

Appendix A-2

Comments Received on 2012 Draft
EIR and 2013 Final EIR and Responses

Table A-1
COMMENTS RECEIVED ON THE 2012 DRAFT AND 2013 FINAL ENVIRONMENTAL IMPACT REPORT

Letter	Name	Date of Comment	Summary of Comment
Agency Comments			
A	California Department of Forestry and Protection	10/02/2012	The project requires a Timberland Conversion and Timber Harvest Plan per CCR Section 1103 and PRC 4581.
B	California Department of Transportation District 3	10/25/2012	Hydraulic Modeling and a Drainage Report would be required if the project will discharge toward the Truckee River. A transportation permit is required for oversized or excessive load vehicles on State roadways. An encroachment permit is required for work or traffic controls encroaching in to State right-of-way. Request for notifications of further action on the project.
C	California Department of Water Resources	10/22/2012	The project needs to be reviewed against the Truckee River Operating Agreement for applicability to the project for use of the on-site water source.
D	California State Clearinghouse	2/17/2012	Standard letter notifying distribution of the Notice of Preparation.
Private Property Owner Comments			
E	Brunson, Duane	11/06/2012	Request for clarification of numbers of truck trips through Hirschdale Community, planned use of the Hirschdale Road bridges by the quarry, and County plans to replace or remove the bridges.
F	Taylor Wiley (on behalf of the project applicant)	11/06/2012	Various editorial comments.
G	Hirschdale Community	10/29/2012	Identified need to evaluate impacts of the required timber harvest plan. Request for clarification of the water usage and needs. Traffic and circulation due to additional truck trips, and the effects on emergency services, safety, and schools. Identified the need for signs to route truck traffic away from the Hirschdale Community. Concerns regarding noise impacts from blasting and request to clarify hours of operation. Request to limit nighttime operations to only in event of an emergency. Request for clarification regarding permitting of water source for quarry use. Concern regarding project's impact on local mule deer. Air quality impacts from dust during mining operations and truck idling. Cumulative impacts in regard to anticipated truck volumes traveling through Hirschdale Community and impacts on the surrounding areas.

Table A-1
COMMENTS RECEIVED ON THE 2012 DRAFT AND 2013 FINAL ENVIRONMENTAL IMPACT REPORT

Letter	Name	Date of Comment	Summary of Comment
H	Hirschdale Community	02/21/2013	Comments on the responses to comments. Concerns regarding truck route and conditions to ensure traffic will not route through the community, hours of operation, lighting, and requests for several mitigation measures to be incorporated as conditions of approval in the permit.
I	Law offices of Donald B. Mooney (on behalf of the Buckhorn Ridge Homeowners Association)	02/21/2013	Project description is inadequate to evaluate impacts. Project description fails to quantify water needed, identify the source of water for expanded operations and needs to address riparian rights, and demonstrate appropriate water right to store water on the site. Clarify qualifications of who is conducting slope inspections in mitigation measure. Various concerns regarding traffic impacts, impacts to roads, and safety hazards. Analyze a reasonable range of alternatives.
J	Law offices of Donald B. Mooney (on behalf of Joe McGinity)	02/21/2013	Joe McGinity joins the comments and objections submitted by the Buckhorn Ridge Homeowners Association.
K	Law offices of Donald B. Mooney (on behalf of the Buckhorn Ridge Homeowners Association)	03/08/2013	Concerns regarding adequacy of traffic and noise analyses.
L	Union Pacific Railroad Company	01/03/2013	Request the County to contact the California Public Utilities Commission in regard to the at grade crossing at Stampede Meadows Road (DOT #753188J).
Comments Received During Public Hearing			
PH	Andresen, Larry (received during public hearing)	10/11/2012	Request for clarification of number of trucks per day and how much time between truck trips.
PH	Cole, Jamie (received during public hearing)	10/11/012	Concerns regarding traffic, air quality from dust, and impacts to mule deer habitat.

COMMENTS

RESPONSES

STATE OF CALIFORNIA—THE RESOURCES AGENCY

EDMUND G. BROWN JR., Governor



DEPARTMENT OF FORESTRY AND FIRE PROTECTION

13760 Lincoln Way
AUBURN, CA 95603
(530) 889-0111
Website: www.fire.ca.gov



RECEIVED

OCT 10 2012

Nevada County Community
Development Agency

October 04, 2012

TO: Todd Herman
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959
RE: Bocca Quarry West Pit Expansion SCH #2012022024

This project will require a Timberland Conversion and Timber Harvest Plan as per the following:

California Code of Regulations, per section 1103, and Public Resources Code 4581 requires a Timberland Conversion Permit and/or Timber Harvest Plan be filed with the California Department of Forestry and Fire Protection if the project involves the removal of a crop of trees of commercial species (regardless of size of trees or if trees are commercially harvested).

The Timberland Conversion Permit shall address the following:

- The decrease in timber base in the county as a result of the project.*
- The cover type, including commercial species, density, age, and size composition affected by the project.*
- The ground slopes and aspects of the area affected by the project.*
- The soil types affected by the project.*
- Any significant problems that may affect the conversion.*

If you require further clarification, please contact Forester Jeff Dowling at (530) 587-8926.

Sincerely,

Brad Harris

CAL FIRE

Unit Chief

Jeff Dowling
Truckee Area Forester

jd

CONSERVATION IS WISE-KEEP CALIFORNIA GREEN AND GOLDEN

A-1 Refer to the discussion of site preparation in Section 3.3.1 of this Recirculated Draft EIR. The EIR acknowledges that a Timberland Conversion and Timberland Harvest Plan would be a required as a discretionary action of the proposed project. Refer to Section 3.4, Required Permits and Approvals.

COMMENTS

RESPONSES

STATE OF CALIFORNIA — BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4004
FAX (530) 741-5346
TTY 711

RECEIVED

OCT 25 2012

STATE CLEARING HOUSE

032012-NEV-0019
NEV-80/PM 23.56
SCH# 20120022024

Flex your power!
be energy efficient!

October 25, 2012

Mr. Tod Herman
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Boca Quarry Expansion – Draft Environmental Impact Report (DEIR)

Dear Mr. Herman:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. This project proposes to expand existing mining operations in the currently permitted Boca Quarry (U06-012). The project will increase the existing extraction area of approximately 40 acres to approximately 158 on a 230-acre site. The project site is located north of the Truckee River and less than one mile from Interstate 80. The following comments are based on the DEIR.

Hydrology and Water Quality

As stated in the DEIR Section 4.2.3 page 4.2-13 – Existing or Planned Storm Drain System Capacity, “all surface flows within the proposed project impact footprint would be conveyed into the East and West pits and flow into engineered retention/infiltration basins, with no related offsite discharge.” Under the strict interpretation of the above statement, if all stormwater is contained onsite Caltrans Hydraulics would defer to conditions imposed by the Regional Water Quality Control Board. However, if there is any deviation from the stated intent of “no offsite discharge,” then Caltrans Hydraulics would require a detailed Drainage Report along with back-up calculations that would address local runoff, capture of runoff, design/size of detention/retention/infiltration facilities and basis for offsite discharge. If under any circumstances runoff is discharged offsite toward the Truckee River, hydraulic modeling should be included in the drainage report to determine whether water surface elevations would be adversely impacted resulting in any possible adverse impacts to the State’s right-of-way (ROW).

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation

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B-1 As discussed in Section 4.2 (Hydrology and Water Quality) of the Recirculated Draft EIR, the proposed project would not result in any off-site discharge of surface flows. If this condition were subsequently changed, however, the applicant would comply with Mitigation Measure HYD-1 which requires subsequent designs to also prevent discharge of storm water from the site.

B-2 Refer to Section 3.4. The Caltrans Transportation Permit is included as a required permit for the project.

COMMENTS

RESPONSES

Mr. Tod Herman/Nevada County Community Development Agency
October 25, 2012
Page 2

B-2
cont. permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Caltrans Transportation Permits Office, 1823 14th Street, Sacramento, CA 95811-7119. See the following website for more information:
<http://www.dot.ca.gov/hq/traffops/permits/>

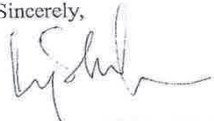
Encroachment Permit

B-3 Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five sets of plans clearly indicating State ROW must be submitted to the following address. Bruce Capaul, District Office Chief, Office of Permits, California Department of Transportation, District 3, 703 B Street, Marysville, CA 95901. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information.
<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Please provide our office with copies of any further actions regarding this project including project approval documents and any conditions of approval, if applicable. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Josh Pulverman, Nevada County Intergovernmental Review Coordinator, at 530-634-7612 or by email at: josh_pulverman@dot.ca.gov

Sincerely,



GARY ARNOLD, Chief
Office of Transportation Planning – North

c: Scott Morgan, State Clearinghouse

B-3 Refer to Sections 3.3.10 and 3.4. The proposed project does not include improvements within State right-of-way and no encroachment permit would be needed.

"Caltrans improves mobility across California"

COMMENTS

RESPONSES

STATE OF CALIFORNIA - CALIFORNIA NATURAL RESOURCES AGENCY

EDMUND G. BROWN JR., Governor

DEPARTMENT OF WATER RESOURCES

NORTH CENTRAL REGION OFFICE
3500 INDUSTRIAL BOULEVARD
WEST SACRAMENTO, CA 95691



OCT 22 2012

Mr. Ted Herman
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, California 95959

Re: Draft Environmental Impact Report Boca Quarry Expansion
SCH No. 2012022024



Dear Mr. Herman:

The California Department of Water Resources (DWR) appreciates the opportunity to provide comments on the draft environmental impact report for the above referenced project. DWR represented California in negotiations leading up to the signing of the Truckee River Operating Agreement (TROA). TROA contains an interstate allocation of water between California and Nevada. DWR believes it important to keep potentially affected parties informed of TROA and the interstate allocation during planning activities such as yours, since they may become effective concurrently. In view of the fact that the subject Draft Environmental Impact Report refers at Paragraph 3.3.6 to the use of water from a developed spring, we recommend that you review the terms of Public Law 101-618 (1990) and TROA for applicability to the subject project. This pending interstate allocation and any applicable provisions of TROA should be referenced in environmental documents for projects that include diversions of water in the Lake Tahoe and Truckee Basins.

TROA was executed by the United States and the states of California and Nevada, among others, on September 6, 2008. Public Law 101-618 includes an interstate allocation of surface and ground water in the Lake Tahoe and Truckee River Basins which would go into effect when TROA goes into effect. A pre-condition to TROA going into effect is the resolution of currently pending federal litigation. More information concerning TROA and Public Law 101-618 can be obtained by referencing our web site at www.cd.water.ca.gov/cnwa/troa.cfm. The text of TROA can be found at http://www.usbr.gov/mp/troa/final/troa_final_09-08_full.pdf.

If you have any questions, please contact John Headlee, of my staff, at (916) 376-9636.

Sincerely,

Eric Hong, Chief,
North Central Region Office

C-1 Refer Section 4.2.2 for a discussion of the TROA and the project's applicability. The spring on the Boca Quarry project site that provides the water supply for the project has been fitted with improvements to enable the economic use of the spring's surface waters. This was approved by a conditional use permit issued by Nevada County in 1998. The Applicant's lease allows for use of these surface waters for the quarry operations.

The spring does not meet the Nevada County Water Supply Ordinance definition of a "well" which is an artificial excavation constructed for the purpose of extracting water from, or injecting water into, the underground (Section L-X1.2(LL) of the County Land Use and Development Code). Therefore, the spring is not subject to notification requirements of Section 10.C of TROA. The spring is located about 2,600 feet from the centerline of the Truckee River, but is contiguous with a channel, pond, and on- and off-site wetlands. The nearest point of any of these other surface waters and off-site wetland is about 1,700 feet from the centerline of the Truckee River in a direct line, and over 1,800 feet in the direction of flow. Further, it is anticipated that, if the developed spring were to be considered to be a well, it would be in compliance with Section 204 of the Settlement Act.

COMMENTS

RESPONSES



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit

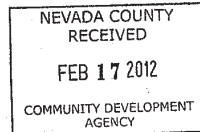


Ken Alex
Director

Notice of Preparation

February 9, 2012

To: Reviewing Agencies
Re: Boca Quarry Expansion
SCH# 2012022024



Attached for your review and comment is the Notice of Preparation (NOP) for the Boca Quarry Expansion draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Tod Herman
Nevada County
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,


Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

D-1 Standard letter to accompany distribution of the Notice of Preparation. No response is necessary.

COMMENTS

RESPONSES

Document Details Report State Clearinghouse Data Base

SCH# 2012022024
Project Title Boca Quarry Expansion
Lead Agency Nevada County

Type NOP Notice of Preparation

Description The proposed project plans to expand existing mining operations in the currently permitted Boca Quarry (U06-012). The application includes a CUP (U11-008) as well as a Reclamation Plan modification (RP11-001) to correspond with the proposed mine expansion and the importation of clean fill material for pit backfilling. The project will increase the existing extraction area of approximately 40 acres, to an extraction area of approximately 158 acres on the 230-acre site. The mining plan envisions removal of approximately 13 million cubic yards of material in three phases over a 30-year period.

Lead Agency Contact

Name Tod Herman
Agency Nevada County
Phone 530 265 1257
Fax
email
Address 950 Maidu Avenue, Suite 170
City Nevada City **State** CA **Zip** 95959

Project Location

County Nevada
City Truckee
Region
Cross Streets West Hinton Road / Hinton Road
Lat / Long
Parcel No. 48-090-12 & 48-200-03
Township 18N **Range** 17E **Section** 26/27 **Base** MDB&M

Proximity to:

Highways I-80
Airports
Railways UPRR
Waterways Truckee River
Schools
Land Use Existing mining operation (proposed expansion), FR-160-ME (zoning), FOR-160 (General Plan)

Project Issues

Reviewing Agencies Resources Agency; Department of Conservation; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 2; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; California Highway Patrol; Caltrans, District 3; Air Resources Board, Major Industrial Projects; Regional Water Quality Control Bd., Region 6 (So Lake Tahoe); Office of Historic Preservation

Date Received 02/08/2012 **Start of Review** 02/09/2012 **End of Review** 03/09/2012

Note: Blanks in data fields result from insufficient information provided by lead agency.

COMMENTS

RESPONSES

2012092024
Regional Water Quality Control Board (RWQCB)

County: San Diego **SCH#** _____

NOP Distribution List

Resources Agency

☒ Resources Agency
Nadell Gayou

☒ Dept. of Boating & Waterways
Nicole Wong

☒ California Coastal Commission
Elizabeth A. Fuchs

☒ Colorado River Board
Gerald F. Zimmerman

☒ Dept. of Conservation
Elizabeth Carpenter

☒ California Energy Commission
Eric Knight

☒ Cal Fire
Allen Robertson

☒ Central Valley Flood Protection Board
James Heredia

☒ Office of Historic Preservation
Ron Parsons

☒ Dept. of Parks & Recreation
Environmental Stewardship Section

☒ California Department of Resources, Recycling & Recovery
Sue O'Leary

☒ S.F. Bay Conservation & Dev't Comm.
Steve McAdam

☒ Dept. of Water Resources
Nadell Gayou

Fish and Game

☒ Dept. of Fish & Game
Scott Flint

☒ Environmental Services Division
Donald Koch

☒ Fish & Game Region 1
Donald Koch

☒ Fish & Game Region 1E
Laurie Hamberger

☒ Fish & Game Region 2
Jeff Drongeisen

☒ Fish & Game Region 3
Charles Amor

☒ Fish & Game Region 4
Julie Varco

☒ Fish & Game Region 5
Leslie Newton-Reed

☒ Habitat Conservation Program
Gairina Gatchel

☒ Fish & Game Region 6
Brad Henderson

☒ Fish & Game Region 6 IM
Inyo/Mono, Habitat Conservation Program

☒ Dept. of Fish & Game M
George Isaac

Other Departments

☒ Food & Agriculture
Sandra Schubert

☒ Dept. of Food and Agriculture
Public School Construction Services

☒ Dept. of General Services
Anna Garbett

☒ Environmental Services Section
Bridgette Binning

☒ Dept. of Public Health
Dev'L Comm.

☒ Delta Stewardship Council
Kevan Sansam

Independent Commissions/Boards

☒ Delta Protection Commission
Linda Flack

☒ Cal EMA (Emergency Management Agency)
Dennis Castrillo

County: San Diego **SCH#** _____

Native American Heritage Comm.

☒ Debbie Treadway

☒ Public Utilities Commission
Leo Wong

☒ Santa Monica Bay Restoration
Guangyu Wang

☒ State Lands Commission
Jennifer Deleong

☒ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans. & Housing

☒ Caltrans - Division of Aeronautics
Philip Crimmins

☒ Caltrans - Planning
Terri Pencovic

☒ California Highway Patrol
Suzanne Ikemichi

☒ Office of Special Projects
CEQA Coordinator

☒ Housing & Community Development
Housing Policy Division

Dept. of Transportation

☒ Caltrans, District 1
Ray Jackman

☒ Caltrans, District 2
Marcelino Gonzalez

☒ Caltrans, District 3
Bruce de Terra

☒ Caltrans, District 4
Lisa Carboni

☒ Caltrans, District 5
David Murray

☒ Caltrans, District 6
Michael Navarro

☒ Caltrans, District 7
Diana Watson

Air Resources Board

☒ Airport/Energy Projects
Jim Lerner

☒ Transportation Projects
Douglas Ito

☒ Industrial Projects
Mike Tolstrup

State Water Resources Control Region Programs Unit

☒ Division of Financial Assistance

State Water Resources Control Region Programs Unit

☒ Student Intern, 401 Water Quality Certification Unit

☒ State Water Resources Control Board

☒ Division of Water Rights

☒ Dept. of Toxic Substances Control

☒ CEQA Tracking Center

☒ Department of Pesticide Regulation

☒ CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☒ RWQCB 1
Cathleen Hudson

☒ RWQCB 2
North Coast Region (1)

☒ RWQCB 3
Central Valley Region (2)

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San Francisco Bay Region (3)

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COMMENTS

RESPONSES

Tod Herman

From: DUANE BRUNSON <duane.brunson@gmail.com>
Sent: Tuesday, November 06, 2012 7:59 AM
To: Tod Herman
Subject: Boca Quarry Expansion Project

Regarding the Boca Quarry Expansion Project under Executive Summary ES.1.

E-1 1. I would like to see some actual numbers put into the statement "truck traffic significantly increased well beyond any historical use". Something to the effect of 400 one way truck trips per day through the community of Hirschdale.

E-2 2. As to the statement " Upon completion of that connection, the historic access over the two bridges and through the Hirschdale Community was no longer necessary or used by the project." should have a addition that states (and will not be used by Boca Quarry for the duration of the permit).

Regarding Cumulative Impacts 5.2.6 Noise.

E-3 1." The County of Nevada plans to replace the Hirschdale Bridges, improve 1.3 miles of the Boca Quarry Road, and realign approximately 0.5 mile of Hinton Road during the 2014-2015 fiscal year".

Hirschdale residents have been told the bridges are to be removed and not replaced as a access road will be built using a parallel road to the Boca Quarry route from Stampede Meadows Road to access the area beyond the two bridges (East Hinton Road). If in fact the bridges are replaced a statement to the effect that the Hirschdale Bridges will not be used for any access to the Boca Quarry for the duration of the permit should be added to the Boca Quarry Permit.

Thank You

Duane Brunson

E-1 Section ES.1 of the Recirculated Draft EIR has been substantially summarized and this statement is no longer included in the section, but is included in Section 1.1.2. The purpose of this discussion is to provide project background for the proposed project. Because the haul route for the proposed project will not pass through the Community of Hirschdale, the historic number of truck trips through the Community is not needed for this discussion. Refer to Section 3.3.3 for a description of the haul route for the project.

E-2 Refer to above response. Mitigation Measures TRANS-2 and TRANS-3 would also be required to prevent haul trucks from using routes other than the designated route along West Hinton Road and Stampede Meadows Road.

E-3 According to the County's 2018 Bridge Program, the Hirschdale Road Bridges will be seismically retrofitted and rehabilitated. As mentioned for comment E-2, Mitigation Measures TRANS-2 and TRANS-3 would also be required to prevent haul trucks from using routes other than the designated route along West Hinton Road and Stampede Meadows Road.

COMMENTS

RESPONSES

TAYLOR & WILEY

A PROFESSIONAL CORPORATION

ATTORNEYS

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OF COUNSEL
KATHLEEN R. MAKEL

November 6, 2012

Mr. Tod Herman, Senior Planner
Nevada County Community Development Department
950 Maidu Avenue, Suite 170
Nevada City, California 95959

Re: Boca Quarry Expansion Project Draft Environmental Impact Report

Dear Mr. Herman:

As you know, Taylor & Wiley represents A. Teichert & Son, Inc. (Teichert), the applicant for the Boca Quarry Expansion Project (Project). We have reviewed the Draft Environmental Impact Report (DEIR) for the Project. Based on that review, we offer the following comments.

Executive Summary

ES-3, First Paragraph. The second sentence should be revised to clarify that the haul route referenced here connects to the Hirschdale/I-80 interchange via West Hinton Road and Stampede Meadows Road.

ES-4, Second Paragraph. The third sentence of this paragraph states that the amended reclamation plan "would bring the new extraction area into compliance with Nevada County Codes and SMARA." This statement incorrectly implies that Teichert is using the proposed new extraction area (West Pit) in a manner that does not comply with Nevada County Codes and SMARA, which is not the case because no mining has occurred in the West Pit. We would suggest revising the language to read "is required to authorize the proposed extraction area in accordance with Nevada County Codes and SMARA," consistent with the description in the second paragraph of Page 3-1 of the DEIR.

Page ES-10, Last Paragraph. Please refer to our comments below regarding Page 6-9 of the DEIR and the Reduced Annual Production Alternative.

Page ES-11, Reduced Annual Production Alternative. Please refer to our comments below regarding Page 6-9 of the DEIR and the Reduced Annual Production Alternative.

F-1 Section ES.3 has been revised and specifically describes the haul route as noted.

F-2 The ES has been revised and summarized and this discussion has been removed. The desired statement is included on Page 3-1 of the Recirculated Draft EIR.

F-3 The text has been revised. Please refer to the Executive Summary in this recirculated Draft EIR. Also, please refer to response to comment F-17.

F-4 Please refer to response to comment F-17.

COMMENTS

RESPONSES

Mr. Tod Herman
November 6, 2012
Page 2

Section 1.0. Introduction

Page 1-2, Fifth Paragraph. The second-to-last sentence of this paragraph should be revised to clarify that the haul route referenced here connects to the Hirschdale/I-80 interchange via West Hinton Road and Stampede Meadows Road.

Section 3.0. Project Description

Page 3-5, Off-Site Traffic. This discussion of off-site traffic should also note that the actual amount of truck traffic between the I-80/Hirschdale Road interchange and the sites where aggregate is delivered for use in construction or maintenance projects would be determined by local aggregate demand. That aggregate demand and associated truck traffic would not change regardless of whether aggregate is mined at Boca Quarry or at the nearest alternative sources in the Reno/Sparks area, but the trip lengths would differ, as discussed on pages 4.5-9 to 4.5-11 of the DEIR.

Section 4.2. Hydrology and Water Quality

Page 4.2-5, Last Paragraph. The second sentence of this paragraph notes that the project “would potentially be subject to applicable criteria” under the new NPDES Industrial General Permit.” However, as discussed on Page 4.2-6 and in numerous other places in the DEIR, the Project would involve no offsite discharge of stormwater and, thus, would be exempt from requirements of the NPDES Industrial General Permit. For this reason, we suggest that the second sentence be deleted.

Section 4.3. Biological Resources

Pages 4.3-19 and 4.3-20, U.S. Army Corps of Engineers. The second sentence of this paragraph incorrectly states: “the jurisdictional status of the waters on site is unknown at this time.” As discussed on pages 4.3-6 and 4.3-24 of the DEIR, there are no Corps jurisdictional waters or wetlands on the Project site.

Page 4.3-20, California Department of Fish and Game. The second paragraph should indicate that there are no CDFG jurisdictional areas onsite, as noted on Page 4.3-6 of the DEIR.

Page 4.3-24, U.S. Army Corps of Engineers. In the first sentence, the word “non-jurisdictional” should instead be “jurisdictional.”

Page 4.3-25, Second Paragraph. This paragraph should be revised to clarify that the referenced freshwater emergent wetland, pond, and riparian areas would not be affected by the Project.

F-5 Refer to Section 1.0, for revisions clarifying the authorized haul route for the quarry.

F-6 Revised as suggested. Refer to the discussion of Materials Transport in Section 3.3.3.

F-7 Refer to the discussion of Industrial General Permit in Section 4.2.2 for revised discussion clarifying the applicability of the permit. Mitigation Measure HYD-1 would be implemented if the design of the Storm Water Management Plan is subsequently revised.

F-8 The text has been revised as suggested. Please refer to Section 4.3, Biological Resources of this Recirculated Draft EIR.

F-9 Aquatic features on the site may be found to be under jurisdiction of CDFW but no potentially jurisdictional features fall within the ultimate disturbed area. Please refer to Section 4.3, Biological Resources, of this Recirculated Draft EIR.

F-10 The text has been revised as suggested. Please refer to Section 4.3, Biological Resources of this Recirculated Draft EIR.

F-11 The text has been revised as suggested. Please refer to Section 4.3, Biological Resources in this recirculated Draft EIR.

COMMENTS

RESPONSES

Mr. Tod Herman
November 6, 2012
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Section 4.4. Aesthetics

F-12 Page 4.4-3, Figure 4.4-1. Some of the areas depicted in green as “Areas with Views of Project Site” actually have no view of the site (or at least of the Ultimate Disturbed Area). For example, the west side of Boca Reservoir and the lower part of the Truckee River canyon have no views of the Ultimate Disturbed Area and/or Project Site.

F-13 Page 4.4-7, Scenic Highway Resources. The DEIR correctly notes that the Project site is visible from I-80. However, while the existing East Pit disturbed surface is partially visible from I-80, the proposed West Pit expansion area is not visible from I-80.

F-14 Page 4.4-11, Views from I-80 (Key View 1). The second sentence should be revised to note that intervening topography and vegetation block views from this viewpoint of the proposed mining operations in the planned expansion area.

Section 4.6. Noise

F-15 Page 4.6-3, Crushing and Screening Facility Noise Generation. The last sentence of this paragraph indicates that receiver 4 did not contain a residence as of August 2011. The EIR should note that there are still no residences located on that property.

