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September 28, 2012

Board of Supervisors
County of Amador
810 Court Street
Jackson, CA 95642-2132

Re: Objection To Newman Ridge Quarry And Edwin Center Project And
Environmental Impact Report (SCH# 2011072039)

Honorable Supervisors:

On behalf of Ione Valley Land, Air, and Water Defense Alliance (Ione Valley LAWDA), we objected in our July 18, 2012 and August 23, 2012 letters to the Planning Commission to the approval and further consideration of the Newman Ridge Quarry and Edwin Center project (the Project) on the basis of the Environmental Impact Report (EIR) that had been circulated.¹ The objections in those letters have not been sufficiently addressed. Furthermore, during and after the Planning Commission's hearing of this matter on September 28, 2012, new information has become apparent that reaffirms that the County should deny approval of the proposed project altogether.

Various state and local agencies that reviewed the EIR found it lacked key information, for example regarding water quality impacts, or that it contained affirmative misinformation, for example regarding traffic and circulation.² The California Department of Transportation (Caltrans), in a very strongly worded letter, unequivocally asserted "the FEIR fails to adequately identify, disclose, and mitigate for potentially significant impacts to the [State Highway System] that the Department has identified to the lead agency from the beginning of the CEQA process. The Department recommends that the lead agency not certify the EIR for the project." (Caltrans letter dated August 21, 2012 to Amador County Planning Department.) The Final EIR fixes some of the

¹ We are enclosing a copy of our August 23, 2012 letter to the Planning Commission. (Enclosure 1.)

² We agree with the comments of Caltrans, the County Environmental Health Department on the Notice of Preparation, the Office of Mine Reclamation, the Central Valley Regional Water Quality Control Board, the California Department of Fish and Game and the other entities and individuals mentioned in our August 23 letter to the Planning Commission. These comments and objections have not been sufficiently addressed.

omissions and errors that public agencies and other commenters identified but not all of them, thus prompting Caltrans to send its letter. Furthermore, in its changes to the information as reported in the Draft EIR (DEIR), the Final EIR (FEIR) identifies new, significant impacts that were previously reported in the DEIR as insignificant. The FEIR must be augmented to provide all the information the California Environmental Quality Act (CEQA) requires, including information identified as missing by state and local agencies, and it must be recirculated for further public and public agency comment and review before the Amador County Board of Supervisors could legally approve these projects. To approve these projects on the information presented thus far is premature and illegal.

The Project is too damaging to the Ione Valley to be approved as proposed, especially on the basis of the inadequate analysis in the EIR. It would have significant, unavoidable impacts to air quality, aesthetics, greenhouse gases, and traffic. Additionally, it would also have significant adverse impacts to biological, water, and cultural resources, but the EIR fails to identify or mitigate these.

There are other, feasible alternatives, such as expanding the Jackson Quarry in Amador County or creating a visitor serving park area, that would meet most of the project objectives and thus completely avoid the damaging consequences of the proposed project. Therefore, the County should reject approval of this quarry for the good of the community. Based upon the current documentation, *if the County approved the Project as proposed, it would be breaking the law.*

A. Significant New Impacts Including Traffic and Circulation Are Identified in the Final EIR That Were Denied or Not Disclosed in the Draft EIR.

Rather than restate our objections in our prior letters, we ask that you refer to them for a full statement. In summary, the EIR's analysis was gravely misinformative.

The misinformation that occurred throughout the DEIR is most apparent with regard to traffic. The DEIR claimed that traffic at all seven studied intersections was uncongested. (DEIR, p. 4.12-8 [showing existing conditions as Level of Service (LOS) "A"- the best level of service- in all seven intersections]; p. 4.12-18 [existing plus project traffic projected to be Level of Service "A" at all seven intersections].) Then, in a dramatic change, the FEIR revised the publicly-disclosed analysis so that the Level of Service at no less than six of the seven studied intersections was restated to be "B", "C", or "E". (FEIR, p. 2-21.) These changes revealed significantly lower levels of service than LOS "A" as disclosed in the DEIR. In other words, *the DEIR misinformed the public about the severity of impacts with regard to six out of seven intersections, or 86% of*

them. The Draft EIR's misinformation was so egregious that the DEIR must be recirculated now that the correct information has been provided. The baseline peak hour LOS was *inaccurately stated for every one of the studied intersections* and changed to show more congested conditions. (FEIR, p. 2-26.)

