

APPENDIX B-2
Scoping Letters

MADERA RANCH QUARRY
ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

The environmental evaluation should consider the following potential impacts of this project:

My serious concerns with this project are as follows:

A) New revised EIR and project plan do not appear to be different than the original proposal.

- Concerns are:

D) Loss of A) Loss of our water quality and quantity

habitat for B) Loss of our current quiet neighborhood - Excessive new noise

endangered species, C) Excess dangers from increased truck traffic, Ca. Tiger Salamander,

E) Water Pollution / wells and creeks

F) Air Pollution

Please Print Legibly:

Name Nancy Dibble

Agency/Affiliation Land owner

Street Address 41576 Rd. 406

City Coarsegold, Ca. 93614 State Zip

G) Light Pollution (It is currently a dark, starry sky - not filled w/artificial light.)

Please include me on future notifications regarding this project.

(H) Destruction of habitat for

- Cooper's Hawk
- Deer
- Bald Eagle

(I) - H₂O mitigation is not sufficient,

Biological Study
for

FOLD

(J) - Kangaroo Rats
Golden Eagles
Sharp-shinned
Hawk

What would happen to us
if our H₂O fails and
there is "no" acceptable
gap plan?

* I am not convinced that
Madera County Planning and the
Madera Board of Supervisors

FOLD

are concerned about

the quality of life of their
citizens that live near this

Madera County Planning Department
Attention: Matthew Treber, Planner III
12037 West Cleveland Avenue
Madera, CA 93637

proposed
project.

POSTAGE

WRITTEN STATEMENT

MADERA RANCH QUARRY ENVIRONMENTAL IMPACT REPORT

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FEB 2

The environmental evaluation should consider the following potential impacts of this project:

This will impact our lives. The water is the main issue to us, My Husband & I both agree. I just can't imagine the Rock Quarry is so necessary. I really don't think if this was in your backyard, you would say it's ok. It's not ok think, we saved many years to buy our "Dream Home" up in the foothills, they to think our water may not be there. I just find this very disturbing. Try your home without water, you can't live.

The traffic is an issue, I am a RN Clinical Supervisor Nursing for the In patient Dialysis Unit I work in Fresno @ CPMC. We service 4 hospitals. I get a call that one of my nurses needs help dialysis a patient at Childrens Hospital of CA or Clavis or The Heart Hospital or Community. I have to drive to the Hospital. This is saving a persons life. If the potash is up we have to dialyze a person ASAP. The traffic would be an issue.

I know you reap what you sow. I hope you have the heart to think this over. It will change lives Everyones involved on both side, Please think.

Please Print Legibly:

PATTI Magee
Name

39083 Rd 406
Agency/Affiliation

MADERA CA 93636
Street Address City State Zip

Please include me on future notifications regarding this project.

WRITTEN STATEMENT

MADERA RANCH QUARRY ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

The environmental evaluation should consider the following potential impacts of this project:

I AM VERY CONCERNED ABOUT THE FOLLOWING:

- TRAFFIC ON ROAD 209
- TRAFFIC ON ROAD 41
- ACCESS IN & OUT OF 209 OFF HWY 41
- AIR POLLUTION (DUST PARTICLES)
- NOISE POLLUTION - EQUIPMENT RUNNING & BLASTING
- LIGHT POLLUTION - RUNNING BRIGHT LIGHT AT NIGHT
- GROUND WATER POLLUTION - (WITH ASPHALT CHEMICALS)
- ENDANGERMENT OF LOCAL WILDLIFE SPECIES
- DEVALUATION OF THE SURROUNDING PROPERTIES

... BUT MOST OF ALL ...

WATER!

SINCE THEY HAVE BEEN PUMPING THE ROCK QUARRY WELLS, SOME OF MY NEIGHBORS HAVE EXPERIENCED LOWER LEVELS IN THEIR WELLS.

WITH NO WATER, OUR PROPERTIES ARE NOT LIVABLE & CAN'T SUSTAIN PLANTS & ANIMALS.

Please Print Legibly:

THOMAS J. MAGEE JR.

Name

Agency/Affiliation

39083 RD. 406

Street Address

MADERA, CA

City

State

93636

Zip

Please include me on future notifications regarding this project.

23233 Jewels Vista Dr
Coarsegold, Ca. 93614

Madera County Planning Department
2037 W. Cleveland Ave.
Madera, Ca. 93637

1/15/2009

Attn: Matt Treber

Hello Matt,

My Family and I had a very long and hard road to finally get into our new home 2 ½ years ago or so. We had toughed it out in a very small trailer for 3 years prior to waiting for our new home to be finished so we could occupy it. We decided to make the move over 5 ½ years ago with the goal of one day having a good investment for our children and grandchildren. It has been a hard road living check to check and now we have the worry of our investment being ruined by this potential Quarry project.

This project would rob us of our water and any potential equity we may get in the years to come. We have already seen the potential negative impact this project will have on us. When inquiring about refinancing we are told that due to the potential Rock Quarry project, the land worth has depreciated. This is unacceptable for us hard working people who are trying to get ahead for our families. One of the property owners had potential buyers back out when they found out about the Quarry.

We love our untouched wilderness around us and feel this project would ruin any future plans we have in keeping this land as natural as possible.

So in closing I ask you to consider the impact of this project very carefully and keep in mind the many people it will hurt. I ask you this for our family and neighbors considering the impact this project will have on our lives.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Bill J. Choma". The signature is written in a cursive style with a long, sweeping underline.

23233 Jewels Vista Dr
Coarsegold, Ca. 93614

Madera County Planning Department
2037 W. Cleveland Ave.
Madera, Ca. 93637

1/15/2009

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Thank you for your time.

Sincerely,

A handwritten signature in cursive script that reads "Joleen Chase". The signature is written in black ink and is positioned below the typed name "Joleen Chase".

Matthew Treber

From: Baldmi2@aol.com
Sent: Tuesday, January 20, 2009 10:31 AM
To: Matthew Treber
Cc: Baldmi2@aol.com
Subject: for Scope of Madera Quarry Inc. DEIR
Attachments: MicrosoftWord-FinalReviewcommentsandquestions.pdf

Matt,

Attached you will find a report that I commissioned to review the work of Ken Schmidt in the last EIR on the Madera Quarry Inc. Project. Chris Johnson is a hydrogeologist that was recommended to me by the California Water Institute at Fresno State as one with significant experience both locally and on hard rock/fractured bedrock ground water issues. As you will see in his report there are many weaknesses in Ken's report/study that are certainly leading to potentially flawed conclusions on both quantity and quality of water to support the quarry and still meet the demands of the surrounding landowners. I wish this report and its conclusions and questions to be included in the scope of the new DEIR.

If you have any questions of me, please, do not hesitate to contact me either by this email address or via phone at 903-4570.

Thank you,
Mike Baldwin

A Good Credit Score is 700 or Above. See yours in just 2 easy steps!

Aegis Groundwater Consulting, LLC

Mr. Michael Baldwin
41810 Road 406
Coarsegold, Ca. 93614

Subject: Review of Fall 2005 Pump Tests for Madera Ranch Quarry
Prepared by Kenneth D. Schmidt and Associates
January, 2006

Mr. Baldwin,

Aegis Groundwater Consulting, LLC (Aegis) was retained by you to review the report prepared by Kenneth D. Schmidt and Associates (Schmidt) regarding the Madera Ranch Quarry (MRQ) in Madera, California. Chris Johnson is the Principal Hydrogeologist for Aegis, and has been in practice in the Central Valley for 25 years. The purpose of the review was to provide comments and questions that may be submitted to the Madera County Planning Commission (Commission) as they direct the preparation of a new Draft Environmental Impact Report (DEIR) for the project.

Our understanding based upon conversations with you is that the original Final EIR was submitted to the Commission, approved, and ultimately that document was found to require revisions and additional information by the Fifth District Court of Appeals (Court). As such, Aegis has been retained to review and provide comments and questions to you regarding the report prepared by Schmidt, which will more than likely be used as the Applicant prepares a new DEIR for the project.

Aegis reviewed documents provided by yourself, specifically the January, 2006 report prepared by Schmidt, along with the comments provided in Table S-1 titled Madera Ranch Quarry Summary of Impacts and Mitigation Measures, and finally an excerpt of the Fifth District Court of Appeals ruling on the original FEIR. Aegis did not review the original Draft Environmental Impact Report (DEIR), the original FEIR or the 2001 Cleath & Associates report titled "Groundwater Development at the Madera Quarry".

Our understanding is that the Commission will hold a meeting on Friday, January 23 2009 at which questions regarding the FEIR may be submitted for consideration in the revisions the Commission will require MRQ to address. The specific purpose of our scope of services is to review the stated Schmidt report, and prepare comments and questions for Mr. Baldwin to submit to the Commission for consideration in their directions to the Applicants EIR consultant to consider in revising the FEIR.

Based our review of the documents provided, we can offer the following comments, observations, and suggested questions relative to the geology, hydrogeology, groundwater quality, and water consumption related to the FEIR for the MRQ.

Geology

- The area has been described as “hard rock” or a “bedrock” setting. Geologically, this area could be described as granitic bedrock, composed of an overlying later of decomposed rock, underlain by more competent rock with depth.
- The occurrence of fractures, and when of greater length they are termed lineaments, is in general the controlling factor on the presence and movement of groundwater. The condition of these fractures may also control the movement, storage and transmission of groundwater, such that one fracture may be more prolific than another.
- In general, these fractures are oriented to the near-vertical, are often found in “systems” of primary and secondary fractures, and have varying degrees of intersection and thus connection.
- The fracture systems therefore, are complex, intersecting geologic features that control the movement, storage, access and recharge to groundwater in these fractured bedrock settings. When these fracture systems are studied with respect to groundwater, they can be referred to as fractured bedrock aquifers.
- Reviewing the Schmidt report, there is little to no mention of the presence of fractures or lineaments in the study area, nor is there a referral in the Schmidt report relative to this work being performed by Cleath & Associates. There is no discussion in the Schmidt report about the geologic controls on groundwater

occurrence or movement, for both water supply and dewatering efforts, relative to the presence of fractures in the MRQ study area.