Section 6.0. Project Alternatives

F-16 Page 6-8, Last Paragraph. Teichert disagrees with the assertion that diesel particulate matter (DPM) emissions and total carcinogenic risk associated with the Reduced Annual Production Alternative would be “approximately half that of the proposed project.” As noted on the preceding page, emissions from haul trucks (the primary source of DPM emissions for the project) would likely increase with the Reduced Production Alternative as aggregate sources outside the region would be used to meet local demand for aggregate that could not be accommodated by the project site due to the production limitations proposed under this alternative. Moreover, as noted on pages 4.7-25 to 26 of the DEIR, the proposed Project would result in a less-than-significant impact with respect to exposure of sensitive receptors to DPM and other carcinogenic substances, including naturally occurring asbestos and crystalline silica.

F-17 Page 6-9, Environmentally Superior Alternative. Teichert disagrees with the DEIR’s conclusion that the Reduced Annual Production Alternative is environmentally superior to the proposed Project. The DEIR states that the Reduced Annual Production Alternative “would be the environmentally superior alternative because it would reduce impacts to nighttime noise, local traffic and air quality.” However, as noted in the preceding discussion on pages 6-7 through 6-9 of the DEIR, regional demand for aggregate in excess of the 250,000 tons per year that could be supplied from the project site under this alternative would need to be met through more distant aggregate sources in the Reno/Sparks area. Therefore, this alternative would likely result in additional impacts to regional traffic congestion and highway maintenance, as well as associated air quality,

F-12 The areas identified in green (currently purple) in Figure 4.4-1 depict a computer-generated viewshed map based on raw topography and does not necessarily mean there is a view. Structures, vegetation and intervening topographic features may block actual views. This is discussed in the recirculated Draft EIR text in Section 4.4 under the impact analysis discussion.

F-13 Please refer to the discussion in Section 4.4, Aesthetics, under the impact analysis discussion.

F-14 The text has been revised as suggested in this Recirculated Draft EIR. Refer to Section 4.4.

F-15 Please refer to Section 4.6, Noise of this Recirculated Draft EIR which has been substantially revised and with additional sensitive Receptors.

F-16 The goals of CEQA are for the County (as a lead agency) to identify the significant environmental effects of their actions; and, either avoid those significant environmental effects, where feasible; or mitigate those significant environmental effects, where feasible. By identifying and discussing all significant impacts caused by the Proposed Project, CEQA allows the Project Applicant to change the project-related truck activities caused by the project and to mitigate the adverse effects. The Reduced Daily Production Alternative contained in the Recirculated Draft EIR was focused on reducing local, direct impacts of the proposed project on noise, traffic and air quality versus regional effects.

F-17 The focus of the environmental analysis for the Reduced Annual Production Alternative was on local direct impacts, specifically in the areas of noise, traffic and air quality. Based on the analysis, this alternative would result in reduced impacts for these issues in the immediate vicinity of the project site due to reduced production levels. It is understood that regional impacts could be increased under this alternative due to the region’s demand

COMMENTS

RESPONSES

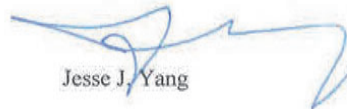
Mr. Tod Herman
November 6, 2012
Page 4

greenhouse gas, and noise impacts. Also, the DEIR incorrectly concludes that the Project's significant PM₁₀ impacts can be reduced to less-than-significant with the Reduced Annual Production Alternative. In reality, the Reduced Annual Production Alternative would still result in PM₁₀ emissions in excess of the North Sierra Air Quality Management District's (NSAQMD) 137 lbs/day significance threshold for PM₁₀, because this impact is based on daily production and not annual production. (Please refer to tables 4.7-6 through 4.7-8 of the DEIR, showing that PM₁₀ emissions would exceed the NSAQMD threshold for PM₁₀ for all three daily operational scenarios analyzed, including an "average" 8-hour day [Scenario 3].) Similarly, the DEIR's conclusion that the Reduced Annual Production Alternative would avoid significant Project impacts related to nighttime noise is also inaccurate, because the occurrence of nighttime operations is not dependent on total annual production. Rather, nighttime operations would continue to occur under the Reduced Annual Production Alternative as necessary for Caltrans highway construction and/or maintenance projects and other construction projects that require nighttime operations. Lastly and most importantly, the significant traffic (roadway integrity and sight distance) and nighttime noise impacts associated with the proposed Project can be reduced to a less-than-significant level with mitigation measures provided in the DEIR. For these reasons, Teichert disagrees with the DEIR's conclusion that the Reduced Annual Production Alternative is environmentally superior to the proposed Project.

Page 6.10, Table 6-2. For the reasons discussed in our preceding comment, Teichert disagrees with the conclusion that traffic and air quality impacts associated with the Reduced Annual Production Alternative are "proportionately less" than those associated with the proposed Project, as indicated in Table 6-2.

Thank you for the opportunity to provide our comments on the DEIR. Please let us know if you have any questions regarding our comments.

Sincerely,



Jesse J. Yang

cc: Alison Barratt-Green
Jeff Thatcher
James Wiley

F-17 for aggregate being met by quarries outside or the region and the cont. associated longer haul routes which is also specifically noted. The text of the Recirculated Draft EIR has been revised for further clarification. In addition, it was assumed maximum daily production would be reduced under this alternative to approximately 2,500 tons per day, or approximately 140 daily truck trips; therefore, daily emissions are also reduced. Please refer to Section 6.0, Project Alternatives.

F-18 Refer to Response to Comment F-17.

COMMENTS

RESPONSES

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October 29, 2012

Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, CA 92054

Attention: Tod Herman, Senior Planner

**RE: NOTICE OF PUBLIC 45-DAY REVIEW PERIOD
HIRSCHDALE COMMUNITY COMMENTS TO DRAFT EIR
BOCA QUARRY USE PERMIT U11-008 AND RECLAMATION PLAN
RP11-001**

EXECUTIVE SUMMARY –DEIR

This EIR is an informational document intended for use both by decision-makers and the public. It contains relevant information to be used to evaluate the potential environmental effects of the proposed action and project alternatives. Detailed descriptions of the proposed project and project alternatives are contained in Section 3.0, Project Description and Section 6.0, Project Alternatives, respectively.

On February 10, 2011, the Planning Commission approved the proposed project and MND; however, those approvals were appealed on February 22, 2011, based on concerns regarding aesthetics, air quality, greenhouse gases, water supply, and transportation and circulation. The applicant withdrew the 2010 application and resubmitted a revised application which is similar to the 2010 application, although minor clarifications have been made to reflect some of the concerns of the appeal. The current application constitutes the proposed project analyzed in this EIR.

***Comment:** All of our issues in regard to Aesthetics, Air Quality, Biological Resources, Geology/Soils, Greenhouse Gas Emissions, Hydrology and Water Quality, Noise, Traffic Circulation and Fire Protection/Schools have been presented with our response to the NOP. The comments presented in this document are in response to the adequacy of the DRAFT EIR and the Appendixes.*

The quarry has been idle since the 2008 operating year based on reduced aggregate demand due to the downturn in the economy.

***Comment:** As stated above, since the Quarry has been in idle status the Hirschdale Community, the Town of Truckee as a whole and adjacent unincorporated areas of the County of Nevada, have not been subjected to the mining operations potential impacts. The proposed mining permit daily truck trips are significantly increased from that of the current operational permit. Is there a plan established to review the approved mining operations once the proposed 30 year permit is approved. Concerns regarding cumulative environmental impacts could be addressed once the mining operations are at a normal level of operation with periodic reviews of these impacts. This would be a means of monitoring this permit of 30 years to insure these cumulative impacts have been properly addressed throughout the lifetime of this permit*

G-1 Comment noted.

G-2 The baseline of the environmental analysis was determined using the permitted condition of the site, even though the mine is currently in an idle status under the terms of the Surface Mining and Reclamation Act (SMARA). The Recirculated Draft EIR identifies significant environmental impacts associated with the proposed project and specifies a series of measures designed to mitigate potentially adverse impacts to the environment, including cumulative impacts. In addition to the EIR itself, the purpose of the Mitigation, Monitoring and Reporting Program (MMRP) is to describe the procedures the applicant will use to implement the mitigation measures adopted in connection with approval of the project, as well as the methods of monitoring and reporting on these actions. The Recirculated Draft EIR includes an analysis of the increased number of truck trips. As identified in Section 3.3.3, the maximum number of trips that could be processed in a day is based on the capacity of the facility and would not change regardless of whether the East Pit or the West Pit are in operation. The impacts of the maximum number of trips is analyzed as a worst-case scenario for the project and is considered in the analyses contained in Section 4.5, Traffic and Circulation, Section 4.6, Noise, Section 4.7, Air Quality, Section 4.8, GHG, Section 4.9, Energy. In addition, Section 5.0 includes an analysis of cumulative impacts.

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Existing and Allowed Uses

The Applicant currently mines, processes, and transports crushed rock from the Boca Quarry to off-site markets. The site exists as an excavated slope and quarry floor, surrounded by relatively steep topography. Project site elevations range from approximately 5,700 feet above mean sea level (amsl) at the southern edge of the site to approximately 6,200 amsl at the northern site boundary. In addition to the current mining operation, other permitted activities in the vicinity include a spring water collection facility, a cellular antenna site, and timber production.

Comment: This states existing permitted uses in the vicinity to be: spring water collection facility, a cellular antenna site, and a timber production. The timber production permit has not been specifically addressed as to the usage and operation.

TRAFFIC AND CIRCULATION

3.2 MINING EQUIPMENT

Short-term reclamation tasks may require importation of specialized equipment from time to time.

Comment: This requirement should specify the use of Hinton Road via Stampede Meadows Road for access to the quarry site.

Processing Operations-Off-Site Traffic

Maximum daily production (in terms of sales) is limited by the rate at which trucks can be loaded, weighed, and charged. The estimated maximum number of trips that can be processed per day is 560; or 15,120 trucks per month. In addition, the project would generate up to 15 round trips per day for employees and one for a maintenance truck for a total of 576 vehicle round trips (maximum) per day, equating to 15,552 per month (maximum) for all uses.

Comment: This sounds as though daily production is based on a weight limit of sales rather than truck trip limitation per day and the amount of truck trips per day could be increased on this basis. Maximum production is based on "terms of sales" by the weight loaded. If trucks were not loaded at the maximum load per truck, the truck trips could increase to meet the maximum daily sales production by weight rather than the actual truck trip limitation.

Paved County roads also provide access to the project site via Hirschdale Road; however, this access will not be used for mine operations or for trucking access.

Comment: This is clearly understood by the Hirschdale community that Hirschdale Road will not be used for mine operations or for trucking access to or from the Quarry.

3.3.4 Project Reserves, Production and Operating Life

Total reserves for the quarry are estimated at over 17 million tons (about 13 million cubic yards, depending on the density of the material). The annual volume to be mined would likely average between 300,000 to 500,000 tons per year, but could reach a maximum of one million tons per year in very active construction years. The high grade construction aggregate produced at the quarry would likely be in demand during active building years.

G-3 Refer to the discussion of site preparation in Section 3.3.1 of this Recirculated Draft EIR. The EIR acknowledges that a Timberland Conversion and Timberland Harvest Plan would be a required as a discretionary action of the proposed project. Refer to Section 3.4, Required Permits and Approvals.

G-4 Refer to the discussion of Materials Transport in Section 3.3.3 of this Recirculated Draft EIR.

G-5 The estimated maximum number of truck loads that can be processed per day is 560, regardless of the weight and maximum load per truck.

G-6 Refer to the discussion of Materials Transport in Section 3.3.3 of this EIR which states Hirschdale Road will not be used for mine operations or trucking access. In addition, Mitigation Measures TRANS-2 and TRANS-3 will be required to prevent haul trucks from using unauthorized routes.

G-7 The project alternative evaluated in the Recirculated Draft EIR consider an average amount of aggregate to be mined each year. The actual annual production would vary widely depending on demand and could, in fact, be below 250,000 tons per year. The significance of 250,000 tons per year is that it approximates the historical maximum level of production that occurred at the Boca Quarry. The actual annual production would vary widely depending on demand. Therefore, no additional alternatives are needed.

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G-7 cont. *Comment:* It is stated above the likely average would be between 300,000 and 500,000 tons a year. With this in mind, why would the impact studies not have included impacts at this level for alternatives rather than only the “No project” alternative or the “Reduced Annual Production Alternative” level at 250,000 tons per day. This would have been a median comparison. Teichert states they cannot meet the levels of demand at 250,000 tons. It is not understood why the comparisons of alternatives are extremes of “No project” to “Reduced Annual Production Alternative” at 250,000 tons, if this does not meet Teichert’s level of estimated demand.

Alternative 2: Reduced Annual Production Alternative

G-8 *Comment:* A median alternative presented would seem reasonable. The alternatives presented are “No project alternative” and a “Reduced Annual Production Alternative” A median alternative would give other options available for consideration. If this permit is approved, it is based on one of the two of these options there is no median presentation for approval. The studies are specific to the maximum figures and nothing in between. Obviously if the volumes were lessened so would many of the issues of environmental impacts overall. Studies at the level predicted, would give a clearer picture of actual environmental impacts.

Roadway Integrity

G-9 The nature of the project would result in the continued use of various local and county maintained roads by large loaded truck hauling aggregate from the site, and occasionally loaded trucks coming onto the site (transporting backfill material). This particular type of use results in excessive wear and tear on the road system which could result in a potentially significant impact to the local roadways. Nevada County historically offsets this potential impact to local roadways by the use of a tonnage fee applied to loaded trucks leaving the site. The monies collected annually from the tonnage fees are then applied to capital improvements to the local roads within the project area.

Comment: The fees received from the sale of aggregate should not be applied toward maintenance of the roads used by Teichert for their mining operations. The county roads that will receive large volumes of truck traffic from this mining operation should be the sole responsibility of Teichert, as they will obviously be putting wear and tear on these roads in volumes that would exceed normal everyday traffic use. Basically the fees received should go toward use for capital improvements on other local roads rather than within the project area.

Traffic 1

G-10 The project applicant shall continue to be subject to the Nevada County Per-Ton Fee collected for the loaded trucks entering and leaving the project site.

Comment: What is the tax rate being collected for each ton of aggregate.

Traffic – 3

G-11 The project applicant shall install signage along Stampede Meadows Road alerting drivers to the truck-crossing at the intersection of Stampede Meadows Road and West Hinton Road.

G-8 As stated in response G-7, additional alternatives were not evaluated in the Draft EIR as actual annual production would vary widely depending on demand. As a result, an analysis of a median alternative is not necessary.

G-9 The tonnage fees collected by Nevada County for mining projects are used in accordance with the road improvement fees collected for all new development within the unincorporated territory of Nevada County. These fees are specifically earmarked for capital improvements. As described in Section 4.5.5, Roadway Integrity, roadway maintenance fees are from a combination of fuel taxes and Vehicle License Fees, sales tax dollars (a small portion), and various other sources. The County uses a tonnage fee to offset impacts to local roadways from mining haul routes. The applicant is currently responsible for maintaining private roads (portions of West Hinton Road), and the portion of West Hinton Road through Truckee National Forest, but maintenance of County roads is the County's responsibility. As described in Section 3.3.13, the applicant will enter into a Development Agreement with the County and the property owner which would establish Cents per Ton funding and timing for the payment of the fees to the County and Town of Truckee for roadway maintenance along the haul route. Section 2.1.7.1 of the Development Agreement notes that the purpose of the Cents per Ton is to compensate the County and Town of Truckee for roadway maintenance costs on Stampede Meadows Road between West Hinton Road and the I-80/Hirschdale Road Interchange resulting from the transport of aggregate produced under the proposed Use Permit (U11-008).

G-10 The Development Agreement identifies costs based on usage which would range from between \$0.05 and \$0.196 per ton. To clarify, this does not refer to a “tax” but an “impact fee,” which will be used for maintenance of the haul route. Aggregate sales are subject to the local sales tax rate (currently 7.38%), part of which goes to the County for road maintenance.

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G-11 cont.	<p><u><i>Comment:</i></u> <i>Signage should also be placed at the I-80 east and west access points to and from Hirschdale Road exits depicting the route to the Quarry to deter truck traffic from entering the Hirschdale community via Hirschdale Road.</i></p>	G-11 Please refer to Section 4.5, Traffic Circulation. As a condition of Mitigation Measure TRANS-3 requires placement of temporary signage at the I-80/Hirschdale Road off-ramps which shall depict the the route to the quarry in order to deter truck traffic from entering the Hirschdale Community via Hirschdale Road.
G-12	<p><u>BOCA QUARRY AMENDED RECLAMATION PLAN- APPENDIX B</u> <u>1.1 SITE LOCATION AND SIZE</u> <u>Paved County roads also currently provide access to the Project Site via Hirschdale Road; however, this latter access will not be used for mine operations or for commercial trucking access,</u> though some light vehicles or emergency vehicles (fire department, rescue, or medical emergency vehicles) may access the site from Hirschdale Road. After the new County road is completed, the Hirschdale Road access will be closed to all vehicles</p> <p><u><i>Comment:</i></u> <i>Emergency use should be more clearly defined in this Draft EIR to state: Emergency use of Hirschdale Road shall be limited to access determined by State, County, local public, and/or Office of Emergency Service agencies only.</i></p>	G-12 Refer to the discussion of the Site Access and Haul Route in Section 3.3.3 and Mitigation Measure TRANS-3 which would deter truck traffic from entering the Hirschdale Community via Hirschdale Road.
G-13	<p><u>9.7 PUBLIC SERVICES</u> Implementation of the proposed project would not place a significant increased demand upon public services in the project area and no significant impacts are anticipated with respect to fire protection, police protection, schools and other government facilities.</p> <p><u><i>Comment:</i></u> <i>Permitting 60 trucks an hour to travel on our roadways would definitely impact safety to our surrounding areas for fire protection, police and schools. Large hauling trucks on each side of the roadway importing and exporting at the volumes proposed, could impact fire protection and emergency response. School buses serving the surrounding residential areas sharing the county roads and I-80 during the same hours of operation, 6:00 am to 6:00 pm., could also be impacted with the proposed volumes of traffic. Both east and west entrances to our community will be used for truck hauling off I-80. With the potential need of a school bus in the Hirschdale community and surrounding subdivisions, transports to High School, Middle School and Elementary school could be impacted, along with fire protection and police protection.</i></p>	G-13 Please refer to the Impact Analysis in Section 4.5, Traffic and Circulation of the recirculated Draft EIR. Day-to-day public services will not be affected and traffic flows on all roads will remain at a fully functioning Level of Service (LOS). The specific intersections analyzed in the EIR would operate at LOS B or better under existing-plus-project and cumulative-plus-project conditions.
G-14	<p><u>PROJECT DESCRIPTION</u></p> <p><u>SECTION 3- I Proposed Mining Operation</u> Blasting will be conducted by a licensed explosives contractor, who will bring all materials on site at the time of each blast (no storage of blasting materials on site). An emulsion of ammonium nitrate and fuel oil (ANFO) will be mixed in the drill holes. These components are only explosive once combined and mixed; thus, in-hole mixing minimizes on-site hazards. Blasts will be detonated with a delay system to limit the quantity of explosive detonated in each delay period and to provide control over the detonation. The Applicant anticipates blasting no more than twice a week. The Nevada County Sheriff's Department will be given 24-hour notice prior to each blast. Explosives will be used according to the technical specifications of the manufacturer. Records will be kept, as specified by the federal Bureau of Alcohol, Tobacco, and Firearms (ATF).</p>	G-14 Refer to the discussion of Blasting to Remove Hardrock Aggregate in Section 3.3.1. Blasting will occur between the daytime hours of 9 a.m. and 4 p.m. and no more than two times per week during the allowable operating days of Monday through Saturday.

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<p>G-14 cont.</p>		<p><u>Comment:</u> It is stated above the Applicant anticipates blasting no more than twice a week. Will there be limitations stipulated stating hours a day for this blasting activity along with how many days a week. Mine operation hours are from 6:00 am to 6:00 pm. Blasting would not seem feasible at 6:00 am considering the surrounding recreational areas and neighboring communities.</p>
<p>G-15</p>		<p><u>Blasting Noise</u> Blasting noise levels are predicted to be 60 dB Lmax or less at the nearest residences. These noise levels would be compliant with the daytime and evening noise level standards, but could exceed the nighttime noise level standards. Because blasting activities are proposed during daytime hours only, blasting noise impacts would be less than significant.</p> <p><u>Comment:</u> It is stated that blasting at night time could exceed the noise levels standards and that blasting activities are proposed during daytime hours only. Clarification of daytime hours allowed for this blasting activity should be specified.</p>
<p>G-16</p>		<p><u>HOURS OF OPERATION-Weekday Trips- 6.am – 6.pm</u> As shown in Table 4.5-1, a total of up to 1,432 one-way trips (716 inbound and 716 outbound) are expected on a peak weekday. In order to estimate the number of trips generated by the quarry during the peak hours, it is necessary to develop an estimate of the hourly trip generation throughout the day. On weekdays, the quarry is normally open from 6:00 a.m. to 6:00 p.m. Table 4.5-1, Hourly Trip Generation – Weekday, presents the number of one-way vehicle trips associated with each project component over the course of each hour. As shown, trucks arrive on site during the hour before the quarry opens. From then on, one aggregate exporting truck per minute can be filled, processed, and exit the site, for a maximum of 60 trucks per hour exiting the site. This high rate of production is expected to last until early afternoon and then drop off to only 20 trucks per hour. The backfill trucks are assumed to enter the site, dump their contents, and exit at the rate of one truck every four minutes (or 15 trucks per hour) in the peak times and drop down to five trucks an hour in the early afternoon. Employees are assumed to arrive on site in the hour before the plant opens and to depart in the hour after the site closes, with two employees making one round-trip offsite in the middle of the day. The maintenance truck is assumed to enter and exit after the site is closed for the day. As indicated in Table 4.5-1, approximately 150 one-way trips</p> <p><u>Comment:</u> The reference to trucks and employees arriving on site an hour before the quarry opens implies hours of operation to begin at 5:00 am. One truck per minute will be filled and exit the facility meaning a truck every minute. (60 trucks per hour) 15 backfill trucks will also enter the site for dumping, along with employee vehicles. This is a total of 150 one way trips. It does not seem reasonable for any road to facilitate this potential and proposed volume of truck traffic. The impacts on the road systems will not be determined until this type of traffic is actually in operational status. With the mine in idle status we have not experienced this truck traffic and the impacts on these road systems. We did, however, experience large volumes of heavy mining truck traffic on Hirschdale Road for in 2007. If traffic is backed up for any reason, trucks at this volume could cause a grid lock in the traffic corridors. It would seem lessening truck traffic and volumes of material amounts per day and year would be beneficial to lessening many environmental impacts. Exposure of diesel particulates posed by</p>

G-15 As stated in response D-14, blasting will occur between the daytime hours of 9 a.m. and 4 p.m. Refer to the discussion of noise and vibration levels as a result of blasting in Section 4.6.4. Noise levels from blasting would be within County standard noise levels and impacts from both noise and vibration would be less than significant.

G-16 Please refer to Section 4.5, Traffic and Circulation, in the recirculated Draft EIR. The Draft EIR concludes that in all scenarios, the resulting Level of Service (LOS) standards will remain at or above the County's minimum standard, which is Level of Service (LOS) C or better.

Additionally, potential impacts caused by diesel particulates are described in Section 4.7, Air Quality. All monitoring of proposed mitigation is outlined in the MMRP. Under state of California law, operators of both in-state and out-of-state registered trucks are required to manually shut down their engine when idling more than five minutes at any location within California. In addition, the state of California also requires new diesel engine trucks built in 2008 and newer model year to be equipped with a non-programmable engine shutdown system that automatically shuts down the engine after five minutes of idling.

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G-16 cont.	<p><i>increased heavy truck traffic transporting, and potential of periods spent in idling can cause significant negative impacts to the surrounding communities The concern of preventing trucks from being in idle with these volumes along with how this will be monitored is of concern.</i></p>
G-17	<p>Saturday Trips</p> <p>The quarry is also permitted to operate on Saturdays from 8:00 a.m. to 4:00 p.m. Table 4.5-2, Hourly Trip Generation – Saturday, shows the hourly trips over the course of a peak Saturday. A total of up to 1,282 daily one-way trips are expected on a peak Saturday, with 150 trips (75 inbound and 75 outbound) occurring during the peak hour. The 2:00 p.m. hour is identified as the PM peak hour, considering that it is the highest hour of quarry traffic that overlaps with the highest hour of the traffic count data.</p> <p><u>Comment:</u> <i>These volumes are extremely high considering the roads used are also shared with recreational users on Saturdays (Stampede/Boca). 150 trucks as stipulated in DRAFT EIR per hour on a Saturday do not seem feasible. Hours of operation should also be considered.</i></p>
G-18	<p>From time to time, customer demand and/or operational considerations dictate periods of extended hours which can involve two shifts and result in operating hours starting at 5 a.m. and ending as late as 9 p.m.</p> <p><u>Comment:</u> <i>Changes to hours of operation should only be allowed in the event of an emergency declared by governing authority. Stockpiles could be deposited on Cal Trans' storage areas if necessary for a project by acquiring whatever permit necessary. The hours of operation should not change because of demand for material. It is unfair to any community to assume the demand of material would depict the hours of operation. Hours of operation should be reasonable hours of operation and not intrude on established use of all areas within the affected vicinity. Planning ahead for the need of material and necessity by placing stockpiles within the job vicinity or Cal Trans' storage areas for material would eliminate the need for extended hours of operation. Hours of operation should be reasonable hours of operation with exceptions of emergency use declared by an emergency agency.</i></p>
G-19	<p>3.5 OPERATING SCHEDULE AND WORK FORCE</p> <p>Certain public agency projects (such as Caltrans road improvement projects) may operate during nighttime hours to prevent traffic congestion associated with lane closures and heavy vehicle operations, in addition to emergency road repairs made necessary by natural disasters (e.g., flooding) or other unforeseen events. These road improvement or repair projects accordingly require materials to be supplied at night. The only operation allowed after 9:00 p.m. and before 6:00 a.m. is material loadout. Loadout could occur 24 hours per day and up to seven days per week for limited periods in order to service these projects. The duration of these expanded hours of operation would depend on the duration of the projects being supplied.</p> <p><u>Comment:</u> <i>If materials are needed for Caltrans improvement projects, stockpile areas should be available in the vicinity of the project where stock can be unloaded and set aside for necessity during regular business hours. Unless declared by the State of Emergency agencies, 24- hour operations are not reasonable for the sake of demand for projects.</i></p>

G-17 Please refer to response to comment G-16.