With new, more accurate information showing more severe impacts, the FEIR identified a significant impact that would occur at the Preston Avenue and East Plymouth Hwy. intersection. (FEIR, p. 2-23, 2-27 [answering the question signal warrant met with a "Yes"].) The FEIR provided more detail than the DEIR with regard to Cumulative Peak Hour Intersection Analysis, as it shows that three intersections, Preston Avenue at East Plymouth Hwy, at E. Main Street, and at S. Church Street each would meet traffic signal warrant analysis. (FEIR, p. 2-30 and 2-31.) They would all be operating at level of service "F" which is the worst level of service.

The Draft EIR had concluded "with the addition of project traffic, all of the study intersections are forecast to continue to operate at LOS C or better under Existing Plus Project Conditions." (DEIR, p. 4.12-35.) The FEIR changes this conclusion to identify more severe impacts, including the Preston Avenue at East Plymouth Highway intersection operating at LOS E in the PM Peak Hour. (FEIR, p. 2-23.) Therefore, the FEIR identifies significant impacts that were not disclosed, and were affirmatively denied, in the DEIR. CEQA requires that where information is changed in such significant ways after the release of the DEIR, it must be recirculated before it can be certified.

At the Planning Commission, Commissioners expressed concern with the significant impact that project-related traffic would have on schoolchildren at Ione Elementary School. One Commissioner proposed the mitigation measure of limiting project operating hours so that truck operations would start after 9:00 a.m. when school was in session. However, the project proponent expressed opposition to this condition that would have mitigated a significant impact. The Planning Commission dropped the suggestion. Also, Commissioners discussed a left turn lane for the elementary school and rejected it under the theory that the City of Ione does not want a traffic light. However, this is an insufficient ground for rejection of a feasible mitigation measure because the roads through Ione are controlled by the Caltrans, and Caltrans has called for further mitigation measures in its letters to the County. Under CEQA, when a feasible mitigation measure is identified but rejected after the EIR has been circulated, that information must be added to the EIR and the EIR recirculated. (Title 14, Cal.Code Regs. § 15088.5 (a) (3).) This and the other new information identified in this letter and in our August 23 letter to the Planning Commission requires recirculation of the EIR.

B. The Range of Alternatives Is Unreasonably Narrow.

The range of alternatives is unreasonably narrow. (DEIR, p. 6-2.) The DEIR analyzes a no-project alternative, a reduced production alternative, and the Edwin Center North Alternative. It rejects analysis of off-site locations for aggregate production. However, other locations are capable of producing the amount of aggregate identified as a project objective, as it is possible to expand operations at another quarry.

The George Reed Inc. Clements Plant in San Joaquin County, along with the two asphalt plants in Sacramento, are operating at under 30% capacity for asphalt. George Reed Inc. Clements Plant has asphalt production and is located only 19.2 miles away. There are also two asphalt plants in Sacramento: the Granite Construction plant which is 28.3 miles away (<http://graniteconstruction.com>) and Teichert Aggregates, which is 26.6 miles away in Rancho Cordova. Furthermore, Jackson Quarry in Amador County is applying to expand operations and its application is under consideration by the Amador County Planning Commission. Jackson quarry has been operating for 75 years and, so far as we are aware, without issues. (<http://www.co.amador.ca.us/index.aspx?page=832>; <http://www.co.amador.ca.us/Modules/ShowDocument.aspx?documentid=9050>; Enclosure 3.) If the objectives of this project are to “Establish a hard rock quarry to produce high quality construction aggregate materials to meet local and regional market demand,” to “Establish an appropriately designated and zoned regional industrial center for processing aggregates and construction materials and other value-added industrial uses,” to “Minimize impacts to sensitive natural resources and minimize aesthetic impacts through site design and concurrent reclamation,” and to “Create new jobs in Amador County directly related to project operations and indirectly from support employment,” (DEIR, p. 6-2), those objectives can best be met by expanding Jackson Quarry or one of the other quarry sites rather than trying to create a new one. The only entities that would gain from approval of the Project are Edwin Lands LLC and Newman Mineral LLC. Their gain would come at great cost to the quality of life and health of the people of Amador County. Instead, if quarrying is to occur, an alternative that allows job creation and asphalt production without such a cost should be pursued.

