams, Chair
Commissioner Don Bennet
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 95403

Re:

Roblar Road Quarry – Sonoma County (“County”) Planning Commission
Recommendations Regarding Certification of Final Environmental Impact Report (the “FEIR”),
Mineral Resource Combining District Rezoning and Use Permit for 70 Acre Hard Rock Quarry
Mining and Reclamation Plan (collectively, the “Project”)

Dear Chair Williams and Commissioners:

We, as residents of Sonoma County, on our own behalf as individuals submit the following comments regarding the above referenced items and the re-release of portions of the Draft EIR including Chapter II, Summary; Chapter IV.E, Transportation and Traffic; Chapter IV.F, Air Quality; Chapter V, Alternatives; and Appendix E, Air Quality.

The Planning Commission should not recommend certification of the FEIR or approval of the Project for the following reasons:

1. The Draft EIR states that projected nitrous oxide emissions from the project will be 53.3 tons over the allowable threshold in the 1st year. Even with all mitigations in place the emissions would be 21.6 tons over the allowable threshold. This is considered significant and unavoidable in the EIR. Most of these emissions will be blowing through the Roblar Valley.

a) This significant and unavoidable impact is not included in the Air Quality or Green House Gas project emission analysis in Table IV F-9 of the Recirculated Portions of the Draft EIR. What significant change has been made to avoid this impact? Nitrous oxide is large contributor to green house gases and all measures need to be included in the analysis and green house gas inventory of the project.

K-1

2. Blasting is not mentioned as a source of green house gases nor degradation to air quality. Blasting emits nitrous oxide (298 carbon dioxide equivalents) along with other green house gases into the air and needs to be included in the Green House Gases Emissions of the proposed project.

K-2

3. Land conversion of grassland to mining uses releases 54 metric tons of carbon dioxide equivalents in to the atmosphere one meter down per acre. However the proposed project will mine land to a much larger depth, up to hundreds of feet in the three phases, over the 20 year life span. Does the land conversion estimate for Loss of soil carbon in Table IV F-9 include this mining to lower levels and the continual release of carbon with soil disturbance?

K-3

4. Page II-43 of the Recirculated Portions of the Draft EIR under subtitle 7 refers to local offsets that would lower green house gases and help Sonoma County's target for reducing GHG emissions as a local source of aggregate as opposed to acquiring it from "a more distant domestic or foreign source." The idea is that the "project can be expected to minimize the carbon intensity of aggregate necessary for the Sonoma County construction industry."

K-4

a. This is a completely erroneous statement and conclusion with no analysis, reporting or study done to verify or support this conclusion. This is a highly complex and intricate supposition that needs to include many factors. Such as the fact that imported rock comes from a large quarry that produces significant amount of rock for many locations and regions and through mass mining could significantly reduce total green house gases instead of many localized quarries individually producing through economies of scale. Also, rock comes into the Bay Area regardless of Sonoma County demand, in bulk, either to Vallejo or San Francisco. It is then barged to Sonoma County in mass, using an Alternative transportation route and reducing green house gas emissions by eliminating need for multiple truck loads.

b. This statement has no scientific or quantified backing and can not be used by the Commission or Board of Supervisors to support this quarry.

Letter K. Jason and Justin Merrick

- K-1 The commenter incorrectly reports that projected nitrous oxide emissions from the project would be 53.3 tons over the allowable threshold in the first year, and with mitigation those emissions would be 21.6 tons over the allowable threshold. Specifically, the commenter incorrectly refers to nitrogen oxide (NO_x) as nitrous oxide (N₂O). NO_x primarily refers to NO (nitric oxide) and NO₂ (nitrogen dioxide), whereas N₂O (while a portion of NO_x) is primarily a greenhouse gas (GHG) pollutant.

The Recirculated Draft EIR states the principal GHGs are carbon dioxide (CO₂), methane (CH₄), N₂O, sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). The Recirculated Draft EIR also points out that GHG emissions are typically quantified and reported as CO₂ equivalents (CO₂e). Project emissions of N₂O are correctly addressed in Impact F.6 in the Recirculated Draft EIR, where they are quantified and reported as part of the total project CO₂e. As shown in Table IV.F-9 in the Recirculated Draft EIR, project-generated CO₂ accounts for the great majority of total estimated project CO₂e, while the project-generated N₂O contributes negligibly to the total project CO₂e.

- K-2 The commenter suggests that blasting should be acknowledged as a significant source of emissions of GHGs. The USEPA publication AP-42, *Compilation of Air Pollutant Emission Factors*, includes Chapter 13.3 (published in 1980) on emissions from explosives detonation. This source notes that emissions from explosives detonation are highly variable and poorly studied. The publication does, however, provide some emission factors for detonation of ammonium nitrate and fuel oil (ANFO). ANFO is an explosive generally used in surface mining operations, and is proposed for use at the quarry.

Very limited information is available on the estimation of GHG emissions due to blasting activities. EPA's AP-42 states that emissions from ANFO detonation include NO_x at the rate of 17 pounds per ton of ANFO detonated. AP-42 does not provide information on N₂O or CO₂ emissions due to blasting activities. Based on a review of other available publications, a CO₂ emission factor of 0.167 tons per ton of ANFO detonated has been used on one occasion only². Based on the estimated maximum number of annual blasts (24) and maximum amount of ANFO detonated per blast (3.4 tons) and the conservative estimate of N₂O to NO_x ratio of 10 percent, the maximum estimated GHG emissions from blasting activities would be 31 metric tons per year. This value represents 0.5 percent of the total project-related CO₂e emissions reported in the Recirculated EIR (Table IV.F-9). Thus, the contribution of blasting to the GHG emissions total would be minimal, and would not change any conclusions reached or mitigation measures identified in the Recirculated Draft EIR.

² Greenhouse Gas Emissions Inventory: Minnesota Steel Industries' Proposed Integrated Iron Mine, DRI, Pelletizer, and 2.5 Mt/yr Steel Mill, Climate Mitigation Services, July 10, 2007.

Mitigation Measure F.6a in the Recirculated Draft EIR requires the applicant to become a reporting member of The Climate Registry. Beginning with the first year of quarry operations and continuing through the completion of quarry reclamation, the applicant will be required to conduct an annual inventory of greenhouse gas emissions, and report these to The Climate Registry. The annual inventory will be conducted according to The Climate Registry protocols and third-party verified by a verification body accredited through The Climate Registry. Copies of the annual inventory will be submitted to the Sonoma County PRMD. Should protocols be developed for determining GHG emissions associated with explosives detonation, these would be applied in the annual inventory. Mitigation Measure F.6b requires the applicant to reduce or offset GHG emissions, based on the annual inventory. Therefore, if science and policy evolve to enable a determination of GHG implications of explosives detonation, the mitigation measures specified in the Recirculated Draft EIR will account for and mitigate these emissions.

- K-3 The commenter notes that the Recirculated Draft EIR only quantifies loss of carbon sequestered in the top meter of the soil profile, and poses the question of how much additional sequestered carbon would be lost from deeper soils. The source document from which the factor for soil organic carbon in rangelands was derived (Silver et al, 2010), states that carbon sequestration in rangeland soils decreases and becomes more variable with depth. This study shows that most soil organic carbon in California rangelands is stored in the top meter of the soil profile, although in areas with a greater woody component (such as oak woodlands), there is a substantial amount of carbon stored at greater depth. Given that the majority of the project site is covered in annual grasslands, with limited areas of woody plants, the selection from the source document of the average figure for soil organic carbon storage to one meter depth is appropriate. In contrast, the underlying geologic rock units, including overburden (Wilson Grove) or resource rock (Tolay Volcanic) would not contain any meaningful amount of carbon.
- K-4 The commenter states that the statement in Footnote 7 on page II-43 of the Recirculated Draft EIR regarding energy and GHG savings from use of locally produced versus imported aggregate is unsupported and erroneous, and should not be used as a basis for supporting project approval.

The commenter is incorrect in stating that economies of scale, with regard to energy use and greenhouse gas emissions, are achieved in larger aggregate mining operations. Any modern hard rock aggregate surface mining operation is likely to use similar equipment, with similar energy demands and air emissions per unit of material extracted and processed. The greatest factors differentiating the overall energy consumption and GHG emissions associated with supply of aggregate materials are use of electric versus diesel-powered equipment for processing and handling (including conveyors and crushers), and transportation. While it is true, as the commenter states, that transport of bulk materials by ship or barge is more efficient than by truck, large ships and barges consume large quantities of fossil fuels, and produce large quantities of GHGs and other air pollutants. Furthermore, the area of Sonoma County that the project would supply with aggregate does not have a nearby port (with the exception of Shamrock's facility at Haystack

Landing in Petaluma). For construction projects in the Santa Rosa area, for example, imported aggregate materials would first have to be shipped to a Bay Area port, possibly trans-shipped to Petaluma, then trucked into southern Santa Rosa. The trucking distance and overall haul distance would likely be considerably greater than the distance from the project location. Therefore, there would be additional emissions related both to transport from the place of origin by ship or barge to the Bay Area, possibly additional emissions associated with transshipment, and then more emissions from trucking the material into the Santa Rosa area. While the range of possible origins, methods of shipment, and places of use render a quantitative analysis of the difference in emissions between locally sourced and imported materials speculative, and therefore improper in determining the significance of an impact in an EIR (*CEQA Guidelines* § 15064(f)(5)), qualitatively the conclusion in footnote 7 is based on sound logic and factual knowledge of mining practices and materials handling.

July 27, 2010

Jason and Justin Merrick

Petaluma, CA 94952

VIA HAND DELIEVERY

Robert Williams, Chair
Commissioner Don Bennet
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 95403
County Counsel Steven M. Woodside

Re:

Roblar Road Quarry – Sonoma County (“County”) Planning Commission
Recommendations Regarding Certification of Final Environmental Impact Report (the “FEIR”),
Mineral Resource Combining District Rezoning and Use Permit for 70 Acre Hard Rock Quarry
Mining and Reclamation Plan (collectively, the “Project”)

Dear Chair Williams and Commissioners:

We, as residents of Sonoma County, on our own behalf as individuals and as members of
Citizens Advocating for Roblar Rural Quality (“CARRQ”) submit the following comments
regarding the above referenced items as follows:

There is speculation that the County has discussed with the applicant the possibility of
transporting overburden from the quarry to the Meacham Landfill site to act as fill. If this is the
case the County is negligent in its duty and must cease and desist this plan immediately for the
following reasons:

1. This can not be accomplished without first going through an RFP process. The quarry would
be acting as a private contractor, not inter-County agency, and would enjoy privileged rights,
going against County requirements.

2. This plan was not included in the Draft or Final EIR and must be included according to
CEQA guidelines. It will have an impact on additional truck traffic, green house gases, road
disrepair, air quality, traffic safety, circulation patterns, and quarry operations. This topic was
not discussed in the Preferred Alternate Route either and can not be considered inclusive. It is
also uncertain what route the fill trucks would follow?

