Exhibit A
FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE BOCA QUARRY EXPANSION PROJECT

SECTION 1
INTRODUCTION

The Final Environmental Impact Report (FEIR) prepared for Boca Quarry Expansion Project ("Project") addresses the environmental effects associated with the Project. These Findings and Statement of Overriding Considerations have been prepared to comply with the requirements of the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.).

Nevada County has prepared a Final Environmental Impact Report (FEIR) for the proposed project. The FEIR consists of the following documents:

1) Boca Quarry Expansion Project Draft Environmental Impact Report (DEIR), September 2012;

2) The Boca Quarry Expansion Project Final Environmental Impact Report (2013 FEIR), February 2013,

3) Boca Quarry Expansion Project Recirculated Draft Environmental Impact Report (RDEIR), May 2019; and

4) Boca Quarry Expansion Project Final Environmental Impact Report (FEIR), August 2019.

SECTION 2
PROJECT BACKGROUND AND TIMELINE

This section provides a summary of the project history, both prior to and after Teichert began leasing the project site and operating the Boca Quarry, and the public review process for the Project. As discussed in further detail below, the operation of the Boca Quarry and the proposed project have evolved considerably in response to the local market demand for aggregate and the need to address community concerns raised during the public review process for the Project. The public review process for the Project worked as intended under CEQA, as it culminated in project revisions and additional mitigation to reduce the Project's impacts on the environment and to improve its compatibility with the surrounding community.

PROJECT BACKGROUND

The Boca Quarry is located in eastern Nevada County and it is allowed to operate under a Conditional Use Permit (CUP) and Reclamation Plan, approved in 1983 and modified in 2007, which allows mining on Assessor's Parcel Number (APN) 48-090-12. The quarry has been idle since the 2008 operating year based on reduced aggregate demand due to the downturn in the economy. (RDEIR, p. 1-1.)

Prior to Teichert as Operator

The project site has been unofficially used as a source of aggregate since the 1950s. In 1983, the first Use Permit (U83-036) was obtained for a quarry operation at the site. The 1983 Use Permit authorized a 15-acre quarry (extraction area) within a portion of a 162.4-acre site. The quarry was initially planned as a relatively small-scale operation with an annual production range between 75,000 and 150,000 cubic yards. The estimated total production of the quarry at that time was approximately 1,500,000 cubic yards over approximately a 20-year lifespan. The 1983 Use Permit, however, did not place any annual production limitations on the operation. (RDEIR, p. 1-1.)

In 1987, an amendment to the original Use Permit was approved (U87-010) that allowed a one-time importation and processing of approximately 50,000 cubic yards of excess rock material from a sewer line project in the Glenshire area. The majority of that imported material was processed and returned to Glenshire and used as fill (for the same sewer line extension project). Upon completion of the Glenshire Project, the ability to import material for processing to this site had expired. (RDEIR, p. 1-2.)

As no annual reporting to the State occurred in this time frame (1983 - 1987), and few reports were given to the County, it appeared that the original quarry never reached its permitted extraction potential. The operation appeared to be abandoned after a County staff inspection of the site in 1991. However, due to the activities resulting from prior activities on the site, reclamation was still required in accordance with the California Surface Mining and Reclamation Act of 1975 (SMARA). A code compliance case was brought against the original property owner regarding the reclamation of the site. (RDEIR, p. 1-2.)

In the mid 1990s, a representative of the property owner approached the County and proposed to resolve the prior compliance issues related to the quarry. As a result, the abandoned equipment and structures on site were removed and the five acre pit area was reclaimed. A site inspection was conducted and later a financial assurance to bring the operation into compliance with County and State codes was posted. Ultimately, the property was sold and the Hirschdale Cinder Quarry was brought into compliance and began to operate on a regular basis. (RDEIR, p. 1-2.)

Teichert as Operator

Teichert has been operating in the Truckee area since at least the 1960s supplying aggregate for housing developments, I-80 construction and reconstruction and various other developments in the Truckee/Tahoe area. In the 1960s, Teichert operated an aggregate production facility at a site today referred to as Cold Stream. When reserves at that site began to run low, Teichert leased and then purchased the site of their present Martis Valley operations. That site, located in the Town of Truckee, began operations in 1984 and was expected to have 30 to 40 years of reserves. As development activities increased in the Truckee Tahoe market area, production at the Martis Valley facility rapidly expanded and at its peak (around 2004-2006) was producing close to 1,000,000 tons per year. As production expanded at Martis Valley, the original reserve life began to shrink because of the increased demand and production. Current aggregate reserves for the Martis Valley site are now estimated at 2 to 4 years depending on the pace of the area's economy. (RDEIR, p. 6-2.)

In late 2004, Teichert began inquiring about a potential lease for the Hirschdale Cinder Quarry. During this period, Teichert had the property flown in order to obtain aerial photos of the mining

limits. Upon reviewing the aerial photographs, Teichert informed Nevada County that it appeared the prior operator had mined beyond the quarry limits of the 1983 Use Permit. The property owner, Project Applicant, and the County met to discuss a plan for bringing the site back into conformance, which included plans to expand the existing quarry. (RDEIR, p. 1-2.)

On May 24, 2005, the Board of Supervisors approved a rezone application adding the Mineral Extraction (ME) combining district to the FR-160 base zoning on the original quarry parcel (APN 48-090-12), along with an adjacent parcel (APN 48-200-03). The ME combining district recognizes the existing mineral resources and mining operation on the site and serves to legislatively notify others of the County's protection of those mineral resources. This was approximately the time that Teichert became the new operator of the Hirschdale Cinder Quarry and subsequently renamed it Boca Quarry. (RDEIR, p. 1-2.)

In June of 2006, Teichert initially submitted an application, which proposed to expand the quarry from a 15-acre extraction area to a 105-acre extraction area (plus the processing area). The proposal generated a number of concerns primarily associated with the proposed truck traffic – relying upon the old bridges for access and the trucks passing through the Hirschdale community. During this same time period, Teichert was utilizing the rock from the Boca Quarry and the associated truck traffic significantly increased well beyond any historical use. (RDEIR, p. 1-2.)

Because of the number of substantial issues raised by the June 2006 proposal (U86-012 & RP86-001), Teichert decided to revise that 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). (RDEIR, pp. 1-2 to 1-3.)

The following spring (2008) work on the new access road for the quarry began, ultimately providing access to the Hirschdale/I-80 interchange via West Hinton Road and Stampede Meadows Road. Teichert improved the 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, West Hinton Road, to Stampede Meadows Road and I-80. Upon completing that connection, the historic access over the two bridges and through the Hirschdale community was no longer used. (RDEIR, p. 1-3.)

PROJECT TIMELINE

In February 2010, Teichert submitted an application to the County requesting approval to expand the mining operations at Boca Quarry under the authority of an Amended Use Permit and Reclamation Plan (U10-001/RP10-001). The proposed Use Permit would expand the size of the quarry and increase the maximum levels of extraction from the site to one million tons of aggregate per year for 30 years. An Amended Reclamation Plan that included the new extraction area was proposed in accordance with Nevada County Codes and SMARA. A Mitigated Negative Declaration (MND) was prepared for the proposed project by the County and circulated for public review in December 2010. On February 10, 2011, the Planning Commission approved the proposed project and MND. (RDEIR, p. 1-3.)

On February 22, 2011, Joe McGinity appealed the Planning Commission's approval of Use Permit (U10-001) and Reclamation Plan (RP10-001). In a letter submitted by Mr. McGinity's

attorney Donald B. Mooney, the appeal raised concerns regarding aesthetics, air quality, greenhouse gases, water supply, and transportation and circulation. A decision was made by the County to prepare an EIR for that application to address issues raised in the appeal. (RDEIR, p. 1-3.)

In July 2011, Teichert submitted the current application for the County requesting approval for the expansion of mining operations at Boca Quarry under the authority of an Amended Use Permit (U-11-008) and Amended Reclamation Plan (RP11-001). The current application addressed in this EIR is essentially the same as the 2010 proposal with regard to the proposed quarry limits and the proposed reclamation standards. Minor clarifications were made to reflect some of the concerns of the prior appeal. (RDEIR, p. 1-3.)

On February 6, 2012, Nevada County issued a notice of preparation (NOP) of an environmental impact report (EIR) for the Project. The NOP was circulated for a 30-day public comment period. Four comment letters were received by the County in response to the NOP, including a comment letter from Joe McGinity's attorney Donald B. Mooney. In addition, a public scoping meeting was held on March 6, 2012, at the Truckee Town Hall for the purpose of receiving public comments regarding the scope of the EIR. The DEIR addressed all comments on the EIR scope that were received during the 30-day NOP comment period and at the public scoping meeting. (RDEIR, pp. ES-1, 1-5.).

On September 14, 2012, Nevada County released the Draft EIR (DEIR) for the Project for public review. As required by CEQA, the DEIR was circulated for public review for at least 45 days, with the public review period ending on November 8, 2012. The DEIR was circulated to responsible agencies and other public agencies having legal jurisdiction over the environment affected by the Project. Fifteen copies of the DEIR were sent to the State Clearinghouse along with the required Notice of Completion (NOC). In addition, a public hearing was held before the Nevada County Planning Commission on October 11, 2012, at the Truckee Town Hall for the purposes of receiving public testimony on the DEIR. During the public comment period, the County received six comment letters regarding the DEIR and two oral comments were made at the public hearing held on October 11, 2012. No comments on the DEIR were received from either Joe McGinity or his attorney. (RDEIR, pp. ES-1, ES-2.)

On February 11, 2013, the County published the first Final EIR (2013 FEIR) for the Project. The 2013 FEIR included all comments received during the public review period, responses to comments that raised significant environmental issues, and any necessary revisions to the DEIR. (RDEIR, p. ES-2.)

On February 21, 2013, the County received comments from attorney Donald B. Mooney, representing the Buckhorn Ridge Homeowners Association and Joe McGinity. Based on a review of the submitted comments, the County requested that its EIR consultant and the other technical consultants conduct additional technical study of several environmental issues, including traffic, noise, air quality, and biological resources. Due to the volume of the new and/or revised technical studies, the County elected to recirculate the entire EIR for the Project. (RDEIR, p. ES-2.)

During 2013 and 2014, the County, its EIR consultant, and other technical consultants worked to prepare the necessary studies to recirculate the EIR for the Project. However, due to economic factors, the Project was put on hold during 2015 and 2016. The EIR recirculation process was resumed in late 2017.

On May 22, 2019, the County released the Recirculated DEIR (RDEIR) for the Project for public review. As required by CEQA, the DEIR was circulated for public review for the required 45 days, with the public review period ending on July 8, 2019 The RDEIR was circulated to responsible agencies and other public agencies having legal jurisdiction over the environment affected by the Project. Fifteen copies of the RDEIR were sent to the State Clearinghouse along with the required Notice of Completion (NOC). In addition, a public hearing was held before the Nevada County Planning Commission on June 27, 2019, at the Truckee Town Hall for the purposes of receiving public testimony on the RDEIR. During the public comment period, the County received three comment letters regarding the RDEIR and no public comments were made at the public hearing held on June 27, 2019. No comments on the RDEIR were received from Joe McGinity or his attorney. (FEIR, p. 2-1.)

On August 12, 2019, the County published the second Final EIR (FEIR) for the Project. The FEIR consists of all comments received during the public review period, responses to comments that raised significant environmental issues, any necessary revisions to the RDEIR. The FEIR also included the RDEIR, 2013 FEIR, DEIR, and their appendices.

On August 22, 2019, the Planning Commission took public testimony regarding the Project. After close of the public hearing on the Project, the Planning Commission recommended that the Board of Supervisors certify the FEIR, adopt these Findings, approve the CUP and reclamation plan for the Project, and approve of the development agreement for the Project.

On October 8, 2019, the Board of Supervisors took additional public testimony regarding the Project. After close of the public hearing on the Project, the Board affirmed the Planning Commission's certification of the FEIR, adoption of these Findings, and approval of the CUP and reclamation plan for the Project, and approved the development agreement for the Project.

SECTION 3
PROJECT DESCRIPTION

PROJECT LOCATION AND SETTING

Boca Quarry is an existing quarry that is located in eastern Nevada County, approximately one mile northeast of the community of Hirschdale, eight miles east of the Town of Truckee, and five miles west of the California/Nevada state line. The approximately 230-acre project site is composed of two parcels (APN 48-090-12 and 48-200-03) and is located north of the Truckee River and I-80. The site is situated in portions 26 and 27 of Township 18 North and Range 17 East on the 7.5 Boca USGS topographic quadrangle. I-80 provides the primary regional travel route to and from the project area. The project site can be accessed via a private road which crosses through USFS land connecting to West Hinton Road, Stampede Meadows Road, and the Hirschdale/ I-80 interchange. Surrounding properties include Tahoe National Forest land and large private properties. (RDEIR, p. 2-1.)

The project site has a designation of Forest (FOR) under the Nevada County General Plan. It is zoned Forest with a Mineral Extraction combining district (FR-ME). The Nevada County Zoning Code permits surface mining operations within an FR zone when an ME combining district overlay is in place, along with an approved conditional use permit (CUP) and reclamation plan. (RDEIR, pp. 2-3 to 2-4.)

PROJECT OVERVIEW

The project applicant, A. Teichert & Son, Inc. ("Teichert"), proposes to expand mining operations at its currently permitted Boca Quarry in eastern Nevada County. The application includes requests for the issuance of a CUP (U11-008) as well as an Amended Reclamation Plan (RP11-001) to correspond with the proposed mine expansion and allowing the importation of clean fill material for pit backfilling. The proposed project would increase the existing extraction area of approximately 40 acres to approximately 158 acres on the 230-acre site, which is appropriately zoned with the Mineral Extraction (ME) overlay. The proposed expansion would continue to use the West Hinton Road haul route to Stampede Meadows Road for all of its aggregate transport and operating equipment access. (RDEIR, p. 3-1.)

The permit modification would allow for the expansion of the levels of extraction and production to a maximum of 1,000,000 ton of aggregate per year. Actual production would vary depending on the local market demand. The Reclamation Plan envisions the removal of 17 million tons (approximately 13 million cubic yards) of material in three phases over a 30-year period. Blasting would also be utilized as part of the proposed mining activities. An amendment to the original Reclamation Plan (U83-036) is required to authorize the proposed extraction area in accordance with Nevada County Codes and SMARA. (RDEIR, p. 3-1.)

The proposed expanded quarry operation would continue to use the existing haul route for the permitted quarry operations, which includes West Hinton Road from the quarry to Stampede Meadows Road, and Stampede Meadows Road south to I-80 and prohibits haul trucks from using Hirschdale Road through the Hirschdale Community to access the project site. (RDEIR, p. 3-1.)

The proposed project includes improvements along an approximately 1.3-mile long segment of Stampede Meadows Road (22-acre off-site roadway improvement area) to address concerns regarding bicyclist safety that were expressed by the public during the public review process for the previously circulated EIR (September 2012), and to address existing sight-distance deficiencies at the intersection of Stampede Meadows Road with West Hinton Road. (RDEIR, p. 3-1.)

The total project area, therefore, includes the entire 230-acre Boca Quarry (project site) and the 22-acre off-site roadway improvement area. Potential new ground disturbance within the project area would total up to approximately 131.2 acres, which would include 118 acres of new ground disturbance in the West Pit and approximately 13.2 acres of ground disturbance associated with the off-site roadway improvements. As previously mentioned, the ultimate disturbed area consists of the 158-acre area of disturbance within the project site from mining in the East and West Pits, combined. (RDEIR, p 3-1.)

PROJECT OBJECTIVES

The primary objective of the proposed project is to maximize the local source of high-quality construction aggregate to support existing and future construction projects in the region. Specific project objectives include:

- *Location*. Secure approvals to continue mining of known reserves on site, which is located within the eastern portion of Nevada County and convenient to the I-80 corridor,

thus providing a reliable and economic source of construction grade sand and gravel to meet current and project demand in the region.

- *Market Position*. Maintain current company position and market share as a leading regional provider.
- *Production and Timeframe*. Extract, crush, and sell approximately 17 million tons of high grade construction aggregate to meet local needs over a period of up to 30 years; annual production rates vary substantially, but would not exceed 1 million tons in active construction years.
- *Employment*. Provide for continued on-site employment of between 6 and 15 people. Related employment also would be generated by the trucking of product to construction sites, construction projects using the supplied aggregate, and secondary expenditures for goods and services.
- *Site Reclamation*. Continue to implement responsible and environmentally sound aggregate removal. Preserve sensitive natural resources; minimize aesthetic impacts through site design, phasing, and concurrent reclamation; and implement reclamation concurrently with operations throughout the life of the mine. Provide an economically feasible and responsible reclamation plan that would result in a beneficial end use, in accordance with the requirements of SMARA. Implementation and monitoring of final reclamation activities would be completed within five years after completion of mining.
- *Development Agreement*. Adhere to the Development Agreement so that operation of the mine may proceed and site reclamation, implementation of the off-site roadway improvements, and maintenance fees owed to Nevada County and the City of Truckee are implemented at the appropriate time.