- It is requested of the Commission, that the Applicant be directed to complete a thorough fracture trace assessment (FTA) of the project area, and the off-site area (relative to the presence of private wells, springs, seeps and surface water bodies) such that the degree of geologic control that these features have on groundwater conditions may be assessed as part of the revised FEIR.

Hydrogeology

- Although the Schmidt report does not address this issue, some comment has been presented using the term “confined” relative to the aquifer or aquifers on the MRQ site, and the surrounding area. A confined aquifer can be defined as “aquifer bounded above and below by an aquitard. Water in a confined aquifer is under pressure greater than atmospheric. The pressure may be sufficient to cause groundwater to rise above the aquifer containing it when the aquifer is penetrated by a well” (The Compendium of Hydrogeology, Porges and Hammer, 2001).
- The Schmidt report analyzes the pumping test results for two on-site wells, and utilizes the standard terms “transmissivity” and “storage”. These two terms, while wholly applicable to alluvial aquifers as found in the Central Valley, are not necessarily applicable to fractured bedrock aquifers. The current literature indicates that these calculated values can be erroneous for the complex boundary conditions found in fractured bedrock aquifers, along with the varying degrees of fracture porosity and interconnectedness.
- It is requested of the Commission, that the Applicant direct a review of the pumping tests relative to analysis of the data generated, to account for adequacy of these calculated values relative to fractured bedrock aquifers; that the results derived from these calculated values be revised as necessary, to account for the variations in these values; and that estimates of yield and long-term drawdown be assessed relative to the possible revisions to these calculated values.

- It is requested of the Commission that the Applicant be directed to assess the efficacy of on-site and off-site recharge to groundwater if “confined” groundwater conditions do exist.

Background Conditions

- The Schmidt report indicates that groundwater recharge occurs as the result of groundwater inflow from the north of the MRQ project site, and onsite precipitation. No data is presented to quantify the amounts of recharge or on-site precipitation, nor any data presented to quantify the amount of recharge that will occur as a result of on-site precipitation.
- The Schmidt report provides a very limited groundwater budget, relative to the quantity of water that will be entering the site (inflow) and leaving the site (outflow). Furthermore, there is limited data to support the assertion that pre-project consumptive use and project consumptive use will produce “little change”.
- The Schmidt report provides no indication of historical or current stream flow in Hildreth Creek, and no information about the possible effects of groundwater pumping on stream flow.
- The Schmidt report suggests that no groundwater samples were collected, analyzed and reported for private off-site wells that might have been affected by MRQ operations. As such, potential changes in groundwater quality in these wells, as a result of MRQ operations could not be established without these “baseline” (pre-MRQ operations) data.
- The Schmidt report states that background water levels were measured a single time (October 6, 2005) in the off-site and on-site wells. This provided a single “moment in time” data set, and did not provide information on water levels in these wells relative to the measured changes arising from pumping from the permanent pumps in these wells, affects of neighboring wells, and changes as a result of seasonal variations.
- The Schmidt report suggests that some of the measured drawdown in some of the private wells may be related to seasonal variations in groundwater

elevations yet provides no data indicating what those seasonal variations in elevations may be. This seems to be important data to have, to assess the potential impacts attributed to the on-site pumping of the MRQ wells.

- It is requested of the Commission that the Applicant provide detailed data supporting the quantity of onsite precipitation, onsite infiltration providing groundwater recharge, consumptive use of water before and during project operations (e.g. evapotranspiration, engineering report of planned water consumption, and dewatering estimates for excavation water management) and historical, current, and future surface water flows in Hildreth Creek.
- It is requested of the Commission that the Applicant conduct longer duration background or “baseline” monitoring of groundwater elevations, to assess for seasonal changes in the same.
- It is requested of the Commission that the Applicant be directed to have water samples collected from each of the off-site wells, springs, seeps and surface water bodies around the MRQ site, and that these samples be analyzed for those constituents that may be impacted by onsite MRQ operations.

Well Construction and Location

- The Schmidt report presents the well logs for each of the on-site and off-site wells.
- The wells are all hard rock wells, with the typical well seal depths, and open borehole to depths ranging from 320 to 820 feet, with an average depth of 745 feet (excluding well 9) and a range of 700 to 820 feet for this set of eight wells.
- Given the wells are uncased, some degree of representativeness can be derived from the Drillers logs for these wells, specifically where water appears to be entering each of these wells from reported fracture systems.
- It is requested that the Commission direct the Applicant to represent on scaled project maps the locations of these wells, relative to the mapped fracture systems requested above.

- It is requested that the Commission direct the Applicant to assess the equivalent depth of fractures in each of the project wells, relative to their mapped locations, to assess for apparent structural connectedness.

Groundwater Elevations

- The Schmidt report presents water level data for on-site and off-site wells, collected on October 5-6, 2005 prior to conducting pumping tests.
- Some questions occur based upon a review of the data presented in Tables 1 and 2, and the Drillers logs, for Wells 4 and 6, are used here to be illustrative of similar concerns regarding water levels in other wells. Wells 4 and 6 are drilled to similar depths, and yet report significantly different locations for fracture-related water entry into the wells. As discussed below, pumping of these wells produced significantly different drawdown, suggesting that the water levels in these wells may not be fully in communication. As such, the water level contour map may misrepresent the actual flow pattern of groundwater beneath the site.
- It is requested that the Commission direct the applicant to assess these reported water levels relative to the locations of the wells within fracture systems, and the discuss whether these water levels are representative of water levels in the same fracture system, or separate fracture systems.

Groundwater Flow Map

- The Schmidt report presents water level contours, apparently based on the October 5-6, 2005 water level data.
- Given that the geologic setting is fractured bedrock, that the fractures will control groundwater occurrence and movement, and the fracture systems are not always fully interconnected, it is possible that the water levels in these wells are not representative of actual groundwater conditions. It is rare, that a groundwater contour map is prepared for fractured bedrock aquifers, particularly when little to no data exists assessing the degree to which each measuring point is fully communicating with the others.
- It is requested of the Commission that the Applicant be directed to assess the accuracy of water level contour maps for fractured bedrock aquifers, and the

representative of the contours relative to previously suggested fracture trace analysis, and provide a revised assessment of groundwater flow directions based on the fracture trace analysis.

Pumping Tests

- The pumping test on MRQ Well 1 reported induced (as a result of pumping) apparent drawdown of various amounts on on-site and off-site wells. The variations in apparent drawdown in wells of equivalent distance from the pumping well (e.g. Well 4 and Well 6) suggest limited connection between wells, and the likelihood of fractured controlled flow predominating.
- The pumping test on MRQ Well 1 reported apparent drawdown in two private wells (Harris and Pfoutz) that are apparently identical, but the Pfoutz well is over 1000 feet further away from Well 1 than the Harris well is. Equivalent apparent drawdown in wells at significantly different distances from the pumping well suggests the possibility of differential communication between the pumping well and these wells. That suggest the groundwater contour map may be in need of correction, and that interpretations of pumping test data need to be revised, relative to projections of long-term drawdown.
- The pumping test on MRQ Well 1 reported apparent drawdown in two onsite wells, Numbers 5 and 7, which are apparently 1000 feet apart (3100 and 4100 feet from Well 1) and yet showed drastically different responses to the pumping test.
- The pumping test on MRQ Well produced equally interesting responses to water level drawdown in on-site and off-site wells. For example, Well 1 pumping apparently did not alter the water level in Well 9, but when Well 5 (3000 feet further away from Well 9 than Well 1 is) was pumped, in reportedly induced 0.6 feet of drawdown. Furthermore, when Well 5 was pumped, the Graham West and Dibble wells showed opposite reactions (2.1 and -0.4 feet, respectively) and collectively the Graham West, Crandall, Baldwin and Dibble wells showed far greater response to pumping of Well 1 than Well 5.

- Overall, the examples suggest again that fracture flow predominates in the MRQ site, that the responses of observation wells (ranch/on-site and private/off-site) suggest a wide variation in groundwater behavior as controlled by fracture flow, and that predictions of long-term drawdown and impact from onsite pumping may need to be revised to reflect fracture flow conditions.
- It is requested of the Commission that the Applicant be directed to assess the accuracy of pumping test data interpretation, specifically, that the data be reviewed using analytical methods designed for fracture flow environments (e.g. Gringgarten and Witherspoon) to assess long-term drawdown in on-site and off-site wells.

Dewatering

- Schmidt makes reference to dewatering, specifically to the results of the pumping test for Well 5 and the groundwater elevation map, and using those results, suggests the possibility of up to 57 gallons per minute of water flowing into the excavation at full development.
- Schmidt suggests that Well 5 would be responsible for most of the project water demand (it is also stated that other means of excavation dewatering might be needed), and as such pumping from Well 1 would be limited to the early parts of the project.
- Schmidt states that the long-term yield of Well 5 is estimated at 23 gallons per minute, and that an additional 34 gallons per minute may need to be pumped for quarry dewatering.
- If, based upon previous comments, the groundwater contour map is misrepresenting groundwater elevations as a result of the control that fracture systems have on measured groundwater; the results of the pumping test conducted on Well 5 may yield different results when analyzed using methods more appropriate for fractured bedrock aquifers; and the apparent lack of influence Well 5 had on groundwater elevations across the planned excavation as demonstrated in the limited induced drawdown on wells in and beyond the

planned excavation, it seems unlikely that Well 5 will provide adequate dewatering capacity for planned operational needs of the MRQ excavation.