L-1

L-2

3. According to the diagram in the quarry proposal, there are two topsoil and overburden stockpile areas located on the quarry site--one on each side of CTS "center pond." 275,000 c.y. each. The soil is to be reused to fill in the area after the mining operation is completed. If the quarry were to truck overburden to the Meacham Landfill how would this effect the reclamation plan?

L-3

4. This would also increase quarry operations at the proposed Roblar site that would also effect the Use-Permit, exceeding its transportation limits and other monitored activities.

L-4

Letter L. Jason and Justin Merrick

L-1 to L-4 The applicant does not propose to truck any overburden from the project site to the Mecham Landfill (Central Landfill). Consequently, the potential effects, including greenhouse gas emissions, associated with such an undertaking would not occur. Please see also Master Response 1 in Chapter II in this Response to Comments Document.

Edward & Edwina Ryska

Petaluma, CA

July 15th, 2010

VIA HAND DELIVERY

Robert Williams, Chair
Commissioner Don Bennet
Commissioner Paula Cook
Commissioner Dennis Murphy
Commissioner Tom Lynch
Sonoma County Planning Commission
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Roblar Road Quarry – Sonoma County (“County”) Planning Commission Recommendations Regarding Certification of Final Environmental Impact Report (the “FEIR”), Mineral Resource Combining District Rezoning and Use Permit for 70 Acre Hard Rock Quarry Mining and Reclamation Plan (collectively, the “Project”)

Dear Chair Williams and Commissioners:

As a resident of Sonoma County and property owner at 6010 Roblar Rd, I submit the following comments regarding the above-referenced items on the Planning Commission’s July 15th, 2010 agenda.

The Planning Commission should not recommend certification of the FEIR or approval of the Project for the following independent reasons:

The Biotic Assessment done on this site was done in 2003. Biotic assessments expire after 5 years. Will a new study to evaluate all plant and animal species on the site be required before this project moves forward? M-1

Condition of approval/mitigation measure 130 should provide that PRMD will verify that a biological opinion or any other necessary approval or clearance from the U.S. Fish and Wildlife Service have be obtained prior to issuance of any grading permit for the Project. M-2

The Staff Report of December 15th estimates 60-80 percent of the material produced by the Project will be used for North Bay Construction projects, using North Bay Construction trucks or haulers. John Barella just sold North Bay construction to Giolatti. How will this sale affect contracts for rock sale and gravel truck M-3

Comment Letter M

contracts and travel directions? How will John Barella control truck traffic patterns if he no longer owns the business that is using the rock? M-3
| cont.

By treating Alternative 2 as an alternative to the Project, rather than as an applicant-proposed component of the Project itself, the FEIR impermissibly omits an adequate evaluation of the environmental impacts of the greenhouse gases and other emissions, transportation costs and safety risks associated with this additional distance. M-4

The County seeks to have the applicant indemnify the County against risks that the conditions of approval/mitigation measures are inadequate to prevent environmental harms; the FEIR does not contain substantial evidence that the applicant has the economic or legal ability to indemnify the County as proposed by condition of approval/mitigation measure 41. It is feasible to require such proof, not only of the applicant but also, as a continuing mitigation measure/condition of approval, of all of the applicant's successors in interest. Failure to provide an adequate indemnity should result in immediate suspension of operations of the Project, irrespective of the vesting status of the Project. What is to stop John Barella from forming a corporation for the quarry operation, and then declaring bankruptcy when environmental contamination arising from the quarry project makes it economically infeasible for him to pay for the cleanup? M-5

I maintain that the applicant should maintain a bond/ letter of Credit for the benefit of the County and area landowners in an amount adequate to remediate damage resulting from the migration of contaminants from the landfill as a result of the Project. The FEIR includes no analysis of the magnitude of the liability the County may face in the event of such contamination. Operation of the Project should be suspended at any time that the required bond/ letter of credit is not in place, irrespective of the vesting status of the use permit and rezoning. M-6

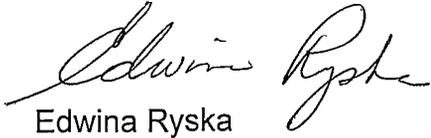
If mitigations require purchasing land from a wetlands bank, will it be mandatory that the wetlands bank used to replace mitigated land be in the Americano watershed? Will the wetlands bank have financial security in perpetuity, so taxpayers do not become liable for maintenance of the wetlands bank if the operator becomes financially incompetent? Can we see written proof of this financial security? M-7

Will the project be allowed to recycle concrete and asphalt at the site on Roblar Road? If so how much recycling will be allowed and for how many years? M-8

My understanding is that the information provided in the EIR is inadequate to verify the presented results for criteria pollutant and greenhouse gas emission estimates and ambient air quality and health risk assessment modeling. I request that County staff provide the following documents to analyze these issues: Existing criteria air pollutant and greenhouse gas emission estimates, modeling files for ambient air quality modeling and human health assessment risk assessment including all input/output files for the ISC-3 modeling, and all input/output files for HARP modeling. I reserve the right to comment on these issues if and when the County provides this information. M-9



Edward Ryska



Edwina Ryska

Petaluma, CA 94952

Letter M. Edwin and Edwina Ryska

- M-1 The commenter is referred to response to Comment D-34 in this Response to Comments Document.
- M-2 The commenter is referred to response to Comment E-5 in this Response to Comments Document.
- M-3 The commenter is referred to response to Comment E-2 in this Response to Comments Document.
- M-4 The commenter is referred to response to Comment E-3 in this Response to Comments Document.
- M-5 The commenter is referred to response to Comment E-6 in this Response to Comments Document.
- M-6 The commenter is referred to response to Comment E-4 in this Response to Comments Document.
- M-7 The commenter is referred to response to Comment E-7 in this Response to Comments Document.
- M-8 The commenter is referred to response to Comment E-8 in this Response to Comments Document.
- M-9 The commenter is referred to response to Comment E-9 in this Response to Comments Document.

July 30, 2010

Scott Briggs
Environmental Review Division Manager
Sonoma County PRMD
2550 Ventura Ave
Santa Rosa, CA 95403

RE: Recirculated DEIR (CTS), Roblar Road Quarry

Reference, July 15, 2010 letter/report from Blake Hillegas (Permit and Resource Management Dept) to Planning Commission.

Questions and concerns re CTS .

1. Precisely who is the applicant for the Roblar Quarry and the CTS "take permit"? Depending on the document, the applicant is John Barella, John Barella and his wife, North Bay Construction, an employee of North Bay Construction, or various combinations of parties or individuals. The project approval process should not go forward until the record is clear and consistent on this issue. (This is important because of potentially enormous financial obligations and long term responsibilities involved with endangered species mitigations. and relates to subsequent questions/concerns.)

N-1

2. CTS larvae were found in two ponds on the site--Center Pond and North Pond. Mitigation is addressed for Center Pond only (which will be eliminated). The mitigation plan calls for monetary compensation and on-site establishment of a replacement pond and translocation of next season's CTS larvae from Center Pond to the replacement pond. **Where is this replacement pond to be located?** To be regarded as a mitigation, the measure must be effective and feasible. To meet the unique breeding patterns and habitat requirements of CTS, pond location is critical, and it's questionable as to whether there is a suitable location on the site to qualify the establishment of a replacement pond and larvae relocation as a feasible mitigation measure (for much the same reasons as noted in comments regarding North Pond below).

N-2

3. No mitigation is proposed for loss of North Pond as a continued viable breeding pond, yet it's highly unlikely that CTS larvae would survive in that location once quarry operations commence. The proposal stipulates that the topsoil and overburden from the excavation process be stockpiled on site to be used to fill in the excavation with native soil once quarry operations are completed. As the excavation and its footprint is expanded, the stockpile and its footprint is expanded and grows higher. Though the rock will be removed as the pit gets deeper, there will be years of widening the pit and expanding both the width and height of the topsoil & overburden stockpiles. North Pond, located slightly uphill and to the immediate northeast of Stockpile "A," will be subject to many of the same negative impacts as Center Pond (located between Stockpile "A" and Stockpile "B")--heavy earthmoving equipment

N-3

activities and traffic, dust, etc.). The constant strong winds which sweep across this site in an easterly direction will result in dust-covered larvae in North Pond, along with any replacement pond that's established to the east of stockpile "A." Dust-covered larvae have little chance of survival.

↑
N-3
cont.

Why is mitigation for probable contamination and loss of North Pond as a viable breeding pond not included in the Recirculated DEIR? Without providing supportive details, the DEIR merely states that North Pond, which is located outside the quarry footprint, "would not be disturbed by the project."

Absent explanation as to why it would not be negatively impacted (other than it's not in the quarry footprint), North Pond should be subject to the same regulatory monetary compensation as Center Pond (destruction/elimination of critical breeding habitat). Relocating either or both of these ponds should not be considered a minimizing mitigation resulting in a "less than significant impact" to existing on-site CTS unless the DEIR provides supportive details (where a suitable relocation site exists on the property).

N-4

4. Why have there been no wind studies conducted and data collected and reported specific to this proposed site? This information is pertinent to many considerations and concerns of this proposal, including credible CTS mitigations.

N-5

5. In the DEIR under Issue #2 it's stated that "Center Pond is located within the Phase 3 mining area. Therefore, the project would result in the permanent loss of .44 acres of CTS breeding habitat in Center Pond and approximately 69.56 acres of upland habitat for CTS." On page 3 of the June 15 letter describing the Recirculated DEIR CTS mitigations, it states, "The applicant is required to compensate for the loss of CTS breeding and upland habitat in accordance with federal and state regulation and shall not be less than a 1:1 ratio." Again, no specific or even approximate dollar amounts are mentioned. But in a discussion I had with Blake regarding the application submitted to the regulatory agency by the county, he stated the average compensation is generally around \$80,000 per acre. **This would come to over \$5.5 million.** (I understand the ratio for the breeding habitat may be 44:1, so if loss of North Pond as viable breeding habitat is added, the amount could be much higher.) Added to this is the cost of required long term operations mitigations to minimize the project's impact on the continued presence of on-site CTS (including the long term presence at various phases of a state agency biologist to inspect the premises for CTS each morning an hour before operations begin, the training required for all employees and haulers, end of operations procedures, etc.).

N-6

Under the CESA, the DFG (or USFWS) is allowed to issue an incidental take permit for a State-listed endangered species **only if specific criteria are met.** (Five criteria are specified.)

Criterion #4 states: **Adequate funding is provided to implement the required**

minimization and mitigation measures and to monitor compliance with and effectiveness of the measures.

Has the applicant (please provide precise party) indicated an awareness of the sizable amounts involved (both immediate and long-term funding) and demonstrated current ability of funding as required by CTS CESA compliance regulations?