(RDEIR, p. 3-2.)

PROJECT CHARACTERISTICS

Phasing, Mining, Engineering and Drainage

The proposed project expansion is primarily a sidehill quarry operation, involving excavation of the West Pit quarry floor to a depth of between 40 and 60 feet below the rim formed by the surrounding land surface. The maximum depth of mining below existing topography would be 200 feet or less. Mining for the proposed project would occur in three phases, beginning with the Phase I East Pit (which is nearly complete). The second and third phases would involve mining of the West Pit. During Phase II, the lower (southern) portion of the West Pit would be mined to its maximum width and depth. The upper ridge of the West Pit would then be mined (Phase III), and the overburden from the ridge would be moved to the lower area to be used as backfill in the lower pit, facilitating partially concurrent reclamation of the lowest (Phase II) bench. (RDEIR, pp. 3-4 to 3-5.)

Mining activities in the expansion area would be initiated with the salvage of the uppermost layer of soil using dozers and/or scrapers. The available soil would be stockpiled for use in future reclamation activities. Overburden above the construction-grade aggregate would be removed, followed by removal of hardrock aggregate (product) from the geologic formation through a multi-step process including drilling, blasting, and excavation using heavy equipment. (RDEIR, p. 3-5.)

Due to the nature of the hard rock product on the site, drilling and blasting would be required to loosen the aggregate from the host rock formation. This is typically accomplished by drilling holes in a grid pattern over a portion of the formation. The design of shot configurations (i.e., drill hole patterns, diameter, depth, quantity, and delay) depends on the site rock conditions and the specific purpose of each shoot. Blasting would be conducted by a licensed explosives contractor, who would bring all materials on site at the time of each blast. No storage of blasting material on site would occur. Blasting would occur no more than twice per week, during the daytime hours of 7 a.m. and 4 p.m. The Nevada County Sheriff's Department would be given a 24-hour notice prior to each blast. (RDEIR, pp. 3-5 to 3-6.)

West Pit development would involve sequential excavation, benching, and slope grading, followed by site reclamation. The hard rock quarry walls are designed and would be constructed at a reclaimed grade so as to leave a stable final slope. The exact dimensions of highwalls and benches are subject to revision in accordance with regular geotechnical examination of the exposed materials. Highwall angles and heights would be evaluated, and if necessary revised, to ensure slope stability. (RDEIR, p. 3-6.)

Following blasting, bulldozers or similar excavating equipment would be used to load aggregate material into internal project haul trucks for transport to the crusher (processing plant) located in the East Pit. Rock fragments that are too large for transporting to the processing plant would undergo primary crushing in the active quarry, then be transported via haul trucks to the processing area. Overburden and/or other non-commercial material would be stockpiled or loaded into haul trucks for backfilling and concurrent reclamation of surfaces that are at their final configuration. These waste materials, combined with imported clean fill from construction excavation outside the project site, would be used to backfill the lower (Phase II) pit. (RDEIR, pp. 3-6 to 3-7.)

The lower (Phase II) backfilled pit would be porous due to the nature of the fill material to be placed in the pit. Thus, surface water that does not infiltrate in the upper portions of the West Pit would be captured and would infiltrate at the lower pit level. No release of surface water from the project site would occur. During operations, all runoff from disturbed surfaces would be collected by temporary diversion ditches and conducted to a sediment/infiltration basin. A Stormwater Management Plan (SWMP) for the Boca Quarry West Pit has been prepared for the project. The Plan conservatively sizes the stormwater detention basin capacity to contain two 100-year precipitation events occurring within a 7-day time interval without surface water discharge. (RDEIR, p. 3-7.)

Mining Equipment

The types of mobile equipment and/or machines to be employed for the proposed expansion area are the same as those recently in use. These include: a dozer, self-loading scraper, front-end wheel loader, portable water pump, motor grader, conveyers, haul trucks, and a hydraulic excavator. A water truck would be used for maintenance of surfaces and dust control. The type of vehicles will vary somewhat, depending on availability, as well as the introduction of new models to suit changing on-site conditions and meet current emission standards. Additionally, short-term reclamation tasks may require importation of specialized equipment from time to time. The West Hinton haul route and Stampede Meadows Road would be used for the importation of specialized equipment. (RDEIR, p. 3-9.)

Equipment and structures at the site would include both stationary and mobile equipment, such as screen, conveyors, an office building, and scales. These facilities are in place and would essentially remain unaltered as part of the proposed project. (DEIR, p. 3-9.)

Processing Operations

On-Site Operations

Aggregate material loosened from the West Pit would be taken to the processing plant for screening and crushing, and subsequently stockpiled for shipping. Processing to create construction aggregate products involves only crushing and screening of sorted, graded materials. The processing area for the Boca Quarry would continue to be in the mined out East Pit, thus delaying final reclamation of much of the East Pit (Phase I) until the end of the project life. (RDEIR, p. 3-8.)

Off-Site Traffic

Commercial aggregate would be loaded onto aggregate haul trucks within the project operational area and would be sold by weight at the time of loading. Teichert does not own or operate the commercial haul trucks that carry aggregate from the mining site to construction sites where the aggregate is used. Based on recent sales information, Teichert estimates that the average load leaving at the present Boca Quarry and Teichert's Martis Valley site, which can reasonably be assumed to be approximately the same as the loads that would be sold in the future, is 18 tons. That is, roughly half of the trucks arriving to be loaded are single, 12-ton dump trucks, and half are trucks with other configurations (such as long-bed trucks or truck/trailer combinations) with approximately double that capacity. (RDEIR, p. 3-8.)

According to Teichert, based on recent experience at its Martis Valley plant, the maximum amount of backfill to be delivered to the Boca Quarry in any one year is estimated to be approximately 250,000 tons and less in years with lower construction activity. The amount of clean fill delivery correlates generally with aggregate demand, so years of lower aggregate production are also years of lower backfill acceptance. (RDEIR, p. 3-9.)

The maximum annual mining rate of the proposed project is one million tons, thus the project could result in a maximum of 55,556 truck trips removing aggregate in such a year, plus a maximum of 13,900 truck trips delivering clean backfill. 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. (RDEIR, p. 3-8.)

Aggregate truck traffic will access the project site via a private road which crosses through USFS land connecting to West Hinton Road, Stampede Meadows Road, and the Hirschdale/ I-80 interchange. (RRDEIR, p. 3-8.) 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 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 truck trip lengths would differ. (RDEIR, pp. 4.5-9, 4.5-10.)

Project Reserves, Production and Operating Life

Total reserves for the quarry are estimated at over 17 million tons. And the volume to be mined is estimated to average between 300,000 and 500,000 tons per year, but could reach one million tons in very active construction years. The high-grade construction aggregate products produced at the quarry would likely be in demand during cyclically active building years. (RDEIR, p. 3-7.)

Maximum daily production is limited by the rate at which trucks can be loaded and leave the site and the estimated maximum production per day is 10,080 tons. While the longevity of the Boca Quarry is currently estimated at 30 years, this would be a function of production levels and market demand. Thus, if annual production averaged in excess of 570,000 tons per year, the life of the quarry would decrease accordingly. (RDEIR, p. 3-8.)

Operating Schedule and Workforce

The plant generally operates, and would continue to operate, on a single-shift basis during the period from May 1 until October 31, six days per week (total of 158 operating days minus any holidays). Based upon market demand or emergency needs, such as urgent response to flood events, the quarry may open earlier or continue operations later that the dates stated above, but would not exceed 180 operating days per year. Mining, processing, sales, and truck transport from the site would generally take place between 6 a.m. and 6 p.m. Monday through Friday, and between 7 a.m. and 4 p.m. on Saturday. 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. 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 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. However, the only operation of the quarry 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 these projects. The duration of these expanded hours of operation would depend on the duration of the projects being supplied. (RDEIR, p. 3-10.)

Utilities and Water Supply

Electric power is provided by Liberty Energy–CalPeco and no back-up generating system is required. Teichert has recently permitted and installed an on-site septic system to meet sewage disposal needs. Bottled water is provided for employees to meet their drinking water needs. An existing on-site, developed and permitted spring provides water for dust control, with estimated consumption of 25 to 35 gallons per minute (gpm). Flow rate of the spring varies from an annual peak of about 220 gpm, gradually decreasing to a minimum of 80 gpm in October, and is therefore adequate for dust control use. (RDEIR, p. 3-10.)

Mine Waste Management and Closure of Surface Openings

The proposed project would not generate waste material requiring any special tailing or waste management procedures. Overburden and non-commercial rock materials would be used as backfill in the mining pits. The Boca Quarry is a surface mine without any underground shafts or adits. Any drill holes, water wells, and monitoring wells would be abandoned in accordance with applicable state and local ordinances. (RDEIR, p. 3-11.)

Reclamation

SMARA requires mines to be reclaimed to a usable condition that is readily adaptable for a productive land use that creates no danger to public health or safety. As discussed previously, a Revised Reclamation Plan has been submitted as part of the application package in compliance with SMARA. The Revised Reclamation Plan dated July 2011 is on file with the County of Nevada Planning Department and provides specific details with regard to the proposed reclamation procedures. The following paragraphs provide a brief overview of the plan. (RDEIR, p. 3-11.)

The plan provides for the project site to be returned to an open space condition as allowed under existing County Zoning Code designation of Forest (FR), which provides for production, protection, and management of timber (and support uses); equipment storage; temporary offices; low intensity recreational uses; and open space. (RDEIR, p. 3-12.)

The reclaimed quarry would consist of multiple benches of variable width, portions of which would be partially backfilled, separated by highwall cut slopes that have been reduced to varying (stable) angles according to the nature of the material. The removal, handling, and replacement of soil to be used in reclamation would be accomplished in accordance with SMARA guidelines. Inactive topsoil and growth media stockpiles would be protected from inadvertent destruction and erosion. (RDEIR, p. 3-12.)

Resoiling would occur on both the wide Phase II pit floors (once backfilling is completed) and the narrow benches separating the Phase III highwalls of the West Pit. Additional clean backfill from construction excavation outside the project site may be brought in to supplement backfill operations and to provide a suitable plant growth medium to supplement the salvaged topsoil. (RDEIR, p. 3-13.)

Following soil placement, native grasses and shrubs would be broadcast seeded. Revegetation of the final surface is intended to consist of vegetation types and species similar to the vegetation currently existing on the project site. Monitoring and reporting on revegetation success would be required for five years after seeding to ensure that performance standards are met and adequate vegetative cover is reestablished. (RDEIR, p. 3-13.)

Following completion of mining and reclamation activities, mobile equipment associated with mining would be removed from the site, as well as stationary equipment including but not limited to, the office building, scale, screens and conveyors. (RDEIR, p. 3-13.)

SMARA requires surface mining operations to obtain lead agency-approved financial assurance for the reclamation of mined lands to ensure the public would not have to bear the cost of reclaiming abandoned operations. In the event of financial incapability by the operator, the financial assurance funds would be used by the lead agency (or the Department of Conservation) to reclaim the mined site and to ensure that mine operations comply with the approved reclamation plan. A financial assurance is in place for the existing operation and would continue to be annually reviewed in accordance with SMARA requirements. (RDEIR, p. 3-14.)

Off-site Roadway Improvements

The project includes improvements along an approximately 1.3-mile long segment of Stampede Meadows Road to address concerns regarding bicyclist safety that were expressed by the public during the public review process for the previously circulated Draft EIR (September 2012), and to address existing sight-distance deficiencies at the intersection of Stampede Meadows Road with West Hinton Road. Bicycle safety and sight-distance deficiencies were evaluated in the Traffic Impact Analysis (TIA) prepared for the project (LSC 2017) and the associated off-site roadway improvements have been incorporated into the project design. (RDEIR, p. 3-15.)

The proposed improvements would extend along Stampede Meadows Road from approximately 500 feet north of West Hinton Road to approximately 1.2 miles south of West Hinton Road. The improvements include: 1) pavement widening and shoulder improvements along the roadway segment; and 2) sight distance improvements at the Stampede Meadows Road and West Hinton Road to provide adequate driver sight distance at this intersection. The off-site roadway improvements would result in ground disturbing activities to approximately 13.2 acres within the approximately 22-acre off-site improvement area and would result in an additional approximately 1 acre of paved surface. (RDEIR, p. 3-15.)

DISCRETIONARY APPROVALS

The Project requires the approval of a Conditional Use Permit, Reclamation Plan, and Development Agreement from the County of Nevada. In addition, the project may require other local, state, and federal entitlements:

- National Pollutant Discharge Elimination System (NPDES) General Construction Permit administered by the State Water Resources Control Board (SWRCB) and an associated Stormwater Pollution Prevention Plan (SWPPP) for the roadway improvements.
- Timberland Conversion and Timber Harvest Plan would need to be filed with the California Department of Forestry and Fire Protection, and a Timberland Conversion Permit obtained.
- Transportation Permit application with the specific route(s) for the shipper to follow from origin to destination if any oversized loads (i.e., large equipment) would need to be submitted to the State of California Department of Transportation (Caltrans).
- Encroachment permit from the County for improvements to Stampede Meadows Road involving County right-of-way.
- Encroachment permits from the USFS for improvements to Stampede Meadows Road in areas under their jurisdiction (where there is no existing County right-of-way).
- Encroachment permit from the Town of Truckee for improvements to Stampede Meadows Road in areas under their jurisdiction.
- Burn Permit in accordance with the NSAQMD Regulation III, Open Burning.
- A permit for the storage of hazardous materials and/or the generation of hazardous wastes is required from the Nevada County Department of Environmental Health's (NCDEH) CUPA prior to storing or generating hazardous wastes.
- The County approved Final EIR, Reclamation Plan and Development Agreement will be submitted to the State Department of Conservation for their final review.

(RDEIR, p. 3-20.)

SECTION 4
ENVIRONMENTAL REVIEW PROCESS

On February 6, 2012, Nevada County issued a notice of preparation (NOP) of an environmental impact report (EIR) for the Project. The NOP was circulated for a 30-day public comment period. Four comment letters were received by the County in response to the NOP, including a comment letter from Joe McGinity's attorney Donald B. Mooney. In addition, a public scoping meeting was held on March 6, 2012, at the Truckee Town Hall for the purpose of receiving public comments regarding the scope of the EIR. The DEIR addressed all comments on the EIR scope that were received during the 30-day NOP comment period and at the public scoping meeting. (RDEIR, pp. ES-1, 1-5.).

On September 14, 2012, Nevada County released the Draft EIR (DEIR) for the Project for public review. As required by CEQA, the DEIR was circulated for public review for at least 45 days, with the public review period ending on November 8, 2012. The DEIR was circulated to responsible agencies and other public agencies having legal jurisdiction over the environment affected by the Project. Fifteen copies of the DEIR were sent to the State Clearinghouse along with the required Notice of Completion (NOC). In addition, a public hearing was held before the Nevada County Planning Commission on October 11, 2012, at the Truckee Town Hall for the purposes of receiving public testimony on the DEIR. During the public comment period, the County received six comment letters regarding the DEIR and two oral comments were made at the public hearing held on October 11, 2012. No comments on the DEIR were received from either Joe McGinity or his attorney. (RDEIR, pp. ES-1, ES-2.)

On February 11, 2013, the County published the first Final EIR (2013 FEIR) for the Project. The 2013 FEIR included all comments received during the public review period, responses to comments that raised significant environmental issues, and any necessary revisions to the DEIR. (RDEIR, p. ES-2.)

On February 21, 2013, the County received comments from attorney Donald B. Mooney, representing the Buckhorn Ridge Homeowners Association and Joe McGinity. Based on a review of the submitted comments, the County requested that its EIR consultant and the other technical consultants conduct additional technical study of several environmental issues, including traffic, noise, air quality, and biological resources. Due to the volume of the new and/or revised technical studies, the County elected to recirculate the entire EIR for the Project. (RDEIR, p. ES-2.)

During 2013 and 2014, the County, its EIR consultant, and other technical consultants worked to prepare the necessary studies to recirculate the EIR for the Project. However, due to economic factors, the Project was put on hold during 2015 and 2016. The EIR recirculation process was resumed in late 2017.

On May 22, 2019, the County released the Recirculated DEIR (RDEIR) for the Project for public review. As required by CEQA, the DEIR was circulated for public review for the required 45 days, with the public review period ending on July 8, 2019 The RDEIR was circulated to responsible agencies and other public agencies having legal jurisdiction over the environment affected by the Project. Fifteen copies of the RDEIR were sent to the State Clearinghouse along with the required Notice of Completion (NOC). In addition, a public hearing was held before the Nevada County Planning Commission on June 27, 2019, at the Truckee Town Hall for the purposes of receiving public testimony on the RDEIR. During the public comment period, the

County received three comment letters regarding the RDEIR and no public comments were made at the public hearing held on June 27, 2019. No comments on the RDEIR were received from Joe McGinity or his attorney. (FEIR, p. 2-1.)

On August 12, 2019, the County published the second Final EIR (FEIR) for the Project. The FEIR consists of all comments received during the public review period, responses to comments that raised significant environmental issues, any necessary revisions to the RDEIR. The FEIR also included the RDEIR, 2013 FEIR, DEIR, and their appendices.

