

Exhibit “A”

Final Environmental Impact Report

COUNTY OF TULARE
RESOURCE MANAGEMENT AGENCY



5961 South Mooney Boulevard
Visalia, CA 93277

Deer Creek Mine Expansion
Surface Mining Permit and Reclamation Plan
Amendment No. PMR 19-001

(an amendment to an existing surface mining operation
PMR 01-001, PMR 09-002, PSP 01-055 (ZA) and PMR 14-002)

Final Environmental Impact Report
(SCH# 2019049052)

October 2020

Prepared by:
County of Tulare Resource Management Agency
Economic Development and Planning Branch
Environmental Planning Division

Deer Creek Mine Expansion (PMR 19-001)
Final Environmental Impact Report (SCH# 2019049052)

These attached documents complete the Final Subsequent Environmental Impact Report (FSEIR) for the above referenced project.

- I. Responses to Comments (Chapter 12 of the FSEIR)
- II. Mitigation Monitoring and Reporting Program (Chapter 9 of the FSEIR)
- III. Errata (Corrections and clarifications made to pages of the Draft SEIR)

RESPONSES TO COMMENTS

INTRODUCTION & RESPONSE TO COMMENTS

Chapter 12

INTRODUCTION

The Draft Subsequent Environmental Impact Report (Draft SEIR or SEIR) for the Deer Creek Mine Expansion Project was made available for public review and comment for a period of 45 days from November 20, 2019 through January 3, 2020. The purpose of this document is to present public comments and responses to comments received on the Deer Creek Mine Expansion Draft Subsequent Environmental Impact Report (SCH # 2019049052).

Individual responses to each of the comment letters received regarding the Draft SEIR are included in this chapter. Comments that do not directly relate to the analysis in this document (i.e., that are outside the scope of this document) will be considered.

In order to provide commenters with a complete understanding of the comment raised, the County of Tulare Resource Management Agency (RMA), Planning Branch staff prepared a comprehensive response regarding particular subjects. These comprehensive responses provide some background regarding an issue, identify how the comment was addressed in the Draft SEIR, and provide additional explanation/elaboration while responding to a comment. In some instances, comprehensive responses to an EIR's comments may be prepared to address specific land use or planning issues associated with a proposed Project, but unrelated to the EIR or environmental issues associated with a proposed Project.

Comments received that present opinions regarding this Project that are not associated with environmental issues or raise issues that are not directly associated with the substance of the EIR are noted without a detailed response.

REVISIONS OUTLINED IN THE RESPONSE TO COMMENTS

Revisions and clarifications to the SEIR made in response to comments and information received on the Draft SEIR are indicated by ~~strikeout~~ text (e.g., ~~strikeout~~), indicating deletions, and underline text (e.g., underline), indicating additions. Corrections of typographical errors have been made throughout the document and are not indicated by ~~strikeout~~ or underline text. Revisions and clarifications are included as Errata pages within this document.

PUBLIC REVIEW OF THE DRAFT ENVIRONMENTAL IMPACT REPORT

Consistent with the California Environmental Quality Act (CEQA), the potential environmental effects of the Deer Creek Mine Expansion Project (SCH # 2019049052) have been analyzed in a Draft Subsequent Environmental Impact Report (Draft SEIR or SDEIR) dated November 2019.

Response to Comments
Deer Creek Mine Expansion Project (SCH# 2019049052)

Consistent with Section 15205 of the State CEQA Guidelines, the Draft SEIR for the Deer Creek Rock Project is subject to a public review period. Section 21091(a) of the Public Resource Code specifies a 30-day public review period; however, if a Draft EIR is submitted to the State Clearinghouse for review, the review period shall be a minimum of 45-days. The County of Tulare provided a 45-day review period beginning on November 20, 2019, and ending on January 3, 2020.

The Deer Creek Mine Expansion Project Draft SEIR was distributed to responsible and trustee agencies, other affected agencies/departments/branches within the RMA, interested parties, and all parties who requested a copy of the Draft SEIR in accordance with Section 21092 of the *California Public Resources Code*. The Draft SEIR's Notice of Availability (NOA) was also published on November 20, 2019 in the *Porterville Recorder* (a newspaper of general circulation) as required by CEQA. Attachment 1 provides a complete list of the agencies and interested parties that received the NOA.

During the 45-day review period, the Draft SEIR and the technical appendices were also made available at the following locations:

Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277
(559) 624-7000

Terra Bella Branch Library – Tulare County
23825 Avenue 92
Terra Bella, CA 93270-0442

Visalia Branch (Main) Library
200 West Oak Avenue
Visalia, CA 93270

In addition, the Deer Creek Mine Expansion Draft SEIR was posted on the Tulare County website at:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/deer-creek-mine-expansion/>

RELEVANT CEQA SECTIONS (SUMMARY)

See Complete Sections in CEQA Guidelines Sections 15088 to 15384, et seq. which can be accessed at:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I95DAAA70D48811DEBC02831C6D6C108E&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Section 15088. Evaluation of and Response to Comments.

- (a) The lead agency shall evaluate comments on environmental issues received from persons who reviewed the draft EIR and shall prepare a written response...

- (b) The lead agency shall provide... a written proposed response... to a public agency on comments made ... at least 10 days prior to certifying...
- (c) The written response shall describe the disposition of significant environmental issues raised... In particular, the major environmental issues raised when the Lead Agency's position is at variance with recommendations and objections raised in the comments must be addressed in detail...

Section 15088.5. Recirculation of an EIR Prior to Certification.

- (a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification...
- (b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.
- (c) If the revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified.
- (e) A decision not to recirculate an EIR must be supported by substantial evidence in the administrative record.

Section 15089. Preparation of Final EIR.

- (a) The Lead Agency shall prepare a final EIR before approving the project. The contents of a final EIR are specified in Section 15132 of these Guidelines.

Section 15090. Certification of the Final EIR.

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision-making body...and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding....
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

Section 15092. Approval.

- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless:

- (1) The project as approved will not have a significant effect on the environment, or
- (2) The agency has... (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Section 15093. Statement of Overriding Considerations.

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Section 15095. Disposition of a Final EIR.

The lead agency shall:

- (a) File a copy of the final EIR with the appropriate planning agency of any city, county, or city and county where significant effects on the environment may occur.
- (b) Include the final EIR as part of the regular project report which is used in the existing project review and budgetary process if such a report is used.
- (c) Retain one or more copies of the final EIR as public records for a reasonable period of time.
- (d) Require the applicant to provide a copy of the certified, final EIR to each responsible agency.

Section 15151. Standards for Adequacy of an EIR.

An EIR should be prepared with a sufficient degree of analysis to provide decisionmakers with information which enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Section 15364. Feasible.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

Section 15384. Substantial Evidence.

“Substantial evidence”... means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached... Argument, speculation, unsubstantiated opinion or narrative, evidence which is clearly erroneous or inaccurate, or evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment does not constitute substantial evidence.

COMMENT LETTERS RECEIVED ON THE DRAFT SEIR

The County of Tulare received two comment letters on the Draft SEIR and one request for additional information during the designated comment period (between November 20, 2019 and January 2, 2020). Upon the close of the comment period, the County received confirmation from the Office of Planning and Research, State Clearinghouse Unit (OPR/SCH) that the County has successfully complied with OPR/SCH review requirements. In addition and where applicable, correspondence or conversations regarding comments from the public are also provided in this document. Each comment letter is also numbered. For example, comment letter “1” is from the California Department of Transportation, December 19, 2019.

Consistent with Section 15132 of the CEQA Guidelines, the following is a list of persons, organizations, and public agencies that submitted comments regarding the Draft SEIR received as of close of the public review period on January 3, 2015.

Oral comments were received from or conversations occurred with the following individuals:

No oral comments were received.

Comments from Federal, State, or County Agencies:

Comment Letter 1	California Department of Transportation, December 19, 2019 (See Attachment 2)
Comment Letter 2	San Joaquin Valley Unified Air Pollution Control District, January 2, 2020 (See Attachment 3)
Comment Letter 3	State of California, Office of Planning and Research, State Clearinghouse Unit, January 6, 2020 (See Attachment 4)
Comment Letter 4	Santa Rosa Rancheria Tachi-Yokut Tribe, December 12, 2020 (See Attachment 5)

Response to Comments
Deer Creek Mine Expansion Project (SCH# 2019049052)

Comments from adjacent property owners:

None received.

Comments from supporters of the proposed Project:

None received.

Comments from other interested parties of the proposed Project:

None received.

COMPREHENSIVE LIST OF RESPONSES

Comment Letter 1 – DEPARTMENT OF TRANSPORTATION (CALTRANS), DISTRICT 6,
DECEMBER 19, 2019

Comment Subject: Traffic Impact Study and Draft SEIR

Comments 1-5: *Caltrans reiterated that the TIS is included in Appendix “G” of the Subsequent EIR (SEIR); the TIS’ conclusion that improvements be required at the SR 65 and Avenue 128 intersection; the project should contribute to a fair equitable share responsibility; and that Mitigation Measure 4.9-1 be required for the Project as indicated in the SEIR.*

Response: No response is necessary as Caltrans merely reiterated the items noted above. The County makes all efforts to keep Caltrans informed of any impacts caused by the Project on this (or any) facility (in this instance SR 65) and appreciates the acknowledgement of the meaningful mitigation as contained in the SEIR, specifically at Mitigation Measure 4.9-1. The site plan shown in TIS Figure 2 (which incorrectly shows two right-turn lanes in this location) is a superseded version of the site plan that should have been replaced to match the site plan shown in DEIR Figures PD-5 and PD-6. This is corrected in the Errata section of this FEIR, which replaces the superseded site plan with the current site plan in TIS Figure 2. No further response is required.

Comment 6: *“Page 4.9-6 of the SEIR, second paragraph states, “State Route 65 currently exists as a four-lane divided roadway with posted speed limits of 55 mph...” Please note that this segment of SR 65 transitions from a 2-lane to a 4-lane facility. For example, south of Avenue 128 (Teapot Dome Ave.), SR 65 is a 2-lane undivided roadway with posted speed limits of 55 mph, and north of Avenue 128, SR 65 is a 4-lane divided expressway with posted speed of 65 mph. This statement is also referenced on page 10 of the TIS.”*

Response: Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The characterization of SR 65 in the report is directly related to the SR 65 and Avenue 128 intersection. SR 65 is a four-lane divided roadway to the north and south of Avenue 128. SR 65 was in the process of being widened to four lanes at the time the traffic analysis was being prepared. The existing conditions analysis provided in the traffic analysis assumed the completion of the roadway improvements along SR 65.”

Comment 7: *“Page 4.9-21 of the SEIR, “Queuing Analysis”, the last sentence at the bottom of the page states, “Queuing analysis was completed using Section 400 of Caltrans HDM.” It appears that the queue lengths listed in Table 4.9-8 (as well as in the Appendix G) are from the results of the Synchro outputs, not calculated from the Caltrans’s HDM method. Please note that the methodology from*

Caltrans HDM results in a much longer lane-length because it includes both storage and deceleration lengths. Please verify and correct. This comment also refers to the TIS, page 15, under "2.4.2 Queuing Analysis", and page 29 under 3.9.2 Queueing Analysis".

Response: Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, "The queue lengths listed in Table 4.9-8 were determined using Section 400 of the Caltrans HDM. As noted in Section 400, the calculated storage length is in addition to the deceleration lane length."

Comment 8: *"Figure 4.9-12 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the SR 65 southbound (SB) left turn movement to eastbound (EB) Avenue 128. Please verify."*

Response: Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, "The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the SR 65 southbound (SB) left turning movement to eastbound (EB) Avenue 128."

Comment 9: *"Figure 4.9-13 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB). Please verify."*

Response: Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, "The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB)."

Comment 10: *"Page 9: Table 1-4 "Peak One-Way Volumes" in the TIS (Appendix G) in Appendix G does not have a unit measure for the table values. For example: are the values equal to "passenger car per hour" or "vehicles per hour". Please verify and correct. Please be advised that Caltrans does not use this method to perform level of service (LOS) for a facility."*

Response to Comments
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Response: Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The ‘Heading’ on Table 1-4 [in the TIS] has been revised to indicate ‘Peak Hour One-Way Volumes’. Though VRPA has used Florida Tables on projects throughout the central valley in the past, including projects that assessed Caltrans facilities, VRPA has noted that Caltrans does not use this method to perform level of service (LOS).

Comment 11: *“Appendix C of the TIS report - SYNCHRO 10 (HCM 6th Edition) Worksheets: The Synchro outputs/printouts did not include any queue length (50th and 95th percentile queues) as well as the “turn type” (permitted, protected, etc.) for the signalized intersection at SR 65 at Avenue 128. Since the left turn demand for the SB lane in year 2040 with project condition scenario is greater than 300 vehicles per hour, in addition to the percentage of high truck volumes, Caltrans would like to review the 95th percentile queue for this movement. Please provide for review.”*

Response: Subject matter expert, consultant VRPA Technologies, Inc. (VRPA), has provided the information sought by Caltrans which will be forwarded by RMA to Caltrans as requested.

Comment Letter 2 – SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT,
JANUARY 2, 2020

Comment Subject: Length of Truck Travel, MMRP, HRA, Rules and Regulations

Comment 1: *“The District recommends the Lead Agency re-evaluate the Project 25-mile trip length associated with the off-site Heavy Duty Trucks hauling product.”*

Response: We do not agree with the Air District’s recommendation as the trip length was provided by the applicant and we are relying on the veracity of the applicant’s statements. The Air District’s comments are speculative and unsubstantiated.

As noted in Mitchell Air Quality Consulting’s (MAQC) attached response letter, “The County has re-evaluated the average trip length used in the analysis and has concluded that it is based on reasonable assumptions for the market area for the facility. The trip length is an “average” meaning it includes trips that are longer than 25 miles and trips that are shorter than 25 miles whose combination results in a mean distance or average distance. CEQA does not require using an unrealistic assumption that all trips must be the average or shorter. The applicant based the 25-mile trip estimate on the expectation that the vast majority of product users will be located in Tulare County and the average would be similar to current operations. The cost of aggregate hauling is highly sensitive to distance. Competitors north and south of the project are much more likely to provide the product to locations nearer their sites thus limiting the trip distance. The project’s location adjacent to the Sierra Nevada

is accounted for because the trip length is based on the location of the potential customers most of which will be in the urban areas and transportation corridors where construction will occur and road projects and water storage projects in the nearby mountains provide some potential customers. Therefore, based on these factors, the trip length is adequate and no additional analysis is required.”

In support of the applicant’s estimated trip length, it is noted that six of Tulare county’s eight cities are an average distance of 20.16 miles from the Project where either virgin material or finished product (e.g., asphalt) are transported. Tulare county’s other two cities are closer to other, competing materials suppliers (Woodlake has two suppliers within three miles; while Dinuba has one supplier within seven miles). Even if neighboring county cities (Hanford and Corcoran in Kings County, and Delano in Kern County) are included within the market area, the distance would average 24.55 miles. There are multiple materials providers in Tulare (and in adjacent counties, e.g., Vulcan, Teichert, CMI, etc., in Fresno County); as such, this materials provider clearly has competition and it is not a sole source within Tulare County or the region. Therefore, we stand by the Applicant’s statement regarding the market area distance and are not, respectfully, compelled to modify the distance as suggested by the Air District.

Comment 2: *“The District recommends removing the District as a Monitoring Agency and Person Conducting Monitoring/Reporting from the Mitigation Monitoring Reporting Program.”*

Response: We concur, the Air District will be removed from Mitigation Measures 4.1-1 through 4.1-4.

Comment 3: *The District recommends the HRA be revised in the areas of (A) emissions, (B) scenarios, (C) natural occurring asbestos, and (D) receptors (3(A) through 3(D)).*

Response: 3(A). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, “This comment is incorrect. As noted from the following table [Table 1 in MAQC’s response to comment letter] for the 400,000 tons increase, diesel particulate matter (DPM) emissions were incorporated into the health risk assessment (HRA) for the following emission sources. These same sources were also included in the HRA for the 700,000-ton increase. The rock crusher is powered with electricity and would not result in an increase in toxic emissions. It is our understanding that AMFO blasting is not a significant source of toxic emissions. The asphalt batch plant is not increasing throughput as part of the project, so no new emissions would occur from this source. The supporting emission spreadsheets are included in Attachment A [Appendix A of the Draft SEIR]. The total DPM emissions in 2025 assuming a 700,000 tons/year throughput increase is 8.68 E-04 grams/sec compared to the 3.56E-03 grams/sec in 2020 for the 400,000 tons/year

throughput increase. The 700,000 tons/year emissions reflect reductions in DPM emissions from heavy duty trucks as mandated by State regulations and implementation of mitigation on the various area sources and equipment used in the operation of the project.” For reference, MAQC’s response to comments letter is included at the end of this Section. As such, the County maintains that emissions are adequately addressed in both the HRA analysis and Draft SEIR.

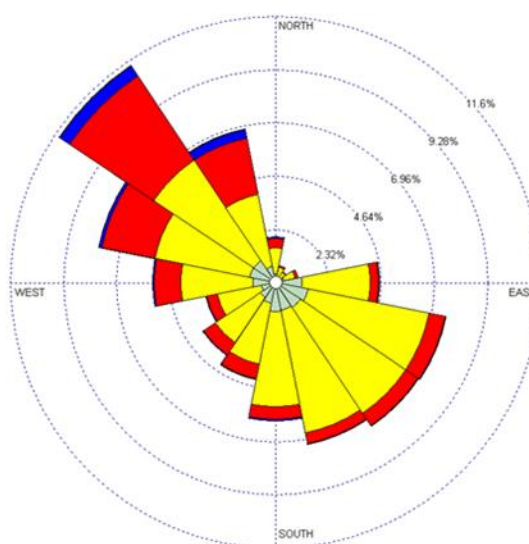
3(B). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, “Additional analysis was conducted using the District’s suggested methodology of estimating the combined cancer risks consisting of exposures to the DPM emissions from Scenario 1 (400,000 tons/year throughput increase) for 5 years from 2020 to 2024 and exposures to DPM emissions from Scenario 2 (700,000 tons/year throughput increase for 65 years (2025 to 2089). The results of the recommended District methodology along with the risks presented in the Draft Supplemental EIR are provided in Table 2 [of MAQC’S response letter]. Also indicated is the District’s cancer risk significance threshold. The cancer risks were estimated using the HARP2 health risk model. As shown in Table 2 [of MAQC’S response letter], the maximum cancer risks using the District’s combined risk methodology results in risks that are midway between the risks shown for the 400,000 tons/year throughput increase and the 700,000 tons/year throughput increase. This results from the fact that the DPM concentrations and hence cancer risks beyond the year 2025 are lower with the 700,000 tons/year throughput increase than with the DPM concentrations with the 400,000 tons/year throughput increase.” “As noted from Table 2 [of MAQC’s response letter], all assumed cancer risk methods would not exceed the SJVAPCD’s cancer risk significance threshold.” For reference, MAQC’s response to comments letter is included in of this Section. As such, the County maintains that emissions are adequately addressed in both the HRA analysis and Draft SEIR.

3(C). A condition of approval will be included as part of the permit amendment to assure compliance with federal, state, and local guidance, rules, regulations, standards, etc., regarding naturally occurring asbestos at quarrying and surface mining operations (e.g., ARB’s Regulatory Advisory “*Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*”).

It is noted that the “*Hydrology and Water Quality Report For Deer Creek Mine Expansion (PMR 19-001) Project*” prepared by consultant Mason Geoscience (see page 12 at “Geologic Setting” of this report which is included in Appendix “D” of the Draft SEIR) notes that the property area is mapped as primarily Pre-Cretaceous metavolcanic rocks. Recent alluvium (Qal) composed of stream alluvium is located north of the site adjacent to Deer Creek and west of the site within the Deer Creek Floodplain. As such, the site’s geology is not conducive to the formation of naturally occurring asbestos.

3(D). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, “The District’s policy guidance for siting receptors recommends the specification of a dense fence line receptor network of receptors to ensure that the maximum concentration would be expected to be contained within this grid network. However, the placement of receptor locations for the purposes of modeling an emission source’s air quality impacts in reality depends on the current and expected land use where such receptors would be located and the duration of exposure that these receptors would be subjected to emissions from the source.” The reality is that rural receptors within proximity of the Project are located predominantly to the north and west of the Project’s location, opposite of prevailing winds flow as shown in the wind rose from Porterville met data, below. The percentages are the directions FROM where the wind is blowing; as evident, the most frequent direction is FROM the northwest.

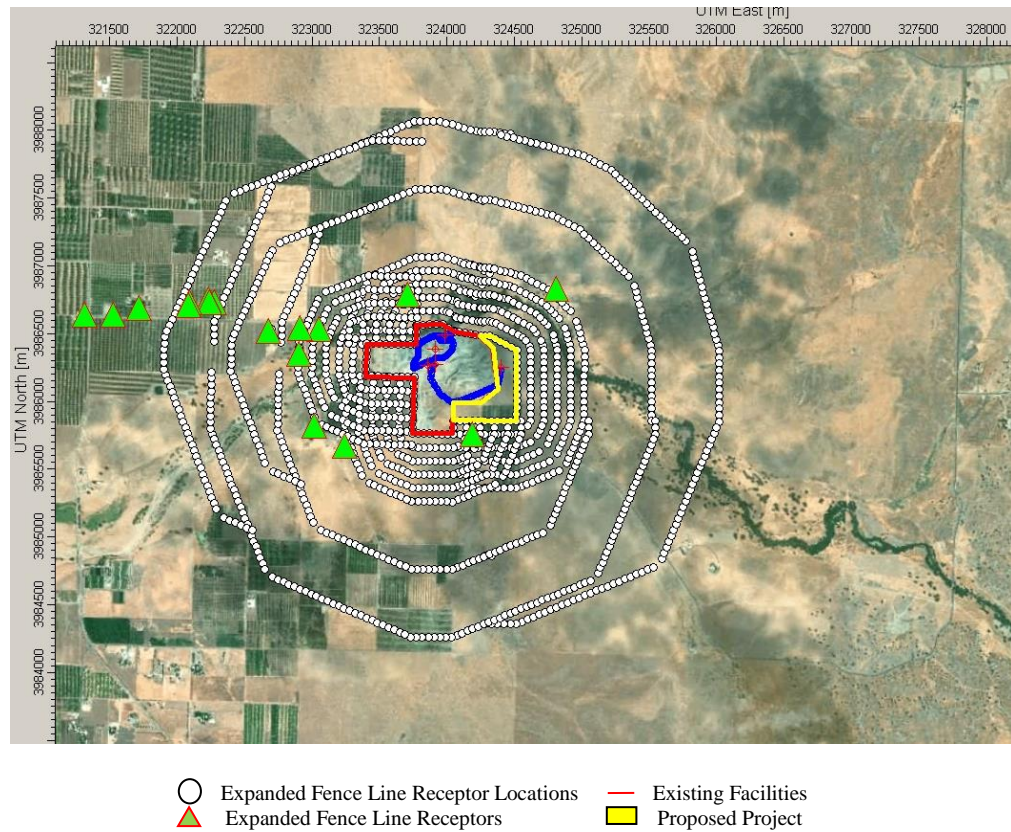
Prevailing Wind Flow



“The use of a dense fence line receptor network would be most appropriate in an urban setting where numerous sensitive receptors such as residences may be located in close proximity to an emission source. Such receptors could be exposed to both short term (1 hour and longer) and long term (years) exposures to a source’s emissions. It is, therefore, appropriate to use a detailed receptor grid (see figure below) to ensure that all residential sensitive receptors are covered within the air quality assessment as such receptors are within the “ambient air” where the general public has reasonable access.” “In the case of the Deer Creek Mine Expansion Project (project), however, the current density of residential use is less than 10 residences within a 1 mile radius of the center of the project. The areas surrounding the project are zoned as “Foothill Agriculture” within the Tulare County General Plan that limits the number of

residences within this land use to one single family unit for the entire contiguous property and a second home for each 40 acres in the entire property.” As such, the County agrees that based on the low receptor density, the use of an expanded fenceline receptor network as modeled by MAQC is appropriate for this Project. As noted earlier, rural receptors within proximity of Project are located predominantly to the north and west of the Project’s location, opposite of prevailing winds flow.

Expanded Fenceline Receptor Map



The County agrees with MAQC’s use of an expanded fenceline receptor approach because of the rural density in the Project’s vicinity and the unlikelihood of an individual remaining at the same location for more than eight hours. As noted by MAQC, “Given the sparse population and remote location of the project site, it is highly unlikely that a sensitive individual would 1) be located in close proximity to the project particularly along the project fence line and 2) that such an individual would remain at the same location for more than 8 hours (excepts as perhaps a worker). Therefore, it would not be appropriate to apply a dense fence line receptor network because of the remoteness of the project site and the lack of receptors that could be exposed to air emissions for longer than an average workday.”

Finally, the County agrees with and supports MAQC's emissions analysis wherein MAQC writes, "Therefore, the air quality impacts from the operation of the project were estimated using an expanded fence line receptor network for those pollutants with averaging times of 8 hours or less. The affected air pollutants with averaging times of 8 hours or less include nitrogen dioxide (NO₂) and carbon monoxide. The expanded receptor network is shown in Exhibit 1 [of MAQC's response letter]. The network consists of 50 meters spacing on the property fence line, 100 meters spacing from the property fence line to 500 meters, and 500 meters spacing from 500 meters to 1,500 meters. Table 3 and Table 4 [of MAQC's response letter] provide the results of the original air quality impacts as shown in the Draft Subsequent EIR, the impacts for the expanded fence line receptor network, and the applicable SJVAPCD significance thresholds for the 400,000 tons/year and 700,000 tons/year expansion, respectively. As shown in Table 3 and Table 4 [of MAQC's response letter], the air quality impacts do not exceed the applicable thresholds. The maximum NO₂ and CO impacts were derived from the hour-by-hour meteorological conditions contained in the met data from Porterville for the years 2006 to 2010 (over 35,000 hours). These impacts are not hypothetical but are the worst-case impacts from the actual meteorological data."

Comment 4: *The Project may be subject to additional Air District rules and regulations*

Response: MAQC writes, "The applicant has existing permits for equipment used on the site that is subject to District permit and is aware of the regulations that apply to the current and expanded facility..." As a general condition of approval, applicants are made aware that Air District, or other agencies' rules, regulations, orders, permits, standards, thresholds, etc., may apply. As such, the County will inform the applicant that the Air District is the regulatory lead agency regarding air quality matters for this Project.

Comment Letter 3 – STATE OF CALIFORNIA, OFFICE OF PLANNING AND RESEARCH,
STATE CLEARINGHOUSE UNIT (OPR/SCH), JANUARY 6, 2020

Comment Subject: Compliance with CEQA review requirements

Comment: *"The review period closed on 1/3/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use." "Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019049052/3>." "This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act."*

Response: No response is necessary. The County has accessed the website suggested by OPR/SCH and has printed the CEQAnet information which is included at the end of this Section. It is noted that the only state agency to submit their

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comments to OPR/SCH was Caltrans; no other state agency comments were received.

Comment Letter 4 – SANTA ROSA RANCHERIA TACHI-YOKUT TRIBE, DECEMBER 12, 2020

Comment: *The Santa Rosa Rancheria Tachi-Yokut Tribe requests the record search and survey, as well as the archaeology report for the project.*

Response: County staff responded to the Tribe's request and provided the requested information. No further correspondence or recommendations from the Tribe have been received; however, Mitigation Measures have been incorporated into the project to minimize potential impacts to archaeological, paleontological, and tribal cultural resources in the event of accidental discovery.

PROJECT SUMMARY

The County of Tulare is proposing the Deer Creek Rock SMARA Permit Amendment Project application (PMR 19-001) for an amendment to Surface Mining Permit and Reclamation Plan PMR 01-001, PMR 09-002, PSP 01-055 (ZA), and PMR 14-002 to allow for an approximately 20-acre expansion of operations through the use of a lot line adjustment toward the east and southeast (See Figure 2-2). The Applicant requests modification of the current permit conditions to increase annual production by 500,000 tons per year (from a maximum of 1,000,000 tons per year to a maximum of 1,500,000 tons per year) and increase truck hauling by 224 round trips per day (from a maximum of 376 round trips per day to a maximum of 600 round trips per day). The Applicant is also requesting an increase of excavation depth of the mine to 300 MSL, resulting in a change to the estimated total rock production of 75,000,000 tons of rock material during the estimated 50 years of operation, and there would be no change to the approved reclamation plan other than to include the expanded area.

As noted above, the Applicant is requesting to increase the maximum permitted annual production and transport from 1,000,000 to 1,500,000 tons of aggregate annually (an increase of 500,000 tons per year). The proposed increase in production will result in an increase in the number of heavy-duty truck trips from the operation and the Applicant is requesting to increase permitted transport to a maximum of 60,000 trips per year (from the currently permitted 42,300 trips per year, an increase of 17,700 trips per year).¹ This will require approximately three (3) additional employees, resulting in a workforce of approximately 30 employees (20 in first shift and 10 in second shift). The customer base from the proposed Project is anticipated to remain mostly from within Tulare County.

The Project site is located in Section 21, Township 22 South, Range 28 East, MDB&M and includes Assessor Parcel Number 305-190-022. The site is zoned AE-40 (Exclusive Agriculture, 40 acre minimum) which allows surface mining with the approval of a surface mining permit and reclamation plan. The Project site is not located on Williamson Act-contracted land.

LOCAL REGULATORY CONTEXT

The Tulare County General Plan Update 2030 was adopted on August 28, 2012. As part of the General Plan, an EIR was prepared as was a background report. The General Plan background report contained contextual environmental analysis for the General Plan. The 2015 Housing Element for 2014-2023 (GPA 15-003) was adopted by Tulare County Board of Supervisors on November 17, 2015 (BOS Resolution No. 2015-0964), and was approved (certified) by the State Department of Housing and Community Development (HCD) by letter dated December 9, 2015.

SCOPE AND METHODOLOGY

The County of Tulare has determined that a project level EIR fulfills the requirements of CEQA and is the appropriate level evaluation to address the potential environmental impacts of the proposed project. A project level EIR is described in Section 15161 of the State CEQA Guidelines

¹ Note, the proposed permitted transport is a maximum increase of 224 trips per day and 17,700 trips per year. Assuming 260 workdays per year, this increase averages 68 trucks trips per day (17,000 trips/year ÷ 260 days/year = 68 trips per day).

as one that examines the environmental impacts of a specific development project. A project level EIR must examine all phases of the project, including planning, construction, and operation.

This document addresses environmental impacts to the level that they can be assessed without undue speculation (CEQA Guidelines Section 15145). This *Final Subsequent Environmental Impact Report (Final SEIR)* acknowledges this uncertainty and incorporates these realities into the methodology to evaluate the environmental effects of the Plan, given its long-term planning horizon. The degree of specificity in an EIR corresponds to the degree of specificity of the underlying activity being evaluated (CEQA Guidelines Section 15146). Also, the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project (CEQA Guidelines Sections 15151 and 15204(a)).

CEQA Guidelines Section 15002 (a) specifies that, “[t]he basic purposes of CEQA are to:

- (1) Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
- (2) Identify ways that environmental damage can be avoided or significantly reduced.
- (3) Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible.
- (4) Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.”²

CEQA Guidelines Section 15002 (f) specifies that, “[a]n environmental impact report (EIR) is the public document used by the governmental agency to analyze the significant environmental effects of a proposed project, to identify alternatives, and to disclose possible ways to reduce or avoid the possible environmental damage... An EIR is prepared when the public agency finds substantial evidence that the project may have a significant effect on the environment... When the agency finds that there is no substantial evidence that a project may have a significant environmental effect, the agency will prepare a “Negative Declaration” instead of an EIR...”³

Pursuant to CEQA Guidelines Section 15021 Duty to Minimize Environmental Damage and Balance Competing Public Objectives:

- “(a) CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible.
- (1) In regulating public or private activities, agencies are required to give major consideration to preventing environmental damage.
 - (2) A public agency should not approve a project as proposed if there are feasible alternatives or mitigation measures available that would substantially lessen any significant effects that the project would have on the environment.

² CEQA Guidelines, Section 15002 (a).

³ Ibid. Section 15002 (f).