- If additional dewatering capacity is required, then this will most likely be in the form of one or more additional wells in or near the excavation. If and when this occurs, these wells will need to be assessed relative to the impact they may have on off-site wells.
- It is also possible that as the excavation grows, additional fractures may be encountered, increasing the need for even greater than anticipated dewatering volumes, and as such a potential for even greater adverse impacts on groundwater conditions in the immediate vicinity of the MRQ operational area.
- It is requested of the Commission that the Applicant be directed to assess the efficacy of planned dewatering using Well 5 only, in light of the aforementioned issues; and that if the Applicant anticipates needing additional dewatering either in the form of more wells, or excavation dewatering, that a detailed dewatering plan be prepared to address these concerns, and included in the new DEIR. A detailed dewatering plan would include, but not be limited to a description of dewatering volumes for each anticipated excavation depth, the number and location of wells required to accomplish the appropriate dewatering for excavation operations, and an assessment of these additional wells (or excavation dewatering acting as a single large well) impacts on the quality and quantity of groundwater in the affected area around the MRQ site.

Mitigation Possibilities

- The Court apparently found that only a new water system is a feasible mitigation, for the demonstrated adverse impact that the MRQ may have on groundwater conditions in the immediate area.
- The Court apparently also found that SB610 is applicable to this new system, if that is the only feasible mitigation for adverse groundwater impacts resulting from MRQ operations.
- As such, a new water system must be permitted by the California Department of Health Services (DHS) Office of Drinking Water. Permitting requirements for

wells, wells systems, pipelines, monitoring and maintenance are exacting, and can be time consuming when performed to the standard of care required by the DHS. Assuming that a new system is feasible from an engineering and economic standpoint, that it can be shown to not be adversely impacted by MRQ operations, and that it can be constructed in an adequate amount of time to be responsive to a demonstrated impact, the permitting will require additional time, review and approval.

- SB610 has many demanding features, which two stand out given the current project information. SB610 requires that a 20 year “assured” water supply be demonstrated for the project, and that this assured water supply is assessed to include both 1-year and 3-year droughts over the course of the system life. No such data has been generated by the Applicant relative to the assured supply of water for such a mitigation measure, nor the recharge volumes, infiltration capacity, and sensitivity to onsite operations.
- It is requested of the Commission that the Applicant be directed to assess the planned mitigation step of a new water supply system relative to the requirements of the DHS and SB610, and discuss how the new DEIR will address these issues.

Monitoring Plans

- The proposed plans will address those monitoring points currently in existence that will be useful to understanding general groundwater conditions onsite.
- The proposed plans do not address surface water flow or quality.
- The proposed monitoring plans do not address comparative analysis using pre-operational data to operational data.
- In light of the possible need to revise the assessment of groundwater conditions, specifically groundwater occurrence and movement relative to fracture flow in bedrock aquifers, and long-term predictions of groundwater yield and drawdown, it may be necessary to install other monitoring points in the project area to adequately assess the long-term changes.

- It is requested of the Commission that the Applicant seek to expand the number of off-site private wells that are included in the monitoring plan. Recognizing that only those private wells that volunteered to participate were included in the Schmidt report, the Applicant should be required to attempt to expand the number of monitoring points (i.e. private wells) as they prepare the new DEIR.
- It is requested of the Commission that the Applicant be directed to assess the current monitoring plan in light of the recommended need for significant additional background/baseline data, the representativeness of the current understanding of groundwater conditions in the vicinity of the MRQ site, and finally monitoring relative to future needs for additional dewatering.

Limitations

Our discussion, conclusions and suggested questions presented in this report are based upon the following provided to Aegis by Mr. Michael Baldwin:

- Schmidt and Associates, 2005 report provided by Client
- Excerpts of Fifth District Court of Appeals ruling
- Mitigation Responses for the DEIR

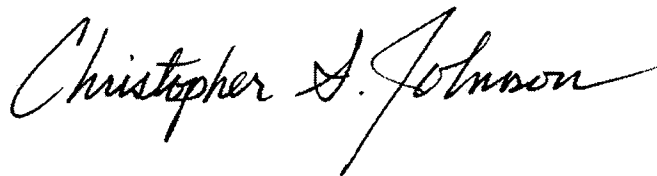
Aegis performed this work and prepared this report in accordance with the generally accepted standards of practice that exist in Fresno County at this time. It should be recognized that the definition and evaluation of subsurface geologic conditions is a difficult and inexact art. Judgments leading to conclusions and recommendations are generally made with an incomplete knowledge of the subsurface conditions present. It is possible that variations in subsurface conditions could exist beyond the points explored in our assessment. Also, changes in conditions could occur sometime in the future due to variations in rain fall, temperature, regional water usage, or other factors.

The services provided by Aegis were conducted in a manner consistent with the level of care and skill ordinarily exercised by members of our profession currently practicing

under similar conditions in California. As such, no warranty, expressed or implied, is made.

Respectfully,

Aegis Groundwater Consulting, LLC.

A handwritten signature in black ink that reads "Christopher S. Johnson". The signature is written in a cursive style with a large, sweeping "C" at the beginning and a long, trailing flourish at the end.

Christopher S. Johnson, RG, CHG

Principal



DEPARTMENT OF CONSERVATION

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEB SITE conservation.ca.gov

August 15, 2005

Mr. David Merchen
Madera County Planning Department
2037 West Cleveland Avenue
Madera, CA 93637

Subject: Madera Ranch Quarry (CUP# 2002-20) Draft Environmental Impact Report
(DEIR) - SCH# 2003102128, Madera County

Dear Mr. Merchen:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following recommendations with respect to the project's impacts on agricultural land and resources.

Project Description

The project is a proposed aggregate quarry operation within Madera Ranch on a 540-acre parcel (APN 0050-082-007) of Grazing land enforceably restricted by Williamson Act contract (Contract No. 2350-C-76) and surrounded by contracted land. The project site is located on 131 acres of the parcel and include an 86± -acre excavation plus an adjacent 35-acre processing site. The site is located in central Madera County (County) about two miles west of State Route (SR) 41, four miles north of SR 145 and 16 miles northeast of the City of Madera. The project includes a processing facility and hot mix asphalt plant. The plan is to mine up to one million tons of aggregate per year over 50 years. The site, which is currently used for cattle grazing, is planned for reclamation to grazing land and open space, which would involve the 86±-acre quarry pit. The pit, which is located at the headwaters of a drainage, would be allowed to fill naturally with water.

Agricultural Impacts and Mitigation Measures

The DEIR has determined that the project will require the premature termination of the Williamson Act contract for the project site and has proposed rescinding the contract

and simultaneously placing a permanent agricultural conservation easement on a 131-acre portion at the northern end of the subject parcel pursuant to Government Code section 51256 and 51256.1. The DEIR should clarify in its discussion regarding Williamson Act compatibility provisions on page 3.3-2 that the proposed contract termination is predicated on the project not being a compatible use on land enforceably restricted by a Williamson Act contract.

The DEIR has also proposed (page 3.3-26, Mitigation Measure 3.3-3) the easement exchange noted above as mitigation for the significant impact of premature contract termination: *The Applicant shall rescind Land Conservation Contract Number 2350-C-76 in accordance with Government Code sections 51256, 51256.1 and 51282 and simultaneously place the conservation easement parcel under a conservation easement.*

The placement of an agricultural conservation easement on other land is required for a Williamson Act Easement Exchange and does not constitute mitigation for the loss of the contracted land to development. Other adequate mitigation measures must be implemented to offset the loss of the Williamson Act contracted land.

Additional Recommendations

Page 1.0-1, insert in last paragraph: The California Department of Conservation is a responsible agency under CEQA for the Williamson Act Easement Exchange Program project.

Page 3.3-1, last paragraph, DEIR language: *The renewing process can be stopped by either the landowner or the County, at which point the contract would run out, and after 10 years, expire.*

Department recommended change: Either the landowner or the County can initiate nonrenewal of the contract, by serving written notice upon the other party within specified time periods before contract renewal. When the non-renewal process is initiated, the contract will expire 10 years after the last applicable renewal date.

Page 3.3-8, second paragraph, DEIR language: *Property owners enter into contracts for fixed periods of time.*

Department recommended change: Property owners enter into contracts for an initial term of 10 years or more. Each year the contract is automatically renewed unless notice of non-renewal is initiated by either the County or the property owner.

Page 3.3-8, second paragraph, DEIR language: *While the property is under contract, non-agricultural development, not specifically listed as a compatible use on the contract, is not allowed unless the property is formally withdrawn from the contract, triggering additional tax assessments.*

Department recommended change: While the property is under contract, uses are enforceably restricted to agriculture, open space and compatible uses unless the property is formally withdrawn from the contract.

Page 3.3-16: There is no discussion in the DEIR of the cancellation requirements and findings necessary to cancel the Williamson Act contract on the property. We recommend including the following information and discussion:

Since cancellation is being proposed, notification must be submitted to the Department prior to a board or council's consideration of a proposal for tentative cancellation (Government Code §51284.1). This notification must be submitted separately from the CEQA process and CEQA documentation. (The notice should be mailed to Debbie Sareeram, Interim Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 13-71, Sacramento, CA 95814-3528.)

The Madera County Board of Supervisors must consider the Department's comments prior to making a decision on the proposal. Required findings must be made by the board or council in order to approve tentative cancellation. **We recommend that the DEIR include discussion of the required findings, the reason the findings can be made and the documentation proposed to support making the findings.**

Page 3.3-19: The Department recommends that the DEIR provide greater detail and data in its explanation of support for commercial grazing on the proposed easement parcel regarding Public Resources Code (PRC) section 10251(a) and in regard to section 10251(c). For example, the DEIR should include a map showing the zoning and land divisions that are threatening conversion to non-agricultural use. Any contracts under nonrenewal should also be shown. In addition, the DEIR should correct its reference to section 10251(c), which appears to be section 10251(d), and separately address section 10251(c).

Page 3.3-20: The Department recommends that the DEIR provide specifics and examples in support of the proposed easement aiding wildlife conservation in regard to section 10252(b).

Page 3.3-22: Pursuant to PRC section 10211, the entity holding the easement must have the conservation of farmland among its stated purposes, as prescribed by statute or as expressed in the entity's locally adopted policies. We recommend that the DEIR include this information in its discussion regarding section 10252(c)(4).