The exact mitigations and costs cannot be determined until the Biological Opinion is completed and consultations between state agencies and applicant are concluded. Regulations allow for 135 days to compile the information needed for the Biological Opinion and submit the final report. It would seem prudent to wait for the findings before moving forward with this project. It would seem foolish to even leave this project in pending status if it's established the applicant lacks probable compliance funding.

N-6
cont.

6. If the Biological Opinion allows mitigation only at a cost of several million dollars to applicant, shouldn't there be a reassessment and re-evaluation of the merits of this proposal as to its feasible economic benefits to the county? It would seem those calculations and assumed outcomes would be drastically altered by CTS mitigations. The long-term costs to the county (taxpayers) for road improvements and continued maintenance incurred by this proposal would remain in place while the cost of rock from the quarry would result in no appreciable off-setting benefit, and, in fact, might result in increased construction industry costs.

Presumably the county is interested in approving this project not just to produce rock locally, but because there are advantages to producing rock locally. One alleged advantage is that it would be cheaper than obtaining it from non-local, out of state, out of country sources. If rock obtained from the proposed Roblar Quarry was more expensive for local contractors, then those contractors would continue to use other suppliers. There is no supportive documentation in the FEIR that local rock, or rock from the proposed quarry would be cheaper--there is only an asserted assumption. There is no provision in this proposal that provides any assurance that the rock from the Roblar Quarry would be available for less than rock obtained from other sources. If mitigation is determined allowable for the taking of CTS in this case, and that mitigation adds several million dollars to the cost of producing that rock, then under what profitable business model does this applicant operate if he charges less for his product? The cost of the product is reflected in the costs involved in production.

N-7

7. According to the charge of the CESA, a project that would unnecessarily further jeopardize the continued existence of an already endangered species should be rejected by the agencies responsible for policy enforcement. The overall goal is not to maintain a species in a perpetual endangered status, but to enhance the population so that its continued existence is no longer threatened. Purchasing alternative habitat, though costly, only maintains the status quo. Effective and meaningful on-site mitigations to retain an already established CTS population is critical for overall species population enhancement. The on-site mitigations must demonstrate that they would

N-8

actually effectively prevent or minimize any additional destruction or depletion of the species.

↑ N-8
| cont.

Criterion #3. c. of the requirements that must be met for a take permit to be issued reads as follows:

**3. The measures required to minimize and fully mitigate the impacts of the authorized take:
c. are capable of successful implementation.**

Mitigations proposed include such measures as earthmoving heavy equipment operators watching for CTS as they conduct their operations and all work must be halted if one is discovered. Adult CTS are approximately 6-8 inches in length, live in tunnels and burrows under the earth's surface, and would be virtually indistinguishable from the earth being moved or shoveled by a heavy equipment operator positioned at some distance from this small animal.

Compliance with this proposed mitigation also raises safety concerns for equipment operators, haulers, and other on-site workers. If attention to equipment operation is diverted, equipment is unexpectedly stopped or direction altered, this greatly increases the likelihood of accidents and injuries. This measure, on its face, is absurd in regard to minimizing the impact on the destruction of on-site CTS, has almost no possibility of successful implementation, and, if implemented, would likely jeopardize the safety of workers.

N-9

Curbings, gates, and other above-ground devices and measures have little mitigating impact on a species that lives almost its entire life underground. These "mitigating" measures amount to little more than empty verbiage to fill up a report. It's somewhat analogous to BP including walrus in its disaster response plan for the gulf. Unfortunately, government regulatory agencies (along with local boards and commissions) have repeatedly demonstrated their tendency to accept the report as compliance, rather than examining and evaluating the details.

Each item in the list is presented as a mitigation that somehow moves the impact status from admitted permanent destruction of existing CTS to "less than significant impact." There is no standard or supportive evidence provided in the Recirculated DEIR to justify the status change from permanent destruction to less than significant impact.

Specifically what documentation is each status change to "less than significant impact" based on?

8. Criterion #5 requires that: Issuance of the permit will not jeopardize the continued existence of a State-listed species.

N-10

The DEIR includes no mention of the destruction or displacement of the tunneling or burrowing animals or destruction of their tunnels or burrows that the

Comment Letter N

activities of this project will result in. CTS cannot survive without these other animals (badgers, gophers, rabbits, ground squirrels, etc.).

↑
N-10
cont.

Where is the data relevant to these animals and their necessary presence for CTS in the Recirculated DEIR?

If the current status of the CTS is listed as "endangered," then monetary compensation for alternative habitat is merely maintaining the status quo. The inherent long-term operations (blasting, mining, continuous massive disruption, removal, and rearranging of earth and rock over a 20 year period or longer) will categorically result in the destruction of the existing on-site CTS population, and thus diminish this species and jeopardize its continued existence. The DEIR has failed to demonstrate that it will not result in reduction of the overall population of this species.

N-11

Thank you.

Donna Norton

Petaluma, CA 94952
707 792-2060

Letter N. Donna Norton

- N-1 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.
- N-2 In accordance with accepted U.S. Army Corps of Engineers (COE) and U.S. Fish and Wildlife Service (USFWS) standards, the Recirculated Draft EIR provides compensatory mitigation for all aquatic sites that would be directly affected by the project. The North Pond would not be directly impacted by the project and would continue to function as an active, albeit intermittently used, California tiger salamander (CTS) breeding pond. The anticipated future intermittent use of North Pond as a breeding site is based on focused survey findings performed within the last decade that provided negative survey results at this site. The area that is being discussed with USFWS for a replacement pond is located on a low-lying portion of the site that is subject to overflow from seasonal seeps in the area, in the western portion of the site; however, final designs are subject to change as the USFWS reviews wetland creation plans. This wetland creation site is located on-site about 0.7 miles west of Center Pond and within the movement capabilities of the CTS.
- N-3 As discussed in response to Comment N-2, above, North Pond would not be affected by the project. This feature would be protected with a suitable buffer identified in the Recirculated Draft EIR, and would not be subject to filling by materials stockpiling, as the commenter suggests.

The commenter's concerns of strong winds resulting in dust-covered larvae are unfounded. Adequate dust control measures that are either proposed by the project and/or identified as mitigation would ensure that potential fugitive dust effects on the pond would remain less than significant. Regardless, it should be noted CTS larvae are particularly resilient to siltation of breeding sites and often thrive at aquatic sites with exceedingly high quantities of suspended solids. As evidence of this, it is noted that CTS breeding is common in livestock ponds where cattle stir large amounts of fine silt and clay sediment into suspension. As a result, many CTS breeding ponds maintain a milky brown color throughout the breeding season. This species has biological coping mechanisms to allow breeding even when faced with excessive amounts of suspended fine silt and clay materials. In addition, CTS are nocturnal and the larvae would typically move from the pond during damp evening hours such that dust would not be an issue. At the time of migration, the salamander metamorph's lungs (they are not longer considered larvae) are fully developed and the terrestrial salamander would not be affected by minimal amounts of airborne dust, if present.

- N-4 As identified in response to Comment N-2, compensatory mitigation is not required for aquatic features that would not be physically impacted or impaired. The commenter anticipates that the "probable contamination" of North Pond will occur due to dust from the project. Due to the implementation of protective measures proposed as part of the

project and/or identified in the EIR would ensure that potential fugitive dust effects on the pond would remain less than significant. Additionally, as described in Response N-2, CTS have an extremely high tolerance level for fine suspended sediment in breeding ponds. The physical conditions at North Pond for breeding CTS are not expected to change with the proposed project.

- N-5 The commenter inquires about wind studies and indicates this information is pertinent to credible CTS mitigations. Master Response AQ-1 in the October 2009 EIR Response to Comments Document provides detailed information on wind conditions in the area. The commenter is also referred to response to Comment N-3, above, as it relates to potential windborne dust effects on the CTS.
- N-6 The applicant must obtain an incidental take permit that satisfies the requirements of the California Endangered Species Act prior to implementation of the project. As noted in the comment, one of the criteria for issuance of the incidental take permit is adequate funding to implement and monitor the required mitigation.
- N-7 This is a comment on the merits of the project, not the adequacy of the Recirculated DEIR. The question of whether the project's benefits outweigh its significant environmental effects will be decided by the Board of Supervisors, based on substantial evidence, when it determines whether or not to approve the project. Your comment will be forwarded to the Board of Supervisors for its consideration.
- N-8 The project would not jeopardize the continued existence of CTS or other state listed species. Additionally, mitigation proposed in the EIR in the form of wetland creation and conservation easements would maintain habitat for the CTS in perpetuity.
- N-9 The commenter notes that CTS are small and difficult to notice. The Recirculated Draft EIR acknowledges that the project could harm or "take" individual salamanders, which is one reason why the USFWS is consulting with the U.S. Army Corps of Engineers. The Biological Opinion that results from this formal consultation would permit the incidental "take" of covered species; however, such take will be minimized through the implementation of protective measures such as the curbing and gates that are identified in the Recirculated Draft EIR. The commenter states that such protective measures are ineffective in protecting CTS because this species lives underground. On the contrary, once the area of proposed disturbance is cleared of CTS (as identified in the Recirculated Draft EIR), the erected curbs and fencing would reduce the likelihood that salamanders will re-enter the site. The proposed measures are standard CTS protection measures that are required by the USFWS and best document what the USFWS would likely require as species protection in their Biological Opinion.

The commenter questions how the project can arrive at a "less than significant" impact finding even though there is a permanent loss of California tiger salamander habitat. Under CEQA, the lawfully permitted "take" of a listed species and their habitat that is adequately mitigated according to the standards of the federal and state Endangered

Species Acts, and that does not jeopardize or significantly hamper existing species populations, is appropriately categorized as a “less than significant” impact following mitigation. The purpose of mitigation is to reduce the potential adverse impact such that post project conditions provide a comparable level of habitat to that which existed prior to the proposed action. The Recirculated Draft EIR minimizes the “take” of CTS through the implementation of protective measures and provides replacement breeding sites for this species. Project consultation with CDFG and the USFWS provides protection of this species and its habitat consistent with state and federal requirements. As a result of these actions, the Recirculated Draft EIR appropriately considers the proposed project to have a less than significant impact on CTS.

- N-10 Please see Response to Comment N-11 in this Response to Comments Document, which describes that the project would not jeopardize the continued existence of the CTS, as defined by the California Endangered Species Act.

The commenter identifies that the CTS cannot survive were it not for the presence and burrowing activity of small mammals. It was evident during biological surveys performed in support of the CEQA analysis that the project site, mitigation area and surrounding lands are all densely populated by small mammals. Anecdotal biological observations of the site indicate that there is no shortage of pocket gophers, ground squirrels and other small mammals such that the availability (or lack of) burrows would be a limiting factor affecting CTS distribution.

- N-11 The commenter states that the proposed project would result in the destruction of the onsite CTS population; however, as documented in responses to Comments N-3 through N-5, above, with implementation of the identified mitigation measures, the local population is expected to persist following project implementation.