- (b) In deciding whether changes in a project are feasible, an agency may consider specific economic, environmental, legal, social, and technological factors.
- (c) The duty to prevent or minimize environmental damage is implemented through the findings required by Section 15091.
- (d) CEQA recognizes that in determining whether and how a project should be approved, a public agency has an obligation to balance a variety of public objectives, including economic, environmental, and social factors and in particular the goal of providing a decent home and satisfying living environment for every Californian. An agency shall prepare a statement of overriding considerations as described in Section 15093 to reflect the ultimate balancing of competing public objectives when the agency decides to approve a project that will cause one or more significant effects on the environment.”⁴

IDENTIFICATION OF POTENTIALLY SIGNIFICANT IMPACTS

CEQA Guidelines Section 15002 (h) addresses potentially significant impacts, to wit, “CEQA requires more than merely preparing environmental documents. The EIR by itself does not control the way in which a project can be built or carried out. Rather, when an EIR shows that a project could cause substantial adverse changes in the environment, the governmental agency must respond to the information by one or more of the following methods:

- (1) Changing a proposed project;
- (2) Imposing conditions on the approval of the project;
- (3) Adopting plans or ordinances to control a broader class of projects to avoid the adverse changes;
- (4) Choosing an alternative way of meeting the same need;
- (5) Disapproving the project;
- (6) Finding that changes in, or alterations, the project are not feasible;
- (7) Finding that the unavoidable, significant environmental damage is acceptable as provided in Section 15093.”⁵ (See Chapter 7).

This *Final SEIR* identifies potentially significant impacts that would be anticipated to result from implementation of the proposed Project. Significant impacts are defined as a “substantial or potentially substantial, adverse change in the environment” (Public Resources Code Section 21068). Significant impacts must be determined by applying explicit significance criteria to compare the future Plan conditions to the existing environmental setting (CEQA Guidelines Section 15126.2(a)).

The existing setting is described in detail in each resource section of Chapter 4 of this document and represents the most recent, reliable, and representative data to describe current regional conditions. The criteria for determining significance are also included in each resource section in Chapter 4 of this document.

⁴ Op. Cit. Section 15021.

⁵ Op. Cit. Section 15002 (h).

CONSIDERATION OF SIGNIFICANT IMPACTS

Pursuant to CEQA Guidelines Section 15126.2(a), “[a]n EIR shall identify and focus on the significant effects of the proposed project on the environment. In assessing the impact of a proposed project on the environment, the lead agency should normally limit its examination to changes in the existing physical conditions in the affected area as they exist at the time the notice of preparation is published, or where no notice of preparation is published, at the time environmental analysis is commenced. Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. The EIR shall also analyze any significant environmental effects the project might cause or risk exacerbating by bringing development and people into the area affected. For example, the EIR should evaluate any potentially significant direct, indirect, or cumulative environmental impacts of locating development in areas susceptible to hazardous conditions (e.g., floodplains, coastlines, wildfire risk areas), including both short-term and long-term conditions, as identified in authoritative hazard maps, risk assessments or in land use plans addressing such hazards areas.”⁶

As the Project will have no significant and unavoidable effects, a Statement of Overriding Considerations is not necessary or required as part of this Final SEIR.

MITIGATION MEASURES

CEQA Guidelines Section 15126.4 specifies that:

- “(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
 - (A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
 - (B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures shall not be deferred until some future time. The specific details of a mitigation measure, however, may be developed after project approval when it is impractical or infeasible to include those details during

⁶ Ibid. Section 15126.2.

the project's environmental review provided that the agency (1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard and that will be considered, analyzed, and potentially incorporated in the mitigation measure. Compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards.

- (C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.
 - (D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)
- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
 - (3) Mitigation measures are not required for effects which are not found to be significant.
 - (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
 - (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
 - (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an *ad hoc* exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
 - (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination."⁷

ORGANIZATION OF THE SUBSEQUENT EIR (DRAFT SEIR OR SEIR)

With the exception of Chapter 12 Response to Comments, the Draft SEIR consists of the following sections:

⁷ CEQA Guidelines, Section 15126.4.

Executive Summary

The Executive Summary Chapter summarizes the analysis in the Draft SEIR.

CHAPTER 1 - Introduction

Provides a brief introduction to the Environmental Analysis required by the California Environmental Quality Act (CEQA) and Response to Comments received on the Draft SEIR.

CHAPTER 2 – Project Description

Describes the proposed Project. This chapter also includes the objectives of the proposed Project. The environmental setting is described and the regulatory context within which the proposed Project is evaluated is outlined.

CHAPTER 3 – Setting, Impacts, & Mitigation

This Chapter examines the existing conditions and regulatory setting for potential cumulative impacts as a result of the Project. The chapter will conclude that the proposed Deer Creek Mine Expansion (PMR 19-001) will result in no significant cumulative resource impacts beyond those included in the Environmental Impact Report prepared for predecessor project Deer Creek Rock PMR 14-002 (SCH# 2014081023).

CHAPTERS 4.1 through 4.11

This section of the Draft SEIR contains Chapters 4.1 through 4.11 which evaluate the potential environmental impacts to Air Quality, Biological Resources, Cultural Resources, Energy Resources, Geology and Soils, Greenhouse Gases, Hydrology and Water Quality, Noise, Transportation, Tribal Cultural Resources, and Wildfires. In summary, it contains analyses of resources which could be impacted by the Project. It is noted that the previous EIR (SCH No. 2014081023) did not contain separate analyses for Energy, Tribal Cultural Resources, or Wildfire as these resources were not required at the time the previous EIR was adopted/certified.

Within each analysis the following is included:

Summary of Findings

Each chapter notes a summary of findings.

Introduction

Each chapter begins with a summary of impacts, pertinent CEQA requirements, applicable definitions and/or acronyms, and thresholds of significance.

Environmental Setting

Each environmental factor analysis in Chapter 4 outlines the environmental setting for each environmental factor. In addition, methodology is explained when complex analysis is required.

Regulatory Setting

Each environmental factor analysis in Chapter 4 outlines the regulatory setting for that resource.

Project Impact Analysis

Each evaluation criteria is reviewed for potential Project-specific impacts.

Cumulative Impact Analysis

Each evaluation criteria is reviewed for potential cumulative impacts.

Mitigation Measures

Mitigation Measures are proposed as deemed applicable.

Conclusion

Each conclusion outlines whether recommended mitigation measures will, based on the impact evaluation criteria, substantially reduce or eliminate potentially significant environmental impacts. If impacts cannot be mitigated, unavoidable significant impacts are identified.

Definitions/Acronyms

Some sub-chapters of Chapter 4 have appropriate definitions and/or acronyms.

References

Reference documents used in each chapter are listed at the end of each sub-chapter.

CHAPTER 5 Growth Inducing Impacts

Evaluates growth including impacts of the Project as required by CEQA.

CHAPTER 6 Alternatives

Describes and evaluates alternatives to the proposed Project. The proposed Project is compared to each alternative, and the potential environmental impacts of each are analyzed.

CHAPTER 7 Significant Unavoidable Impacts

Examines significant environmental effects which cannot be avoided if the proposed project is implemented as required by CEQA.

CHAPTER 8 Significant and Irreversible Environmental Changes

Examines significant irreversible environmental changes which cannot be avoided if the proposed project is implemented as required by CEQA.

CHAPTER 9 Mitigation Monitoring and Reporting Program

Provides a Mitigation Monitoring and Reporting Program that summarizes the environmental issues, the significant mitigation measures, and the agency or agencies responsible for monitoring and reporting on the implementation of the mitigation measures.

CHAPTER 10 Report Preparation

Lists the key persons who contributed to the preparation of this SEIR.

CHAPTER 11 References Cited

Identifies the sources (e.g., printed references, statistics, maps, rules, regulations, commenting agencies and/or interested parties, personal communications, etc.) cited in this SEIR.

CHAPTER 12 Response to Comments

Contains the Response to Comments received during the 45-day review period.

Appendices

Following the main body of text in the SEIR, several appendices and technical studies have been included as reference material.

ENVIRONMENTAL REVIEW PROCESS

Pursuant to CEQA Guidelines Section 15082, the Notice of Preparation (NOP) for the Proposed Project was circulated for review and comment beginning on April 10, 2019 for a 30-day comment period ending May 10, 2019. Tulare County RMA received the following two comments on the NOP. Comments were received from the following agencies, individuals, and/or organizations:

- Native American Heritage Commission, April 16, 2019
- San Joaquin Valley Air Pollution Control District, April 30, 2019

A copy of the NOP is included in Appendix “H” of the Draft SEIR, along with copy of the letters received in response to the NOP.

Consistent with CEQA Guidelines Section 15103, “Responsible and Trustee Agencies, and the Office of Planning and Research shall provide a response to a Notice of Preparation to the Lead Agency within 30 days after receipt of the notice. If they fail to reply within the 30 days with either a response or a well justified request for additional time, the lead agency may assume that none of those entities have a response to make and may ignore a late response.”⁸

A scoping meeting was held on May 2, 2019. No agencies, persons, or other parties attended this meeting, as such, no comments were received during this meeting.

Section 15093 of the State CEQA Guidelines requires decision-makers to balance the benefits of a proposed project against any unavoidable adverse environmental effects of the project. If the benefits of the project outweigh the unavoidable adverse environmental effects, then the decision-makers may adopt a statement of overriding considerations, finding that the environmental effects are acceptable in light of the project’s benefits to the public.

As noted in CEQA Guidelines Section 15105(a), a Draft EIR that is submitted to the State Clearinghouse shall have a minimum review period of 45 days. A Notice of Availability (NOA) of the Draft SEIR was published in the Porterville Recorder (a newspaper of general circulation) and posted at the office of the Tulare County Clerk on November 20, 2019. The Draft SEIR was circulated publicly for comment beginning on November 20, 2019. Following completion of the 45-day public review period ending on January 3, 2020, staff prepared responses to comments and a Final SEIR has been completed. The Final SEIR was then forwarded to the County of Tulare Planning Commission for consideration of certification. Notwithstanding an appeal to the County of Tulare Board of Supervisors, a Notice of Determination (NOD) will then be filed with the County Tulare County Clerk and forwarded to the State of California, Office of Planning and Research, State Clearinghouse Unit.

ORGANIZATIONS CONSULTED

STATE AND LOCAL

- 1) California Air Resources Board (ARB)
- 2) California Department of Conservation, Office of Mine Reclamation
- 3) California Department of Fish and Wildlife Services - Region #4
- 4) California Department of Food & Agriculture
- 5) California Department of Forestry and Fire Protection
- 6) California Department of Department of General Services
- 7) California Department of Resources and Recycling and Recovery
- 8) California Department of Transportation (Caltrans) District 6
- 9) California Department of Toxic Substances Control
- 10) Native American Heritage Commission
- 11) California Natural Resources Agency
- 12) Office of Historic Preservation
- 13) Public Utilities Commission

⁸ CEQA Guidelines, Section 15103

Response to Comments
Deer Creek Mine Expansion Project (SCH# 2019049052)

- 14) Regional Water Quality Control Board – Region #5 (Central Valley)
- 15) State Water Resources Control Board: Water Quality
- 16) San Joaquin Valley Unified Air Pollution Control District
- 17) Tulare County Agricultural Commissioner
- 18) Tulare County Association of Governments
- 19) Tulare County Farm Bureau
- 20) Tulare County Fire Warden
- 21) Tulare County Health and Human Services Agency, Environmental Health Division
- 22) Tulare County Flood Control
- 23) Tulare County Local Agency Formation Commission
- 24) Tulare County Office of Emergency Services
- 25) Tulare County Resource Management Agency (Economic Development and Planning Branch, and Public Works Branch)
- 26) Tulare County Resources Conservation District
- 27) Tulare County Sheriff's Department
- 28) Tulare County U.C. Cooperative Extension

FEDERAL

- 29) Naval Facilities Engineering Command
- 30) U.S. Army Corps of Engineers
- 31) U.S. Department of Agriculture, Natural Resources Conservation Service
- 32) U.S. Fish & Wildlife Service

NATIVE AMERICAN TRIBES

- 33) Kern Valley Indian Council
- 34) Santa Rosa Rancheria Tachi Yokut Tribe
- 35) Tubatulabals of Kern Valley
- 36) Tule River Indian Tribe
- 37) Wuksache Indian Tribe/Eshom Valley Band

THE FOLLOWING INTERESTED PERSONS/PARTIES WERE ALSO NOTIFIED

- 38) Lozeau Drury LLP
- 39) Jaxon Enterprises dba Deer Creek Asphalt
- 40) John Shannon
- 41) Susan Shannon
- 42) William Shannon
- 43) Southern California Gas Company
- 44) Southern California Edison

Attachment 1

Notice of Availability Tracking Table

Attachment 2

Comments Received from the California Department of
Transportation (Caltrans District 6), December 19, 2019
and
County Response to Comments and Technical Response Letter
from Traffic consultant

Attachment 3

Comments Received from the San Joaquin Valley Unified Air
Pollution Control District, January 2, 2020
and
County Response to Comments and Technical Response Letter
from Air Quality consultant

Attachment 4

Comments Received from the Office of Planning and Research/State Clearinghouse, January 6, 2020 and CEQAnet Printout

Attachment 5

Comments Received from the Santa Rosa Rancheria Tachi-
Yokut Tribe, December 12, 2020
and
County Response to Comments

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052											
AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
AVAILABILITY OF PUBLIC VIEWING											
Tulare County Website: https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/deer-creek-mine-expansion/											
Tulare County Clerk 221 S. Mooney Blvd. Visalia, CA 93291			X				11/20/19				
Tulare County RMA Counter 5961 S. Mooney Blvd. Visalia, CA 93277-9394			X	X		X	11/20/19				
Visalia Main Branch Library 200 W. Oak Ave. Visalia, CA 93291			X	X		X	11/20/19				
Terra Bella Branch Library 23825 Avenue 92 Terra Bella, CA 93270			X	X		X	11/20/19				
STATE CLEARINGHOUSE (agencies below are marked with “X” on the NOC)	X	X			15	15	11/20/19				1/6/20, letter received from Scott Morgan, SCH Director, confirming compliance with SCH notice requirements.
<ul style="list-style-type: none"> • Air Resources Board • Department of Conservation • Department of Fish and Wildlife Region #4 • Department of Food and Agriculture • Department of Forestry & Fire Protection • Department of General Services • Department of Resources and Recycling and Recovery • Department of Transportation – District #6 • Department of Toxic Substances Control • Native American Heritage Commission • Natural Resources Agency • Office of Historic Preservation • Public Utilities Commission • Regional Water Quality Control Board – District #5F • State Water Resources Control Board – Water Quality 											

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD					
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
MILITARY											
Mr. David S. Hulse Naval Facilities Engineering Command Community Plans Liaison Officer (CPLO) 1220 Pacific Highway AM-3 San Diego, CA 92132			X							11/13/19	
FEDERAL AGENCIES											
U.S. Army Corps of Engineers Sacramento District 1325 J Street, Room 1350 Sacramento, CA 95814-2922			X							11/13/19	
U.S. Fish and Wildlife Service Sacramento Fish & Wildlife Office 2800 Cottage Way, Room W-2605 Sacramento, CA 95825-1846			X							11/13/19	
U.S. Department of Agriculture Natural Resources Conservation Service Visalia Service Center 3530 W. Orchard Ct. Visalia, CA 93277-7055			X							11/13/19	
STATE & REGIONAL AGENCIES											
CA Dept. of Fish and Wildlife Region 4 – Central Region 1234 E. Shaw Avenue Fresno, CA 93710 R4CEQA@wildlife.ca.gov			X					11/14/19 11/20/19		11/13/19	
CA Dept. of Transportation, District 6 1352 W. Olive Ave P.O. Box 12616 Fresno, CA 93778-2616 david.deel@dot.ca.gov michael.navarro@dot.ca.gov			X					11/14/19 11/20/19		11/13/19	12/19/19, letter received from David Deel, Associate Transportation Planner, regarding the project’s TIS and MMRP.

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
Regional Water Quality Control Board Region 5 – Central Valley Attn: Doug Patteson 1685 E Street Fresno, CA 93706 CentralValleyFresno@waterboards.ca.gov			X					11/14/19 11/20/19		11/13/19	
San Joaquin Valley Unified Air Pollution Control District Permit Services – CEQA Division 1990 E. Gettysburg Ave. Fresno, CA 93726 CEQA@valleyair.org			X					11/14/19 11/20/19		11/13/19	1/2/20, letter received from Robert Gilles, Program Manager, regarding trip length assumptions, the MMRP, HRA, and District rules and regulations.
LOCAL AGENCIES											
Southern California Edison Attn: Calvin Rossi, Region Manager Local Public Affairs 2425 S. Blackstone St. Tulare, CA 93274			X							11/13/19	
Southern California Gas Company 404 N. Tipton Street Visalia, CA 93292			X							11/13/19	
Tulare County Agricultural Commissioner 4437 S. Laspina Street Tulare CA 93274			X							11/13/19	
Tulare County Association of Governments Attn: Ted Smalley, Executive Director 210 N. Church Street, Suite B Visalia, CA 93291 Attn: Gabriel Gutierrez GGutierrez@tularecog.org			X				11/13/19	11/14/19 11/20/19			

[illegible]

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
Tulare County Sheriff Headquarters 2404 W. Burrel Avenue Visalia, CA 93291			X				11/13/19				
Tulare County UC Cooperative Extension 4437 S. Laspina Street Tulare, CA 93274			X							11/13/19	
TRIBES											
Kern Valley Indian Council Robert Robinson, Co-Chairperson P.O. Box 1010 Lake Isabella, CA 93240 bbutterbredt@gmail.com			X					11/14/19 11/20/19		11/13/19	
Kern Valley Indian Council Julie Turner, Secretary P. Box 1010 Lake Isabella, CA 93240 meindiagirl@sbcglobal.net			X					11/14/19 11/20/19		11/13/19	
Kern Valley Indian Community Brandy Kendricks 30741 Foxridge Court Tehachapi, CA 93561 krazykendricks@hotmail.com			X					11/14/19 11/20/19		11/13/19	
Santa Rosa Rancheria Tachi Yokut Tribe Leo Sisco, Chairperson P. O. Box 8 Lemoore, CA 93245 LSisco@tachi-yokut-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	
Santa Rosa Rancheria Tachi Yokut Tribe Robert Jeff, Vice-Chairperson P. O. Box 8 Lemoore, CA 93245 RJeff@tachi-yokut-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	
Santa Rosa Rancheria Tachi Yokut Tribe Bianca Arias, Administrative Assistant P. O. Box 8 Lemoore, CA 93245 barias@tachi-yokut-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Shana Powers, Director P. O. Box 8 Lemoore, CA 93245 SPowers@tachi-yokut-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	
Santa Rosa Rancheria Tachi Yokut Tribe Cultural Department Greg Cuara, Cultural Specialist P. O. Box 8 Lemoore, CA 93245 GCuara@tachi-yokut-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	
Tubatulabals of Kern Valley Robert L. Gomez, Jr., Chairperson P.O. Box 226 Lake Isabella, CA 93240 rgomez@tubatulabal.org			X					11/14/19 11/20/19		11/13/19	
Tule River Indian Tribe Neil Peyron, Chairperson P. O. Box 589 Porterville, CA 93258 neil.peyron@tulerivertribe-nsn.gov			X					11/14/19 11/20/19 (with study)		11/13/19	
Tule River Indian Tribe Environmental Department Kerri Vera, Director P. O. Box 589 Porterville, CA 93258 tuleriverenv@yahoo.com			X					11/14/19 11/20/19 (with study)		11/13/19	
Tule River Indian Tribe Department of Environmental Protection Felix Chrisman, Tribal Archaeologist P. O. Box 589 Porterville, CA 93258 tuleriverarchmon1@gmail.com			X					11/14/19 11/20/19 (with study)		11/13/19	
Wuksache Indian Tribe/Eshom Valley Band Kenneth Woodrow, Chairperson 1179 Rock Haven Ct. Salinas, CA 93906 Kwood8934@aol.com			X					11/14/19 11/20/19 (with study)		11/13/19	

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
OTHER INTERESTED PARTIES											
Jaxon Enterprises dba Deer Creek Asphalt Attn: Jack Baker, President / Kim Seabourn P.O. Box 994248 Redding, CA 96099-4248 wjbaker@wjbinc.net kenderson@wjbinc.net			X					11/14/19 11/20/19		11/13/19	
Susan Shannon 10772 Road 256 Terra Bella, CA 93270			X							11/13/19	
John Shannon 1952 S. Plano St. Porterville, CA 93257			X							11/13/19	
William Shannon 26147 Avenue 96 Terra Bella, CA 93270			X							11/13/19	
Mitchell Air Quality Consulting Attn: David Mitchell dmitchell@mitchellaq.com 1164 E. Decatur Ave. Fresno, CA 93720			X					11/14/19 11/20/19		11/13/19	
Live Oak Associates Attn: Austin Pearson P.O. Box 2697 Oakhurst, CA 93644 APearson@loainc.com			X					11/14/19 11/20/19		11/13/19	
VRPA Technologies, Inc. Attn: Georgiena Vivian / Jason Ellard 4630 W. Jennifer, Ste. 105 Fresno, CA 93722 gvivian@vrpatechnologies.com jellard@vrpatechnologies.com			X					11/14/19 11/20/19		11/13/19	
Lozeau Drury LLP Attn: Michael Lozeau 1939 Harrison St. Ste. 150 Oakland, CA 94612 michael@lozeaudrury.com			X					11/14/19 11/20/19		11/13/19	

NOTICE OF AVAILABILITY – DEER CREEK MINE EXPANSION (PMR 19-001); SCH# 2019049052

AGENCY / ENTITY	DOCUMENTS SENT						DELIVERY METHOD				COMMENTS RECEIVED
	Hard Copy					CD	Hand Delivered/ Interoffice	E-mail	FedEx	US Mail	
	Cover Letter	NOC	NOA	DEIR	Electronic Submittal Form	DEIR with Appendices					
Lozeau Drury LLP Attn: Hannah Hughes 1939 Harrison St. Ste. 150 Oakland, CA 94612 hannah@lozeaudrury.com			X					11/14/19 11/20/19		11/13/19	
Lozeau Drury LLP Attn: Komalpreet Toor 1939 Harrison St. Ste. 150 Oakland, CA 94612 komal@lozeardrury.com			X					11/14/19 11/20/19		11/13/19	



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron Bock Economic Development and Planning
Reed Schenke Public Works
Sherman Dix Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

November 5, 2020

David Deel, Associate Transportation Planner
California Department of Transportation - District 6
Transportation Planning North Branch
1352 W. Olive Avenue
P.O. Box 12616
Fresno, CA 93778-2616

Subject: Response to Comments, Draft Subsequent EIR – Deer Creek Mine Expansion Project,
SCH# 2019049052

Dear Mr. Deel,

Thank you for providing the California Department of Transportation (Caltrans) comment letter (dated December 19, 2019) regarding the Draft Subsequent Environmental Impact Report (Draft SEIR or SEIR) for the Deer Creek Mine Expansion Project (State Clearinghouse #2019049052).

The County of Tulare (County) acknowledges and recognizes Caltrans' authority and expertise regarding transportation-related matters relative to the proposed Project that may impact State facilities. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comments 1-5: Caltrans reiterated that the TIS is included in Appendix "G" of the Subsequent EIR (SEIR); the TIS' conclusion that improvements be required at the SR 65 and Avenue 128 intersection; the project should contribute to a fair equitable share responsibility; and that Mitigation Measure 4.9-1 be required for the Project as indicated in the SEIR.

Response – No response is necessary as Caltrans merely reiterated the items noted above. The County makes all efforts to keep Caltrans informed of any impacts caused by the Project on this (or any) facility (in this instance SR 65) and appreciates the acknowledgement of the meaningful mitigation as contained in the SEIR, specifically at Mitigation Measure 4.9-1.

Comment 6: Page 4.9-6 of the SEIR, second paragraph states, "State Route 65 currently exists as a four-lane divided roadway with posted speed limits of 55 mph..." Please note that this segment of SR 65 transitions from a 2-lane to a 4-lane facility. For example, south of Avenue 128 (Teapot Dome Ave.), SR 65 is a 2-lane undivided roadway with posted speed limits of 55

mph, and north of Avenue 128, SR 65 is a 4-lane divided expressway with posted speed of 65 mph. This statement is also referenced on page 10 of the TIS.

Response – Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The characterization of SR 65 in the report is directly related to the SR 65 and Avenue 128 intersection. SR 65 is a four-lane divided roadway to the north and south of Avenue 128. SR 65 was in the process of being widened to four lanes at the time the traffic analysis was being prepared. The existing conditions analysis provided in the traffic analysis assumed the completion of the roadway improvements along SR 65.”

Comment 7: “Page 4.9-21 of the SEIR, “Queuing Analysis”, the last sentence at the bottom of the page states, “Queuing analysis was completed using Section 400 of Caltrans HDM.” It appears that the queue lengths listed in Table 4.9-8 (as well as in the Appendix G) are from the results of the Synchro outputs, not calculated from the Caltrans’s HDM method. Please note that the methodology from Caltrans HDM results in a much longer lane-length because it includes both storage and deceleration lengths. Please verify and correct. This comment also refers to the TIS, page 15, under “2.4.2 Queuing Analysis”, and page 29 under 3.9.2 Queueing Analysis”.

Response – Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The queue lengths listed in Table 4.9-8 were determined using Section 400 of the Caltrans HDM. As noted in Section 400, the calculated storage length is in addition to the deceleration lane length.”

Comment 8: “Figure 4.9-12 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the SR 65 southbound (SB) left turn movement to eastbound (EB) Avenue 128. Please verify.”

Response – Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the SR 65 southbound (SB) left turning movement to eastbound (EB) Avenue 128.”

Comment 9: “Figure 4.9-13 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB). Please verify.”

Response – Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB).”

Comment 10: “Page 9: Table 1-4 "Peak One-Way Volumes" in the TIS (Appendix G) in Appendix G does not have a unit measure for the table values. For example: are the values equal "passenger car per hour" or "vehicles per hour". Please verify and correct. Please be advised that Caltrans does not use this method to perform level of service (LOS) for a facility.”

Response – Staff agrees with and supports the response provided by the subject matter expert, consultant VRPA Technologies, Inc. (VRPA). VRPA wrote, “The ‘Heading’ on Table 1-4 [in the TIS] has been revised to indicate ‘Peak Hour One-Way Volumes’. Though VRPA has used Florida Tables on projects throughout the central valley in the past, including projects that assessed Caltrans facilities, VRPA has noted that Caltrans does not use this method to perform level of service (LOS).

Comment 11: “Appendix C of the TIS report - SYNCHRO 10 (HCM 6th Edition) Worksheets: The Synchro outputs/printouts did not include any queue length (50th and 95th percentile queues) as well as the "turn type" (permitted, protected, etc.) for the signalized intersection at SR 65 at Avenue 128. Since the left turn demand for the SB lane in year 2040 with project condition scenario is greater than 300 vehicles per hour, in addition to the percentage of high truck volumes, Caltrans would like to review the 95th percentile queue for this movement. Please provide for review.”

Response – Subject matter expert, consultant VRPA Technologies, Inc. (VRPA), has provided the information sought by Caltrans which will be forwarded by RMA to Caltrans as requested.

The Project and the Final Subsequent EIR is scheduled for public hearing before the Tulare County Planning Commission on **Wednesday, November 18, 2020**, for consideration of approval and certification.

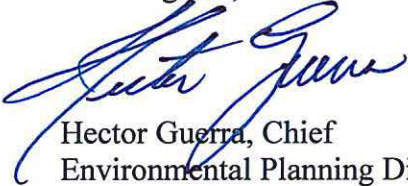
The Final EIR will be available for public review on **Friday, November 6, 2020**, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/deer-creek-mine-expansion/>.

In closing, we sincerely appreciate Caltrans’ comments which will be useful toward ensuring that the proposed project complies with Caltrans regulations as applicable in regards to transportation-related matters which may impact State facilities, and with the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) Caltrans comment letter, December 19, 2019
 (2) VRPA Technologies, Inc. response to Caltrans comments regarding TIS for Deer Creek Mine
 Expansion Project

cc: file

DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 488-7396
FAX (559) 488-4088
TTY 711
www.dot.ca.gov



Making Conservation
a California Way of Life.

December 19, 2019

06-TUL-190-20.20
PMR 19-001
SUBSEQUENT EIR
DEER CREEK ROCK MINE EXPANSION (2)
SCH # 2019049052
REF: PMR 14-002

SENT VIA EMAIL

Mr. Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
5961 S. Mooney Blvd.
Visalia, CA 93277

Dear Mr. Guerra:

Thank you for the opportunity to review the Subsequent Environmental Impact Report (SEIR) for the Deer Creek Mine Expansion proposal (Project). As indicated in the EIR - on March 11, 2015, the Tulare County Planning Commission certified the initial Final Environmental Impact Report (FEIR) and adopted the CEQA Findings of Fact and Mitigation Monitoring and Reporting Program under State Clearinghouse (SCH) No. 2014081023 for the Deer Creek Rock Project (Surface Mining and Reclamation Plan PMR 14-002).

The current Project (PMR 19-001) proposes to increase the footprint of the exiting 110-acre site by 20-acres. The Project proposes to increase the existing annual production by 500,000 tons *per year* for a maximum of 1,500,000 tons *per year*. The Project will increase rock production from 40,000,000 tons of rock to 75,000,000 tons of rock material during the estimated *50-year life* of the mining operation. The Project expansion will increase truck hauling by 224 trips *per day* to a maximum of 600 trips *per day*. The Project would result in an increase from 42,300 trips *per year* to a maximum of 60,000 trips *per year* (an increase of 17,700 trips *per year*). The Project will require approximately three (3) additional employees, resulting in a workforce of approximately 30 employees (20 in first shift and 10 in second shift).

The 110-acre site is located southeast of Porterville, approximately 1/3 mile east of the Avenue 120 (aka: Deer Creek Drive) and Road 272 intersection, approximately 5 miles east of the State Route (SR) 65/Avenue 124 intersection and 3 miles south of the SR 190/Road 284 intersection.

Caltrans provides the *following comments* consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. A Traffic Impact Study (TIS) prepared for the Project is included as Appendix "G" of the Subsequent Environmental Impact Report.
2. The TIS (page 47) recommends for the "*Cumulative Year 2040 Plus Project Traffic Conditions*", that the following improvements would be required at the SR 65 and Avenue 128 intersection to address future transportation and circulation issues in the study area:

- “Widen the westbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane with overlap phasing (adding 1 right turn)”.
3. The TIS (page 49) concludes that the Project will be required to contribute a fair-share towards the costs of improvements indicated for the SR 65 and Avenue 128 intersection based on the following formula used to calculate the equitable share responsibility:
 - $\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Approved Project Traffic} - \text{Existing Traffic})$
 4. The Mitigation Monitoring Reporting Program (Chapter 9) of the SEIR has included *Mitigation Measure 4.9-1* as follows:
 - Equitable Fair-Share Responsibility – “The proposed Project will be required to contribute a fair-share towards the costs of improvements that are identified for the Cumulative Year 2040 scenarios.”
 - The formula used to calculate the equitable share responsibility to the study area is as follows: $\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Approved Project Traffic} - \text{Existing Traffic})$ ”.
 5. Caltrans concurs that *Mitigation Measure 4.9-1* should be required for the Project as indicated by the Subsequent EIR.
 6. Page 4.9-6 of the SEIR, second paragraph states, “State Route 65 currently exists as a four-lane divided roadway with posted speed limits of 55 mph...” Please note that this segment of SR 65 transitions from a 2-lane to a 4-lane facility. For example, south of Avenue 128 (Teapot Dome Ave.), SR 65 is a 2-lane undivided roadway with posted speed limits of 55 mph, and north of Avenue 128, SR 65 is a 4-lane divided expressway with posted speed of 65 mph. This statement is also referenced on page 10 of the TIS.
 7. Page 4.9-21 of the SEIR, “Queuing Analysis”, the last sentence at the bottom of the page states, “Queuing analysis was completed using Section 400 of Caltrans HDM.” It appears that the queue lengths listed in Table 4.9-8 (as well as in the Appendix G) are from the results of the Synchro outputs, not calculated from the Caltrans’s HDM method. Please note that the methodology from Caltrans HDM results in a much longer lane-length because it includes both storage and deceleration lengths. Please verify and correct. This comment also refers to the TIS, page 15, under “2.4.2 Queuing Analysis”, and page 29 under 3.9.2 Queueing Analysis”.
 8. Figure 4.9-12 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the SR 65 southbound (SB) left turn movement to eastbound (EB) Avenue 128. Please verify.
 9. Figure 4.9-13 of the SEIR, truck turning template at the intersection of SR 65 and Avenue 128 needs to be updated and verified. Intersection improvements have been completed at this location. Caltrans recommends updating the figure map and verify the truck turning template is adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB). Please verify.
 10. Page 9: Table 1-4 “Peak One-Way Volumes” in the TIS (Appendix G) in Appendix G does

not have a unit measure for the table values. For example: are the values equal to “passenger car per hour” or “vehicles per hour”. Please verify and correct. Please be advised that Caltrans does not use this method to perform level of service (LOS) for a facility.