The Planning Commission did not address our points regarding the feasibility of approving Jackson Quarry as an alternative to approval of Newman Ridge. Attached, we are providing more information about the Jackson Quarry application, which apparently still pending before the Planning Commission after a hearing was noticed in December 2010. (Enclosure 3.) We are puzzled by the fact that the Jackson Quarry application has been pending for years, while the Newman Ridge Quarry has been processed in a matter of months. Why has there been preferential treatment of the Newman Ridge Quarry proposal?

The Planning Commission also failed to address the possibility of a conservation easement or acquisition of some or all of the Project site by an entity such as the Nature Conservancy, which has purchased 12,000 acres of land nearby. Such alternatives would avoid the adverse impacts of approval of the Project. Under CEQA, when a feasible alternative is identified that is clearly different from others previously analyzed and would clearly lessen the significant environmental impacts of the project but it is not adopted, the EIR must be recirculated. (Title 14, Cal.Code Regs. § 15088.5 (a) (3).)

More than just avoiding impacts, an alternative that promotes conservation of land as a park or open space would provide intrinsic environmental, aesthetic, and recreation benefits to the County. Such conserved land is a source of positive economic benefits as stated by the American Planning Association.

(<http://www.planning.org/cityparks/briefingpapers/economicdevelopment.htm>.) It would enhance property values, increase County and municipal revenue, bring in homebuyers and workers, and attract retirees. Thus, “At the bottom line, parks are a good financial investment for a community.” (*Ibid.*) One interested member of the public in a comment on the editorial “We need to save Newman Ridge for Ione” noted: “The Chaw Se’ State Park is a HUGE money maker for Amador. It brings visitors into the county who then spend money here in the county in restaurants, lodging, and groceries, to name a few. Campers, Hikers, History buffs, and events like Big Time bring money into Amador. Studies have shown that for every \$1 tax money spent on a State Park, \$5 revenue is returned.” (<http://www.ledger-dispatch.com/2012/09/14/we-need-to-save-newman-ridge-for-ione/>; see http://amadorcountychamber.com/site/pages/historic_attractions.cgi?atrcatid=&atrid=4&atpg=) A conservation alternative is feasible and beneficial, both economically and environmentally. It should have been identified and analyzed in the alternatives section of the EIR.

C. The Project May Not Be Approved With a Statement of Overriding Considerations Since Feasible, Less-Damaging Alternatives Exist and the Alleged Benefits of the Project Do Not Support Approval.

Since expansion of Jackson Quarry, or expansion of other quarries, would be a feasible, less damaging alternative to approval of the proposed Newman Ridge Project that would meet most or all project objectives, it would be illegal to approve the Newman Ridge Project on the basis of a statement of overriding considerations. As we stated in our letter to you dated July 18, 2012, CEQA states that “public agencies should not approve project as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects

of such projects.” (Pub. Resources Code § 21002.) A public agency may not adopt a statement of overriding considerations when there is a feasible way to lessen or avoid a significant effect. (CEQA Guidelines § 15043; *Uphold Our Heritage v. Town of Woodside* (2007) 147 Cal.App.4th 587, 597.)

The FEIR claims that the fact that the project applicant does not own a comparable property means that “an environmentally feasible off-site location that would meet the requirement of CEQA and the basic objectives of the project, other than the Edwin Center North Alternative, does not exist.” (FEIR, p. 3-129.) However, the project objectives do not require that quarry operations be conducted by the project applicant. Quarry operations could be conducted elsewhere by other parties and still meet most of the project objectives.