The commenter also borrows a term from the California Endangered Species Act, identifying that the project will “jeopardize its continued existence,” in referring to the CTS. The commenter’s use of this term seems to focus narrowly on the small portion of the local population that breeds at Center Pond, and is inconsistent with use of the term under the state and federal Endangered Species Acts.

Under the federal Endangered Species Act, at the conclusion of formal consultation the USFWS will determine that the proposed project is not likely to jeopardize the listed species (i.e., CTS will continue to persist locally and regionally, aided by the implementation of project protection measures) and not likely to destroy or adversely modify its designated critical habitat (the project is not within proposed or designated critical habitat). On this basis, the USFWS will issue a “no jeopardy” Biological Opinion and an incidental take statement that documents the allowable amount and extent of anticipated incidental take. The incidental take statement will include additional terms and conditions that the federal agency and any applicant must implement to minimize the impact of such incidental take. The California Endangered Species Act follows a similar interpretation. Thus, the commenter’s statement that the project will “jeopardize (the)

continued existence” of CTS populations is not consistent with state or federal interpretations of this phrase.

Comment Letter O

July 15, 2010

To: Sonoma County Planning Commission

RE: Roblar Road Quarry Proposal, PL903-0094

Dear Commissioners,

The recirculation of the Roblar Road rock quarry DEIR to address the recent discovery of California Tiger Salamanders (CTS) and the revised CEQA guidelines related to greenhouse gas emissions affords citizens the opportunity to, once again, point out that Roblar Road is not the right location for a new rock quarry.

The DEIR does not adequately address:

- How the timing of the required mitigations such as, the construction of the replacement pond (e.g. one year prior to removal of the center pond) and the installation of exclusionary fencing one year prior to grading commencing will affect when gravel from this quarry will be available for sale. Since a major premise of the County's push to develop this quarry has been to have 'cheap rock' available for freeway construction projects, for example, it seems much of the freeway construction will be done (or work already in the bid process) before this quarry could be fully operational. O-1
- The cost of mitigations to remove/protect the CTS or purchase carbon offsets could be substantial and would likely be a significant impact to the economics of the project. My understanding is the mitigations for the CTS could cost at least \$80,000 per acre (at 69.56 acres) which would add significantly to the cost of doing business for this quarry. The County has never provided any financial analysis proving a need for rock from the Roblar site in the first place, but adding approximately \$5million to the tab does not support the County's argument for 'cheap rock' O-2
- Mitigation Measure F.6B that requires the developer to reduce GHG emissions to no more than 1,100 metric tons of CO2e a year, or to offset all project emissions that may be above that level. The DEIR cannot state unequivocally that GHG emissions will be less than significant until the applicant and the County have put mitigation measures into practice O-3

The information in the revised DEIR only increases the level of concern about this quarry project which has always been present for anyone who is more concerned with public health and safety and preserving the west County environment than an individual's right to do business. I urge you to not certify the EIR and to deny this project. O-4

While it is not in the purview of the recirculated DEIR discussion at today's public hearing, I must comment on the recent sale of North Bay Construction by Mr. Barella to Ghilotti Construction Company. The July 15 staff report does not comment on this sale which now causes many questions about the Roblar Road EIR in general. For instance, citizens do not know what impact this sale will have on the quarry construction and operations. I understand Mr. and Mrs. Barella are keeping the quarry, but I wonder who now 'owns' the contract sales for the up to 80% of the rock that Mr. Barella said would be used in his own construction business? Will this now be Ghilotti or open to any and all construction companies? What impact will the sale have on the supposed monitoring of quarry operations and the truck traffic and resulting pollution, etc.? I continue to be concerned about who will actually operate the quarry since Mr. Barella has no experience in that industry, or the extensive air monitoring, noise abatement or water treatment requirements of the recommended Conditions of Approval. Since the County required Mr. Barella to indemnify them against the many risks inherent with this quarry, who will cover the liability if Mr. Barella doesn't have the income/assets from North Bay Construction at his disposal any longer to cover the supposed 'indemnification'? None of these questions have been answered and all of them are examples of information the public has a right to know and to be able to comment on. O-5

Sincerely,



Donna Spilman

Petaluma, CA 94952

Letter O. Donna Spilman

- O-1 Please see response to Comment N-7.
- O-2 Please see response to Comment N-7.
- O-3 Mitigation Measure F.6a-b in the Recirculated Draft EIR provides the necessary framework to ensure feasible on-site and off-site measures shall be implemented to reduce project GHG emissions to less than significant, but also allow flexibility in the selection and potential modification of the specific mitigation options to be used over the project duration. As specified in Mitigation Measure F.6b, any offset of project GHG emissions shall be demonstrated to be real, permanent, verifiable, enforceable, and additional, as determined by PRMD.
- O-4 This is a comment on the merits of the project, not the adequacy of the Recirculated DEIR. The question of whether the project's benefits outweigh its significant environmental effects will be decided by the Board of Supervisors, based on substantial evidence, when it determines whether or not to approve the project. Your comment will be forwarded to the Board of Supervisors for its consideration.
- O-5 The commenter raises issues that are outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

Summary of Public Hearing Comments on the Draft EIR

A public hearing on the Recirculated Draft EIR was held by the County on July 15, 2010. The following individuals provided spoken comments on the Draft EIR. The comments of each individual commenter from the public hearing are contained in the Planning Commission Minutes, below. Each comment is identified with a numeric designator. Responses to these comments follow the Planning Commission Minutes.



DRAFT

Sonoma County Planning Commission
MINUTES

Sonoma County Permit and Resource Management Department
2550 Ventura Avenue, Santa Rosa, CA 95403
(707) 565-1900 FAX (707) 565-1103

Date: July 15, 2010
Meeting No.: 10-014

ROLL CALL

Commissioners

Bob Williams
Don Bennett
Dennis Murphy
Tom Lynch
Paula Cook, Chair

Staff Members

Jennifer Barrett
Scott Hunsperger
Amy Wingfield
Blake Hillegas

1:00 PM Call to order and Pledge of Allegiance

Planning Agency Report: Jennifer Barrett reported that the Board of Supervisors approved the Code Enforcement relief program and the Board also approved the fee deferral resolution.

CONSENT CALENDAR

<p>Item No. 1</p> <p>Applicant:</p> <p>Env. Doc.:</p> <p>Proposal:</p> <p>Location:</p> <p>APN:</p> <p>Zoning:</p> <p>Action:</p> <p>Appeal Deadline:</p> <p>Resolution No:</p>	<p>Time: 1:05 p. m.</p> <p>Carlile Macy</p> <p>Categorical Exemption</p> <p>1) General Plan Amendment from LEA (Land Extensive Agriculture), 100-acre density to LIA (Land Intensive Agriculture), 60-acre density on 2.5 acres and 2) a Zone Change from LEA (Land Extensive Agriculture), B6-100 acre density, Z (Second Dwelling Unit Exclusion), F2 (Floodplain Combining District), VOH (Valley Oak Habitat) to LIA (Land Intensive Agriculture), B6-60 acre density on 2.5 acres as required by a Condition of Approval of Lot Line Adjustment (LLA09-0003).</p> <p>8735 and 9015 Westside Road, Forestville</p> <p>Portion of 110-200-002 Supervisorial District: 4th</p> <p>Zoning LEA (Land Extensive Agriculture), B6-100 acre density, Z (Second Dwelling Unit Exclusion), F2 (Floodplain Combining District), VOH (Valley Oak Habitat) / LIA (Land Intensive Agriculture), B6-60 acre density.</p> <p>Board of Supervisors Hearing to be determined</p> <p>Commissioner Bennett moved to recommended approval to the Board of Supervisors as recommended by staff. Seconded by Commissioner Murphy.</p> <p>N/A</p> <p>10-014</p>	<p>File: PLP09-0079</p> <p>Staff: Scott Hunsperger</p>
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Williams: Absent	Bennett: Aye	Murphy: Aye	Lynch: Aye	Shahhosseini, Chair: Aye
Ayes: 4	Noes: 0	Absent: 1	Abstain: 0	

including a permanent conservation easement and an irrevocable offer of dedication for public use on the entire 198 acre parcel; and 4) a Williamson Act easement exchange rescinding a Type II Williamson Act contract on the 70 acre mining site and simultaneously placing a permanent agricultural conservation easement on a 243 acre agricultural property near Petaluma.

Location: 7601 and 7175 Roblar Road, Sebastopol, CA
APN: 027-080-009 and -010 Supervisorial District: 2
Zoning: LEA (Land Extensive Agriculture) B-6 160 acre density, Z (Second Dwelling Unit Exclusion), VOH (Valley Oak Habitat).

Board of Supervisors Hearing to be determined

Blake Hillegas summarized the written staff report which is incorporated herein by reference.

Public Hearing Opened at 3:00 p.m.

Edward Ryska, resident, questioned how the north pond would not be affected. He would like more facts regarding GHG.

PC-1

John Flynn, resident, indicated the re-circulated DEIR is still not adequate.

PC-2

Jason Merrick, opposes the project and is concerned about the CTS. He indicated that Vincent Griego with USFWS had indicated CTS had previously been found on the site.

PC-3

Magick, is concerned about the water contamination and the effect of water contamination on the CTS

PC-4

John Bly, engineering contractors association, explained that everyone cares about the environment and CTS and GHG impacts have been adequately evaluated and mitigation measures are sufficient.

PC-5

Donna Spillman, neighbor, opposes the project, asked for clarification regarding the timing of mitigation, including fencing and pond removal. She asked if rock would be available in time for Highway 101 widening. She also asked if rock would be affordable.

PC-6

David Glass, concerned citizen, expressed concern about the CTS. He is also concerned about the toxins from the adjacent closed landfill.

PC-7

Donna Norton, neighbor, opposes the project and is concerned about the CTS. She asked whether the proposed mitigation would really protect the CTS. She indicated that wind and dust could impact CTS and north pond would no longer be available breeding ground.

PC-8

Chris Snyder, operating engineers, and said that the operating engineers are in favor of the project. He is opposed to importing aggregate from Canada. He said that we should use what we have locally therefore reducing potential GHG emissions. People in this County need the work.

PC-9

Bruce Norwitt, neighbor, opposes the project and stated that he has seen a CTS on the property.

PC-10

Bob Piazza, neighbor, spoke about water.

PC-11

John Barella, applicant, said that he found the CTS on his property and was responsible enough to bring it to the attention of the County and plans on mitigation. He will also mitigate for CTS and for GHG and is meeting with Fish and Wildlife and Fish and Game and he said that he intends to be a good neighbor.

PC-12

Susan Kirks, submitted a written comment, opposing the project and indicated no mitigation will save species.

PC-13

Ted Winfield, project biologist, currently is in discussions with Fish and Wildlife and Fish and Game regarding mitigation.

PC-14

Public Hearing Closed at 3:40 p.m.