11. Appendix C of the TIS report - SYNCHRO 10 (HCM 6th Edition) Worksheets: The Synchro outputs/printouts did not include any queue length (50th and 95th percentile queues) as well as the “turn type” (permitted, protected, etc.) for the signalized intersection at SR 65 at Avenue 128. Since the left turn demand for the SB lane in year 2040 with project condition scenario is greater than 300 vehicles per hour, in addition to the percentage of high truck volumes, Caltrans would like to review the 95th percentile queue for this movement. Please provide for review.

If you have any other questions, please call me at (559) 488-7396.

Sincerely,



DAVID DEEL
Associate Transportation Planner
Transportation Planning – North

January 8, 2020

Mr. Hector Guerra
Chief Environmental Planner
Tulare County Resource Management Agency
5961 S. Mooney Boulevard
Visalia, CA 93277

Dear Mr. Guerra:

VRPA Technologies has reviewed comments made by the California Department of Transportation (Caltrans) regarding the Deer Creek Mine Expansion Project. To address comments related to the Traffic Impact Study (TIS) Report, VRPA has the following responses.

Caltrans Comment Letter dated June 18, 2019

- 1 Response 1 – Comment acknowledged.
- 2 Response 2 – Comment acknowledged.
- 3 Response 3 – Comment acknowledged.
- 4 Response 4 – Comment acknowledged.
- 5 Response 5 – Comment acknowledged.
- 6 Response 6 – Comment acknowledged. The characterization of SR 65 in the report is directly related to the SR 65 and Avenue 128 intersection. SR 65 is a four-lane divided roadway to the north and south of Avenue 128. SR 65 was in the process of being widened to four lanes at the time the traffic analysis was being prepared. The existing conditions analysis provided in the traffic analysis assumed the completion of the roadway improvements along SR 65.
- 7 Response 7 – Comment acknowledged. The queue lengths listed in Table 4.9-8 were determined using Section 400 of the Caltrans HDM. As noted in Section 400, the calculated storage length is in addition to the deceleration lane length.
- 8 Response 8 – Comment acknowledged. The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the SR 65 southbound (SB) left turning movement to eastbound (EB) Avenue 128.

- 9 Response 9 – Comment acknowledged. The truck turning template at the intersection of SR 65 and Avenue 128 considered the layout of the intersection upon completion of the improvements along SR 65. The truck turning template is therefore adequate for the Avenue 128 westbound (WB) right turn to SR 65 northbound (NB) and left turn to SR 65 southbound (SB).
- 10 Response 10 – Comment acknowledged. The 'Heading' on Table 1-4 has been revised to indicate 'Peak Hour One-Way Volumes'. Though VRPA has used Florida Tables on projects throughout the central valley in the past, including projects that assessed Caltrans facilities, VRPA has noted that Caltrans does not use this method to perform level of service (LOS).
- 11 Response 11 – Comment acknowledged. The Synchro queue length summaries for the SR 65 and Avenue 128 intersection are attached to this letter.

Should you have any further questions or need further information, please contact me at 559 271-1200 ext 2.

Sincerely,



Jason Ellard, Transportation Engineer
VRPA TECHNOLOGIES























JE/dg

Attachment















Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	35	72	24	73	59	324	13	632	64	303	714	47
Future Volume (vph)	35	72	24	73	59	324	13	632	64	303	714	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	475		0	350		0	550		200	450		0
Storage Lanes	1		0	1		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	1.00	0.95	0.95
Ped Bike Factor		0.99			0.98				0.96		1.00	
Frt		0.962			0.873				0.850		0.991	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1752	1765	0	1752	1580	0	1612	3223	1442	1612	3186	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1752	1765	0	1752	1580	0	1612	3223	1384	1612	3186	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		14			233				205		7	
Link Speed (mph)		55			55			55			55	
Link Distance (ft)		1696			8987			3999			3812	
Travel Time (s)		21.0			111.4			49.6			47.3	
Confl. Peds. (#/hr)			10			10			10			10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	12%	12%	12%	12%	12%	12%
Adj. Flow (vph)	38	78	26	79	64	352	14	687	70	329	776	51
Shared Lane Traffic (%)												
Lane Group Flow (vph)	38	104	0	79	416	0	14	687	70	329	827	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1	1	1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50	50	50	50	
Trailing Detector (ft)	0	0		0	0		0	0	0	0	0	
Detector 1 Position(ft)	0	0		0	0		0	0	0	0	0	
Detector 1 Size(ft)	50	50		50	50		50	50	50	50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA		Prot	NA		Prot	NA	Perm	Prot	NA	
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases									2			
Detector Phase	7	4		3	8		5	2	2	1	6	
Switch Phase												

Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Initial (s)	6.0	8.0		6.0	8.0		8.0	10.0	10.0	8.0	10.0	
Minimum Split (s)	12.0	40.5		12.0	40.5		14.5	35.5	35.5	14.5	36.5	
Total Split (s)	12.0	40.5		12.0	40.5		14.5	35.5	35.5	32.0	53.0	
Total Split (%)	10.0%	33.8%		10.0%	33.8%		12.1%	29.6%	29.6%	26.7%	44.2%	
Maximum Green (s)	6.0	34.0		6.0	34.0		8.0	29.0	29.0	25.5	46.5	
Yellow Time (s)	5.5	5.5		5.5	5.5		5.5	5.5	5.5	5.5	5.5	
All-Red Time (s)	0.5	1.0		0.5	1.0		1.0	1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0		-1.0	-1.0	0.0	-1.0	-1.0	
Total Lost Time (s)	5.0	5.5		5.0	5.5		5.5	5.5	6.5	5.5	5.5	
Lead/Lag	Lag	Lag		Lead	Lead		Lag	Lag	Lag	Lead	Lead	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		None	Max	Max	None	Max	
Walk Time (s)		7.0			7.0			7.0	7.0		7.0	
Flash Dont Walk (s)		27.0			27.0			22.0	22.0		23.0	
Pedestrian Calls (#/hr)		5			5			5	5		5	
Act Effect Green (s)	7.1	19.1		7.1	24.6		9.1	30.4	29.4	25.4	56.1	
Actuated g/C Ratio	0.07	0.18		0.07	0.24		0.09	0.29	0.28	0.24	0.54	
v/c Ratio	0.32	0.31		0.66	0.75		0.10	0.73	0.13	0.84	0.48	
Control Delay	57.9	32.6		76.9	25.8		50.7	40.2	0.5	58.3	19.3	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay	57.9	32.6		76.9	25.8		50.7	40.2	0.5	58.3	19.3	
LOS	E	C		E	C		D	D	A	E	B	
Approach Delay		39.4			33.9			36.8			30.4	
Approach LOS		D			C			D			C	

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 103.7

Natural Cycle: 115

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.84

Intersection Signal Delay: 33.5

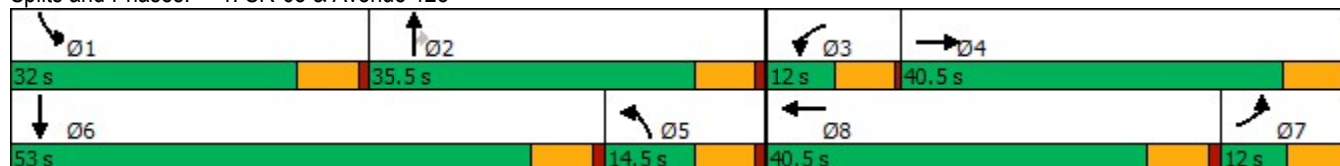
Intersection LOS: C

Intersection Capacity Utilization 83.8%

ICU Level of Service E

Analysis Period (min) 15

Splits and Phases: 1: SR-65 & Avenue 128



Queues

1: SR-65 & Avenue 128

01/07/2020



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	38	104	79	416	14	687	70	329	827
v/c Ratio	0.32	0.31	0.66	0.75	0.10	0.73	0.13	0.84	0.48
Control Delay	57.9	32.6	76.9	25.8	50.7	40.2	0.5	58.3	19.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	57.9	32.6	76.9	25.8	50.7	40.2	0.5	58.3	19.3
Queue Length 50th (ft)	25	52	53	123	9	221	0	209	151
Queue Length 95th (ft)	66	98	#148	241	32	#363	0	#427	340
Internal Link Dist (ft)		1616		8907		3919			3732
Turn Bay Length (ft)	475		350		550		200	450	
Base Capacity (vph)	119	612	119	693	141	943	538	416	1726
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.32	0.17	0.66	0.60	0.10	0.73	0.13	0.79	0.48























Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.













Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	62	94	44	63	67	293	15	826	93	230	579	27
Future Volume (vph)	62	94	44	63	67	293	15	826	93	230	579	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	475		0	350		0	550		200	450		0
Storage Lanes	1		0	1		0	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	1.00	0.95	0.95
Ped Bike Factor		0.99			0.98				0.96		1.00	
Frt		0.952			0.878				0.850		0.993	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1752	1744	0	1752	1590	0	1612	3223	1442	1612	3195	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1752	1744	0	1752	1590	0	1612	3223	1384	1612	3195	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		20			184				205			5
Link Speed (mph)		55			55			55			55	
Link Distance (ft)		1696			8987			3999			3812	
Travel Time (s)		21.0			111.4			49.6			47.3	
Confl. Peds. (#/hr)			10			10			10			10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	12%	12%	12%	12%	12%	12%
Adj. Flow (vph)	67	102	48	68	73	318	16	898	101	250	629	29
Shared Lane Traffic (%)												
Lane Group Flow (vph)	67	150	0	68	391	0	16	898	101	250	658	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1		1	1	1	1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50		50	50	50	50	50	
Trailing Detector (ft)	0	0		0	0		0	0	0	0	0	
Detector 1 Position(ft)	0	0		0	0		0	0	0	0	0	
Detector 1 Size(ft)	50	50		50	50		50	50	50	50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA		Prot	NA		Prot	NA	Perm	Prot	NA	
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases									2			
Detector Phase	7	4		3	8		5	2	2	1	6	
Switch Phase												

Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Initial (s)	6.0	8.0		6.0	8.0		8.0	10.0	10.0	8.0	10.0	
Minimum Split (s)	12.0	40.5		12.0	40.5		14.5	35.5	35.5	14.5	36.5	
Total Split (s)	12.0	40.5		12.0	40.5		14.5	42.5	42.5	25.0	53.0	
Total Split (%)	10.0%	33.8%		10.0%	33.8%		12.1%	35.4%	35.4%	20.8%	44.2%	
Maximum Green (s)	6.0	34.0		6.0	34.0		8.0	36.0	36.0	18.5	46.5	
Yellow Time (s)	5.5	5.5		5.5	5.5		5.5	5.5	5.5	5.5	5.5	
All-Red Time (s)	0.5	1.0		0.5	1.0		1.0	1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0		-1.0	-1.0	0.0	-1.0	-1.0	
Total Lost Time (s)	5.0	5.5		5.0	5.5		5.5	5.5	6.5	5.5	5.5	
Lead/Lag	Lag	Lag		Lead	Lead		Lag	Lag	Lag	Lead	Lead	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None		None	Max	Max	None	Max	
Walk Time (s)		7.0			7.0			7.0	7.0		7.0	
Flash Dont Walk (s)		27.0			27.0			22.0	22.0		23.0	
Pedestrian Calls (#/hr)		5			5			5	5		5	
Act Effect Green (s)	7.1	21.5		7.1	21.5		9.1	37.6	36.6	19.5	57.5	
Actuated g/C Ratio	0.07	0.21		0.07	0.21		0.09	0.36	0.35	0.19	0.55	
v/c Ratio	0.56	0.40		0.57	0.83		0.11	0.77	0.16	0.83	0.37	
Control Delay	70.3	33.8		70.8	35.9		51.2	37.6	0.6	67.2	18.1	
Queue Delay	0.0	0.0		0.0	0.0		0.0	0.0	0.0	0.0	0.0	
Total Delay	70.3	33.8		70.8	35.9		51.2	37.6	0.6	67.2	18.1	
LOS	E	C		E	D		D	D	A	E	B	
Approach Delay		45.1			41.1			34.1			31.6	
Approach LOS		D			D			C			C	

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 104.5

Natural Cycle: 115

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.83

Intersection Signal Delay: 35.4

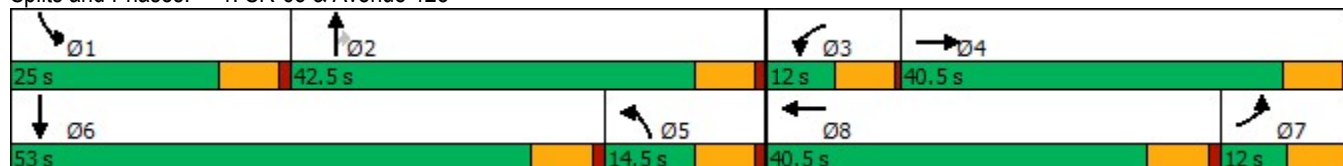
Intersection LOS: D

Intersection Capacity Utilization 83.9%

ICU Level of Service E

Analysis Period (min) 15

Splits and Phases: 1: SR-65 & Avenue 128



Queues

1: SR-65 & Avenue 128

01/07/2020



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	67	150	68	391	16	898	101	250	658
v/c Ratio	0.56	0.40	0.57	0.83	0.11	0.77	0.16	0.83	0.37
Control Delay	70.3	33.8	70.8	35.9	51.2	37.6	0.6	67.2	18.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	70.3	33.8	70.8	35.9	51.2	37.6	0.6	67.2	18.1
Queue Length 50th (ft)	45	77	46	141	10	290	0	167	116
Queue Length 95th (ft)	#122	135	#124	254	35	#470	0	#358	257
Internal Link Dist (ft)		1616		8907		3919			3732
Turn Bay Length (ft)	475		350		550		200	450	
Base Capacity (vph)	119	606	119	662	140	1159	617	305	1759
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.56	0.25	0.57	0.59	0.11	0.77	0.16	0.82	0.37
























Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.













Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	35	72	24	73	59	324	13	632	64	303	714	47
Future Volume (vph)	35	72	24	73	59	324	13	632	64	303	714	47
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	475		0	350		200	550		200	450		0
Storage Lanes	1		0	1		1	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	1.00	0.95	0.95
Ped Bike Factor		0.99				0.98			0.96		1.00	
Frt		0.962				0.850			0.850		0.991	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1752	1765	0	1752	1845	1568	1612	3223	1442	1612	3186	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1752	1765	0	1752	1845	1533	1612	3223	1384	1612	3186	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		14				150			205		7	
Link Speed (mph)		55			55			55			55	
Link Distance (ft)		1696			8987			3999			3812	
Travel Time (s)		21.0			111.4			49.6			47.3	
Confl. Peds. (#/hr)			10			10			10			10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	12%	12%	12%	12%	12%	12%
Adj. Flow (vph)	38	78	26	79	64	352	14	687	70	329	776	51
Shared Lane Traffic (%)												
Lane Group Flow (vph)	38	104	0	79	64	352	14	687	70	329	827	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1	1	1	1	1	1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50	50	50	50	50	50	50	
Trailing Detector (ft)	0	0		0	0	0	0	0	0	0	0	
Detector 1 Position(ft)	0	0		0	0	0	0	0	0	0	0	
Detector 1 Size(ft)	50	50		50	50	50	50	50	50	50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA		Prot	NA	pm+ov	Prot	NA	Perm	Prot	NA	
Protected Phases	7	4		3	8	1	5	2		1	6	
Permitted Phases						8			2			
Detector Phase	7	4		3	8	1	5	2	2	1	6	
Switch Phase												

Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Initial (s)	6.0	8.0		6.0	8.0	8.0	8.0	10.0	10.0	8.0	10.0	
Minimum Split (s)	12.0	40.5		12.0	40.5	14.5	14.5	35.5	35.5	14.5	36.5	
Total Split (s)	12.0	40.5		12.0	40.5	32.0	14.5	35.5	35.5	32.0	53.0	
Total Split (%)	10.0%	33.8%		10.0%	33.8%	26.7%	12.1%	29.6%	29.6%	26.7%	44.2%	
Maximum Green (s)	6.0	34.0		6.0	34.0	25.5	8.0	29.0	29.0	25.5	46.5	
Yellow Time (s)	5.5	5.5		5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	
All-Red Time (s)	0.5	1.0		0.5	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0	0.0	-1.0	-1.0	0.0	-1.0	-1.0	
Total Lost Time (s)	5.0	5.5		5.0	5.5	6.5	5.5	5.5	6.5	5.5	5.5	
Lead/Lag	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None	None	None	Max	Max	None	Max	
Walk Time (s)		7.0			7.0			7.0	7.0		7.0	
Flash Dont Walk (s)		27.0			27.0			22.0	22.0		23.0	
Pedestrian Calls (#/hr)		5			5			5	5		5	
Act Effect Green (s)	7.8	14.8		7.1	19.3	42.7	9.1	30.3	29.3	25.4	58.9	
Actuated g/C Ratio	0.08	0.15		0.07	0.19	0.43	0.09	0.31	0.30	0.26	0.59	
v/c Ratio	0.28	0.38		0.64	0.18	0.47	0.10	0.70	0.13	0.80	0.44	
Control Delay	52.2	35.9		70.8	36.9	9.1	47.7	36.6	0.5	51.7	14.8	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	52.2	35.9		70.8	36.9	9.1	47.7	36.6	0.5	51.7	14.8	
LOS	D	D		E	D	A	D	D	A	D	B	
Approach Delay		40.3			22.5			33.5			25.3	
Approach LOS		D			C			C			C	

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 99.3

Natural Cycle: 115

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.80

Intersection Signal Delay: 28.1

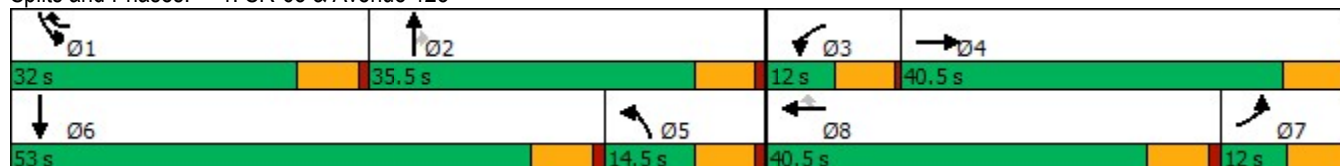
Intersection LOS: C

Intersection Capacity Utilization 70.4%

ICU Level of Service C

Analysis Period (min) 15

Splits and Phases: 1: SR-65 & Avenue 128



Queues

1: SR-65 & Avenue 128

01/07/2020



Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	38	104	79	64	352	14	687	70	329	827
v/c Ratio	0.28	0.38	0.64	0.18	0.47	0.10	0.70	0.13	0.80	0.44
Control Delay	52.2	35.9	70.8	36.9	9.1	47.7	36.6	0.5	51.7	14.8
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	52.2	35.9	70.8	36.9	9.1	47.7	36.6	0.5	51.7	14.8
Queue Length 50th (ft)	22	52	48	37	58	8	192	0	183	113
Queue Length 95th (ft)	66	98	#148	72	105	32	#363	0	#427	340
Internal Link Dist (ft)		1616		8907			3919			3732
Turn Bay Length (ft)	475		350		200	550		200	450	
Base Capacity (vph)	137	637	124	657	772	147	984	553	434	1891
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.28	0.16	0.64	0.10	0.46	0.10	0.70	0.13	0.76	0.44
























Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.













Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	62	94	44	63	67	293	15	826	93	230	579	27
Future Volume (vph)	62	94	44	63	67	293	15	826	93	230	579	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Storage Length (ft)	475		0	350		200	550		200	450		0
Storage Lanes	1		0	1		1	1		1	1		0
Taper Length (ft)	25			25			25			25		
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	0.95	1.00	1.00	0.95	0.95
Ped Bike Factor		0.99				0.98			0.96		1.00	
Frt		0.952				0.850			0.850		0.993	
Flt Protected	0.950			0.950			0.950			0.950		
Satd. Flow (prot)	1752	1744	0	1752	1845	1568	1612	3223	1442	1612	3195	0
Flt Permitted	0.950			0.950			0.950			0.950		
Satd. Flow (perm)	1752	1744	0	1752	1845	1533	1612	3223	1384	1612	3195	0
Right Turn on Red			Yes			Yes			Yes			Yes
Satd. Flow (RTOR)		20				150			205		5	
Link Speed (mph)		55			55			55			55	
Link Distance (ft)		1696			8987			3999			3812	
Travel Time (s)		21.0			111.4			49.6			47.3	
Confl. Peds. (#/hr)			10			10			10			10
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles (%)	3%	3%	3%	3%	3%	3%	12%	12%	12%	12%	12%	12%
Adj. Flow (vph)	67	102	48	68	73	318	16	898	101	250	629	29
Shared Lane Traffic (%)												
Lane Group Flow (vph)	67	150	0	68	73	318	16	898	101	250	658	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		12			12			12			12	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Number of Detectors	1	1		1	1	1	1	1	1	1	1	
Detector Template												
Leading Detector (ft)	50	50		50	50	50	50	50	50	50	50	
Trailing Detector (ft)	0	0		0	0	0	0	0	0	0	0	
Detector 1 Position(ft)	0	0		0	0	0	0	0	0	0	0	
Detector 1 Size(ft)	50	50		50	50	50	50	50	50	50	50	
Detector 1 Type	Cl+Ex	Cl+Ex		Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	Cl+Ex	
Detector 1 Channel												
Detector 1 Extend (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Queue (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Detector 1 Delay (s)	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Turn Type	Prot	NA		Prot	NA	pm+ov	Prot	NA	Perm	Prot	NA	
Protected Phases	7	4		3	8	1	5	2		1	6	
Permitted Phases						8			2			
Detector Phase	7	4		3	8	1	5	2	2	1	6	
Switch Phase												

Lanes, Volumes, Timings
1: SR-65 & Avenue 128

01/07/2020

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Minimum Initial (s)	6.0	8.0		6.0	8.0	8.0	8.0	10.0	10.0	8.0	10.0	
Minimum Split (s)	12.0	40.5		12.0	40.5	14.5	14.5	35.5	35.5	14.5	36.5	
Total Split (s)	12.0	40.5		12.0	40.5	25.0	14.5	42.5	42.5	25.0	53.0	
Total Split (%)	10.0%	33.8%		10.0%	33.8%	20.8%	12.1%	35.4%	35.4%	20.8%	44.2%	
Maximum Green (s)	6.0	34.0		6.0	34.0	18.5	8.0	36.0	36.0	18.5	46.5	
Yellow Time (s)	5.5	5.5		5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5	
All-Red Time (s)	0.5	1.0		0.5	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
Lost Time Adjust (s)	-1.0	-1.0		-1.0	-1.0	0.0	-1.0	-1.0	0.0	-1.0	-1.0	
Total Lost Time (s)	5.0	5.5		5.0	5.5	6.5	5.5	5.5	6.5	5.5	5.5	
Lead/Lag	Lag	Lag		Lead	Lead	Lead	Lag	Lag	Lag	Lead	Lead	
Lead-Lag Optimize?	Yes	Yes		Yes	Yes							
Vehicle Extension (s)	3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	
Recall Mode	None	None		None	None	None	None	Max	Max	None	Max	
Walk Time (s)		7.0			7.0			7.0	7.0		7.0	
Flash Dont Walk (s)		27.0			27.0			22.0	22.0		23.0	
Pedestrian Calls (#/hr)		5			5			5	5		5	
Act Effect Green (s)	9.2	16.3		7.1	14.2	31.6	9.1	37.6	36.6	19.5	57.4	
Actuated g/C Ratio	0.09	0.16		0.07	0.14	0.32	0.09	0.38	0.37	0.20	0.58	
v/c Ratio	0.42	0.50		0.54	0.28	0.53	0.11	0.74	0.16	0.79	0.36	
Control Delay	55.0	38.1		65.4	40.6	11.6	48.5	33.3	0.5	59.5	15.7	
Queue Delay	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Total Delay	55.0	38.1		65.4	40.6	11.6	48.5	33.3	0.5	59.5	15.7	
LOS	E	D		E	D	B	D	C	A	E	B	
Approach Delay		43.3			24.2			30.3			27.8	
Approach LOS		D			C			C			C	

Intersection Summary

Area Type: Other

Cycle Length: 120

Actuated Cycle Length: 99.3

Natural Cycle: 115

Control Type: Actuated-Uncoordinated

Maximum v/c Ratio: 0.79

Intersection Signal Delay: 29.4

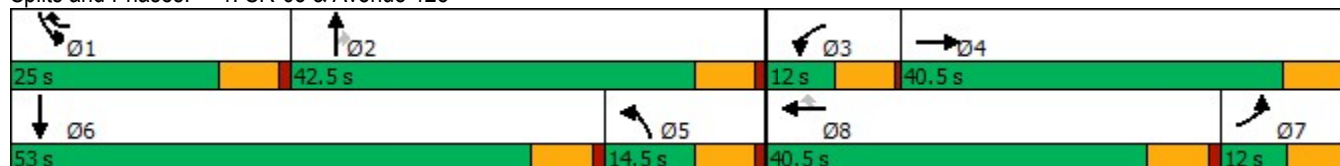
Intersection LOS: C

Intersection Capacity Utilization 73.6%

ICU Level of Service D

Analysis Period (min) 15

Splits and Phases: 1: SR-65 & Avenue 128



Queues

1: SR-65 & Avenue 128

01/07/2020



Lane Group	EBL	EBT	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT
Lane Group Flow (vph)	67	150	68	73	318	16	898	101	250	658
v/c Ratio	0.42	0.50	0.54	0.28	0.53	0.11	0.74	0.16	0.79	0.36
Control Delay	55.0	38.1	65.4	40.6	11.6	48.5	33.3	0.5	59.5	15.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	55.0	38.1	65.4	40.6	11.6	48.5	33.3	0.5	59.5	15.7
Queue Length 50th (ft)	40	77	42	44	56	9	253	0	150	92
Queue Length 95th (ft)	#122	135	#124	80	107	35	#470	0	#358	257
Internal Link Dist (ft)		1616		8907			3919			3732
Turn Bay Length (ft)	475		350		200	550		200	450	
Base Capacity (vph)	161	637	125	660	602	148	1219	639	321	1848
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.42	0.24	0.54	0.11	0.53	0.11	0.74	0.16	0.78	0.36

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Deer Creek Rock Co., Inc. Expansion Project

Traffic Impact Study April 2019

Prepared for:

Jaxon Enterprises
1643 Tahoe Court (96003)
P. O. Box 994248
Redding, CA 96099-4248

Prepared by:

VRPA Technologies, Inc.
4630 W. Jennifer, Suite 105
Fresno, CA 93722
Project Manager: Jason Ellard



Deer Creek Rock Co., Inc. Expansion Project Traffic Impact Study

Study Team

- ✓ Georgiena Vivian, President, VRPA Technologies, Inc., gvivian@vrpatechnologies.com, (559) 259-9257
 - ✓ Erik Ruehr, Dir. of Traffic Engineering, VRPA Technologies, Inc., eruehr@vrpatechnologies.com, (858) 566-1766
 - ✓ Jason Ellard, Transportation Engineer, VRPA Technologies, Inc., jellard@vrpatechnologies.com, (559) 271-1200
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Executive Summary

This Traffic Impact Study (TIS) has been prepared for the purpose of analyzing traffic conditions related to the Deer Creek Rock Expansion (Project). The Project seeks an expansion of the existing Deer Creek Rock Co., Inc. site located in Tulare County. The Project is located south of Avenue 120 (Deer Creek Drive) approximately 1/2 mile east of Road 272 along the south bank of Deer Creek. The Applicant is requesting an increase in annual production of 500,000 tons per year (from a maximum of 1,000,000 tons per year to a maximum of 1,500,000 tons per year) which will generate an additional 224 round trips per day.

IMPACTS

Intersections

Table E-1 shows intersections that are expected to fall short of desirable operating conditions for various scenarios. Results of the analysis show that the Project will contribute to an unacceptable LOS at the intersection of SR 65 and Avenue 128 when comparing the Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios. Potential mitigation measures are discussed below.

Segments

Results of the segment analysis along the existing street and highway system are reflected in Table E-2. The performance criteria used for evaluating volumes and capacities on the road and highway system for this study were estimated using the Modified Arterial Level of Service Tables included in Appendix A. Results of the analysis show that all of the study roadway segments are projected to operate at acceptable levels of service through the year 2040.

Table E-1
Intersection Operations

INTERSECTION	CONTROL	TARGET LOS	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT		NEAR-TERM WITHOUT PROJECT		NEAR-TERM PLUS PROJECT		CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
				DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS
1. SR 65 / Avenue 128	Signalized	C	AM	28.2	C	29.7	C	28.6	C	30.2	C	43.6	D	47.9	D
			PM	28.9	C	30.6	C	29.3	C	31.1	C	43.7	D	47.5	D
2. Plano Street / Avenue 128	All-Way Stop Sign	D	AM	11.8	B	13.0	B	12.0	B	13.1	B	20.6	C	24.3	C
			PM	9.9	A	10.5	B	10.0	A	10.6	B	13.0	B	14.5	B
3. Road 264 / Avenue 116	One-Way Stop Sign	D	AM	9.8	A	10.2	B	9.9	A	10.3	B	10.7	B	11.3	B
			PM	9.7	A	10.1	B	9.8	A	10.1	B	10.5	B	11.0	B
4. Road 264 / Deer Creek Drive	Two-Way Stop Sign	D	AM	10.3	B	10.9	B	10.3	B	10.9	B	11.3	B	12.1	B
			PM	9.5	A	10.0	B	9.5	A	10.0	B	10.0	B	10.6	B
5. Road 272 / Deer Creek Drive	One-Way Stop Sign	D	AM	10.1	B	10.6	B	10.2	B	10.7	B	11.1	B	11.7	B
			PM	10.0	B	10.7	B	10.0	B	10.7	B	10.7	B	11.6	B
6. Project Access / Deer Creek Drive	One-Way Stop Sign	D	AM	9.2	A	9.7	A	9.2	A	9.7	A	9.3	A	9.7	A
			PM	9.6	A	10.3	B	9.6	A	10.3	B	9.6	A	10.4	B

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection.

For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.

Table E-2
Segment Operations

STREET SEGMENT	SEGMENT DESCRIPTION	DIRECTION	TARGET LOS	PEAK HOUR	EXISTING		EXISTING PLUS PROJECT		NEAR-TERM WITHOUT PROJECT		NEAR-TERM PLUS PROJECT		CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
					VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS
Avenue 128																
SR 65 to Plano Street	2 Lanes Undivided	EB	D	AM	247	B	272	B	253	B	278	B	415	B	440	B
				PM	233	B	258	B	239	B	264	B	391	B	417	B
		WB		AM	256	B	281	B	262	B	288	B	430	B	455	B
				PM	237	B	262	B	243	B	268	B	398	B	423	B
Plano Street - Avenue 116																
Avenue 128 to Road 264	2 Lanes Undivided	NB / WB	D	AM	159	B	184	B	161	B	187	B	217	B	243	B
				PM	175	B	200	B	178	B	203	B	239	B	264	B
		SB / EB		AM	141	B	166	B	143	B	168	B	193	B	218	B
				PM	151	B	176	B	153	B	178	B	206	B	232	B
Road 264																
Deer Creek Drive and Avenue 116	2 Lanes Undivided	NB	D	AM	72	B	100	B	73	B	101	B	98	B	126	B
				PM	60	B	88	B	61	B	89	B	82	B	110	B
		SB		AM	60	B	88	B	61	B	89	B	82	B	110	B
				PM	65	B	93	B	66	B	94	B	89	B	117	B
Deer Creek Drive																
Road 264 to Road 272	2 Lanes Undivided	EB	D	AM	118	B	146	B	120	B	148	B	161	B	189	B
				PM	64	B	92	B	65	B	93	B	87	B	115	B
		WB		AM	64	B	92	B	65	B	93	B	87	B	115	B
				PM	77	B	105	B	78	B	106	B	105	B	133	B
Road 272 to Project Access	2 Lanes Undivided	EB	D	AM	75	B	103	B	76	B	104	B	103	B	131	B
				PM	62	B	90	B	63	B	91	B	85	B	113	B
		WB		AM	62	B	90	B	63	B	91	B	85	B	113	B
				PM	71	B	99	B	72	B	100	B	97	B	125	B

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

MITIGATION

This section describes potential improvements to mitigate the traffic impacts of the Project. Described below are potential improvements at study area intersections for various scenarios. The proposed Project will be required to contribute a fair-share towards the costs of improvements that are identified for the Cumulative Year 2040 scenarios.