CEQA requires that EIRs consider alternative locations to the identified Project site. (CEQA Guidelines § 15126.6(f)(2).) It is immaterial whether or not other potential project sites are owned or controlled by the applicant since they must still be considered in CEQA analysis. (*Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 1460.) Thus, the final EIR’s failure to discuss other potential locations for quarrying operations renders it inadequate to meet CEQA’s requirements.

Furthermore, in order to approve a Project on the basis of a statement of overriding considerations, the County would have to validate the benefits of the Project on the basis of substantial evidence. However, there is no substantial evidence to support the claims of jobs that might be created, or to show that the quarry and asphalt plant operations are even economically viable. With regard to jobs, it is our understanding that a more realistic assessment of the jobs that might be created is 6 to 10, rather than 60, given the type of operations that are planned. If there is a factual basis for greater claims of jobs, the Project proponent should be required to show it.

Our discussions with experts in the construction aggregate mining industry lead us to conclude the operations of the proposed Project do not make business sense either, since there is no evidence of the demand for aggregate that the quarry plans to create. The Department of Geology estimates that per capita aggregate usage is 7.1 tons. (<http://www.conservation.ca.gov/smgb/reports/Documents/SMGB%20IR%202008-05.pdf>.) With the County of Amador having a population of 38,091 people, the usage of aggregate within the County would be expected to be 270,446 tons per year. There are already other quarries in operation, specifically including the Jackson Quarry, that produce 300,000 to 500,000 tons of aggregate per year. Where would the new aggregate be used since there would be little or no market for it in Amador County? The Department of Geology also notes that “For construction minerals to have value, they

must be produced near their place of use. This reflects their overall low unit value and high transportation costs due to their bulk and weight. A haul distance of about 25 miles doubles the delivered price of construction aggregate.” (*Ibid.*) If the aggregate were to be hauled by rail, it would only make economic sense if it was a relatively straight shot, transportable by a single unit train. However, the rail line that serves the site is a feeder line, not a mainline, and transition would be required but transitions on rail lines are costly. Therefore, the economic model for the proposed Project does not make business sense. We have been informed that there is a new quarry that was permitted in the same rock type in Amador County about eight years ago on Highway 16 close to the Sacramento County line. However, it has never reached expected production levels and its gates are now closed presumably because there is no demand.

The County should be concerned about the Project’s lack of long term economic viability because the Project proponent may be able to operate for a few years, creating environmental damage and a scar on the land, but then go out of business and not be able to clean up the damage done or fund a reclamation plan. The project proponent does not have a proven track record in the mining industry. This lack of experience in the mining industry shows in such failures as failing to “address the rock mass strength and resulting stability and factor of safety of the exposed cut overburden in the final reclamation high wall,” as identified by a professional geologist. (Enclosure 2, p. 7.) Indeed, to the extent the proponent has a track record at all, it is one of failing to mitigate impacts and being sued by a local community over approval of a project known as the Sutter Creek Gold Rush. (<http://tspntv.com/component/k2/item/14794-sutter-creek%E2%80%99s-gold-rush-obligations-put-on-hold-by-an-environmental-lawsuit>; http://www.foothillconservancy.org/pages/focus2.cgi?magicatid=&magi_detail=501&magid=35.)

The past behavior of an applicant is relevant in evaluating the potential efficacy of a proposed mitigation measures. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 420.) In *Laurel Heights*, the Supreme Court explained, in the context of an environmental impact report (EIR) principles that are applicable:

Because an EIR cannot be meaningfully considered in a vacuum devoid of reality, a project proponent's prior environmental record is properly a subject of close consideration in determining the sufficiency of the proponent's promises in an EIR. Consideration, however, must also be given to measures the proponent proposes to take in the future, not just to the measures it took or failed to take in the past. In balancing a proponent's prior shortcomings and its promises for future action, a court should consider relevant factors including: the length, number, and

severity of prior environmental errors and the harm caused; whether the errors were intentional, negligent, or unavoidable; whether the proponent's environmental record has improved or declined; whether he has attempted in good faith to correct prior problems; and whether the proposed activity will be regulated and monitored by a public entity.