G-18 As described in Section 3, Project Description, the only operation allowed after 9 p.m. and before 6 a.m. is material loadout. Loadout could occur 24 hours per day and up to seven days per week for limited periods in order to service projects such as Caltrans road improvement projects, which may operate during nighttime hours. Placement of stockpiles in Caltrans storage areas or rights-of-way are not part of the proposed project.

G-19 Please refer to responses G-6 and G-18.

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G-19 cont. *Again, this statement does not exclude usage of Hirschdale Road for reason of road improvements. This should state West Hinton Road to Stampede Meadows Road unless necessity is that of an emergency declared by Emergency agencies No use of Hirschdale Road should be necessary with improvements to Stampede Meadows Road/Hinton Road access improvements by the County.*

Operating Schedule and Work Force (Air Quality Appendix J)

Comprehensive operations at the Project site would employ between 6 and 15 people at a time. On average, activities on the Project site would occur on a single-shift basis for about 180 days per year. Typical operating hours would be Monday – Friday: 6:00 a.m. – 6:00 p.m., and Saturday: 7:00 a.m. – 4:00 p.m. Occasionally, operating hours could begin as early as 5 a.m. and as late as 9 p.m. to accommodate customer demand and/or operational considerations. There is also the potential for the Project to operate 24 hours per day for limited durations to service nighttime road improvement projects. In the event that 24-hour operations were to occur, only the loading and export of stockpiled materials would be allowed between the hours of 9:00 p.m. and 6:00 a.m.

G-20 **Comment:** *Changes of hours of operation should only be allowed in the event of an emergency declared by governing authority. The use of Hirschdale Road for emergency use should not be included for that of highway construction at night and the need for supplies by Caltrans for the purpose of constructing roads, highways during night time hours. Road improvements along with customer demand and emergency road repairs are different necessities. Stockpiling material should be planned ahead and a service area for storage should be designated. It is again, not clearly stated as to what road access will be used for the stated emergency usage for unforeseen events and the 24 hours per day and up to seven days per week usage. The limited durations in order to service these projects should not include emergency use of Hirschdale Road. Stampede Meadows Road/Hinton access should be specified for usage.*

3.3.5 Operating Schedule and Workforce
7 a.m. and 4 p.m. on Saturday

G-21 **Comment:** *The hours of operation are not consistent throughout the Draft EIR. It is written as 7 a.m. – 4 p.m. and 8:00 a.m. to 4:00 p.m. Occasionally, operating hours could begin as early as 5 a.m. and as late as 9 p.m. to accommodate customer demand and/or operational considerations. In the event that 24-hour operations were to occur, only the loading and export of stockpiled materials would be allowed between the hours of 9:00 p.m. and 6:00 a.m.*

NOISE ASSESSEMENT

G-22 The total operational noise generated by the proposed project would exceed the County's 40 dB Leq nighttime noise standard during occasional nighttime quarry activities at receivers 1, 2, and 4. However, this prediction does not consider additional shielding provided by vegetation and intervening topography and at this time additional site-specific studies cannot be performed because the operational status of the quarry is currently idle. Given the additional shielding by

G-20 Please refer to responses G-6 and G-18.

G-21 The hours of operation are as follows:
Between 6 a.m. and 6 p.m., Monday through Friday, and between 7 a.m. and 4 p.m. on Saturday. Occasional shifts from 5 a.m. to 9 p.m. may be required. The only operation allowed after 9 p.m. and before 6 a.m. is material loadout which could occur 24 hours per day and up to seven days per week for limited periods. The Recirculated Draft EIR has been reviewed for consistency.

G-22 Please refer to the discussion on the regulatory setting in Section 4.6 of the Recirculated Draft EIR, which describes the exterior noise limits in the Nevada County Noise Element for the proposed land use and surrounding land uses. (Continued on next page)

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intervening topography and vegetation, it is unlikely that nighttime operations would exceed 40 dB Leq at any of the nearest receptors. Nonetheless, until site-specific noise monitoring can be conducted during nighttime conditions to demonstrate compliance with the nighttime standard, this impact has to be considered potentially significant.

Mitigation Measure proposed

Noise-1. Until operational noise monitoring demonstrates that nighttime quarry operation would comply with the County's 40 dB Leq nighttime noise standard at all of the nearby residential receivers, quarry operation should be limited to the hours of 7 a.m. to 10 p.m. Adherence to this mitigation measure will reduce the project's operational noise impacts to less than significant. Noise-2. Once the quarry operations resume, additional noise monitoring may be performed at the nearby residential receivers at the operator's expense. If this monitoring can confirm, to the Planning Department's satisfaction, that between the hours of 9 p.m. and 10 p.m. the intervening topography and vegetation effectively reduces the operational noise limits to at or below the nighttime 40 dB Leq standard, then this Mitigation Measure shall replace the Noise-1 Mitigation Measure. If applicable, any operations that extend between 10 p.m. and 7 a.m. shall be limited to truck loading and unloading only. Adherence to this mitigation measure will reduce the project's nighttime noise impacts to less than significant.

Comment: *Night time hours of operation should only be allowed in the event of an emergency. Allowing night time hours without the proper assessment is not feasible considering all the surrounding areas. The Boca Reservoir campgrounds have not been mentioned at all as receiving impacts from the noise factor. Night time operations should not be allowed unless in the event of an emergency especially when proper night time assessments have not been determined during active mining operation. This would mean the peak truck number being filled of one every minute.*

4.6.4 Level of Significance Before Mitigation

Crushing and Screening Equipment Noise

Per the noise levels shown in Table 4.6-3, noise generated by the processing equipment would be below the Nevada County noise level standards shown in Table 4.6-2 during the daytime and evening hours. Nighttime noise levels at receivers 1 and 2 would exceed the County's 40 dB Leq standard during the occasional nighttime activities associated with truck loadout operations. Given the additional shielding by intervening topography and vegetation, it is unlikely that nighttime operations would exceed 40 dB Leq at any of the nearest receptors. Nonetheless, until site-specific noise monitoring is conducted during nighttime conditions to demonstrate compliance with the nighttime standard, this impact would be considered potentially significant.

Hydrology

A spring and associated spring catchment, currently utilized by the property owner for commercial water bottling business, is located on the southern portion of the private properties within which the mining site is located. The spring and pond are not within the Ultimate Disturbed Area and will not be affected by expansion operations.

G-22 The Recirculated Draft EIR includes the Boca Campgrounds as a Sensitive Receptor. In addition, Mitigation Measures NOI-1, NOI-2, NOI-3 and NOI-4 would be required to mitigate for noise impacts. As identified in the analysis of impacts in Section 4.6, heavy truck-generated noise would only result in a significant impact at potential future noise sensitive land uses at the undeveloped parcels near the project site (Receptors 12, 13, and 14), and not at the existing noise sensitive Receptors. Mitigation Measure NOI-2 would be implemented if those parcels are developed with a noise-sensitive land use during operation of the mine.

G-23 Please refer to Section ES, Executive Summary, in the recirculated Draft EIR contained in Volume II. The spring and associated spring catchment have been used for commercial bottling in the past. While the bottling operation is not currently underway, the existing permit continues to be applicable and will not be modified at this time. The spring water is not exclusively used by either the quarry or the bottling facility.

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G-23 cont. **Comment:** *Here it is stated that the spring is being used for a commercial bottling business permitted to the private property owner. If the spring water is to solely supply water for the use of the Quarry, will the County modify the permit for commercial bottling business to water usage for the Quarry site permit purposes only.*

G-24 Water is used by the quarry only for dust control, and not for on-site aggregate processing operations.

G-24 **Comment:** *It is stated the water will not be used for on-site aggregate processing. What water control will be used for processing during the blasting and high volumes of processing for dust control during these types of processing procedures.*

G-25 **Wildlife**
All of the wildlife species observed in the Project area and/or detected by sign (tracks, scat, and distinctive burrows) are commonly found in the Project region. Wildlife species detected included several rodents, mule deer, coyote, black bear, and mountain lion. The Project Site and vicinity are transition range for the Loyaltan-Truckee mule deer (*Odocoileus hemionus*) herd. The deer use the area when moving between higher elevation summer range and lower elevation winter range. No critical summer range is mapped within 13 miles of the Project site, and the nearest critical fawning habitat is three miles to the south. The Project site is also outside the major migration corridors mapped in the region by DFG in the early 1980s. Thus, the Project will not significantly affect any of the major deer habitat resources that are subject to Nevada County policy.

G-25 **Comment:** *The Hirschdale community is visited frequently by the herds of mule deer. The community has concern for the deer habitat and how this will affect their migration and feeding in our area. How is it determined that this will not affect our frequent visiting of the mule deer and their migration pattern in our area. They are not just seen in the higher elevations in the summer. Our neighborhood routinely encounters them in our streets, yards and riverfront properties in our vicinity throughout the summer months and less frequently in the winter. This is not stated factually in the Draft EIR as to the sightings we have in our neighborhood and this statement causes concern.*

It seems important that the situation with regard to the mule deer needs to make clear that the area herd has been diminishing in size due to other interferences with their migration and habitat and that what seems like a minor situation might have a much greater effect on them than would seem from superficial consideration without knowledge of the history.

AIR QUALITY

G-26 **AIR QUALITY IMPACT ASSESSMENT APPENDIX J**
For the worst-case and peak annual operations, the annual NOx and PM10 emissions would present higher emissions than the annual average operation. Because the Proposed Project would exceed the General Plan criterion of 25 tons per year for NOx and PM10 pollutant, the air quality impacts associated with the annual operational emissions would be considered significant.

G-24 The text has been revised in the Recirculated Draft EIR. Please refer to the discussion on utilities, water use and supply in Section 3.0, Project Description.

G-25 Please refer to Section 4.3, Biological Resources, of the Recirculated Draft EIR. The project applicant hired a biologist to analyze (among other potential biology issues) the only empirical field study of regional deer usage that has been carried out in the last 15 years. As stated in the Recirculated Draft EIR, it has been concluded that the usage of the proposed impact area is minimal due to the fact that the area is steep and very rocky, with relatively sparse vegetation cover compared with that found on all sides of the proposed impact area. While the EIR did not find project-level impacts to mule deer habitat to be significant, it did conclude that the project would contribute to significant cumulative impacts to mule deer habitat. Mitigation Measures CUM-1A and CUM-1B shall be implemented in order to reduce the project's contribution to the cumulative impact to a less than significant level.

G-26 Please refer to Section 4.7 Air Quality. As outlined in Mitigation Measure AQ-1, the Project Applicant shall

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Mitigation Measure: The Project applicant shall work with the County and NSAQMD to identify an area for a monitoring station and develop an implementation program to begin on-site monitoring program.

Significance after Mitigation: Less than Significant. Mitigation measures identified above would serve to lessen impacts to implementing the General Plan.

To minimize diesel emission impacts, construction contracts would require off-road compression ignition equipment operators to reduce unnecessary idling with a two (2) minute time limit.

- On-road and off-road material hauling vehicles would shut off engines while queuing for loading and unloading for time periods longer than two (2) minutes. 1.2.2 Lead Agency

Comment: How would the idling activity be monitored to avoid issues of Air Quality and diesel particulates exposure to the surrounding areas. We know there will be times of engine idling with 60 trucks entering and exiting in an hour. When considering this volume of truck traffic, it would not seem possible to follow the stated procedures with trucks processing in and out at the stated 60 trucks per hour. This is one truck per minute.

Diesel Particulate Matter. Diesel particulate matter is emitted from both mobile and stationary sources. In California, on-road diesel fueled engines contribute approximately 24 percent of the statewide total, with an additional 71 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units. Stationary sources contribute about 5 percent of total diesel particulate matter. Diesel exhaust and many individual substances contained in it (including arsenic, benzene, formaldehyde, and nickel) have the potential to contribute to mutations in cells that can lead to cancer. Long-term exposure to diesel exhaust particles poses the highest cancer risk of any toxic air contaminant evaluated by the California Office of Environmental Health Hazard Assessment (OEHHA). CARB estimates that about 70 percent of the cancer risk that the average Californian faces from breathing toxic air pollutants stems from diesel exhaust particles.

In its comprehensive assessment of diesel exhaust, OEHHA analyzed more than 30 studies of people who worked around diesel equipment, including truck drivers, railroad workers, and equipment operators. The studies showed these workers were more likely to develop lung cancer than workers who were not exposed to diesel emissions. These studies provide strong evidence that long-term occupational exposure to diesel exhaust increases the risk of lung cancer. Using information from OEHHA's assessment, CARB estimates diesel-particle levels measured in California's air in 2000 could cause 540 "excess" cancers (beyond what would occur if there were no diesel particles in the air) in a population of 1 million people over a 70-year lifetime. Other researchers and scientific organizations, including the National Institute for Occupational Safety and Health, have calculated cancer risks from diesel exhaust similar to those developed by OEHHA and CARB.

This Exposure to diesel exhaust can also have immediate health effects. Diesel exhaust can irritate the eyes, nose, throat, and lungs, and it can cause coughs, headaches, lightheadedness, and nausea. In studies with human volunteers, diesel exhaust particles made people with allergies

G-26 cont. work with the County and NSAQMD to identify an acceptable location to install an air quality monitoring station. Said station shall be used for the on-site monitoring program that will help establish and monitor the most affective Dust Control Measures and Particulate Matter Emissions Control Measures. The monitoring on-site will provide a maximum reading of emissions that will diminish moving away from the source.

Under the state of California law, operators of both in-state and out-of-state registered trucks are required to manually shut down their engine when idling more than five minutes at any location within California. In addition, the state of California also required new diesel engine trucks built in 2008 and newer model year to be equipped with a non-programmable engine shutdown system that automatically shuts down the engine after five minutes of idling.

California Air Resources Board staff and local air quality officials throughout the state will enforce the idling regulations by monitoring commercial diesel trucks and off-road diesel vehicles where they operate. First time violations, idling for greater than five minutes, will receive a minimum civil penalty of \$300. Subsequent penalties can be from \$1,000 to \$10,000. Diesel truck owners, renters, or lessees will be responsible for the penalty.

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more susceptible to the materials to which they are allergic, such as dust and pollen. Exposure to diesel exhaust also causes inflammation in the lungs, which may aggravate chronic respiratory symptoms and increase the frequency or intensity of asthma attacks.

Diesel engines are a major source of fine-particle pollution. The elderly and people with emphysema, asthma, and chronic heart and lung disease are especially sensitive to fine-particle pollution. Numerous studies have linked elevated particle levels in the air to increased hospital admissions, emergency room visits, asthma attacks, and premature deaths among those suffering from respiratory problems. Because children's lungs and respiratory systems are still developing, they are also more susceptible than healthy adults to fine particles. Exposure to fine particles is associated with increased frequency of childhood illnesses and can also reduce lung function in children. In California, diesel exhaust particles have been identified as a carcinogen (California OEHHA and the American Lung Association 2005; CARB 2005).

CUMULATIVE IMPACTS

5.2.6 Noise

The County of Nevada plans to replace the Hirschdale Bridges, improve 1.3 miles of the Boca Quarry Road, and realign approximately 0.5 mile of Hinton Road during the 2014–2015 fiscal year. These improvements are in somewhat close proximity to the quarry site and would potentially overlap activities at the quarry. While construction associated with the County road and bridges improvement project would likely result in noise impacts in the project area, subsequent CEQA/NEPA analysis would be required at which time these impacts would be addressed and required to conform to the County noise ordinance and federal standards.

Comment: The Hirschdale Community has expressed and documented our concerns since 2006 as to the environmental impacts that would be associated with any use of the Hirschdale Road and bridges within our community for commercial purposes regarding this permit. It is a known fact that funding for the bridge replacement has been in process since the onset of the Teichert permit review process. Our NOP response clearly states the detailed concerns the Hirschdale Community has in regards to the many environmental impacts that would be imposed if the truck traffic from the Boca Quarry used Hirschdale Road and the bridges.

This DRAFT EIR specifically states that access to and from the Boca Quarry operations during the 30 year life of the mining permit will be via Stampede Meadows/Hinton Roads. The use of Hirschdale Road will not be used for mining activities and access by the operation for this mining permit. We, as a community, want it clearly understood and clarified that if and when these Hirschdale bridges are reconstructed, this permit does not allow access via Hirschdale Road for mining activities, transport of materials at any time in the future for the lifetime of this permit of 30 years. The Quarry permit condition related to using the Stampede Meadows/Hinton Road transportation route will prevail. Access through the Hirschdale Community residential area is prohibited.

G-27 Please refer to response to comment G-6.

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SUMMARY OF COMMENTS

Executive Summary

Considering the quarry has been in idle status, the Hirschdale Community, the Town of Truckee as a whole and adjacent unincorporated areas of the County of Nevada have not been subjected to the mining operations potential impacts.

Cumulative environmental impacts could be addressed once the mining operations are at a normal level of operation with periodic reviews to monitor these cumulative impacts throughout the 30 year permit period.

Clarification of the water usage on the project vicinity would help in determining if the water usage is solely for the use of dust control for the project site rather than both uses to include commercial bottling of the spring. The timber production permit has not been specifically addressed as to the usage and operation.

Traffic and Circulation

The Hirschdale community clearly understands Hirschdale Road will not be used for mine operations or for trucking access to or from the Quarry.

A median alternative would give other options available for consideration along with presenting impacts at this level of operation. Studies with the more realistic volume anticipated 500,000 would make for a more complete study and a clearer understanding of those impacts. Hours of operation should be reasonable hours to not interfere with school transit systems or fire protection. Hours of operation should be reasonable hours to not interfere with quality of life in the surrounding residential communities, access to critical traffic corridors, as well as emergency services and fire protection agencies.

Signage to the Quarry from the east and west exits would be beneficial in eliminating traffic to the Hirschdale community.

Emergency use should be more clearly defined in this Draft EIR to state: Emergency use of Hirschdale Road shall be limited to access determined by State, County, local public, and/or Office of Emergency Service agencies only. . It seems if Hirschdale Road is not being used for any mining operations this would state clearly the access of Stampede Meadows Road/Hinton Road and would not include that of Hirschdale Road. Clarification of access necessary as this is not clear throughout this document.

Public Services

Permitting 60 trucks an hour to travel on our roadways would definitely impact safety to our surrounding areas for fire protection, police and schools.

Project Discription

Limitations on blasting hours and days per week would help with clarity of noise concerns

G-28 Please refer to response to comments G-2 and G-23.

G-19 Please refer to response to comments G-7, G-11, and G-12

G-30 Please refer to response to comment G-13.

G-31 Please refer to response to comment G-14 regarding blasting hours. Hours of operation will be between 6 a.m. and 6 p.m., Monday through

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G-31 cont.	<p><i>Hours of operation is not clear throughout the DRAFT EIR. Hours of operation should be depicted by volume of traffic and production levels along with impacts to all of the surrounding impacted areas with concerns of traffic circulation. 24 hour operations should only be allowed when stated by Emergency authorities stating a need for an emergency. Demand for projects should be dealt with by having an area of stockpiling used off the mining site as to not impact surrounding communities with the impacts involved for project demands. Weekdays and weekend hours are not specific. This is not clear throughout the DRAFT EIR.</i></p>	G-31 Friday, and between 7 a.m. and 4p.m. on Saturday. The only operation cont. allowed after 9 p.m. and before 6 a.m. is material loadout. Blasting would occur only between the daytime hours of 9 a.m. and 4 p.m. during the allowable operating days of Monday through Saturday and the operating period of May 1 through October 31.
G-32	<p><u>Noise Assessment</u> <i>Until Noise studies are complete to include night time operations at the level of capacity that could be needed when they are in operation, hours of operation should be only during daylight hours. Regardless of these noise studies, night time operation should only occur in the event of an emergency.</i></p>	G-32 Please refer to response to comment G-22.
G-33	<p><u>Hydrology</u> <i>If the spring water is to solely supply water for the use of the Quarry, will the County modify the permit for commercial bottling business to water usage for the Quarry site permit purposes only.</i></p>	G-33 Please refer to response to comment G-23.
G-34	<p><u>Wildlife</u> <i>The impact on the Mule Deer is of great concern for the Hirschdale community.</i></p>	G-34 Please refer to response to comment G-25.
G-35	<p><u>Air Quality</u> <i>Dust control measures and dust control during processing and blasting is of concern with such large annual levels of processing.</i></p> <p><i>How is the idling activity going to be monitored to avoid issues of air quality and diesel particulates exposure to the surrounding areas.</i></p>	G-35 Please refer to response to comment G-26.
G-36	<p><u>Cumulative Impacts</u> <i>Limitations on hours of operation, truck trips, volume of operation daily and yearly would lessen environmental impacts along with cumulative impacts.</i></p> <p><i>Our NOP response clearly states the detailed concerns the Hirschdale Community has in regards to the many environmental impacts that would be imposed if the truck traffic from the Boca Quarry used Hirschdale Road and the bridges at anytime in the future.</i></p> <p><i>The Hirschdale Community experienced large truck volumes in 2007 and felt the impacts that this large volume of truck traffic can impose. The volumes proposed are larger than what we experienced in our neighborhood in 2007. Even though the truck hauling route is that of an interstate and Stampede Meadows Road/Hinton Road, the exits are both entering in and exiting our small community of Hirschdale along with that of Glenshire and the Meadows and other surrounding subdivisions including the recreational traffic toward Boca/Stampede.</i></p>	G-36 Please refer to response to comment G-27.

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It does not seem reasonable to allow the highest volumes as requested without more precise periodic monitoring/evaluation and enforcement measures identified to minimize the operating impacts on the Hirschdale Community and surrounding areas. Implementing monitoring periods should show due process to assure that the permitted use will not adversely affect our community and surrounding areas for the lifetime of this permit of 30 years.

It would seem the practical solution to all potential environmental impacts would be for the County of Nevada to allow lesser daily volumes and annual volumes of material to be processed. This would lessen the impacts of the environmental issues and cumulative concerns. Noise, Air Quality, Traffic and Circulation, Public Services, Recreation and Cumulative Impacts cannot be realized until the mine is in full operational condition. Combined with a monitoring and enforcement plan these impacts can be lessened.

The Hirschdale Community has been actively involved in establishing conditions for the Boca Quarry project permit since 2006. We sincerely appreciate the efforts of the County of Nevada and Teichert to accommodate our concerns. We value our small residential riverfront community and the surrounding Truckee River Corridor properties. Looking out for our environment is a priority to us all and is in the utmost minds of all of the residents of the Hirschdale community.

Thank you for respecting our community input. We also thank Teichert for continually stating and confirming they would not use Hirschdale Road to or from the Boca Quarry for their mining activities for the 30 year lifetime of this permit. We look forward to working with the County of Nevada and Teichert to complete the Boca Quarry Conditional Use Permit with conditions satisfactory to all involved parties.

**RESPECTFULLY,
THE HIRSCHDALE COMMUNITY**

Attachments:

*Articles from Sierra Sun regarding 400 trucks through Hirschdale
Hirschdale mine traffic solutions in the works
No mining traffic for Hirschdale
Less Mining traffic likely in Hirschdale
Letter from Taylor & Wiley Teichert attorneys
Copy of Hirschdale Community NOP response*

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February 21, 2013

Nevada County Community Development Agency
950 Maidu Avenue Suite 170
Nevada City, CA 92054

Attention: Tod Herman, Senior Planner

RE: Boca Quarry Expansion Project
Final Environmental Impact Report February 2013
Hirschdale Community Comments to FEIR

The Hirschdale Community would like to thank all those that have contributed to the Final Environmental Impact Report and permit regarding the Teichert Boca Quarry. This document has taken many years and efforts by all throughout this permit process. The Hirschdale Community has worked with Teichert and County officials and appreciates this finally coming to a resolution for all.

Below are our final comments in regards to the response comments to the Hirschdale Community in regards to the Final EIR. The comments in blue are from the comments to the Draft EIR and the lettering in red is in responses to the Final EIR document.

Comment: Signage should also be placed at the I-80 east and west access points to and from Hirschdale Road exits depicting the route to the Quarry to deter truck traffic from entering the Hirschdale community via Hirschdale Road.

H-1

D-11-As a condition of project approval, temporary signage shall be placed at the Interstate 80 east and west access points to and from Hirschdale Road depicting the route to the Quarry in order to deter truck traffic from entering the Hirschdale community via Hirschdale Road.

Comment to D-11: This does not seem to have been added into the Mitigation Monitoring Checklist, nor the Attachment 2 or Staff Report as a recommended condition. As stated above, the signage would be a condition of the project approval; the Hirschdale Community would like to see this as a permanent condition of the permit.

D-13 Comment noted. Day-to-day public services will not be affected and traffic flows on all roads will remain at a fully functioning Level of Service (LOS). The specific intersections analyzed in the EIR would operate at LOS B or better under existing-plus-project and cumulative plus-project conditions. Please refer to Tables 4.5-3 and 4.5-4 on pages 4.5-5 to 4.5-7 of the Draft EIR.

Comment to D-13: Until quarry related truck traffic is actually using our road systems on a day to day basis, the impacts cannot be truly known. What mitigation

H-1

Included as Mitigation Measure TRANS-3.

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H-2 *measures or conditions will be in place, if the quarry truck traffic becomes an issue in the future once the permit is processed? Is something in place to make changes to this permit, if it is found the permitted/allowed truck traffic has created issues in the future?*

D-14 The text has been revised as suggested. Blasting will occur between the daytime hours of 9 a.m. and 4 p.m. Please refer to the errata of Section 3.0, Project Description, in Section C of this Final EIR

"The Applicant anticipates blasting no more than twice per week. The Nevada County Sheriff's Department would be given a 24-hour notice prior to each blast. Blasting will occur between then daytime hours of 9 a.m. and 4 p.m."

H-3 *Comment to D-14: Using the word "anticipates" leaves one to question if there could be more than two days a week allowed. Will this condition specifically state two days a week will be permitted for blasting? Along with the hours allowed 9:00 a.m. – 4:00 p.m.? There does not seem to be any specific days or times in Staff Report or Attachment 2 as stated above. This too should be a recommended condition.*

Hours of operation will be between 6 a.m. and 6 p.m., Monday through Friday, and between 7 a.m. and 4p.m. on Saturday.

The only operation allowed after 9 p.m. and before 6 a.m. is material load out.

Hourly Trip Generation – Saturday, shows the hourly trips over the course of a peak Saturday. A total of up to 1,282 daily one-way trips are expected on a peak Saturday, with 150 trips (75 inbound and 75 outbound) occurring during the peak hour. The 2:00 p.m. hour is identified as the PM peak hour, considering that it is the highest hour of quarry traffic that overlaps with the highest hour of the traffic count data.