Recommended Improvements

Intersections

✓ SR 65 at Avenue 128

Recommended improvements to achieve acceptable levels of service:

- Cumulative Year 2040 Without Project and Plus Project scenarios:
 - Widen the westbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane with overlap phasing (adding 1 right turn)

The improvements identified above for the Cumulative Year 2040 Without Project and Plus Project scenarios are sufficient to meet the existing Measures of Effectiveness (MOE) of the intersection.

Post-Mitigation Level of Service

The level of service resulting from the potential improvements identified above is shown in Table E-3 for study area intersections.

Table E-3
Intersection Operations with Mitigation

INTERSECTION	CONTROL	TARGET LOS	PEAK HOUR	CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
				DELAY	LOS	DELAY	LOS
1. SR 65 / Avenue 128	Signalized	C	AM	28.3	C	30.0	C
			PM	30.3	C	32.2	C

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection.

CEQA ENVIRONMENTAL CHECKLIST

The following thresholds of significance are based on Appendix G of the CEQA Guidelines. Implementation of the Project would result in a significant impact if it would:

- ✓ Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact After Mitigation - An important goal is to maintain acceptable levels of service along the highway, street, and road network. To accomplish this, Tulare County RMA and Caltrans adopt minimum levels of service in an attempt to control congestion that may result as new development occurs. Tulare County's 2030 General Plan, policy number TC-1.16, identifies a minimum LOS standard of "D" on the County roadway system (both segments and intersections). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

Results of the analysis show that the Project will not exceed Tulare County's minimum LOS standard of "D" as shown in Tables E-1 and E-2. However, Caltrans's minimum LOS standard of "C" will be exceeded for the Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios.

Described below are mitigation measures at the SR 65 and Avenue 128 intersection for the Cumulative Year 2040 scenarios that address future transportation and circulation issues in the study area. The improvements identified would result in acceptable levels of service as shown in Tables E-3.

- ✓ SR 65 at Avenue 128
Recommended improvements to achieve acceptable levels of service:
 - Cumulative Year 2040 Without Project and Plus Project scenarios:

- Widen the westbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane with overlap phasing (adding 1 right turn)
- ✓ Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact - In the fall of 2013, Senate Bill 743 (SB 743) was passed by the legislature and signed into law by the governor. For some parts of California (and possibly the entire state), this legislation will eventually change the way that transportation studies are conducted for environmental documents. In the areas where SB 743 is implemented, delay-based metrics such as roadway capacity and level of service will no longer be the performance measures used for the determination of the transportation impacts of projects in studies conducted under CEQA. Instead, new performance measures such as vehicle miles travelled (VMT) or other similar measures will be used.

July 1, 2020 is the statewide implementation date and agencies may opt-in use of new metrics prior to that date. Therefore, the traffic analysis follows current practice regarding state and local guidance as of the date of preparation. However, an estimate of VMT associated with the Project is provided in Table E-4 for the Project. The estimated VMT for the Project is derived from the trip length from the Project site to the northern boundary of Tulare County (near Orange Cove). It should be noted that the Office of Planning and Research (OPR) has determined that projects that generate or attract fewer than 110 trips per day generally may be assumed to cause a less than significant transportation impact. The Project will generate an additional 112 trips per day in accordance with the expansion of the site. Therefore, no mitigation is required.

Table E-4
Estimated Project VMT

LAND USE	ADT VOLUME	RATE	AVERAGE DAILY VMT
Deer Creek Rock Expansion (Truck's)	112	60 miles/trip	6,720
TOTAL			6,720

Notes:

(1) VMT rate for truck's per distance to northern Tulare County boundary

- ✓ Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (eg., farm equipment)?

Less Than Significant Impact - The proposed Project will not create any new design features on site. The existing on-site circulation pattern will remain the same as the currently approved surface mining permit. Although there will be an increase in the volume of vehicles accessing the site, the same types of vehicles (heavy-duty haul trucks and personal vehicles) will continue to

access the site. The existing site access/egress is located at a sufficient distance from any intersection to allow for safe vehicular access/egress to and from the site. Therefore, no mitigation is required.

✓ Result in inadequate emergency access?

Less Than Significant Impact - The Project site is currently accessed/egressed via an existing entrance road from Deer Creek Drive. Emergency access to the site will remain as approved on the existing surface mining permit, and adequate space will be maintained for emergency vehicles to turn around on site. Therefore, no mitigation is required.

1.0 Introduction

1.1 Description of the Region/Project

This Traffic Impact Study (TIS) has been prepared for the purpose of analyzing traffic conditions related to the Deer Creek Rock Expansion (Project). The Project seeks an expansion of the existing Deer Creek Rock Co., Inc. site located in Tulare County. The Project is located south of Avenue 120 (Deer Creek Drive) approximately 1/2 mile east of Road 272 along the south bank of Deer Creek. The Applicant is requesting an increase in annual production of 500,000 tons per year (from a maximum of 1,000,000 tons per year to a maximum of 1,500,000 tons per year) which will generate an additional 224 round trips per day. Figures 1-1 and 1-2 show the location of the Project along with major roadways and highways in the Project area.

1.1.1 Project Access

There will be one (1) access point to the proposed Project, which currently serves as the access point for existing operations. This access point is located along Deer Creek Drive, east of Road 272.

1.1.2 Study Area

The following intersections and roadway segments included in this TIS were determined in consultation with Tulare County and California Department of Transportation (Caltrans) staff and include:

Intersections

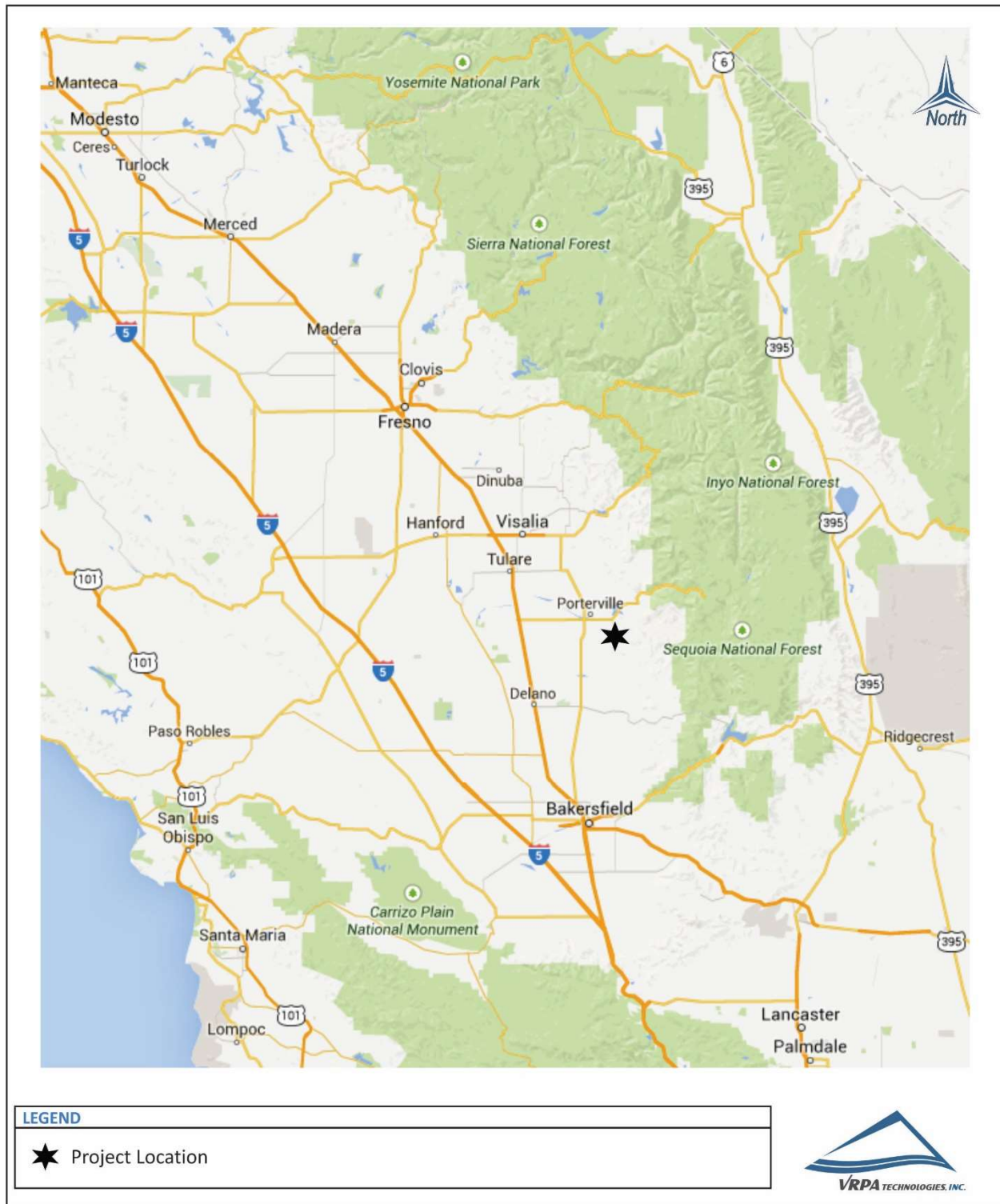
- ✓ SR 65 / Avenue 128
- ✓ Plano Street / Avenue 128
- ✓ Road 264 / Avenue 116
- ✓ Road 264 / Deer Creek Drive
- ✓ Road 272 / Deer Creek Drive
- ✓ Project Access / Deer Creek Drive

Roadway Segments

- ✓ Avenue 128 between:
 - SR 65 and Plano Street
- ✓ Plano Street-Avenue 116 between:
 - Avenue 128 and Road 264
- ✓ Road 264 between:
 - Deer Creek Drive and Avenue 116
- ✓ Deer Creek between:
 - Road 264 and Road 272
 - Road 272 and Project Access

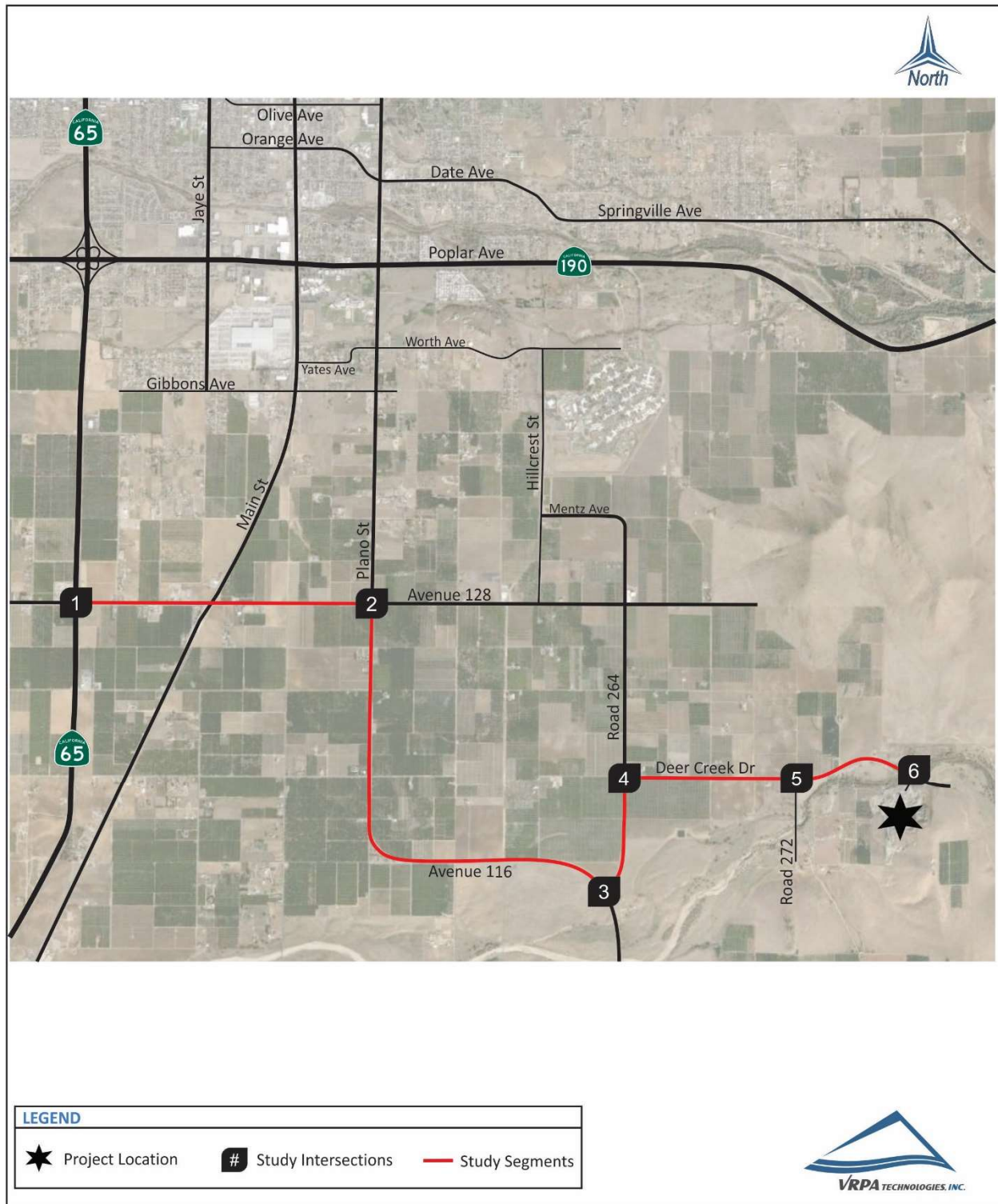
**Deer Creek Rock Co., Inc. Expansion
Regional Location**

**Figure
1-1**



**Deer Creek Rock Co., Inc. Expansion
Project Location**

**Figure
1-2**



1.1.3 Study Scenarios

The TIS completed for the proposed Project includes level of service (LOS) analysis for the following traffic scenarios:

- ✓ Existing
- ✓ Existing Plus Project
- ✓ Near-Term (Opening Year 2020) Without Project
- ✓ Near-Term (Opening Year 2020) Plus Project
- ✓ Cumulative Year 2040 Without Project
- ✓ Cumulative Year 2040 Plus Project

1.2 Methodology

When preparing a TIS, guidelines set by affected agencies are followed. In analyzing street and intersection capacities the Level of Service (LOS) methodologies are applied. LOS standards are applied by transportation agencies to quantitatively assess a street and highway system's performance. In addition, safety concerns are analyzed to determine the need for appropriate mitigation resulting from increased traffic near sensitive uses and other evaluations such as the need for signalized intersections or other improvements.

1.2.1 Intersection Analysis

Intersection LOS analysis was conducted using the Synchro 10 software program. Synchro 10 supports the Highway Capacity Manual (HCM) 6th Edition methodologies and is an acceptable program by Tulare County and Caltrans staff for assessment of traffic impacts. Levels of Service can be determined for both signalized and unsignalized intersections. One (1) of the study intersections is currently signalized and the other five (5) study intersections are currently unsignalized.

Tables 1-1 and 1-2 indicate the ranges in the amounts of average delay for a vehicle at signalized and unsignalized intersections for the various levels of service ranging from LOS "A" to "F".

Intersection turning movement counts and roadway geometrics used to develop LOS calculations were obtained from field review findings and count data provided from the traffic count sources identified in Section 2.1.

When an unsignalized intersection does not meet acceptable LOS standards, the investigation of the need for a traffic signal shall be evaluated. The California Manual on Uniform Traffic Control Devices (California MUTCD) introduces standards for determining the need for traffic signals. The California MUTCD indicates that the satisfaction of one or more traffic signal warrants does not in itself require the installation of a traffic signal. In addition to the warrant

analysis, an engineering study of the current or expected traffic conditions should be conducted to determine whether the installation of a traffic signal is justified. The California MUTCD Peak Hour Warrant (Warrant 3) will be used, as necessary, to determine if a traffic signal is warranted at the unsignalized intersection that falls below current LOS standards.

1.2.2 Roadway Segment Analysis

According to the HCM, LOS is categorized by two parameters of traffic: uninterrupted and interrupted flow. Uninterrupted flow facilities do not have fixed elements such as traffic signals that cause interruptions in traffic flow. Interrupted flow facilities do have fixed elements that cause an interruption in the flow of traffic, such as stop signs and signalized intersections along arterial roads. A roadway segment is defined as a stretch of roadway generally located between signalized or controlled intersections.

Segment LOS is important in order to understand whether the capacity of a roadway can accommodate future traffic volumes. Table 1-3 provides a definition of segment LOS. The performance criteria used for evaluating volumes and capacities on the road and highway system for this study were estimated using the Modified HCM-Based LOS Tables (Florida Tables). The tables consider the capacity of individual road and highway segments based on numerous roadway variables (design speed, passing opportunities, signalized intersections per mile, number of lanes, saturation flow, etc.). These variables were identified and applied to reflect segment LOS conditions. Street segment capacity was determined using information shown in Tables 1-4, which comes from the Modified Arterial Level of Service Tables included in Appendix A.

Table 1-1
Signalized Intersections Level of Service Definitions
(Highway Capacity Manual)

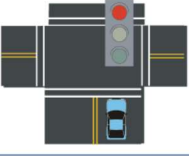
LEVEL OF SERVICE	DEFINITION		AVERAGE TOTAL DELAY (sec/veh)
A	Describes operations with very low delay. This level of service occurs when there is no conflicting traffic for a minor street.		≤ 10.0
B	Describes operations with moderately low delay. This level generally occurs with a small amount of conflicting traffic causing higher levels of average delay.		> 10.0 - 20.0
C	Describes operations with average delays. These higher delays may result from a moderate amount of minor street traffic. Queues begin to get longer.		> 20.0 - 35.0
D	Describes a crowded operation, with below average delays. At level D, the influence of congestion becomes more noticeable. Longer delays may result from shorter gaps on the mainline and an increase of minor street traffic. The queues of vehicles are increasing.		> 35.0 - 55.0
E	Describes operations at or near capacity. This level is considered by many agencies to be the limit of acceptable delay. These high delay values generally indicate poor gaps for the minor street to cross and large queues.		> 55.0 - 80.0
F	Describes operations that are at the failure point. This level, considered to be unacceptable to most drivers, often occurs with over-saturation, that is, when arrival flow rates exceed the capacity of the intersection. Insufficient gaps of suitable size exist to allow minor traffic to cross the intersection safely.		> 80.0

Table 1-2
Unsignalized Intersections Level of Service Definitions
(Highway Capacity Manual)

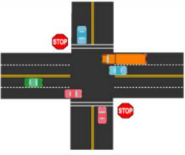
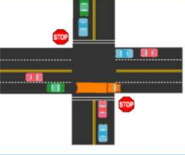
LEVEL OF SERVICE	DEFINITION		AVERAGE TOTAL DELAY (sec/veh)
A	No delay for stop-controlled approaches.		0 - 10.0
B	Describes operations with minor delay.		> 10.0 - 15.0
C	Describes operations with moderate delays.		> 15.0 - 25.0
D	Describes operations with some delays.		> 25.0 - 35.0
E	Describes operations with high delays and long queues.		> 35.0 - 50.0
F	Describes operations with extreme congestion, with very high delays and long queues unacceptable to most drivers.		> 50.0

Table 1-3
Roadway Segment Level of Service Definitions
(Highway Capacity Manual)







LEVEL OF SERVICE	DEFINITION	
A	Represents free flow. Individual vehicles are virtually unaffected by the presence of others in the traffic stream.	
B	Is in the range of stable flow, but the presence of other vehicles in the traffic stream begins to be noticeable. Freedom to select desired speeds is relatively unaffected, but there is a slight decline in the freedom to maneuver.	
C	Is in the range of stable flow, but marks the beginning of the range of flow in which the operation of individual vehicles becomes significantly affected by interactions with other vehicles in the traffic stream.	
D	Is a crowded segment of roadway with a large number of vehicles restricting mobility and a stable flow. Speed and freedom to maneuver are severely restricted, and the driver experiences a generally poor level of comfort and convenience.	
E	Represents operating conditions at or near the level capacity. All speeds are reduced to a low, but relatively uniform value. Small increases in flow will cause breakdowns in traffic movement.	
F	Is used to define forced or breakdown flow (stop-and-go gridlock). This condition exists when the amount of traffic approaches a point where the amount of traffic exceeds the amount that can travel to a destination. Operations within the queues are characterized by stop and go waves, and they are extremely unstable.	

Table 1-4
Peak Hour One-Way Volumes

Level of Service					
Lanes	Division	B	C	D	E
State Arterials					
1	Undivided	900	920	**	**
2	Divided	*	1,390	1,840	**
3	Divided	*	2,280	2,790	**
Non-State Roadways					
1	Undivided	648	662	**	**
1	Divided	*	1,251	1,656	**
2	Divided	*	2,052	2,511	**

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. Volumes greater than level of service D become F because intersection capacities have been reached.

1.3 Policies to Maintain Level of Service

An important goal is to maintain acceptable levels of service along the highway, street, and road network. To accomplish this, Tulare County and Caltrans adopt minimum levels of service in an attempt to control congestion that may result as new development occurs.

Tulare County's 2030 General Plan, policy number TC-1.16, identifies a minimum LOS standard of D on the County roadway system (both segments and intersections).

Based on guidance from Caltrans, the LOS for operating State highway facilities is based on Measures of Effectiveness (MOE) identified in the Highway Capacity Manual (HCM). Caltrans endeavors to maintain a target LOS at the transition between LOS "C" and LOS "D" on State highway facilities; however, Caltrans acknowledges that this may not always be feasible and recommends that the lead agency consult with Caltrans to determine the appropriate target LOS. If an existing State highway facility is operating at less than this target LOS, the existing MOE should be maintained. In general, the region-wide goal for an acceptable LOS on all freeways, roadways segments, and intersections is "D". For undeveloped or not densely developed locations, the goal may be to achieve LOS "C".

Given the LOS standards of the various agencies in the Project area, the goal of the Project is to provide LOS results that meet the minimum LOS "C" for Caltrans facilities and LOS "D" for County facilities for all intersections and segments.

2.0 Existing Conditions

2.1 Existing Traffic Counts and Roadway Geometrics

The first step toward assessing Project traffic impacts is to assess existing traffic conditions. Existing AM and PM peak hour turning movements were collected at study intersections by National Data and Surveying Services. Intersection turning movement counts were conducted for the peak hour periods of 7:00-9:00 AM and 4:00-6:00 PM for all study intersections on Thursday, March 28, 2019. Traffic count data worksheets are provided in Appendix B.

2.2 Existing Functional Roadway Classification System

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the type of service they are intended to provide. Fundamental to this process is the recognition that individual streets and highways do not serve travel independently in any major way. Rather, most travel involves movement through a network of roads.

The current hierarchical system of roadways within the County of Tulare's sphere of influence consists of the following four (4) basic classifications:

- ✓ **State Freeways and Highways** – provide for the ability to carry large traffic volumes at high speeds for long distances. Access points are fully controlled. Freeways connect points within the County and link the County to other parts of the State.
- ✓ **Arterials** – provide for mobility within the County and its cities, carrying through traffic on continuous routes and joining major traffic generators, freeways, and other arterials. Access to abutting private property and intersecting local streets shall generally be restricted.
 - **State Route 65** - currently exists as a four-lane divided roadway with a posted speed limit of 55 mph through the study area. According to the California Department of Transportation's website, the average annual daily traffic (AADT) along SR-65 in this area consisted of approximately 15,300 trips in 2017.
- ✓ **Collectors** – provide for internal traffic movement within communities and connect local roads to arterials. Direct access to abutting private property shall generally be permitted. While not specifically identified in the Circulation Element of the Tulare County General Plan Update, the following roadways are assumed to serve as collectors.
 - **Avenue 128** - currently exists as a two-lane undivided roadway without bike lanes and without a posted speed limit through the study area, except for the school zone which contains a posted speed limit of 25 mph.

- **Plano Street/Avenue 116** - currently exists as a two-lane undivided roadway without bike lanes and without a posted speed limit through the study area.
 - **Road 264** - currently exists as a two-lane undivided roadway without bike lanes and without a posted speed limit through the study area.
 - **Deer Creek Drive** - currently exists as a two-lane undivided roadway without bike lanes and without a posted speed limit through the study area.
- ✓ **Local Streets** – Roadways which provide direct access to abutting property and connect with other local roads, collectors, and arterials. Local roads are typically developed as two-lane undivided roadways. Access to abutting private property and intersecting streets shall be permitted.

2.3 Affected Streets and Highways

Major street and highway intersections and segments in the Project Area were analyzed to determine levels of service utilizing HCM-based methodologies described previously. The study intersections and street and highway segments included in this TIS are listed below.

Intersections

- ✓ SR 65 / Avenue 128
- ✓ Plano Street / Avenue 128
- ✓ Road 264 / Avenue 116
- ✓ Road 264 / Deer Creek Drive
- ✓ Road 272 / Deer Creek Drive
- ✓ Project Access / Deer Creek Drive

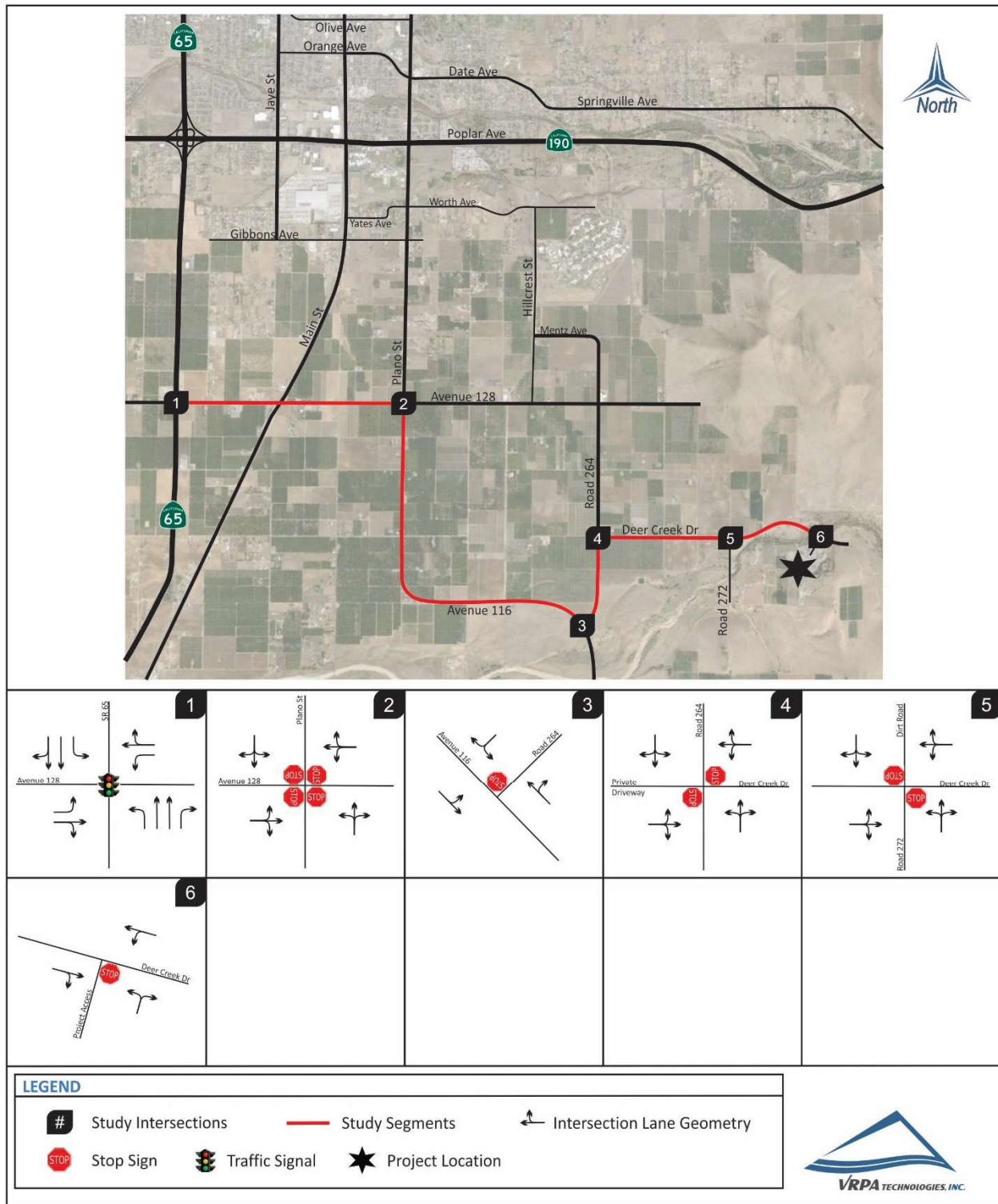
Roadway Segments

- ✓ Avenue 128 between:
 - SR 65 and Plano Street
- ✓ Plano Street-Avenue 116 between:
 - Avenue 128 and Road 264
- ✓ Road 264 between:
 - Deer Creek Drive and Avenue 116
- ✓ Deer Creek between:
 - Road 264 and Road 272
 - Road 272 and Project Access

The existing lane geometry at the study area intersection is shown in Figure 2-1. One (1) of the study intersections is currently signalized and the other five (5) study intersections are currently unsignalized. Figures 2-2 and 2-3 shows existing traffic volumes for the Weekday AM and PM peak hours in the study area.