(*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 420.) Since the Project proponent does not have a proven track record of operating a quarrying operation and asphalt plant, and has a history of failing to mitigate impacts to the local community, the significant impacts of the Project should not be granted a statement of overriding considerations. The statement of overriding considerations certainly should not be based upon empty promises and unprovable claims of benefits.

D. The Analysis of Potentially Significant Wastewater and Water Quality Impacts is Incomplete.

We objected to the incomplete and inaccurate analysis of Water Supply and water quality issues in our August letter to the Planning Commission and reaffirm those objections.

Professional geologist Jeff Light identified further shortcomings in the EIR's analysis. After his examination, he concluded that there is no proof local water wells will be unaffected by drawdown, since no tests were conducted by drawing on plant production test wells while monitoring water elevations in surrounding wells to determine any negative impacts. (Enclosure 2, p. 9.)

Mr. Light also notes that necessary information for evaluating how water quality will be adversely affected is completely absent. There are no borehole logs or core photos to allow for the assessment of the sulfide concentration in the ore and overburden rock. (Enclosure 2, p. 11.) Relatively inexpensive water quality tests should have been done to determine the potential for long-term leaching issues.

FEIR Response 4-4 states that "If the project will discharge waste water, a Report of Waste Discharge would be submitted to apply for the waste discharge requirements for activities subject to waste discharge requirements." (FEIR, p. 3-44.) The activities requiring waste discharge requirements (WDRs) must be identified now, disclosed, and mitigation measures provided to reduce the adverse effects of issuing the WDRs. Deferral of analysis and development of mitigation measures violates CEQA. (CEQA Guidelines §15126.4(a)(1)(B); *San Joaquin Raptor Rescue Center v. County of Merced*

(2007) 149 Cal.App.4th 645, 668.)

E. Objections Regarding Air Quality Impacts Were Dismissed Without Meaningful Response.

If the Project is approved, its air quality impacts would be significant and unavoidable. The best way to avoid these impacts is to reject the Project, and choose an alternative without severe air quality impacts to sensitive receptors that this Project would have.

In our letter to the Planning Commission, we identified the way in which the Project would aggravate the situation in an air basin that is already in nonattainment for ozone. There is no evidence that the emissions created by the proposed Project would be offset by reductions at existing facilities as they must be. Therefore, the proposed Project cannot be approved.

The EIR does not acknowledge the health consequences that necessarily result from the identified adverse air quality impacts. There is no acknowledgement or analysis in the FEIR of the well-known connection between reduction in air quality and increases in specific respiratory conditions and illnesses. As stated by the Court of Appeal in requiring a legally adequate air quality analysis, “After reading the EIR's, the public would have no idea of the health consequences that result when more pollutants are added to a nonattainment basin. On remand, the health impacts resulting from the adverse air quality impacts must be identified and analyzed in the new EIR's.” (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.) Instead of providing analysis showing the human health impacts of such pollution, the FEIR states the Project would comply with Amador Air District (AAD) Rule 218 and 281 regarding fugitive dust emissions. However, even with compliance with these rules, pollution from the Project is significant. The EIR should have disclosed the potential human health impacts of pollution that will occur, even despite compliance with air district rules. (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1219-20.)

Since writing to the Planning Commission, we obtained documents through the Public Records Act from the Amador Air District. These documents reveal that the Air District’s consultant stated “. . . . would not stand up to legal scrutiny.” (Enclosure 4.) The consultant also noted cumulative air pollution impacts would affect homes east of the quarry and Edwin Center. Finally, the memo noted “Since, Amador currently violates ambient standards for both 8-hour ozone and 24-hour PM-10, the proposed project would exacerbate the concentrations of both of these air pollutants.” (Enclosure 4, p. 3.)

It is our understanding from the response to the Public Records Act request that the Project proponent has not yet applied to the Amador Air District for a permit. An application should have been submitted so it could be reviewed concurrently with the County's review of the proposed Project. The Amador Air District is a responsible agency and it should be meaningfully consulted before the County certifies the EIR. An application to the Air District would provide detailed information on the truck trips necessary for the Project, verify the 5 million ton output estimate, and other information that is questionable or unsupported in the material supplied by the applicant to the County.