On August 22, 2019, the Planning Commission took public testimony regarding the Project. After close of the public hearing on the Project, the Planning Commission recommended that the Board of Supervisors certify the FEIR, adopt these Findings, approve the CUP and reclamation plan for the Project, and approve of the development agreement for the Project.

On October 8, 2019, the Board of Supervisors took additional public testimony regarding the Project. After close of the public hearing on the Project, the Board affirmed the Planning Commission's certification of the FEIR, adoption of these Findings, and approval of the CUP and reclamation plan for the Project, and approved the development agreement for the Project.

SECTION 5
RECORD OF PROCEEDINGS

Pursuant to Public Resources Code § 21167.6(e), the record of proceedings for the County's decision on the Project includes the following documents:

- The record of proceedings for the prior 2010 application (U10-001/RP10-001) that preceded the Project, including , but not limited to, the application, the Mitigated Negative Declaration (MND), all public comments received regarding that application, transcripts of all public hearing(s) conducted in conjunction with that application, and correspondence submitted by the appealing party Joe McGinity and/or his counsel Donald B. Mooney in connection with the appeal filed on that application;
- The NOP and all other public notices issued by the County in conjunction with the Project;
- All comments submitted by agencies or members of the public during the comment period on the NOP;
- The DEIR for the Project (September 2012) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the DEIR;
- The first FEIR for the Project (February 2013), including comments received on the DEIR, responses to those comments, and appendices;
- The RDEIR for the Project (May 2019) and all appendices;
- All comments submitted by agencies or members of the public during the comment period on the RDEIR;
- The second FEIR for the Project (August 2019), including comments received on the DEIR and RDEIR, responses to those comments, and appendices;
- Documents cited or referenced in the DEIR, 2013 FEIR, RDEIR, and/or FEIR;
- The project application and subsequent revisions to the application, and supporting materials submitted by the applicant.

- The mitigation monitoring and reporting program for the Project;
- All findings and resolutions adopted by the Planning Commission and/or Board of Supervisors in connection with the Project and all documents cited or referred to therein;
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the County, consultants to the County, or responsible or trustee agencies with respect to the County's compliance with the requirements of CEQA and with respect to the County's action on the Project;
- All documents submitted to the County by other public agencies or members of the public in connection with the Project, up through the close of the Board of Supervisors public hearing on October 8, 2019;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the County in connection with the Project;
- Any documentary or other evidence submitted to the County at such information sessions, public meetings, and public hearings;
- The Nevada County General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- Nevada County Zoning Ordinance and all other County Code provisions cited in materials prepared by or submitted to the County;
- Any and all resolutions adopted by the County regarding the Project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- Matters of common knowledge to the County, including, but not limited to federal, state, and local laws and regulations;
- Any documents expressly cited in these findings, in addition to those cited above; and
- Any other materials required for the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at:

Nevada County Community Development Agency
950 Maidu Avenue, Suite 170
Nevada City, California 95959

The custodian of these documents is the Community Development Director.

SECTION 6
MITIGATION MONITORING AND REPORTING PLAN

As required by CEQA (Resources Code, §21081.6, subd. (a)(1); CEQA Guidelines, §15097), County prepared a Mitigation Monitoring and Reporting Plan (MMRP) for the Project. The MMRP was adopted by the Nevada County Board of Supervisors on October 8, 2019. The County will use the MMRP to track compliance with Project mitigation measures. The MMRP is included in the FEIR.

SECTION 7
ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

LESS-THAN-SIGNIFICANT IMPACTS

These Findings do not address impacts that are considered less than significant or beneficial prior to mitigation. Therefore, these Findings do not address the following impacts because they were determined to be either less than significant or beneficial in the EIR:

- Geology and Soils – Earthquakes and Seismically-Induced Ground Rupture (RDEIR, pp. 4.1-6, 4.1-7);
- Geology and Soils – Seismically-Induced Ground Acceleration (RDEIR, p. 4.1-7);
- Geology and Soils – Seismically-Induced Liquefaction (RDEIR, p. 4.1-7);
- Geology and Soils – Expansive or Corrosive Soils (RDEIR, pp. 4.1-8, 4.1-9);
- Geology and Soils – Erosion (RDEIR, pp. 4.1-9, 4.1-10);
- Geology and Soils – Cumulative Impacts (RDEIR, p. 5-4);
- Hydrology and Water Quality – Drainage Patterns/Flow Directions (RDEIR, pp. 4.2-11 to 4.2-12);
- Hydrology and Water Quality – Existing or Planned Storm Drain System Capacity (RDEIR, p. 4.2-14);
- Hydrology and Water Quality – Flooding/Floodplain Hazards (RDEIR, pp. 4.2-14 to 4.2-15);
- Hydrology and Water Quality – Cumulative Impacts (RDEIR, pp. 5-4 to 5-5);
- Biological Resources – Impacts to Special Status Plants (RDEIR, p. 4.3-27);
- Biological Resources – Impacts to Native Vegetation (RDEIR, pp. 4.3-29 to 4.3-30);
- Biological Resources – Impacts to Loyalton Truckee Mule Deer (RDEIR, pp. 4.3-30 to 4.3-31);
- Biological Resources – Landmark Oak Trees or Groves (RDEIR, p. 4.3-31);
-
- Biological Resources – Indirect Impacts (Not Including Night Lighting, Water Quality, and Fugitive Dust) (RDEIR, pp. 4.3-32 to 4.3-34);
- Aesthetics – Scenic Vistas (RDEIR, p. 4.4-7);
- Aesthetics – Scenic Highway/Visual Resources (RDEIR, p. 4.4-7);
- Aesthetics – Light and Glare (RDEIR, pp. 4.4-11 to 4.4-12);
- Traffic and Circulation – Existing Plus Project Level of Service (RDEIR, pp. 4.5-6 to 4.5-7);
- Traffic and Circulation – Cumulative Plus Project Level of Service (RDEIR, pp. 4.5-7 to 4.5-8);
- Traffic and Circulation – Vehicle Miles Traveled (RDEIR, pp. 4.5-9 to 4.5-10);
- Traffic and Circulation – Turn Lane Warrants at West Hinton Road/Stampede Meadows Road (RDEIR, pp. 4.5-12 to 4.5-13);
- Noise –Crushing and Screening Facility Noise Generation (RDEIR, pp. 4.6-12 to 4.6-13);
- Noise – Backfill Import and Material Load-Out Noise Generation (RDEIR, p. 4.6-15);
- Noise – Single-Event and Sleep Disturbance (RDEIR, pp. 4.6-18 to 4.6-19);
- Noise – Truck Pass-by Noise Impact on Cyclists (RDEIR, p. 4.6-19);
- Noise – Blasting Noise and Vibration Generation (RDEIR, p. 4.6-19);
- Noise – Heavy Earthmoving Equipment Vibration Levels (RDEIR, p. 4.6-20);
- Noise – Cumulative Impacts (RDEIR, pp. 5-8 to 5-9);

- Air Quality – Conformance to the Applicable Air Quality Plans (RDEIR, pp. 4.7-15 to 4.7-16);
- Air Quality – Off-Site Roadway Improvement Air Quality Emissions (RDEIR, pp. 4.7-17 to 4.7-18);
- Air Quality – Site Preparation Air Quality Emissions (RDEIR, p. 4.7-18);
- Air Quality – Exposure of Sensitive Receptors to Diesel Particulate Matter, Crystalline Silica, and Localized CO Hot Spots (RDEIR, pp. 4.7-21 to 4.7-23);
- Air Quality – Odors (RDEIR, pp. 4.7-23 to 4.7-24);
- Greenhouse Gases – GHG Emissions (RDEIR, pp. 4.8-6 to 4.8-9);
- Greenhouse Gases – Conflicts with Applicable Plans, Policies, or Regulations (RDEIR, p. 4.8-9);
- Greenhouse Gases – Cumulative Impacts (RDEIR, p. 5-10);
- Energy – Consumption of Non-Renewable Energy (RDEIR, pp. 4.9-5 to 4.9-14);
- Energy – Cumulative Impacts (RDEIR, p. 5-10);
- Hazards and Hazardous Materials – Hazardous Materials in the Vicinity of Schools (RDEIR, p. 4.10-10);
- Hazards and Hazardous Materials -- Hazardous Materials List (RDEIR, p. 4.10-10);
- Hazards and Hazardous Materials – Hazards Associated with a Public Airport or Private Airstrip (RDEIR, p. 4.10-10);
- Hazards and Hazardous Materials – Interfere with an Emergency Response/Evacuation Plan (RDEIR, p. 4.10-11);
- Hazards and Hazardous Materials – Cumulative Impacts (RDEIR, p. 5-10);
- Cultural Resources – Cumulative Impacts (RDEIR, p. 5-11);
- Agriculture/Forestry Resources (RDEIR, p. 9-1);
- Land Use and Planning (RDEIR, pp. 9-1 to 9-3);
- Mineral Resources (RDEIR, p. 9-3);
- Population and Housing (RDEIR, p. 9-3);
- Public Services (RDEIR, p. 9-3);
- Recreation (RDEIR, pp. 9-3 to 9-5);
- Utilities/Service Systems (RDEIR, p. 9-5);
- Wildfire (RDEIR, pp. 9-5 to 9-6).

SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The EIR identified some significant or potentially significant environmental effects or impacts that the Project will or may cause. Some of these significant effects can be fully avoided through adoption of feasible mitigation measures. Other effects cannot be substantially lessened or avoided by the adoption of feasible mitigation measures or alternatives and are, therefore, considered significant and unavoidable.

The Project would result in the following significant or potentially significant impacts that can be mitigated to a less-than-significant level through the implementation of mitigation measures described in the FEIR and imposed as conditions of approval of the Project through the Use Permit and/or MMRP:

- Geology and Soils –Landslides and Manufactured Slope Instability (RDEIR, pp. 4.1-7 to 4.1-8);

- Hydrology and Water Quality – Runoff Volumes/Velocities and Storm Water Management (RDEIR, pp. 4.2-15 to 4.2-16);
- Hydrology and Water Quality – Groundwater Supplies/Recharge (RDEIR, pp. 4.2-14 to 4.2-15);
- Hydrology and Water Quality – Erosion and Sedimentation (RDEIR, pp. 4.2-16 to 4.2-17);
- Hydrology and Water Quality – Groundwater Quality (RDEIR, pp. 4.2-17 to 4.2-18);
- Biological Resources – Impacts to Special Status Wildlife/Disturbance to Nesting Birds (RDEIR, pp. 4.3-28, 4.3-31);
- Biological Resources – Impacts to Jurisdictional Waters (RDEIR, pp. 4.3-28 to 4.3-29);
- Biological Resources – Night Lighting (RDEIR, pp. 4.3-32 to 4.3-33);
- Biological Resources – Water Quality (RDEIR, p. 4.3-33);
- Biological Resources -- Fugitive Dust (RDEIR, pp. 4.3-33 to 4.3-34);
- Biological Resources –Cumulative Impacts on Deer Migration (RDEIR, pp. 5-5 to 5-6);
- Traffic and Circulation – Construction-Related Traffic Impacts (RDEIR, p. 4.5-11);
- Traffic and Circulation – Roadway Integrity (RDEIR, p. 4.5-11 to 4.5-12);
- Traffic and Circulation – Driver Sight Distance (RDEIR, pp. 4.5-13 to 4.5-17);
- Noise – Excavation Noise Generation (RDEIR, pp. 4.6-13 to 4.6-14);
- Noise – Heavy Truck Traffic Noise Generation (RDEIR, pp. 4.6-15 to 4.6-18);
- Noise – Combined Noise from All Project Sources (RDEIR, pp. 4.6-20 to 4.6-22);
- Noise – Off-site Roadway Improvements Construction Noise (RDEIR, p. 4.6-22);
- Air Quality – Vegetation Burning Emissions (RDEIR, pp. 4.7-18 to 4.7-19);
- Air Quality – Exposure of Sensitive Receptors to Asbestos (RDEIR, pp. 4.7-22);
- Hazards and Hazardous Materials -- Hazards from the Routine Transport, Use, or Disposal of Hazardous Materials (RDEIR, p. 4.10-9);
- Hazards and Hazardous Materials – Accidental Release of Hazardous Materials (RDEIR, pp. 4.10-9 to 4.10-10);
- Hazards and Hazardous Materials – Wildfire Risk (RDEIR, p. 4.10-11);
- Cultural Resources – Historical Resources (RDEIR, pp. 4.11-18 to 4.11-19);
- Cultural Resources – Archaeological Resources (RDEIR, p. 4.11-19);
- Cultural Resources – Paleontological Resources (RDEIR, p. 4.11-19);
- Cultural Resources – Human Remains (RDEIR, p. 4.11-20);
- Cultural Resources – Tribal Cultural Resources (RDEIR, p. 4.11-20);

The Project would result in the following significant and unavoidable impacts that cannot be mitigated to a less-than-significant level through the implementation of mitigation measures described in the FEIR and imposed as conditions of approval of the Project through the CUP and/or MMRP:

- Aesthetics –Visual Character and Quality (RDEIR, pp. 4.4-7 to 4.4-11);
- Aesthetics – Cumulative Visual Character Impacts (RDEIR, p. 5-7);
- Traffic and Circulation – Bicyclist Safety (RDEIR, pp. 4.5-17 to 4.5-18);
- Traffic and Circulation – Cumulative Bicyclist Safety Impacts (RDEIR, p. 5-8);
- Air Quality – Operational Air Quality Emissions (RDEIR, pp. 4.7-19 to 4.7-20);
- Air Quality – Cumulative Impacts (RDEIR, p. 5-9).

A. GEOLOGY AND SOILS

1. Impact: Potential Instability of Manufactured Slopes in the West Pit. Project impacts related to manufactured slope instability would be potentially significant if site-specific conditions in the West Pit vary substantially and require modification from preliminary observations/recommendations. (RDEIR, pp. 4.1-7 to 4.1-8.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. 4.1-8, 4.1-10 to 4.1-11.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

GEO–1
The final design of manufactured slopes in the proposed West Pit shall incorporate all available geologic/geotechnical data, with slope heights/grades and other applicable project features to reflect these data and include any applicable deviations from the recommendations provided in the August 2010 project Stability Evaluation. (RDEIR, pp. ES-7, 4.1-10.)

GEO–2
Manufactured slopes in the West Pit shall be regularly inspected by a qualified geotechnical engineer during mining operations, and slope performance and geological conditions shall be documented and submitted to the County as required. This information shall be used to review and, as appropriate, revise the geological and geotechnical models and slope design recommendations provided in the Stability Evaluation of the West Pit (Golder 2010a). These inspections and slope design reviews shall be performed by a qualified geotechnical engineer as follows: (1) annually at a minimum; (2) at any time mining operations encounter conditions that vary significantly from the geological and geotechnical models documented in the Stability Evaluation of the West Pit (Golder 2010a); and (3) at any time that slopes developed according to the project design based on the recommendations of the Stability Evaluation of the West Pit (Golder 2010a) show indications of significant instability. This observational and review approach, supported by strength testing of representative materials, shall be used to update or provide more appropriate FOS calculations for slopes prior to pit closure, with any and all associated modifications from recommendations contained in the Stability Evaluation of the West Pit (Golder 2010a) to be incorporated into the design and operation of mining activities at the West Pit. (RDEIR, pp. ES-7 to ES-8, 4.1-10 to 4.1-11.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-7 to ES-8, 4.1-8, 4.1-10 to 4.1-11.)

B. HYDROLOGY AND WATER QUALITY

1. Impact: Runoff Volumes/Velocities and Stormwater Management. Revisions to the design of the storm water detention basin following project approval would result in

potentially significant impacts related to runoff volumes and velocities. (RDEIR, pp. ES-9, 4.2-12 to 4.2-14.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-9, 4.2-18.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **HYD-1**
> In accordance with SMARA, the applicant shall adhere to all erosion and sediment control measures as identified in the SWMP (Golder 2010b) and 2011 Reclamation Plan (ESRS 2011) for the project. Any revisions to the storm water management design for the project after project approval shall be prepared by a qualified registered engineer and shall be provided to the County for review and approval. The revised storm water management system shall be designed to prevent discharge of storm water from the project site. As required, the applicant shall update the SWMP based on the revised design or if required, shall file a Notice of Intent to comply with the Industrial General Permit from the RWQCB.
>
> The applicant shall provide the County Planning Department with an updated SWMP every seven years which will also be tracked through the annual review of the Development Agreement. (RDEIR, pp. ES-9, 4.2-18.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-9, 4.2-18, 4.2-20.)