Page 3.3-23: The DEIR should clarify the discussion under section 10252(d) or explain how the project site can be located within a Designated Agricultural Preserve when the County does not have a Designated Agricultural Preserve program. In addition, the DEIR should provide specifics as to how the applicant will fiscally and technically carry out the easement proposal regarding section 10252(f).

Mr. David Merchen
August 15, 2005
Page 4 of 4

Page 3.3-24: The Department did not participate in the drafting of the conservation easement and associated agreement and requests that reference to its participation be deleted under section 10252(g).

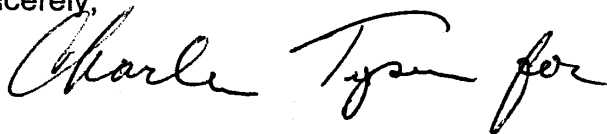
Page 3.3-26, third paragraph, DEIR language: *The Independent appraisal by Tony Correia, ARA, and Lyle A. Wilkinson, RPRa, Correia-Xavier Inc. determined that the value of the Agricultural Conservation Easement is \$142,500 while the cancellation value of the parcel being rescinded is \$296,300.*

Department recommended change: We recommend deleting this paragraph. An easement value and cancellation valuation must be determined within 30 days before the approval of the County of an agreement undertaken for a Williamson Act Easement Exchange Program project. As an agreement has not been approved by the County, these valuations may not be accurate at the time an agreement is approved. In addition, the computation of the cancellation valuation must be provided by the Madera County Assessor. The Department of Conservation contacted the Assessor's Office and was informed that a cancellation valuation of the Madera Ranch contracted property has not been computed.

Page 3.10-28, third paragraph: See recommended change for page 3.3-8 above. In the third paragraph, the Department also recommends deleting the sentence, "*Mineral extraction is typically considered a compatible use under the Williamson Act and most Williamson Act contracts allow mining.*" It is the Department's position that mineral extraction is not generally a compatible use on contracted land.

Thank you for the opportunity to comment on this DEIR. Pursuant to Public Resources Code §21092.5(a), the Department looks forward to receiving your response and a copy of the FEIR or any addition to the DEIR. If you have questions on our comments or require technical assistance or information on agricultural land conservation, please contact Bob Blanford at 801 K Street, MS 13-71, Sacramento, California 95814; or, phone (916) 327-2145.

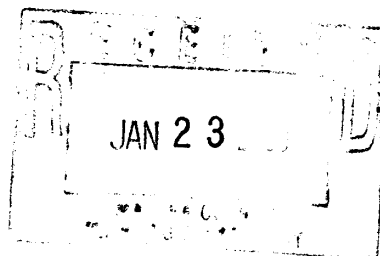
Sincerely,



Dennis J. O'Bryant
Acting Assistant Director

cc: State Clearinghouse

Madera Resource Conservation District
425 North Gateway Dive, Suite K
Madera, CA 93637





County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
ALAN WEAVER
DIRECTOR

January 20, 2009

Mr. Matthew Treber
Madera County Planning Department
2037 W. Cleveland Avenue
Madera, CA 93637

**SUBJECT: NOTICE OF PREPARATION OF A REVISED DRAFT
ENVIRONMENTAL IMPACT REPORT FOR THE MADERA RANCH
QUARRY PROJECT**

Dear Mr. Treber:

The County of Fresno appreciates the opportunity to review and comment on Madera County's Notice of Preparation of a revised Draft Environmental Impact Report (DEIR) for the Madera Ranch Quarry project and concurs with the list of environmental effects identified in the Notice of Preparation. Based on the County's review of the project, we do not have any comments on the proposed project.

If you have any questions, please contact me at (559) 262-4454.

Sincerely,

Briza Sholars, Planner
Development Services Division

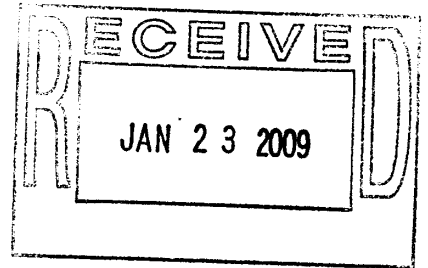
G:\4360Devs&Pln\EnvPlan\OAR\Madera County\Madera Ranch Quarry\Comment Letter.doc

c: Theresa Acosta-Mena, Senior Planner, Environmental Analysis Unit

DEVELOPMENT SERVICES DIVISION

2220 Tulare Street, Sixth Floor / Fresno, California 93721 / Phone (559) 262-4055 / 262-4029 / 443-5340 / 262-4022 FAX 262-4893
Equal Employment Opportunity • Affirmative Action • Disabled Employer

Robert M. Egan & Candace Lee Egan
23621 Jewels Vista Court
Coarsegold, CA 93614
(559) 868-2888



January 20, 2009

Madera County Planning Department
2037 West Cleveland Ave.
Madera, CA 93637
Attention: Matthew Treber, Planner III

RE: Madera Ranch Quarry Draft Revised EIR

Dear Mr. Treber,

My wife and I own 76 acres within three-quarters of a mile of the proposed Quarry and Batch Plants (23621 Jewels Vista Court (APN 051-021-018) and APN 051-021-027 on Road 406). We have some concerns regarding the impact of this proposal on our quality of living. We would like the EIR to address the areas of:

Water quality, Noise, Air quality, Land use, Traffic, Visual quality, Wetland quality, Wildfire hazard, Construction impacts, Wildlife, Miscellaneous

Water Quality & Hydrology:

The areas under water quality that should be addressed are: the amount of water to be used and how it will effect our wells by changing the sources, the effects of blasting on settling and possibly closing the well source, changing the flow or volume and possible contamination by the fuels, chemicals and other products brought to the site. The original EIR mitigation solutions were inadequate and unacceptable.

Noise:

The areas under noise that should be addressed are: the effects of blasting, equipment use, processing, and trucking product on the roads all during the day and night times. These areas should be compared to the present levels and to the county and state standards.

Air quality:

The areas under air quality that should be addressed are: the odors, dust and particulates that will be created from the processing, equipment, and traffic to and from the site. The emissions from equipment, trucks and employee vehicles should also be addressed. The effect of the emissions during an inversion layer should be addressed. How the project will impact the no burn day critical pollutants, and the feasibility of ceasing operations that add to the critical pollutants. All these areas should be shown how they effect county and or state requirements or limits.

Land use:

The areas under land use that should be addressed are: the compatibility to the surrounding grazing land, single family homes, and county zoning, the changing of the natural environment, the damage done by the batch plant processes, and provisions to restore the land back to its natural environment. The EIR should also address the proposed conservation easements' ability to sustain the displaced wildlife and vegetation.

Traffic:

The areas under traffic that should be addressed are: the effects caused by the truck and employee traffic on the roads, both road 209 and Hwy 41, and alternate routes when the normal routes may be impassable such as Roads 406 and 208. The compatibility with bicycle and horse riders and school buses that frequently use roads 209 and or 406 should be addressed. The effects of the added traffic during times of fog should also be evaluated with respect to safety. Road 209 should be evaluated to determine if it has the capacity in its current state to handle the increased traffic and if not then alternatives such as widening road 209 or building a new road to gain access to Hwy 41. If road 209 were to be widened or realigned then the effects on the creek, wetlands, and wildlife should be addressed for compatibility with state and federal requirements.

Visual quality:

The areas under visual quality that should be addressed are: the affect on neighboring property views and the effect of night lighting on surrounding properties.

Wetland quality:

The areas under wetland quality that should be addressed are: the effect of the project, including contaminates and storm water run off, on the creek and other established ponds.

Wildfire hazard:

The areas under wildfire hazard that should be addressed are: the increased risk of starting a wildfire from the construction, processing, equipment, and additional vehicles in the area.

Construction impacts:

The areas under construction impacts that should be addressed are: the effects from construction equipment, road closures, and additional traffic on road 209 and Hwy 41.

Wildlife:

The areas under wildlife that should be addressed are: existing wildlife, associated habitats, threatened, endangered, and sensitive species. How the project's emissions and presence will effect the foregoing. The original EIR did not address some endangered species found in the area. The methods of evaluating the species in the original EIR were not comprehensive enough to detect some of them or their activities.

Miscellaneous:

The areas under miscellaneous that should be addressed are: hazardous materials storage and use such as chemicals, fuels, propane, and explosives, waste disposal, project limitations for size of area and years in operation, and restoration of the area when the project is over and a provision (i.e. bond) to guarantee restoration if the project goes bankrupt.

The EIR should address how law enforcement will police the requirements in their conditional use permit. Also how will law enforcement get the expertise needed to regulate the project.

We would like to be put on the mailing list for notices and all meeting dates to be held regarding the Madera Ranch Quarry Project.

Thank you for your consideration,

Robert M. Egan

Candace Lee Egan

Robert M. Egan
Candace Lee Egan

Madera County Planning Department
12037 West Cleveland Avenue
Madera, CA. 93637

Dear Mr. Treber,

I would like to address some issues that were brought up at the meeting on January 16, 2009.

On the packet contents, under the project description the third line down states the production of asphalt concrete, and other aggregate products. I would like clarification on this asphalt concrete. I believe that it is asphalt or concrete, in which case concrete has never been mentioned in the production description before. Also we have never had an answer on the rubberized asphalt that Caltrans uses and how that will be processed. How will the rubber to be used be delivered and what does it consist of.

The traffic on 209 has never been dealt with. How long does Mr. Baker have before he has to make improvements on Rd. 209? How long must we share the road with trucks that take up the whole two lane road. I would like to have the improvements done before I have to take my life into my hands just to get to town. The traffic on 41 Hwy with all the projects on the books has also never been fully studied. With no notable improvement to 41 Hwy until 2025 it just adds to the dangerous situation that already exist on that road which has one of the highest fatality rates in the nation (CHP data).