H-4 *Comment: Saturday operational hours seem unreasonable considering the established mutual use of the Boca/Stampede access routes and facilities by recreational users such as tourists, fisherman, bicyclists, motorcyclists, boats, jet-ski trailers, motorhomes, etc., particularly on Saturdays.*

Basically, the hours of operation are near a 24 hour operation with the hours of 6 a.m. -6 p.m. with load out from 9 p.m. to 6 a.m. It would seem unreasonable to allow these hours of operation to be included on a Saturday. As stated below 24 hours a day up to 7 seven days a week.

Limitations on Saturdays should be established.

H-5 D-18 As described on page 3-6 in Section 3, Project Description, the only operation allowed after 9 p.m. and before 6 a.m. is material load out. Load out could occur 24 hours per day and up to seven days per week for limited periods in order to service projects such as Caltrans road

H-2 Refer to the Impact Analysis in Section 4.5, Traffic and Circulation, of the Recirculated Draft EIR. Day-to-day public services will not be affected and traffic flows on all roads will remain at a fully functioning Level of Service (LOS). The specific intersections analyzed in the EIR would operate at LOS B or better under existing-plus-project and cumulative-plus-project conditions.

H-3 Refer to the discussion of Blasting to Remove Hardrock Aggregate in Section 3.3.1. which clarifies blasting no more than two times per week, and clarifies the times and days during which blasting is allowed.

H-4 Based on the results of the traffic study, the project's operation would not result in a significant impact on LOS, including on Saturday. Refer to Section 4.5.5 for an analysis of the project's impact on Saturday LOS. In addition, the project includes off-site roadway improvements to address concerns for bicyclists using Stampede Meadows Road. Refer to Section 3.3.10 for a description of the improvements and the discussion of Roadway Hazards in Section 4.5.5 for an analysis of impacts and proposed mitigation.

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improvement projects, which may operate during nighttime hours. Placing stockpiles within the Caltrans right-of-way is not proposed at this time.

H-5 *Comment to D-18: As stated above, 24 hours a day and up to seven days a week for limited periods to service projects such as Caltrans road improvement projects. What condition or mitigation measure will 24 hour operational hours be monitored and limited to not allow for a 24 hour operation at any given time? It would seem having an area for stockpiles within Caltrans right-of-ways would be beneficial and considered.*

Section 1.0: Introduction
Page 1-2 was revised as follows:

Because of the number of substantial issues raised by the June 2006 proposal (U86-012 & RP86-001), the Project Applicant decided to revise the project considerably. The revisions focused on getting the operation back into conformance with the County Use Permit and SMARA, and restricting the quarry limits to the basic footprint of the current pit. Another noteworthy addition to the proposed Use Permit revisions was a proposal that a new access road be constructed, which would bypass the Hirschdale community. On July 26, 2007, the Planning Commission approved the amended Use Permit (U06-012) and Reclamation Plan (RP86-001).

Comment: Permit of July 2007

"6. Transportation and Circulation Impact. To offset the circulation impacts resulting from heavy truck use, the following mitigation measures are recommended:

Mitigation Measure 6A. The continued shipping from the quarry shall require the construction of the new access road, as proposed to bypass the Hirschdale Road Bridges..... In the event the USFS denies the special permit, than an alternative access to Interstate 80 shall be required and a truck cap shall be required."

H-6 *The comment made in the Introduction paragraph makes it sound as though Teichert solely made this proposal of a new access road to be constructed. This was as stated above "required". With the long hard work between both Teichert and the Hirschdale Community this access route was discussed at our ad hoc committee meetings and presented to Teichert. Teichert had previously looked into this route and had determined this to not be feasible. They later with further investigation determined this to be a good alternative route. An alternative route away from the Hirschdale Community was a requirement of the 2007 permit. This was a joint effort in establishing a route around and away from the Hirschdale Community.*

The Hirschdale community would like to see this paragraph revised to include "in regards to the number of substantial issues raised in 2006 by the Hirschdale Community, it was determined and required by the Planning Commissioners approval

H-5 Section 3.0, Project Description lists that the only project operation allowed after 9 pm and before 6 am will be material load out. Since this is included in the project description, it will be enforced by Nevada County as part of the project. Storing stockpiles in Caltrans right-of-way are not part of the proposed project.

H-6 Refer to the revised discussion in Section 1.1.2 which clarifies the coordination between the Hirschdale Community and the applicant in regard to this issue.

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of the permit in 2007, a new access route be established to bypass the Hirschdale community." (referenced above)

The following spring (2008) work began on the new access road for the quarry began, which connects to the Hirschdale/I-80 interchange via West Hinton Road and Stampede Meadows Road. Ultimately, the Project Applicant improved an existing logging road northwesterly from the quarry site through an offsite property that they also owned, and connecting with an existing U.S. Forest Service (USFS) road. Upon completing that connection, the historic access over the two bridges and through the Hirschdale community was no longer used.

Comment: The Hirschdale Community would like this paragraph to end

"As a requirement of the 2007 permit, upon completion, the connection through the Hirschdale Community was no longer available for trucking and was limited to employee use, off-season property access, and emergency use only." (Refer to Use Permit Conditions of Approval A.6b, 2007 permit)

H-7 *Comment: There is no mention as to what action is required, if this annual Road Use Permit were no longer allowed or renewed by the Forest Service. This Road Use permit by the Forest Service is based on a yearly renewal. It would seem the requirements of this Road Use Permit would be integrated into the conditions and mitigations to include these requirements enforced on the use of the Forest Service Road.*

It would also seem the County would require a copy of the Road Use Permit to be provided from Teichert annually, as a condition of this permit. This would show due process in making sure it is up to date and current each year. (Road Use Permit is attached)

Page 3-5 was revised as follows:

The actual amount of truck traffic between I-80/Hirschdale interchange and the site, where aggregate is delivered for use in construction or maintenance projects would be determined by regional aggregate demand. This regional aggregate demand and associated truck traffic would not change regardless of whether aggregate is mined at the project site or at the nearest alternative sources in the Reno/Sparks area, but the truck lengths would differ. Please refer to Section 4.5.3, Vehicle Miles Traveled, for more discussion.

H-8 *Comment to Page 3-5: This comment brings much concern, as this states the Regional demand will determine the use of the interchange exit at the Hirschdale. Does this mean the demand of the region will depict the use of the mine? This paragraph opens many loopholes. The point in having an EIR was to eliminate ambiguous statements and conditions and to have a clear understanding for all in regards to this permit.*

H-7 Refer to Mitigation Measure TRANS-2 which requires that the applicant maintain the Road Use Permit with the USFS and provide annual documentation to the County. Refer to the discussion of Roadway Hazards in Section 4.5.5 for additional discussion.

H-8 This statement clarifies that aggregate is a demand-driven market. Therefore, if the locally available sources are not able to meet the regional demand (for example, if the expansion is not approved), the projects requiring the materials would need to go elsewhere which would affect vehicle trips. If the project is approved, the use of the mine would also be demand driven, but the maximum capacity of the mine is 560 truck loads per day. Therefore, the number of truck trips would not exceed that number. This worst case scenario has been analyzed in the EIR. Mitigation Measure TRANS-3 has been included to prevent trucks from using unauthorized routes through the Hirschdale Community.

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H-8

This paragraph leaves one to determine that Regional demand will depict all aspects of the mining operations. This paragraph needs more revision and consideration as to how these demands of the Region will have an effect on Hours of Operation, truck trips, truck traffic in our area.

Limitations should be reasonable regardless of demand of the Region or Caltrans projects or any demands period. We locally should not have to be intruded upon by the means of the Regional demands nor suffer with the consequences of this demand in regards to hours of operation or truck traffic. This quarry truck traffic should not interfere with safe and efficient access entering our small communities of Hirschdale and Glenshire regardless of demand.

Biological Resources-2. During and following all mining and reclamation activities, all exterior lighting adjacent to undisturbed habitat shall be of the lowest illumination allowed for human safety, selectively placed, shielded, and directed away from undisturbed habitat to the maximum extent practicable.



H-9

Comment Biological Resources-2: The above picture shows the site for many of the neighbors of Hirschdale. This view is from their decks and backyards. The cell site is extremely visible to the The Hirschdale Community. The Hirschdale Community would like to see a condition stating the light poles and light illumination will not be a site disturbance to the Hirschdale Community and the lights will be positioned and lowered as to not affect the Hirschdale Community.

H-9 Refer to the analysis of Light and Glare in Section 4.4.4.

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H-10	<p>Biological Resources-3. Mitigation measures presented in Section 4.7, Air Quality, shall be implemented to reduce the effects of dust on surrounding vegetation to less than significant levels.</p> <p><i>Comment to Biological Resources-3: What mitigation measures presented in Section 4.7 are you mentioning here? These mitigation measures should be listed and more specified to show the actual mitigation measures referenced to.</i></p>	H-10	Mitigation Measure BIO-4 has been revised as suggested. The referenced measure is AQ-3.
H-11	<p>CONDITIONS OF PERMIT</p> <p><i>The Hirschdale Community would like the following conditions placed on this permit.</i></p> <p>1. <i>The West Hinton Road is the only permitted aggregate haul route for the Boca Quarry operation. Hirschdale Road (Hinton Road, Hirschdale Interchange/Hirschdale Road entering Hirschdale) shall not be permitted as an acceptable gravel truck haul route from or to the quarry site. While the Hirschdale Road access remains available, all use of that road shall be limited to employee use (personal or corporate vehicles), off-season property access, and emergency responder use. Once the bridges are removed this access will no longer be available for these purposes.</i></p>	H-11	Refer to the discussion of Site Access and Haul Route in Section 3.3.3, and Mitigation Measure TRANS-3.
H-12	<p>2. <i>The new bypass segment for the haul road (West Hinton Road) around the west pit shall not be used for truck hauling purposes through the Hirschdale community at any time. Paved County roads also provide access to the project site via Hirschdale Road; however, this access will not be used for mine operations or for trucking access.</i></p>	H-12	The bypass segment is no longer proposed. Refer to the discussion of Site Access and Haul Route in Section 3.3.3, and Mitigation Measure TRANS-3.
H-13	<p>3. <i>Hours of Operation to be determined both for weekday and weekends. There are no specific hours of operation in the Conditions of the Permit or Staff Report. It is stated hours of operation will be determined after the noise assessments. Hours of operation should be reasonable and considerate to the surrounding areas. Hours of operation presented to the Hirschdale Community's response to the FEIR comments read as stated above: "Hours of operation will be between 6 a.m. and 6 p.m., Monday through Friday, and between 7 a.m. and 4p.m. on Saturday. The only operation allowed after 9 p.m. and before 6 a.m. is material load out."</i></p>	H-13	Refer to the discussion of Operating Schedule in Section 3.3.4. Mitigation Measures NOI-3 limits mining activities to between 7 a.m. and 7 p.m. unless additional studies can demonstrate that noise levels at Receptor 7 would be within the County noise thresholds. Additional mitigation would apply if Receptors 12, 13, and/or 14 are developed with noise sensitive land uses.
H-14	<p>4. <i>24 hour operation should only be stated in the event of Emergency Use and should be declared by State, County or local public agency and the office of Emergencies Services are open.</i></p>	H-14	Refer to the discussion of Site Access and Haul Route in Section 3.3.3, and Mitigation Measure TRANS-3.
H-15	<p>5. <i>Signage should also be placed at the I-80 east and west access points to and from Hirschdale Road exits depicting the route to the Quarry to deter truck traffic from entering the Hirschdale community via Hirschdale Road.</i></p>	H-15	Refer to Mitigation Measure TRANS-3
H-16	<p>6. <i>A copy of the Road Use Permit from the Forest Service will be provided from Teichert annually.</i></p>	H-16	Refer to Mitigation Measure TRANS-2.

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- H-17 *7. The light poles and light illumination will not be a site disturbance to the Hirschdale Community and the lights will be positioned and lowered as to not affect the Hirschdale Community.*
- H-18 *8. The Dust Control Mitigations should be conditions of the permit rather than mitigation measures only.*
- H-19 *9. The Air Quality Mitigation Measures 1-6 should also be stated as conditions of this permit rather than mitigations for enforcement of the permit and also since some of these are conditions stated on the Road Use Permit from Forest Service requirements.*
- H-20 *10. Traffic 1, 2 and 3 should also be conditions of the permit rather than mitigations.*
- H-21 *11. Blasting will occur between the daytime hours of 9 a.m. and 4 p.m. 2 days a week only.*
- H-22 *The Hirschdale Community supports the Reduced Annual Production Alternative and agree this would be the environmentally superior alternative because it would obviously reduce impacts to local nighttime noise, local traffic and air quality in the immediate project vicinity. Truck traffic has always been the concern of the Hirschdale Community.*
- H-22 *Noise impacts would be reduced to less than a significant level because operational hours would be reduced and the potentially significant impact associated with nighttime operational noise would likely be eliminated. Local truck traffic impacts would be reduced with the Reduced Annual Production Alternative, but would still require mitigation.*
- H-22 *Trucks bringing materials from other areas such as Reno/Sparks would not necessarily be using our exits to our community, so this statement may be true to the Interstate 80 truck traffic, this truck traffic would not be exiting in the volumes stated on this permit in our local area if it was not for the mining operation. The traffic would continue on I-80 without exiting in our immediate area.*
- H-23 *We are thankful to those who have listened to our community and respected our concerns and appreciate our concerns being acknowledged into this final EIR document. Truck traffic has always been the Hirschdale Community's concern and continues to be a concern that proper limitations are placed on volumes and hours of operations. Having a 24 hour operation is not reasonable for the surrounding areas except for an emergency.*
- HIRSCHDALE COMMUNITY
Attachments: Road Use Permit #17-57-01-2013 (21 pages)
Appendix A Resource Protection Measures and BMP's (5 pages)

- H-17 No new lighting will be installed as part of the project, impacts associated with light and glare would be less than significant (see Section 4.4.4.) Mitigation Measure BIO-4 would further prevent light and glare effects on adjacent areas.
- H-18 The mitigation measures are incorporated into the Mitigation through Monitoring and Reporting Program which will be adopted by the County when the County approves the findings of the EIR.
- H-20 As such, they become conditions of approval of the project. No revision to the EIR is necessary.
- H-21 As described in the project description, blasting will be allowed two times per week, Monday through Saturday from 7 am to 4 pm (Section 3.3.1). Impacts from noise and vibration would be less than significant (see Section 4.6.4); therefore, no changes to the allowable schedule are proposed.
- H-22 The Public input is noted, and the County will select the alternative that reflects the balance of achieving the project objectives, including environmental, legal, social and economic factors.
- H-23 As noted in the discussion of Operating Schedule in Section 3.3.4, the 24-hour operation would occur only in the event of an emergency, and would be in accordance with the limitations and restrictions contained in the mitigation measures for the project, which include measures to prevent trucks from using any haul routes other than the authorized route (Mitigation Measures TRANS-2 and TRANS-3).

COMMENTS

RESPONSES

LAW OFFICE OF DONALD B. MOONEY

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February 21, 2013

VIA ELECTRONIC MAIL

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Nevada County Community Development Agency
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**RE: ENVIRONMENTAL IMPACT REPORT FOR THE BOCA QUARRY EXPANSION
PROJECT, SCH 2012022024**

Dear Planning Commissioners and Mr. Herman:

The Buckhorn Ridge Homeowners Association submits the following comments on the Environmental Impact Report for the Boca Quarry Expansion Project. The Buckhorn Ridge Homeowners Association objects to the Project on the grounds that the EIR fails to comply with the requirements of the California Environmental Quality Act, Public Resources Code, section 21000 *et seq.*

I. PROJECT DESCRIPTION

In order to be an informative and legally sufficient EIR, the project description must be "accurate, stable, and finite[.]" (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 738.) As stated by the court in *County of Inyo*, "[a] curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantages of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance." (71 Cal.App.3d at pp. 192-193; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 82 ("CBE") [court found project description inadequate where EIR "concealed, ignored, excluded, or simply failed to provide pertinent information" regarding a reasonably foreseeable consequence of the project].) A curtailed, enigmatic or unstable project description draws a red herring across the path of public input." (*Id.* at p. 197-198.)" (*San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 656.)

I-1

I-1 See the revised and expanded project description in Section 3.0, Project Description of the Recirculated Draft EIR.

COMMENTS

RESPONSES

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February 21, 2013
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I-2	The Project description also fails to adequately identify the source of water for the expanded quarry operations. (See DEIR at p. 3-6.) While the EIR references Dobbas Spring as the source of water, the water from the Spring is limited to the parcel where the spring is located. When a spring is a tributary to a watercourse, it is part of the stream itself. (<i>Gutierrez v. Wege</i> (1905) 145 Cal. 730, 734.) Moreover, the owners of the lands on which a spring arises have riparian rights to the water. (<i>Simons v. Inyo Cerro Gordo Mining & Power Co.</i> (1920) 48 Cal.App. 524, 536.) The riparian rights are part of the parcel that abut the spring. Unless adjudicated, riparian rights are not limited in quantity except to an amount which can be reasonably and beneficially used on the riparian land, subject to the requirements of other landholdings bordering on the water. The riparian right is "correlative." That is, the riparian must share the available supply on an equitable basis with other riparians. <i>The use under a riparian right must be confined to the lands that are adjacent to the water.</i> Moreover, riparians do not have a right to store water, except in a limited manner more akin to stream regulation. The riparian landowner whose source is from a running stream or spring has the right to the natural flow of the water only. The riparian right remains with the land that is adjacent to the stream.	I-2	The project's water source is described in Section 3.3.5, Utilities, Water Use and Supply.
I-3			Refer to Section 4.2.1. There is no surface water connection between the spring fed surface waters and the Truckee River (ESRS 2012). The spring is not a tributary to the Truckee River. No riparian rights apply.
I-4	According to Figure 3-3, Dobbas Spring is located on the parcel containing East Pit and portions of West Pit. However, other portions of West Pit and the proposed expanded are located on the adjacent parcel and there is no identified water right or water supply for that parcel. Additionally, the EIR indicates that the Project will rely upon a storage pond. The EIR, however, fails to identify the source of the water for the storage pond. As the spring water cannot be stored under a riparian right, the applicant must have an identified water right for use of the storage pond. Moreover, even if the spring water could be stored under a riparian water right, there would still be no right to use the stored water on the adjacent parcel.	I-4	Section 3.0 of the WSA (BHI 2018) describes the water source (Dobbas spring) as a groundwater source. Per Attachment A of the WSA (BHI 2018), the SWRCB has determined that an appropriate water right is not needed.
I-5	Also the EIR fails to indicate whether the applicant has a water right from the State Water Resources Control Board (SWRCB) to store water in the storage pond. The storage of water is an appropriative water right which requires the issuance of a water rights permit from the SWRCB. The EIR also fails to identify the size and location of the storage pond.	I-5	Refer to discussion on water rights in Section 4.2.2 of the Recirculated Draft EIR. No water right is needed. As described in Section 3.3.5, the spring is the source of water for the project. Water from the pond would not be used; therefore, the size and location of the pond are not needed.
I-6	II. GEOLOGY AND SOILS Mitigation Measure Geology-2 requires that manufactured slopes in the West Pit to be inspected periodically during mining operations and that slope performance and geological conditions shall be documented and submitted to the County as acquired. The mitigation measure, however, fails to state the qualifications of who should be preparing the report. The mitigation measure should be modified to require the inspection and reporting to be conducted by a registered geologist.	I-6	See revised Mitigation Measure GEO-2 under Section 4.1, Geology, of the Recirculated Draft EIR.

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III. HYDROLOGY AND WATER QUALITY

I-7 As discussed above, the EIR fails to identify a legal water source for the parcel adjacent to the parcel where Dobbas Spring is located.

The EIR fails to identify the quantity of water necessary for the Project. The EIR discusses the amount of water produced by the spring, but the EIR does not address the specific water rights for full operation of the Project.

IV. TRAFFIC AND CIRCULATION

I-8 As discussed in attached comment letter prepared by Dan Smith, Smith Engineering and Management, the EIR's traffic analysis contains several flaws: 1) the Project analyzed in the EIR is not the whole of the proposed action; 2) the EIR fails to identify the full extent of the safety hazard from the sight distance deficiency at the intersection of West Hinton Road with Stampede Reservoir Road and fails to appropriately mitigate the Project's impact at this location; 3) the EIR's assumption that excessive wear and tear on the County's roads by heavily loaded trucks coming to and from the Project site would be mitigated by payment of the County's per-ton load fees is conclusory and not Supported by analysis or substantial evidence; 4) the EIR fails to consider the Project's impacts on bicyclists; 5) the DEIR fails to evaluate the impacts of the project on recreational resources at Boca Reservoir; and 6) the EIR's biological analysis fails to consider the Project's impacts along the entire length of West Hinton Road of Project traffic and other diverted traffic on West Hinton Road.

V. THE EIR'S ALTERNATIVE ANALYSIS VIOLATES CEQA

I-9 The EIR contains a legally flawed alternative analysis as it fails to contain a reasonable range of feasible alternatives. (See Pub. Resources Code, §§ 21001(g); 21002.1(a); CEQA Guidelines, § 15126.6; *Goleta Valley, supra*, 52 Cal.3d at 566.) The County's alternative analysis violates CEQA as the EIR completely lacks any semblance of the required alternative analysis. The EIR's alternative analysis contains only the required No Project Alternative, the proposed Project and the Reduced Annual Production Alternative. (Draft EIR at p. 6-1 to 6-3.) The EIR does not contain a reasonable range of alternatives that avoid and substantially reduce the project's significant environmental impacts.

1. CEQA REQUIRES AN EIR TO CONSIDER A REASONABLE RANGE OF FEASIBLE ALTERNATIVES

CEQA mandates that a lead agency adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental

I-7 See responses to comments I-3 through I-5.

Anticipated water use for the proposed project is described in Section 3.3.5, and is analyzed under Significance Threshold 4 in Section 4.2.4.

I-8 Refer to Section 3.3.10, Off-site Roadway Improvements, Section 3.3.13, Development Agreement, and Section 4.5, Traffic and Circulation of the Recirculated Draft EIR. The analysis has been revised to address the sight distance deficiencies and impacts on the bicyclists. Refer to response to comment G-9 in regard to excessive wear and tear, as well as the discussion of roadway integrity in Section 4.5.5. The traffic analysis used conservatively high traffic volumes to account for recreational traffic associated with Boca Dam Reservoir.

I-9 See Section 6, Project Alternatives of this Recirculated Draft EIR. The alternative analysis includes potential alternatives to the proposed project as required by CEQA Guidelines.

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impacts. (Pub. Resources Code, § 21002; Guidelines, § 15002(a)(3); *Citizens of Goleta Valley v. Board of Supervisors*, *supra*, 52 Cal.3d at p. 566.) For that reason, “[t]he core of an EIR is the mitigation and alternatives sections.” (*Id.* at p. 564.) “The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided. (Pub. Resources Code, § 21002.1(a) (emphasis added); see also Pub. Resources Code, § 21061.) Thus, a lead agency must ensure “that all reasonable alternatives to proposed projects are thoroughly assessed.” (*Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; Pub. Resources Code, § 21001(g) (lead agency must “consider alternatives to proposed actions affecting the environment”); *Laurel Heights I*, *supra*, 47 Cal.3d at p. 400.)

The EIR must “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives.” (CEQA Guidelines, § 15126.6(a).) The alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project. (*Id.*, § 15126.6(b); *Goleta Valley*, *supra*, 52 Cal.3d at p. 566 (EIR must consider alternatives that “offer substantial environmental advantages”).) The range must be sufficient “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (*San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222 (EIR that only considered two alternatives for less development was not a range of reasonable alternatives).) Although no rule governs the number of alternatives that must be considered, the range is governed by the “rule of reason.” (*Goleta Valley*, *supra*, 52 Cal.3d at p. 576; CEQA Guidelines, § 15126.6(a)(f).) *Marin Municipal Water District v. KG Land Corp.* (“*Marin*”) (1991) 235 Cal.App.3d 1652, 1664 (“CEQA establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR”).) The range of alternatives, however, must be selected and discussed in a manner that allows for meaningful public participation and informed decisionmaking. (*Id.*) The fact that CEQA does not require a specific number of alternatives does not excuse an agency’s failure to present *any* feasible, less environmentally damaging options to a proposed project. (See *Sierra Club v. Contra Costa County*, *supra*, 10 Cal.App.4th at 1217-18, 1222 (EIR that only considered two alternatives for less development was not a range of reasonable alternatives).)

**2. THE EIR FAILED TO INCLUDE A REASONABLE RANGE OF
ALTERNATIVES**

Contrary to CEQA’s directive, the County failed to consider a “reasonable range” of alternatives that would reduce and avoid the Project’s significant impacts. (See Pub. Resources Code, §§ 21002 and 21002(a); Guidelines § 15126.6(b); *Goleta Valley*, 52

I-9

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I-9

Cal.3d at 566 (EIR must consider alternatives that “offer substantial environmental advantages”).) Other than the required No Project Alternative (Guidelines, § 15126.6(e)), the EIR’s alternative analysis contained only the proposed project and the reduced annual production alternative. Draft EIR at p. 6-2.)

I-10

The significant environmental impacts identified in the EIR include impacts to geology and soils, biological resources, aesthetics, traffic and circulation, noise and greenhouse gas emissions. (See Draft at p. 6-10.) The Reduced Annual Production Alternative only avoids the noise as an impact. It slightly reduces the impacts to traffic and air quality, but such impacts are still significant. There are no alternatives designed to reduce or avoid impacts to biological resources or aesthetics. Moreover, there are no alternatives that avoid or reduce to less than significant the Project’s significant impacts traffic and noise. The EIR failed to consider a range of alternatives that would avoid or substantially reduce the project’s impacts. As such, the range of alternatives is not sufficient “to permit a reasonable choice of alternatives so far as environmental aspects are concerned.” (See *San Bernardino Valley Audubon Soc’y v. County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club v. Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222 (EIR that only considered two alternatives for less development was not a range of reasonable alternatives).)

I-11

Based upon the foregoing, the Buckhorn Ridge Homeowners Association respectfully requests that the Planning Commission not certify the EIR and not approve the Project. The EIR needs to be revised and recirculated in order to comply with CEQA’s requirements.