There are sensitive receptor populations in relatively close proximity to the proposed Project. Various ranches are less than a mile from the Project site.³ (DEIR, p. 4.2-6.) Although a small minority percentage of neighbors have signed a waiver of objections to the Project in an agreement between them and Edwin Lands and Newman Minerals, most neighbors who would be severely affected by the proposed Project have not waived their objections. Other sensitive receptors are not mentioned in the DEIR but should have been because they are downwind and within the potential range of wind-driven pollutants from the proposed Project. The City of Ione is only four miles away. The Mule Creek State Prison, with an inmate population of 3,065 and a staff of over 1,200 is only three miles away at 4001 Highway 104.⁴ (http://en.wikipedia.org/wiki/Mule_Creek_State_Prison.)

Additionally, the following schools are between 3 and 4 miles from the proposed Project: James A Weiden High School; Ione Elementary; Foothill Indian Education; and HeadStart State Preschool. It is our understanding that plume analysis for the Rancho Seco nuclear power plant, although 14 miles away, determined pollutants would blow directly over and into the City of Ione. Therefore, the City of Ione, the Castle Oaks Golf

³ The DEIR provides incorrect information in showing only seven of the residences that exist nearby. (<http://www.amadorgov.org/Modules/ShowDocument.aspx?documentid=10256>, p. 5.) In fact, numerous residences (approximately 18) are nearby (Enclosure 3), and the Mule Creek State Prison should be considered a residential facility.

⁴ The inmate and staff population of the State Prison were completely left out of the EIR's analysis as it stated the total population of the City of Ione as being only 3,300 people. We have learned that Mule Creek Prison Administration was not informed about the Project – and they are the largest employer of Amador County, with a total population larger than the City of Ione. The Department of Corrections sent a letter dated September 10, 2012 to the County objecting to not being notified about this Project. (Enclosure 5.)

Course and subdivision, the four schools, the CalFire Academy, and the State Prison must be considered sensitive receptors that should have been acknowledged, and impacts on them analyzed and mitigated, in the EIR.

The Amador General Plan requires buffers between incompatible uses of land to protect public safety. “Buffer – Land uses which provide sufficient distance and/or barriers between mining and incompatible land uses, to mitigate noise, dust vibration, and visual impacts of mining, and to protect public safety.” (Amador General Plan p. 31, <http://www.co.amador.ca.us/Modules/ShowDocument.aspx?documentid=380>.) The proposed Project fails to provide sufficient buffers, as the project is immediately adjacent to residences. The quarry portion of the Project would be within 25 - 50 feet of the West family’s property line. Since the proposed Project increases cancer risks in the area even if buffers were included, denial of the project is required.

Naturally occurring asbestos (NOA) could also be a significant concern. If it is discovered on the project site, mining operations would have to be shut down, as has occurred with three mines in El Dorado County. Since submitting our objections to the Planning Commission, we have obtained the evaluation of an expert in mining operations, Jeff Light, Professional Geologist, No. 7661. He confirms that the scope of work and level of investigation in the EIR documents are inadequate to clear the Newman Ridge Quarry site from the potential of containing NOA (naturally occurring asbestos) and do not meet regulatory, professional, and industry standards. Before certifying the EIR, the County should ensure that these standards are met.

F. The County General Plan Must Be Updated Before the Project is Approved.

The Planning Commission did not address our point that the outdated General Plan must be updated before it can legally support approval of the Project. To this objection, the FEIR responded “This comment relates to the County General Plan and not to the adequacy of the EIR.” (Response to Comment 15-10.) Contrary to this statement, an EIR must consider compliance with generally applicable plans, including the General Plan. (CEQA Guidelines § 15125 (d).) Therefore, the comment goes directly to the adequacy of the EIR, which has failed to consider the land use impacts of approving a project before the General Plan is updated.