The issue of noise is a top priority to me. Our family moved out here in the country to live a quiet peaceful life and raise our family of eight. We have done that for 30 years, but now that is all in jeopardy. There used to be a little song on the children's show Sesame Street that pictured four squares and each had an object in it, three of the object would belong or go with the others but one of the four did not. The song went "one of the thing is not like the other, of these thing just doesn't belong, one of these things is not like the other can you tell me which one doesn't belong." The answer was so obvious that even the two years olds could see the answer was very plain. That's how all of us that live out here feel, can't everyone involved in this process see that this project just doesn't belong in this area. A more suitable area would be away from homes that people have built there lives around like the area out by Kettleman City or the Coalinga area. Just because this land was available doesn't mean it's the right place for this project.

The water is the major issue that still has many questions unanswered and it seems not even the so called experts can know what will happen when the blasting and shifting of ground starts. How will the water that "will start" not that may start to flow from these underground fissures be controlled. What if a major crack is hit and there is no stopping it, then what? Why must we be put in this position of having to even think of issues like this?

In closing , we still have to many unanswerable questions with this project, that again the so called experts can not give us even with there computerized speculations, as in the noise data. Unless you live out here you can't know how the sounds and noises travel in such a peaceful area.

Respectfully,

A handwritten signature in cursive script that reads "Marguerite Trimble".

Marguerite Trimble
39125 Millstream Lane
Madera, CA. 93636

Jan 23, 2009

January 23, 2009

Madera County Planning Department
Matthew Treber, Planner 3

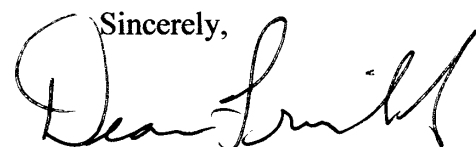
In regard to the Madera Ranch Quarry draft E.I.R. The size of the quarry was stated to be 86 acres in consideration of the water it will probably be more than twice that size, because of the road leading down into the pit (resource design figure 2.0-7). In the area near where the mine access road intersects the processing area is a permanent spring, East of where Rd. 406 and Rd. 209 intersect there is a permanent spring, about a quarter mile north of Rd. 406 and Rd. 209 intersect there is an artesian well, therefore the possibility of hitting significant amounts of water is very possible, increasing the possibility of damaging the water supply in the general area and also effects the control of excess waste water. Water in all of Madera County needs to be seriously considered and not only in this area before you approve this project.

The applicant and resource design both have stated that, "we will not hear the quarry noise nor feel the shock of the blast" we know better and so does everyone else. Please give this noise serious consideration.

The traffic on 41 corridor was bad when the first E.I.R. was prepared the traffic is worst now, because of the addition to the casino and the new high school will be opening making the traffic more dangerous. Several housing projects are in consideration, some as many as 3,000 homes. The Planning department needs to think about infrastructure before it considers a project that the local residents do not want and could seriously and negatively affect our way of life and the investment in our homes. The traffic on 41 Highway is already serious not considering what will happen when all these trucks start traveling on county Rd. 209 and entering and exiting 41 Highway. As far as I know no significant traffic study has been done, at least give us the benefit of a traffic study by qualified experts.

Seemingly the general plan for Madera county has been completely ignored, when the planners say the need is greater than all these other things and that this is the only P.C.G. aggregate in our area, this is preposterous all of the central Sierra Nevada Mountains contain this same kind of granite. We did not believe this statement when it was made; neither should you be gullible enough to believe it now.

Madera County already has enough problems with being sued. It seems to me that the county would want to get some of these other problems corrected before they create more of a "mess".

Sincerely,


Dean Trimble
39125 Millstream Ln.
Madera Ca. 93636

Matthew Treber

From: Donald Ashton [dashton@fs.fed.us]
Sent: Friday, January 23, 2009 12:36 PM
To: Matthew Treber
Cc: ashton.don@gmail.com
Subject: Madera Ranch Quarry Application

Mr. Treber,

I have been informed that the deadline to submit responses to the "Notice of Preparation of a Draft EIR..." for the Madera Ranch Quarry has been extended to February 1st. I appreciate the additional time and will submit a written response by the new deadline.

Thank you.
A bientot, Don

Don Ashton, USDA Ecologist
Redwood Sciences Laboratory
1700 Bayview Dr., Arcata CA 95521
(707) 825-2984 <dashton@fs.fed.us>

Matthew Treber

From: Don & Martha Ashton [rocking-a-ranch@netptc.net]
Sent: Friday, January 23, 2009 12:01 PM
To: Matthew Treber
Cc: Don/Martha Ashton; Donald T Ashton; baldmi2@aol.com
Subject: Madera Quarry Project

Mr Treber,

Understanding that the response period for this notice has been extended until February 1, 2009, I will take the opportunity of the extension to develop additional support for our claims. Generally the concerns include air quality impact from the asphalt plant, water supply impact both from immediate usage and also the effect on water availability as the quarry depth increases by hundreds of feet towards the valley floor, and impact on various species such as the western pond turtle, tiger salamander, blunt nosed leopard lizard, ground squirrel, kangaroo rat and nesting birds, and other items.

Thank you, Donald R. Ashton/Martha S. Ashton
43510 Road 406
Coarsegold, CA 93614
559-868-2277

WRITTEN STATEMENT

MADERA RANCH QUARRY
ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

The environmental evaluation should consider the following potential impacts of this project:

#1 THIS PROJECTS POTENTIAL IMPACT IS DETRIMENTAL TO THE ENVIRONMENT, OUR COMMUNITY AND OUR WAY OF LIFE IN MADERA COUNTY.

#2 THIS PROJECT IS GOING TO DESTROY LAND FOREVER AND IS GOING TO EMPLOY ONLY UP TO TWENTY JOBS!! THIS IS CLEARLY A BAD RATIO OF EMPLOYMENT TO ~~THE~~ DESTRUCTION OF MADERA COUNTY. ONLY UP TO TWENTY JOBS!!

#3 MADERA COUNTY NEEDS TO STUDY THE IMPACTS OF THIS 50YR PROJECT ON THE COMMUNITIES PERSONAL LIVES. WE WILL BE BITTER.

#4 TRAFFIC WITH BIG TRUCKS ON LITTLE ROADS. SOMEONE WILL DIE IN A CRASH WITH THESE TRUCKS.

PERSONAL NOTE - THIS COMMUNITY DOES NOT WANT THIS PROJECT. GO AWAY!!

Please Print Legibly:

DARRELL CASTLEMAN

Name

Agency/Affiliation

41174 AVALON LANE

Street Address

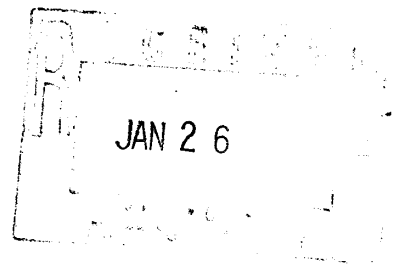
COARSEBOLD, CA 93614

City

State

Zip

Please include me on future notifications regarding this project.



WRITTEN STATEMENT

MADERA RANCH QUARRY ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

Received letter
Need to be on mailing list

The environmental evaluation should consider the following potential impacts of this project:

1. WE NEED NEW EIR (NOT A REVISED EIR)
2. NEED TO ENFORCE EXISTING ZONING & GEN. PLAN
3. COMPLETE WATER STUDY THAT ADDRESSES HARD ROCK WELLS & VIBRATION IMPACT ON SAME, DUE TO CONSTANT BLASTING
4. NOISE STUDY TO INCLUDE REAL NOISE OF EQUIP & OTHER PLANT OPERATIONS
5. WATER SYSTEM TO BE IN PLACE PRIOR TO DRAW DOWN
6. DUST, SMELL, TRAFFIC
7. MAPS USED ON 1-16-09 SCOPING MEETING ARE OUT DATED ALL MAPS SHOULD BE 2008 OR 2009 TO SHOW ALL ROAD DRIVEWAYS, HOMES & EXISTING WELLS FOR 3 THREE MILE RADIUS
8. QUESTIONS ABOUT SIZE OF QUARRY ~~ARE~~ 80 AC AT TOP OF QUARRY OR AT BOTTOM OF QUARRY, PIT? THIS HAS CHANGED?
9. ADDRESS ALL WILD LIFE IN AREA
10. HOURS OF OPERATION
11. ~~HOW IS NOTICE OF REVISED EIR DATED~~

Please Print Legibly:

Jeff Fuller *Jeff Fuller* Diane Fuller *Diane Fuller*
Name

Agency/Affiliation

~~Apn #~~ 30577 Painted Cup Lane
Street Address

Peather CA 93651
City State Zip

Please include me on future notifications regarding this project.

Chairman
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

Madera County Planning Department
2037 W. Cleveland Ave M.S. G
Madera, CA 93637

Re: "Madera Quarry" W. Jaxon Baker, Applicant

As you are aware, the Fifth District Court of Appeals has rejected the special considerations requested by the applicant in his effort to build a rock quarry and asphalt batch plant in our neighborhood (Ct. No. SCV005567). The rejection was based on several important points that the Board of Supervisors chose to ignore in deliberation of this matter. On this point alone the application for this project should be denied.

The Court also pointed out the following:

General Plan Violation: Noise Level Standards

The Board allowed the general plan to be violated, while approving and certifying the applicants project Environmental Impact Report (EIR). In doing so the Board ignored the general plan noise level standards.

Traffic studies: The court stated that the cumulative effect of traffic was not included in the traffic study submitted by the applicant.

Living in Bates Station Neighborhood we all have certain expectations regarding the quality of life we so value. The peaceful quiet of country living, clean air and meandering country roads. Does the Board place a value on our quality of life? The Board's lack of concern to drill down into the details of these studies demonstrates an absence of political representation for members in our community.

Water: The court stated that the water mitigations were not sufficient. Also stating that the only water mitigation was a water system. The Board's lack of any feasibility study related to this water system was called out as a failure to comply with basic requirements of CEQA and common sense.