Sincerely,

Donald B. Mooney

Donald B. Mooney
Attorney for Buckhorn Ridge
Homeowners Association

cc: Clients

Attachments

I-10

The Reduced Daily Production Alternative would reduce impacts to traffic and circulation and air quality, which are found to be significant and unavoidable under the proposed project. The alternative would also reduce impacts to noise when compared to the proposed project. The impacts to biological resources and aesthetics would be similar to those under the proposed project, but the impacts to biological resources under both would be able to be mitigated to a level of less than significant. Impacts to aesthetics are conservatively considered to be significant and unavoidable for both alternatives, because aesthetics are subjective. The EIR conservatively evaluated visual impacts from private views, in addition to public views and is a subjective finding. No additional alternative is needed.

I-11

The previously circulated Draft EIR was not approved. It has been revised and is being recirculated for review.

COMMENTS

RESPONSES

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February 21, 2013

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Tod Herman
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**RE: ENVIRONMENTAL IMPACT REPORT FOR THE BOCA QUARRY EXPANSION
PROJECT, SCH 2012022024**

Dear Planning Commissioners and Mr. Herman:

Joe McGinity joins in the comments and objections submitted by the Buckhorn
Ridge Homeowners Association.

Sincerely,

Donald B. Mooney

Donald B. Mooney
Attorney for Buckhorn Ridge
Homeowners Association

cc: Client

Attachments

J-1 Refer to Letter I for responses to comments from the Buckhorn
Ridge Homeowners Association. Responses to additional
comments contained in this letter are included below.

COMMENTS

RESPONSES



SMITH ENGINEERING & MANAGEMENT

February 20, 2013

Mr. Don Mooney
Law Office of Donald B. Mooney
129 C Street, Suite 2
Davis, CA 95616

Subject: Boca Quarry Expansion Project Environmental Impact Report

Dear Mr. Mooney:

Per your request, I have reviewed the traffic aspects of the Environmental Impact Report ("the EIR") and supporting documentation, particularly the Appendix H Traffic Impact Analysis report by LSC Transportation Consultants, for the Boca Quarry Expansion Project ("the Project") captioned above proposed in Nevada County near Truckee. My qualifications to perform this review include registration as a Civil and Traffic Engineer in California and over 40 years professional consulting engineering practice in the traffic and transportation. I have both prepared and reviewed the traffic and circulation sections of environmental review documents, including studies of quarrying and similar hauling operations. I am familiar with the surroundings of the proposed Project. My professional resume is attached.

Findings of my review are summarized below.

The Project Analyzed in the EIR Is Not the Whole of the Proposed Action.

The Nevada County Board of Supervisors has indicated their intent to allow the failing Hirschfield Road bridges over the Truckee River and the Union Pacific railroad to continue to deteriorate without replacement. The relocated segment of West Hinton

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J-2

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J-2

Road around the Boca Quarry site that is identified as part of the Project would provide linkage to the lands and fishing spots along the Truckee River accessed via the easterly segment of Hirschfield Road when the deteriorating bridges reach a point where they are no longer usable by traffic. However, the EIR's traffic study does not estimate or take into account any of the non-quarry traffic that would access the easterly segment of Hirschdale Road via West Hinton and Hinton after the Hirschdale bridges become unusable. The EIR is deficient in a) failing to identify the replacement of access to easterly Hirschdale Road aspect of the Project as an explicit element of the Project Description and b) in failing to include the diverted traffic in the traffic evaluation.

The EIR fails to identify the full extent of the safety hazard from the sight distance deficiency at the intersection of West Hinton Road with Stampede Reservoir Road and fails to appropriately mitigate the Project's impact at this location.

J-3

The EIR Appendix H traffic impact analysis identifies a deficiency in corner sight distance between West Hinton Road and the north leg of Stampede Meadows Road as the result of limitations caused by *"the existing embankment and vegetation"*. The traffic impact analysis recommends as mitigation that *"the landscaping in the northeast quadrant be modified"* as necessary to provide adequate corner sight distance. This suggests a regrading of the embankment as well as brush removal. However, the EIR itself, in an inconsistency with its own traffic impact analysis, degrades the recommended mitigation measure to *'modifying the existing native vegetation'* in the northwest quadrant of the intersection – in other words, simply doing brush trimming without regrading the area. This is at best a temporary mitigation since there is no guarantee anyone would maintain the brush trimming in this remote location (a temporary measure is not adequate mitigation for a permanent problem) and there is no certainty it would be even temporarily effective since the EIR's traffic engineers who analyzed the situation believed regrading would be necessary. Hence, this part of the proposed mitigation is inadequate.

J-2

According to the County's 2018 Bridge Program, the Hirschdale Road Bridges will be seismically retrofitted and rehabilitated. As described in Section 3.3.3, the haul route for the project will avoid Hirschdale Road. The intersections analyzed in the revised traffic impact analysis (LSA 2017, Appendix J-1 of the Recirculated Draft EIR) included an analysis of traffic impacts at the I-80/Hirschdale Road Interchange, which included turning movements onto Hirschdale Road east of the interchange. Mitigation Measures TRANS-2 and TRANS-3 would also be required to prevent haul trucks from using routes other than the designated route along West Hinton Road and Stampede Meadows Road.

J-3

See Section 3.3.10, Off-site Roadway Improvements for a discussion of the proposed site distance improvements. See discussion of driver sight distance in Section 4.5.5 of the Recirculated Draft EIR.

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J-4

Moreover, the traffic impact assessment of the corner sight distance problem understates the severity of the sight distance deficiency. It only assesses the issue in terms of vehicles approaching on Stampede Meadows Road at the posted speed limit of 35 miles per hour. The problem with this is that, with light traffic in the area, with reasonable quality pavement surface and relatively straight alignment on Stampede Meadows Road north of West Hinton, and with little expectation of traffic speed enforcement in the area, actual traffic speeds commonly exceed the posted speed limit by a considerable margin.

J-5

While the required corner sight distance for 35 miles per hour is 385 feet, as reported in the EIR, that required for a speed of 45 mph is 495 feet, that for 50 mph is 550 feet and that for 60 mph is 660 feet. The mitigation measure that should be required is to brush-clear and regrade to provide an adequate corner sight distance for speeds that commonly occur in the area, not just the posted speed limit that is often ignored.

J-6

The other part of the proposed mitigation measure that is defective is the proposal to post additional truck crossing warning signs on both directions of Stampede Meadows Road on the approaches to West Hinton Road. This signage incorrectly places burden on the traffic that has the right-of-way (that on Stampede Meadows) in favor of the traffic that does not have the right of way (that approaching from West Hinton). The mitigation measure that should be imposed, in substitution for or in addition to the warning signs is to place a stop or yield sign facing westbound West Hinton at Stampede Meadows to prevent the heavy trucks on this downhill approach from bullying their way onto Stampede regardless of oncoming traffic.

J-7

The EIR's Assumption That Excessive Wear And Tear on the County Road System By Heavily Loaded Trucks Coming To and From the Project Site Would Be Mitigated By Payment of the County's Per-Ton Load Fees Is Conclusory and Not Supported By Analysis

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J-4

See revised analysis of sight distance in Section 4.5, and in the revised traffic impact analysis (LSA 2017, Appendix J-1) which uses prevailing speeds.

J-5

See response to comment J-4. See Table 4.5-7 in the Recirculated Draft EIR. The proposed corner sight distance for trucks on West Hinton Road looking north is 815 feet, for passenger cars on West Hinton looking north is 530 feet, for trucks on West Hinton Road looking south is 700 feet and for passenger cars on West Hinton looking south is 505 feet. The proposed vegetation removal and grading at the intersection would meet the desired sight distance standards in all directions for trucks and passenger cars except for truck drivers looking south on Stampede Meadows Road from West Hinton Road, which is limited by the vertical curvature of Stampede Meadows Road. However, this sight distance would meet minimum sight distance standards.

J-6

See discussion under Section 4.5, Site Distance Improvement. The installation of the warning signs are to notify drivers of the truck crossings. The proposed signs do not alter the existing right-of-way on Stampede Meadows Road. Passengers on Stampede Meadows Road will maintain right-of-way. The traffic study for the project did not identify the need for a stop sign at this intersection. No revision is required.

J-7

See discussion of Development Agreement in Section 3.3.13 of this Recirculated Draft EIR.

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J-7

The EIR offers no analysis or evidence that its Traffic-1 mitigation measure (collection of tonnage fees that can be used for road repair and reconstruction projects) will be sufficient to mitigate the “*excessive wear and tear on the road system*” that it states the Project’s loaded truck traffic would cause. In fact, there is evidence to the contrary. The County cannot afford to repair or replace the existing Hirschdale Road bridges over the Truckee River and the railroad which have deteriorated in large measure because of prior heavily loaded truck traffic from Boca Quarry.

The EIR Fails to Consider the Project’s Impacts on Bicyclists

J-8

Stampede Meadows Road is a popular ride for bicyclists during the same mid-Spring to mid-Fall season that the aggregate hauling operations from the Boca Quarry would take place. Some bicyclists who ride from south of I-80 would be exposed to the impacts of Project’s heavy truck traffic for the entire 1.32 mile distance from the I-80 interchange to Stampede Meadows Road’s intersection with West Hinton Road where the haul route joins/departs Stampede Meadows Road. Many more bicyclists transport their bikes to the area by car and begin their ride at the parking area by the intersection of Stampede Meadows Road and Boca Dam Road. These bicyclists would be impacted by the Project’s heavy truck traffic on the .25 mile segment between that intersection and the intersection with West Hinton Road.

Consider what impacts of the Project’s heavy truck traffic may have on bicyclists. The EIR Appendix H traffic impact analysis assumes that on a peak day, the Project would generate 1432 trips of which 1402 are truck trips. Although during the open season, the Project’s hours of operation for hauling are unrestricted, it is likely that a peak day’s hauling would take place over 12-to-14 hours of daylight operation. What this means is that a heavy truck would pass one way or the other along Stampede Meadows Road every 31 to 36 seconds for almost the entire daylight hours of the day. Consequently, bicyclists would be almost constantly subjected to heavy truck noise, wind buffeting and smelly diesel fumes and the hazards of heavy trucks passing them along the haul route. A bicyclist traveling the full distance from the I-80 interchange to the Stampede Meadows –

J-8

See discussion on Bicyclist Safety in Section 4.5, Traffic and Circulation of the Recirculated Draft EIR.

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West Hinton intersection would be passed by 9 to 10 of the Project haul trucks going in one direction or the other. A bicyclist just traveling between the parking lot by Boca Dam Road and the West Hinton intersection would be passed, on the average, by two trucks in that quarter-mile distance.

The hazards of heavy trucks passing bicyclists on this route are not insignificant. The traveled way of Stampede Meadows Road is just 23 to 24 feet wide – one 11'6" to 12' lane in each direction. There are no paved shoulders and the roadside is completely unbikeable. When a heavy truck which is 8'6" wide passes a bicyclist (who needs an absolute minimum of 3' of lateral width and preferably more for safe operation) in an 11'6" to 12' traffic lane, there is insufficient room for safe clearance unless the truck crosses the roadway centerline, something the truck drivers may not always be able to do because of opposite direction truck and other traffic. Truck drivers delayed behind bicyclists, particularly in the uphill direction, may become frustrated and attempt to intimidate bicyclists from using the route through close passes, honking loud truck air horns or creating loud noise emissions from engine compression brakes by letting up on the accelerator.¹

The above discussion is based on assumption of average time spacing between trucks. However, trucks often arrive in platoons as the result of something like the platooning effect of a signal somewhere on the haul, choice of the drivers or random chance. When a bicyclist is passed by a platoon of trucks or simultaneously with a chance meeting point

¹ Engine compression brakes, generically known as "jake brakes" emit a loud, machine gun like noise. On trucks with defective mufflers or modified exhausts ("straight pipes"), engine compression brakes emit sound measured at 101 db from 50 feet distance. Since the compression brakes activate by the driver just letting up on the accelerator, the driver can cause the truck to emit an intimidating blast of noise without doing anything as overt as blowing the air horn. Aggregate hauling trucks are among those that commonly have defective mufflers or modified exhausts. Witness to this is the circumstances in 2006 when Tischert reinitiated active operations from the Boca Quarry using the Hinton-Hirschdale haul route, one of the measures adopted to help mitigate impacts on the Hirschdale community was to request truckers to avoid using engine compression brakes there (see Reno Gazette article 11-26-06).

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between opposite direction trucks, the detrimental consequences for potential safety issues and for the bicyclist's enjoyment of the quality of the ride are compounded.

J-8

As noted above, the EIR is deficient in failing to analyze the impacts of the Project's heavy truck traffic on bicyclists using Stampede Meadows Road. The EIR should be revised to include such an analysis and be recirculated in draft status. The revised EIR should impose as a mitigation measure that the Project would construct bike lanes along Stampede Meadows Road from the I-80 interchange to a point north of West Hinton Road.

The EIR Fails To Evaluate the Impacts of the Project on Recreational Resources at Boca Reservoir.

Boca Reservoir is located within the Tahoe National Forest. The reservoir area offers a wide array of back-country recreational opportunities including boating (with boat ramp), camping, canoeing, fishing (including wheelchair-accessible fishing locations as well as high quality 'catch-and-release' flyfishing on the Little Truckee River feeder stream), hiking, jet skiing, kayacking, picnicking, sailing, swimming, wind surfing, and all terrain vehicle (ATV) and mountain bike trail riding. These activities take place in the same mid-Spring to mid-Fall season that hauling from the Project would take place.

J-9

The noise of the Project's haul trucks passing at a frequency of once every 31 to 36 seconds throughout the daylight hours will certainly severely diminish the quality and attractiveness of the recreational uses at Boca Reservoir. The haul route includes a quarter-mile segment of Stampede Meadows Road directly along the reservoir's east shoreline separated by only 175 to 280 feet. The 101 db blaats of engine compression brakes that will sound on the downhill approach of West Hinton Road to Stampede Meadows Road, on the downhill approach to the railroad grade separation and anywhere a haul truck overtakes a slow-moving vehicle such as a bicyclist or distracted sightseer will be almost continuously audible and annoying throughout the Reservoir's recreation

J-9

Recreationists in the area were considered sensitive receptors in the evaluation of impacts of the proposed project, and as appropriate depending on the resource evaluated, the evaluation of impacts to those sensitive receptors was included in Section 4.4, Aesthetics, Section 4.5, Traffic and Circulation, Section 4.6, Noise, and Section 4.7, Air Quality. Refer to these sections for an evaluation of potential impacts of the proposed project on the recreational users.

COMMENTS

RESPONSES

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February 20, 2013
Page 7

J-9

area. The EIR's noise analysis considers none of this. It only evaluated noise effects on certain residential sites close to the quarry and concluded that, since the haul route does not pass close to those houses, the Project's hauling operations would not have any noise impacts.

There is no evidence that the EIR performed any analysis of the Project's impacts on recreational resources. The EIR is critically deficient without such an analysis.

The EIR's Biological Analysis Fails to Consider the Impacts Along the Entire Length of West Hinton Road of Project Traffic and Other Diverted Traffic on West Hinton Road

J-10

The EIR's biological analysis is confined to the actual site of the Boca Quarry property. The EIR apparently assumes there is no difference between the existing operations on the West Hinton haul route and those that would occur with the Project. This assumption is incorrect in at least three ways. First, the current use of the route as a quarry haul route was never subjected to environmental review. Second, the projected haul route traffic with the Project (even with the failure to include other traffic diverted by the closure of the failing Hirschfield Road bridges) is significantly greater than the existing operational traffic. Finally, if the Project were not approved, the heavy truck traffic on West Hinton would soon cease as the existing quarry's aggregate is worked out. There can be no doubt that the extended heavy truck operations on the mile haul route would have potential impacts on wildlife in the area. The EIR is critically deficient in failing to address these impacts. The EIR should be revised to address these impacts and recirculated in draft status.

J-10

See discussion of Biological Resources in Section 4.3 of the Recirculated Draft EIR.

The use of the West Hinton haul route is considered an existing condition. Therefore, impacts to wildlife along West Hinton Road were not evaluated. The analysis includes an evaluation of potential impacts to biological resources as a result of construction of the off-site roadway improvement area.

COMMENTS

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Conclusion

Based on all of the above, we are convinced the EIR traffic analysis is inadequate and must be substantially supplemented. The entire traffic analysis should be redone in light of the comments herein.

Sincerely,

Smith Engineering & Management
A California Corporation



Daniel T. Smith Jr., P.E.
President



J-11

The traffic impact study has been revised and updated and is incorporated into this Recirculated Draft EIR. Refer to Appendix J for the traffic impact analyses.

COMMENTS

RESPONSES



SMITH ENGINEERING & MANAGEMENT

DANIEL T. SMITH, Jr. President

EDUCATION

Bachelor of Science, Engineering and Applied Science, Yale University, 1967
Master of Science, Transportation Planning, University of California, Berkeley, 1968

PROFESSIONAL REGISTRATION

California No. 21913 (Civil) Nevada No. 7969 (Civil) Washington No. 29337 (Civil)
California No. 938 (Traffic) Arizona No. 22131 (Civil)

PROFESSIONAL EXPERIENCE

Smith Engineering & Management, 1993 to present, President.
DKS Associates, 1979 to 1993. Founder, Vice President, Principal Transportation Engineer.
De Leuw, Cather & Company, 1968 to 1979. Senior Transportation Planner.
Personal specialties and project experience include:

Litigation Consulting. Provides consultation, investigations and expert witness testimony in highway design, transit design and traffic engineering matters including condemnations involving transportation access issues; traffic accidents involving highway design or traffic engineering factors; land use and development matters involving access and transportation impacts; parking and other traffic and transportation matters.

Urban Corridor Studies/Alternatives Analysis. Principal-in-charge for State Route (SR) 102 Feasibility Study, a 35-mile freeway alignment study north of Sacramento. Consultant on I-280 Interstate Transfer Concept Program, San Francisco, an AA/EIS for completion of I-280, demolition of Embarcadero freeway, substitute light rail and commuter rail projects. Principal-in-charge, SR 238 corridor freeway/expressway design/environmental study, Hayward (Calif.) Project manager, Sacramento Northeast Area multi-modal transportation corridor study. Transportation planner for I-80N West Terminal Study, and Harbor Drive Traffic Study, Portland, Oregon. Project manager for design of surface segment of Woodward Corridor LRT, Detroit, Michigan. Directed staff on I-80 National Strategic Corridor Study (Sacramento-San Francisco), US 101-Sonoma freeway operations study, SR 92 freeway operations study, I-880 freeway operations study, SR 152 alignment studies, Sacramento RTD light rail systems study, Tasman Corridor LRT AA/EIS, Fremont-Warm Springs BART extension plan/EIR, SRs 70/99 freeway alternatives study, and Richmond Parkway (SR 93) design study.

Area Transportation Plans. Principal-in charge for transportation element of City of Los Angeles General Plan Framework, shaping nations largest city two decades into 21st century. Project manager for the transportation element of 300-acre Mission Bay development in downtown San Francisco. Mission Bay involves 7 million gsf office/commercial space, 8,500 dwelling units, and community facilities. Transportation features include relocation of commuter rail station; extension of MUNI-Metro LRT; a multi-modal terminal for LRT, commuter rail and local bus; removal of a quarter mile elevated freeway; replacement by new ramps and a boulevard; an internal roadway network overcoming constraints imposed by an internal tidal basin; freeway structures and rail facilities; and concept plans for 20,000 structured parking spaces. Principal-in-charge for circulation plan to accommodate 9 million gsf of office/commercial growth in downtown Bellevue (Wash.). Principal-in-charge for 64 acre, 2 million gsf multi-use complex for FMC adjacent to San Jose International Airport. Project manager for transportation element of Sacramento Capitol Area Plan for the state governmental complex, and for Downtown Sacramento Redevelopment Plan. Project manager for Napa (Calif.) General Plan Circulation Element and Downtown Riverfront Redevelopment Plan, on parking program for downtown Walnut Creek, on downtown transportation plan for San Mateo and redevelopment plan for downtown Mountain View (Calif.), for traffic circulation and safety plans for California cities of Davis, Pleasant Hill and Hayward, and for Salem, Oregon.

TRAFFIC • TRANSPORTATION • MANAGEMENT

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COMMENTS

RESPONSES

Transportation Centers. Project manager for Daly City Intermodal Study which developed a \$7 million surface bus terminal, traffic access, parking and pedestrian circulation improvements at the Daly City BART station plus development of functional plans for a new BART station at Colma. Project manager for design of multi-modal terminal (commuter rail, light rail, bus) at Mission Bay, San Francisco. In Santa Clarita Long Range Transit Development Program, responsible for plan to relocate system's existing timed-transfer hub and development of three satellite transfer hubs. Performed airport ground transportation system evaluations for San Francisco International, Oakland International, Sea-Tac International, Oakland International, Los Angeles International, and San Diego Lindberg.

Campus Transportation. Campus transportation planning assignments for UC Davis, UC Berkeley, UC Santa Cruz and UC San Francisco Medical Center campuses; San Francisco State University; University of San Francisco; and the University of Alaska and others. Also developed master plans for institutional campuses including medical centers, headquarters complexes and research & development facilities.

Special Event Facilities. Evaluations and design studies for football/baseball stadiums, indoor sports arenas, horse and motor racing facilities, theme parks, fairgrounds and convention centers, ski complexes and destination resorts throughout western United States.

Parking. Parking programs and facilities for large area plans and individual sites including downtowns, special event facilities, university and institutional campuses and other large site developments; numerous parking feasibility and operations studies for parking structures and surface facilities; also, resident preferential parking.

Transportation System Management & Traffic Restraint. Project manager on FHWA program to develop techniques and guidelines for neighborhood street traffic limitation. Project manager for Berkeley, (Calif.), Neighborhood Traffic Study, pioneered application of traffic restraint techniques in the U.S. Developed residential traffic plans for Menlo Park, Santa Monica, Santa Cruz, Mill Valley, Oakland, Palo Alto, Piedmont, San Mateo County, Pasadena, Santa Ana and others. Participated in development of photo/radar speed enforcement device and experimented with speed humps. Co-author of Institute of Transportation Engineers reference publication on neighborhood traffic control.

Bicycle Facilities. Project manager to develop an FHWA manual for bicycle facility design and planning. on bikeway plans for Del Mar, (Calif.), the UC Davis and the City of Davis. Consultant to bikeway plans for Eugene, Oregon, Washington, D.C., Buffalo, New York, and Skokie, Illinois. Consultant to U.S. Bureau of Reclamation for development of hydraulically efficient, bicycle safe drainage inlets. Consultant on FHWA research on effective retrofits of undercrossing and overcrossing structures for bicyclists, pedestrians, and handicapped.

MEMBERSHIPS

Institute of Transportation Engineers Transportation Research Board

PUBLICATIONS AND AWARDS

Residential Street Design and Traffic Control, with W. Homburger *et al.* Prentice Hall, 1989.

Co-recipient, Progressive Architecture Citation, *Mission Bay Master Plan*, with I.M. Pei WRT Associated, 1984.

Residential Traffic Management, State of the Art Report, U.S. Department of Transportation, 1979.

Improving The Residential Street Environment, with Donald Appleyard *et al.*, U.S. Department of Transportation, 1979.

Strategic Concepts in Residential Neighborhood Traffic Control, International Symposium on Traffic Control Systems, Berkeley, California, 1979.

Planning and Design of Bicycle Facilities: Pitfalls and New Directions, Transportation Research Board, Research Record 570, 1976.

Co-recipient, Progressive Architecture Award, *Livable Urban Streets, San Francisco Bay Area and London*, with Donald Appleyard, 1979.

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COMMENTS

RESPONSES

LAW OFFICES OF DONALD B. MOONEY

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March 8, 2013

VIA ELECTRONIC MAIL
AND REGULAR MAIL

Nevada County Planning Commission
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Tod Herman
Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
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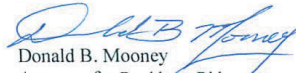
RE: ENVIRONMENTAL IMPACT REPORT FOR THE BOCA QUARRY EXPANSION
PROJECT, SCH 2012022024

Dear Planning Commissioners and Mr. Herman:

The Buckhorn Ridge Homeowners Association ("BRHA") submits the attached report as comments on the Environmental Impact Report ("EIR") for the Boca Quarry Expansion Project. Steve Pettyjohn of the Acoustics & Vibration Group prepared the report. The report also supplements BRHA's February 21, 2013 comment letter. As you will note from Mr. Pettyjohn's report, the Draft EIR and Final EIR contain incorrect statements, improper sound tests, contradictory information, unverified and unverifiable assumptions, incomplete use of regulations and conclusions that cannot be substantiated. As a result, the EIR is legally inadequate and fails as an informational documents.

Based upon the foregoing, and BRHA's previous comments, the Planning Commission should not certify the EIR and not approve the Project. The EIR must be revised and recirculated in order to comply with CEQA's requirements.

Sincerely,


Donald B. Mooney
Attorney for Buckhorn Ridge
Homeowners Association

cc: Clients

Attachment

K-1 The previously circulated Draft EIR was not approved. It has been revised and is being recirculated for review.

COMMENTS

RESPONSES



The Acoustics & Vibration Group, Inc.

5700 Broadway Sacramento, CA 95820-1852

916-457-1444 FAX: 916-457-1475

Consultants in Acoustics, Vibration, Noise Control & Audio Visual Design

February 28, 2013

Donald B. Mooney
Law Offices of Donald B. Mooney
129 C St, Suite 2
Davis, CA 95616

SUBJECT: Results of Review of Noise Sections of Draft Environment Impact Study for Expansion
Teichert's Boca Quarry in Nevada County

Dear Mr. Mooney,

K-2

This letter report documents the results of an evaluation of mainly the noise sections of Draft and Final Environmental Impact Reports (EIR)[1,2]^{*} for the expansion of Teichert's Boca Quarry in Nevada County. The existing 40 acre quarry is proposed to expand to 158 acres and will include a significant increase in heavy truck traffic and mining operations over much larger areas. This includes the use of bull dozers, earthmovers and rock blasting in areas not currently in use. The quarry is on private land north of Interstate 80 and the community of Hirschdale, east of Truckee and south and east of Boca Dam Reservoir. Mining will occur during the weekdays from 6:00 a.m. to 6:00 p.m. and on Saturday from 7:00 a.m. to 4:00 p.m. from May 1 through October 31. Customer demand or operation considerations could dictate extended hours and two shifts with work starting at 5:00 a.m. and ending at 9:00 p.m. For State highway projects, material loadout could be provided at night after 9:00 p.m. and before 6:00 a.m. Loadout could happen 24-hours a day, seven days a week.