2. **Impact: Groundwater Supplies/Recharge.** Operation of the proposed project would result in potentially significant impacts to ground water supplies and recharge at Dobbas Spring. (RDEIR, pp. ES-9, 4.2-15 to 4.2-16.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-9, 4.2-18.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **HYD-2**
> The project applicant and/or operator shall monitor precipitation levels at the project site and flows at Dobbas Spring on a monthly and annual basis. The results of this monitoring shall be documented and submitted to the County on an annual basis, along with a summary description of the resultant water balance (i.e., spring flow versus project-related use).
>
> If the noted monitoring data indicate that current or projected future project-related water demand equals or exceeds the flow at Dobbas Spring, the project

applicant/operator shall adjust quarry production and/or water supply source(s) accordingly. Specifically, this could include an appropriate reduction of quarry production (with a corresponding reduction in water use), and/or the procurement of alternate water supplies, such that water use from Dobbas Spring does not exceed available supply. (RDEIR, pp. ES-9, 4.2-18.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-9, 4.2-18, 4.2-20.)

3. Impact: Erosion and Sedimentation. Should the design of the storm water detention basin be updated following project approval, potential impacts related to erosion and sedimentation would be potentially significant. (RDEIR, pp. ES-10, 4.2-16 to 4.2-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-10, 4.2-18.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

HYD-1
In accordance with SMARA, the applicant shall adhere to all erosion and sediment control measures as identified in the SWMP (Golder 2010b) and 2011 Reclamation Plan (ESRS 2011) for the project. Any revisions to the storm water management design for the project after project approval shall be prepared by a qualified registered engineer and shall be provided to the County for review and approval. The revised storm water management system shall be designed to prevent discharge of storm water from the project site. As required, the applicant shall update the SWMP based on the revised design or if required, shall file a Notice of Intent to comply with the Industrial General Permit from the RWQCB.

The applicant shall provide the County Planning Department with an updated SWMP every seven years which will also be tracked through the annual review of the Development Agreement. (RDEIR, pp. ES-9, ES-10, 4.2-18.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-10, 4.2-18, 4.2-20.)

4. Impact: Groundwater Quality. Impacts to groundwater from contamination of the detention basin during operation of the project would be a potentially significant impact. (RDEIR, pp. ES-10 to ES-11, 4.2-17 to 4.2-18.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-10 to ES-11, 4.2-19.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

HYD-3

The following avoidance and minimization measures shall be implemented for the duration of operation of the project to avoid impacts to groundwater resources in the project site:

- All imported fill material proposed for use as backfill at the project site shall be "clean" and free from contaminants that are potentially deleterious to surface or groundwater, public health, and the environment in general. The site operator shall visually inspect all imported fill loads for debris and foreign material and shall maintain a written log of all imported fill loads. Because the imported fill shall come from a known, clean source, a chemical inspection would not be required. The inspection log shall include the name, source, address, phone number and vehicle license plate number associated with each fill load, with this information to be submitted to the County for review and verification on a monthly basis.
- All project-related vehicles and equipment shall be regularly inspected and maintained (per manufacturer's specifications) to ensure proper operation and minimize the potential for accidental spills and leaks of associated pollutants.
- The project impact footprint shall be inspected by the site operator on a daily basis to identify and (as necessary) maintained to identify/remove potential pollutant sources such as trash/debris, spills of vehicle/equipment-related pollutants, and other potential contaminants.
- Storage of potential pollutants (such as fuels and lubricants), as well as maintenance of vehicles/equipment, shall not occur within the project site to reduce to potential for discharge of associated contaminants.
- Appropriate containment and disposal shall be provided for project-generated solid waste (e.g., operational and office trash/debris), through efforts such as use of appropriate storage/containment facilities (e.g., enclosed dumpsters with lids, secondary containment fencing, and an impermeable base), and contracting for regular pickup and disposal of solid waste at an approved off-site facility.
- Training shall be provided at appropriate regular intervals to employees responsible for activities related to installation, operation and/or maintenance of project equipment/vehicles, mining activities, storm drain systems, and erosion/ sedimentation facilities and operations. This training shall also include spill response procedures to ensure that staff are capable of appropriately addressing issues and conditions related to pollutant discharge.
- Detailed records shall be kept on-site for efforts including inspections, maintenance activities, corrective actions, material deliveries and inventories, testing/sampling results, and spills and responses.

(RDEIR, pp. ES-10 to ES-11, 4.2-19.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-10 to ES-11, 4.2-19 to 4.2-20.)

C. BIOLOGICAL RESOURCES

1. Impact: Impacts to Special Status Wildlife/Disturbance to Nesting Birds. Clearing and grubbing or other ground disturbing activities have the potential to result in disturbance of nesting birds, including yellow warbler a CDFW species of special concern. Disturbance may include destruction of nests, forced fledgling, or nest abandonment of eggs or young which would be a potentially significant impact. (RDEIR, pp. ES-12 to ES-13, 4.3-28.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-12 to ES-13, 4.3-28.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

BIO–1

The removal of trees, vegetation, and soil salvage from the Boca Quarry project site or off-site roadway improvement area shall be limited to only those necessary to conduct the approved activity. Tree and shrub removal or trimming and soil salvage shall occur outside of the nesting season (between August 16 and January 14). Due to challenges with conducting surveys of tall trees, it is particularly important to time removal of trees with diameter at breast height exceeding 24 inches to be removed outside of the nesting season.

- If removal of trees or shrubs in the project site will occur during the nesting season (typically January 15 to August 15, or as determined appropriate on a case-by-case basis by a qualified biologist based on the habitat being removed), or if construction of the off-site roadway improvement area is expected to be initiated during the nesting season, surveys for nesting birds shall be conducted by a qualified biologist prior to removal of potentially suitable nesting habitat. The surveys shall cover the proposed work area (off-site roadway improvement area), or area of tree removal within the ultimate disturbed area and areas within 300 feet. The nesting surveys shall take place at the time birds are most active, typically between dawn and 11 a.m. The surveys may not occur more than 7 days prior to the activities. If no nesting activity is observed during the surveys or within 300 feet of the tree or vegetation to be removed or trimmed or soil to be salvaged, then no further mitigation is necessary.
- If nesting raptors or other nesting migratory birds are identified during the surveys, then a 100-foot buffer shall be established for nesting passerines, and a 300 to 1,000-foot buffer shall be established for nesting raptors at the discretion of the qualified biologist. Temporary exclusionary fencing with signs describing the sensitivity of the area shall be installed to establish the no-disturbance buffer around the nest.
- No trees or vegetation shall be removed or trimmed and no other earth-moving activity shall occur within the established buffer until it is determined by a qualified biologist that the young have fledged (that is,

left the nest) and have attained sufficient mobility to avoid project construction/mining zones.

- The size of the non-disturbance buffer may be altered if a qualified biologist conducts behavioral observations and determines the nesting raptors or other migratory birds are well acclimated to the disturbance. If this occurs, the biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to nesting birds. If the buffer is reduced, the qualified biologist shall remain on site to monitor the birds' behavior during heavy construction. The biologist shall have the authority to stop work if it is determined the project is adversely affecting nesting activities.

(RDEIR, pp. ES-12 to ES-13, 4.3-34 to ES-35.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-12 to ES-13, 4.3-34 to ES-36.)

2. **Impact: Jurisdictional Waters.** The proposed project would result in a potentially significant impact if the wetland features located in the off-site improvement area fall under the jurisdiction of the U.S. Army Corps of Engineers, the Regional Water Quality Control Board, or California Department of Fish and Wildlife and construction of the off-site improvements result in excavation, fill, or removal of vegetation and cannot be improved to avoid direct impact. (DEIR, pp. ES-14, 4.3-28 to 4.3-29.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-14, 4.3-35.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

BIO–2

Ground disturbing activities and placement of fill in the Boca Quarry project site have been designed to avoid all identified aquatic habitats in the project site. No impacts to aquatic habitats shall occur without first obtaining the appropriate permits and approvals from the appropriate agency (USACE, RWQCB, and/or CDFW).

The roadway improvements in the off-site roadway improvement area should be designed to avoid all aquatic habitats identified in Figure 4.3-1b of the EIR for the project by a minimum of 30 feet (Truckee River, Lemmon's Willow Thicket, Wet Meadow, in the off-site roadway improvement area). The mapping of these habitats shall be included in the roadway design plans with the distances from the edge of habitat to the cut/fill line shown. If the project design is unable to avoid those habitats, then the applicant shall prepare a formal wetland delineation including, at a minimum, the areas where improvements would be constructed within 30 feet of the mapped aquatic habitats. In the event that wetlands that fall under the jurisdiction of the USACE or the Lahontan RWQCB are found where excavation, fill, or vegetation removal would be required for the improvements, the applicant shall modify the improvement designs so as to minimize or

eliminate direct impact. If the design of the improvements cannot be revised so as to avoid all direct impact on wetlands, the applicant shall obtain applicable authorizations and water quality certification and implement compensatory or other mitigation actions that are required by the approvals. At a minimum, the mitigation actions shall ensure that there is no net loss of wetland acreage or values.

Prior to issuance of the grading permit for the roadway improvements, the applicant shall demonstrate to the County that: (1) all aquatic habitats are being sufficiently avoided, as described above; or (2) the appropriate permits and approvals have been obtained to impact waters of the U.S. and State and CDFW jurisdictional areas, if present, and any necessary compensatory mitigation has been secured. (RDEIR, pp. ES-14, 4.3-35.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-14, 4.3-35, 4.3-36.)

3. **Impact: Water Quality.** The effects of water quality on wildlife could constitute a potentially significant impact. (RDEIR, pp. ES-15, 4.3-33.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-15, 4.3-33, 4.3-35.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

BIO-3
Mitigation measures HYD-1 and HYD-3 shall be implemented to reduce potentially significant impacts on biological resources from reduced water quality to a level of less than significant. (RDEIR, pp. ES-15, 4.3-35.)

HYD-1
In accordance with SMARA, the applicant shall adhere to all erosion and sediment control measures as identified in the SWMP (Golder 2010b) and 2011 Reclamation Plan (ESRS 2011) for the project. Any revisions to the storm water management design for the project after project approval shall be prepared by a qualified registered engineer and shall be provided to the County for review and approval. The revised storm water management system shall be designed to prevent discharge of storm water from the project site. As required, the applicant shall update the SWMP based on the revised design or if required, shall file a Notice of Intent to comply with the Industrial General Permit from the RWQCB.

The applicant shall provide the County Planning Department with an updated SWMP every seven years which will also be tracked through the annual review of the Development Agreement. (RDEIR, pp. ES-9, ES-10, 4.2-18.)

HYD-3
The following avoidance and minimization measures shall be implemented for

the duration of operation of the project to avoid impacts to groundwater resources in the project site:

- All imported fill material proposed for use as backfill at the project site shall be "clean" and free from contaminants that are potentially deleterious to surface or groundwater, public health, and the environment in general. The site operator shall visually inspect all imported fill loads for debris and foreign material and shall maintain a written log of all imported fill loads. Because the imported fill shall come from a known, clean source, a chemical inspection would not be required. The inspection log shall include the name, source, address, phone number and vehicle license plate number associated with each fill load, with this information to be submitted to the County for review and verification on a monthly basis.
- All project-related vehicles and equipment shall be regularly inspected and maintained (per manufacturer's specifications) to ensure proper operation and minimize the potential for accidental spills and leaks of associated pollutants.
- The project impact footprint shall be inspected by the site operator on a daily basis to identify and (as necessary) maintained to identify/remove potential pollutant sources such as trash/debris, spills of vehicle/equipment-related pollutants, and other potential contaminants.
- Storage of potential pollutants (such as fuels and lubricants), as well as maintenance of vehicles/equipment, shall not occur within the project site to reduce to potential for discharge of associated contaminants.
- Appropriate containment and disposal shall be provided for project-generated solid waste (e.g., operational and office trash/debris), through efforts such as use of appropriate storage/containment facilities (e.g., enclosed dumpsters with lids, secondary containment fencing, and an impermeable base), and contracting for regular pickup and disposal of solid waste at an approved off-site facility.
- Training shall be provided at appropriate regular intervals to employees responsible for activities related to installation, operation and/or maintenance of project equipment/vehicles, mining activities, storm drain systems, and erosion/ sedimentation facilities and operations. This training shall also include spill response procedures to ensure that staff are capable of appropriately addressing issues and conditions related to pollutant discharge.
- Detailed records shall be kept on-site for efforts including inspections, maintenance activities, corrective actions, material deliveries and inventories, testing/sampling results, and spills and responses.

(RDEIR, pp. ES-10 to ES-11, 4.2-19.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, p. ES-15, 4.3-33, 4.3-36.)

4. **Impact: Light and Glare.** The effects of night lighting on wildlife could constitute a potentially significant impact. (RDEIR, pp. ES-15, 4.3-32 to 4.3-33.)

Finding: Changes or alterations have been required in, or incorporated into, the Project

which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-15, 4.3-35.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **BIO–4**
> 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. All exterior lighting shall be manual on/off and shall be turned on only for the duration of allowable, occasional night time operations. No exterior lighting shall be allowed while the site is not in use. (RDEIR, pp. ES-15, 4.3-35.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-15, 4.3-35, 4.3-36.)

5. Impact: Fugitive Dust. The effects of fugitive dust on vegetation outside of the ultimate disturbed area could constitute a potentially significant impact. (RDEIR, pp. ES-15, 4.3-27.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (DEIR, pp. ES-16, 4.3-28.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **BIO–5**
> 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. (RDEIR, pp. ES-15, 4.3-35.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-15, 4.3-35, 4.3-36.)

D. AESTHETICS

1. Impact: Visual Character and Quality. As rock is removed in Phases II and III of the project, the newly exposed blue-gray rock will cause a strong contrast to the surrounding weathered and oxidized surfaces, resulting in a visual impact that is potentially significant. (RDEIR, pp. ES-15, 4.4-7 to 4.4-11.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. ES-15, 4.4-13, 6-8, 6-12 to 6-13.) (No mitigation measures identified in the EIR were rejected as infeasible, but please refer to Section 8 of these Findings regarding

project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-15, 4.4-12.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

> **AES–1**
> Potential impacts to visual resources shall be offset by spraying "Rock Varnish" (aka desert varnish) such as Nantina or PERMEON or other functional equivalent on exposed upper cut face slopes immediately following the completion of each phase of mining, to blend visually with undisturbed rock face and talus following mining operations. The PERMEON (desert varnish) or approved equal, shall be mixed with water in a 5:1 solution (i.e.: 20 gallons of PERMEON to 100 gallons of water). A compressor shall be used to pressurize the spray to approximately 200 psi for application with an agricultural-type hand-held nozzle sprayer. The desert varnish color can range from almost black to a light tan, depending on the concentration of PERMEON and the number of coats to be made. The solution shall be sprayed on until saturation. When first applied, the PERMEON mixture would not have a tint, and the exposed rock initially returns to its original color as it dries. The desired coloration process is activated by exposure to ultraviolet light from sunshine. (RDEIR, pp. ES-15, 4.4-12.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. ES-15, 4.4-13.)

E. TRAFFIC AND CIRCULATION

1. Impact: Construction-Related Traffic Impacts. Construction of the roadway improvements along Stampede Meadows Road would result in temporary impacts to traffic circulation through the area. Construction-related impacts to traffic circulation would be potentially significant. (RDEIR, pp. ES-16, 4.5-11.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-16, 4.5-11.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **TRANS–1**
> Prior to the County issuing an encroachment permit for the off-site roadway improvements, the Contractor shall prepare and submit to the County for approval a traffic control plan consistent with County requirements regarding traffic control during construction of the off-site roadway improvements. In all instances, traffic flow through the off-site roadway improvement area shall be

maintained for the duration of construction. (RDEIR, pp. ES-16, 4.5-18.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-16, 4.5-19.)

2. **Impact: Roadway Integrity (West Hinton Road).** The applicant is responsible for maintaining a segment of West Hinton Road through U.S. Forest Service (Tahoe National Forest) lands pursuant to a Road Use Permit that is renewed annually. Should the applicant fail to renew the permit and/or fail to maintain the road as specified in the permit, impacts to the public road would be potentially significant. (RDEIR, pp. ES-16, 4.5-11.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-16, 4.5-11.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **TRANS–2**
> The applicant shall maintain the Road Use Permit with the USFS for use of West Hinton Road through USFS lands for the duration of operation of the quarry. The applicant shall submit documentation to the County prior to operation of the West Pit and annually thereafter (or for another duration, based on the duration of the issued Road Use Permit) which demonstrates the permit is valid. (RDEIR, p. ES-16, 4.5-18.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, p. ES-16, 4.5-19.)

3. **Impact: Roadway Integrity (Unauthorized Truck Route).** Haul trucks traveling along an unauthorized route and entering residential communities south of I-80, including the Community of Hirschdale, could result in impacts to the roadway integrity. Impacts to the public road would be potentially significant. (RDEIR, pp. ES-17, 4.5-11.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-17, 4.5-11.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **TRANS–3**
> The authorized haul route for operation of the quarry is along Stampede Meadows Road and West Hinton Road between the I-80/Hirschdale Road interchange and the quarry. The applicant shall not alter the haul route without prior authorization from the County. No haul trucks shall be permitted to enter or leave the quarry from the southern entrance of the project site, through the

Community of Hirschdale. To prevent haul truck traffic from inadvertently attempting to use the southern entrance or otherwise traveling into residential communities south of I-80, temporary signs shall be installed at the I-80/Hirschdale Road interchange off-ramp which shall depict the authorized haul route to the quarry. The applicant shall maintain the signs for the duration of operation of the mine. (RDEIR, p. ES-16, 4.5-19.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, p. ES-16, 4.5-19.)