There is almost no one living in Madera County that is not *extremely concerned about the water supply*. Almost everywhere one travels, those in the local neighborhoods are keenly aware of the problems of finding and maintaining an adequate supply of clean fresh water and specifically stated that the "mitigation" measures applied to water usage were unrealistic. So it is with Bates Station Neighbors. This project application has never provided a thorough, objective, detailed study by a qualified, disinterested professional organization that would consider the future of water quality and quantity for all of the affected parties should this project be approved.

The applicant's last minute vague offer to install a water delivery system under unspecified conditions did not convince anyone of the applicant's sincerity or capability. A new EIR is needed addressing a community water system. This system needs to be in place and operational before further consideration is given to this project.

Over-Riding Consideration By The Board: The need for rock....

The Court also stated confirmation of a "100 year supply of Portland Cement rock" (based on present usage rates), in Coalinga, California. This supply of rock is suitable for all area construction projects. Further, they reaffirmed the LeGrand supply of Portland Cement rock. At the time of the first request, in the face of contradictory evidence, the Board spoke about concern for a reliable supply of rock for "local" construction projects.

The Appeals Court authentically stated "the rock from this project has not been classified by the state geologist into Mineral Resources Zones, as required by SMARA, Public Resources Code, section 2761 *et seq.*"

This should set the Board's mind at ease that there is sufficient rock for a long time to come.

We attended the various Planning Commission meetings, Board of Supervisors meetings, Superior Court hearings and finally the Appeal Court hearing; making our contribution to the process. We have spent over \$100,000.00 defending our rights against a Board of Supervisors that does not seem to mind violating the well-known guidelines of the General Plan, CEQA and those of good judgment in their flawed approval of this project.

Adding to financial burden of this process several of our neighbors lost sales of their properties when they had to disclose the possibility of a Rock Quarry and Asphalt Plant nearby. In a couple of cases it was shown that failure of sales cost the property owner several hundred thousand dollars.

We have prevailed in Court and we plan to do it again if necessary. We hope the applicant understands our resolution and determination to keep this project out of the Bates Station area. If Mr. Baker makes the decision to resubmit this project to the Board we request that the Board reject his request outright. The County does not need this project and our neighborhood does not want this project. The alternative to this project to be considered is: "NO PROJECT".
Sincerely,

JH Suller 1/24/09 30517 Painted Cup Ln
Prather CA. 93651
APN# 051-026036-000
MADERA CO.



Linda S. Adams
Secretary for
Environmental
Protection

California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair

1685 E Street, Fresno, California 93706
(559) 445-5116 • Fax (559) 445-5910
<http://www.waterboards.ca.gov/centralvalley>



Arnold
Schwarzenegger
Governor

23 January 2009

Matthew Treber, Planner III
Madera County Planning Department
2037 W. Cleveland Avenue
Madera, CA 93637

NOTICE OF PREPARATION OF A DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, MADERA RANCH QUARRY PROJECT, MADERA COUNTY, SCH #2003102128

On 23 December 2009, the Regional Water Board received a Notice of Preparation (NOP) of a Draft Revised Environmental Impact Report (EIR) from Madera County for the proposed Madera Ranch Quarry Project. The proposed Project includes a new hardrock quarry, an aggregate processing facility, a hot mix asphalt plant, an administration complex, parking area, on-site access road, and various other stockpiles and processing areas.

In a letter dated 18 August 2005, the Regional Water Board commented on a previous Draft EIR. This letter addressed numerous issues regarding insufficient technical information to evaluate the potential impacts the operation would have on the environment and water quality.

The Draft EIR needs to address the long-term impacts dewatering will have on the quarried area and its potential effects to intermittent stream flow in Hildreth Creek. The Draft EIR also needs to evaluate the potential impacts of dewatering on nearby wells and surface water bodies.

During and after the operational life of the project, the quarry pit could fill with groundwater and overflow, and potentially impact surface water quality. The Draft EIR needs to evaluate the potential impacts and include mitigation if an overflow from the quarry pit would introduce pollutants to a surface water body.

Recycling wastewater will increase the concentration of waste constituents in the discharge due to evaporative losses. The Draft EIR needs to provide sufficient

California Environmental Protection Agency

information to characterize the wastewater produced by the proposed operation to determine and evaluate its potential impact to water quality.

If you have any questions, please contact Denise Soria at 559.444.2488 or by email at dsoria@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read 'DKP', with a long horizontal flourish extending to the right.

DOUGLAS K. PATTESON
Senior Engineer
RCE No. 55985

cc: State Clearinghouse, Sacramento
Mr. Bruce Steubing, Resource Design Technology, Inc., El Dorado Hills



State of California - THE RESOURCE AGENCY
DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>
Central Region
1234 East Shaw Avenue
Fresno, California 93710
(559) 243-4005



January 27, 2009

Matthew Treber
Madera County Planning Department
2037 West Cleveland Avenue
Madera, California 93637

Subject: Madera Ranch Quarry (CUP #2003-20) Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR); SCH No. 2003102128

Dear Mr. Treber:

The Department of Fish and Game has reviewed the NOP for the above Project. The proposed Project includes the installation and operation of a new hard rock quarry, aggregate processing facility, hot mix asphalt plant, administration complex, parking areas, a two-lane paved access road and substantial upgrade, realignment and intersection improvements to County Road 209 and State Highway 41. The Project site is located approximately 2 miles west of State Highway 41, 4 miles north of State Highway 145, and 16 miles northeast of the City of Madera (APN 050-082-007).

The proposed Project and associated Final Environmental Impact Report (FIER) were approved by Madera County in 2006. However, a Court of Appeals ruling required the County to vacate the FEIR and revise the document to address deficiencies in the environmental determinations contained within. The Department previously commented on the Initial Draft Environmental Impact Report (DEIR) for this Project on August 18, 2005. In that comment letter, the Department raised a number of concerns regarding Project-related impacts to biological resources. One of those concerns was the Project's potential impacts to the California tiger salamander (*Ambystoma californiense*) (CTS). This letter seeks to reiterate those concerns as well as provide information on a recent court ruling that has a bearing on the Department's permitting authority over this species.

The Department has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), the Department may need to issue an Incidental Take Permit for the Project. The California Environmental Quality Act (CEQA) requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statements of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Conserving California's Wildlife Since 1870

Matthew Treber
January 27, 2009
Page 2

On September 2, 2008, the California state appeals court ruled that the California Fish and Game Commission must consider a petition to list CTS as an endangered species under CESA. The court ordered the Fish and Game Commission to directly advance CTS to candidacy in light of the evidence of the species' imperiled status. This means that the Department will likely have jurisdiction over this species under CESA very soon (prior to Project implementation), and therefore the Department should be consulted regarding potential impacts to this species and for permitting requirements well in advance of any potential Project-related impacts.

On July 1, 2008, the United States Fish and Wildlife Service (Service) issued a biological opinion to the United States Army Corps of Engineers on the Project's effects on Federally listed species, including CTS. In the biological opinion, the Service determined that Project implementation would impact CTS and proposed conservation measures, including compensatory mitigation for loss of CTS upland habitat. In our August 18, 2005 comment letter, the Department requested that protocol-level surveys for CTS be conducted in order to determine species presence and use of the Project area. The Department continues to request that these surveys be conducted. In the absence of these surveys, the applicant can assume presence of CTS within the Project area. The Department should be consulted regarding potential Project-related impacts to CTS and the need for an Incidental Take Permit under CESA.

The impact evaluations and mitigation measures contained in the initial Final EIR as Table S-1 and included in the NOP do not include mitigation for impacts to CTS. The DEIR should include an impact evaluation and mitigation measures for CTS. Included in these mitigation measures should be the conservation measures included in the biological opinion and agreed upon by the Service and the Project applicant as well as the requirement that the applicant consult with the Department to determine if an Incidental Take Permit is required.

If you have any questions regarding these comments, please contact Justin Sloan, Environmental Scientist, at the address provided on this letterhead or by telephone at (559) 243-4014, extension 216.

Sincerely,



Jeffrey R. Single, Ph.D.
Regional Manager

cc: See Page Three

Matthew Treber
January 27, 2009
Page 3

cc: State Clearinghouse
Office of Planning and Research
1400 Tenth Street
Sacramento, California 95812-3044

Susan Jones
United States Fish and
Wildlife Service
2800 Cottage Way, W-2605
Sacramento, California 95825-1846

Kate Dadey
United States Army Corps
of Engineers
1325 J Street, Room 1480
Sacramento, California 95814-2922

WRITTEN STATEMENT

MADERA RANCH QUARRY ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

The environmental evaluation should consider the following potential impacts of this project:

PLEASE CONSIDER THE DEPLETION & DEGRADATION OF AVAILABLE WATER TO HOMEOWNERS. THE PLANNING FOLKS @ MAD. CO. HAVE TOLD ME THAT MY APPLICATION FOR A SECOND HOUSE ON MY 30 ACRES HAS BEEN APPROVED. THEY HAVE ESTABLISHED 7 G.P.M. AS THE MINIMUM FOR THE EXISTING WELL TO BE USED FOR BOTH HOMES. I FALL JUST SHORT. I ANTICIPATE A SECOND WELL AND I AM RESPONSIBLE FOR THE RATHER LARGE EXPENSE. MAD. CO. HAS TAKEN THE ISSUE OF HAVING ENOUGH WATER VERY SERIOUSLY WHEN IT COMES TO HOMEOWNERS, I ASK ONLY THAT THEY HOLD JAXON-BAKER RESPONSIBLE. FORCE THEM, WHILE YOU STILL HAVE SOME LEVERAGE, PRIOR TO APPROVAL, TO TAKE A SMALL PORTION OF THEIR PROFITS AND CREATE A WATER SYSTEM. FORCE THEM TO HAVE AN ACCOUNT OR A FUND TO MAINTAIN SAID SYSTEM FOREVER. SAYING YOU WILL PROVIDE BOTTLED WATER AS MITIGATION WOULD BE LAUGHABLE IF MY FAMILY DID NOT HAVE ALL OF OUR FUNDS COMMITTED TO OUR DREAM OF LIVING OUT OUR DAYS HERE ON OUR 30 ACRES, I WORK FOR CALTRANS AND I NEED HOT ASPHALT PLANTS TO DO MY JOB FOR THE TAXPAYERS, PLEASE DO NOT FORGET YOU ALSO WORK FOR THE TAXPAYERS. I AM A TAXPAYER, DONT FORGET DAVID, WHILE HOPING FOR GOLIATH'S TAX DOLLARS.