K-3

The Draft EIR includes an Environmental Noise Assessment, Appendix I [3], and a Traffic Impact Analysis, Appendix H [4], both of which were reviewed as part of this evaluation. Other documents reviewed include the *Nevada County General Plan* [5], particularly the noise [6] and circulation [7] sections, and the noise section from the *County Zoning Regulations* [8] and the project site plan. Maps of the site and Google Earth maps were used in evaluating the project.

K-4

The purpose of this review of the Draft and Final EIR for the Boca Quarry is to ensure that sound sources were properly addressed, evaluated and mitigated to be sure that noise sensitive receptors do not suffer as a result of the project's expansion and operations.

Even a cursory review of the Draft and Final EIR shows a plethora of incorrect statements, improper sound tests, contradictory information, unverified or unverifiable assumptions, incomplete use of regulations and conclusions that can not be substantiated. This makes these documents inadequate, incorrect and incomplete. The DEIR has ignored that the new loadout haul road is on private property for a substantial district. The sound generated by heavy trucks including engine break noise and possibly backup-beeper noise is subject to the non-transportation sound limits of the *Nevada County General Plan* and *County Zoning Regulations*. This requirement has recently been affirmed in a court ruling that involves mining. Appropriate noise limits are not the same as when the vehicles are on roads where State and Federal laws preempt local regulations. Thus, data is not available to evaluate

* - Number in brackets refers to references listed at the end of this letter report.

K-2

Please refer to Section 3.3, Project Characteristics, for the project description.

K-3

The Recirculated Draft EIR provides an updated noise analysis (Appendix K) and updated traffic impact analyses (Appendix J).

K-4

The previously circulated Draft EIR was revised to address inconsistencies in the document and will be recirculated for review. Refer to Section 4.6.1 for the existing ambient noise environment.

COMMENTS

RESPONSES

R13104: LODBM, Teichert Boca Quarry, Review Noise Impact Study, February 28, 2013



K-4 the true noise impact of the project because the DEIR provides no hourly background sound levels or sound levels generated by project activities. Thus, the noise impact can not be ascertained. This is but a single example of the flaws

Based on this review and evaluation, the noise sections of the Draft & Final EIRs are inadequate and incomplete. In summary, the Draft and Final EIRs are incomplete and inadequate because:

K-5 1. Contrary to California Environmental Quality Act (CEQA), the impact of substantial temporary or periodic increases in the sound levels was not evaluated as related to blasting, drilling, heavy trucks ascending steep grades while on private property or descending these grades when fully loaded. The impacts of the sources are expected to be significant both in terms of the A-weighted sound level and the tonal content of the sound. The noise easement is complete without this analysis.

K-6 2. CEQA [9] includes five requirements for evaluation of noise and vibration impacts. Only three of these are given in the Draft EIR and the noise assessment. The fifth requirement deals with airport noise, which is not a part of the project. However, the second CEQA requirement addresses the need to evaluate the exposure of people to excessive groundborne vibrations or groundborne noise levels. The blasting generates both conditions and this impact was not addressed, making it incomplete.

K-7 3. The noise assessment report and Draft EIR look only at the closest residences to the project site and not even future residential sites as required by CEQA.

- a. The closest residential sites may be impacted by road traffic on interstate 80 and this would increase noise limits.
- b. These sites may benefit from excess sound reduction due ground effects and topographical shielding.

4. The Draft EIR did not consider residential developments with a direct line of sight to the project site where distances may be greater but where there would be no excess sound reduction.

K-8 a. These residents have stated that the sound of the mining and heavy truck movements can be heard.
b. Background sound levels will not be significantly influenced by road traffic on Interstate 80, resulting in low background sound levels during the day and very low levels at night and early morning.
c. Temperature inversions often occur in the general area that keep sound closer to the ground or focusing to specific area.
d. These homes have no topographic shielding and no excess attenuation with distance.
e. The existing background sound levels were not measured at these residences with line of sight to the Boca Quarry mining site. The Draft and Final EIR are incomplete without this information.

K-9 5. At least one residence is shown in Google Earth maps along Stampede Meadows Road and this was not included in the analysis even though this residence will be impacted by the heavy truck traffic.

- a. This residence could be impacted by heavy truck traffic while on private property and while on public roads.

K-5 Refer to Section 4.6.4 for analyses of noise due to blasting, drilling, and heavy truck traffic.

K-6 Refer to Section 4.6.4 for an analysis of exposure of people to groundborne vibrations.

K-7 The noise analysis has been revised to include potential future noise sensitive land uses. Refer to the discussion of noise receptors in Section 4.6.1, and the analysis in Section 4.6.4.

K-8 The noise analysis has been revised to include additional noise sensitive receptors in the area. Refer to the discussion of noise receptors in Section 4.6.1, and the analysis in Section 4.6.4.

K-9 The noise analysis has been revised to include residence along Stampede Meadows Road. Refer to the discussion of noise receptors in Section 4.6.1, and the analysis in Section 4.6.4.

Sound monitoring has been conducted for existing background sound levels. See the noise analysis in Appendix K and the discussion in Section 4.6.1. of the Recirculated Draft EIR.

COMMENTS

RESPONSES

R13104: LODBM, Telchert Boca Quarry, Review Noise Impact Study, February 28, 2013




- K-9 b. Existing background sound levels must be measured before an evaluation of the noise impact from the mining project can be completed. This has not been done, making the analysis incomplete.
- K-10 6. Measurements of background (ambient) sound done only near the Hirschdale community had a duration of less than 20 minutes. Background sound is defined as that measured when the source of interest is absent. In this case, the sound of all parts of mining haul route operations are the sources of interest. This is as defined by the American National Standards Institute, ANSI [10,11]
- a. The County's Noise standard in the **Zoning Regulations** [8] requires tests over at least 20 minutes. The three initial tests completed do not meet this requirement.
- b. Longer measurements are required to fully understand the sources of sound and to calibrate noise models.
- K-11 7. The Noise Assessment claims that noise at the three receiver Hirschdale residential areas is due to road traffic on Interstate 80, but did not show that traffic noise could be predicted per the requirements of CalTrans. Traffic counts are required and the noise prediction. CalTrans in its 1998 Technical Noise Supplement (TeNS) [12] requires field traffic counts to calibrate noise prediction programs, but traffic counts were not done nor was the model calibrated.
- K-12 8. The field sound data is 6 to 7 years old and is not representative of what the receivers have heard since 2008 when all mining stopped.
- a. Significant decreases in traffic volumes have occurred between 2006 and 2012/2013 because of the economy.
- b. The Boca Quarry mining operations ceased in 2008 because of the economy.
- c. The sound data is too old to represent the conditions that are occurring now at the residential areas that will be impacted by sound and vibration generated by the project.
9. Results from the sound data appear to offer conflicting results.
- K-13 a. Tests were done in early February 2006 at three positions with one position (#3) repeated in late June 2007.
- b. Appendix I, the noise assessment, states that second was a repeat test. For a test to be repeated, the "ambient" conditions have to be the same. However, the Draft EIR states that the 2006 tests were done without mining while the 2007 measurements were with mining. This contradiction in conditions is not explained.
- c. The L_{eq} sound level increased by 3 to 7 dB(A) from the February 2006 to the June 2007 measurements. The increase was either due to the mining operations or a change in the traffic volume, or possibly the introduction of other sources. The noise assessment does not mention anything about what was different.
- i. If the increase was due to mining operations, the sources associated with the mining would have either generated the same sound as the road traffic, or the sound of the mining was 6 dB(A) greater than the road traffic. This is a significant increase that would be noticed by the residents and is contrary to prediction in the Draft EIR.

- K-10 Additional noise monitoring was conducted for a continuous 48-hour period. Refer to discussion of Existing Ambient Noise Monitoring in Section 4.6.1 of the Recirculated Draft EIR.
- K-11 The existing traffic noise environment was evaluated. Refer to the discussion of Existing Traffic Noise Environment in Section 4.6.1.
- K-12 All field sound data has been updated. See the noise analysis in Appendix K and the discussion in Section 4.6.1 of the Recirculated Draft EIR.
- K-13 See response to comment K-12.

COMMENTS

RESPONSES



RI13104: LODBM, Teichert Boca Quarry, Review Noise Impact Study, February 28, 2013

K-13

K-14

K-15

K-16

K-17

- ii. If the increase in the L_{eq} was due to road traffic, the volume would have to double to get a 3 dB(A) increase of the volume would increase five times more than the 2006 traffic to get a 7 dB(A) increase in the average sound level.
- iii. If the Draft EIR is correct and mining was occurring,
- d. The maximum sound level increased by 18 dB(A) during the second test over that measured during the initial test.
 - i. This is nearly 100 times more sound than measured during the first test.
 - ii. There is no explanation for what caused this change in the maximum sound.
 - iii. If the mining activity was occurring, this would suggest that mining operations were the source of the sound since the change was so large.
 - iv. A very unusual traffic event would be required to produce an increase this large.
 - v. The impact of such an increase in the maximum if due to mining operations would be considered very significant.
- 10. No evening or nighttime measurements were made at any of the positions even though they could do mining from 5:00 a.m. to 9:00 p.m..
 - a. Background sound levels during the evening and night can not be known without field measurements. The Draft EIR is incomplete without this information.
 - b. The influence of project activity and operations on sleep is required when operations have extended hours based on rulings by the Court of Appeals.
 - c. The impact of these activities is dependent on the sound level, the difference in the level from background sounds and the tonal content of the sound.
 - d. This will be particularly important for homes along the haul route and for those residences that have a line of sight to the access roads.
- 11. Only L_{eq} and L_{MAX} sound levels are provided for the field measurements, but this is not sufficient information to understand the sources and how they varied with time. The duration of the measurements is inadequate and this is not sufficient to give you a feeling for the type of sources causing sound.
- 12. The Draft EIR states that the noise limits in the *Nevada County General Plan* [5] are the same as those in the *Nevada County Zoning Regulations* [8].
 - a. The Noise section of these regulations notes that because of the unique nature of sound, sound limits can be altered for low background sound levels after checking for the frequency content, whether sound is caused by explosions, music or speech and the duration of the sound.
 - b. The duration period is derived from the State's Model Noise Control Ordinance [13]. This model ordinance sets limits based on the duration of the sound over a 1-hour period. The L_{eq} sound level is not used in the Model Noise Control Ordinance.
 - c. The Model Noise Control Ordinance applies a 5 dB(A) penalty, (i.e., the sound standard is lowered) for sound containing speech, music or impulsive or explosive elements
- 13. No frequency content measurements were made as required by California Office of Noise Control in their preparation of a noise impact study.

- K-14

K-15

K-16

Additional noise monitoring was conducted for a continuous 48-hour period. Refer to discussion of Existing Ambient Noise Monitoring in Section 4.6.1 of the Recirculated Draft EIR.

All field sound data has been updated and monitoring was conducted for a continuous 48-hour period. See the noise report in Appendix K and the discussion in Section 4.6.1 of the Recirculated Draft EIR.

Refer to revised discussion of the Regulatory Setting in Section 4.6.2.

COMMENTS

RESPONSES

RI3104: LODBM, Teichert Boca Quarry, Review Noise Impact Study, February 28, 2013




- K-18
- a. The frequency content is needed to understand where people will be more likely to be awakened from sleep.
 - b. The tonal content is also needed to learn whether speech interference will occur.
14. The noise assessment [3] states that the day-night average, L_{dn} , sound level is derived from the hourly L_{eq} sound levels. The L_{dn} sound level is used for transportation sound sources and for non-transportation sound sources that operate over long time periods.
- a. The L_{dn} sound level analysis is required for the home on Stampede Meadows Road due to the heavy truck traffic from the haul trucks going into and out of the project site. All of the sound would be included in the analysis.
 - b. Because the L_{dn} sound level has a 10 dB penalty for sound generated from 10:00 p.m. to 7:00 a.m., an evaluation of the L_{dn} is required at all residences for days where the mining facility could be operating 24-hours a day, even if only the heavy trucks are operating for part of those times.
 - c. The Draft EIR is incomplete because this analysis has not been done as it forms the basis for the analysis of temporary and periodic sound conditions.
- K-19
15. Sound generation by the crushing and screening facility is listed at 90 to 100 dB(A) at 100 feet without any indication of the equipment used in the tests and the similarity to the equipment being used on this project.
- a. The likelihood that the L_{eq} sound level would be exactly 90 dB(A) and the L_{MAX} sound level exactly 100 dB(A) is very small.
 - b. Information about the testing procedures and the set-up since the process covers more than 50 feet and even small changes in the actual distance with give erroneous results when predicting the sound level at other distances.
 - c. The tonal content and variation in the sound over time are important quantities when assessing speech interference and sleep interference.
 - d. This information is completely lacking from the Draft and Final EIRs.
 - e. Evaluating the accuracy of these documents is not possible without more information.
- K-20
16. The predicted residential sound levels in the Draft EIR from the crushing and screening facilities are less than predicted for a point source with only air absorption and higher than when standard acoustically soft ground is assumed.
- a. For Receiver 2 at 3750 feet, the predicted L_{eq} sound level from the Draft EIR is 46 dB(A) while the value with only air-absorption is 50 dB(A) and 41 dB(A) with soft ground. Because of the sound reflections from the bowl shape of the topography, the higher average sound level was assumed to be correct.
 - b. The Draft EIR shows a section through the project site to the Hirschdale residences.
 - i. This figure is not in the Noise Assessment [3], though the Draft EIR states that the information in Section 4.6 is a summary of the material in Appendix I.
 - ii. The location of the section is unknown and contradicts information given on Google Earth.
 - iii. This figure appears to have been prepared by an acoustical consultant, not a land surveyor, and the veracity of the elevations is in question.

- K-18 Refer to the revised analysis which considers noise impacts from nighttime operations. See Section 4.6.4.
- K-19 Refer to the discussion of the Crushing and Screening Facility Noise Generation on page 38 of the revised noise report in Appendix K.
- K-20 Refer to the discussion of the Crushing and Screening Facility Noise Generation on page 38 of the revised noise report in Appendix K. The cross-section figure was provided by Bollard Acoustical Consultants, Inc. on April 11, 2012.

COMMENTS

RESPONSES

- R13104: LODBM, Teichert Boca Quarry, Review Noise Impact Study, February 28, 2013
- 
- K-20
- c. The 50 dB(A) level would be at the evening noise limit and would exceed the night-time 40 dB(A) limit.
 - d. Mitigation measures would be required.
 - e. Predictions of the L_{eq} sound levels at the residences on the ridge above Hirschdale were not done and the background sound level is expected to be less than 40 dB(A) during the evening and nighttime.
 - f. This suggests that a nonstandard method was used in the prediction that was not explained and justified.
 - g. The predictions do not account for temperature inversions where the sound reduction is less than expected by the model.
 - h. The Draft and Final EIR are incomplete and inaccurate without this analysis.
- K-21
- 17. Sound generated by the mobile excavation equipment was assumed in the Noise Assessment to be an L_{eq} sound level of 80 dB(A) at 50 feet without any explanation of the equipment involved or how the measurement was made at a constant distance when the equipment is always moving.
 - a. Sound decreases 6 dB(A) for each doubling of distance.
 - b. If the meter was 50 feet from a bull dozer when it starts working and 100 feet when it stops, the average sound level shown on the meter is not the same average if the bull dozer had remained exactly 50 feet during the test while going through its normal changes in load and direction.
 - c. The predicted L_{eq} sound level at Position #1 is 47 dB(A) for a point source with air-absorption, higher than predicted in the Draft EIR.
 - d. Again, a nonstandard method appears to have been used to derive the result.
 - e. The assumed sound levels for bull dozer and earth mover excavating rock are believed to be too low.
- K-22
- 18. The assumed sound generated by either excavation or crushing and screening does not include tonal or frequency content data needed to evaluated sleep and speech interference. The analysis is incomplete without this information.
- K-23
- 19. The sound of backup beepers on trucks or other equipment is not accounted for any of the analysis. The tonal content of the beepers is the source of the complaints rather than just level of the sound.
 - 20. The sound generated engine brakes while loaded trucks pass from the mining pit to Stampede Meadows Road was not provided or evaluated.
- K-24
- a. The frequency content and the time variation of this sound that could occur 24-hours a day were not provided.
 - b. These sources have already created problems for residences as shown by the comments and material submitted and included in the Final EIR.
 - c. The new haul route has a very steep section where trucks going up will produce more sound and they will do the same when the fully loaded heavy trucks come down the hill.
 - d. The Draft and Final EIR are incomplete and inaccurate without this information.
- K-25
- 21. The predicted sound level is less than expected from mining equipment assuming point source and atmospheric spreading and greater than for a point source with soft ground and

- K-21 Refer to the discussion of Excavation Noise Generation in Section 4.6.4 and the revised noise analysis in Appendix K for the assumed equipment, methods, and results.
- K-22 Refer to discussion of Adjustments to Nevada County Noise Standards in Section 4.6.2.
- K-23 Refer to discussion of Adjustments to Nevada County Noise Standards in Section 4.6.2.
- K-24 Refer to the discussion of Noise Generation of Individual (Single-Event) Truck Passbys in the revised noise report in Appendix K. The noise test monitoring and resulting sound exposure level of 75 db SEL at the 85-foot reference distance considered engine braking. Engine braking was found to only marginally contribute to the passby noise levels.
- K-25 Refer to the revised noise analysis in Appendix K and revised discussion in Section 4.6.4.

COMMENTS

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atmospheric spreading. This is a nonstandard procedure that can not be justified without referenced to a specific professional source.

22. Heavy trucks produce lower frequency sound than other vehicle types and this is transmitted through home walls more easily.
- a. A very large increase in heavy truck operations is predicted with up to 1432 trips per day, or 1 per minute.
 - b. Increased truck traffic will increase the number of times low frequency sound tones penetrate residential structures.
 - c. The noise and vibration impact of this very large number of heavy trucks has not been evaluated because it is stated that there are not residences impacts.
 - d. This statement ignores the home on Stampede Meadow Road and the homes south of Interstate 80 that will have line of sight to the vehicles as they negotiate the steep climb on the way and the extra braking required when descending down the steep hills while fully loaded.
 - e. The sound of the engine breaks is typically very unacceptable and will likely be even less acceptable during evening and nighttime hours.

K-26

23. The Draft EIR and the Noise Assessment provide very little information about airborne sound that will be generated by the blasting and no groundborne vibration or sound.

- a. An L_{MAX} sound level of 60 dB(A) is predicted, but no credible data is provided. To prove this as a reference sound level at a known distance is not given.
- b. Many factors influence the airborne sound generated by the blast, but in general, the bigger the amount material to be dislodged, the greater the sound produced.
 - i. Dr. Charles Dowding writes in his book *Construction Vibrations* [14] that:
 "Thus each delay produces its own spike, as shown in Figure 14-6. At large distances the individual delay spikes begin to grow together."
 - ii. As noted, the distance from the mining to the residences is large, allowing for the combination of each of the individual shots.
 - iii. Sound travels at about 1121 feet/second. For shots set for a standard 15 msec delay, the sound has traveled only 16 feet between shots. Over larger distances, the wave fronts begin combining because of land features and temperature.
 - iv. The more energy released, the greater the sound as noted in Dowding's book and in *Explosives and Rock Blasting* [15].
 - v. The blast produces most low frequency sound which travel farther and has a greater impact on structures.
 - vi. The Draft and Final EIR are incomplete because the impact of blasting will be heard at many of the nearest residences and those on the ridge and the impact has not been adequately addressed.
- c. Vibration levels are dependent on the size of the charge as noted in References 14 and 15. Greater vibration will be generated by larger loads. This is not addressed as required by CEQA.

K-27

24. The mitigation measures are nonexistent or inadequate because they do not include all impacted residential areas and rely on questionable data and assumptions.

K-28

K-26

Heavy truck noise was evaluated at the receptors. Refer to the revised noise analysis in Appendix K and the revised discussion in Section 4.6.4.

K-27

Blasting and ground vibration were evaluated at the receptors. Refer to the revised analysis in Appendix K and the revised discussion in Section 4.6.4.

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K-28

- a. Additional sound measurements are required to establish evening and nighttime background sound levels at all potentially impacted residences.
- b. Better modeling should be required to ensure the sources of sound and vibration are understood.
- c. Ignoring sound generated by heavy trucks, particularly while on steep grades and passing by homes renders the results useless, and preventing the consideration of mitigation measures.

K-29

25. The proposed monitoring program assumes no mitigation measures are needed and that natural excess sound attenuation will solve all problems.

- a. The proposed testing hours are too limited since the largest problems are expected to occur during nighttime hours and when heavy trucks are negotiating the steep grads on the haul road.
- b. The monitoring should be geared to test and show whether the mitigation measures are working.

K-30

The reasons given above are sufficient to justify not approving the Draft and Final EIRs for Teichert's Boca Quarry mining project. Additional work is required to correctly identify and quantify all sound sources, to located all receivers and to find the impact of the sources on the receivers. Mitigation measures will be required to meet the sound standards. These issues have not been adequately addressed.

This report shows that noise impacts have not been correctly evaluated and that no mitigation measures were provided that will reduce impacts to less-than-significant. Ample evidence of inaccuracies and an incompleteness in the Draft and Final EIRs for this project have been presented.

Please call if you have any questions comments about the results. Let me know if additional information is needed.

Sincerely,

Steve Pettyjohn, Principal
Certified: Institute of Noise Control Engineers-1981

K-28

The analysis has been revised to include all existing and potential future noise-sensitive land uses in the area. Continuous 48-hour noise monitoring was conducted and all potential noise and vibration sources evaluated. Heavy trucks were evaluated. The proposed mitigation was revised based on the updated analysis. Refer to the revised noise report in Appendix K, the revised discussion in Section 4.6.4, and the revised mitigation in Section 4.6.6.

K-29

Additional noise monitoring was conducted for a continuous 48-hour period. Refer to discussion of Existing Ambient Noise Monitoring in Section 4.6.1 of the Recirculated Draft EIR.

K-30

The previously circulated Draft EIR and Noise Technical Report were revised to address public concerns and will be recirculated for review.

COMMENTS

RESPONSES

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REFERENCES

1. Anon., *Boca Quarry Expansion Project, Draft Environmental Impact Report*, for Nevada County Community Development Agency, Nevada City, CA, by Helix Environmental Planning, Inc., Folsom, CA, September 2012.
2. Anon., *Boca Quarry Expansion Project, Final Environmental Impact Report, Volume I*, for Nevada County Community Development Agency, Nevada City, CA, by Helix Environmental Planning, Inc., Folsom, CA, February 2013.
3. P. Bollard, "Environmental Noise Assessment, Boca Quarry expansion Project", for Teichert Aggregates, Sacramento, CA, by Bollard Acoustical Consultants, Inc., Loomis, CA, BAC Job #2011-056, August 12, 2011.
4. Anon., "Teichert Boca quarry Expansion Traffic Impact Analysis", for Eichert Aggregates, Sacramento, CA, by LSC Transportation Consultants, Inc., Tahoe City, CA, LSC #117210, September 8, 2011.
5. Anon., *Nevada County General Plan, Volume 1: Goals, Objectives, Policies and Implementation Measures*, adopted in 1996 and amended in 2008 (Safety) and 2010 (Circulation).
6. Anon., "Chapter 9: Noise" from *Nevada County General Plan*, adopted 1996.
7. Anon., "Chapter 4: Circulation" from *Nevada County General Plan*, adopted 2010.
8. Anon., "Section L-II 4.1.7 Noise" from *Nevada County Zoning Regulations, Chapter II of the Land Use and Development Code*, Adopted October 23, 2007, Amended June 8, 2010.
9. Title 14, California Code of Regulations, Chapter 3. Guidelines for Implementation of the California Environmental Quality Act, Article 9. Contents of Environmental Impact Reports, Sections 15120 to 15132.
10. American National Standard, *Quantities and Procedures for Description and Measurement of Environmental Sound. Part 3: Short-Term Measurement with an Observer Present*, ANSI S12.9-1993/Part 3, reaffirmed by ANSI on September 15, 1998, New York.
11. American National Standards, *Procedures for Outdoor Measurement of Sound Pressure Level*, ANSI S12.18-1994, reaffirmed in 2004 and 2009, Acoustical Society of America, New York, NY
12. R. Hendricks, *Technical Noise Supplement: A Technical Supplement to the Traffic Noise Analysis Protocol*, California Department of Transportation; Environmental Program; Environmental Engineering-Noise, Air Quality, and Hazardous Waste Management Office; October, 1998.
13. Anon., *Model Community Noise Control Ordinance*, prepared by Office of Noise Control, California Department of Health, Berkeley, Ca, April 1977.
14. C.H. Dowding, *Construction Vibrations*, Professor of Civil Engineering, McCormick School of Engineering & Applied Science, Northwestern University, Copyright 2000.
15. Anon., *Explosives and Rock Blasting*, Atlas Powder Company, Dallas, TX, Copyright 1987 by Atlas Power Company.

COMMENTS

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U.S. Department of Agriculture
Forest Service

ROAD USE PERMIT
#17-57-01-2013

Authority:

Acts of 6/30/14, 4/24/50, 6/12/60
and 10/14/64;
(16 USC 498, 572, 530 and 532-38)

Teichert Aggregates

of

13879 Joerger Road
Truckee, Ca 96160

(hereafter called the permittee) is hereby granted the use of the following road(s) or road segments:

Road 894-2 for 1.3 miles. From the intersection of Nevada County Road 894 (Stampede Dam Road) to private property in section 26.

on the Tahoe National Forest, subject to the provisions of this permit including clauses 1 through 19, on pages 1 through 4 for the purpose of hauling aggregate base materials from quarry to public road system.

The exercise of any of the privileges granted in this permit constitutes acceptance of all the conditions of the permit.

1. **WORK REQUIRED TO ACCOMMODATE PERMITTED USE.** In accordance with this use, the permittee shall perform the work described below and in accordance with plans and specifications attached hereto:

Maintain road and drainage features. Apply water / dust palliatives during use. Maintain entrance gate, shooting area entrance and warning signs. Provide and Place boulders at illegal access locations to discourage use when necessary or as directed by Forest Service Road Manager.

See Appendix A for required resource protection measures and BMPs.