G. Mine Planning and Waste Budget, Slope Stability, and Construction Aggregate Viability Are Insufficiently Documented.

Professional geologist Jeff Light reviewed the Project from the perspective of an

expert in the construction materials and construction industries. He concludes that the level of detail in the calculation of the overburden volume and design of temporary waste dump sites in Phases I and II does not meet industry standards. The overburden estimate is little more than half what it should be according to basic mathematics. (Enclosure 2, p. 5.) The stockpiling of it would take more space and be much higher than are estimated and disclosed. (*Ibid.*) Though other localities of the Gopher Ridge contain pyrite and other sulfides that can contain leachable metals including arsenic, there is “no accounting for those potential environmental conditions in the EIR documents.” (Enclosure 2, p. 6.)

Mr. Light further found that the level of detail in the final reclamation phase high wall slope configuration does not meet professional and industry standards, stating it appears “there was no attempt to address the rock mass strength and resulting stability and factor of safety of the exposed cut overburden in the final reclamation high wall.” (Enclosure 2, p. 7.) Before certifying the EIR, the County should ensure that these standards are met.

H. Aesthetic, Air Quality, Biological Resource, Water Supply and Quality, Cultural Resource, Wastewater, and other Impacts Were Not Adequately Assessed and Mitigated.

Aesthetic, air quality, biological resource, water supply and quality, wastewater, and cultural resource impacts of the Project have not been fully disclosed and mitigated. We respectfully request that you consider our comments to the Planning Commission on these points since they have not been sufficiently addressed. (See Enclosure 1.)

I. Potentially Related Projects Have Been Segmented from Review of this Project.

There are two project proposals pending before the Amador Water Agency and the County that would add to the impacts of the proposed project, but have not been addressed in the EIR as they should have been.

One of these project came to light on the day of the Planning Commission hearing on August 28, 2012. A proposal to form a Community Facilities District (CFD) that would guarantee the provision of water to certain undeveloped parcels, including some on the Newman Ridge Project site, was heard by the Amador Water Agency on August 27, 2012. The FEIR must describe this action as part of the Newman Ridge Project and consider the cumulative impacts that could be created by having dense development on and next to the Project site. We agree with the comments of attorney Ken Berry on whose behalf we submitted a letter to the Planning Commission at the August 28, 2012 hearing.

(Enclosure 6.)

The second project that should be considered in the EIR but was not is an application that is scheduled to be heard by the Planning Commission on October 9 for the development of a dirtbike racing track west of Irish Hill Road and north of the SR104. This proposal for a Conditional Use Permit would allow up to 125 motorcycles at a time to race, creating a potentially significant noise impact. Since noise will be a significant issue with the Project, from blasting and construction at the Quarry, and trucks and trains at Edwin Center North, in close proximity to the south, the cumulative impact of this dirtbike racing track and the Project should be analyzed and disclosed in the EIR.

Conclusion.

We urge you to deny approval of the proposed Project. There are other locations for quarrying operations that could feasibly attain most, if not all, of the Project objectives and do so without causing the substantial adverse impacts that would be created by the Project. If the Project is to be further considered for approval, it must be on the basis of a legally adequate and complete EIR that provides the public and public agencies full and accurate information. That has not occurred to this point. Therefore, the EIR must be supplemented, corrected, and recirculated to provide a sufficiently informative basis for further review.

This huge proposed quarry project has a life span of over 50 years. It will change the way of life in the Ione Valley in profoundly negative ways. It should be denied outright.

Ione Valley LAWDA reserves all of its rights. We strongly urge you to ensure that the County complies with all legal requirements. If this Project is approved as proposed on the basis of the documents that have been prepared to this point, the County would be breaking the law.

Thank you for your consideration.

Sincerely,

Douglas P. Carstens

Enclosures:

1. Chatten-Brown & Carstens letter to Planning Commission, August 23, 2012.
2. Jeff Light Technical Review of Geology, Mine Planning, and Hydrology Aspects of Newman Ridge Quarry and Edwin Center DEIR and FEIR, Amador County
3. Jackson Quarry environmental impact report executive summary excerpt and notice of availability dated November 10, 2010.
4. Memorandum of Ray Kapahi, Air Permitting Specialists, to Mike Boitano, APCO Amador Air District
5. Department of Corrections and Rehabilitation letter dated September 10, 2012 to Amador County Planning Department
6. Letter of Ken Berry dated August 28, 2012 to Amador Planning Commission