4. **Impact: Driver Sight Distance**. The project would result in an increase in traffic at the intersection of Stampede Meadows Road and West Hinton Road would exacerbate existing hazards associated with inadequate sight distances at the intersection and would result in a potentially significant impact. (RDEIR, pp. ES-17, 4.5-13 to 4.5-17.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-17, 4.5-19.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

TRANS–4
Prior to issuance of an encroachment permit for the off-site roadway improvements, the proposed signage, roadway widening, and sight distance improvements shall be reviewed and approved by the Nevada County Department of Public Works. As a condition of approval, the applicant shall be required to construct the proposed off-site roadway improvements along Stampede Meadows Road between the I-80/Hirschdale Road interchange and West Hinton Road prior to implementation of operations in the West Pit. The off-site roadway improvements including the intersection improvements at Stampede Meadows Road and West Hinton Road, and the proposed roadway widening shall be complete and operational prior to the addition of traffic associated with operations in the West Pit. The applicant shall not implement operations in the West Pit prior to receiving County approval that the off-site roadway improvements are complete. (RDEIR, pp. ES-17, 4.5-19.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, p. ES-17, 4.5-19.)

5. **Impact: Bicyclist Safety**. The project would result in an increase in truck traffic along Stampede Meadows Road between West Hinton Road and I-80 which may result in a potentially significant impact due to conflicts with bicyclists using Stampede Meadows Road. (RDEIR, pp. ES-17, 4.5-17 to 4.5-18.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. ES-17, 4.4-19, 6-9, 6-12 to 6-13.) (No mitigation measures identified in the EIR were rejected as infeasible, but please refer to Section 8 of these Findings regarding

project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-17, 4.5-19.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

> **TRANS-5**
> The final design for the roadway widening along Stampede Meadows Road shall include a smooth pavement transition where West Hinton Road meets Stampede Meadows Road. The transition shall be achieved by paving the approach to the paved road (Stampede Meadows Road) from the unpaved Road (West Hinton Road). The distance of the paved approach and the transition at the intersection shall be designed in accordance with County standards. The design shall be incorporated into the roadway widening plans and shall be reviewed and approved by the Nevada County Department of Public Works prior to issuance of an encroachment permit. (RDEIR, pp. ES-17, 4.5-19.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. ES-17, 4.5-19.)

F. NOISE

1. Impact: Excavation Noise Generation. Noise generated by excavation activities during operation of the quarry may exceed the County's daytime, evening and nighttime noise thresholds at Receptor 14, which represents a potential future noise sensitive land use. If a noise sensitive land use is constructed on the represented property within 1,250 feet of the ultimate disturbed area, noise related impacts from excavation activities during operation of the project would be potentially significant. (RDEIR, pp. ES-18, 4.6-13 to 4.6-14.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-18, 4.6-24.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **NOI–1**
> Future residential development proposed at any nearby parcels shall not be exposed to operational noise levels exceeding 55 dBA LEQ (or 65 dBA LMAX) during daytime hours, or 50 dBA LEQ (or 65 dBA LMAX) during evening hours, or 50 dBA LEQ (or 60 LMAX) during nighttime hours.

Residential development within 1,250 feet of the ultimate disturbed area may be exposed to elevated noise levels. If a residence is proposed within this setback, an acoustical analysis shall be provided paid for by the applicant or the current operator of the facility. The noise analysis shall be conducted by a qualified acoustical engineer to demonstrate that any future residences satisfies the exterior and interior noise standards established by Nevada County. The analysis shall include an ambient noise survey to quantify baseline conditions at a future residence which shall then be used to develop offsets to the Nevada County noise standards, as appropriate. Updated setback distances shall be established accounting for topography and equipment used at that time. The acoustical analysis shall identify additional noise control measures to be incorporated into the project operations at that time. Such measures could include the use of equipment noise shielding, sound berms or barriers, or other feasible measures.

If excavation activity is not shown to be reduced to appropriate levels following mitigation, excavation activity within the determined setback distances shall not occur. (RDEIR, pp. ES-18, 4.6-24.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, p. ES-18, 4.6-25.)

2. **Impact: Heavy Truck Traffic Noise Generation**. Noise generated by heavy trucks may exceed the County's daytime, evening and nighttime noise thresholds at Receptors 12, 13, and 14, which all represent potential future noise sensitive land uses. If noise-sensitive land uses (residences) are constructed on these parcels within 300 feet of the proposed haul route, noise related impacts from truck trips would be potentially significant. (RDEIR, pp. ES-19, 4.6-15 to 4.6-18).

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-19, 4.6-24 to 4.6-25)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

NOI–2
Future residential development proposed at any nearby parcels shall not be exposed to heavy traffic noise levels exceeding 55 dBA LEQ during daytime hours, or 50 dBA LEQ during evening or nighttime hours. Future residences shall not be exposed to noise levels exceeding 65 dBA LMAX during daytime hours, 65 dBA LMAX during evening hours, or 60 dBA LMAX during nighttime hours.

Future residential development proposed within 300 feet of the haul route may be exposed to elevated noise levels. If a residence is proposed within these setbacks, an acoustical analysis shall be provided and paid for by the applicant or the current operator of the project. The noise analysis shall be conducted by a qualified acoustical engineer to demonstrate that any future residences satisfies the exterior and interior noise standards established by Nevada County. The

analysis shall include an ambient noise survey to quantify baseline conditions at a future residence which shall then be used to develop offsets to the Nevada County noise standards, as appropriate. In addition, heavy truck passby noise level measurements shall be conducted from the locations of the proposed residences to determine if haul truck noise levels would exceed the adjusted noise level standards. The acoustical analysis shall identify additional noise control measures to be incorporated into the project operations at that time. Such measures could include the use of sound berms or barriers, relocation of the haul road to create additional setbacks from the proposed residences, or other feasible measures. (RDEIR, pp. ES-19, 4.6-24 to 4.6-25)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-19, 4.6-25)

3. **Impact: Combined Noise from All Project Sources.** Operation of the mine would exceed the County's evening and nighttime noise threshold at Receptor 7, which would result in a potentially significant impact. (RDEIR, pp. ES-20, 4.6-20 to 4.6-22)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-20, 4.6-25)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

NOI–3
Noise levels from operation of the mine shall not exceed the adjusted evening and nighttime County noise standard of 48 dBA Leq at Receptor 7. Mining activities other than the occasional haul out shall be prohibited between the hours of 9 p.m. and 6 a.m. Operational activities (e.g., excavation and processing) associated with the West Pit shall be limited to between the hours of 7 a.m. and 7 p.m. unless operational noise monitoring demonstrates that nighttime quarry operation does not exceed the adjusted evening and nighttime County noise standard at Receptor 7 (see Mitigation Measure NOI-2). (RDEIR, pp. ES-20, 4.6-25)

NOI-4
Once the West Pit is operational, additional noise monitoring may be performed at Receptor 7 at the operator's expense. If this monitoring can confirm, to the satisfaction of the Nevada County Planning Department, that operational noise levels do not exceed the evening and nighttime noise standard of 48 dBA Leq at Receptor 7, then the County may extend the operating timeframe (including excavation and processing) to between 6 a.m. and 9 p.m. If the intervening topography and vegetation effectively reduces the operational noise limits to at or below the nighttime 40 dBA LEQ standard, then this Mitigation Measure shall replace mitigation measure NOI-1. 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. (RDEIR, pp. ES-20, 4.6-25)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-20, 4.6-25)

4. **Impact: Off-site Roadway Improvements Construction Noise.** Off-site roadway improvement area construction activities occurring outside of daytime hours would result in a potentially significant impact. (RDEIR, pp. ES-20, 4.6-22)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-20, 4.6-25)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

NOI–5
The hours of operation for off-site roadway improvement construction activities, including grading, roadway construction and vegetation clearance, shall be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday. Grading and improvement plans shall reflect the limited hours of operation. (RDEIR, pp. ES-20, 4.6-25)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-20, 4.6-25)

G. AIR QUALITY

1. **Impact: Vegetation Burning Emissions.** Burning of vegetation cleared from the project site could result in exceedance of the NAAQS and/or CAAQS for nonattainment criteria air pollutants in the air basin. The project would result in a significant impact related to burning. (RDEIR, pp. ES-21, 4.7-18 to 4.7-19.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-21, 4.7-24.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

AQ-1
Prior to any open burning of vegetation, the Project Applicant shall obtain a burn permit in accordance with the NSAQMD Regulation III, Open Burning. All applicable requirements established for obtainment of a burn permit, notification of the air district or other entities, and execution of burning authorized by the permit shall be followed in accordance with NSAQMD Rules:

- Rule 308 – Land Development Clearing
- Rule 312 – Burning Permits
- Rule 313 – Burn Day

- Rule 314 – Minimum Drying Times
- Rule 315 – Burning Management Requirements
- Rule 316 – Burn Plan Preparation

(RDEIR, pp. ES-21, 4.7-24.)

Level of Significant After Mitigation: Less Than Significant. (RDEIR, pp. ES-21, 4.7-26.)

2. **Impact: Operational Air Quality Emissions.** Operation of the proposed project would result in NOx and PM10 emissions exceeding thresholds established by the Northern Sierra Air Quality Management District under all three potential operating scenarios (Scenario 1, Peak Daily Production; Scenario 2, Worst-Case Daily Production; and Scenario 3, Average Daily Production). As a result, the project would result in a significant impact associated with emissions. (RDEIR, pp. ES-21 to ES-23, 4.7-19 to 4.7-20.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. 4.7-26, 6-12 to 6-13.) (No mitigation measures identified in the EIR were rejected as infeasible, but please refer to Section 8 of these Findings regarding project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-21 to ES-23, 4.7-24 to 4.7-26.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

AQ-2

Diesel control measures including, but not limited to the following, shall be incorporated by the applicant into contract specifications for all on- and off-road equipment:

- To minimize potential diesel emission impacts on nearby receptors (pursuant to NSAQMD Regulation 2, Rule 205, Nuisance), heavy duty diesel equipment shall be properly tuned. A schedule of tune-ups shall be developed and performed for all equipment operating within the project area, particularly for haul and delivery trucks. A log of required tune-ups shall be maintained and a copy of the log shall be submitted to County for review every 2,000 service hours.
- To minimize diesel emission impacts, contracts shall require off-road compression ignition equipment operators to reduce unnecessary idling with a two-minute time limit.
- On-road and off-road material hauling vehicles shall shut off engines while queuing for loading and unloading for time periods longer that two minutes.

- Off-road diesel equipment shall be fitted with verified diesel emission control systems (e.g., diesel oxidation catalysts) to the extent reasonably and economically feasible.
- Off-road diesel equipment shall utilize alternative fuel equipment (i.e., compressed or liquefied natural gas, biodiesel, electric) to the extent reasonably and economically feasible.

(RDEIR, pp. ES-21 to ES-22, 4.7-24 to 4.7-25.)

AQ-3

The Applicant shall comply with NSAQMD Rule 226, which requires implementation of dust control measures which may include, but are not limited to the following:

- Ensure no visible dust emissions occurs beyond the property line;
- Ensure no dust emissions exceeding 20 percent opacity occur anywhere on the property;
- Ensure no offsite increase in ambient PM10 concentrations greater than 50 ug/m3 occur;
- Ensure no track-out exceeding 25 feet from the property occurs;
- Employ of a dust control supervisor who has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance;
- Water to maintain soil moisture at 12 percent on haul roads and other active unpaved surfaces that are not chemically stabilized;
- Water to prevent visible dust more than 100 feet from any earth moving or mining activity;
- Utilize watering, dust suppressants, larger aggregate cover, and revegetation in inactive, disturbed areas to prevent wind driven dust;
- Water unpaved roads daily, and limit the speed on unpaved roads to 15 mph;
- Utilize chemical stabilization, watering, covering, and enclosure of storage piles;
- Conduct sweeping of paved roads at the end of each workday shift, utilizing certified sweepers;
- Conduct prompt cleanup of any spilled material and stabilization of any spilled material storage piles at a minimum frequency of daily at the end of each work day;
- Utilize dust suppressants or other dust control methods on conveyors, loading, unloading, or transferring activities;
- Utilize baghouse emission controls on screening and crushing activities or other dust control measures to meet the visible emission limits;
- Conduct chemical stabilization of unpaved haul roads;
- Cover or otherwise stabilize aggregate loads (i.e., loads to remain 6 inches from the upper edge of the container area) to avoid dust emissions from product transport trucks in compliance with California Vehicle Code No. 23114; and
- Utilize wheel washers, rumble grate, and paving of internal roads to eliminate track out.

- Suspend excavation and grading activity when sustained winds make reasonable dust control difficult to implement, e.g., for winds over 25 miles per hour.
- Limit the area subject to blasting, mining, and other operational activity at any one time, as feasible.

(RDEIR, pp. ES-22 to ES-23, 4.7-25 to 4.7-26.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. ES-21 to ES-23, 4.7 -26.)

3. Impact: Exposure of Sensitive Receptors to Asbestos. Exposure of sensitive receptors to asbestos during construction of the off-site roadway improvements or mining operation would result in a potentially significant impact. (RDEIR, pp. ES-24, 4.7-22.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-24, 4.7-26 to 4.7-27.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

AQ-4
Prior to issuance of the encroachment permit for the off-site roadway improvements and prior to commencing operations in the West Pit, the work area shall be evaluated by a qualified individual to determine the presence/absence of asbestos containing materials. The results of the analyses shall be provided to the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA).

If naturally occurring asbestos is found at the project site, the Project Applicant shall prepare an Asbestos Health and Safety Program and an Asbestos Dust Control Plan for approval by CUPA. The Asbestos Health and Safety Program and Asbestos Dust Control Plan may include, but is not limited to, the following:

- Equipment operator safety requirements: protective clothing, breathing apparatuses to prevent inhalation of airborne asbestos fibers,
- Dust mitigation measures: continually water site to prevent airborne dust migration, cover all vehicle that haul materials from the site
- Identification of CUPA-approved disposal areas for all excavated materials.

(RDEIR, pp. ES-24, 4.7-26.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-24, 4.7-27.)

H. HAZARDS AND HAZARDOUS MATERIALS

1. Impact: Hazards from the Routine Transport, Use, or Disposal of Hazardous Materials. The proposed project would result in potentially significant impacts

associated with the routine transport, use, or disposal of hazardous materials. (RDEIR, pp. ES-25, 4.10-9.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-25, 4.10-12.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **HAZ-1**
> Should the hazardous materials used for operation of the mine be relocated and stored on the project site, the applicant must adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in the California Health and Safety Code Sections 25500 – 25519 and 25100 – 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). The applicant shall apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA). The operator shall secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations. (RDEIR, pp. ES-25, 4.10-12.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-25, 4.10-12 to 4.10-13.)

2. **Impact: Accidental Release of Hazardous Materials.** The proposed project would result in a potentially significant impact associated with the accidental release of hazardous materials. (RDEIR, pp. 4.10-9 to 4.10-10.) (RDEIR, pp. ES-25 to ES-26, 4.10-9 to 4.10-10.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-25 to ES-26, 4.10-12.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

> **HAZ-1**
> Should the hazardous materials used for operation of the mine be relocated and stored on the project site, the applicant must adhere to all applicable codes and regulations regarding the storage of hazardous materials and the generation of hazardous wastes set forth in the California Health and Safety Code Sections 25500 – 25519 and 25100 – 25258.2 including the electronic reporting requirement to the California Environmental Reporting System (CERS). The applicant shall apply for and obtain a permit for the storage of hazardous materials and the generation of hazardous wastes from the Nevada County

Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA). The operator shall secure and annually renew the permit for this facility within 30 days of becoming subject to applicable regulations. (RDEIR, pp. ES-25, 4.10-12.)

HAZ-2

In order to protect the public from potential release of hazardous materials, the project applicant shall prepare and implement an HMBP in accordance with the requirements of the County Public Health Department Environmental Services Division and the Hazardous Materials Release Response Plan and Inventory Act of 1985. Under this state law, the applicant is required to prepare an HMBP to be submitted to the County Public Health Department, Environmental Health Services Division, which is the Certified Unified Program Agency for the County, or can be filed through the California Environmental Reporting System. The HMBP shall include a hazardous material inventory, emergency response procedures, training program information, and basic information on the location, type, quantity, and health risks of hazardous materials stored, used, or disposed of at the proposed project site. The HMBP shall include an inventory of the hazardous waste generated on-site, and would specify procedures for proper disposal. As required, hazardous waste would be transported by a licensed hauler and disposed of at a licensed facility. According to the HMBP reporting requirements, workers must be trained to respond to releases of hazardous materials in accordance with State and federal laws and regulations governing hazardous materials and hazardous waste (e.g., HAZWOPER training required by OSHA). Any accidental release of small quantities of hazardous materials shall be promptly contained and abated in accordance with applicable regulatory requirements and reported to the Environmental Health Services Division. As the Certified Unified Program Agency for the County, the Environmental Health Services Division of the County Public Health Department is responsible for implementation and enforcement of HMBPs. (RDEIR, pp. ES-25 to ES-26, 4.10-12.)