Action: No action taken. Public hearing on re-circulated portions of Draft EIR regarding California

	Tiger Salamander and greenhouse gas emissions.
Appeal Deadline:	N/A
Resolution No:	N/A

There being no further business to come before the Planning Commission at this time, all items having been handled and all persons having been given an opportunity to be heard on any matter before the Planning Commission in public hearing or otherwise, the meeting was adjourned.

Responses to Public Hearing Comments

The responses to the comments of each individual commenter are contained below. For ease of reference, each response corresponds to the numeric designators identified in the Planning Commission Minutes.

Commenter: Edward Ryska

PC-1 The commenter questions how the North Pond would not be affected by the project; the commenter is referred to responses to Comments N-2 through N-4 in Chapter III in this Response to Comments Document.

The commenter comments on the effect of the recent sale of North Bay Construction on the hauling of aggregate from the quarry. Please see Master Response 1 in Chapter II in this Response to Comments Document.

The commenters requests more facts regarding the relative difference in potential greenhouse gases (GHGs) associated with obtaining aggregate from a local source versus acquiring it from more distant locations. The commenter is referred to response to Comment K-4 in Chapter III in this Response to Comments Document.

Commenter: John Flynn

PC-2 The commenter makes a general comment that the Recirculated Draft EIR is not adequate, but raises no specific issues. Consequently, no response is required.

Commenter: Jason Merrick

PC-3 The commenter referred to an email from Vincent Griego at the USFWS (included on page IV-294 of the October 2009 EIR Response to Comments Document) regarding a finding of CTS, and questions why the applicant's biologists reported no finding of CTS on the project site during their 2003 and 2004 surveys.

The email from USFWS referred to a CTS breeding site identified in March 2007 approximately 1.1 mile (1.8 km) northeast of the quarry property. As discussed in the May 2008 Draft EIR, October 2009 EIR Response to Comments Document, and the 2010 Recirculated Draft EIR, given that finding, USFWS protocol-level aquatic surveys were conducted for CTS in 2007 on the quarry project site (and adjacent alternative haul route alignment), which resulted in negative findings. As discussed in detail in the Recirculated Draft EIR, CTS have since been identified by the applicant's biologist on the quarry project site in March/April 2010, and adequate disclosure of the project impact to CTS and identification of adequate mitigation measures are addressed in the Recirculated Draft EIR.

Commenter: Magick

PC-4 The commenter raises concern of potential contaminated water effects on the CTS. The potential for the project to impact water resources, including surface and groundwater sources and associated biological habitat on the project site were addressed in detail in May 2008 Draft EIR, and these impacts were determined to be less than significant with mitigation. In addition, as included in the EIR Response to Comments Document (as revised March 2010), the applicant prepared a comprehensive Water Management Plan that further expanded and refined the proposed management of water resources for the quarry and reducing potential project effects on hydrology and water quality. These project proposed design features and mitigation measures, along with the additional biological mitigation measures included in the 2010 Recirculated Draft EIR for the CTS, would ensure all potential impacts to CTS would also remain less than significant.

Commenter: John Bly

PC-5 The commenter indicates the CTS and GHG impacts have been adequately addressed and mitigated in the Recirculated Draft EIR. The comments are noted. See also responses to Comment Letter I in Chapter III in this Response to Comments Document.

Commenter: Donna Spilman

PC-6 The commenter raises a number of comments that are repeated in her comment letter on the Recirculated Draft EIR. The commenter is referred to responses to Comment Letter O in Chapter III in this Response to Comments Document.

Commenter: David Glass

PC-7 The commenter expresses concern about the CTS. All potential project impacts to the CTS are adequately addressed in the Recirculated Draft EIR and mitigated to a less than significant level.

The commenter also expressed concern about contaminants in the adjacent landfill. This issue is outside the scope of the Recirculated Draft EIR. Please see Master Response 1 in Chapter II in this Response to Comments Document.

Commenter: Donna Norton

PC-8 The commenter raises a number of comments that are repeated in her comment letter on the Recirculated Draft EIR. The commenter is referred to responses to Comment Letter N in Chapter III in this Response to Comments Document.

Commenter: Chris Snyder

PC-9 The commenter indicates that acquiring aggregate from a local source would generate less GHG emissions than from a more distant source, such as Canada. The Recirculated Draft EIR also acknowledges this circumstance; no response is required.

Commenter: Bruce Norwitt

PC-10 The commenter indicates he has observed CTS on the quarry property in the past. The presence of CTS on the quarry property has been confirmed by the applicant's biologist and is the reason for the new CTS impact analysis and mitigation measures in the Recirculated Draft EIR. The commenter also inquired if a full-time biologist would be used on site during the project duration. Mitigation Measure D.11a-b in the Recirculated Draft EIR provides details on when a biologist would be required on-site during the project duration. A qualified biologist(s) or designated trained monitor(s) shall be onsite during the initial groundbreaking activities of each mining phase that may result in the take of CTS. In addition, in any instance where a CTS is observed within the project site by a construction worker, the biologist would be informed immediately to relocate the CTS.

Commenter: Bob Piazza

PC-11 The commenter raises concern of potential contaminated water effects on the CTS. The commenter is referred to response to Comment PC-4, above.

Commenter: John Barella

PC-12 The commenter indicates his own biologists identified the CTS on the project site, and that he intends to mitigate project impacts to CTS and GHGs. The comments are noted; no response is required.

Commenter: Susan Kirks

PC-13 The commenter raises a number of comments that are repeated in her comment letter on the Recirculated Draft EIR. The commenter is referred to responses to Comment Letter F in Chapter III in this Response to Comments Document.

Commenter: Ted Winfield

PC-14 The commenter indicates the applicant is currently in discussion with the U.S. Fish and Wildlife Service regarding the proposed mitigation measures for CTS. The comment is noted; no response is required.

Commenter: Commissioner Lynch

PC-15 The Commissioner indicates CTS and Coho salmon are “canary in the coal mine” species. The comment is noted. With respect to CTS, the Recirculated Draft EIR identifies stringent mitigation measures consistent with all applicable resource agency protocols to ensure impacts to CTS would be less than significant.

It should be noted, as discussed in the 2008 Draft EIR, while steelhead salmon exist seven miles downstream of the project in Estero Americano, there are no records of any Coho salmon in project area streams. Nonetheless, the implementation of Mitigation Measure C.5 in the EIR would ensure any potential effect on steelhead from the project at locations downstream within the Estero Americano would be less than significant.

Commenter: Commissioner Cook

PC-16 The Commissioner that a standard of care must be used if CTS are found on a site. The comment is noted. The Recirculated Draft EIR identifies stringent mitigation measures consistent with all applicable resource agency protocols to ensure impacts to CTS would be less than significant.

The Commissioner also expressed concern about potential wind effects on the CTS. The Commissioner is referred to response to Comment N-3, above.

APPENDIX A

Notice of Availability of the Recirculated Draft EIR

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NOTICE OF PUBLIC HEARING AND AVAILABILITY OF REVISED PORTIONS OF DRAFT ENVIRONMENTAL IMPACT REPORT / NEW INFORMATION REGARDING CALIFORNIA TIGER SALAMANDER AND GREENHOUSE GAS EMISSIONS FOR THE ROBLAR ROAD QUARRY AT 7601 & 7175 ROBLAR ROAD, FILE PLP03-0094

On April 1, 2010, the Sonoma County Planning Commission held a public hearing and recommended certification of a Final Environmental Impact Report, a Rezoning, and a Use Permit for a mining and reclamation plan for the Roblar Road Quarry that would produce up to 570,000 cubic yards of material a year for 20 years; File PLP03-0094.

Subsequent to the meeting, the applicant's biologist reported the discovery of California Tiger Salamander (CTS) larvae in the stock pond on the site. This discovery represents a new potentially significant impact requiring new mitigation measures. In addition, since publication of the Final EIR, the Bay Area Air Quality Management District (BAAQMD) has promulgated revised CEQA guidelines that include new a threshold of significance for greenhouse gasses. The discussion of project greenhouse gas emissions has been revised in light of this new threshold of significance. In accordance with CEQA, the recirculation of newly identified impacts and mitigation measures is required to allow public comment on the new information. There is a 45-day public review period on the adequacy of the revised portions of the Draft EIR beginning **June 15, 2010 through July 30, 2010. Comments shall be limited to the revised portions of the Draft EIR only;** comments on other portions of the Draft EIR will not be accepted.

Public Hearings: The Planning Commission will conduct a public hearing for the sole and limited purpose of considering the adequacy of the revised portions of the Draft EIR on July 15, 2010 at 2:45 p.m. in the Planning Commission hearing room at 2550 Ventura Avenue, Santa Rosa, CA. After the close of the public review and comment period, responses to comments on the revised portions of the Draft EIR will be prepared to complete the Final EIR. A public hearing on the complete Final EIR and the merits of the project will be held by the Planning Commission at a later date.

Where to Review the Revised Portions of the Draft EIR: A copy of the revised portions of the Draft EIR is available for review at the Sonoma County Permit and Resource Management Department (PRMD) public counter, 2550 Ventura Avenue, Santa Rosa, CA and online at the PRMD website, <http://www.sonoma-county.org/prmd/docs/eir/index.htm>. Questions regarding availability of revised portions of the Draft EIR may be directed to Environmental Review Division Manager, Scott Briggs, at (707) 565-8351; sbriggs@sonoma-county.org. Regarding availability of the staff report, you may contact Blake Hillegas at (707) 565-1392, bhillega@sonoma-county.org

In addition, revised portions of the Draft EIR are available for public review at: Rohnert Park - Cotati Regional Library at 6250 Lynne Conde Way, Rohnert Park; Santa Rosa Central Library, at Third and E Streets, Santa Rosa; and Petaluma Regional Library, at 100 Fairgrounds Drive, Petaluma.

How to Comment on the Revised Portions of the Draft EIR: Written comments on the adequacy of the revised portions of the Draft EIR may be made during the comment period and must be received on or before **5:00 p.m, July 30, 2010**. Written comments should be addressed to Scott Briggs, Environmental Review Division Manager, Sonoma County PRMD, 2550 Ventura Avenue, Santa Rosa, CA 95403-2829. Written and verbal comments on the adequacy of the revised portions of the Draft EIR may also be presented at the July 15, 2010 public hearing.

Publication Date: June 15, 2010

APPENDIX B

Letter from Applicant's Attorney to Sonoma County PRMD

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LAW OFFICES OF
CLEMENT, FITZPATRICK & KENWORTHY

INCORPORATED
3333 MENDOCINO AVENUE, SUITE 200
SANTA ROSA, CALIFORNIA 95403
FAX: 707 548-1380

TELEPHONE: (707) 523-1181

STEPHEN K. BUTLER

August 31, 2010

VIA E-MAIL & U.S. MAIL

Blake Hillegas, Planner III
PRMD
2550 Ventura Avenue
Santa Rosa, CA 95403

Re: Roblar Road Quarry / Sale of North Bay Construction

Dear Mr. Hillegas:

I am writing this letter on behalf of John Barella who has reviewed its contents and authorized its transmittal. The purpose of this letter is to respond to your inquiry regarding the sale of North Bay Construction. The reported sale of North Bay Construction, a construction company formerly owned by John, will have no impact on the establishment and operation of the Roblar Road Quarry and the sale of aggregate material extracted from the quarry. John is, together with his wife Andrea, owner of the Roblar Road Quarry. He applied for the quarry application now being considered for approval by the County.