Please Print Legibly:

TIMOTHY MCCLURG

Name

HOMEOWNER

Agency/Affiliation

42399 ROAD 406

Street Address

COARSEGOLD, CA 93614

City

State

Zip

X Please include me on future notifications regarding this project.

**Mr. Matthew Treber
County of Madera**

January 20, 2009

We moved from North Fork, CA to Madera. The reason was because the drive to Fresno was too long and was hard on the cars.

We were also very tired from the drive.

It has been real quiet and relaxing here in Madera. We enjoy the country atmosphere. There are three important reasons we oppose the rock quarry. First water is getting scarce and the quarry requires hundreds of gallons of water to operate. Second is the traffic with several new trucks added to the two lane roads of hwy 41 and hwy145 would cause serious problems, bogging down traffic and increase in accidents and added pollution to the area. The third reason is noise we have enjoyed the peace and quiet, we do not want to listen to pound, explosions and diesel trucks traveling on hwy 145 early in the morning, echoing through the neighborhood.

**Vic Schweikert
La Donna Schweikert
37849 ave 17
Madera, CA 93636**

Madera Resource Management Agency
Planning Department
2037 W. Cleveland Ave.
Madera, CA 93637

RE: Madera Ranch Quarry

January 16, 2009

My family lives in the area. We believe there are still many problems with the proposed project. The trial court has not settled the matter and no decision from that court have been published. We feel that until the time that the trial court finalizes their decision, the county should not proceed with the planning process.

That stated, we feel that the cumulative impacts from noise, traffic, hydrological impacts and others cannot be satisfactorily mitigated by the applicants. We also believe that other impacts not addressed by the court need to be studied in the revised draft EIR.

When the draft documents are circulated, we will comment further.

Sincerely,

Greg and Johnna Overin
39890 Millstream Lane
Madera CA 93636
559.472.4510

Chairman
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

Madera County Planning Department
2037 W. Cleveland Ave M.S. G
Madera, CA 93637

Re: "Madera Quarry" W. Jaxon Baker, Applicant

As you are aware, the Fifth District Court of Appeals has rejected the special considerations requested by the applicant in his effort to build a rock quarry and asphalt batch plant in our neighborhood (Ct. No. SCV005567). The rejection was based on several important points that the Board of Supervisors chose to ignore in deliberation of this matter. On this point alone the application for this project should be denied.

The Court also pointed out the following:

General Plan Violation: Noise Level Standards

The Board allowed the general plan to be violated, while approving and certifying the applicants project Environmental Impact Report (EIR). In doing so the Board ignored the general plan noise level standards.

Traffic studies: The court stated that the cumulative effect of traffic was not included in the traffic study submitted by the applicant.

Living in Bates Station Neighborhood we all have certain expectations regarding the quality of life we so value. The peaceful quiet of country living, clean air and meandering country roads. Does the Board place a value on our quality of life? The Board's lack of concern to drill down into the details of these studies demonstrates an absence of political representation for members in our community.

Water: The court stated that the water mitigations were not sufficient. Also stating that the only water mitigation was a water system. The Board's lack of any feasibility study related to this water system was called out as a failure to comply with basic requirements of CEQA and common sense.

There is almost no one living in Madera County that is not *extremely concerned about the water supply*. Almost everywhere one travels, those in the local neighborhoods are keenly aware of the problems of finding and maintaining an adequate supply of clean fresh water and specifically stated that the "mitigation" measures applied to water usage were unrealistic. So it is with Bates Station Neighbors. This project application has never provided a thorough, objective, detailed study by a qualified, disinterested professional organization that would consider the future of water quality and quantity for all of the affected parties should this project be approved.

The applicant's last minute vague offer to install a water delivery system under unspecified conditions did not convince anyone of the applicant's sincerity or capability. A new EIR is needed addressing a community water system. This system needs to be in place and operational before further consideration is given to this project.

Over-Riding Consideration By The Board: The need for rock....

The Court also stated confirmation of a "100 year supply of Portland Cement rock" (based on present usage rates), in Coalinga, California. This supply of rock is suitable for all area construction projects. Further, they reaffirmed the LeGrand supply of Portland Cement rock. At the time of the first request, in the face of contradictory evidence, the Board spoke about concern for a reliable supply of rock for "local" construction projects.

The Appeals Court authentically stated "the rock from this project has not been classified by the state geologist into Mineral Resources Zones, as required by SMARA, Public Resources Code, section 2761 *et seq.*"

This should set the Board's mind at ease that there is sufficient rock for a long time to come.

We attended the various Planning Commission meetings, Board of Supervisors meetings, Superior Court hearings and finally the Appeal Court hearing, making our contribution to the process. We have spent over \$100,000.00 defending our rights against a Board of Supervisors that does not seem to mind violating the well-known guidelines of the General Plan, CEQA and those of good judgment in their flawed approval of this project.

Adding to financial burden of this process several of our neighbors lost sales of their properties when they had to disclose the possibility of a Rock Quarry and Asphalt Plant nearby. In a couple of cases it was shown that failure of sales cost the property owner several hundred thousand dollars.

We have prevailed in Court and we plan to do it again if necessary. We hope the applicant understands our resolution and determination to keep this project out of the Bates Station area. If Mr. Baker makes the decision to resubmit this project to the Board we request that the Board reject his request outright. The County does not need this project and our neighborhood does not want this project. The alternative to this project to be considered is: "NO PROJECT".
Sincerely,

Marie McKee Jan 27, 2009
MARIE MCKEE
39759 OAKWOOD RD
MADERA, CA 93636

Chairman
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

Madera County Planning Department
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Sincerely,

Dorothy McKee
DOROTHY MCKEE
39747 Oakwood Rd
Madera CA 93636

Jan. 27, 2009

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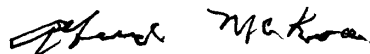
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Sincerely,



ALFRED MCKEE
39747 OAKWOOD RD.
MADERA CA 93636

JAN. 27, 2009

Mr. Matthew Treber:

I live at 40988 Oakwood Road, right across from the Madera Ranch Quarry project site. I moved to this area because of the peacefulness, quiet, very light traffic and clean air. And above all else the feeling of my family and I being safer than we would be in more congested areas. Living in this area, you may not know everyone but you get to where you recognize people that live or belong in the area so strangers are easier to spot and to be watchful. I don't even lock my doors at night or when not at home because I feel safe.

If this quarry is allowed to go through and open for business, all this will change drastically. There will be not only semi-trucks coming and going 24/7, there is also the traffic from all the employees that are needed to run a 24/7 business. This will create so much more traffic and unknown people in the area. I am not trying to imply that these people are criminals, but I don't know that any of them are not. I just know that all the traffic alone puts everyone living in this area at greater risk of accidents and unknown problems. I have had a windshield broken by a rock thrown from the wheel of a large semi-truck coming out of the grave plant on Friant road. With 200 of them coming and going every day I will always be behind or passing a semi-truck. I have two children that catch the school bus at the end of Oakwood that I will no longer feel safe for them to get off and walk home by themselves as I do now. I also have two teenagers that drive 209 every day to college and will not feel they are as safe driving with all the extra traffic especially the big semi-trucks. And I do know from watching and personal experience that most semi drivers feel they own the road and that it's up to the smaller vehicles to watch out for them.

I would also like to point out that this is a rural residential area and I and probably everyone else moved to this area because of the peace, quiet, and limited traffic and people in the area. If said quarry is allowed to open it will also reduce the market value of all our properties. It will not matter what kind or color paint they use on their structures, it will still be an eye sore for all of us residents who live in this area. The lighting they will be using will still be a problem because no matter what they do it will be brighter than it is now. The noise is also a major issue to my family. We like listening to coyotes and other natural country sounds. I do not want to hear all the semi-trucks loud noise, made worse when they use their engine brakes, because that is a very loud and obnoxious sound. And the reverse-beeping of loading vehicles will be virtually constant and maddening. I personally know just how loud this is, because before moving up here I lived on Road 206 where there was quite a few semis driving by 24/7. But the amount of semis required for this quarry will probably be 3 to 4 times worse and it was bad enough on 206, which is one of the things I loved about being up here. The pollution that the quarry and semis will produce is also an issue and harmful. I have an asthmatic child that does not need any more smoke and pollution that makes it harder to breathe. Our home is closer than

anyone's to the quarry site, we will be the ones to suffer most. The amount of water they will be using daily could and probably will affect my well. Because, since they have put the meter on my well and been monitoring the well we have had problems with dirt and other foreign material come out of our faucets, and we never had that problem before. I did not spend \$25,000 on my well for it to go dry or have problems with it unnecessarily. I do not feel me or anyone else living in this should have to put up with all the problems that this quarry and smelly asphalt plant will create. There is one last thing I would like to mention. When I was in the process of buying this property that has two homes on it, I wanted to have a third home added on. But I was told by county that two was the maximum for this property. When I asked how many acres was needed in order to have three homes I was told that it would have to be 150 acres or more. When asked whom I should talk to, to maybe get this law or rule changed, so I could put a third home on my 20 acres, county told me to see our county supervisor, Frank Bigalow and I went to see him. I asked Mr. Bigalow if and how I could go about a change if at all possible. He informed me it was the county supervisors and citizens that set these rules. I asked if he thought it would be possible to make changes in the rules and he said he did not think I could because these rules were set so the population and traffic was not heavy. Because the citizens and the county supervisors wanted to keep this part of the county natural country without being over populated with people or structures. This is also why they don't allow properties to be broken down to anything less than 20 acres. Well I can tell you that if every piece of property up here was to add or have 3 homes on it, there still would not be even 1 ¼ of 1% of the traffic, population or pollution this quarry will and asphalt plant will produce. I hope this shows you how much we all hate to have this quarry and asphalt plant opened in our area just so the county can get a large amount of money and tax from the project. I also paid a lot of money to the county for all my permits so my wishes should count as much as the quarry owners. And we never expected to be personally and permanently violated by this abomination.