2. **USE RECORDS.** The permittee shall NA, or at other Forest Service approved intervals when the permittee is hauling over this road, furnish the NA scale records, or other records satisfactory to the NA, which give the volume of road use in terms related to rates in clause 1 under the authority of this permit.
3. **COMPLIANCE WITH LAWS AND REGULATIONS.** The permittee, in exercising the privileges granted by this permit, shall comply with the regulations of the Department of Agriculture and all Federal, State, county and municipal laws, ordinances or regulations which are applicable to the area or operations covered by this permit. Additional permits from other agencies may be required.
4. **USE NONEXCLUSIVE.** The privileges granted in this permit to use this road are not exclusive. The Forest Service may use this road and authorize others to use it at any and all times. The permittee shall use said road in such manner as will not unreasonably or unnecessarily interfere with the use thereof by other authorized persons, including Forest Service.
5. **RULES GOVERNING USE.** The permittee, its agents, employees, contractors or employees of contractors, shall comply with all reasonable rules prescribed by the Forest Service for control and safety in the use of this road and to avoid undue damage to the road. Such rules will include:
 - (1) Upon reasonable notice, closing the road or restricting its use when, due to weather conditions, or the making of alterations or repairs, unrestricted use would in Forest Service judgment, cause excessive damage, or create hazardous conditions;
 - (2) Upon reasonable notice, closing the road during periods when, in Forest Service judgment, there is extraordinary fire danger;

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Road Use Permit provided for information. No response is required.

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(3) Traffic controls, which in Forest Service judgment, are required for safe and effective use of the road by authorized users thereof;

(4) Prohibition upon the loading of logs on trucks while such trucks are standing on the roadway surface, except to recover lost logs; and

(5) Prohibition on the operation on this road of any vehicles or equipment having cleats or other tracks which will injure the surface thereof;

(6) Prohibition on the operation of vehicles in excess of legal highway loads in the State;

(7) Regulation of the number of vehicles so as to prevent undue congestion of this road;

(8) The Permittee shall not use an "active ingredient" as defined in Section 2 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat.973), in violation of said act on the land described in this permit;

(9) Prohibition of the taking of water from National Forest lands to be used in the dust abatement process.

(10) Prohibition of storage of personal property on Forest Lands.

6. **INSURANCE.** Permittee shall be required to carry public liability and property damage insurance for the operation of vehicles, in the amounts established by applicable State laws, cooperative agreements, or easements issued on the subject road or roads.

7. **MAINTENANCE.** The permittee shall bear the expense of maintenance proportionate to his use. This expense will be borne by the performance of the maintenance on the road as specified in clause 15 through 18.

Maintenance shall be performed in accordance with Forest Service specifications or requirements for maintenance as hereinafter listed, or as may be mutually agreed upon from time to time and shall consist of (1) current maintenance as necessary to preserve, repair, and protect the roadbed, surface and all structures and appurtenances, and (2) resurfacing equivalent in extent to the wear and loss of surfacing caused by operations authorized by this permit.

See Clause 16 and Attached Maintenance Specifications.

8. **PERFORMANCE BOND.** In the event the permittee is to perform his proportionate share of road maintenance, road resurfacing, or betterment, as determined and within time periods established by the Forest Supervisor, the Forest Service may require as a further guarantee of the faithful performance of such work that the permittee furnish and maintain a surety bond satisfactory to the Forest Service in the sum of N/A dollars \$0 , or in lieu of a surety bond, deposit into a Federal depository, as directed by the Forest Service, and maintain therein cash in the sum of N/A dollars \$0, or negotiable securities of the United States having market value at time of deposit of not less than N/A dollars \$0. As soon as security for the performance of road maintenance (and betterment) requirements or the settlement of claims incident thereto is completed, unencumbered cash guarantees or negotiable securities deposited in lieu of surety bond will be returned to the permittee.

9. **FIRE PREVENTION AND SUPPRESSION.** The permittee shall take all reasonable precautions to prevent and suppress Forest fires. No material shall be disposed of by burning in open fires during the closed season established by law or regulation without a written permit from the Forest Service.

10. **DAMAGES.** The permittee shall exercise diligence in protecting from damage the land and property of the United States covered by and used in connection with this permit, and promptly upon

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demand shall pay the United States for and damage resulting from negligence, or from violation of the terms of this permit or of any law or regulation applicable to the National Forests, by the permittee, or by his agents, contractors, or employees of the permittee acting within the scope of their agency, contract, or employment.

11. **OFFICIALS NOT TO BENEFIT.** No member of or Delegate to Congress or Resident Commissioner shall be admitted to any share or part of this agreement or to any benefit that may arise herefrom unless it is made with a corporation for its general benefit.

12. **OUTSTANDING RIGHTS.** This permit is subject to all outstanding rights.

13. **SUSPENSION / TERMINATION.** Upon failure of the permittee, its agents, employees, or contractors to comply with any of the requirements / clauses of this permit, the officer issuing the permit may terminate upon breach of any conditions herein and will notify permittee within 24 hours. This permit will terminate on December 31st 2013.

14. In the event of any conflict between any of the preceding printed clauses or any provision thereof and any of the following clauses or provisions thereof, the following clauses will control.

15. **ROAD MAINTENANCE SPECIFICATIONS** The following specifications and those attached to this permit shall govern road maintenance made necessary by Permittee's road use and responsibilities for protecting roads from seasonal weather damage and for safeguarding soil and water.

REQUIREMENTS

16-1. Work Area Management – 808
Specification Attached.

16-2. Blading – 811
Specification Attached.

16-3. Dust Abatement – 812
Specification Attached.

16-4. Spot Surfacing – 813
Specification Attached.

16-5. Ditch Maintenance – 831
Specification Attached.

16-6. Drainage Structure Maintenance – 834
Specification Attached.

16-7. Roadway Drainage Maintenance – 835
Specification Attached.

16-8. Cutting Roadway Vegetation – 842
Specification Attached.

16-9. Maintenance of Traffic Gates – 862
Specification Attached.

16-10. Sign Maintenance – 872
Specification Attached.

16-11. Water Supply and Watering – 891
Specification Attached. The government will not provide water or water supply.

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16-12. SNOW REMOVAL. Snow removal will not be permitted without prior written authorization.

17. STORMPROOFING. Upon termination of this agreement the permittee shall be responsible for stormproofing the 894-2 road to Forest Service requirements and as directed by the current Road Manager. This process may include, but is not limited to; replacement of culverts with rolling dips, constructing new dips, constructing waterbars, filling in ditches and outslowing road surface. Stormproofing shall be accomplished under a separate permit and when ground conditions allow.

18. Gate and Sign Plan. Gate may stay open during quarry business hours. Permittee shall keep gate closed and locked at all times during non-business hours. Permittee shall sweep the shooting area prior to locking gate at end of each day to ensure public is not locked behind gate. Inform public they may stay and use shooting area however the gate will be closed and locked and there will be no other way to get their vehicle out. Permittee shall keep all signs required in this permit in good condition and replace if necessary at permittee's expense. Permittee shall cover expense of new replacement signs just prior to permit termination.

19. ROAD USE PERMIT CHARGE. The Permittee shall deposit with the Forest Service the sum of \$604.40 for the administration deposits required for this permit.

Permit Preparation and Administration:

\$604.40

Accounting Code
FSRM14


This permit is accepted subject to all its terms and conditions.

ACCEPTED


Tom Herchbach
Regional Manager

12/19/12
Date

APPROVED


Joanne Roubique
District Ranger

12/19/13
Date

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808 - WORK AREA MANAGEMENT (5/97)

1. DESCRIPTION

This Section establishes Contractor responsibilities for traffic control and equipment requirements in work areas.

2. REQUIREMENTS

a. Traffic Conditions - Roads other than those listed for work under Section 835 shall be open to traffic with not more than fifteen (15) minutes maximum delay time unless otherwise provided in Special Project Specifications.

b. Work which interferes with use of traveled roadways shall not be initiated or performed until a plan for satisfactory handling of traffic has been approved by the Government.

c. Traffic Control Devices

1. The Contractor shall provide signs and other devices complying with National Standards as contained in Part VI of the Manual of Uniform Traffic Control Devices (MUTCD). Traffic control for occupied work areas shall be in accordance with these specifications. All signs and devices remain the property of the Contractor.

2. Traffic devices shall be kept current with maintenance operation and removed upon its completion.

3. Traffic approaching the work area from either direction and side accesses having standard Government rectangular -or trapezoidal- shaped route markers with horizontal numbering shall be warned by signing.

4. Required signs may be mounted on portable or temporary mountings. Standard MUTCD shapes, colors, sizes, and legends shall be used.

5. Hazards incidental to the work within or on the traveled way, shoulders, or turnouts shall be marked with hazard identification markers, illuminated beacons, and other MUTCD devices to safely guide road users through the area. Work segments not completed on a daily basis shall be marked appropriately for night travel. Contractor shall obtain authorization before commencing work at night.

6. Advisory speed plates may be used to control traffic through the work area.

d. Flaggers - Properly equipped flag person(s) shall be provided where the traffic is required to stop before proceeding. Traffic shall be stopped in locations which provide width enough for passage of traffic and reasonable protection for vehicles. When flag control is used, advance warning signs are required.

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e. Contractor's Equipment

1. All vehicles and machinery operating on or from the traveled way or road shoulder shall have flashing lights, strobes, or rotary beacons operated continuously while work is in progress. Truck headlights shall be on while operating. Back-up horns shall be required on all self-propelled equipment in excess of 10,000 lbs. gross weight.

2. Vehicles and machinery not currently used in the maintenance operation shall be parked off the traveled way at approved locations to minimize interference with normal use.

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811 BLADING (5/97)

1. DESCRIPTION

This work consists of surface blading native or aggregate roadbed to a condition to facilitate traffic and provide proper drainage. Blading includes shaping the crown or slope of traveled way, berms, and drainage dips in accordance with this specification.

2. MAINTENANCE REQUIREMENTS

a. Timing

Surface blading shall be performed during the contract period as ordered by the Government. Contractor shall commence surface blading within two (2) contract days after receipt of written order unless otherwise stated in the order.

b. General

1. The existing traveled way and shoulders, including turnouts unless otherwise ordered, shall be bladed and shaped to produce a surface which is uniform, consistent to grade, and crowned or cross-sloped as indicated by the character of the existing surface unless otherwise shown in the Road Listing, to at least one half inch (1/2") per foot of width, but not more than three quarter inch (3/4") per foot of width. Surfacing materials shall be thoroughly loosened to no less than 2 inch depth or the depth of potholes or corrugations. Scarification to facilitate cutting to the full depth of potholes or corrugations may be elected by the Contractor but will be considered incidental to blading. Scarification shall not go deep enough to cause contamination of the surfacing.

2. When Section 891 is included in the Road Listing, the Contractor shall apply water during blading when sufficient moisture is not present to prevent segregation. Water supply, hauling, and application shall be in accordance with Section 891 and shall be incidental to blading unless Pay Items for Section 891 are included in the Schedule of Items.

3. Existing native, rock or aggregate surfaced drainage dips shall be shaped incidental to blading to divert surface runoff to existing outlet devices, ditches and discharge locations.

4. The Contractor shall establish a blading pattern which provides a uniform driving surface, retains the surfacing on the roadbed and provides a thorough mixing of the materials within the completed surface width. Upon final blading, no disturbed rock shall protrude more than two (2) inches above the adjacent surface unless otherwise provided in the contract. Material not meeting this dimension shall be removed and placed outside the roadbed so as not to obstruct drainageways or structures. This material may be scattered off the roadbed if there is free drainage.

c. Routine Blading

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1. Upon completion of blading, the surfaces shall conform to the dimensions shown in the Special Project Specifications.

2. Roadbed width in excess of the dimensions shown shall be shaped only as needed to provide drainage away from the traveled way. Established grasses and other vegetation shall not be removed from the excess width except as incidental to providing drainage or unless otherwise provided in the contract.

d. Compaction

Roads requiring compaction will be included in the Road Listing. Compaction shall be performed in accordance with Special Project Specification 811-1.

e. Intrusions

Where the minimum width shown in the Special Project Specifications is not available, the Contractor will construct berms where ordered and marked on the ground. Material to provide berms will come from sources designated in the Special Project Specifications.

f. Undercutting

Roadway back slope shall not be undercut.

g. Intersections

1. At intersections, the roadbeds of side roads which are not closed or restricted from vehicular use shall be bladed to assure smooth transitions.

2. Field evidence of closure or restrictions shall be considered to be signing, cross ditching in the road surface (traveled way), earth berms or other devices placed to discourage or eliminate use by passenger cars, also roads listed for work under Sections 835 or 838 shall be considered restricted.

3. Side roads listed for work under this Section shall be considered as not restricted.

h. Cleaning of Structures

Materials resulting from work under this Section shall not be allowed to remain on or in structures, such as bridges, culverts, cattleguards, or drainage dips.

i. Berms

Existing berms shall be maintained to the condition of adjacent segments when ordered by the Government.

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812 DUST ABATEMENT (3/01)

1. DESCRIPTION

This work consists of applying dust palliatives on roads shown in the Road Listing.

2. MATERIALS

The dust palliative materials shall be as shown in the road listing unless shown as Option (OPT) for Contractor's election from the following materials:

a. Water (H2O) for dust abatement will be incidental to hauling under this contract and shall be obtained from sources listed in Special Project Specification to Section 891 Water Supply, unless otherwise agreed.

b. Lignin Sulfonate (LIG S) shall be the chemical residue produced as a by-product of the acid sulfite pulping process, and supplies as a water solution. The base solution shall be ammonia, calcium, or sodium and shall be water soluble to allow field dilution. Contractor shall provide certification that:

1. Solids determination has been made in accordance with the modified Technical Association of the Pulp and Paper Industry Standard T629-M53 or by a specific gravity/percent solids versus temperature graph that correlates with the Standard.

2. The Ph of the delivered material is at 4.5 minimum as determined by AASHTO-T200.

c. Magnesium Chloride (MG CL2) shall be the liquid residue of evaporative mineral recovery processes.

1. The chemical analysis shall meet the following requirements:

Chemical	Percent by Weight of Brine
Magnesium (Mg)	7.0 minimum
Chloride (Cl2)	20.4 minimum
Sulfate (SO4)	3.5 maximum
Nitrate	5.0 maximum
The Ph shall be between 4.5 and 10.0	

2. Solids determination shall be made from suppliers provided graph of specific gravity/percent solids versus temperature.

d. Petroleum derivatives shall be used only when shown in the Schedule of Items. Materials, equipment and maintenance requirements are specified in Section 892 and in Special Project Specifications. Materials shown for each listed road in the Road Listing shall be the only acceptable product(s).

3. WEATHER LIMITATIONS

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a. Water applications are not limited by weather forecast or temperature.

b. Commercial petroleum palliatives, Lignin Sulfonate and Magnesium Chloride shall be applied only when atmospheric temperature in the shade is a minimum 45 degrees Fahrenheit, and steady or rising. The material shall not be applied when rain is anticipated within twenty-four (24) hours of treatment application.

4. EQUIPMENT

a. Application equipment for spreading commercial palliatives shall be so designed, equipped, maintained, and operated that the material is uniformly applied at the rate and traveled way widths shown in the Road Listing.

b. Dilution of commercial palliatives shall be accomplished within the application vehicle with the water source protected from contamination. The resulting mixture shall be circulated at least five (5) minutes to assure uniform mixing prior to application.

5. MAINTENANCE REQUIREMENTS

a. Water applications shall be limited to abatement for hauling vehicles under this contract and shall be provided at a frequency and rate which controls dust such that vehicle tail lights and turn signals remain visible. Rates of application shall be varied as needed but shall be low enough to avoid forming rivulets. Frequency of application shall be sufficient to accomplish the abatement without saturating and softening the traveled way. Compacted or glazed road surface or wheel tracks may be loosened as needed for water penetration.

b. Commercial palliatives shall be applied at the rates determined by the Government to be appropriate at the time of application. The Road Listing shows the expected average application rate and may be varied to meet field conditions.

1. Lignin Sulfonate rates of application are shown in the Road Listing as gallons per square yard of the undiluted product at fifty percent (50%) solids.

2. Magnesium Chloride rates of application are shown in the Road Listing as gallons per square yard of the undiluted product at thirty-three percent (33%) solids.

3. Prior to initial application, when needed the road will be ordered bladed and shaped under Section 811, Blading.

4. Required subsequent applications may be applied to the existing road surface without blading unless it is ordered.

5. Contractor shall not apply commercial palliatives in a manner that spatters or mars adjacent structures or trees. Palliatives shall not be placed on or across cattleguards or bridges. Dust abatement material shall be discharged only on roads approved by the Government.

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813 SPOT SURFACING (5/97)

1. DESCRIPTION

This work consists of placing surface aggregate as staked on the ground, or designated by the Government. It includes preparing the area, furnishing, hauling, and placing all necessary materials and other work necessary to blend with the adjacent road cross section.

2. MATERIALS

a. Materials will be Government furnished when stated in Special Project Specifications.

b. Materials furnished by the Contractor shall conform to the gradation requirements shown in the Special Project Specifications and the quality requirements of Section 893.

3. MAINTENANCE REQUIREMENTS

a. The area to be spot surfaced shall be thoroughly loosened to a minimum depth of one inch (1") prior to placement of aggregate.

b. Mixing and Placing

1. When scheduled coincident with work under Section 811, spot surfacing and existing aggregate, when ordered, shall be mixed with water until a uniform mixture is obtained prior to final shaping and compaction.

2. The material shall otherwise be spread on the prepared area in layers no more than four (4) inches in depth. When more than one (1) layer is required, each layer shall be shaped and compacted before the succeeding layer is placed. Upon completion, the spot surfacing shall reasonably conform to the adjacent cross section and provide smooth transitions in the road profile.

3. Compaction shall be accomplished by breaking track while operating equipment on the traveled way.

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831 DITCH MAINTENANCE (5/97)

1. DESCRIPTION

This Section provides for routine maintenance of various types of ditches to provide a waterway which is unobstructed, as shown on the road listing or marked on the ground. Drainage ditch maintenance is limited to materials contained within the ditch below the elevation of the adjacent edge of the traveled way or shoulder.

2. MAINTENANCE REQUIREMENTS

- a. During ditch maintenance care shall be taken to retain existing low growing vegetative cover (primarily grasses and forbs).
- b. Ditches shall be maintained by removing rock, soil, wood, and other materials. Upon completion the maintained ditch shall be of the same character as abutting segments that were not required to be maintained.
- c. Back slopes shall not be undercut by removal operations.
- d. Suitable material up to four (4) inches in greatest dimension removed from the ditches may be blended into existing native road surface and shoulder or placed in designated berm.
- e. Material from ditch cleaning operations shall not be blended into or bladed across aggregate surfaced roads nor bladed onto or across bituminous surfaced roads.
- f. Material in excess of 2(d) or subject to 2(e) will be ordered hauled to a designated waste area under Section 832. Excess materials temporarily stored on the ditch slope or edge of the shoulder shall be removed daily.
- g. Limbs and wood chunks in excess of one (1) foot in length or three (3) inches in diameter shall be removed from ditches and placed outside the roadway.
- h. Paved surfaces shall be cleaned of all materials resulting from Contractor's ditch maintenance work. Paved surface cleaning shall be in accordance with Section 815.
- i. Lead-off ditches shall be shaped to drain away from the traveled way.

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834 DRAINAGE STRUCTURE MAINTENANCE (5/97)

1. DESCRIPTION

This work consists of cleaning and reconditioning culverts and other drainage structures.

2. MAINTENANCE REQUIREMENTS

a. Drainage structures, inlet structures, culverts, catch basins, and outlet channels shall be cleaned when required by the Government. Catch basins shall be cleaned by removing the material within the area shown on Drawing 834-1.

b. The transition from the ditch line to the catch basin shall be cleaned a distance of ten (10) feet. Outlet channels and lead-off ditches shall be cleaned a distance of six (6) feet. Debris and vegetation shall be removed and placed so as to not enter the channel or ditch or obstruct traffic. Debris and vegetation ordered to be hauled shall be hauled to a designated disposal area in accordance with Section 832.

c. Hydraulic flushing of drainage structures is not allowed unless provided for in Special Project Specifications.

d. Cleaning and reconditioning is limited to the first four (4) feet of inlet and outlet determined along the top of the structure. Ordered reconditioning of culvert inlet or outlet shall be by field methods such as jacking out or cutting away damaged metal which obstructs flow. All cut edges and damage to galvanized coating shall be cleaned and treated with zinc rich coating. Damage or obstructions which are not field corrected under the requirements of this Section shall be reported to the Government.

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835 ROADWAY DRAINAGE MAINTENANCE (5/97)

1. DESCRIPTION

This work consists of providing drainage on roads that have been physically closed to traffic.

2. MAINTENANCE REQUIREMENTS

a. Access

1. The Government will provide for access through locked gates and also provide any special devices other than standard wrenches or tools, required for removal or replacement of fabricated barricades.

2. Other work associated with Contractor's access shall be the responsibility of the Contractor. The entrance shall not be left available for access to persons not associated with this contract; temporary barricades shall be used during the active performance of work.

b. Drainage

1. Upon completion of work, the roadway shall be shaped to provide for the removal of surface water, but need not be passable to vehicles. Waterbars, barriers or berms existing prior to the Contractors operation shall be repaired or reinstalled. Areas where water is ponded by existing centerline profile sags in through cuts may be left untreated.

2. Continuous blade shaping of the roadbed is not required under this specification.

3. Work to be done at staked locations shall be as indicated on the stake and/or stated in Special Project Specifications.

4. Any of the following methods are acceptable for use at eroded or rutted locations.

(a) Method A: Outsloping the roadbed at not less than one-half (1/2) inch per foot.

(b) Method B: Insloping the roadbed at not less than one-half (1/2) inch per foot of width.

(c) Method C: Water bar roadbed at locations staked on the ground or shown in Special Project Specifications. Construct in accordance with Drawings included with the Special Project Specifications.

5. Drainage structures located in through fills and natural watercourses shall be fully functional without obstructions, including inlet and outlet channel within twenty (20) feet of the structure.

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6. Culverts and other fabricated structures providing drainage from road ditches shall either be cleaned and the ditch made functional or waterbar(s) shall be provided across the roadbed. Fabricated drainage structures discharging on natural ground within three (3) feet of roadbed elevation may be removed at Government's option to provide the waterbar. Removed structures shall become Contractor's property to be removed from National Forest. Contractor-installed temporary drainage structures, if any, shall be removed and replaced with a water bar.

C. Slides, Slumps and Slough

1. Slides and slough may be left in place provided they do not potentially impound water or divert water from watercourses. Reshaping of the various surfaces shall be done as necessary to provide drainage.

2. Drainage shall be provided to effectively decrease or eliminate the entry of surface water into slides, slumps, and roadbed surface cracks. The Contractor shall place berms, waterbars or ditches as needed to intercept and remove runoff water from the roadbed. Cracks shall be surface sealed by covering over with native soil materials to prevent additional water entry and compacting with equipment tires.

d. Entrance Devices

Upon completion of work, entrance devices shall be replaced to effectively eliminate access by motorized vehicles having four (4) wheels and a width in excess of fifty (50) inches.

e. Seeding

All disturbed areas shall be seeded and fertilized in accordance with requirements set forth in Section 841 and are incidental.

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842 CUTTING ROADWAY VEGETATION (5/97)

1. DESCRIPTION

This work consists of cutting all vegetative growth including trees and other vegetation less than four (4) inches in diameter.

2. MAINTENANCE REQUIREMENTS

a. General

1. Brush, trees, and other vegetation less than four (4) inches in diameter within each area treated shall be cut to a maximum height of six (6) inches above the ground surface or obstruction such as rocks or existing stumps. When work is performed under this Section, the Contractor shall remove all limbs which extend into the treated area or over the roadbed to a height shown in the Special Project Specifications.

2. Signs, markers, and other road appurtenances are designated to be retained. Other items to remain will be marked on the ground.

3. The width of the vegetation to be cut shall be as shown in the Special Project Specifications.

4. Work may be performed either by hand or mechanically unless specifically shown in the Road Listing and Schedule of Items. Self-propelled equipment shall not be allowed on cut and fill slopes or in ditches.

5. Damage to trunks of standing trees caused by Contractor's operation shall be corrected by Contractor, either by treatment with a commercial nursery sealer or by removing the tree as directed by the Government.

6. Mechanical brush cutters shall not be operated when there are non-Contractor personnel or occupied vehicles within a hazardous distance of immediate operating area.

7. Trees within the cutting limits which are over four (4) inches in diameter shall be limbed in lieu of cutting.

8. When trees are limbed, limbs shall be cut within four (4) inches of the trunk.

b. Cutting Side Vegetation

1. Pass mile work will be ordered in four (4) foot increments of width regardless of slope deviations.

2. Side mile work will be ordered in uniform width for the length of the listed segments of roads.

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3. Unless otherwise included in Special Project Specifications work shall commence at the edge of the traveled way and proceed away from the road centerline. For roads without a defined traveled way the starting point for cutting will be marked in the field or defined in Special Project Specifications.

4. Transitions between differing increments of cutting width shall be provided. Transitions shall be accomplished in a taper length of not less than fifty (50) nor more than seventy (70) feet.

c. Debris

1. Materials resulting from the cutting operation in excess of one (1) foot in length or three (3) inches in diameter, shall not be allowed to remain on roadway slopes within the treated area, in ditches, or within water courses.

2. Limbs and chunks in excess of three (3) inches in any dimension shall be removed from the traveled way and shoulders.

3. Materials may be scattered downslope from the roadbed, outside of the work area and drainages. Concentrations shall be rescattered or removed.

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862 MAINTENANCE OF TRAFFIC GATES (5/97)

1. DESCRIPTION

This work consists of cleaning and restoring traffic gates and appurtenances.

2. MATERIALS

a. The Government may furnish replacements for damaged or defective gates components which can be replaced. Government-furnished materials and location are listed in Special Project Specifications.

b. Paint, welding materials, tools, fasteners, cleaning materials, and other materials shall be incidentally furnished by Contractor.

3. MAINTENANCE REQUIREMENT

a. Loose fasteners on the rigid gates shall be tightened. Ruptured welds shall be rewelded and localized cracks welded.

b. Each gate must be cleaned and painted with a commercial rust inhibitor paint. Color shall be as shown in the Special Project Specifications.

c. The Contractor shall inspect the gates and report remaining deficiencies to the Government.

d. Government will furnish component replacements as follows:

1. Components will be available at the local Ranger District Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. except on legal holidays. Contractor shall give 48 hours notice before obtaining materials.

2. Contractor shall be responsible for loading and transport of the furnished components and removal and disposal of old components.

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872. SIGN MAINTENANCE (5/97)

1. DESCRIPTION

This work consists of cleaning, replacing, and reconditioning signs, posts, and markers.