Some aspects of the project description and certain mitigation measures set forth in the draft and final EIR's speak to controlling certain aspects of the quarry operation. As to those aspects of the project and mitigations which assume control over the operation by the quarry owner, such control can and will be exerted consistent with the project description and required project mitigations. Such control can be exerted and enforced through contractual language in purchase orders and other contracts necessary to implement the project. Let me give you some examples:

- Traffic Mitigation Measures E.3(b) and E.8(l) speak to aspects of the project relating to the control of trucks. E.8(l) requires that loaded trucks are covered or maintain a two foot freeboard. This can be controlled as part of the loading process on-site.
- Mitigation Measure F.1(b) states that the project applicant shall utilize 2007 model engines or newer on quarry equipment and rock trucks. The operator will comply with this mitigation as it relates to on-site equipment and require proof from all haulers that their vehicles comply with the air quality mitigations required in the draft and final EIR's.
- Mitigation Measure F.1(c) relating to off-site haul trucks specifically anticipates contracts with the haulers for the uses of certain types of trucks. Verification of

compliance with this requirement will be required to be on file with the quarry as a pre-condition to loading any truck leaving the site.

- On page III-12 of the DEIR reference is made to operator control of imported recycled materials. No truck containing recycled materials will be allowed on the quarry site unless the owner of that truck has a purchase order to have that truck filled with aggregate upon exiting the quarry site.
- Page IV.E.19 speaks to truck patterns associated with the proposed project. Through application of the contracted-only sales method, required patterns may be maintained.
- Page V-4 of the DEIR, dealing with Alternative II, specifically anticipated that private haulers would be under contract with the applicant and that the specified haul routes would be imposed in the contract. This commitment can be carried forward regardless of whether Alternative II or the project-in-chief is approved.
- Page V-37 of the DEIR again speaks to control of haul routes. We wish to reiterate that the operator will engage in contracted sales only and thus will assert appropriate control over any required mitigation measures or project description components.
- Page II-24 of the FEIR speaks to off-site hauling of sediment from the sediment control basins. Again, any truck hauling sediment from the project site would be contractually required to access the quarry to and from the west, thereby avoiding the community of Roblar.
- Mitigation Measure F.1(f) of the FEIR requires the use of commercially feasible efforts to pursue an off-site mitigation program to achieve emission reductions from sources off-site. Such a program can and will be implemented by providing purchasers an inducement to achieve greater air quality efficiencies.
- Response O-27 on page IV-171 of the FEIR again requires that all off-site haul trucks under contract with the quarry operator be a year 2003 or newer model. The operator will comply with this requirement and verify the age of any off-site hauling vehicle.
- Response Q-4 on page IV-181 of the FEIR modifies Mitigation Measure G.1(c) & (d) requiring the implementation of a truck driver education program and the use of properly functioning exhaust mufflers. Completion of this program will be required pursuant to contract, and the operator will require proof of a properly functioning exhaust muffler system prior to accessing to the quarry site.

Blake Hillegas
August 31, 2010
Page 3

- Responses PC-46 and PC-48 on page IV-327 of the FEIR again note compliance with identified haul routes by way of contract and a requirement that 100% of materials produced at the quarry site would be either used directly by the applicant or sold under contract. Since the applicant has now sold North Bay Construction, 100% of the material will be sold under contract.
- Revised Mitigation Measures G.1(c) and G.1(d) as set forth in the FEIR and as shown on page V-9 will, as stated before, be complied with pursuant to contract. The operator will require that all haul trucks have an initial verification relating to their muffler system and that they be re-verified annually.

The list set forth above is not intended to be exhaustive. However, the point is that the operator will comply with all aspects of the project description and mitigation measures requiring that the quarry operator exert sufficient control to insure that the project is implemented consistent with its description and as mitigated by the County. The operator is willing to allow periodic audits by PRMD staff to verify that appropriate contracts are in place to insure that full mitigation is consistently achieved.

Thank you for the opportunity to comment on this issue.

Very truly yours,



Stephen K. Butler

SKB:lf

cc: John Barella
David Hurst
Sally McGough

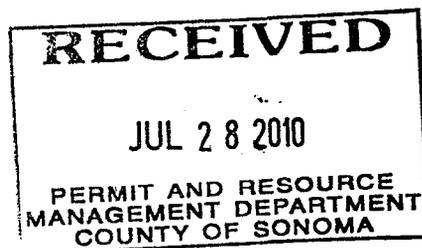
APPENDIX C-1

Attachment to Comment Letter D

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Petra Pless, D.Env.

440 Nova Albion Way, #2
San Rafael, CA 94903
(415) 492-2131 phone
(815) 572-8600 fax
petra@ppless.com



Dr. Pless is a court-recognized expert with over 10 years of experience in environmental consulting conducting and managing interdisciplinary environmental research projects and preparing and reviewing environmental permits and other documents for U.S. and European stakeholder groups. Her broad-based experience includes air quality and air pollution control; water quality, water supply, and water pollution control; biology; public health and safety; and noise studies; California Environmental Quality Act ("CEQA"), Clean Air Act ("CAA"), and National Environmental Policy Act ("NEPA") review; industrial ecology and risk assessment; and use of a wide range of environmental software.

EDUCATION

Doctorate in Environmental Science and Engineering (D.Env.), University of California
Los Angeles, 2001

Master of Science (equivalent) in Biology, Technical University of Munich, Germany, 1991

PROFESSIONAL HISTORY

Pless Environmental, Inc., Principal, 2008–present

Environmental Consultant, Sole Proprietor, 2006–2008

Leson & Associates (previously Leson Environmental Consulting), Kensington, CA,
Environmental Scientist/Project Manager, 1997–2005

University of California Los Angeles, Graduate Research Assistant/Teaching Assistant, 1994–1996

ECON Research and Development, Environmental Scientist, Ingelheim, Germany, 1992–1993

Biocontrol, Environmental Projects Manager, Ingelheim, Germany, 1991–1992

REPRESENTATIVE EXPERIENCE

Air Quality and Pollution Control

Projects include CEQA/NEPA review; attainment and non-attainment new source review ("NSR"), prevention of significant deterioration ("PSD") and Title V permitting; control technology analyses (BACT, LAER, RACT, BARCT, BART, MACT); technology evaluations and cost-effectiveness analyses; criteria and toxic pollutant emission inventories; emission offsets; ambient and source monitoring; analysis of emissions estimates and ambient air pollutant concentration modeling. Some typical projects include:

- Critically reviewed and prepared technical comments on the air quality, biology, noise, water quality, and public health and safety sections of CEQA/NEPA documents for numerous

Comment Letter D Appendix C-1

Petra Pless, D.Env.

commercial, residential, and industrial projects (*e.g.*, power plants, airports, residential developments, retail developments, hospitals, refineries, slaughterhouses, asphalt plants, food processing facilities, printing facilities, quarries, and mines) and provided litigation support in a number of cases filed under CEQA.

- Critically reviewed and prepared technical comments on the air quality and public health sections of the Los Angeles Airport Master Plan (Draft, Supplement, and Final Environmental Impact Statement/Environmental Impact Report) for the City of El Segundo. Provided technical comments on the Draft and Final General Conformity Determination for the preferred alternative submitted to the Federal Aviation Administration.
- For several California refineries, evaluated compliance of fired sources with Bay Area Air Quality Management District Rule 9-10. This required evaluation and review of hundreds of source tests to determine if refinery-wide emission caps and compliance monitoring provisions were being met.
- Critically reviewed and prepared technical comments on Draft Title V permits for several refineries and other industrial facilities in California.
- Evaluated the public health impacts of locating big-box retail developments in densely populated areas in California and Hawaii. Monitored and evaluated impacts of diesel exhaust emissions and noise on surrounding residential communities.
- In conjunction with the permitting of several residential and commercial developments, conducted studies to determine baseline concentrations of diesel exhaust particulate matter using an aethalometer.
- For an Indiana steel mill, evaluated technology to control NO_x and CO emissions from fired sources, including electric arc furnaces and reheat furnaces, to establish BACT. This required a comprehensive review of U.S. and European operating experience. The lowest emission levels were being achieved by steel mills using selective catalytic reduction (“SCR”) and selective non-catalytic reduction (“SNCR”) in Sweden and The Netherlands.
- For a California petroleum coke calciner, evaluated technology to control NO_x, CO, VOCs, and PM₁₀ emissions from the kiln and pyroscrubbers to establish BACT and LAER. This required a review of state and federal clearinghouses, working with regulatory agencies and pollution control vendors, and obtaining and reviewing permits and emissions data from other similar facilities. The best-controlled facilities were located in the South Coast Air Quality Management District.
- For a Kentucky coal-fired power plant, identified the lowest NO_x levels that had been permitted and demonstrated in practice to establish BACT. Reviewed operating experience of European, Japanese, and U.S. facilities and evaluated continuous emission monitoring data. The lowest NO_x levels had been permitted and achieved in Denmark and in the U.S. in Texas and New York.
- In support of efforts to lower the CO BACT level for power plant emissions, evaluated the contribution of CO emissions to tropospheric ozone formation and co-authored report on same.
- Critically reviewed and prepared technical comments on applications for certification (“AFCs”) for numerous natural-gas fired, solar, biomass, and geothermal power plants in California permitted by the California Energy Commission. The comments addressed construction and operational emissions inventories and dispersion modeling, BACT

Comment Letter D Appendix C-1

Petra Pless, D.Env.