AQ-4

Prior to issuance of the encroachment permit for the off-site roadway improvements and prior to commencing operations in the West Pit, the work area shall be evaluated by a qualified individual to determine the presence/absence of asbestos containing materials. The results of the analyses shall be provided to the Nevada County Department of Environmental Health (NCDEH), Certified Unified Program Agency (CUPA).

If naturally occurring asbestos is found at the project site, the Project Applicant shall prepare an Asbestos Health and Safety Program and an Asbestos Dust Control Plan for approval by CUPA. The Asbestos Health and Safety Program and Asbestos Dust Control Plan may include, but is not limited to, the following:

- Equipment operator safety requirements: protective clothing, breathing apparatuses to prevent inhalation of airborne asbestos fibers,
- Dust mitigation measures: continually water site to prevent airborne dust migration, cover all vehicle that haul materials from the site
- Identification of CUPA-approved disposal areas for all excavated materials.

(RDEIR, pp. ES-24, 4.7-26.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-25 to ES-26, 4.10-12 to 4.10-13.)

3. **Impact: Wildfire Risk.** The proposed project would result in an increased risk of fire during construction of off-site roadway improvements and during mine operation involving vegetation clearing and burning. (RDEIR, pp. ES-26, 4.10-11).

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-26, 4.10-12 to 4.10-13.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

HAZ-3
Construction contractors and/or the site operator shall ensure that during construction and/or during vegetation clearing of the mine, all areas of the construction site and/or the mine in which spark-producing equipment and vehicles may operate shall be cleared of dried vegetation or other materials that could serve as fuel for combustion. This includes parking areas, staging areas, and the construction zone. The contractor shall keep these areas clear of combustible materials for the duration of construction. (RDEIR, pp. ES-26, 4.10-12 to 4.10-13.)

HAZ-4
Construction contractors and/or the site operator shall ensure that all equipment with internal combustible engines will be equipped with a spark arrester that shall be maintained in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. (RDEIR, pp. ES-26, 4.10-13.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-26, 4.10-12 to 4.10-13.)

I. CULTURAL AND TRIBAL RESOURCES

1. **Impact: Historical Resources.** The proposed project would result in potentially significant impacts in regard to inadvertent discovery of historical resources. (RDEIR, pp. ES-27, 4.11-18 to 4.11-19.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-27, 4.11-20 to 4.11-22.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUL-1
It is possible that ground-disturbing activities during construction may uncover previously unknown resources that meet the criteria for historical resources under CEQA. In the event that buried cultural resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource is potentially eligible for listing on the CRHR. The Washoe Tribe shall also be notified of the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.

If the archaeologist determines that construction activities could damage a potential historical resource, mitigation will be implemented in accordance with Section 15126.4 of the State CEQA Guidelines. If avoidance of the site is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the County. Treatment for most historical resources would consist of (but would not be not limited to) documentation of the resource on the appropriate DPR 523-series forms, sample excavation and artifact collection (if appropriate), and historical research. The treatment plan will include provisions for analysis of data in a regional context, reporting of results in a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. (RDEIR, pp. ES-27, 4.11-20 to 4.11-21.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-27, 4.11-20 to 4.11-22.)

2. **Impact: Archeological Resources.** The proposed project would result in potentially significant impacts in regard to inadvertent discovery of archaeological resources. (RDEIR, pp. ES-27 to ES-28, 4.11-19.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-27 to ES-28, 4.11-21.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUL-2
In the event that archaeological resources are discovered during construction, mitigation measure CUL-1 shall first be applied. If the qualified archaeologist determines that the find does not meet the criteria of a historical resource under CEQA, the criteria of a unique archaeological resource described in PRC Section 21083.2(g) shall be applied.

If the archaeologist determines that construction activities could damage a resource that meets the criteria of a unique archaeological resource, mitigation will be implemented in accordance with Public Resources Code (PRC) Section 21083.2 and Section 15126.4 of the CEQA Guidelines. The applicant shall include a standard inadvertent discovery clause in every construction contract to

inform contractors of this requirement. Consistent with Section 15126.4(b)(3), mitigation may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If preservation in place is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the County. Treatment of unique archaeological resources may consist of (but would not be not limited to) sample excavation, artifact collection, site documentation on DPR 523 forms, and historical research, with the aim to target the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The treatment plan will include provisions for analysis of data in a regional context, reporting of results in a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. (RDEIR, pp. ES-27 to ES-28, 4.11-21.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-27 to ES-28, 4.11-22.)

3. **Impact: Paleontological Resources.** The proposed project would result in potentially significant impacts in regard to inadvertent discovery of paleontological resources. (RDEIR, pp. ES-28, 4.11-19)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-28, 4.11-21.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUL-3
In the event a fossil is discovered during construction for the proposed project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist in accordance with Society of Vertebrate Paleontology standards. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. (RDEIR, pp. ES-28, 4.11-21.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-28, 4.11-22.)

4. **Impact: Human Remains.** The proposed project would result in potentially significant impacts in regard to inadvertent discovery of human remains. (RDEIR, pp. ES-29, 4.11-20.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in

the EIR. (RDEIR, pp. ES-29, 4.11-21 to 4.11-22.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUL-4

In the event of the accidental discovery or recognition of any human remains, State CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; PRC Section 5097.94 and Section 5097.98 must be followed. If during project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

a. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains are Native American, the Coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American(s). The MLD shall make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.

b. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of MLD or on the project site in a location not subject to further subsurface disturbance:

   i. The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.

   ii. The descendant identified fails to make a recommendation. The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

(RDEIR, pp. ES-29, 4.11-21 to 4.11-22.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-29, 4.11-22.)

5. Impact: Tribal Cultural Resources. The proposed project would result in potentially significant impacts in regard to inadvertent discovery of tribal cultural resources. (RDEIR, p. 4.11-20.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. 4.11-20 to 4.11-22.)

Mitigation: The following mitigation measures or agency

recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUL-1
It is possible that ground-disturbing activities during construction may uncover previously unknown resources that meet the criteria for historical resources under CEQA. In the event that buried cultural resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to determine whether the resource is potentially eligible for listing on the CRHR. The Washoe Tribe shall also be notified of the discovery. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement.

If the archaeologist determines that construction activities could damage a potential historical resource, mitigation will be implemented in accordance with Section 15126.4 of the State CEQA Guidelines. If avoidance of the site is not feasible, a qualified archaeologist will prepare and implement a detailed treatment plan in consultation with the County. Treatment for most historical resources would consist of (but would not be not limited to) documentation of the resource on the appropriate DPR 523-series forms, sample excavation and artifact collection (if appropriate), and historical research. The treatment plan will include provisions for analysis of data in a regional context, reporting of results in a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and state repositories, libraries, and interested professionals. (RDEIR, pp. ES-27, 4.11-20 to 4.11-21.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. 4.11-20 to 4.11-22.)

J. CUMULATIVE IMPACTS

1. Impact: Cumulative Impacts on Deer Migration. The proposed project would result in a potentially significant cumulative impact to the Loyalton-Truckee mule deer herd's habitat based on direct removal of vegetation used for foraging. While operation of the mine would be temporary (approximately 30 years) and would be reclaimed to a natural condition, the project would result in a cumulatively considerable contribution to impacts on mule deer. (RDEIR, pp. ES-30, 5-5 to 5-6.)

Finding: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-30, 5-6.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact to a less-than-significant level:

CUM-1A
To offset cumulatively considerable impacts on mule deer migration and foraging habitat, the applicant shall incorporate reclamation planning objectives and

specifications to include re-vegetation with species known to be used as browse or herbaceous forage by migrating or summer-resident mule deer into the Reclamation Plan for the project. The species incorporated into the Plan shall be prepared or reviewed by a qualified biologist and approved by the County. (RDEIR, pp. ES-30, 5-6.)

CUM-1B
The Reclamation Plan for the project shall identify the following phasing: Prior to commencement of year five of the operation within Phase 2, the Phase 1 quarry area (excluding the processing and stockpile areas) reclamation and re-vegetation activities shall be fully installed. This mitigation would allow the re-vegetation in Phase 1 to establish itself before encroachment into the Phase 3 area begins, thereby providing new habitat, as required in mitigation measure CUM – 1A, for the local mule deer herd. Prior to commencement of operations in the West Pit, the applicant shall submit to the County a monitoring plan for monitoring the success of the revegetation efforts as they relate to the mule deer. The monitoring plan shall include provisions for monitoring and annual reporting to the County and shall include provisions for adjusting the reclamation efforts as needed, before the end of the active mining activities. (RDEIR, pp. ES-30, 5-6.)

Level of Significant After Mitigation: Less Than Significant (RDEIR, pp. ES-30, 5-6.)

2. Impact: Cumulative Visual Character and Quality Impacts. The project would result in potentially significant changes to the visual character and quality of the area due to the visibility of the site from surrounding sensitive viewers and the existing natural aesthetic quality of the area. The project would result in a cumulatively considerable contribution to aesthetic impacts. (RDEIR, pp. ES-30, 5-7.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. ES-30, 5-7, 6-8, 6-12 to 6-13.) (No mitigation measures identified in the EIR were rejected as infeasible, but please refer to Section 8 of these Findings regarding project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-30, 4.4-12, 5-7.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

AES–1
Potential impacts to visual resources shall be offset by spraying "Rock Varnish" (aka desert varnish) such as Nantina or PERMEON or other functional equivalent on exposed upper cut face slopes immediately following the completion of each phase of mining, to blend visually with undisturbed rock face and talus following mining operations. The PERMEON (desert varnish) or approved equal, shall be mixed with water in a 5:1 solution (i.e.: 20 gallons of PERMEON to 100 gallons of water). A compressor shall be used to pressurize the spray to approximately

200 psi for application with an agricultural-type hand-held nozzle sprayer. The desert varnish color can range from almost black to a light tan, depending on the concentration of PERMEON and the number of coats to be made. The solution shall be sprayed on until saturation. When first applied, the PERMEON mixture would not have a tint, and the exposed rock initially returns to its original color as it dries. The desired coloration process is activated by exposure to ultraviolet light from sunshine. (RDEIR, pp. ES-15, 4.4-12.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. ES-30, 5-7.)

3. **Impact: Cumulative Bicyclist Safety Impacts.** The project would result in an increase in truck traffic along Stampede Meadows Road between West Hinton Road and I-80, which would contribute to a significant and unavoidable cumulatively considerable impact related to bicyclist safety. (RDEIR, p. 5-8.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. 4.4-19, 5-8, 6-9, 6-12 to 6-13.) (No mitigation measures identified in the EIR were rejected as infeasible, but please refer to Section 8 of these Findings regarding project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. 4.5-19, 5-8.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

TRANS-5
The final design for the roadway widening along Stampede Meadows Road shall include a smooth pavement transition where West Hinton Road meets Stampede Meadows Road. The transition shall be achieved by paving the approach to the paved road (Stampede Meadows Road) from the unpaved Road (West Hinton Road). The distance of the paved approach and the transition at the intersection shall be designed in accordance with County standards. The design shall be incorporated into the roadway widening plans and shall be reviewed and approved by the Nevada County Department of Public Works prior to issuance of an encroachment permit. (RDEIR, pp. ES-17, 4.5-19.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. 5-8.)

4. **Impact: Cumulative Air Quality Impacts.** The project would result in a significant incremental increase in air pollutant emissions and would result in a cumulatively considerable contribution to NOx and PM10 emissions. (RDEIR, pp. ES-30, 5-9.)

Finding 1: Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. (RDEIR, pp. ES-30, 5-9, 6-12 to 6-13.) (No mitigation measures identified in the EIR

were rejected as infeasible, but please refer to Section 8 of these Findings regarding project alternatives.)

Finding 2: Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. (RDEIR, pp. ES-21 to ES-23, ES-30, 4.7-24 to 4.7-26, 5-9.)

Mitigation: The following mitigation measures or agency recommendations/requirements have been incorporated into the Project as conditions of approval to reduce this impact, but not to a less-than-significant level:

AQ-1
Prior to any open burning of vegetation, the Project Applicant shall obtain a burn permit in accordance with the NSAQMD Regulation III, Open Burning. All applicable requirements established for obtainment of a burn permit, notification of the air district or other entities, and execution of burning authorized by the permit shall be followed in accordance with NSAQMD Rules:

- Rule 308 – Land Development Clearing
- Rule 312 – Burning Permits
- Rule 313 – Burn Day
- Rule 314 – Minimum Drying Times
- Rule 315 – Burning Management Requirements
- Rule 316 – Burn Plan Preparation

(RDEIR, pp. ES-21, 4.7-24.)

AQ-2
Diesel control measures including, but not limited to the following, shall be incorporated by the applicant into contract specifications for all on- and off-road equipment:

- To minimize potential diesel emission impacts on nearby receptors (pursuant to NSAQMD Regulation 2, Rule 205, Nuisance), heavy duty diesel equipment shall be properly tuned. A schedule of tune-ups shall be developed and performed for all equipment operating within the project area, particularly for haul and delivery trucks. A log of required tune-ups shall be maintained and a copy of the log shall be submitted to County for review every 2,000 service hours.
- To minimize diesel emission impacts, contracts shall require off-road compression ignition equipment operators to reduce unnecessary idling with a two-minute time limit.
- On-road and off-road material hauling vehicles shall shut off engines while queuing for loading and unloading for time periods longer that two minutes.
- Off-road diesel equipment shall be fitted with verified diesel emission control systems (e.g., diesel oxidation catalysts) to the extent reasonably and economically feasible.
- Off-road diesel equipment shall utilize alternative fuel equipment (i.e., compressed or liquefied natural gas, biodiesel, electric) to the extent reasonably and economically feasible.

(RDEIR, pp. ES-21 to ES-22, 4.7-24 to 4.7-25.)

AQ-3
The Applicant shall comply with NSAQMD Rule 226, which requires implementation of dust control measures which may include, but are not limited to the following:

- Ensure no visible dust emissions occurs beyond the property line;
- Ensure no dust emissions exceeding 20 percent opacity occur anywhere on the property;
- Ensure no offsite increase in ambient PM10 concentrations greater than 50 ug/m3 occur;
- Ensure no track-out exceeding 25 feet from the property occurs;
- Employ of a dust control supervisor who has the authority to expeditiously employ sufficient dust mitigation measures to ensure compliance;
- Water to maintain soil moisture at 12 percent on haul roads and other active unpaved surfaces that are not chemically stabilized;
- Water to prevent visible dust more than 100 feet from any earth moving or mining activity;
- Utilize watering, dust suppressants, larger aggregate cover, and revegetation in inactive, disturbed areas to prevent wind driven dust;
- Water unpaved roads daily, and limit the speed on unpaved roads to 15 mph;
- Utilize chemical stabilization, watering, covering, and enclosure of storage piles;
- Conduct sweeping of paved roads at the end of each workday shift, utilizing certified sweepers;
- Conduct prompt cleanup of any spilled material and stabilization of any spilled material storage piles at a minimum frequency of daily at the end of each work day;
- Utilize dust suppressants or other dust control methods on conveyors, loading, unloading, or transferring activities;
- Utilize baghouse emission controls on screening and crushing activities or other dust control measures to meet the visible emission limits;
- Conduct chemical stabilization of unpaved haul roads;
- Cover or otherwise stabilize aggregate loads (i.e., loads to remain 6 inches from the upper edge of the container area) to avoid dust emissions from product transport trucks in compliance with California Vehicle Code No. 23114; and
- Utilize wheel washers, rumble grate, and paving of internal roads to eliminate track out.
- Suspend excavation and grading activity when sustained winds make reasonable dust control difficult to implement, e.g., for winds over 25 miles per hour.
- Limit the area subject to blasting, mining, and other operational activity at any one time, as feasible.

(RDEIR, pp. ES-22 to ES-23, 4.7-25 to 4.7-26.)

Level of Significant After Mitigation: Significant and Unavoidable. (RDEIR, pp. ES-30 5-9.)

SECTION 8
ALTERNATIVES TO THE PROJECT

INTRODUCTION

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

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

The Project will result in significant and unavoidable environmental effects with respect to aesthetics, traffic, and air quality, as listed below:

- Aesthetics –Visual Character and Quality (RDEIR, pp. 4.4-7 to 4.4-11);
- Aesthetics – Cumulative Visual Character Impacts (RDEIR, p. 5-7);
- Traffic and Circulation – Bicyclist Safety (RDEIR, pp. 4.5-17 to 4.5-18);
- Traffic and Circulation – Cumulative Bicyclist Safety Impacts (RDEIR, p. 5-8);
- Air Quality – Operational Air Quality Emissions (RDEIR, pp. 4.7-19 to 4.7-20);
- Air Quality – Cumulative Impacts (RDEIR, p. 5-9).