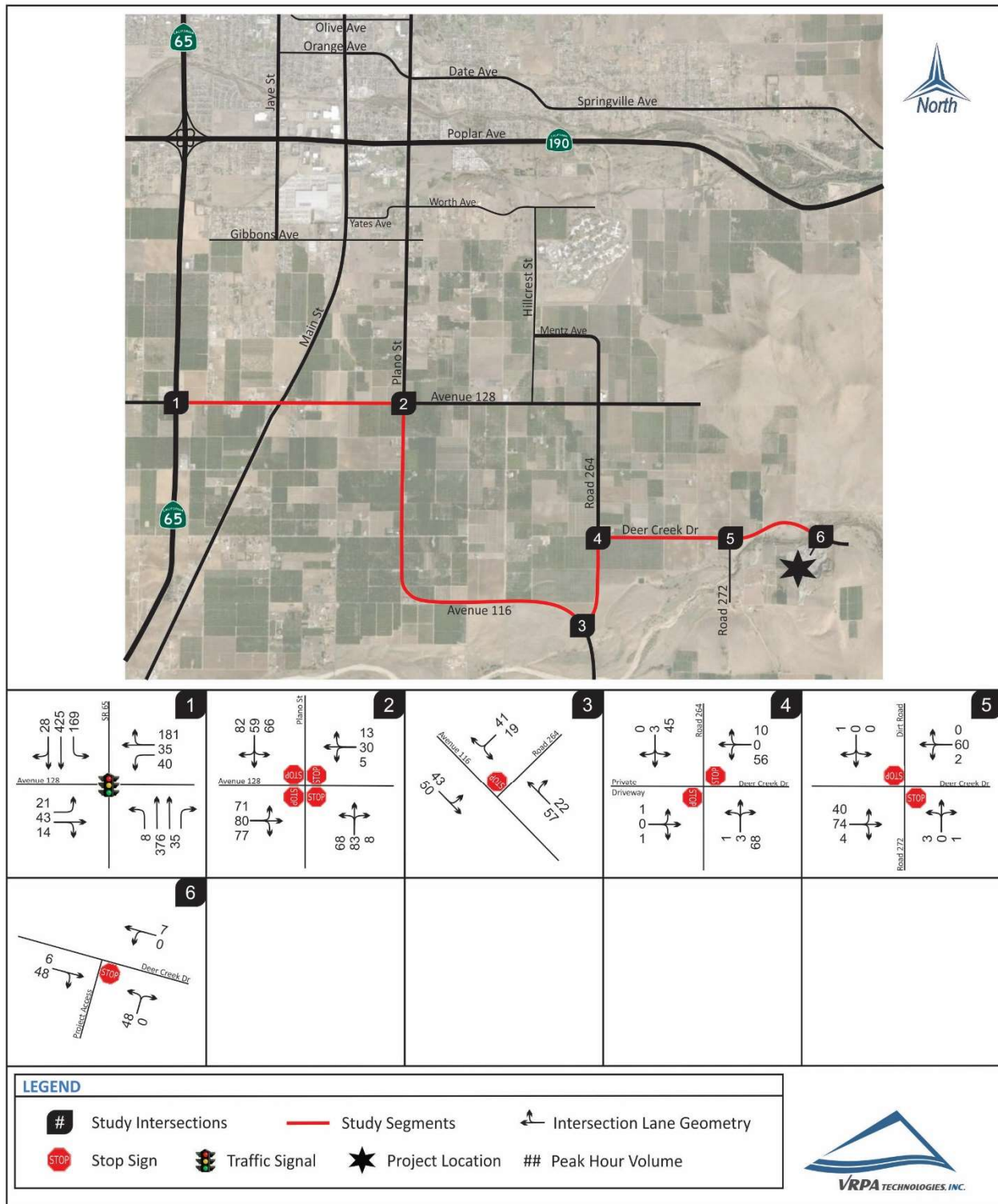
Deer Creek Rock Co., Inc. Expansion Existing Lane Geometry

Figure
2-1



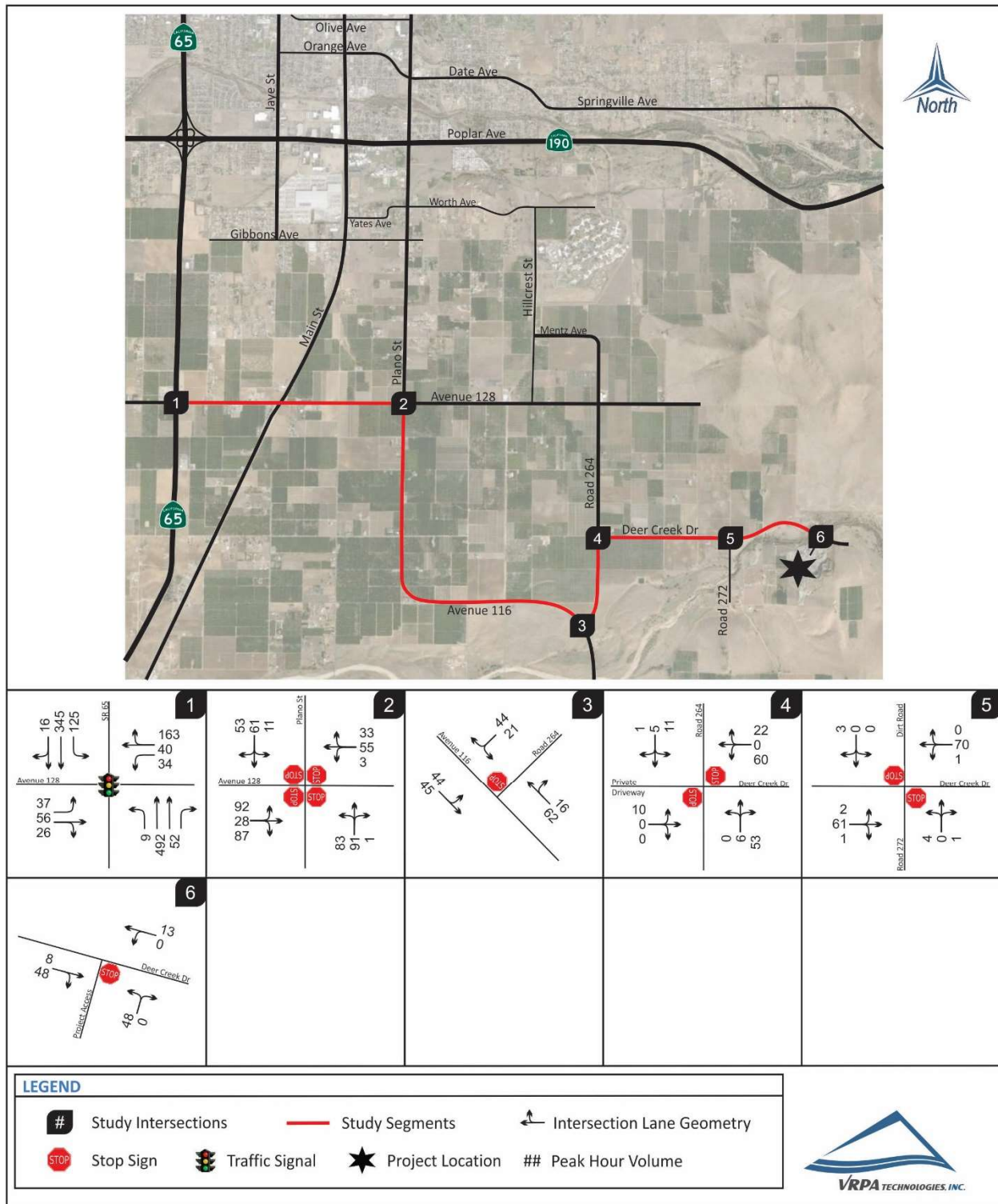
Deer Creek Rock Co., Inc. Expansion
Existing AM Peak Hour Traffic

Figure
2-2



Deer Creek Rock Co., Inc. Expansion Existing PM Peak Hour Traffic

Figure
2-3



2.4 Level of Service

2.4.1 Intersection Capacity Analysis

All intersection LOS analyses were estimated using the Synchro 10 software program. Various roadway geometrics, traffic volumes, and properties (peak hour factors, storage pocket length, etc.) were input into the Synchro 10 software program in order to accurately determine the travel delay and LOS for each Study scenario. The intersection LOS and delays reported represent the HCM 6th Edition outputs. Synchro assumptions, listed below, show the various Synchro inputs and methodologies used in the analysis.

✓ Traffic Conditions

- The peak hour factor (PHF) used for Existing, Existing Plus Project, Near-Term Year 2020 Without Project, and Near-Term Year 2020 Plus Project conditions was determined from the existing counts. The HCM default value of 0.92 was used for the SR 65 and Avenue 128 intersection for the Cumulative Year 2040 scenarios.
- Heavy vehicle percentages were applied as follows and are based on the HCM default, traffic counts, or Caltrans' parameters:
 - State Highway 65 – 12%
 - All other roadways – 3%

Results of the analysis show that all of the study intersections are currently operating at acceptable levels of service during the weekday peak hours. Table 2-1 shows the intersection LOS for the existing conditions. Synchro 10 (HCM 6th Edition) Worksheets are provided in Appendix C.

2.4.2 Queuing Analysis

Table 2-2 provides a queue length summary for study intersections for the Existing scenario. Traffic queue lengths at an intersection or along a roadway segment assist in the determination of a roadway's overall performance. Excessive queuing at an intersection increases vehicle delay and reduces capacity. If a dedicated left turn lane doesn't provide adequate storage, vehicles will queue beyond the left turn storage pocket and into other travel lanes, thus increasing vehicle delay and reducing capacity. The queuing analyses is based upon methodology presented in Chapter 400 of Caltrans' Highway Design Manual (HDM), which is included in Appendix D.

2.4.3 Roadway Segment Capacity Analysis

Peak hour LOS segment analysis along the existing street and highway system are reflected in Table 2-3. Roadway segment analysis was based on the Modified HCM-Based LOS Tables (Florida Tables). The tables consider the capacity of individual road and highway segments based on numerous roadway variables (design speed, passing opportunities, signalized intersections per mile, number of lanes, saturation flow, etc.). These variables were identified and applied to reflect segment LOS conditions. Results of the analysis show that all of the study roadway segments are currently operating at acceptable levels of service.

Table 2-1
Existing Intersection Operations

INTERSECTION	CONTROL	TARGET LOS	PEAK HOUR	EXISTING	
				DELAY	LOS
1. SR 65 / Avenue 128	Signalized	C	AM	28.2	C
			PM	28.9	C
2. Plano Street / Avenue 128	All-Way Stop Sign	D	AM	11.8	B
			PM	9.9	A
3. Road 264 / Avenue 116	One-Way Stop Sign	D	AM	9.8	A
			PM	9.7	A
4. Road 264 / Deer Creek Drive	Two-Way Stop Sign	D	AM	10.3	B
			PM	9.5	A
5. Road 272 / Deer Creek Drive	One-Way Stop Sign	D	AM	10.1	B
			PM	10.0	B
6. Project Access / Deer Creek Drive	One-Way Stop Sign	D	AM	9.2	A
			PM	9.6	A

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection. For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.

Table 2-2
Existing Queuing Operations

INTERSECTION	EXISTING QUEUE STORAGE LENGTH (ft)		EXISTING CONDITIONS	
			AM Queue	PM Queue
SR 65 / Avenue 128	NB Left	550	7	8
	NB Right	200	29	43
	SB Left	450	141	104
	EB Left	475	18	31
	WB Left	350	33	28

Queue is measured in feet / **BOLD** denotes exceedance

Table 2-3
Existing Segment Operations

STREET SEGMENT	SEGMENT DESCRIPTION	DIRECTION	TARGET LOS	PEAK HOUR	EXISTING	
					VOLUME	LOS
Avenue 128						
SR 65 to Plano Street	2 Lanes Undivided	EB	D	AM	247	B
		WB		PM	233	B
				AM	256	B
				PM	237	B
Plano Street - Avenue 116						
Avenue 128 to Road 264	2 Lanes Undivided	NB / WB	D	AM	159	B
		SB / EB		PM	175	B
				AM	141	B
				PM	151	B
Road 264						
Deer Creek Drive and Avenue 116	2 Lanes Undivided	NB	D	AM	72	B
		SB		PM	60	B
				AM	60	B
				PM	65	B
Deer Creek Drive						
Road 264 to Road 272	2 Lanes Undivided	EB	D	AM	118	B
		WB		PM	64	B
				AM	64	B
				PM	77	B
Road 272 to Project Access	2 Lanes Undivided	EB	D	AM	75	B
		WB		PM	62	B
				AM	62	B
				PM	71	B

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

3.0 Traffic Impacts

This chapter provides an assessment of the traffic the Project is expected to generate and the impact of that traffic on the surrounding street system.

3.1 Trip Generation

To assess the impacts that the Project may have on the surrounding street and highway segments and intersections, the first step is to determine Project trip generation. The Project's trip generation was estimated based on information received from the Project representative as well as the previous Conditions of Approval. The Project's estimated Daily, AM peak hour, and PM peak hour trips are shown in Table 3-1. As shown in Table 3-1, the current mining permit allows operations of 1,000,000 tons/year which equates to the existing trip generation. The Project seeks to increase operations to 1,500,000 tons/year. Therefore, the Project trip generation applied in this analysis considers the net increase of trips associated with the increase in operations.

Table 3-1
Project Trip Generation

Land Use Description	Trip Rate Source	Average Daily Trip Ends ¹	Weekday AM Peak Hour				Weekday PM Peak Hour			
		Volume	In:Out	In	Out	Total	In:Out	In	Out	Total
Existing Surface Mining Operation	Deer Creek Rock Co., Inc. ²	188	50:50	19	19	38	50:50	19	19	38
	Total	188		19	19	38		19	19	38
Proposed Surface Mining Operation	Deer Creek Rock Co., Inc. ²	300	50:50	30	30	60	50:50	30	30	60
	Total	300		30	30	60		30	30	60
Net Increase		112		11	11	22		11	11	22
Net Increase with Passenger Car Equivalent (PCE) of 2.5:1		280		28	28	56		28	28	56

1 A "trip" is defined as a "one-way" trip.

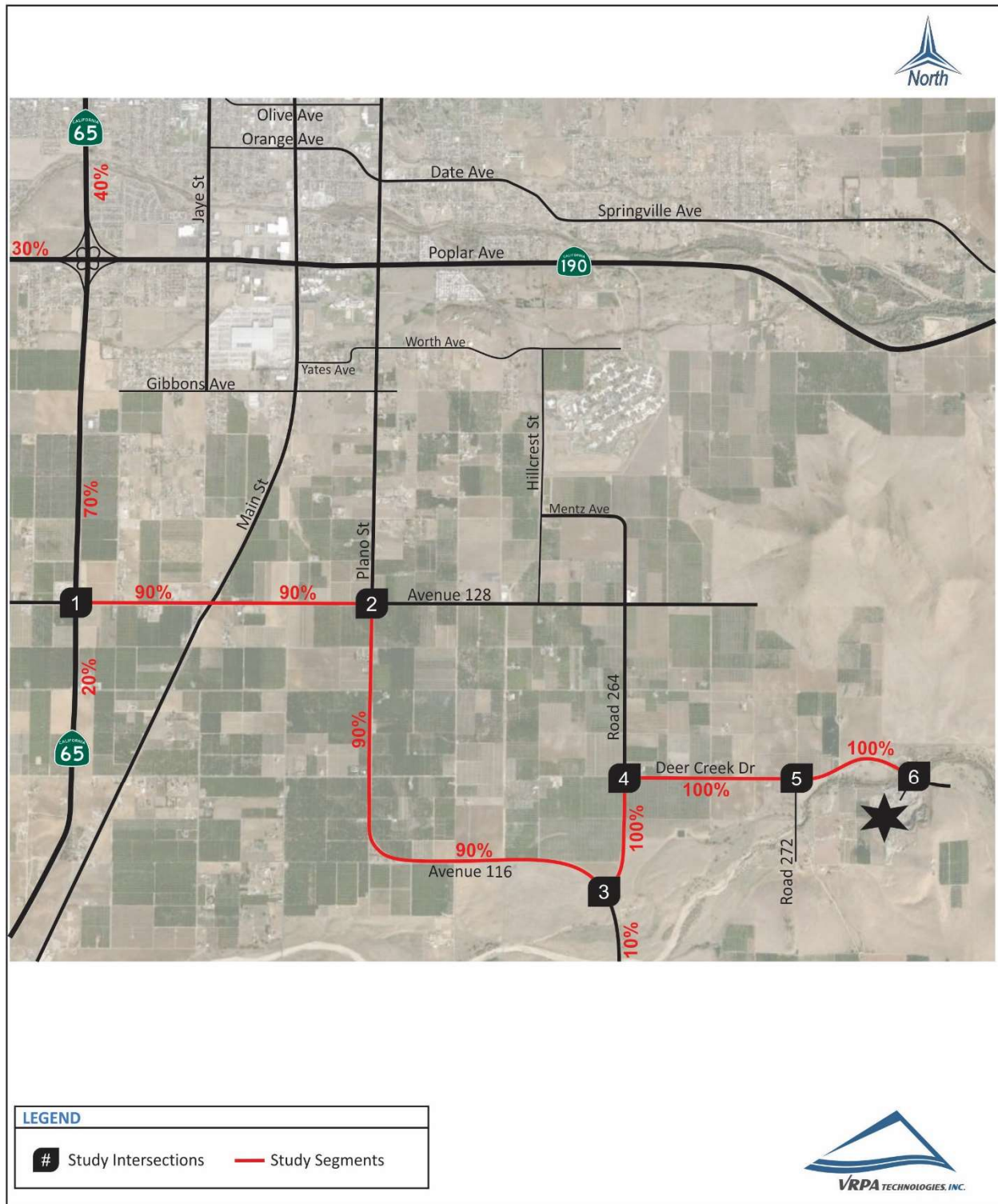
2 Trip generation is consistent with information received from the Project representative as well as the previous Conditions of Approval.

3.2 Trip Distribution

Project trip distribution is shown in Figure 3-1 and is based upon engineering judgement, prevailing traffic patterns in the study area, complementary land uses, major routes, population centers and customer base. Project traffic as shown in Table 3-1 was distributed to the roadway system using the trip distribution percentages shown in Figure 3-1.

Deer Creek Rock Co., Inc. Expansion
Trip Distribution

Figure
3-1



3.3 Project Traffic

Project traffic as shown in Table 3-1 was distributed to the roadway system using the trip distribution percentages shown in Figure 3-1. A graphical representation of the resulting AM and PM peak hour Project trips is shown in Figures 3-2 and 3-3. It should be noted that Figures 3-2 and 3-3 include a Passenger Car Equivalent (PCE) of 2.5:1 for Project truck trips entering and exiting the facility.

3.4 Existing Plus Project Traffic Conditions

An Existing Plus Project Scenario was analyzed to include existing traffic plus traffic generated by the Project. The resulting traffic is shown in Figures 3-4 and 3-5.

3.5 Approved/Pending Project Traffic

Traffic impact analyses typically require the analysis of approved or pending developments that have not yet been built in the vicinity of the Project in addition to the proposed Project. Tulare County and Caltrans staff was consulted for approved or pending developments in the study area. The only approved or pending projects in the study area are improvement projects related to drainage and culvert repair, landscaping, and intersection improvements from Westwood Street to Main street along Avenue 128. Recent improvements at the Avenue 128 and SR 65 intersection are reflected in the existing conditions and future year analysis.

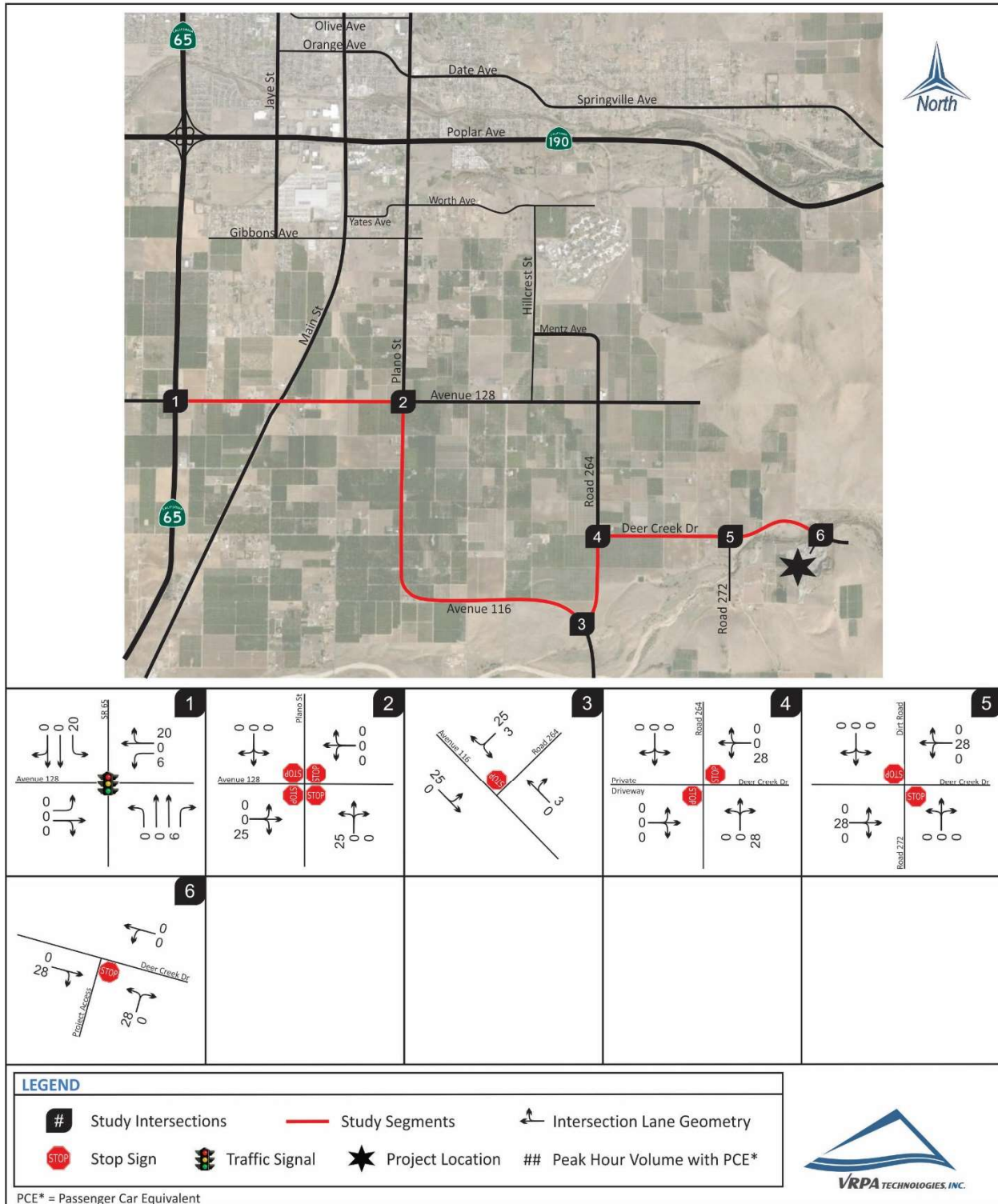
3.6 Near-Term Traffic Conditions

A Near-Term Scenario was analyzed to include year 2020 traffic (estimated Project Opening-Day) plus traffic generated by other projects approved or being processed by Tulare County. Traffic conditions in the Year 2020 was estimated by using a 1.5% per year growth factor for background (ambient) growth along Tulare County facilities. The Tulare County Association of Governments (TCAG) regional travel demonstrates a growth rate 0.5 to 2%. A 2.5% per year growth factor was applied to all intersections along SR 65 which is consistent with Caltrans' SR 65 Transportation Concept Report (TCR). The resulting traffic is shown in Figures 3-6 and 3-7.

A Near-Term Plus Project Scenario was analyzed to include year 2020 traffic plus traffic generated by other approved/pending projects plus traffic generated by the Project. The resulting traffic is shown in Figures 3-8 and 3-9.

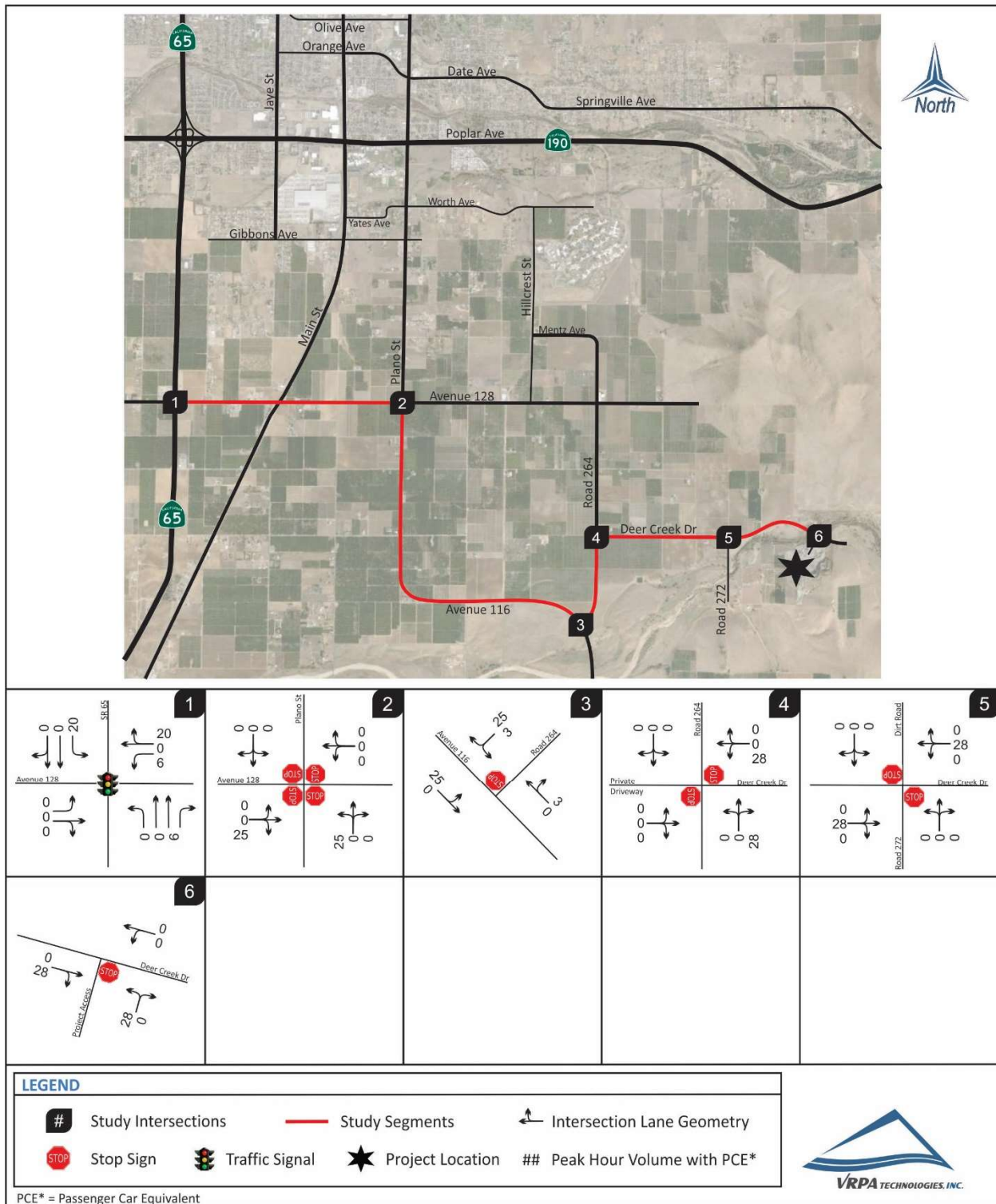
Deer Creek Rock Co., Inc. Expansion
AM Peak Hour Project Traffic

Figure
3-2



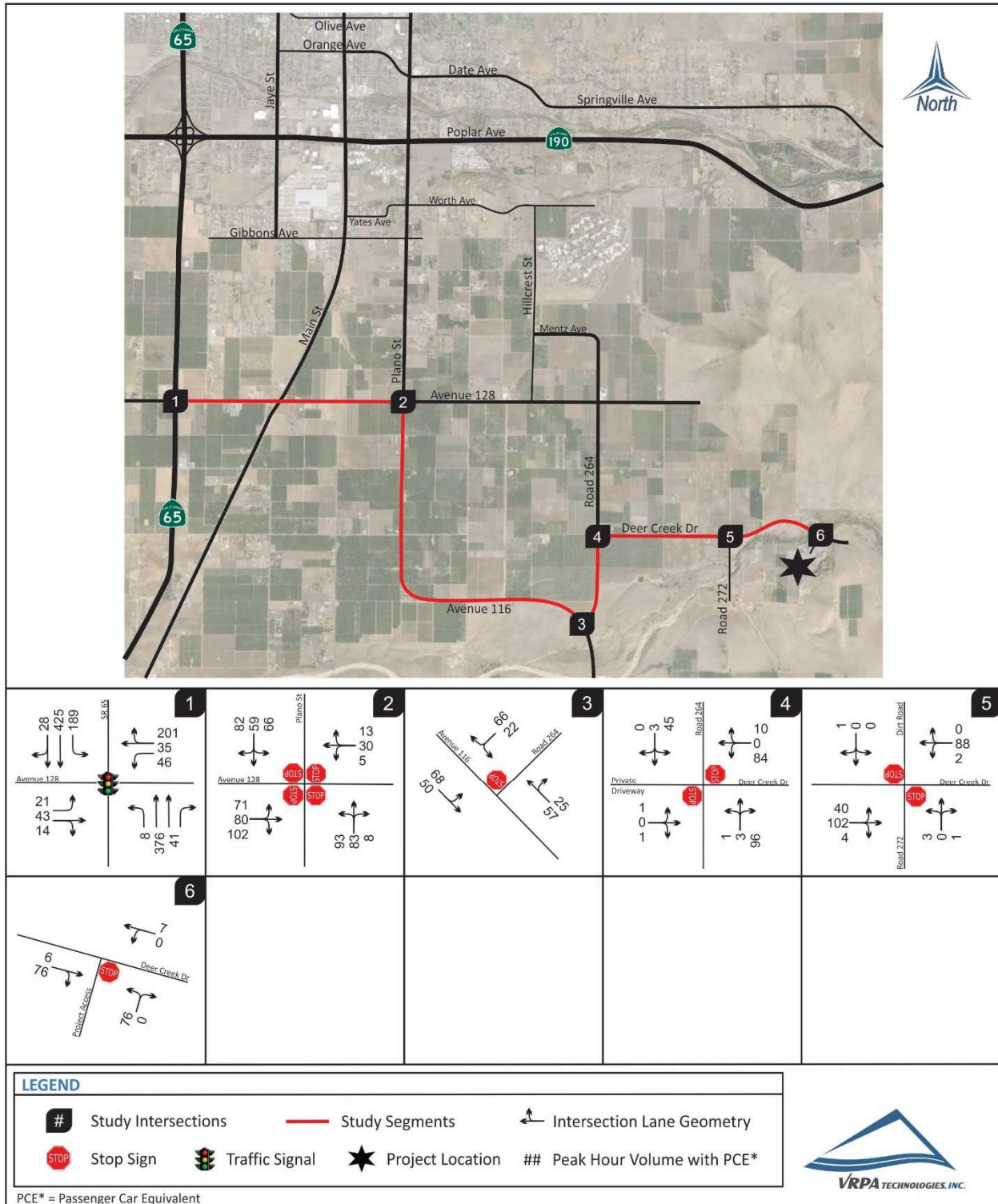
**Deer Creek Rock Co., Inc. Expansion
PM Peak Hour Project Traffic**

**Figure
3-3**



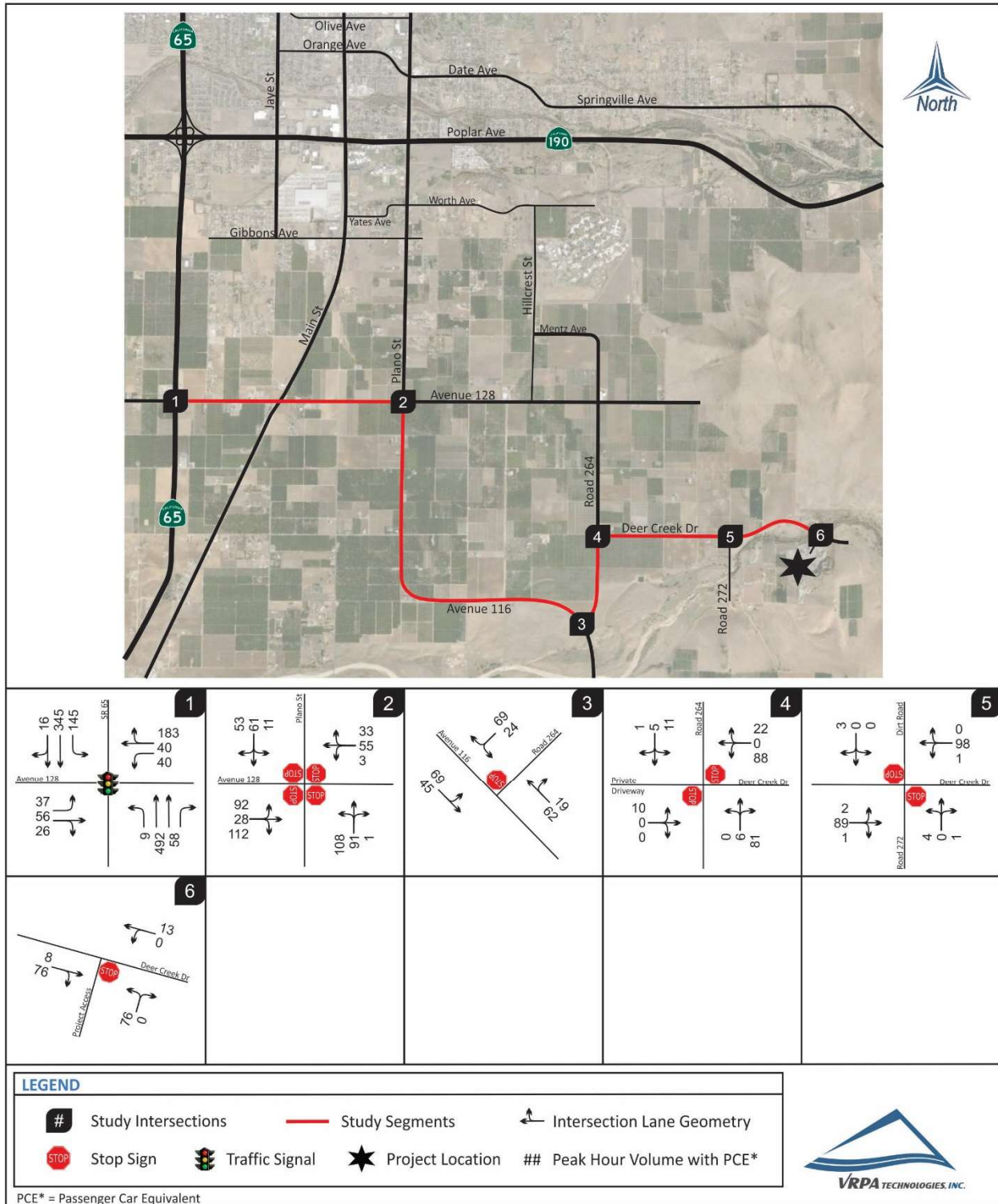
Deer Creek Rock Co., Inc. Expansion
Existing Plus Project AM Peak Hour Traffic