- determinations for combustion turbine generators, fluidized bed combustors, diesel emergency generators, etc.
- Critically reviewed and prepared technical comments on draft PSD permits for several natural gas-fired power plants in California, Indiana, and Oregon. The comments addressed emission inventories, greenhouse gas emissions, BACT, case-by-case MACT, compliance monitoring, cost-effectiveness analyses, and enforceability of permit limits.
 - For a California refinery, evaluated technology to control NO_x and CO emissions from CO Boilers to establish RACT/BARCT to comply with BAAQMD Rule 9-10. This required a review of BACT/RACT/LAER clearinghouses, working with regulatory agencies across the U.S., and reviewing federal and state regulations and State Implementation Plans (“SIPs”). The lowest levels were required in a South Coast Air Quality Management District rule and in the Texas SIP.
 - In support of several federal lawsuits filed under the federal Clean Air Act, prepared cost-effectiveness analyses for SCR and oxidation catalysts for simple cycle gas turbines and evaluated opacity data.
 - Provided litigation support for a CEQA lawsuit addressing the pollution control equipment at a proposed biomass cogeneration plant.
 - Prepared comments and provided litigation support on several proposed regulations including the Mojave Desert Air Quality Management District Rule 1406 (fugitive dust emission reduction credits for road paving); South Coast Air Quality Management District Rule 1316, San Joaquin Valley Air Pollution Control District Rule 2201, Antelope Valley Air Quality Management District Regulation XIII, and Mojave Desert Air Quality Management District Regulation XIII (implementation of December 2002 amendments to the federal Clean Air Act).
 - Critically reviewed draft permits for several ethanol plants in California, Indiana, Ohio, and Illinois and prepared technical comments.
 - Reviewed state-wide average emissions, state-of-the-art control devices, and emissions standards for construction equipment and developed recommendations for mitigation measures for numerous large construction projects.
 - Researched sustainable building concepts and alternative energy and determined their feasibility for residential and commercial developments, *e.g.*, regional shopping malls and hospitals.
 - Provided comprehensive environmental and regulatory services for an industrial laundry chain. Facilitated permit process with the South Coast Air Quality Management District. Developed test protocol for VOC emissions, conducted field tests, and used mass balance methods to estimate emissions. Reduced disposal costs for solvent-containing waste streams by identifying alternative disposal options. Performed health risk screening for air toxics emissions. Provided permitting support. Renegotiated sewer surcharges with wastewater treatment plant. Identified new customers for shop-towel recycling services.
 - Designed computer model to predict performance of biological air pollution control (biofilters) as part of a collaborative technology assessment project, co-funded by several major chemical manufacturers. Experience using a wide range of environmental software, including air dispersion models, air emission modeling software, database programs, and geographic information systems (“GIS”).

Water Quality and Pollution Control

Experience in water quality and pollution control, including surface water and ground water quality and supply studies, evaluating water and wastewater treatment technologies, and identifying, evaluating and implementing pollution controls. Some typical projects include:

- Evaluated impacts of on-shore oil drilling activities on large-scale coastal erosion in Nigeria.
- For a 500-MW combined-cycle power plant, prepared a study to evaluate the impact of proposed groundwater pumping on local water quality and supply, including a nearby stream, springs, and a spring-fed waterfall. The study was docketed with the California Energy Commission.
- For a 500-MW combined-cycle power plant, identified and evaluated methods to reduce water use and water quality impacts. These included the use of zero-liquid-discharge systems and alternative cooling technologies, including dry and parallel wet-dry cooling. Prepared cost analyses and evaluated impact of options on water resources. This work led to a settlement in which parallel wet dry cooling and a crystallizer were selected, replacing 100 percent groundwater pumping and wastewater disposal to evaporation ponds.
- For a homeowner's association, reviewed a California Coastal Commission staff report on the replacement of 12,000 linear feet of wooden bulkhead with PVC sheet pile armor. Researched and evaluated impact of proposed project on lagoon water quality, including sediment resuspension, potential leaching of additives and sealants, and long-term stability. Summarized results in technical report.

Applied Ecology, Industrial Ecology and Risk Assessment

Experience in applied ecology, industrial ecology and risk assessment, including human and ecological risk assessments, life cycle assessment, evaluation and licensing of new chemicals, and fate and transport studies of contaminants. Experienced in botanical, phytoplankton, and intertidal species identification and water chemistry analyses. Some typical projects include:

- Conducted technical, ecological, and economic assessments of product lines from agricultural fiber crops for European equipment manufacturer; co-authored proprietary client reports.
- Developed life cycle assessment methodology for industrial products, including agricultural fiber crops and mineral fibers; analyzed technical feasibility and markets for thermal insulation materials from natural plant fibers and conducted comparative life cycle assessments.
- For the California Coastal Conservancy, San Francisco Estuary Institute, Invasive Spartina Project, evaluated the potential use of a new aquatic pesticide for eradication of non-native, invasive cordgrass (*Spartina spp.*) species in the San Francisco Estuary with respect to water quality, biological resources, and human health and safety. Assisted staff in preparing an amendment to the Final EIR.
- Evaluated likelihood that organochlorine pesticide concentrations detected at a U.S. naval air station are residuals from past applications of these pesticides consistent with manufacturers' recommendations. Retained as expert witness in federal court case.
- Prepared human health risk assessments of air pollutant emissions from several industrial and commercial establishments, including power plants, refineries, and commercial laundries.

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Petra Pless, D.Env.

- Managed and conducted laboratory studies to license pesticides. This work included the evaluation of the adequacy and identification of deficiencies in existing physical/chemical and health effects data sets, initiating and supervising studies to fill data gaps, conducting environmental fate and transport studies, and QA/QC compliance at subcontractor laboratories. Prepared licensing applications and coordinated the registration process with German environmental protection agencies. This work led to regulatory approval of several pesticide applications in less than six months.
- Designed and implemented database on physical/chemical properties, environmental fate, and health impacts of pesticides for a major multi-national pesticide manufacturer.
- Designed and managed experimental toxicological study on potential interference of delta-9-tetrahydrocannabinol in food products with U.S. employee drug testing; co-authored peer-reviewed publication.
- Critically reviewed and prepared technical comments on applications for certification for several natural-gas fired, solar, and geothermal power plants and transmission lines in California permitted by the California Energy Commission. The comments addressed avian collisions and electrocution, construction and operational noise impacts on wildlife, risks from brine ponds, and impacts on endangered species.
- For a 180-MW geothermal power plant, evaluated the impacts of plant construction and operation on the fragile desert ecosystem in the Salton Sea area. This work included baseline noise monitoring and assessing the impact of noise, brine handling and disposal, and air emissions on local biota, public health, and welfare.
- Designed research protocols for a coastal ecological inventory; developed sampling methodologies, coordinated field sampling, determined species abundance and distribution in intertidal zone, and conducted statistical data analyses.
- Designed and conducted limnological study on effects of physical/chemical parameters on phytoplankton succession; performed water chemistry analyses and identified phytoplankton species; co-authored two journal articles on results.
- Organized and conducted surveying and mapping of aquatic plant species in several lakes and rivers in Sweden and Germany as ecological indicators for the health of limnological ecosystems.

PRO BONO ACTIVITIES

Founding member of "SecondAid," a non-profit organization providing tsunami relief for the recovery of small family businesses in Sri Lanka. (www.secondaid.org.)

PROFESSIONAL AFFILIATIONS

Association of Environmental Professionals

PUBLICATIONS

Available upon request

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Curriculum Vitae

Kimberley A. Fitts

122 Calistoga Road, Suite 360
Santa Rosa, CA 95409
kfitts@bioconsultant.net

- Education** M.A., Biology, California State University at Sonoma, 1993.
Thesis: *Small mammal populations in clear-cut areas of the Jackson Demonstration State Forest, Mendocino County, California.*
- B.A., California State University at Sonoma. Bachelors of Arts with distinction in Biology with a concentration in Zoology, 1990.
- Specialized Training** Point Reyes Bird Observatory Training Course on Monitoring Land birds. 4-day training included: field identification, monitoring techniques, study design and standardized avian census techniques.
- Aplodontia* Training at the National Wildlife Research Center, Olympia Field Station. US. Department of Agriculture, Animal and Plant Health Inspection Service. Training included all aspects of live-trapping and handling techniques.
- Work History** Kim Fitts Wildlife Consulting. From 1991-2000
BioConsultant, LLC. From 2000-present.
- Experience** Ms. Fitts has been a professional consulting wildlife biologist for the past decade. She is a recognized expert on the federally endangered Point Arena mountain beaver (PAMB) and has served as the primary consultant for federal, state and local governments on its management. She is a USFWS-approved PAMB construction monitor/surveyor and co-authored the current USFWS PAMB survey protocol. Having worked on mountain beaver issues for the last fifteen years, Kim has developed monitoring and detection methods, designed and implemented numerous mitigation and survey projects, and developed several comprehensive management plans for state and federal agencies. She possesses a thorough understanding of terrestrial wildlife ecology and has performed numerous wildlife inventories, resource assessments, and focused surveys for special-status-species for planned projects, including the habitat assessments for the creation of Sonoma County's first Wildlife Preserve under the Williamson Act. Ms. Fitts is skilled in the identification of wildlife sign and able to

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inventory the resident wildlife population by identifying tracks, scat, and other sign. Trained in avifauna study design and monitoring techniques, Ms. Fitts is also well versed in songbird and raptor field identification. Her professional and scientific research experience includes the following:

- Live-trapped small mammals for one year in successional aged clear-cut sites for the California Department of Forestry, Mendocino County. Correlated habitat factors with small mammal presence and abundance. Submitted technical report.
- Conducted wildlife sign identification in gravel pits and riparian habitats of the Russian River. With Dr. Phil Northen as part of the EIR restoration plan for the Piombo Terrace Pit in Sonoma County.
- Five-year mitigation study to monitor construction related impacts on the Point Arena mountain beaver. For MCI Telecommunications in Mendocino Co. Sampled and correlated plant species with mountain beaver presence. Data entry and analysis. Co-authored yearly reports for USFWS.
- Conducted avian mortality searches. Observed and documented avian use at the SMUD wind energy site: Altamont Pass. With Judd Howell & Associates.
- Assessed the wildlife resources at Timber Crest Farm for the creation of a 42-acre wildlife preserve under the Williamson Act. Submitted report with recommendations for wildlife habitat enhancement to Sonoma County Planning Agency.
- Conducted wildlife inventory and habitat assessments as part of the land management plan for the Cascade Canyon and White's Hill open space preserves. With Leonard Charles & Associates. Mapped sensitive wildlife habitat.
- Prepared a Biological Assessment for the County of Mendocino-Department of Transportation and the Federal Emergency Management Agency (FEMA). Related to the federally endangered Point Arena mountain beaver.
- Assessed the wildlife resources at the High Ridge Ranch for the creation of a 100-acre wildlife preserve under the Williamson Act. Submitted report with recommendations for wildlife habitat enhancement to Sonoma County Planning Agency.
- Regularly conducts surveys for the presence of Point Arena mountain beaver for local landowners requiring coastal development permits. Consult with USFWS and develop recommendations to avoid construction related impacts. Reports are submitted to USFWS and Mendocino County agencies.
- Served as the USFWS- approved PAMB monitoring biologist for several construction projects in Mendocino County.
- Designed, managed, and performed field studies for the preparation of a management plan for the federally listed Point Arena mountain beaver at Manchester State Park. Mapped all sensitive biotic resources including, exotic species, rare plants and communities, and PAMB distribution. Developed

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management guidelines for habitat enhancement and exotic plant removal, maintenance operations, and addressed current and potential threats to PAMB. Submitted Habitat Protection and Restoration Plan with GIS and maps to California Department of Parks and Recreation, Mendocino County. Cooperative project with Sonoma State University.