2. MATERIALS

a. Posts, fittings, metal foil backing, reflective sheeting, and direct applied (Type L-3) characters will be furnished by the Government as provided in the Special Project Specifications.

b. Cleaning solutions shall be biodegradable, having no adverse effect on existing sheeting.

3. EQUIPMENT

Use of steam cleaners and high-pressure washers are prohibited.

4. MAINTENANCE REQUIREMENTS

a. Cleaning Sign Faces

Sign faces ordered for cleaning shall be thoroughly cleaned with a solution of water, including cleaning compound, and rinsed to remove dirt and grime.

b. Reconditioning Sign Faces

1. Reconditioning of existing designs and markers includes cleaning, the treatment of holes, and patching of reflective sheeting and legend contained thereon. Not more than eight patches per sign face shall be made.

2. Holes and dents in metal signs shall be pounded out to provide a smooth face when the area involved is thirty six (36) square inches or less. Signs with areas exceeding this shall be left untreated and the Government notified within twenty-four (24) hours. Bent metal signs shall be straightened and patched.

3. Holes in metal or wood signs shall be initially patched with an adhesive backed metal foil over a dry face to provide backing for reflectorized sheeting.

4. All metal foil backing shall be covered with a patch of Class 1 sheeting sized at least one (1) inch larger, but not more than two (2) inches larger than the backing material. The patched area shall be free of air bubbles and be oriented to the pattern, if any, of the reflective sign face.

5. Where patching overlaps the existing legend or there is other damage to the legend, the affected letter/numerals shall be restored to full legibility with Type L-3 direct

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applied characters of the color, size, type, and series used on the sign. The applied characters shall be free of air bubbles.

6. Contractor shall check for missing items on signs such as bolts, washers, nuts and lag screws. If such items are missing contractor shall replace them with fittings provided by the Government.

c. Apply New Sign Faces

1. When listed in the Schedule of Items, the Government will furnish 3M Series 9800 Reflective Sheeting or equivalent, mounted on a 0.005-0.010 inch aluminum substrate and bearing the appropriate legend for the installation(s).

2. Bent signs shall be straightened. Holes and dents in metal-backed signs shall be pounded out to provide a smooth face. The existing sign face shall be cleaned, degreased and any loose reflective sheeting removed.

3. The new sign face shall be applied over the prepared surface by peeling the protective backing, orienting the material and pressing it in place with a roller, working from the center to the edges. Mounting bolt holes may be prepunched or formed after application by cutting or punching with a suitable tool; use of mounting bolts to form the holes will not be considered acceptable.

d. Broken or vandalized posts shall be replaced. The usable sign/marker, if recovered, or a Government-furnished replacement shall be mounted in conformance with MUTCD Standards. Where the post is usable but the sign is gone or requires replacement, the Contractor shall install a Government-furnished sign and hardware on the existing post. Existing posts shall be plumbed. Removed signs and posts remain the property of the Government. Sign posts shall be installed plumb with the sign plate firmly fastened to the post. Post holes shall be excavated to minimum depth of 24 inches and back filled by tamping of suitable material in lifts not exceeding 6 inches in depth.

e. Signs and markers which cannot be maintained in accordance with this Section shall be identified as to their location and legend and such information provided to the Government weekly.

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891 WATER SUPPLY AND WATERING (5/97)

1. DESCRIPTION

This work consists of providing facilities to furnish an adequate water supply, hauling and applying water, including times outside normal work hours.

2. MATERIALS

Suitable and adequate water sources and use restrictions are designated in the Drawings or Special Project Specifications. If the Contractor elects to provide water from other than designated sources, the Contractor shall be responsible to obtain the right to use the water including any cost for royalties involved. The rate of applications shall be based on the gallons per mile ordered by the Government.

3. EQUIPMENT

a. Mobile watering equipment shall have watertight tanks of known capacity. If tank capacity is not known, it shall be measured and certified by the Contractor prior to use.

b. Positive control of water application is required. Equipment shall provide uniform application of water without ponding or washing.

c. An air gap or positive anti-siphon device shall be provided between the water source and the vehicle being loaded if the vehicle has been used for other than water haul if the source is a domestic potable water supply, or the water is used for tank mixing with any other materials.

d. The designated water sources may require some work prior to their use. Such work may include cleaning ponded areas, installing temporary weirs, or sandbags, pipe repair, pump installation or other items appropriate to the Contractor's operations. Flowing streams may be temporarily sandbagged or a weir placed to pond water. Contractor shall obtain approval on improvements for sandbags or weirs prior to placement.

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Appendix A **Resource Protection Measures** **&** **BMP's**

The following resource protection measures are required to minimize effects to resources in the permit area.

➤ **Heritage**

- Place additional interpretive panels and/or other educational installations at the historic Boca townsite to the south of project area. Contact will be Carrie Smith – Truckee RD Archaeologist.

➤ **Recreation**

- Teichert will be responsible for removal of any large garbage (microwaves, TVs etc.) that may get dumped at the shooting area while the road use permit is active.
- Maintain entrance sign that informs public of shooting area operating season and that public access gates will be opened and closed (locked) daily according to operating hours of quarry.
- Maintain caution signs at intersections of both lower and upper pits to warn shooting area users of oncoming truck traffic.
- Teichert shall sweep the shooting area prior to closing and locking the gate to inform users of gate closure on a daily bases.
- Boulders will be placed to stop illegal access around gate and to delineate shooting area parking locations.

➤ **Botany**

- Flag all occurrences of Sensitive Plants and avoid ground-disturbing activities in flagged areas.
- Require all construction/maintenance equipment to be cleaned before it arrives on site and cleaned after working in a noxious weed infected area, before moving to another area.
- Monitor all graded and filled areas and control noxious weeds along length of road. If found, pull weeds by hand in June or early July to reduce the spread of weeds by wind and vehicles.
- Imported materials are required to be weed free.

➤ **Soils and Hydrology**

- Refer to the following BMP's

Appendix A

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Control of Sidecast Material During Construction and Maintenance (PRACTICE: 2-11)

- a. **Objective:** To minimize sediment production originating from sidecast material during road construction or maintenance.
- b. **Explanation:** Unconsolidated materials including rocks and boulders that are cast over the side of the road shoulder can roll directly into streams, damage downslope vegetation and create bare areas that are difficult to stabilize with vegetation. Where spoil does not directly reach a stream, it is still highly susceptible to erosion, dry ravel and mass instability, and subsequently can directly deliver sediment to a nearby stream. Site-specific limits and controls for side casting or end hauling are developed and documented during environmental analysis. Loose, unconsolidated sidecast material must not be permitted to enter SMZs, (see Practice 2-17).

Sidecasting is an unacceptable construction alternative in areas where it can adversely impact water quality. Prior to the start of construction, or maintenance activities, waste areas must be located where excess material can be deposited and stabilized. During road maintenance operations, potential sidecast and other waste material will be utilized on the road surface or removed to designated disposal sites.

The roadway will be constructed within reasonable limits of the lines, grades, and dimensions given in the engineering drawings and designated on the ground. Provisions for waste material disposal are included in every road construction and maintenance contract.

- c. **Implementation:** Project location, selected disposal areas, and mitigation will be developed and documented during the environmental analysis.

Project crew leaders and supervisors will be responsible for ensuring that force account projects meet construction specifications and project criteria. Road maintenance plans are developed for each forest and include slide and slump repairs and disposal site locations for excess material.

Contracted projects are implemented by the contractor or timber sale operator. Compliance with project criteria, contract specifications, and operating plans will be enforced by the COR, ER, or FSR. Standard maintenance specifications have been prepared which include disposal area operation, disposal methods, and surface treatment.

Timber sale contracts include clause C5.4 to address temporary road maintenance specifications, which includes slide and slump repair, surface blading, and side casting during road maintenance.

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Maintenance of Roads (PRACTICE: 2-22)

- a. Objective: To maintain roads in a manner which provides for water quality protection by minimizing rutting, failures, sidecasting, and blockage of drainage facilities all of which can cause erosion and sedimentation, and deteriorating watershed conditions.
- b. Explanation: Roads normally deteriorate because of use and weather. This deterioration can be corrected by adequate maintenance and/or restriction of use occasionally new groundwater springs and seeps appear after a wildfire or unusually wet periods and saturate road surfaces. All roads are maintained to at least the following level:
 - 1) Provide the basic maintenance required to protect the road investment and to ensure that damage to adjacent land and resources is prevented. This level of maintenance often requires an annual inspection to determine what work, if any is needed to keep ditches, culverts and other drainage facilities functional and the road stable. This level is the normal prescription for roads closed to traffic.
 - 2) As a minimum measure, maintenance must protect drainage facilities and runoff patterns. Higher levels of maintenance will be chosen to respond to greater use or resource administrative needs.
 - 3) Additional maintenance measures include surfacing and resurfacing, outslowing, clearing debris from dips and cross drains, armoring of ditches, spot rocking, culvert replacement and installing new drainage features.

For maintenance of all roads on active timber sales and other projects the responsible FSR and the purchaser or user agree on an Annual Road Maintenance Plan outlining responsibilities and timing of maintenance, before the beginning of the operating season. If the road is subjected to other commercial use, the Forest Service may collect deposits of facilitate road maintenance and to equitably assess maintenance cost of each user.

- c. Implementation: Work is managed by the Forest Engineer who develops a road condition survey and a maintenance plan. Maintenance levels are designated for each road in a timber sale area, as part of the TSPP, with road maintenance levels documented in the sale plan. Maintenance is a timber purchaser or user responsibility, and compliance is administered by the ER and SA.

On system roads outside of active timber sales, project crews, or contract crews perform road maintenance under supervision of a crew leader.

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Road Surface Treatment to Prevent Loss of Materials (PRACTICE: 2-23)

- a. Objective: To minimize the erosion of road surface materials and consequently reduce the likelihood of sediment production from those areas.
- b. Explanation: Unconsolidated road surface material is susceptible to erosion during precipitation events. Likewise, dust derived from road use may settle onto adjacent water bodies and streamcourses. Contractors, purchasers, special users and Forest Service project Leaders undertake measures to minimize loss of road material when the need for such action is identified.

Road surface treatments include watering, dust oiling, penetration oiling, sealing, aggregate surfacing, chip-sealing, or paving, depending on traffic, soils, geology, and road design specifications.

- c. Implementation: Project location and detailed mitigation will be developed by the design engineer, using an interdisciplinary approach, to meet project criteria.

Project crew leaders and supervisors will be responsible for ensuring that force account projects meet construction specifications and project criteria.

Contracted projects are implemented by the contractor, or operator. Compliance with project criteria, contract specifications, and operating plans is ensured by the COR, CI, ER, or FSR.

Appendix A

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Traffic Control During Wet Periods (PRACTICE: 2-24)

a. Objective:

- 1) To reduce road surface disturbance and rutting of roads.
- 2) To minimize sediment washing from disturbed road surfaces.

- b. Explanation: The unrestricted use of many NFS roads during the rainy season often results in rutting and churning of the road surfaces. Runoff from such disturbed road surfaces often carries a high sediment load. The damage and maintenance cycle for roads that are frequently used during wet periods can create a disturbed road surface that is a continuing sediment source.

Roads that must be used during wet periods should have a stable surface and sufficient drainage provided to allow such use while at the same time maintaining water quality. Rocking, oiling, paving, and armoring are measures that will be necessary to protect the road surface and reduce soil loss. Where wet season field operations are planned, roads may need to be upgraded, use restricted to low ground pressure vehicles or frozen ground conditions, or maintenance intensified to handle the traffic without creating excessive erosion and damage to the road surface.

Roads not needed for wet weather access are closed to use during the wet season.

- c. Implementation: Road closures and traffic control measures will be used outside of active timber sale areas. Timber sale implementation procedures can be enforced by District personnel. Hauling activity can be controlled by the FSR, ER, or TSA within active timber sales. The decision by the TSA for closure is based on local soil moisture conditions and other criteria. Detailed mitigation is developed by design engineers, using an interdisciplinary approach as necessary. Project crew leaders and supervisors will be responsible for implementing force account projects according to construction specifications. Contracted projects are implemented by the contractor, or operator. Compliance with plans, specifications, and operating plans is ensured by the COR, or ER.

COMMENTS

RESPONSES

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT
10031 Foothills Boulevard, Suite 200, Roseville California 95747-7101
General Office (916) 789-6400 Facsimile (916) 789-6227

WILLIAM H. POHLE JR.
Senior Trial Counsel
Direct: (916) 789-6220

January 3, 2013



Tod Herman, Senior Planner
Nevada County Community Development Agency
Eric Rood Administration Center
950 Maidu Avenue, Suite 170
Nevada City, CA 95959

Re: Boca Quarry Expansion DEIR

Dear Mr. Herman:

This project recently came to our attention. We were not officially noticed of the expansion and DEIR which explains the timing of this letter. The DEIR projects the addition of 560 daily heavy truck trips of which a majority will use Stampede Meadows Road railroad crossing DOT #753188J. As the roadway width is less than the California state standard of twenty-four feet, we request the County contact the CPUC which has jurisdiction over all public at grade crossings in California and request a diagnostic review with all parties before approval of this DEIR.

Please provide a written response as soon as possible. Thank you for your consideration.

Very truly yours,

WILLIAM H. POHLE JR.

WHP/jlg
cc: Bree Arnett, CPUC

www.up.com



L-1 Refer to the discussion of the Pavement Widening and Shoulder Improvements in Section 3.3.10. The project does not include improvements within the railroad right-of-way.

COMMENTS

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Reviewed by Tod 10/16/12

NEVADA COUNTY PLANNING COMMISSION
NEVADA COUNTY, CALIFORNIA

MINUTES of the meeting of October 11, 2012, 1:30 PM, Town of Truckee Council Chambers,
10183 Truckee, Airport Road, Truckee, California

MEMBERS PRESENT: Chair Jensen, Commissioners Poulter, Duncan, Donesky, and Smith.

MEMBERS ABSENT: None

STAFF PRESENT: Planning Director, Brian Foss; Interim Principal Planner, Tyler Barrington;
Senior Planner, Tod Herman; Deputy County Counsel, Scott McLeran; Acting Secretary, Bobbi
George

TABLE OF CONTENTS:

PUBLIC HEARINGS:

1. EIR11-001 Boca Quarry Page 1, Line 51

STANDING ORDERS: Salute to the Flag - Roll Call - Corrections to Agenda.

CALL MEETING TO ORDER: The meeting was called to order at 1:30 P.M. Roll Call was
taken.

CHANGES TO AGENDA: No changes.

PUBLIC COMMENT: Members of the public shall be allowed to address the Planning
Commission on items not appearing on the agenda which are of interest to the public and are
within the subject matter jurisdiction of the Planning Commission, provided that no action shall
be taken unless otherwise authorized by Subdivision (6) of Section 54954.2 of the Government
Code. **None.**

COMMISSION BUSINESS:

CONSENT ITEMS:

1. Approval of Minutes for July 12, 2012
Motion by Commissioner Duncan **Second** by Commissioner Donesky to approve the
July 12, 2012, minutes.
Motion carried by voice vote 4/1 (Commissioner Poulter Abstained)
2. EXT12-004 DarkHorse Extension of Time
Motion carried by voice vote, 5/0.

PUBLIC HEARINGS:

EIR11-001 Public hearing to accept comments on the adequacy of the Draft Environmental
Impact Report for the **Boca Quarry Expansion** project to expand existing mining operations in
the currently permitted Boca Quarry (U06-012). The application includes a Conditional Use
Permit (U11-008) as well as a Reclamation Plan modification (RP11-001) to correspond with the

Public Hearing table of contents, and standing orders. No response required.

2012-October 11 Draft PC Meeting Minutes -1-

COMMENTS

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proposed mine expansion and the importation of clean fill material for pit backfilling. The project will increase the existing extraction area of approximately 40 acres, to an extraction area of approximately 158 acres on the 230-acre site. The mining plan envisions removal of approximately 13 million cubic yards of material in three phases over a 30-year period. **LOCATION:** 16616 & 16774 Hinton Road, east of Truckee **ASSESSOR'S PARCEL No's.:** 48-090-12 & 48-200-03 ***NO PROJECT ACTION WILL BE TAKEN AT THIS HEARING.*** Copies of the Draft Environmental Impact Report are available for review at the following locations: Nevada County Planning Department, Eric Rood Administration Center, 950 Maidu Avenue, Nevada City, California, and the Truckee Library, 10031 Levon Avenue, Truckee, CA 96161. The Boca Quarry Expansion EIR may also be reviewed on the County's website: www.mynevadacounty.com/nc/cda/planning/pages/boca-quarry-mine.aspx

Senior Planner, Tod Herman, stated the purpose of the hearing today was to provide an overview of the environmental review process for the Boca Quarry Expansion and provide an opportunity for decision-makers, the public and any interested public agencies, to make comments on the adequacy of the Draft EIR. He introduced Dave Claycomb, EIR consultant from Helix Environmental Planning. Planner Herman reviewed the project CEQA history that began with the Notice of Preparation on February 6, 2012, through to the 45-day comment period that will close on November 8, 2012. The objectives and purposes of the EIR and goals of the CEQA process were projected on the overhead screen and reviewed by Planner Herman. He noted the two points in this process when the public has an opportunity to comment, the first opportunity is at the public scoping session and the second is the public review of the Draft EIR. He said the project description is essentially the same as the application that was considered by the Planning Commission in February 2011. A brief review of the project description followed and an exhibit of the project site was projected on the overhead screen. Planner Herman stated that the existing West Hinton haul route will be utilized and Hirschdale Road would not be used per the prior agreement of February 2011. An exhibit of the east and west pit was projected on the overhead screen and reviewed.

Dave Claycomb projected a list of issues on the overhead screen that were addressed in detail in the Draft EIR. He noted that the Draft EIR looked specifically at both the mining activities as well as the reclamation of the site. He felt it was important to note that those are concurrent activities throughout the life of the project. The applicant provided several technical studies and background information that were fully vetted by Helix. He noted that all of Helix work was done independently. Mr. Claycomb said the primary biologic resource issues are related to the loss of Jeffrey Pine and Antelope Bitterbrush shrub that are used for foraging by the regional mule deer herd. Mitigation to specifically address that issue is contained in the Reclamation Plan. The plan will ultimately revegetate the site with species native to the local area. With regard to traffic and circulation Mr. Claycomb stated that the level of service would not be an issue at the intersections near the project. The only issue is sight distance where West Hinton Road meets Stampede Meadows Road. Removal and/or clearing of brush at approaches to the intersections are recommended along with truck crossing signs at both approaches to West Hinton and Stampede Meadows Road. Hydrology and water supply are not an issue at the site. The project site will require water at the site for dust suppression and there is adequate water on site. Mr. Claycomb said water quality runoff from the site is always a concern but the Storm Water Management Plan will address any runoff issues and the grading of the site is such that the runoff from the areas to be disturbed will be contained within the pits that will be created. He addressed Aesthetic Resources and noted that the four closest sensitive receptors are 3 residences and a vacant parcel. In all four instances the daytime and evening noise levels would not be significant. The only significant levels would be if nighttime activities take place. Mr. Claycomb recommended on site operation hours be restricted to 7 a.m. to 10 p.m. unless monitoring can demonstrate that even during the nighttime hours the noise levels are not significant. It was also recommended the nighttime activities be restricted to loading, unloading, and hauling only. The last issue was greenhouse gases and he explained that the project

Review of project and environmental analysis at Public Hearing. No response required.

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emissions would not exceed any published threshold. The two issues that did result in significant impacts that are not fully mitigable are Visual Aesthetic Resources and air quality. The rock cut faces will stand out in stark contrast to the surrounding vegetated slopes and weathered rocks on the site; in particular the views from Greenbrier Road and the nearby residences up above it. Staff recommended as a mitigation measure that rock varnish be applied to the rock cut faces to simulate weathered cut faces. Because of the long term nature of the activity they felt even with mitigation it would be a significant impact and not fully mitigated. Air quality emissions are compared from the proposed operations to published federal and state thresholds. In the case of particulate dust both of those thresholds will be exceeded by the project. Staff recommended a number of mitigation measures but the impacts would remain significant even with implementation of the mitigation measures. Mr. Claycomb said in accordance with CEQA they need to look at project alternatives. He provided a brief review of the project alternatives. One of the alternatives was a “no project” alternative and a “reduced production” alternative. Mr. Claycomb said today staff would hear oral comments and advised that comments could also be submitted in writing to the addresses projected on the screen noting the November 8, 2012, comment period deadline. He explained what comes next in the CEQA process. Mr. Claycomb said all the comments received today and comments received in writing by the County would be responded to by the County and incorporated into the Final EIR. The responses to the comments must be available to the public 10 days prior to the action of certification of the document. The Commission (if the EIR is found to be adequate) will certify the EIR at a public hearing and as a subsequent action the Commission will need to consider the Use Permit and Reclamation Plan. Assuming those approvals take place the County would need to file a Notice of Determination with the County Clerk.

Chair Jensen said that the cover letter regarding storm water stated there would be no blasting; that needs to be corrected. He said he didn’t see anything in the Draft EIR regarding dust control on West Hinton Road.

Commissioner Smith requested clarification and stated that on the application (the proposed expansion project) the parameters are 10 a.m. – 6 p.m. and in the presentation Mr. Claycomb stated the hours as 7 a.m. - 10 p.m. and it also states those hours somewhere else in the documents. She asked if the Draft EIR had been prepared for a larger project than the quarry had asked for. Commissioner Smith asked if the noise studies were done during the dead of night. She questioned whether Teichert owns the West Hinton road site improvement area and if not was the recommended mitigation feasible? Commissioner Smith asked Planner Herman why the Reclamation Plan was called an amended reclamation plan.

Chair Jensen advised that Planner Herman did not need to answer the question today the Commissioners only need to bring up the topic.

Planner Herman said the short answer to that question is that there is only one Reclamation Plan for each mine site. Right now there is one Reclamation Plan that deals with the eastern pit, this application will amend that to be one plan for the east and west pits. The east pit has already been approved and this would be an amendment to add the west pit.

Commissioner Smith questioned whether the permit was amended to include the approved area.

Planner Herman said the east pit has a finite life and so eventually it will transition into the west. So the Use Permit will be looked at as the new Use Permit and will apply to both sites.

Chair Jensen opened the Public comment period.

Larry Andresen asked what the new proposed number of trucks per day would be for the new project and with regard to the number of trucks how many seconds there be between each truck.

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PH-1 Section 3.3 of the Recirculated Draft EIR states there would be blasting no more than twice per week. Refer to the analysis of Off-site Roadway Improvement Air Quality Emissions in Section 4.7.5.

PH-2 The typical operation schedule is outlined in Section 3.3.4. Hours are typically Monday through Friday from 6:00 am until 6:00 pm and Saturday from 7:00 am until 4 pm.

The Recirculated Draft EIR addresses the expansion that the applicant has proposed, and is consistent with the Conditional Use Permit application.

The noise study includes noise measurements taken during the daytime hours and addresses potential noise levels that would occur during day, evening and nighttime hours.

PH-3 Mr. Tod Herman explained at the public hearing that an Amended Reclamation Plan was being prepared because there already is a Reclamation Plan for the existing operation (East Pit) and the amended plan includes the proposed West Pit. A new Conditional Use Permit is being required for the West Pit mining activities.

PH-4 Refer to Section 3.3.10 for the trip generation as a result of the project. As discussed in Section 3.3 under the materials transport discussion of the Draft EIR, maximum daily production (in terms of sales) is limited by the rate at which trucks can be loaded, weighed and charged. The estimated maximum trips number of truckloads that can be processed is 560 per day. Section 4.5 includes a detailed analysis of the number of truck trips on week days and on Saturday's under the impact analysis discussion.

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PH-5 163
164 Jamie Cole, a resident of Hirschdale voiced her concerns regarding traffic. She also said it was
165 her understanding that Martis is going to be quitting and eventually running out of product which
166 brings up an increased traffic concern. Ms. Cole said she personally has asthma and living in
167 Hirschdale she requires oxygen to sleep at night. She asked how far out into their community the
168 dust particles would travel? She said there is an elementary school in Glenshire that has a
169 number of asthmatic children. Ms. Cole said she does not have a sense of how far out that dust
170 goes. She knows that Hirschdale residents are well aware of all the particles in the air and the
171 winter smoke adds to the air quality. She voiced her concerns regarding the declining Mule Ear
PH-6 172 Deer herd and would like consideration given to their habitat. Ms. Cole said her personal
173 opinion is that there is not a lot of growth in this area at the moment and was not sure why
174 Teichert needs to expand at this moment. She would prefer that Teichert wait until growth is
175 again an issue. She hoped the Commission would consider the “no project expansion”
176 alternative. She would not like to see them go forward with the proposed huge expansion and
177 did not understand the need for the expansion.
178 .
179 Chair Jensen closed the public comment period.
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181 Planner Herman stated as a follow up and reminder that the folks are not limited to their verbal
182 comments made today and those that made comments can provide additional comments up
183 through November 8, 2012. He noted a typographical error in action #2 of the staff report the
184 date should be November 8, 2012 not November 2, 2012.
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186 **Motion** by Commissioner Donesky **Second** by Commissioner Duncan to propose that the
187 Planning Commission direct Helix Environmental Planning respond to the applicable verbal
188 comments offered at this hearing as well as those written comments submitted to the Planning
189 Department during the review period; noting the close of the comment period is Thursday,
190 November 8, 2012 at the close of business. **Second** by Commissioner Duncan.
191 **Motion carried on a voice vote 5/0**
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1. **Discussion of upcoming Planning Commission Meetings**
Possible December 13, 2012

2. **Announcements (Informational Items Only)**
Commission and staff members may make brief announcements or report on activities.
Commission members may also provide a reference to staff or other resources for factual
information, request staff to report back to the Commission at a subsequent meeting
concerning any matter, or take action to direct staff to place a matter of business on a
future agenda.

Motion by Commissioner Smith, **Second** by Commissioner Donesky to adjourn the meeting.
Motion carried on a voice vote.

There being no further business to come before the Commission, the meeting was adjourned at
2:05 p.m. to the next meeting to be held on December 13, 2012, in the Board of Supervisors
Chambers, 950 Maidu Avenue, Nevada City.

Passed and adopted this XXX day of XXX, 2012.

PH-5 Refer to Section 4.7 of the Recirculated Draft EIR. Mitigation Measure
AQ-3 will be implemented to ensure the project comply with
NSAQMD Rule 226, which requires implementation of feasible dust
control measures. Additionally please refer to the response to comment
G-26

PH-6 Please refer to the response of comment G-25

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208 Brian Foss Ex-Officio Secretary
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