Figure
3-4



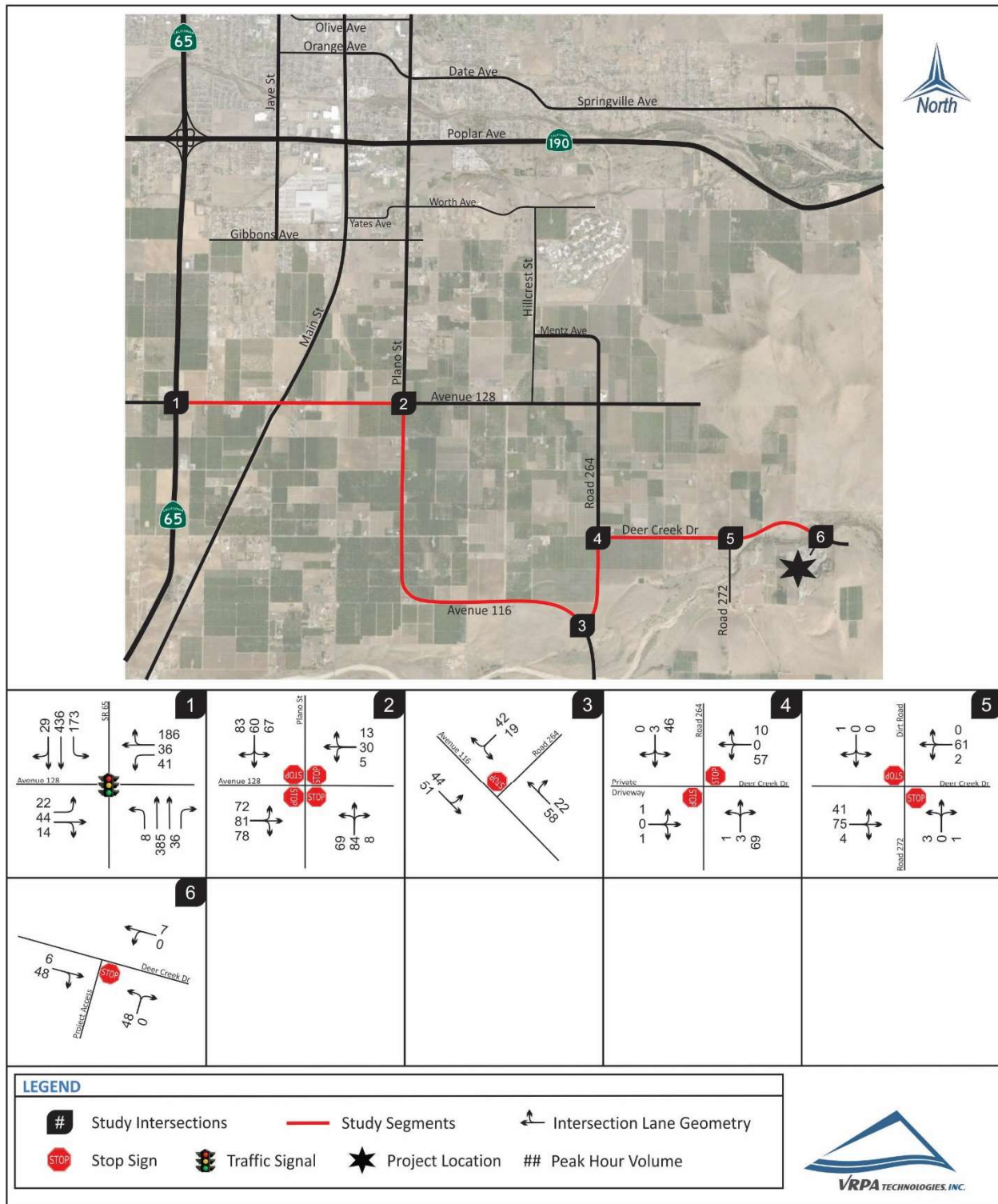
**Deer Creek Rock Co., Inc. Expansion
Existing Plus Project PM Peak Hour Traffic**

**Figure
3-5**



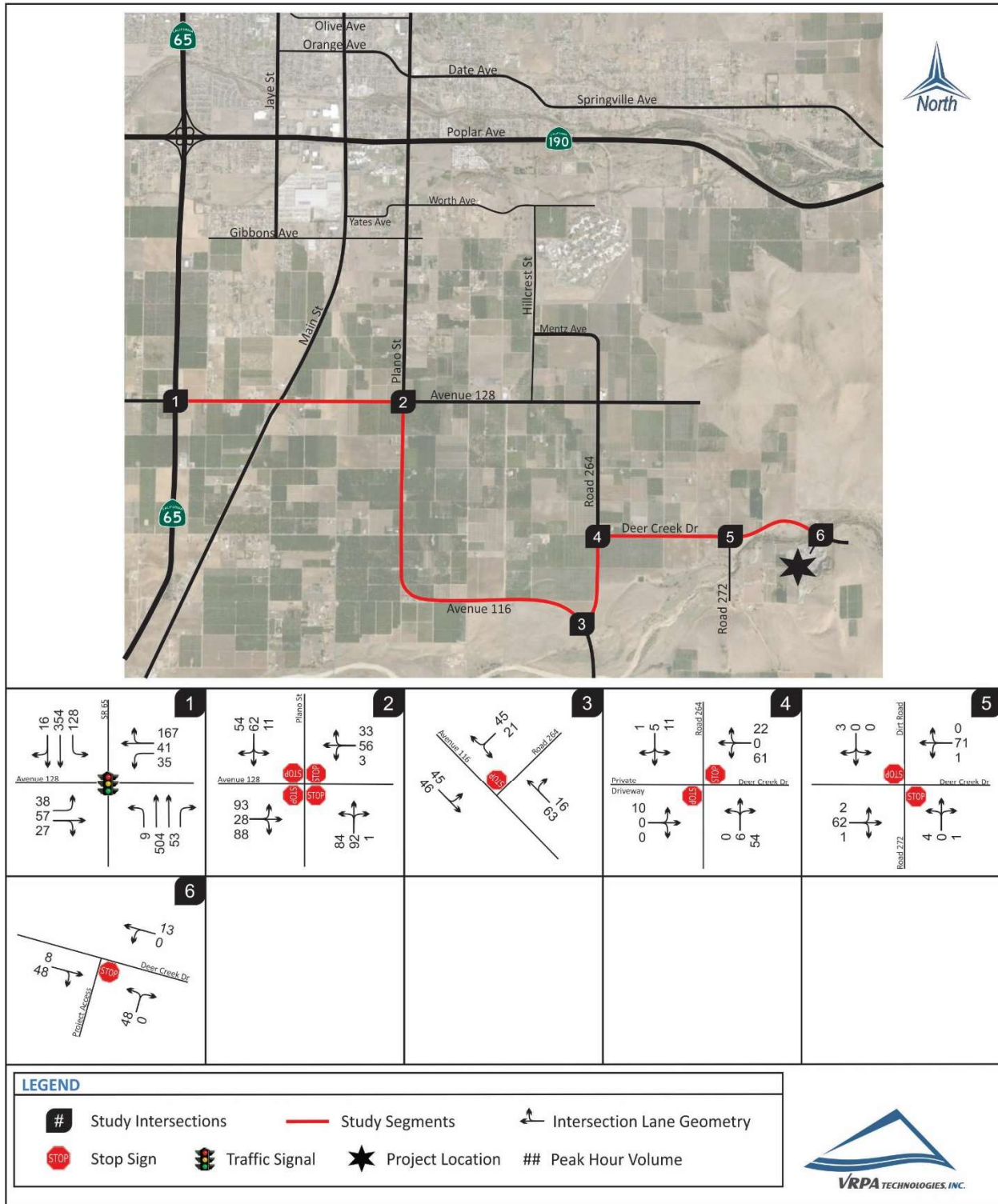
Deer Creek Rock Co., Inc. Expansion
Near-Term Without Project AM Peak Hour Traffic

Figure
3-6



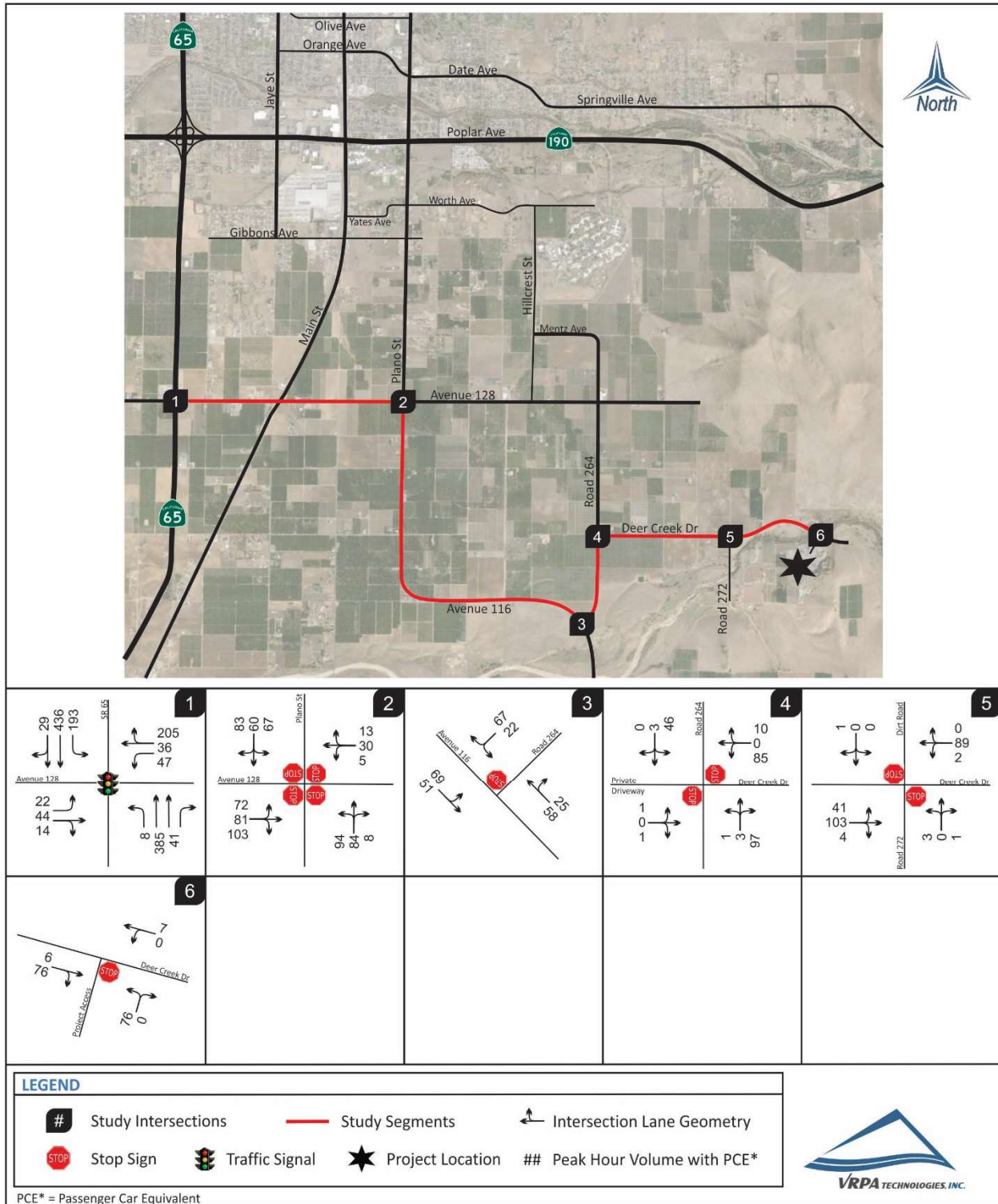
Deer Creek Rock Co., Inc. Expansion
Near-Term Without Project PM Peak Hour Traffic

Figure
3-7



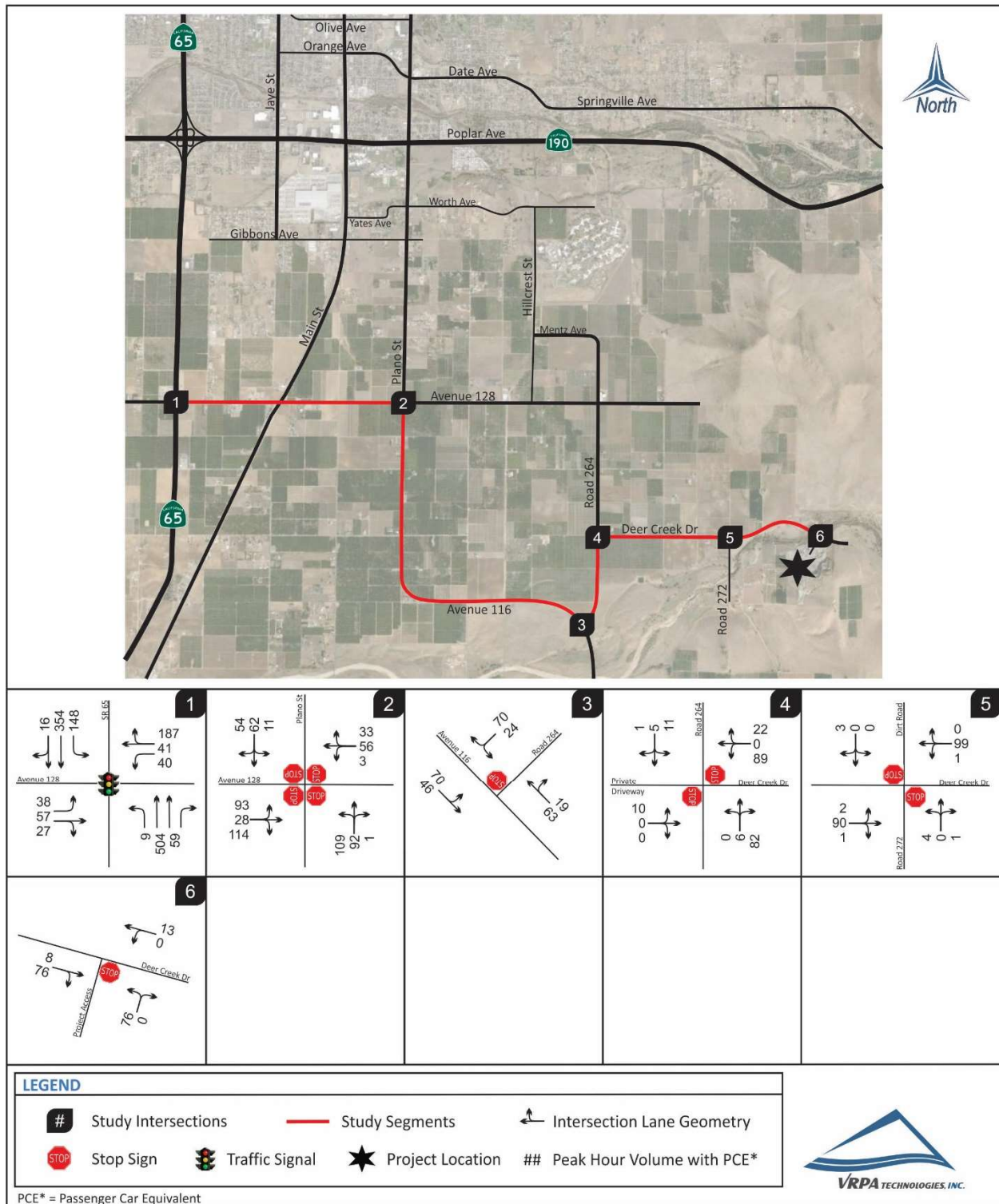
**Deer Creek Rock Co., Inc. Expansion
Near-Term Plus Project AM Peak Hour Traffic**

**Figure
3-8**



**Deer Creek Rock Co., Inc. Expansion
Near-Term Plus Project PM Peak Hour Traffic**

**Figure
3-9**



3.7 Cumulative Year 2040 Without Project Traffic Conditions

The impacts of the Project were analyzed considering future traffic conditions, approximately twenty (20) years after the assumed opening day of the Project, or in this case the year 2040. The levels of traffic expected in 2040 relate to the cumulative effect of traffic increases resulting from the implementation of the General Plans of local agencies, including Tulare County. The TCAG regional travel demonstrates a growth rate 0.5 to 2% per year. Traffic conditions in the Year 2040 was estimated using a 1.5% per year growth factor for background (ambient) growth along Tulare County facilities. A 2.5% per year growth factor was applied to all intersections along SR 65 which is consistent with Caltrans' SR 65 TCR.

Traffic conditions resulting from this scenario are shown in Figures 3-10 and 3-11.

3.8 Cumulative Year 2040 Plus Project Traffic Conditions

The addition of Project trips, which were distributed to the roadway system using the trip distribution percentages shown in Figure 3-1 (Section 3.3), were added to Cumulative 2040 Without Project traffic volumes. This leads to the results shown in Figures 3-12 and 3-13.

3.9 Impacts

3.9.1 Intersection Capacity Analysis

Table 3-2 shows intersections that are expected to fall short of desirable operating conditions for various scenarios. Potential mitigation measures are discussed in Chapter 4 of this report. Results of the analysis show that the Project will contribute to an unacceptable LOS at the intersection of SR 65 and Avenue 128 when comparing the Cumulative Year 2040 Without Project and Cumulative Year 2040 Plus Project scenarios.

3.9.2 Queuing Analysis

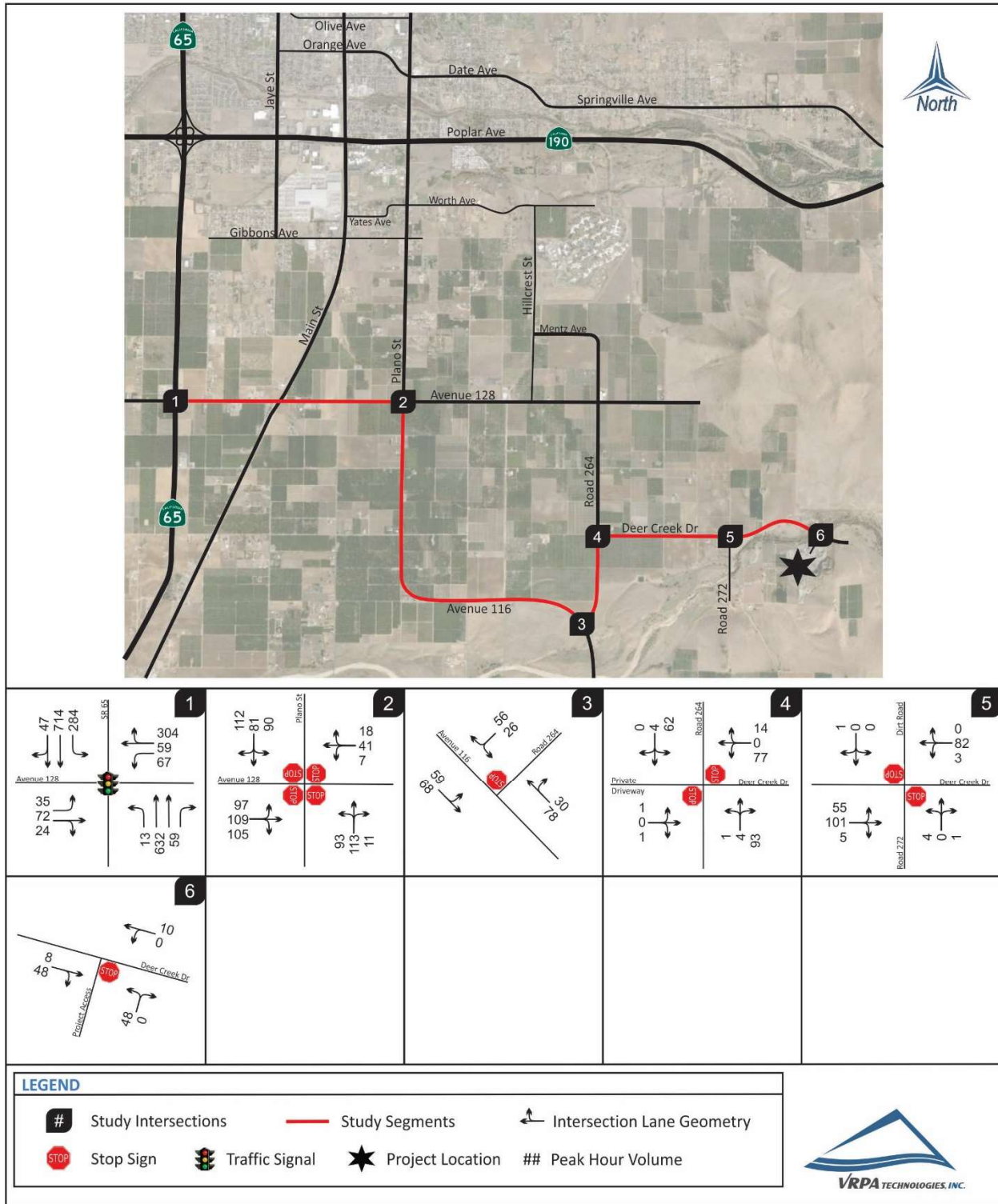
Table 3-3 provides a queue length summary for left and right turn lanes at the study intersections for various study scenarios. Queuing analysis was completed using Section 400 of Caltrans' Highway Design Manual.

3.9.3 Roadway Segment Capacity Analysis

Results of the segment analysis along the existing street and highway system are reflected in Table 3-4. The performance criteria used for evaluating volumes and capacities on the road and highway system for this study were estimated using the Modified Arterial Level of Service Tables included in Table 1-4 and Appendix A. Results of the analysis show that all of the study roadway segments are projected to operate at acceptable levels of service through the year 2040.

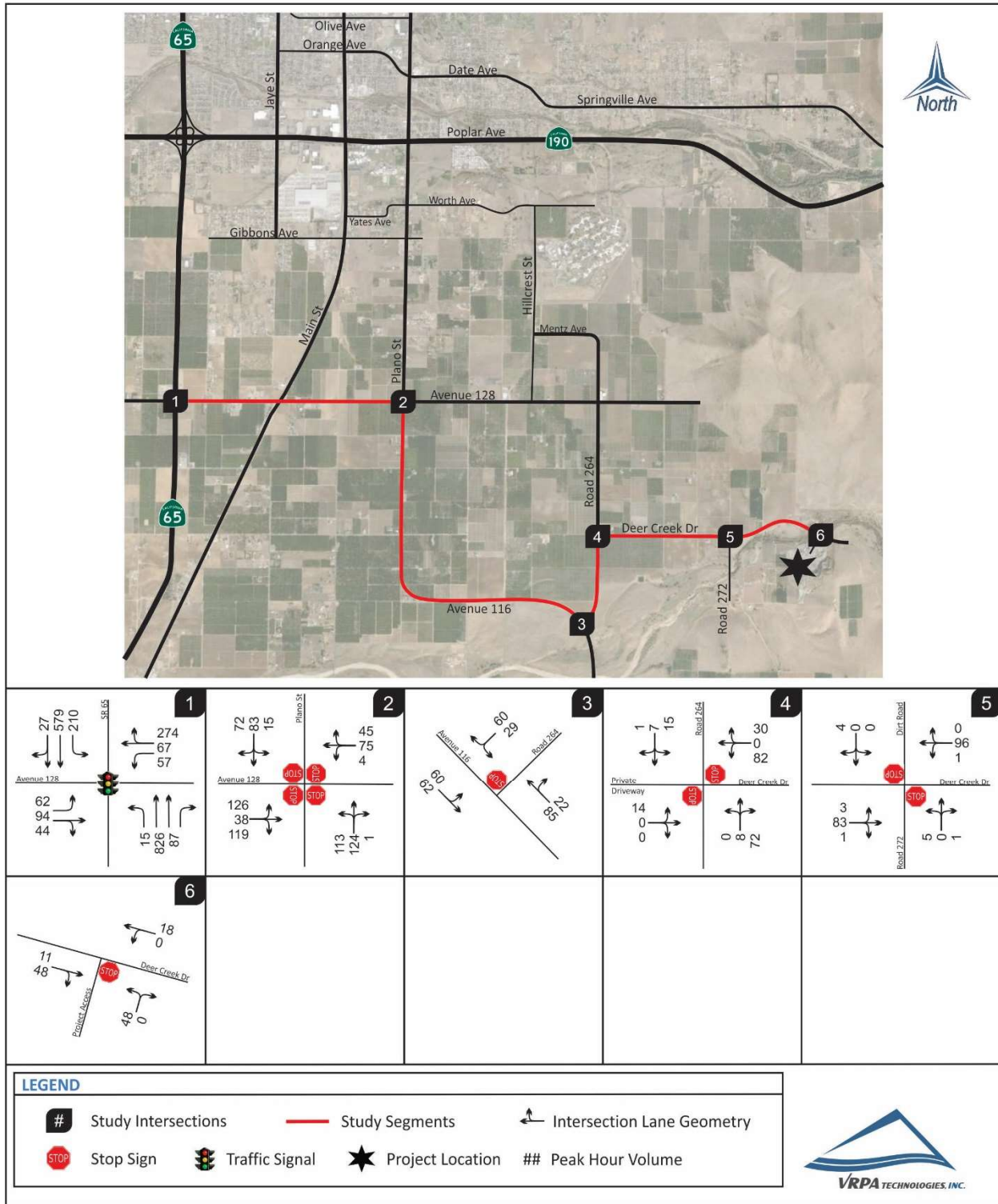
Deer Creek Rock Co., Inc. Expansion
Cumulative Year 2040 Without Project AM Peak Hour Traffic

Figure
3-10



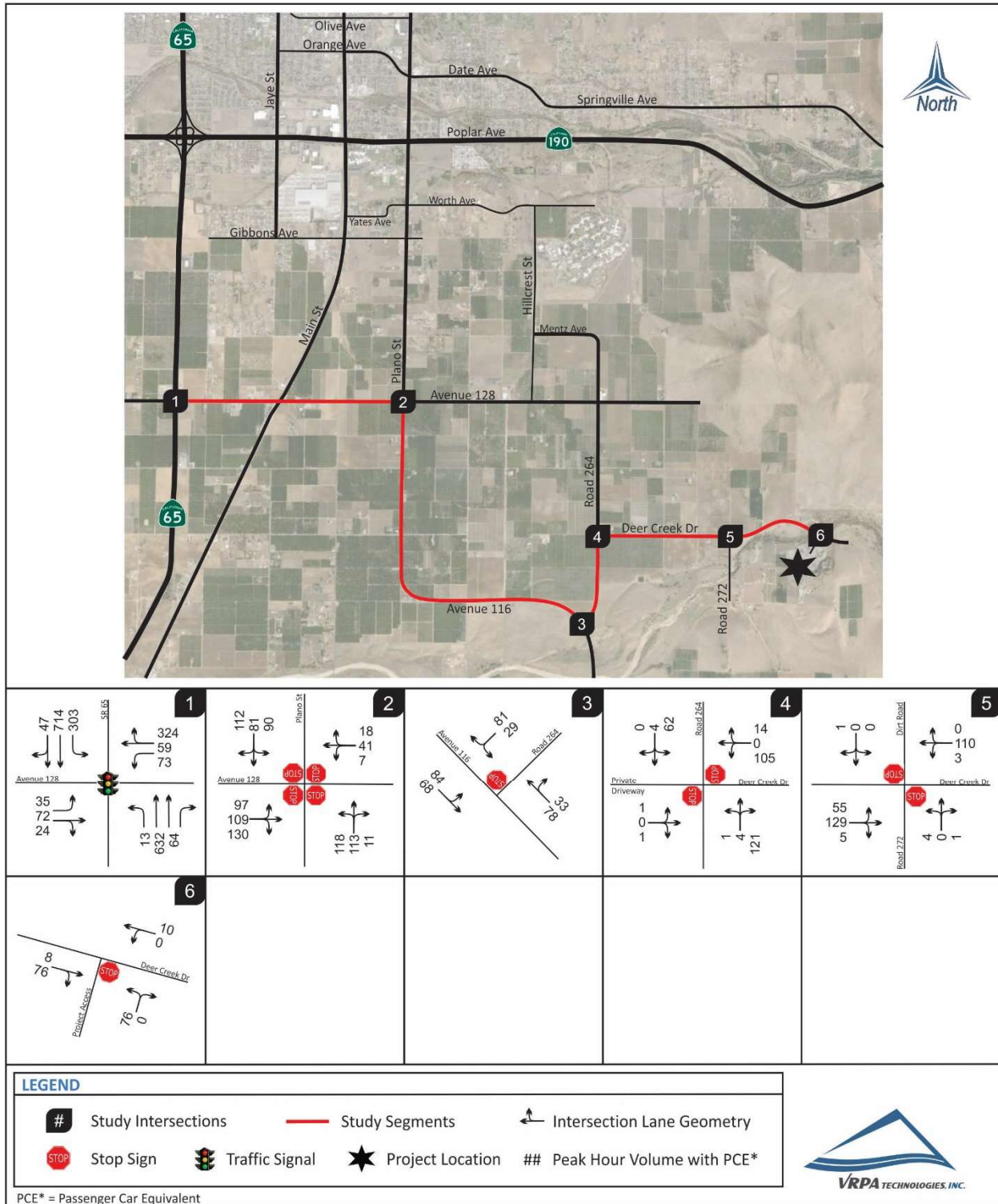
Deer Creek Rock Co., Inc. Expansion
Cumulative Year 2040 Without Project PM Peak Hour Traffic

Figure
3-11



Deer Creek Rock Co., Inc. Expansion
Cumulative Year 2040 Plus Project AM Peak Hour Traffic

Figure
3-12



Deer Creek Rock Co., Inc. Expansion
Cumulative Year 2040 Plus Project PM Peak Hour Traffic

Figure
3-13

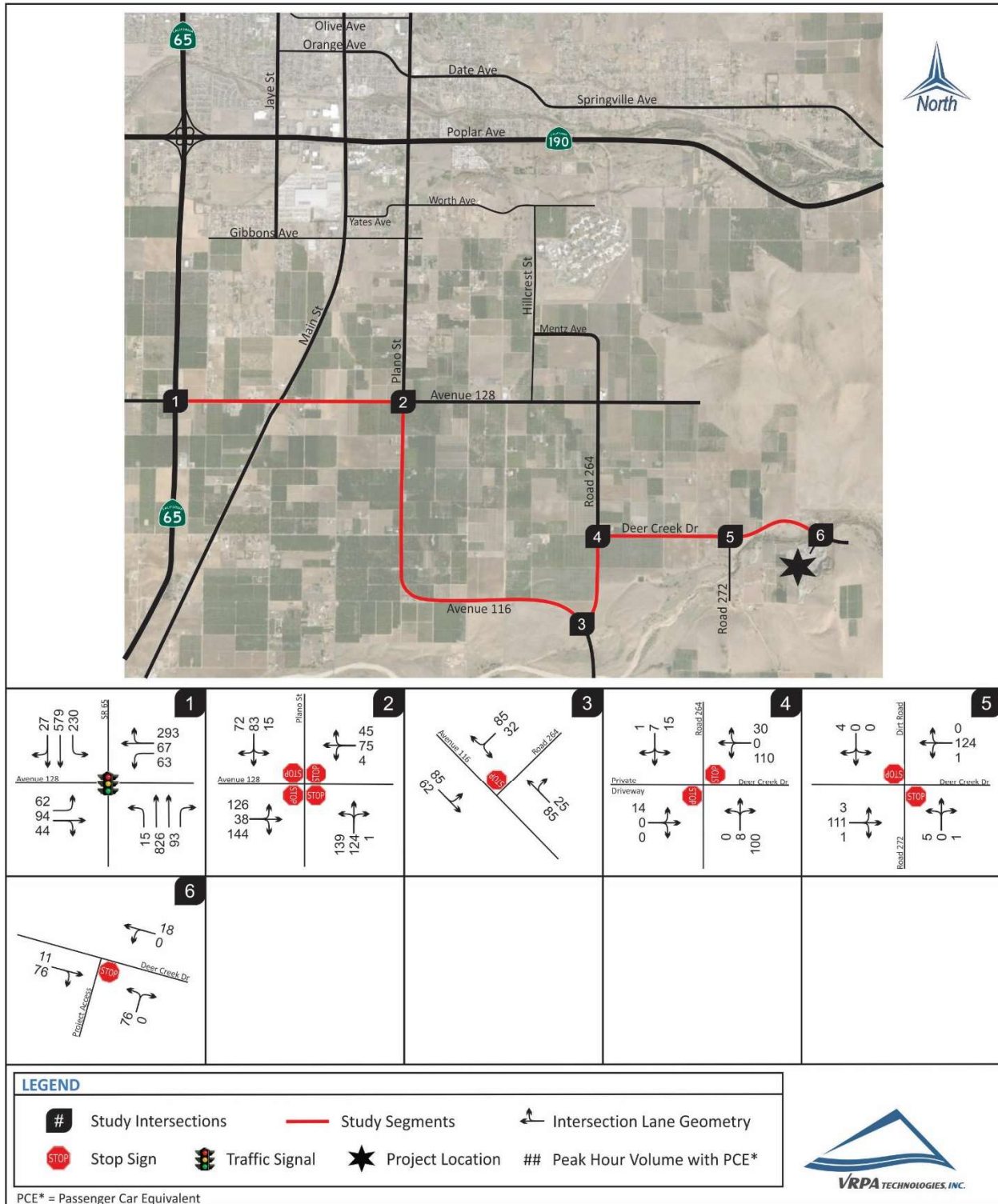


Table 3-2
Intersection Operations

INTERSECTION	CONTROL	TARGET LOS	PEAK HOUR	EXISTING PLUS PROJECT		NEAR-TERM WITHOUT PROJECT		NEAR-TERM PLUS PROJECT		CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
				DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS	DELAY	LOS
1. SR 65 / Avenue 128	Signalized	C	AM	29.7	C	28.6	C	30.2	C	43.6	D	47.9	D
			PM	30.6	C	29.3	C	31.1	C	43.7	D	47.5	D
2. Plano Street / Avenue 128	All-Way Stop Sign	D	AM	13.0	B	12.0	B	13.1	B	20.6	C	24.3	C
			PM	10.5	B	10.0	A	10.6	B	13.0	B	14.5	B
3. Road 264 / Avenue 116	One-Way Stop Sign	D	AM	10.2	B	9.9	A	10.3	B	10.7	B	11.3	B
			PM	10.1	B	9.8	A	10.1	B	10.5	B	11.0	B
4. Road 264 / Deer Creek Drive	Two-Way Stop Sign	D	AM	10.9	B	10.3	B	10.9	B	11.3	B	12.1	B
			PM	10.0	B	9.5	A	10.0	B	10.0	B	10.6	B
5. Road 272 / Deer Creek Drive	One-Way Stop Sign	D	AM	10.6	B	10.2	B	10.7	B	11.1	B	11.7	B
			PM	10.7	B	10.0	B	10.7	B	10.7	B	11.6	B
6. Project Access / Deer Creek Drive	One-Way Stop Sign	D	AM	9.7	A	9.2	A	9.7	A	9.3	A	9.7	A
			PM	10.3	B	9.6	A	10.3	B	9.6	A	10.4	B

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection.