Sincerely,

Tanya Childress

MARSHA A. BURCH
ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411
Facsimile:
(530) 272-9411

maburch@oneman.com

January 29, 2009

Via Electronic Mail and U.S. Mail

Matthew Treber, Planner III
Madera County Planning Department
2037 W. Cleveland Ave.
Madera, CA 93637
matthew.treber@madera-county.com

**Re: *Notice of Preparation of a Draft Revised Environmental
Impact Report and Notice of Scoping Meeting for
Madera Ranch Quarry;*
and
PUBLIC RECORDS ACT REQUEST**

Dear Mr. Treber:

This office, in conjunction with the Law Office of Donald B. Mooney, represents Bruce and Sheryl Gray with respect to the above-referenced proposal for the Madera Ranch Quarry ("Project"). During the scoping process for the Environmental Impact Report ("EIR") for the Project, we submit the following comments regarding well testing around the Project site.

The original well testing for the proposed Project was completed in the fall of 2005. It is our understanding that during the summer of 2007, the Project proponent used the well know as "Well #1" to irrigate the hillside above the older quarry on the site. The purpose of that irrigation is unclear, and it ceased in October of 2007.

Thereafter, the Project proponent began irrigating again in May of 2008, using a portable generator and Well #1 with the existing irrigation piping. In September of 2008, he brought in a permanent generator replacing the portable

Matthew Treber
Madera Ranch Quarry -- NOP
January 29, 2009
Page 2 of 2

rented generator. Again, the purpose of this irrigation is unclear, and it ceased in November of 2008.

It is our understanding that Well #1 is the primary well to be used in the proposed quarry operation and has proven to interconnect with several nearby domestic wells. (Per Schmidt & Associates.)

A letter was sent out by the County in September of 2007 to the neighbors with wells identified in the 2005 pump test as being impacted by the use of Well #1 on the Project site. The letter requested that the property owners allow the County to install totalizing flow meters and manually measure the water level of wells as outlined in the Schmidt and Associates report.

It is our understanding that Well #1 is also set up with a flow meter, but according to Planning staff, it is not being monitored.

The County conducted well sampling at neighboring wells around October 24, 2008, and November 2, 2008. We have been informed by a Project neighbor that staff conducting the sampling explained that the samples in November would be the "last one done during the driest part of the year."

It is unclear why the extensive and apparently unnecessary irrigation occurred on the Project site in the months before the well testing occurred for the "driest part of the year," but the Project neighbors are concerned that the irrigation will result in inaccurate data from the neighboring wells. We believe that in order to accurately monitor the neighboring wells, complete data from pumping at Well #1 is necessary. Accordingly, we seek documents related to the irrigation and well testing.

This will serve as a formal request under the California Public Records Act ("PRA") for the following documents:

1. All source documents and background information referred to or used to support the 2005 well testing report by Schmidt and Associates;
2. All data, field notes, memoranda or other documents related to the County's monitoring of domestic wells near the Project site from the beginning of the monitoring program to the present; and
3. All documents related to monitoring of Well #1 on the Project site, including any flow meter data, generator data indicating hours of pumping, estimates of water use, or any other documentation related to the irrigation on the Project site from January 1, 2005 to the present.

With regard to any documents that may be withheld by the County, we request compliance with Government Code section 6255 by providing a written

Matthew Treber
Madera Ranch Quarry -- NOP
January 29, 2009
Page 3 of 3

reply (1) identifying the type or nature of the record, or portion thereof, being withheld, and (2) demonstrating that the record in question is exempt under the express provisions of the PRA, or that, on the facts of the particular case, the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.

Also, before taking any action that might result in charges for reimbursement (*i.e.*, fees established by statute or the "direct cost" of copying of documents or electronic formatted data), we request that you provide an estimate of the costs involved.¹

Please feel free to contact me regarding the above. We look forward to hearing from you.

Sincerely,



Marsha A. Burch
Attorney

cc: Bruce and Sheryl Gray
Clerk of the Madera County Board of Supervisors

¹ Govt. Code, § 6253, subd. (b); *North County Parents Organization For Children With Special Needs v. Department of Education* (1994) 23 Cal.App.4th 144, 146-148 (holding that charges under PRA are statutorily limited to fees established by statute, and "direct cost" of providing requested copies, and that no charge may be levied under PRA for any other purpose).

WRITTEN STATEMENT

MADERA RANCH QUARRY
ENVIRONMENTAL IMPACT REPORT

Submit written comments to the County representative at this meeting, or mail to the Madera County Planning Department as indicated on reverse. Statements should be mailed to reach the County by January 23, 2009.

The environmental evaluation should consider the following potential impacts of this project:

1. ~~We~~ Need New EIR (NOT a Revised EIR)
2. Need to enforce existing zoning - n - General Plan
3. Complete water study that address hard rock wells - n - vibration impact on same due to constant blasting
4. Noise study to include real noise of equipment and others plant operation.
5. Water system to be in place prior to draw down
6. Dust, Smell, and traffic
7. Maps used on 1-16-09 scoping meeting are out dated all maps should be 2008 or 2009 to show all road drive ways, homes, and existing wells for three (3) miles radius.
8. Questions about size of Quarry 86 Ac on top of Quarry or at bottom of Quarry Pit? This has changed?
9. Address all wild in area
10. Hours of operation

Please Print Legibly:

Cha, Soua

Name

Agency/Affiliation

23818 EMU Ct.

Street Address

CoarsgDd, CA 93614

City

State

Zip

Please include me on future notifications regarding this project.

Chairman
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

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The Court also stated confirmation of a "100 year supply of Portland Cement rock" (based on present usage rates), in Coalinga, California. This supply of rock is suitable for all area construction projects. Further, they reaffirmed the LeGrand supply of Portland Cement rock. At the time of the first request, in the face of contradictory evidence, the Board spoke about concern for a reliable supply of rock for "local" construction projects.

The Appeals Court authentically stated "the rock from this project has not been classified by the state geologist into Mineral Resources Zones, as required by SMARA, Public Resources Code, section 2761 *et seq.*"

This should set the Board's mind at ease that there is sufficient rock for a long time to come.

We attended the various Planning Commission meetings, Board of Supervisors meetings, Superior Court hearings and finally the Appeal Court hearing; making our contribution to the process. We have spent over \$100,000.00 defending our rights against a Board of Supervisors that does not seem to mind violating the well-known guidelines of the General Plan, CEQA and those of good judgment in their flawed approval of this project.

Adding to financial burden of this process several of our neighbors lost sales of their properties when they had to disclose the possibility of a Rock Quarry and Asphalt Plant nearby. In a couple of cases it was shown that failure of sales cost the property owner several hundred thousand dollars.

We have prevailed in Court and we plan to do it again if necessary. We hope the applicant understands our resolution and determination to keep this project out of the Bates Station area. If Mr. Baker makes the decision to resubmit this project to the Board we request that the Board reject his request outright. The County does not need this project and our neighborhood does not want this project. The alternative to this project to be considered is: **"NO PROJECT"**.
Sincerely,

x   

Chairman
Madera County Board of Supervisors
200 West 4th Street
Madera, California 93637

Madera County Planning Department
2037 W. Cleveland Ave M.S. G
Madera, CA 93637

Re: "Madera Quarry" W. Jaxon Baker, Applicant

As you are aware, the Fifth District Court of Appeals has rejected the special considerations requested by the applicant in his effort to build a rock quarry and asphalt batch plant in our neighborhood (Ct. No. SCV005567). The rejection was based on several important points that the Board of Supervisors chose to ignore in deliberation of this matter. On this point alone the application for this project should be denied.

The Court also pointed out the following:

General Plan Violation: Noise Level Standards

The Board allowed the general plan to be violated, while approving and certifying the applicants project Environmental Impact Report (EIR). In doing so the Board ignored the general plan noise level standards.

Traffic studies: The court stated that the cumulative effect of traffic was not included in the traffic study submitted by the applicant.

Living in Bates Station Neighborhood we all have certain expectations regarding the quality of life we so value. The peaceful quiet of country living, clean air and meandering country roads. Does the Board place a value on our quality of life? The Board's lack of concern to drill down into the details of these studies demonstrates an absence of political representation for members in our community.

Water: The court stated that the water mitigations were not sufficient. Also stating that the only water mitigation was a water system. The Board's lack of any feasibility study related to this water system was called out as a failure to comply with basic requirements of CEQA and common sense.

There is almost no one living in Madera County that is not *extremely concerned about the water supply*. Almost everywhere one travels, those in the local neighborhoods are keenly aware of the problems of finding and maintaining an adequate supply of clean fresh water and specifically stated that the "mitigation" measures applied to water usage were unrealistic. So it is with Bates Station Neighbors. This project application has never provided a thorough, objective, detailed study by a qualified, disinterested professional organization that would consider the future of water quality and quantity for all of the affected parties should this project be approved.

The applicant's last minute vague offer to install a water delivery system under unspecified conditions did not convince anyone of the applicant's sincerity or capability. A new EIR is needed addressing a community water system. This system needs to be in place and operational before further consideration is given to this project.

Over-Riding Consideration By The Board: The need for rock....

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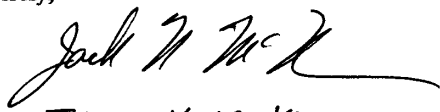
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Sincerely,


JACK N. MCKEE
39759 OAKWOOD RD.
MADERA CA. 93636

JAN. 27, 2009