The EIR examined alternatives to the Project to determine whether each alternative could meet the Project's objectives, while avoiding or substantially lessening the significant unavoidable impacts of the Project. The EIR examined in detail the following alternatives to the Project:

- No Project Alternative: Development Under the Existing Plan
- Reduced Annual Production Alternative

(RDEIR, pp. 6-1, 6-3.)

ALTERNATIVES CONSIDERED AND REJECTED

In addition, the following alternatives were considered and rejected from further study for reasons described in the EIR:

- Other Quarry Locations
- No Project Alternative: No Development

(RDEIR, pp. 6-1 to 6-3.)

Other Quarry Locations

The project applicant has been operating in the Truckee area since at least the 1960s supplying aggregate for housing developments, I-80 construction and reconstruction and various other developments in the Truckee/Tahoe area. In the 1960s, Teichert operated an aggregate production facility at a site today referred to as Cold Stream. When reserves at that site began to run low, Teichert leased and then purchased the site of their present Martis Valley Quarry operations. That site, located in the Town of Truckee, began operations in 1984 and was expected to have 30 to 40 years of reserves. As development activities increased in the Truckee Tahoe market area, production at the Martis Valley Quarry facility rapidly expanded and at its peak (around 2004-2006) was producing close to 1,000,000 tons per year. As production expanded at Martis Valley Quarry, the original reserve life began to shrink because of the increased demand and production. Currently, aggregate reserves for the Martis Valley Quarry are limited. (RDEIR, p. 6-2.)

During the past 15 years, Teichert has continued to search for additional aggregate sites in the Truckee/Tahoe area. In the early part of the current decade, Teichert purchased the site known as the Truckee Quarry from a Reno-based company. The site was previously idle, but operations recommenced in 2016 and 2017. The Truckee Quarry was originally mined for decorative rock (volcanic) typically used in landscaping, but Teichert subsequently discovered that the cinder found at the quarry can be used in certain types of concrete where light weight is desired and that the basalt deposits can be crushed and used for road base. However, with the diminished reserves at the Martis Valley Quarry, Truckee Quarry alone lacks the types of materials necessary to serve the market area. (RDEIR, p. 6-2.)

In 2005, Teichert leased the Boca Quarry (the currently proposed project site) from the owner. That lease was subsequently expanded to include the area now being reviewed for the quarry's expansion as part of the proposed project. Prior to signing the lease for Boca Quarry, Teichert evaluated approximately 15 properties in the region. Because the cost of aggregate is highly dependent on trucking distance, Teichert limited its search for properties to a 30-mile radius from the Town of Truckee. Numerous real estate agents were contacted to look for aggregate sites that met the criteria Teichert was looking for including the following characteristics: greater than 100 acres; located near highway; free of sensitive issues such as wetlands or endangered species; could not be located near residential areas; and finally, the site had to have a substantial deposit of high quality aggregate. (RDEIR, p. 6-2.)

As Teichert looked at the various sites that were presented by local realtors or identified by Teichert's in-house geology staff, almost all of the sites were ruled out because it did not meet one or more of the factors noted above. Several of the sites were evaluated and, in a couple of instances, actually drilled to test the volume and quality of the potential aggregate material. The proposed project site ultimately was the only site that met all of the criteria noted above and the expanded lease was signed in 2005. (RDEIR, p. 6-2.)

No Project Alternative: No Development

One definition of the "no project" alternative under State CEQA Guidelines Section 15126.6 (e)(3)(B) is the circumstance under which the project does not proceed and the property remains in its existing condition. Under this No Project Alternative, the completion of the East Pit and its subsequent reclamation as allowed under the approved 2007 Reclamation Plan would not occur. This is not a feasible scenario because SMARA requires that the existing quarry be reclaimed to a usable condition that is readily adaptable for alternate land uses and creates no danger to public health or safety. If the County of Nevada, as the Lead Agency, adopted this "no project"

alternative, the State Mining and Geology Board would be required to step in and ensure that reclamation of the property be conducted in conformance with SMARA. Thus, this alternative was rejected as infeasible because SMARA requires that the site be reclaimed and not left in its existing condition. (RDEIR, p. 6-2.)

PROJECT OBJECTIVES

The primary objective of the Project is to maximize the local source of high-quality construction aggregate to support existing and future construction projects in the region. Specific project objectives include:

- *Location*. Secure approvals to continue mining of known reserves on site, which is located within the eastern portion of Nevada County and convenient to the I-80 corridor, thus providing a reliable and economic source of construction grade sand and gravel to meet current and project demand in the region.
- *Market Position*. Maintain current company position and market share as a leading regional provider.
- *Production and Timeframe*. Extract, crush, and sell approximately 17 million tons of high grade construction aggregate to meet local needs over a period of up to 30 years; annual production rates vary substantially, but would not exceed 1 million tons in active construction years.
- *Employment*. Provide for continued on-site employment of between 6 and 15 people. Related employment also would be generated by the trucking of product to construction sites, construction projects using the supplied aggregate, and secondary expenditures for goods and services.
- *Site Reclamation*. Continue to implement responsible and environmentally sound aggregate removal. Preserve sensitive natural resources; minimize aesthetic impacts through site design, phasing, and concurrent reclamation; and implement reclamation concurrently with operations throughout the life of the mine. Provide an economically feasible and responsible reclamation plan that would result in a beneficial end use, in accordance with the requirements of SMARA. Implementation and monitoring of final reclamation activities would be completed within five years after completion of mining.
- *Development Agreement*. Adhere to the Development Agreement so that operation of the mine may proceed and site reclamation, implementation of the off-site roadway improvements, and maintenance fees owed to Nevada County and the City of Truckee are implemented at the appropriate time.

(RDEIR, p. 3-2.)

ALTERNATIVES CONSIDERED IN THE EIR

A. No Project Alternative: Development Under the Existing Plan

Description

This alternative is required under Section 15126.6(e) of the State CEQA Guidelines and represents a possible scenario that could occur if the proposed reclamation plan amendment was not approved. According to Section 15126.6 (e)(3)(A) of the State CEQA Guidelines, when the project is the revision of an existing land use plan or regulatory plan, policy or ongoing operation,

the "no project" alternative would be the continuation of the existing plan, policy or operation into the future. Under the No Project Alternative, operations in the East Pit would be allowed to resume under the currently approved 2007 Reclamation Plan (RP06-001) and Use Permit (U06-012), but no mining in addition to the currently approved operations would be allowed. The impact footprint would remain at the currently approved 40-acre area. There are approximately one to two years of reserves remaining in the East Pit if mined at 250,000 tons per year. Upon completion of mining, the site would be reclaimed in accordance with the 2007 Reclamation Plan to a natural condition, which would allow the site to be readily adapted to alternative and beneficial land uses consistent with the existing County Zoning Code designation of FR, which provides for production, protection, and management of timber (and support uses); equipment storage; temporary offices; low intensity recreational uses; and open space. (RDEIR, p. 6-3.)

Environmental Impacts

Geology and Soils

Implementation of the proposed project would result in potentially significant impacts related to geology and soils, which would be reduced to a less than significant level through the implementation of mitigation measures. Under the No Project Alternative, the proposed quarry footprint would not be expanded and mining would be limited to the East Pit. Fewer mine bench cuts would be made, and a reduced area of land would be mined for aggregate materials. The smaller footprint would reduce or avoid the potential for slope-stability impacts to occur when compared to the proposed project and Reduced Daily Production Alternative. While the proposed mitigation would reduce the potential for impacts associated with slope instability, the reduced footprint under this alternative would further reduce the potential for slope instability to occur. All other impacts related to geology and soils would be less than significant, similar to the proposed project. This alternative would have a reduced impact to geology and soils when compared to the proposed project. (RDEIR, p. 6-4.)

Hydrology and Water Quality

Implementation of the proposed project would result in potentially significant impacts related to hydrology and water quality, which would be reduced to a less than significant level through the implementation of mitigation measures. The proposed project would implement an extensive system of drainage control and water quality improvements that would prevent storm water from leaving the site, which would be similar to the storm water management under the No Project Alternative. However, under the No Project Alternative, mining operations would not expand beyond the present mining plan boundary. The potential for erosion and impacts to water quality would be reduced due to the smaller mining footprint. Similar to the proposed project, all impacts related to hydrology and water quality would be less than significant based on the implementation of standard operational measures contained in the currently approved 2007 Reclamation Plan, conformance to SMARA and other applicable regulatory standards. Water consumption under the proposed project would be greater than that needed for the No Project Alternative and would require mitigation to reduce potentially significant impacts to below a level of significance. This alternative would have a reduced impact to hydrology and water quality when compared to the proposed project. (RDEIR, pp. 6-4 to 6-5.)

Biological Resources

Under the No Project Alternative, direct impacts to biological resources would be substantially reduced, because mining would be limited to the East Pit and no vegetation clearance would occur within the West Pit expansion area. The No Project Alternative would not impact the foraging habitat for the Loyalton-Truckee mule deer herd to the extent of the proposed project; however; indirect impacts such as fugitive dust and night lighting would remain potentially significant without appropriate regulatory standards and mitigation. Similar to the proposed project, mitigation would be required to reduce potentially significant impacts to below a level of significance with mitigation. This alternative would have a reduced impact to biological resources when compared to the proposed project. (RDEIR, p. 6-5.)

Aesthetics

Implementation of the proposed project would result in potentially significant impacts to aesthetics. Impacts related to visual character would remain significant and unmitigable. Under the No Project Alternative, the currently approved footprint of the quarry in the East Pit would not be expanded, which would reduce the visibility of the quarry from the surrounding areas when compared with the proposed project. No additional mitigation would be required under the No Project Alternative besides the revegetation required pursuant to the currently approved 2007 Reclamation Plan. This alternative would have a reduced impact on aesthetics when compared to the proposed project. (RDEIR, p. 6-5.)

Traffic and Circulation

Implementation of the proposed project would result in potentially significant impacts to traffic and circulation. Impacts related to bicycle safety would remain significant
and unmitigable. Under the No Project Alternative, the daily truck trips on West Hinton Road and
Stampede Meadows Road would be considerably less than those associated with the proposed project since the annual production level would be reduced to 250,000 tons and only the East Pit would be mined. Under this alternative, the proposed roadway improvements along Stampede Meadows Road would not be implemented. Therefore, while the number of truck trips associated with the No Project Alternative would be less than under the proposed project and would be for a shorter duration (the East Pit is anticipated to require approximately one to two more years), the currently inadequate sight distances at the intersection of West Hinton Road and Stampede Meadows Road would not be corrected, Stampede Meadows Road would not be widened, and "Share the Road" signs would not be installed. Therefore, the No Project Alternative would result in potentially significant impacts in regard to sight distance and bicycle safety that would not be addressed through mitigation.

In addition, the signs that would be installed to notify haul trucks of the appropriate route to avoid trucks from entering the residential neighborhoods south of I-80 would not be installed. While the haul route would remain the same as under the proposed project, the additional measures to reduce traffic impacts on the local roadways would not be implemented. Lastly, once the East Pit is closed, the regional VMT for aggregate trucks would likely increase because construction aggregate would be transported to meet demand from sources farther away. While the No Project Alternative would reduce the numbers of haul trucks on the local roads and would be for a shorter duration, several impacts would not be addressed or mitigated under the No Project Alternative.

Therefore, the overall traffic-related impacts from this alternative would be similar to the proposed project. (RDEIR, pp. 6-5 to 6-6.)

Noise

Under the proposed project, operational activities and heavy trucks would result in noise impacts at noise sensitive receptors in the area but would be mitigable. Receptor 7 represents residences and a church. These noise sensitive land uses would experience noise impacts from operational activities occurring between 7 p.m. and 7 a.m. Receptors 12, 13, and 14 are currently undeveloped parcels that may be developed with noise-sensitive land uses during operation of the project. These receptors may experience noise impacts from haul trucks during daytime, evening and nighttime. Receptor 14 would also experience impacts from excavation activities in the West Pit between 7 p.m. and 7 a.m. Under the No Project Alternative, the noise associated with mine operations would be less than the proposed project at Receptors 7 and 14. While the location of the processing plant would remain the same, the excavation areas would remain in the East Pit, which would be further from the receptors than under the proposed project. While the noise levels generated by the individual trucks would remain the same under this alternative, the overall noise levels associated with truck traffic would be less than under the proposed project due to the reduced number of daily truck trips associated with the reduced production levels. Increases in noise levels associated with the No Project alternative would be short-term, because mining of the East Pit would be completed in as soon as one to two years versus 30 years with the proposed project. This alternative would have a reduced impact on noise when compared to the proposed project. (RDEIR, p. 6-6.)

Air Quality

Implementation of the proposed project would result in potentially significant impacts that would remain significant and unmitigable. Under the No Project Alternative, air quality emissions from the project site would be reduced when compared to the proposed project, and activities in the East Pit would continue to contribute to emissions in the region. The significant and unavoidable air quality impacts identified in the EIR would not occur under this alternative, since there would be no emissions generated from vehicle trips, mining activities, or materials processing activities, other than those generated by operation of the East Pit. This alternative would have a reduced impact on air quality when compared to the proposed project.

It should be noted that while the direct impacts of the No Project Alternative on air quality would be reduced when compared to the proposed project, there is the potential for indirect impacts. Emissions from haul trucks in the region could increase as other, more distant, aggregate sources are used to serve local demand for aggregate. Even with potential expansion of existing quarries and development of new quarries within Nevada County, it is likely that out-of-County import of aggregate would be required on an ongoing basis. Some aggregate producers and users have already begun to import sand and gravel to meet their needs from a wide range of out-of-County mining sources and locations. As with in-County mining sources, the use of out-of-County mining sources to replace the deficit that would be created by not expanding the mining operation at the project site would have the potential to result in site-specific air quality effects at those out-of-County locations. If trucking were to be the predominant form of transport of out-of-County sources into the County, effects on transportation and air emissions associated with haul trucks under this scenario would be greater than those estimated for the proposed project. (RDEIR, pp. 6-6 to 6-7.)

Greenhouse Gases

Under the No Project Alternative, GHG emissions from the proposed project would be eliminated, although emissions from the East Pit and aggregate processing would resume under the current permit. Emissions from haul trucks may increase as other, more distant, aggregate sources are used to serve local demand for aggregate. Even with potential expansion of existing quarries and development of new quarries within Nevada County, it is likely that out-of-County import of aggregate would be required on an ongoing basis. The increased trucking activity is estimated to generate approximately 4,131 MT CO2e per year. Emissions of this magnitude represent an increase of 4,105 MT CO2e per year when compared to the proposed project. This alternative would have a greater impact on GHG when compared to the proposed project. (RDEIR, p. 6-7.)

Energy

Under the No Project Alternative, energy usage associated with the proposed project would be eliminated, although energy usage associated with operation of the East Pit would resume under the current operation for another one to two years. Energy would continue to be utilized by haul trucks for the out-of-County import of aggregate that would be required on an on-going basis. Overall, the energy required for mining operations under the No Project Alternative (500,000 tons of aggregate over two years) would be less than the energy required for mining operations under the proposed project scenario (17 million tons of aggregate over 30 years). This alternative would have a reduced impact to energy when compared to the proposed project. (RDEIR, p. 6-7.)

Hazards and Hazardous Materials

Implementation of the proposed project would result in potentially significant impacts related to hazardous materials, which would be reduced to a less than significant level through the implementation of mitigation measures. Operation of the mine at the project site would require the transport, storage, and use of hazardous materials for both the proposed project and the No Project Alternative. Under the No Project Alternative, the quantity and duration of use of materials at the site would be reduced due to the anticipated life of the East Pit and the reduced area being mined. Under the No Project Alternative, the hazardous materials storage would not be relocated from the Martis Valley Quarry to the project site. Potentially significant impacts associated with storing the materials under the proposed project would be avoided under this alternative. This alternative would have a reduced impact associated with hazardous materials when compared to the proposed project. (RDEIR, p. 6-7.)

Cultural and Tribal Resources

Implementation of the proposed project would result in potentially significant impacts related to cultural resources (including tribal cultural resources), which would be reduced to a less than significant level through the implementation of mitigation measures. Under the No Project Alternative, direct impacts to potential cultural resources would be substantially reduced, since mining would be limited to the East Pit and no ground disturbance would occur within the West Pit. The No Project Alternative would not impact the potential cultural resources in the proposed West Pit; however; indirect impacts from ground disturbance in the East Pit would remain potentially significant without appropriate regulatory standards and mitigation. This alternative would have a reduced impact associated with cultural resources when compared to the proposed project. (RDEIR, pp. 6-7 to 6-8.)

Relationship to Project Objectives

The No Project Alternative would not fulfill the project objectives for Market Position and Production and Timeframe, because it would not allow the project applicant to be a regional provider with access to 17 million tons of aggregate over the next 30 years, due to the limited quarry footprint of only 40 acres and the limited remaining reserves. Existing demand and any future increases in demand for aggregate material would likely have to be supplied from out-of-County sources which could result in an increase in cost and impacts from material transportation. (RDEIR, p. 6-3.)