For one-way and two-way stop controlled intersections, delay results show the delay for the worst movement.

Table 3-3
Queuing Operations

INTERSECTION	EXISTING QUEUE STORAGE LENGTH (ft)		EXISTING PLUS PROJECT		NEAR-TERM WITHOUT PROJECT		NEAR-TERM PLUS PROJECT		CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
			AM Queue	PM Queue	AM Queue	PM Queue	AM Queue	PM Queue	AM Queue	PM Queue	AM Queue	PM Queue
SR 65 / Avenue 128	NB Left	550	7	8	7	8	7	8	11	13	11	13
	NB Right	200	34	48	30	44	34	49	49	73	53	78
	SB Left	450	158	121	144	107	161	123	237	175	253	192
	EB Left	475	18	31	18	32	18	32	29	52	29	52
	WB Left	350	38	33	34	29	39	33	56	48	61	53

Queue is measured in feet / **BOLD** denotes exceedance

Table 3-4
Segment Operations

STREET SEGMENT	SEGMENT DESCRIPTION	DIRECTION	TARGET LOS	PEAK HOUR	EXISTING PLUS PROJECT		NEAR-TERM WITHOUT PROJECT		NEAR-TERM PLUS PROJECT		CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
					VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS	VOLUME	LOS
Avenue 128														
SR 65 to Plano Street	2 Lanes Undivided	EB	D	AM	272	B	253	B	278	B	415	B	440	B
		PM		258	B	239	B	264	B	391	B	417	B	
		AM		281	B	262	B	288	B	430	B	455	B	
		PM		262	B	243	B	268	B	398	B	423	B	
Plano Street - Avenue 116														
Avenue 128 to Road 264	2 Lanes Undivided	NB / WB	D	AM	184	B	161	B	187	B	217	B	243	B
		PM		200	B	178	B	203	B	239	B	264	B	
		AM		166	B	143	B	168	B	193	B	218	B	
		PM		176	B	153	B	178	B	206	B	232	B	
Road 264														
Deer Creek Drive and Avenue 116	2 Lanes Undivided	NB	D	AM	100	B	73	B	101	B	98	B	126	B
		PM		88	B	61	B	89	B	82	B	110	B	
		AM		88	B	61	B	89	B	82	B	110	B	
		PM		93	B	66	B	94	B	89	B	117	B	
Deer Creek Drive														
Road 264 to Road 272	2 Lanes Undivided	EB	D	AM	146	B	120	B	148	B	161	B	189	B
		PM		92	B	65	B	93	B	87	B	115	B	
		AM		92	B	65	B	93	B	87	B	115	B	
		PM		105	B	78	B	106	B	105	B	133	B	
Road 272 to Project Access	2 Lanes Undivided	EB	D	AM	103	B	76	B	104	B	103	B	131	B
		PM		90	B	63	B	91	B	85	B	113	B	
		AM		90	B	63	B	91	B	85	B	113	B	
		PM		99	B	72	B	100	B	97	B	125	B	

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

3.10 Truck Operational Maneuvers

The geometric design of an intersection influences roadway safety and operational performance as well as defines how vehicles proceed through an intersection. Truck dimensions and operating characteristics affect the physical roadway infrastructure and should be appropriately considered in the geometric design and traffic operations of roads in the study area. Operational maneuvers for the Project's truck traffic was evaluated at left and right-turn movements at study intersections.

The American Association of State Highway and Transportation Official's (AASHTO) WB-67D design vehicle was used to assess the operational maneuvers of Project truck traffic. As noted in the National Cooperative Highway Research Program (NCHRP) Report 505, swept paths (path of the outside front tractor tire and the inside rear trailer tire) for the WB-67D design vehicle are so great that trucks cannot make a 90 degree right turn from one two-lane road to another while remaining within a 12 ft lane for turning radii of 75 ft. or less.¹ In these cases, trucks will encroach on the roadway shoulder or an opposing lane. Figures 3-14a through 3-17b depict the left and right turning maneuvers at study intersections which were developed using the AutoTURN software program. Results indicate that Project truck traffic may slightly encroach on an opposing lane while conducting turning maneuvers at the Plano Street and Avenue 128, Road 264 and Avenue 116, and Road 264 and Deer Creek Drive intersections.

1 NCHRP Report 505, Review of Truck Characteristics as Factors in Roadway Design.

Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at SR 65 / Avenue 128 - Northbound Right

Figure
3-14a



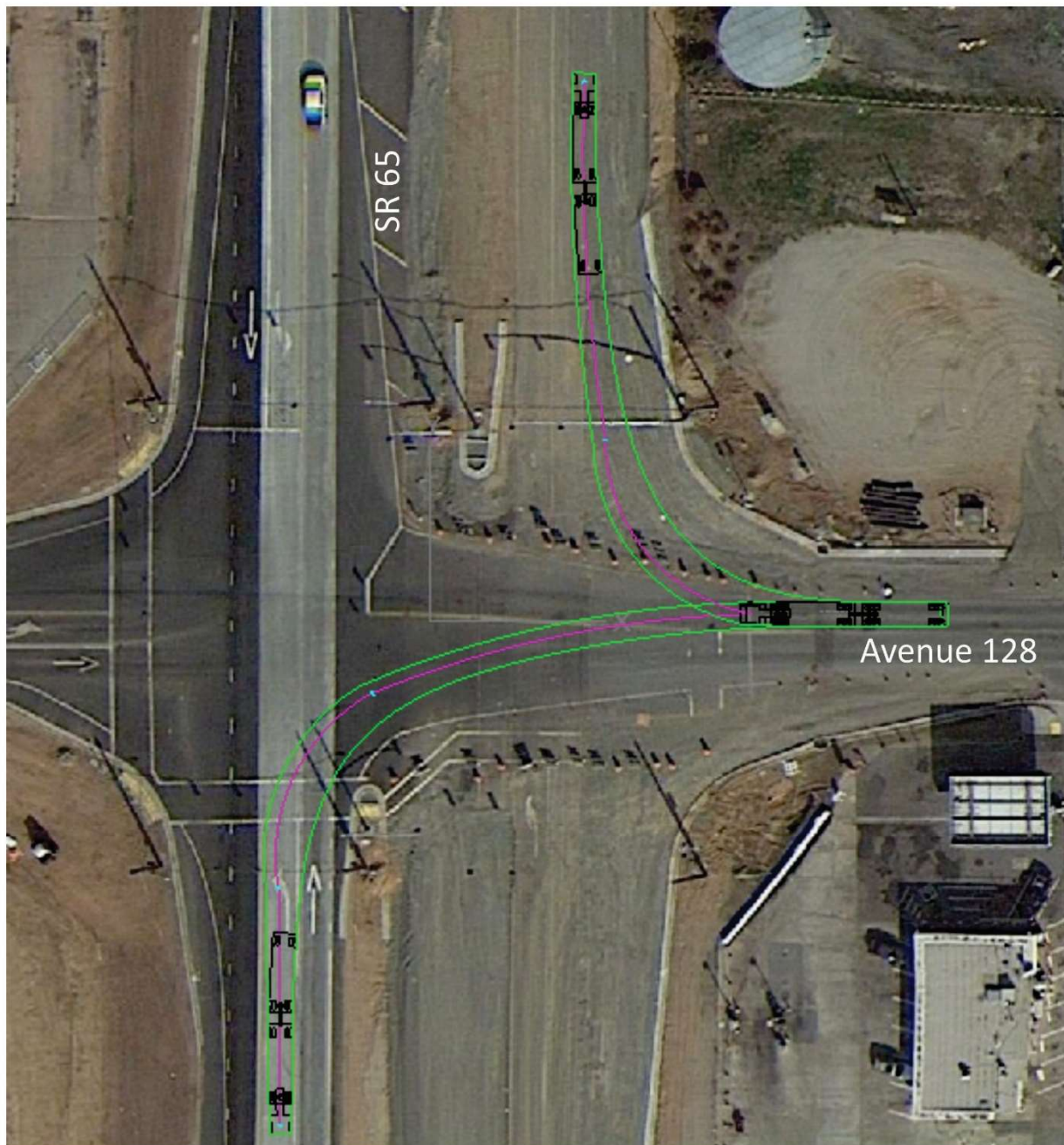
Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at SR 65 / Avenue 128 - Southbound Left

Figure
3-14b



Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at SR 65 / Avenue 128 - Westbound Left/Right

Figure
3-14c



Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Plano Street / Avenue 128 - Northbound Left

Figure
3-15a



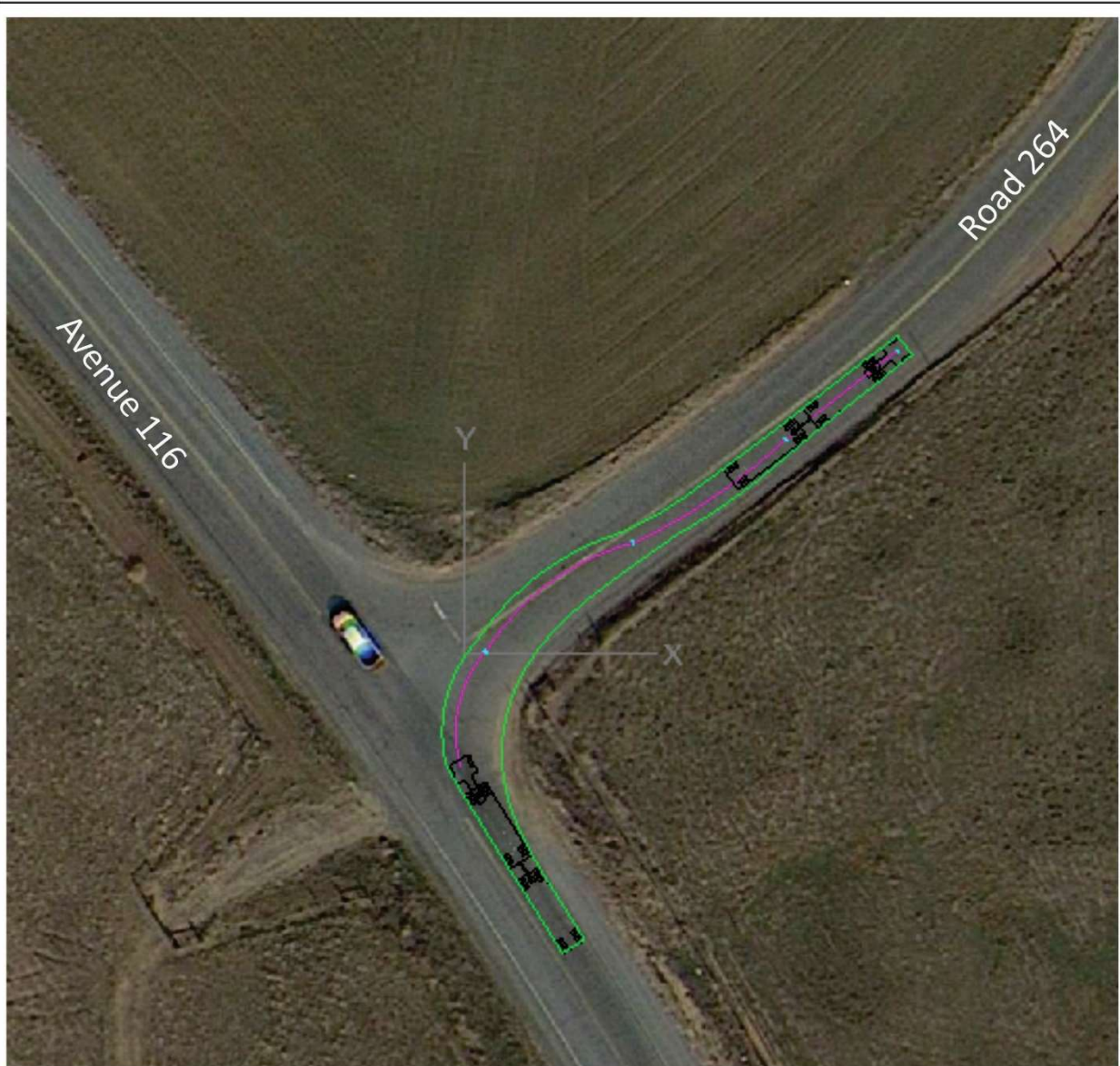
Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Plano Street / Avenue 128 - Eastbound Right

Figure
3-15b



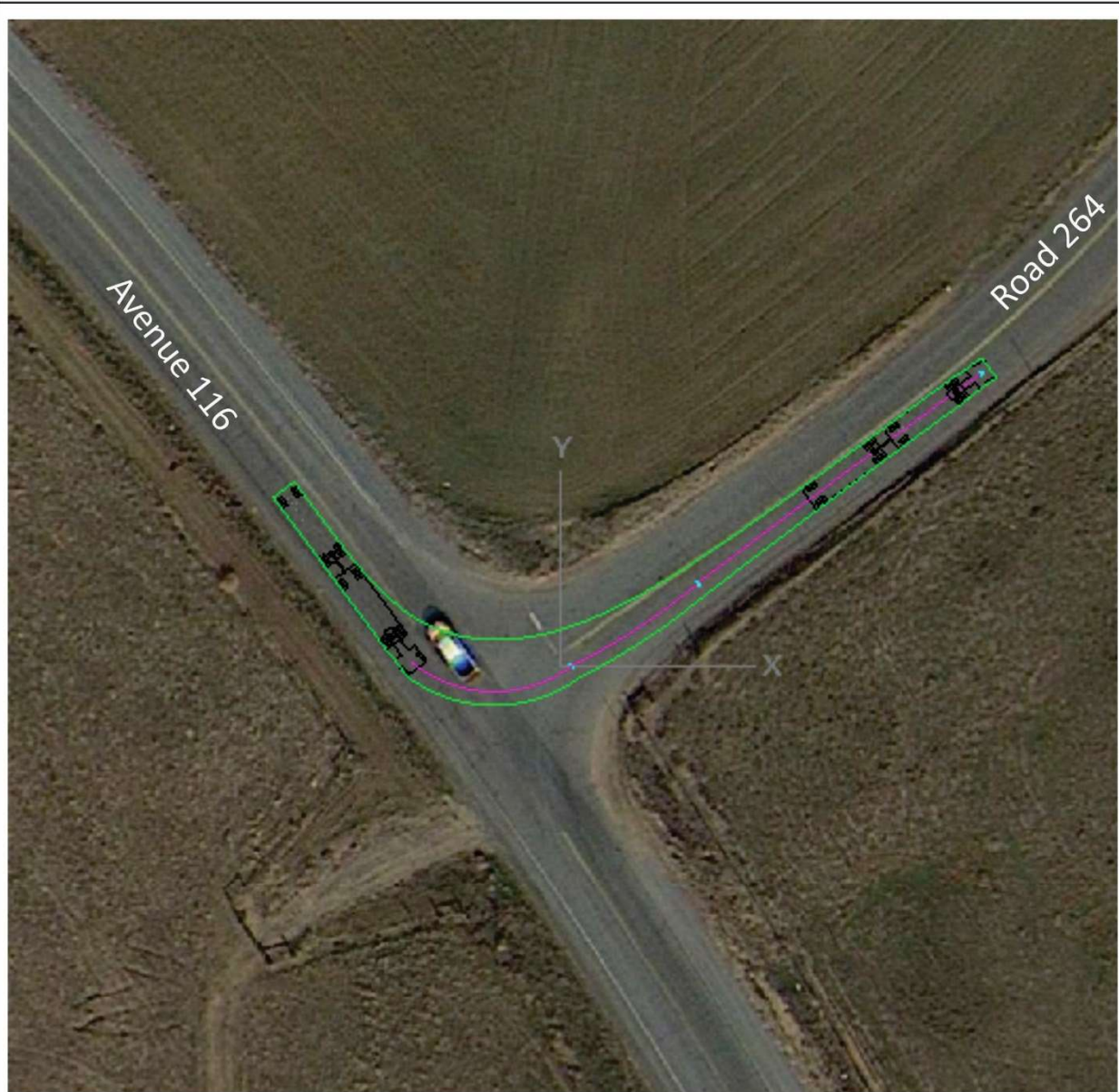
Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Avenue 116 - Northbound Right

Figure
3-16a



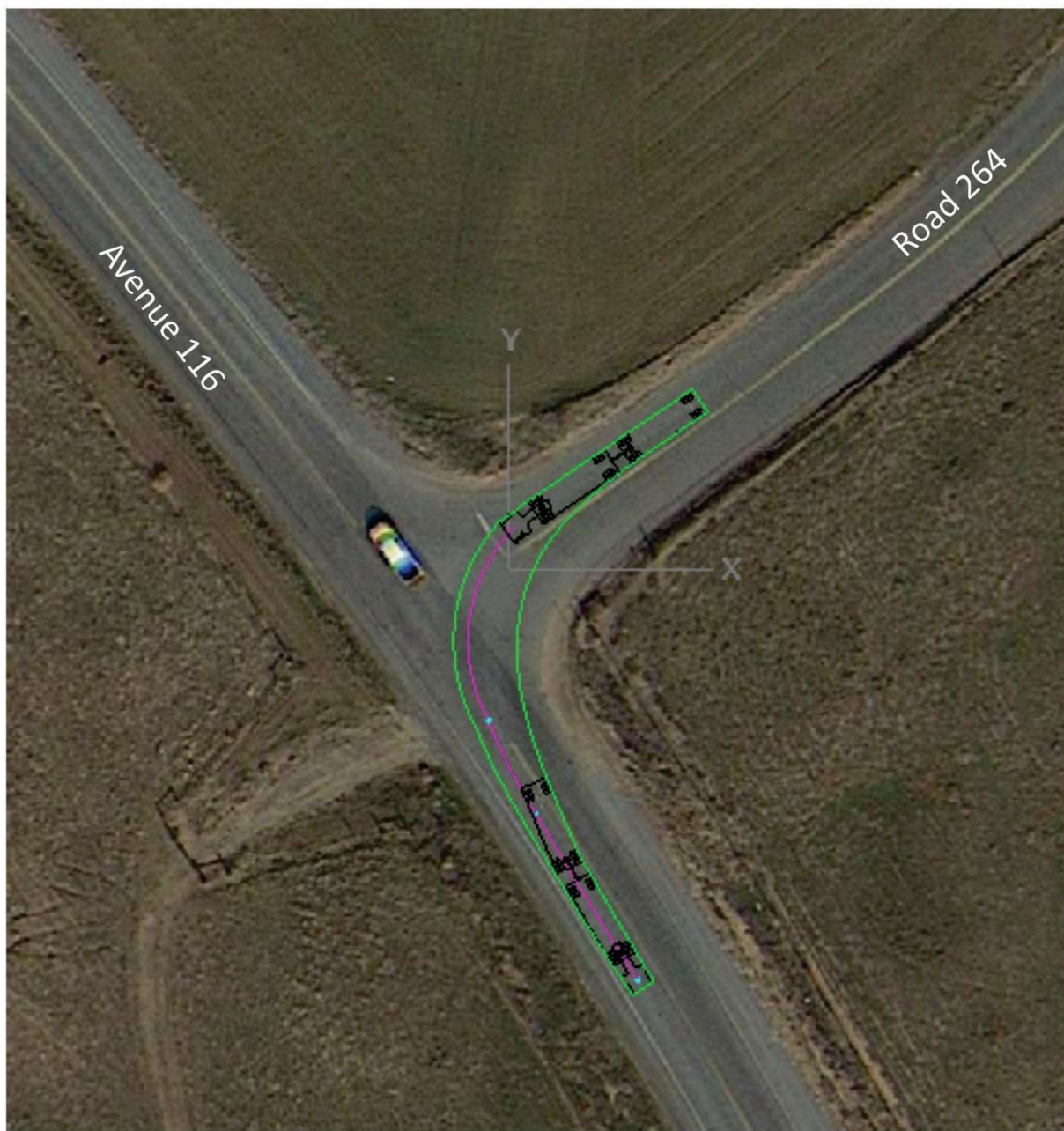
Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Avenue 116 - Southbound Left

Figure
3-16b



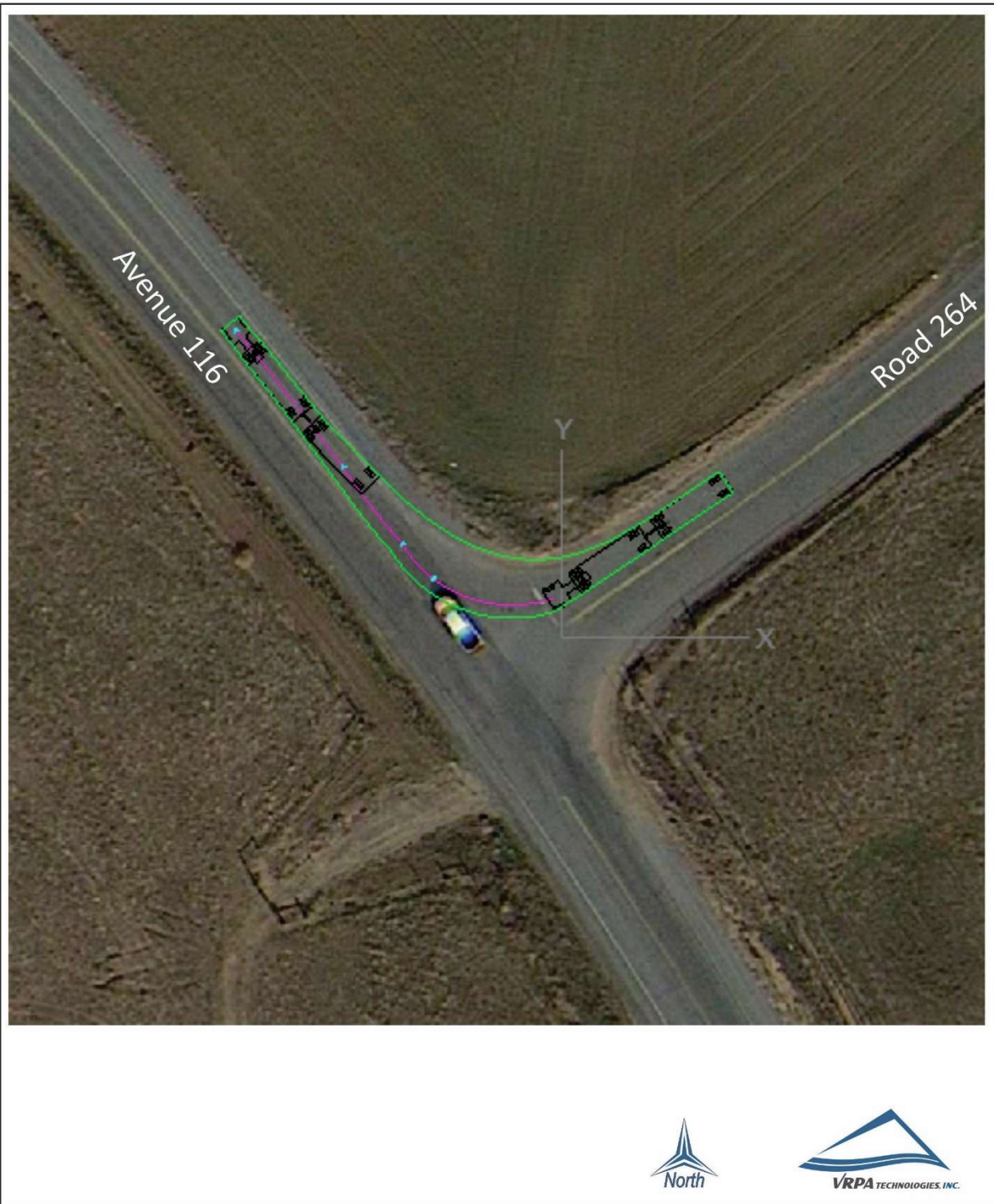
Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Avenue 116 - Westbound Left

Figure
3-16c



Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Avenue 116 - Westbound Right

Figure
3-16d



Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Deer Creek Drive - Northbound Right

Figure
3-17a



Deer Creek Rock Co., Inc. Expansion
WB-67D Turning Maneuvers at Road 264 / Deer Creek Drive - Westbound Left

Figure
3-17b



4.0 Mitigation

This chapter describes potential improvements to mitigate the traffic impacts of the Project. Described below are potential improvements at study area intersections for various scenarios. The proposed Project will be required to contribute a fair-share towards the costs of improvements that are identified for the Cumulative Year 2040 scenarios.

4.1 Recommended Improvements

INTERSECTIONS

✓ SR 65 at Avenue 128

Recommended improvements to achieve acceptable levels of service:

- Cumulative Year 2040 Without Project and Plus Project scenarios:
 - Widen the westbound approach to 1 left turn lane, 1 through lane, and 1 right turn lane with overlap phasing (adding 1 right turn)

The improvements identified above for the Cumulative Year 2040 Without Project and Plus Project scenarios are sufficient to meet the existing Measures of Effectiveness (MOE) of the intersection.

POST-MITIGATION LEVEL OF SIGNIFICANCE

The level of service resulting from the potential improvements identified above is shown in Table 4-1 for study area intersections. The resulting Cumulative Year 2040 lane geometry is shown in Figure 4-1.

In addition to the proposed improvements identified above, Table 4-2 identifies left turn and right turn pocket lengths required for the Cumulative Year 2040 scenario. The determination of the recommended storage length was determined by the queuing analysis and recommendations of storage lengths found in Chapter 400 of Caltrans' Highway Design Manual. The left turn and right turn pocket length do not include deceleration lengths.

Table 4-1
Intersection Operations with Mitigation

INTERSECTION	CONTROL	TARGET LOS	PEAK HOUR	CUMULATIVE YEAR 2040 WITHOUT PROJECT		CUMULATIVE YEAR 2040 PLUS PROJECT	
				DELAY	LOS	DELAY	LOS
1. SR 65 / Avenue 128	Signalized	C	AM	28.3	C	30.0	C
			PM	30.3	C	32.2	C

DELAY is measured in seconds

LOS = Level of Service / **BOLD** denotes LOS standard has been exceeded

For signalized and all-way stop controlled intersections, delay results show the average for the entire intersection.