- Conducted several survey protocol training courses on Point Arena mountain beaver for Caltrans, state, and professional biologists. Sponsored by Caltrans and USFWS.
- Completed many biological studies for the City of Point Arena and prepared several comprehensive reports and management plans, such as the City Park Feasibility and Master Plan, the Coastal Scenic Bikeway Project, the Arena Cove Conservation Project, and tri-annual Roadside Maintenance Management Plan.
- Assessed the wildlife resources on several private properties for their application for open space preserves under the Williamson Act. Submitted reports with recommendations for wildlife habitat enhancement to Sonoma County Planning Agency.
- Conducted several American badger surveys throughout Sonoma County for various State, City, and non-profit organizations.
- Conducted protocol-level winter and breeding surveys for the presence of burrow owl (*Athene cunicularia*) for the City of Fort Bragg at the former Georgia Pacific Mill site.

Publications/ Technical Reports Marshall-Fitts K. A. and P.T. Northen. 1991. *Small mammal populations in clear-cut areas of the Jackson Demonstration State Forest, Mendocino County, California*. A technical report for the California Dept. of Fish and Game. 32 p. and appendices.

Northen, P. T. and K.A. Fitts. 1993. *Monitoring of the Point Arena Mountain Beaver for MCI Telecommunications Corporation*. Annual report prepared for the U.S. Fish and Wildlife Service. 25 p. and appendices. Year one through year five Reports.

Fitts, K. A. 1996. *Observations on use of two non-native plants by the Point Arena Mountain Beaver*. California Fish and Game. 8/21 (1996) p. 59-60.

Fitts, K. A., R. Meentemeyer, D. Marshall, R. Jackson, P.T. Northen, and S. Flowers. 2002. *Habitat Protection and Restoration Plan for Manchester State Park*. Technical Report for California Dept. of Parks and Recreation. 46 p. and appendices.

Presentations/1986 "Patterns of Territorial Defense in the Pacific Treefrog, *Hyla*

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Posters

- regilla.*" Association of North Bay Scientists, College of the Redwoods, Arcata, California.
- 1989 **"Tame-hacking of the Red-shouldered Hawk, *Buteo lineatus*."** Biology Colloquium, Sonoma State University.
- 1992 **"Effects of Forest Regeneration (following clearcutting) on Small Mammals."** Association of North Bay Scientists, Solano College, Solano, California.
- 1993 **"Small Mammal Populations in Regenerating Clear-cut Areas of the Jackson Demonstration State Forest."** Biology Colloquium, Sonoma State University.
- 1994 **"Monitoring of the Point Arena Mountain Beaver in Manchester Beach, Mendocino, California."** The Wildlife Society-Western Section. Annual conference, Maui, Hawaii.
- 2002 Poster **"Developing a Management Plan for the Point Arena Mountain Beaver at Manchester State Park."** The Wildlife Society-Western Section. Annual conference, Visalia, California.
- 1987- Educational talks to public schools and Santa Rosa Junior Collage concerning natural history and preservation of birds of prey.

APPENDIX D

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FIGURE 1

Badger Burrow, Roblar Road proposed quarry site adjacent, within 200'



FIGURE 2

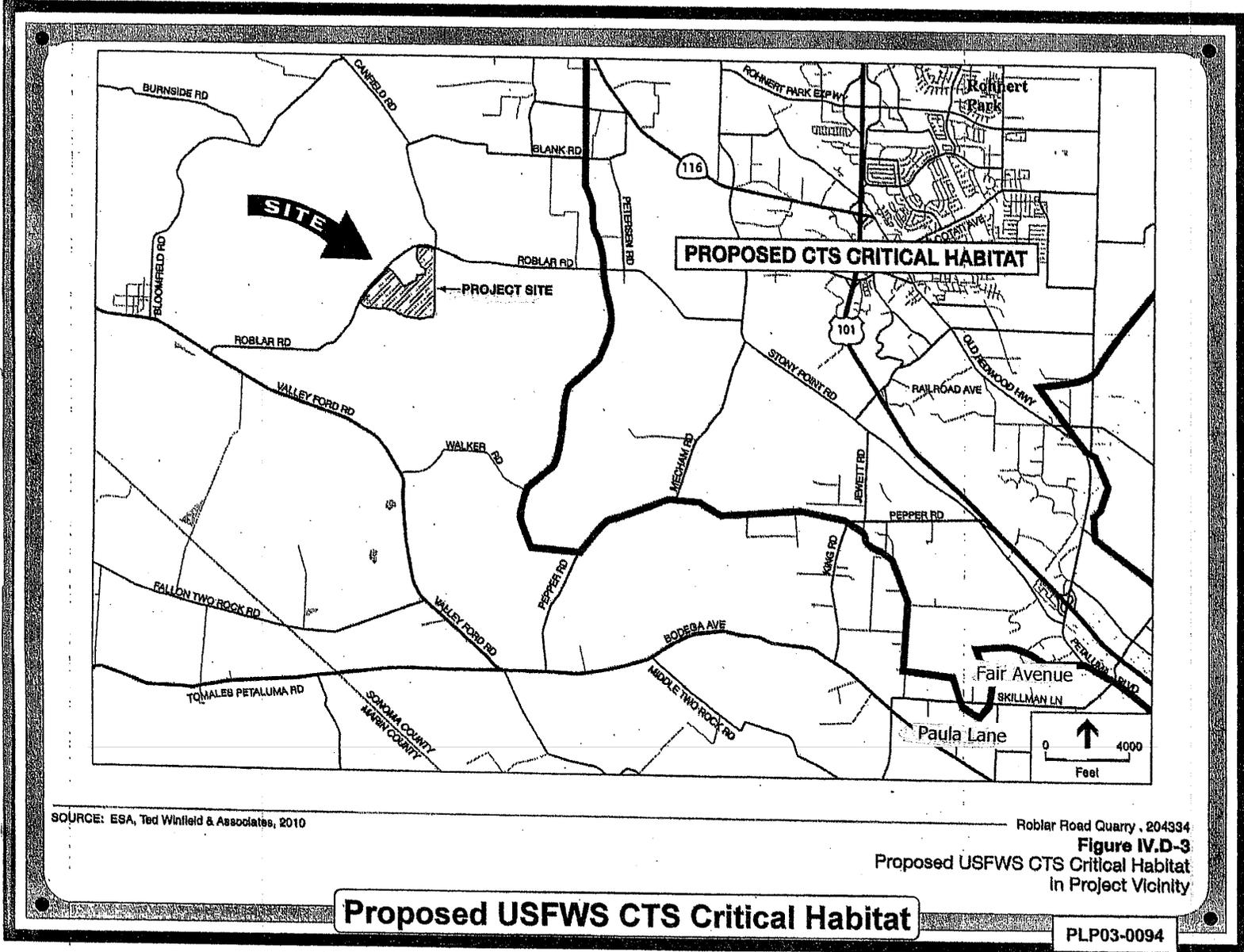


Young Badger, West Petaluma, August 2009

FIGURE 3



Young Badger, West Petaluma, August 2009



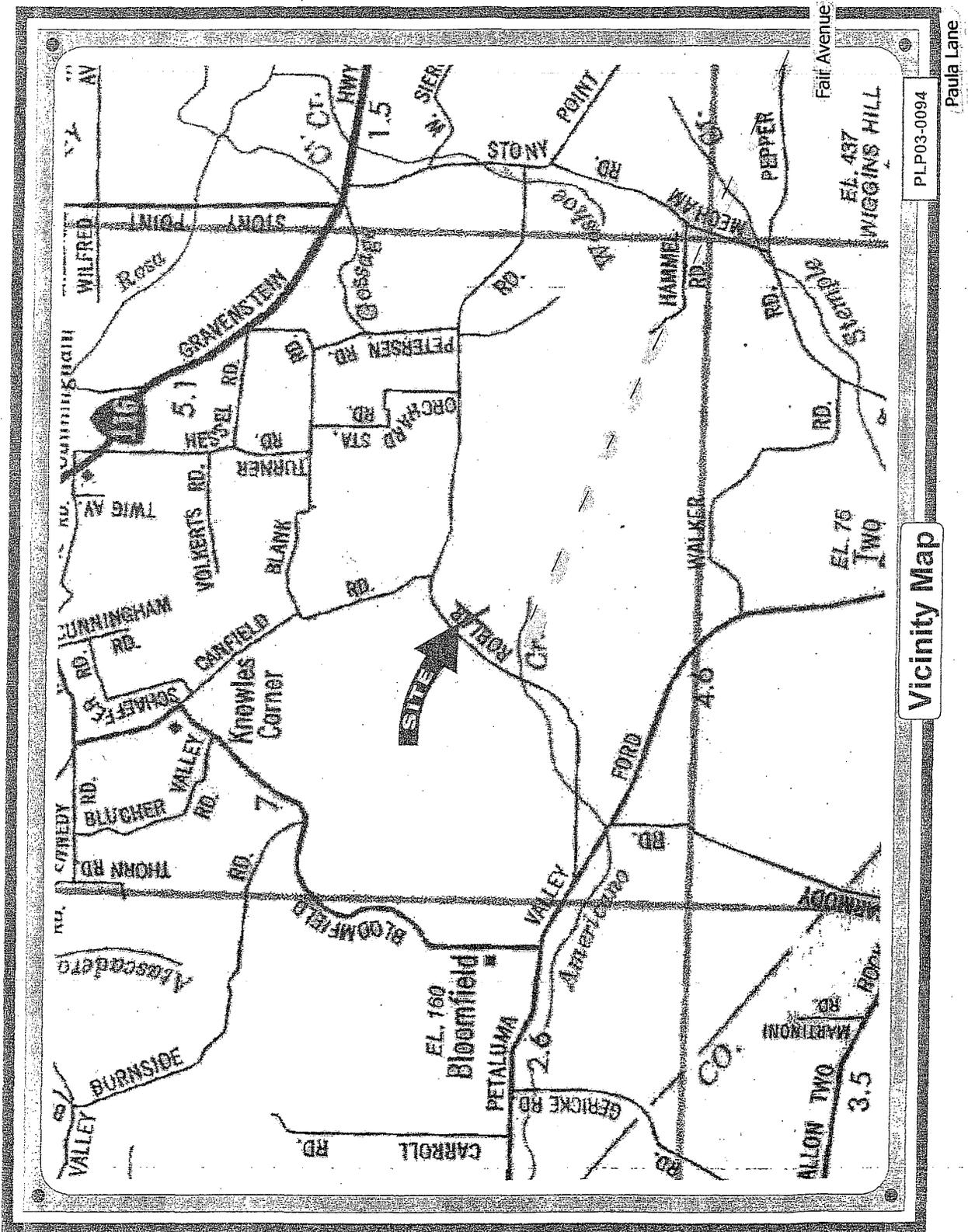


EXHIBIT A