Finding

The Board rejects this alternative as infeasible because it does not meet Project objectives. (RDEIR, p. 6-3.)

B. Reduced Annual Production Alternative

Description

Under the Reduced Daily Production Alternative, operations in the East Pit would be allowed to resume under the currently approved 2007 Reclamation Plan (RP06-001) and Use Permit (U06-012). Under this alternative, the total footprint of the mine would be the same as the proposed project – the extraction area would be expanded to include the West Pit for an ultimate disturbed area of 158 acres – and the total maximum extraction from the mine would remain the same as under the proposed project (17 million tons). However, the daily production would be limited to approximately 2,520 tons per day (approximately 0.25 of the maximum daily production of 10,080 tons under the proposed project). As such, annual production would be limited to 250,000 tons per year, approximately 0.25 of the maximum annual production of the proposed project (1 million tons per year). The annual production of 2,520 tons per day would result in approximately 280 daily on-way truck trips (approximately 0.25 of the 1,120 trips that would be generated by the proposed project). The processing operations located in the East Pit would also remain in the same location. Because the total allowable production from the mine would remain the same, reducing the maximum annual production of the quarry would extend the life of the mine when compared with the proposed project, because the aggregate reserve would be removed at a slower rate. Reducing the annual and daily production could also reduce the daily hours of operations, and could avoid the need for nighttime operations. (RDEIR, pp. 6-3 to 6-4.)

Environmental Impacts

Geology and Soils

Impacts related to geology and soils would be the same as the proposed project, because the expanded mining footprint would remain the same under this alternative. (RDEIR, p. 6-8.)

Hydrology and Water Quality

Impacts related to hydrology, water quality and water supply would be the same as the proposed project, because the expanded mining footprint would remain the same under this alternative. (RDEIR, p. 6-8.)

Biological Resources

Impacts related to biological resources would be the same as the proposed project, because the expanded mining footprint would remain the same under this alternative. Final reclamation of the site would take longer since reduced annual production levels would extend the life of the mine. Therefore, it would take longer to restore the site to its pre-mining conditions for biological resources. Impacts would still be less than significant with implementation of the mitigation identified for the proposed project. This alternative would result in impacts to biological resources similar to the proposed project. (RDEIR, p. 6-8.)

Aesthetics

Impacts related to aesthetics would be similar to the proposed project, because the expanded mining footprint would remain the same under this alternative. Final reclamation of the site would take longer since reduced annual production levels would extend the life of the mine and surrounding sensitive receptors would be exposed to the review of the mining operation for a longer period than identified for the proposed project. Impacts would remain significant and unavoidable with implementation of the mitigation identified for the proposed project. Overall, this alternative would result in aesthetic impacts similar to the proposed project. (RDEIR, p. 6-8.)

Traffic and Circulation

The potentially significant project impacts related to traffic and circulation from project implementation with respect to roadway structural integrity and site distance at the intersection of West Hinton Road with Stampede Meadows Road would be the same under this alternative. Mitigation would be required to reduce the impacts. However, similar to the proposed project, impacts would remain significant and unavoidable with regard to bicycle safety.

Under the Reduced Daily Production Alternative, the daily truck trips on West Hinton Road and Stampede Meadows Road would be considerably less than those associated with the proposed project, given that daily production would be limited to 2,520 tons. The reduction in truck traffic from limiting production would decrease truck traffic on the local roadway system, including West Hinton Road and Stampede Meadows Road. However, it would not avoid or lessen potentially regional and cumulative significant impacts. If regional construction demand is greater than the 250,000 tons per year supplied from the project site, then aggregate material would be transported from another aggregate source farther away, leading to additional impacts to regional traffic congestion and highway maintenance. Similar to the proposed project, impacts would remain significant and unavoidable with respect to bicycle safety. Overall, this alternative would result in reduced impacts to traffic and circulation in the area when compared to the proposed project. (RDEIR, pp. 6-8 to 6-9.)

Noise

Under the Reduced Daily Production Alternative, annual aggregate production at the quarry would be restricted to 250,000 tons per year and maximum daily production would also be reduced to approximately 2,500 tons per day, or approximately 140 daily truck trips. It would be expected that the reduced production would allow for shorter work days than under the proposed project. Because the footprint of this alternative would be the same as the proposed project, the noise associated with mine operations under the Reduced Daily Production Alternative would

similar to the proposed project at Receptors 7 and 14 but could be for a shorter duration each day due to the potentially shorter shifts and lower likelihood of nighttime activities. Similarly, noise levels associated with production and truck trips would occur at the same levels but for a shorter duration each day when compared with the proposed project. The potential for nighttime load out would be minimized under this alternative. This alternative would result in reduced noise impacts compared to the proposed project. (RDEIR, p. 6-9.)

Air Quality

Under the Reduced Daily Production Alternative, annual aggregate production at the quarry would be restricted to 250,000 tons per year. The Reduced Daily Production Alternative is equivalent to one quarter of the worst-case daily production assumed for the proposed project. Consequently, total annual operation of mining and processing equipment, total number of vehicle trips generated annually by this alternative and associated annual air emissions would be approximately one-quarter of the proposed project. However, emissions from haul trucks would likely increase as sources outside the region are used to serve local demand for aggregate.

All pollutant emissions for the Reduced Daily Production Alternative would be below the NSAQMD threshold and would be a less than significant impact. The Reduced Daily Production Alternative would avoid significant impacts from NOX and PM10 emissions, whereas under the proposed project it would remain significant.

The estimated annual average DPM emissions generated by this alternative would be approximately one-quarter of the emissions generated by the proposed project. Consequently, the total carcinogenic risk at the sensitive receptors from the Reduced Production Alternative over the 30-year life of the quarry is estimated to be approximately one-quarter of the proposed project, and similarly less than significant.

Potential episodes of fugitive dust generated by this alternative in the site vicinity would be similar to or less than the proposed project and would be mitigated with implementation of a formal comprehensive dust control program. As with the proposed project, effects associated with a potential airborne release of crystalline silica for this alternative would be less than the project, and similarly less than significant.

As with the proposed project, when considering the Reduced Daily Production Alternative together with anticipated cumulative development in the area, this alternative would result in cumulatively considerable impacts associated with a contribution to regional criteria pollutants and TACs. Mitigation measures to reduce emissions and particulate matter would reduce the effects, but like the proposed project, this alternative would result in a significant and unavoidable cumulative impact associated with contribution to regional criteria pollutants and TACs. This alternative would have a reduced impact on air quality when compared to the proposed project.

While the direct impacts of the Reduced Daily Production Alternative on air quality would be reduced when compared to the proposed project, there is the potential for indirect impacts. Emissions from haul trucks in the region could increase as other, more distant, aggregate sources are used to serve local demand for aggregate. Even with potential expansion of existing quarries and development of new quarries within Nevada County, it is likely that out-of-County import of aggregate would be required on an ongoing basis. Some aggregate producers and users have already begun to import sand and gravel to meet their needs from a wide range of out-of-County mining sources and locations. As with in-County mining sources, the use of out-of-County

mining sources to replace the deficit that would be created by not expanding the mining operation at the project site would have the potential to result in site-specific air quality effects at those out-of-County locations. If trucking were to be the predominant form of transport of out-of-County sources into the County, effects on transportation and air emissions associated with haul trucks under this scenario would be greater than those estimated for the proposed project. (RDEIR, pp. 6-9 to 6-11.)

Greenhouse Gases

Estimated annual GHG emissions for the Reduced Daily Production Alternative would cumulatively contribute approximately 1,089 metric tons of CO2e per year, which is approximately one-quarter of the total estimated GHG emissions for the proposed project. The demand for aggregate would be met from other regional sources, thereby increasing haul truck trip length and associated emissions. Haul trucks from more distant sources of aggregate would generate 4,032 metric tons of CO2e per year without the proposed project. Aggregate production under the Reduced Alternative would be one-quarter of the aggregate produced under the proposed project, leaving three-quarters of aggregate to be hauled from other regional sources. Under this assumption, haul trucks from more distant regional sources would generate approximately 3,024 metric tons of CO2e per year (three-quarters of 4,032 metric tons of CO2e). The aggregate produced under the Reduced Alternative would reduce the need to import aggregate from out of the region at a rate of one-quarter that of the proposed project, thereby reducing region-wide GHG emissions by approximately 1,008 metric tons of CO2e per year (one-quarter of 4,032 metric tons of CO2e). Therefore, after accounting for these reduced trucking emissions, the Reduced Daily Production Alternative would generate approximately 81 additional metric tons of CO2e per year due to haul truck emissions compared to the proposed project. (RDEIR, p. 6-11.)

Energy

Under the Reduced Daily Production Alternative, although annual aggregate production at the quarry would be restricted to 250,000 tons per year, the total amount of aggregate mined over the life of the project would still equal 17 million tons. Therefore, the amount of energy required per year for the mining operations would be the less than the proposed project, but the total amount of energy required for mining operations over the life of the project would be the same as the proposed project. Additionally, because annual production would be reduced, aggregate would have to continue to be imported from out-of-county locations to serve the local annual aggregate demand that would no longer be met by the project's production. The Reduced Daily Production Alternative would therefore result in greater energy usage than the proposed project. (RDEIR, p. 6-11.)

Hazards and Hazardous Materials

Under the Reduced Daily Production Alternative, the amount of hazardous materials used per year for the mining operations would be less than the proposed project, but the total amount of hazardous materials required for mining operations over the life of the project would be the same as the proposed project. The Reduced Daily Production Alternative would therefore have the same impacts associated with hazardous materials as the proposed project. (RDEIR, p. 6-11.)

Cultural and Tribal Resources

Impacts related to cultural and tribal resources would be the same as the proposed project, because the expanded mining footprint would remain the same under this alternative. (RDEIR, p. 6-12.)

Relationship to Project Objectives

The Reduced Daily Production Alternative would not fulfill the project objectives for Market Position and Production and Timeframe, because it would not allow the project applicant to maximize production on the site in response to regional demand. If the demand for aggregate material in the Tahoe/Truckee area exceeded the 250,000 tons per year allowable under the Reduced Daily Production Alternative, the remaining supply would likely have to be sourced from out-of-County sources. (RDEIR, p. 6-4.)

Finding

The Board rejects this alternative as infeasible because it does not meet Project objectives. (RDEIR, p. 6-4.)

SECTION 9
STATEMENT OF OVERRIDING CONSIDERATIONS

The Final EIR identified the following significant and unavoidable impacts of the Project:

- Aesthetics –Visual Character and Quality (RDEIR, pp. 4.4-7 to 4.4-11);
- Aesthetics – Cumulative Visual Character Impacts (RDEIR, p. 5-7);
- Traffic and Circulation – Bicyclist Safety (RDEIR, pp. 4.5-17 to 4.5-18);
- Traffic and Circulation – Cumulative Bicyclist Safety Impacts (RDEIR, p. 5-8);
- Air Quality – Operational Air Quality Emissions (RDEIR, pp. 4.7-19 to 4.7-20);
- Air Quality – Cumulative Impacts (RDEIR, p. 5-9).

Despite the occurrence of these effects, the Board chooses to approve the Project because, in the Board's view, all feasible mitigation measures have been incorporated into the Project and the economic, social, and other benefits that the Project will produce render the remaining significant effects acceptable.

The following statement identifies the reasons why, in the Board's judgment, the benefits of the Project as approved outweigh its significant and unavoidable effects. The Board finds that the Project would have the following economic, social, and environmental benefits that outweigh its significant and unavoidable environmental effects:

- General Plan and Zoning Consistency. The approximately 230-acre project site is designated Forest (FR) under the Nevada County General Plan and is zoned Forest (FR) with a Mineral Extraction (ME) combining district. The purpose of the ME combining district is "to allow for surface mining and to provide for public awareness of the potential for surface mining to occur where adequate information indicates that significant mineral deposits are likely present." (Nevada County Code Section L-II

2.7.3A.) The Nevada County Zoning Code Section L-11 3.22 allows surface mining operations within an FR zone when an ME combining district overlay is in place, along with an approved Conditional Use Permit (CUP) and Reclamation Plan. Because the site already has the ME overlay and the Project includes a CUP and revised reclamation plan, the Project would be consistent with the Nevada County General Plan and Zoning Ordinance. (RDEIR, pp. 2-3 to 2-4, 9-1 to 9-3.)

- Local source of aggregate. The Project would allow for the expansion of an existing permitted aggregate mining and processing facility in Nevada County. The existing permitted East Pit portion of the project site is nearly mined out, with only one or two years of reserves remaining in the East Pit. Similarly, Teichert's Martis Valley site has only 2 to 4 years of reserves remaining, depending on market demand. The nearest other source of aggregate is in the Reno-Sparks area. By permitting additional reserves in proximity to the Truckee-Tahoe region, the Project would ensure the continued availability of a local source of aggregate to supply the growing aggregate needs of the Truckee-Tahoe region. (RDEIR, pp. 3-2, 6-2.).

- Reduction in Aggregate Transport VMT. By providing a local source of aggregate for the Truckee-Tahoe region, the Project would allow for the reduction in vehicle miles traveled (VMT) associated with the importation of aggregate transport from outside the region. If the Project were not approved, existing aggregate reserves from the project site's existing East Pit (estimated at 1 to 2 years) and Teichert's Martis Valley site (estimated at two to four years) would soon be exhausted. Once those dwindling local sources are exhausted, the existing and projected demand for aggregate in the Truckee-Tahoe region would then need to be met from the next closest source of construction grade aggregate, which would be from the Reno-Sparks area. Those aggregate sources are located approximately 36 miles further away from the Truckee-Tahoe market area than is the Project site. By ensuring the continued availability of a local source of aggregate, the Project would result in a net daily reduction of approximately 50,000 VMT from aggregate truck transport. (RDEIR, pp. 4.5-9 to 4.5-10.)

- Reduction in Aggregate Transport Air Pollutant Emissions. For the same reasons discussed above with respect to aggregate transport VMT, the Project would result in a reduction in air quality and greenhouse gas emissions associated with aggregate transport from more distant aggregate sources in the Reno-Sparks area. If the Project were not approved, an additional estimate 4,131 metric tons of CO_2 equivalents (CO_2e) would be produced by aggregate transport truck trips to and from the Reno-Sparks area. (RDEIR, p. 6-7.)

- Open Space Reclamation. The Project would ensure the concurrent and post-mining reclamation of the project site to open space uses in accordance with SMARA and Nevada County requirements. Of the 158 acres of disturbed area, 114 acres would be resoiled and revegetated, while 44 acres would remain as highwalls/talus due to their steepness, which renders revegetation infeasible. Imported clean soil from Teichert's Martis Valley site and other construction sites in the region would be used to backfill and/or supplement onsite topsoil to provide a medium for the revegetation of the site. Native grasses, shrubs, and trees would be broadcast seeded. Revegetation would be monitored for five years after seeding to ensure that performance standards outlined in the reclamation plan have been met. Following completion of mining and reclamation

activities, all mobile and stationary equipment and structures associated with the mining operation would be removed from the site. (RDEIR, pp. ES-3, 3-2, 3-11 to 3-14.)

- Employment and Tax Revenue. The Project would allow for the on-site employment of between 6 and 15 employees, depending on production levels. (RDEIR, p. 3-4.) Also, the Project would result in increased sales tax revenue for the County from its aggregate sales. Thus, the Project would produce a resource essential to the continued economic health of Nevada County.

- Support of Local Economy. The Project would help support the local economy by reducing the transportation cost of aggregate materials, thereby reducing overall construction and infrastructure maintenance costs. (RDEIR, pp. 4.5-9 to 4.5-10.)

- Traffic Safety Improvements. The Project would improve an existing traffic safety issue at the intersection of Stampede Meadows Road and West Hinton Road through the construction of sight distance improvements. These improvements would include vegetation removal and grading to remove visual obstructions, turn radius modifications, and signage to improve traffic safety beyond existing conditions. (RDEIR, Figure 3-6, pp. 3-16, 4.5-16 to 4.5-17.)

- Bicycle Safety Improvements. The Project would improve an existing traffic safety issue along Stampede Meadows Road between I-80 and West Hinton Road through the construction of roadway shoulder widening where feasible along that roadway segment. These improvements would include pavement shoulder widening, paved vehicle pull-out areas, and signage to improve bicyclist safety beyond existing conditions. (RDEIR, Figure 3-5, pp. 3-16, 4.5-17 and 4.5-18.)

- Roadway Maintenance. Through the Development Agreement for the Project, the Project would provide increased funding for roadway maintenance along Stampede Meadows Road between I-80 and West Hinton Road. (For the first 152,250 tons per year, Teichert would pay 19.66 cents/ton, which represents a nearly four-fold increase over the current mitigation fee of 5 cents/ton. Tonnage beyond 152,250 tons/year would be subject to the payment of 5.02 cents/ton, which still exceeds the current fee.) The funds would be shared between the County and the Town of Truckee to ensure funding for necessary repairs to roadway integrity in both jurisdictions resulting from the Project. (RDEIR, pp. 3-18 to 3-19, 4.5-11 to 4.5-12.)