**Deer Creek Rock Co., Inc. Expansion
Cumulative Year 2040 Lane Geometry**

**Figure
4-1**

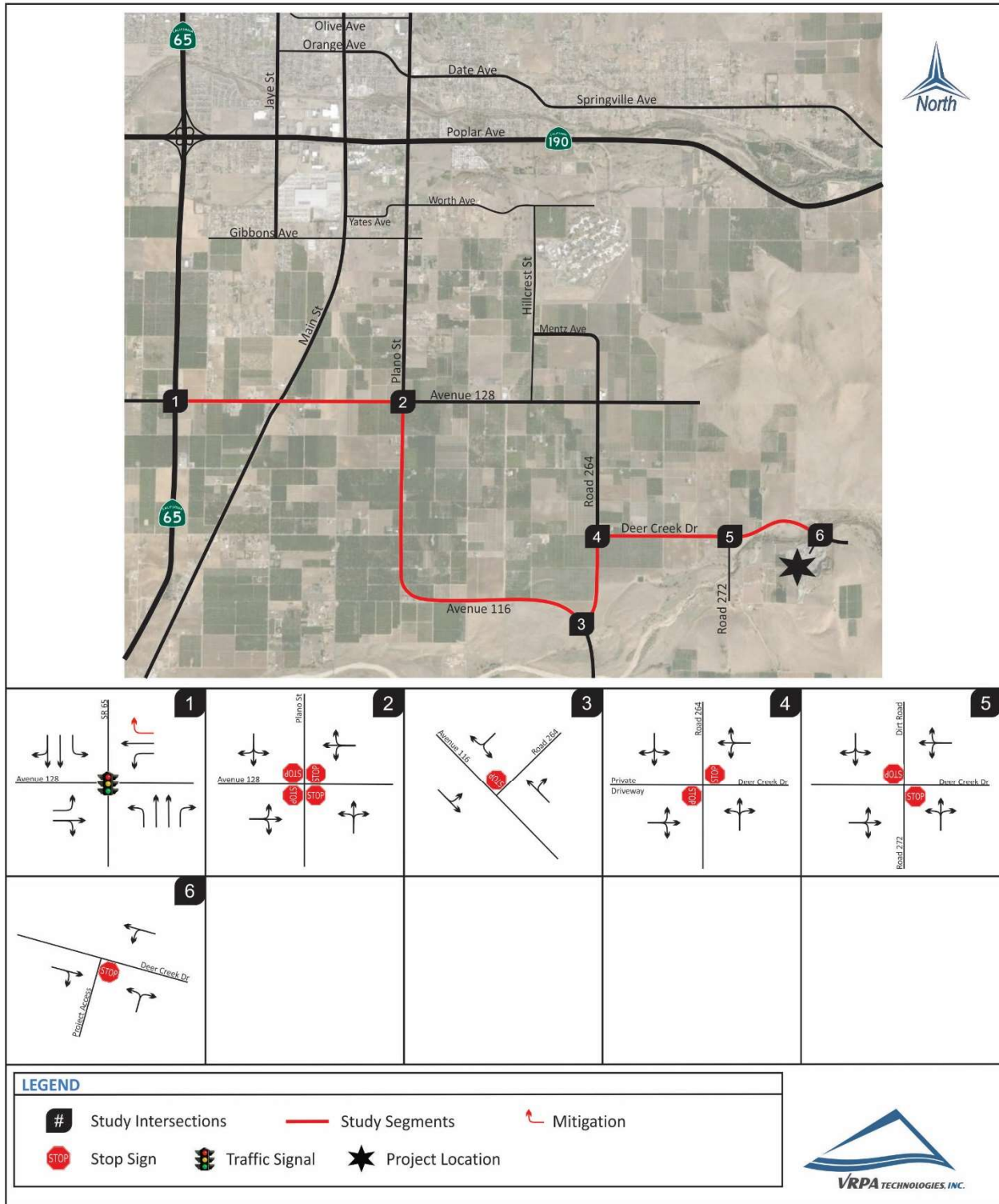


Table 4-2
Left Turn and Right Turn Storage Requirements

INTERSECTION	EXISTING STORAGE LENGTH (ft)		CUMULATIVE YEAR STORAGE LENGTH (ft)
SR 65 / Avenue 128	NB Left	550	550
	NB Right	200	200
	SB Left	450	450
	EB Left	475	475
	WB Left	350	350
	WB Right	--	200

Queue is measured in feet

4.2 Equitable Fair-Share Responsibility

The proposed Project will be required to contribute a fair-share towards the costs of improvements that are identified for the Cumulative Year 2040 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2040 scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts.

According to the Caltrans "Guide for the Preparation of Traffic Impact Studies, " the intent of determining the equitable responsibility for mitigation measures is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigation traffic impacts. The formula used to calculate the equitable share responsibility to the study area is as follows:

$$\text{Equitable Share} = (\text{Project Trips}) / (\text{Future Year Plus Approved Project Traffic} - \text{Existing Traffic})$$

Table 4-3 shows the equitable share responsibility to the study area. The equitable share responsibility shown in Table 4-3 is the result of LOS enhancements related to capacity.

Table 4-3
Equitable Fair-Share Responsibility

INTERSECTION	PEAK HOUR	EXISTING	PROJECT TRIPS	CUMULATIVE YEAR 2040 PLUS PROJECT	FAIR SHARE PERCENTAGE
SR 65 / Avenue 128	AM	1,375	52	2,360	5.3%
	PM	1,395	52	2,393	5.2%



RESOURCE MANAGEMENT AGENCY

5961 SOUTH MOONEY BLVD
VISALIA, CA 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Aaron Bock	Economic Development and Planning
Reed Schenke	Public Works
Sherman Dix	Fiscal Services

REED SCHENKE, DIRECTOR

MICHAEL WASHAM, ASSOCIATE DIRECTOR

November 5, 2020

Arnaud Marjollet, Director of Permit Services
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244

Subject: Response to Comments, Draft Subsequent EIR –Deer Creek Mine Expansion Project,
SCH# 2019049052

Dear Mr. Marjollet,

Thank you for providing the San Joaquin Valley Air Pollution Control District's comment letter (dated January 2, 2020) regarding the Draft Subsequent Environmental Impact Report (Draft SEIR or SEIR) for the Deer Creek Mine Expansion Project (State Clearinghouse #2019049052).

The County of Tulare (County) acknowledges and recognizes the Air District's authority and expertise regarding air quality related issues relative to the proposed project. Based on your comment letter and other comment letters received from other agencies, the County has responded to the comments and in some cases made revisions to the project environmental documents. The following is the County of Tulare Resource Management Agency (RMA) response to your letter (attached for your ease of reference). The Final EIR (see below for website link) also includes RMA's response to your comments (below) as well as the revisions to the project environmental documents.

Comment 1: "The District recommends the Lead Agency re-evaluate the Project 25-mile trip length associated with the off-site Heavy Duty Trucks hauling product."

Response – We do not agree with the Air District's recommendation as the trip length was provided by the applicant and we are relying on the veracity of the applicant's statements. The Air District's comments are speculative and unsubstantiated.

As noted in Mitchell Air Quality Consulting's (MAQC) attached response letter, "The County has re-evaluated the average trip length used in the analysis and has concluded that it is based on reasonable assumptions for the market area for the facility. The trip length is an "average" meaning it includes trips that are longer than 25 miles and trips that are shorter than 25 miles whose combination results in a mean distance or average distance. CEQA does not require using an unrealistic assumption that all trips must be the average or shorter. The applicant based the 25-mile trip estimate on the expectation that the vast majority of product users will be located in Tulare County and the average would be similar to current operations. The cost of aggregate hauling is highly sensitive to distance. Competitors north and south of the project

are much more likely to provide the product to locations nearer their sites thus limiting the trip distance. The project's location adjacent to the Sierra Nevada is accounted for because the trip length is based on the location of the potential customers most of which will be in the urban areas and transportation corridors where construction will occur and road projects and water storage projects in the nearby mountains provide some potential customers. Therefore, based on these factors, the trip length is adequate and no additional analysis is required."

In support of the applicant's estimated trip length, it is noted that six of Tulare county's eight cities are an average distance of 20.16 miles from the Project where either virgin material or finished product (e.g., asphalt) are transported. Tulare county's other two cities are closer to other, competing materials suppliers (Woodlake has two suppliers within three miles; while Dinuba has one supplier within seven miles). Even if neighboring county cities (Hanford and Corcoran in Kings County, and Delano in Kern County) are included within the market area, the distance would average 24.55 miles. There are multiple materials providers in Tulare (and in adjacent counties, e.g., Vulcan, Teichert, CMI, etc., in Fresno County); as such, this materials provider clearly has competition and it is not a sole source within Tulare County or the region. Therefore, we stand by the Applicant's statement regarding the market area distance and are not, respectfully, compelled to modify the distance as suggested by the Air District.

Comment 2: The District recommends removing the District as a Monitoring Agency and Person Conducting Monitoring/Reporting from the Mitigation Monitoring Reporting Program.

Response – We concur, the Air District will be removed from Mitigation Measures 4.1-1 through 4.1-4. The revision is contained in the Errata section of this FEIR.

Comment 3: The District recommends the HRA be revised in the areas of (A) emissions, (B) scenarios, (C) natural occurring asbestos, and (D) receptors (3(A) through 3(D)).

Response – 3(A). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, "This comment is incorrect. As noted from the following table [Table 1 in MAQC's response to comment letter] for the 400,000 tons increase, diesel particulate matter (DPM) emissions were incorporated into the health risk assessment (HRA) for the following emission sources. These same sources were also included in the HRA for the 700,000-ton increase. The rock crusher is powered with electricity and would not result in an increase in toxic emissions. It is our understanding that AMFO blasting is not a significant source of toxic emissions. The asphalt batch plant is not increasing throughput as part of the project, so no new emissions would occur from this source. The supporting emission spreadsheets are included in Attachment A [Appendix A of the Draft SEIR]. The total DPM emissions in 2025 assuming a 700,000 tons/year throughput increase is 8.68 E-04 grams/sec compared to the 3.56E-03 grams/sec in 2020 for the 400,000 tons/year throughput increase. The 700,000 tons/year emissions reflect reductions in DPM emissions from heavy duty trucks as mandated by State regulations and implementation of mitigation on the various area sources and equipment used in the operation of the project." For reference, MAQC's response to comments letter is included at the end of this Section. As such, the County maintains that emissions are adequately addressed in both the HRA analysis and Draft SEIR.

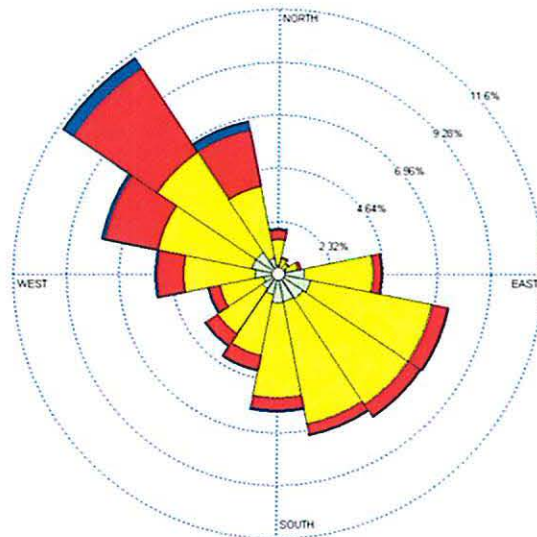
3(B). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, “Additional analysis was conducted using the District’s suggested methodology of estimating the combined cancer risks consisting of exposures to the DPM emissions from Scenario 1 (400,000 tons/year throughput increase) for 5 years from 2020 to 2024 and exposures to DPM emissions from Scenario 2 (700,000 tons/year throughput increase for 65 years (2025 to 2089). The results of the recommended District methodology along with the risks presented in the Draft Supplemental EIR are provided in Table 2 [of MAQC’S response letter]. Also indicated is the District’s cancer risk significance threshold. The cancer risks were estimated using the HARP2 health risk model. As shown in Table 2[of MAQC’S response letter], the maximum cancer risks using the District’s combined risk methodology results in risks that are midway between the risks shown for the 400,000 tons/year throughput increase and the 700,000 tons/year throughput increase. This results from the fact that the DPM concentrations and hence cancer risks beyond the year 2025 are lower with the 700,000 tons/year throughput increase than with the DPM concentrations with the 400,000 tons/year throughput increase.” “As noted from Table 2 [of MAQC’s response letter], all assumed cancer risk methods would not exceed the SJVAPCD’s cancer risk significance threshold.” For reference, MAQC’s response to comments letter is included in of this Section. As such, the County maintains that emissions are adequately addressed in both the HRA analysis and Draft SEIR.

3(C). A condition of approval will be included as part of the permit amendment to assure compliance with federal, state, and local guidance, rules, regulations, standards, etc., regarding naturally occurring asbestos at quarrying and surface mining operations (e.g., ARB’s Regulatory Advisory “*Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations*”).

It is noted that the “*Hydrology and Water Quality Report For Deer Creek Mine Expansion (PMR 19-001) Project*” prepared by consultant Mason Geoscience (see page 12 at “Geologic Setting” of this report which is included in Appendix “D” of the Draft SEIR) notes that the property area is mapped as primarily Pre-Cretaceous metavolcanic rocks. Recent alluvium (Qal) composed of stream alluvium is located north of the site adjacent to Deer Creek and west of the site within the Deer Creek Floodplain. As such, the site’s geology is not conducive to the formation of naturally occurring asbestos.

3(D). Staff agrees with and supports the response provided by the subject matter expert, consultant MAQC. MAQC wrote, “The District’s policy guidance for siting receptors recommends the specification of a dense fence line receptor network of receptors to ensure that the maximum concentration would be expected to be contained within this grid network. However, the placement of receptor locations for the purposes of modeling an emission source’s air quality impacts in reality depends on the current and expected land use where such receptors would be located and the duration of exposure that these receptors would be subjected to emissions from the source.” The reality is that rural receptors within proximity of the Project are located predominantly to the north and west of the Project’s location, opposite of prevailing winds flow as shown in the wind rose from Porterville met data, below. The percentages are the directions FROM where the wind is blowing; as evident, the most frequent direction is FROM the northwest.

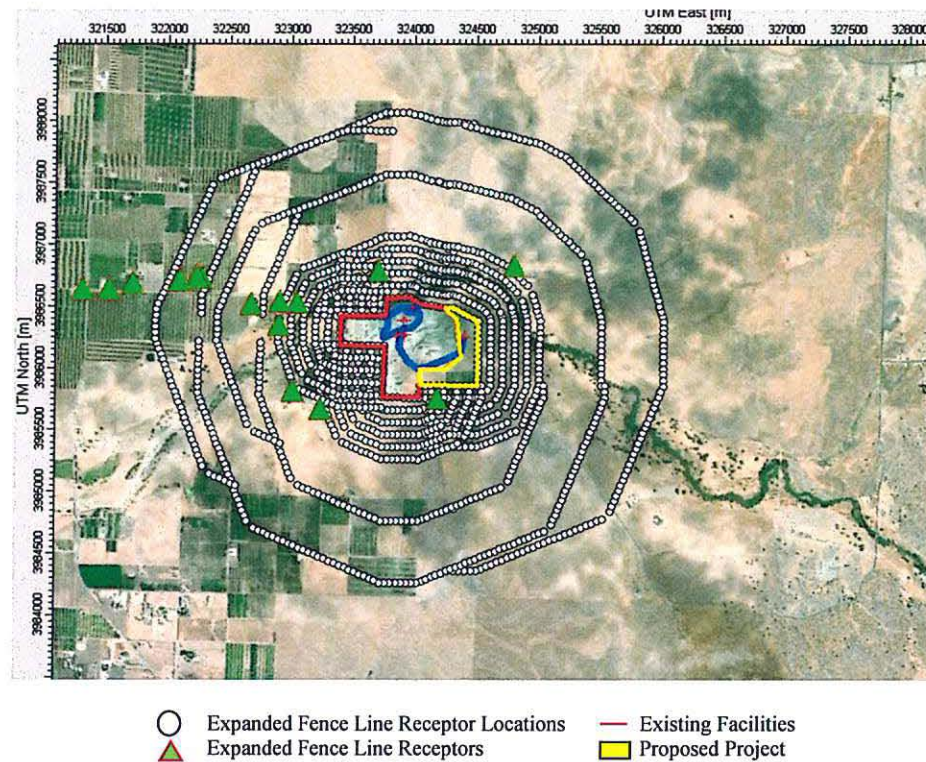
Prevailing Wind Flow



“The use of a dense fence line receptor network would be most appropriate in an urban setting where numerous sensitive receptors such as residences may be located in close proximity to an emission source. Such receptors could be exposed to both short term (1 hour and longer) and long term (years) exposures to a source’s emissions. It is, therefore, appropriate to use a detailed receptor grid (see figure below) to ensure that all residential sensitive receptors are covered within the air quality assessment as such receptors are within the “ambient air” where the general public has reasonable access.” “In the case of the Deer Creek Mine Expansion Project (project), however, the current density of residential use is less than 10 residences within a 1 mile radius of the center of the project. The areas surrounding the project are zoned as “Foothill Agriculture” within the Tulare County General Plan that limits the number of residences within this land use to one single family unit for the entire contiguous property and a second home for each 40 acres in the entire property.” As such, the County agrees that based on the low receptor density, the use of an expanded fenceline receptor network as modeled by MAQC is appropriate for this Project. As noted earlier, rural receptors within proximity of Project are located predominantly to the north and west of the Project’s location, opposite of prevailing winds flow.

The County agrees with MAQC’s use of an expanded fenceline receptor approach because of the rural density in the Project’s vicinity and the unlikelihood of an individual remaining at the same location for more than eight hours. As noted by MAQC, “Given the sparse population and remote location of the project site, it is highly unlikely that a sensitive individual would 1) be located in close proximity to the project particularly along the project fence line and 2) that such an individual would remain at the same location for more than 8 hours (excepts as perhaps a worker). Therefore, it would not be appropriate to apply a dense fence line receptor network because of the remoteness of the project site and the lack of receptors that could be exposed to air emissions for longer than an average workday.”

Expanded Fenceline Receptor Map



Finally, the County agrees with and supports MAQC 's emissions analysis wherein MAQC writes, "Therefore, the air quality impacts from the operation of the project were estimated using an expanded fence line receptor network for those pollutants with averaging times of 8 hours or less. The affected air pollutants with averaging times of 8 hours or less include nitrogen dioxide (NO₂) and carbon monoxide. The expanded receptor network is shown in Exhibit 1 [of MAQC 's response letter]. The network consists of 50 meters spacing on the property fence line, 100 meters spacing from the property fence line to 500 meters, and 500 meters spacing from 500 meters to 1,500 meters. Table 3 and Table 4 [of MAQC 's response letter] provide the results of the original air quality impacts as shown in the Draft Subsequent EIR, the impacts for the expanded fence line receptor network, and the applicable SJVAPCD significance thresholds for the 400,000 tons/year and 700,000 tons/year expansion, respectively. As shown in Table 3 and Table 4 [of MAQC 's response letter], the air quality impacts do not exceed the applicable thresholds. The maximum NO₂ and CO impacts were derived from the hour-by-hour meteorological conditions contained in the met data from Porterville for the years 2006 to 2010 (over 35,000 hours). These impacts are not hypothetical but are the worst-case impacts from the actual meteorological data."

Comment 4: The Project may be subject to additional Air District rules and regulations.

Response – MAQC writes, "The applicant has existing permits for equipment used on the site that is subject to District permit and is aware of the regulations that apply to the current and expanded facility..." As a general condition of approval, applicants are made aware that Air District, or other agencies' rules, regulations, orders, permits, standards, thresholds, etc., may

apply. As such, the County will inform the applicant that the Air District is the regulatory lead agency regarding air quality matters for this Project.

The Project and the Final Subsequent EIR is scheduled for public hearing before the Tulare County Planning Commission on **Wednesday, November 18, 2020**, for consideration of approval and certification.

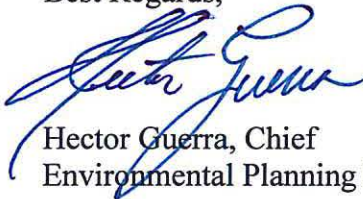
The Final EIR will be available for public review on **Friday, November 6, 2020**, at the following website:

<https://tularecounty.ca.gov/rma/index.cfm/projects/planning-projects/applicant-projects/deer-creek-mine-expansion/>.

In closing, we sincerely appreciate the Air District's comments which will be useful toward ensuring that the proposed project complies with Air District regulations and the California Environmental Quality Act.

If you have any questions regarding the above, please contact me by phone at (559) 624-7121, or by email at hguerra@co.tulare.ca.us.

Best Regards,



Hector Guerra, Chief
Environmental Planning Division

Attachments: (1) Air District comment letter, January 2, 2020
(2) Mitchell Air Quality Consulting Response to Air District Comments Regarding PMR 19-001 - Deer Creek Mine Expansion Project

cc: file



JAN - 2 2020

Tulare County
Resource Management Agency

JAN 06 2020

Hector Guerra
County of Tulare
Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Project: Draft Subsequent Environmental Impact Report for Deer Creek Mine Expansion (PMR 19-001)

District CEQA Reference No: 20191325

Dear Mr. Guerra:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Draft Subsequent Environmental Impact Report (Draft Subsequent EIR) for the Deer Creek Mine Expansion project which consists of the following: a 20-acre expansion to the footprint and operation of the existing and currently operational Deer Creek Mine facility; an increase in annual production from 1 million tons per year to 1.5 million tons per year (increase of 500,000 tons per year); an increase in truck hauling from 376 round trips per day to 600 round trips per day (increase of 224 round trips per day) with a maximum of 60,000 trucks trips per year; an increase in the maximum depth of the mine to 300 feet Mean Sea Level (MSL); and an increase in the estimated total rock production of 40 million tons to 75 million tons during the estimated 50 years of operation (Project). The Project is located at 27671 Avenue 120/Road 272 in Porterville, CA. The District offers the following comments:

1. Project Trip Length Assumption for Off-Site Heavy Duty Truck Travel

The District recommends the Lead Agency re-evaluate the Project 25-mile trip length associated with the off-site Heavy Duty Trucks hauling product.

The Draft Subsequent EIR identifies a 25-mile trip length as a typical "market area" for the Project in relation to off-site heavy duty trucks hauling product. However, based the following two factors: 1) the large amount of product to be produced as a result of the Project, and 2) location of the Project, which is adjacent to the Sierra Nevada Mountains, it appears unreasonable to the District that product hauled off-site by heavy duty trucks would be limited to an average of 25 miles or less per trip. The District recommends the lead agency re-evaluate the Project off-site heavy duty truck 25-mile trip length, as it appears the only overall direction for heavy duty trucks can travel based on the Project

Samir Sheikh

Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061
www.valleyair.org www.healthyairliving.com

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

location is west from the operation. This is critical assumption as the Project air quality emissions identified in the Draft Subsequent EIR are closely near the District's thresholds of significance.

2. Mitigation Monitoring Reporting Program, specifically Air Quality Mitigation Measures 4.1-1 through 4.4-4

The District recommends removing the District as a Monitoring Agency and Person Conducting Monitoring/Reporting from the Mitigation Monitoring Reporting Program.

In the Draft Subsequent EIR, *Table 9-1 Mitigation Monitoring Reporting Program* lists the District and Tulare County as the Monitoring Agency and as the Person Conducting Monitoring/Reporting for the air quality mitigation measures 4.1-1 through 4.4-4. The District has statutory authority for regulating stationary sources of criteria pollutants, but do not have the authority to regulate non-stationary sources, such as regulating off-road equipment, truck idling, and paving access road. As such, the District is not the appropriate agency to enforce and monitor air quality mitigation measures 4.1-1 through 4.4-4. Therefore, the District is requesting removal as a Monitoring Agency and as a Person Conducting Monitoring/Reporting for air quality mitigation measures 4.1-1 through 4.4-4.

3. Health Risk Assessment (HRA)

The District recommends the HRA be revised to address the comments below.

- A. The HRA only evaluated the increase in emissions from truck travel and idling associated with the Project. All emissions increases as a result of the Project must be evaluated as part of the HRA, including emissions from both permitted and unpermitted sources. The Project will increase facility activity and therefore will increase overall operational emissions beyond just the truck travel and idling activity. This includes, but is not limited, to emissions from the additional excavation, material handling/processing, and blasting.
- B. The HRA included two Project scenarios that consisted of: 1) the Project would be limited to an increase in production of 395,000 tons per year starting in 2020, and 2) the Project would operate at an increase in production of 700,000 tons per year starting in 2025. Each scenario included a 70 year exposure period which were compared individually against the District's significance thresholds. The District would like to clarify this is not appropriate and the entire Project must be evaluated in its entirety. The District recommends the Project's total health impacts should be evaluated by summing the impacts from both scenarios over a combined 70 year exposure period. In a worst-case approach, the Project's total health impacts can be determined by taking the health impacts from five (5) years of exposure under Scenario 1 (operating from 2020-2024) and adding it to the health impacts from an additional 65 years of exposure under Scenario 2 (for a total of 70 years of exposure).

- C. Although the Draft Subsequent EIR concludes the Project will not expose sensitive receptors to natural occurring asbestos (NOA) per the 2011 U.S. Geological Survey, the District recommends that a current survey of the Project area be performed for NOA. A professional geologist should sign and seal a definitive determination that there is no NOA present in the expansion area.
- D. The Ambient Air Quality Analysis (AAQA) performed for the criteria emissions were performed inappropriately as the only receptors used were actual receptors. When performing an AAQA it is also necessary to place receptors in 'ambient air' (that portion of the atmosphere to which the general public has reasonable access). This is usually accomplished by using fence-line gridding from the facility boundary. Please refer to District Policy APR-1925 for District guidance on how to perform AAQAs. District Policy APR-1925 is available online at the following link: https://www.valleyair.org/policies_per/Policies/APR-1925.pdf.

4. District Rules and Regulations

This Project may be subject to the following District rules and regulations:


- A. Certain equipment operating at the facility may require District permits. Prior to the start of construction, the Project proponent should contact the District's Small Business Assistance Office at (559) 230-5888 to determine if an Authority to Construct (ATC) is required.
- B. The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the Project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- C. The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more "eligible" employees. District Rule 9410 requires employers with 100 or more "eligible" employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees. Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm. For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org.
- D. The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

If you have any questions or require further information, please contact Sharla Yang at (559) 230-6000.

Sincerely,

Arnaud Marjollet
Director of Permit Services

A handwritten signature in blue ink, appearing to read "Arnaud Marjollet", written in a cursive style.

 for: Robert Gilles
Program Manager

AM: sy

Mitchell Air Quality Consulting

January 16, 2020

Hector Guerra
Tulare County Resource Management Agency
5961 South Mooney Boulevard
Visalia, CA 93277

Subject: Response to Air District Comments Regarding PMR 19-001 - Deer Creek Mine Expansion Project

Dear Mr. Guerra:

Mitchell Air Quality Consulting (MAQC) has reviewed San Joaquin Valley Air Pollution Control District Comments and offers the following responses.

Comment 1. The District recommends that the Lead Agency re-evaluate the Project 25-mile trip length associated with the off-site haul trucks hauling product. The District states that the large amount of product to be produced and its location adjacent to the Sierra Nevada Mountains make it unreasonable to assume that the produce would be hauled 25 miles or less per trip. It appears that the only direction of travel is west of the project.

Response 1. The County has re-evaluated the average trip length used in the analysis and has concluded that it is based on reasonable assumptions for the market area for the facility. The trip length is an “average” meaning it includes trips that are longer than 25 miles and trips that are shorter than 25 miles whose combination results in a mean distance or average distance. CEQA does not require using an unrealistic assumption that all trips must be the average or shorter. The applicant based the 25-mile trip estimate on the expectation that the vast majority of product users will be located in Tulare County and the average would be similar to current operations. The cost of aggregate hauling is highly sensitive to distance. Competitors north and south of the project are much more likely to provide the product to locations nearer their sites thus limiting the trip distance. The project’s location adjacent to the Sierra Nevada is accounted for because the trip length is based on the location of the potential customers most of which will be in the urban areas and transportation corridors where construction will occur and road projects and water storage projects in the nearby mountains provide some potential customers. Therefore, based on these factors, the trip length is adequate and no additional analysis is required.

Comment 3A. The HRA only evaluated the increase in emissions from truck travel and idling associated with the Project. All emission increases as a result of the Project must be evaluated as part of the HRA, including emissions from both permitted and unpermitted sources. The Project will increase facility activity and therefore will increase overall operational emissions beyond just the truck travel and idling activity. This includes, but is not limited to, emissions from the additional excavation, material handling/processing, and blasting.

Response 3A: This comment is incorrect. As noted from the following table for the 400,000 tons increase, diesel particulate matter (DPM) emissions were incorporated into the health risk assessment (HRA) for the following emission sources. These same sources were also included in the HRA for the 700,000-ton increase. The rock crusher is powered with electricity and would not result in an increase in toxic emissions. It is our understanding that AMFO blasting is not a significant source of toxic emissions. The asphalt batch plant is not increasing throughput as part of the project, so no new emissions would occur from this source. The supporting emission spreadsheets are included in Attachment A.

Table 1: Listing of Operational DPM Emission Sources Included in the HRA

Emission Source	Type of Emission	Location of Source	Annual Average Emissions (grams/sec)	
Mobile Source	Haul Truck Exhaust	Offsite	8.1E-05	
	Haul Truck Exhaust	Onsite travel route (entrance to loading area)	1.03E-04	
	Haul Truck Idling	Onsite travel – excavation area to rock crushing area	1.175E-03	
		Onsite raw produce loading area	1.43E-05	
		Entrance Scale	2.86E-05	
		Excavation area	1.45E-05	
		Rock crushing area –offloading	1.45E-05	
		Water Truck Exhaust	Onsite travel route (entrance to loading area)	1.29E-06
		Onsite travel (excavation area to rock crushing area)	1.29E-06	
		Water Truck Idling	Onsite – maintenance area	3.03E-06
	Work Truck Exhaust	Onsite travel route (entrance to loading area)	4.09E-06	
		Onsite travel (excavation area to rock crushing area)	4.09e-06	
		Work Truck Idling	Onsite – maintenance area	4.91E-05
		Onsite-excavation area	4.91E-05	
Subtotal			1.54E-03	
Off Road Equipment Source	Wheel loaders, skid steer loader, forklifts, bore rig, excavators, cranes, crawler tractor, dozer, boom lift	Onsite within the excavation area and the haul truck loading/unloading area	2.02E-03	
	Subtotal			2.02E-03
	Grand Total			3.56E-03

The total DPM emissions in 2025 assuming a 700,000 tons/year throughput increase is 8.68 E-04 grams/sec compared to the 3.56E-03 grams/sec in 2020 for the 400,000 tons/year throughput increase. The 700,000 tons/year emissions reflect reductions in DPM emissions from heavy duty

trucks as mandated by State regulations and implementation of mitigation on the various area sources and equipment used in the operation of the project.

Comment 3B: The HRA included two Project scenarios that consisted of: 1) the Project would be limited to an increase in production of 395,000 tons per year starting in 2020, and 2) the Project would operate at an increase in production of 700,000 tons per year starting in 2025. Each scenario included a 70-year exposure period which were compared individually against the District's significance thresholds. The District would like to clarify this is not appropriate and the entire Project must be evaluated in its entirety. The District recommends the Project's total health impacts should be evaluated by summing the impacts from both scenarios over a combined 70-year exposure period. In a worst-case approach, the Project's total health impacts can be determined by taking the health impacts from five (5) years of exposure under Scenario 1 (operating from 2020-2024) and adding it to the health impacts from an additional 65 years exposure under Scenario 2 (for a total of 70 years of exposure).

Response 3B: Additional analysis was conducted using the District's suggested methodology of estimating the combined cancer risks consisting of exposures to the DPM emissions from Scenario 1 (400,000 tons/year throughput increase) for 5 years from 2020 to 2024 and exposures to DPM emissions from Scenario 2 (700,000 tons/year throughput increase for 65 years (2025 to 2089)). The results of the recommended District methodology along with the risks presented in the Draft Supplemental EIR are provided in Table 2. Also indicated is the District's cancer risk significance threshold. The cancer risks were estimated using the HARP2 health risk model. As shown in Table 2, the maximum cancer risks using the District's combined risk methodology results in risks that are midway between the risks shown for the 400,000 tons/year throughput increase and the 700,000 tons/year throughput increase. This results from the fact that the DPM concentrations and hence cancer risks beyond the year 2025 are lower with the 700,000 tons/year throughput increase than with the DPM concentrations with the 400,000 tons/year throughput increase.

Table 2: Comparison of Cancer Risks at the Maximum Impacted Sensitive Receptor

Assumption	Cancer Risk (risk/million)	SJVAPCD Significance Threshold (risk/million)	Maximum Risk Exceeds Threshold
Results from EIR: DPM Emissions from the 400,000 tons/year increase remain constant over 70-years	18.1	20	No
Results from EIR: DPM Emissions from the 700,000 tons/year increase remain constant over 70-years	4.1	20	No
Results using District Methodology: DPM Emissions from the 400,000	10.5	20	No

Assumption	Cancer Risk (risk/million)	SJVAPCD Significance Threshold (risk/million)	Maximum Risk Exceeds Threshold
tons/year increase for 5 years (2020-2024) and DPM emissions from the 700,000 tons/year increase for 65 years (2025-2089)			

As noted from Table 2, all assumed cancer risk methods would not exceed the SJVAPCD's cancer risk significance threshold.

Comment 3D: The Ambient Air Quality Analysis (AAQA) performed for the criteria emissions were performed inappropriately as the only receptors used were actual receptors. When performing an AAQA it is also necessary to place receptors in 'ambient air' (that portion of the atmosphere to which the general public has reasonable access). This is usually accomplished by using fence line gridding from the facility boundary. Please refer to District Policy APR-1925 for District guidance on how to perform AAQAs. District Policy APR-1925 is available online at the following link. <https://www.valleyair.org/policies/per/Policies/APR-1925.pdf>.

Response 3d: The District's policy guidance for siting receptors recommends the specification of a dense fence line receptor network of receptors to ensure that the maximum concentration would be expected to be contained within this grid network. However, the placement of receptor locations for the purposes of modeling an emission source's air quality impacts in reality depends on the current and expected land use where such receptors would be located and the duration of exposure that these receptors would be subjected to emissions from the source.

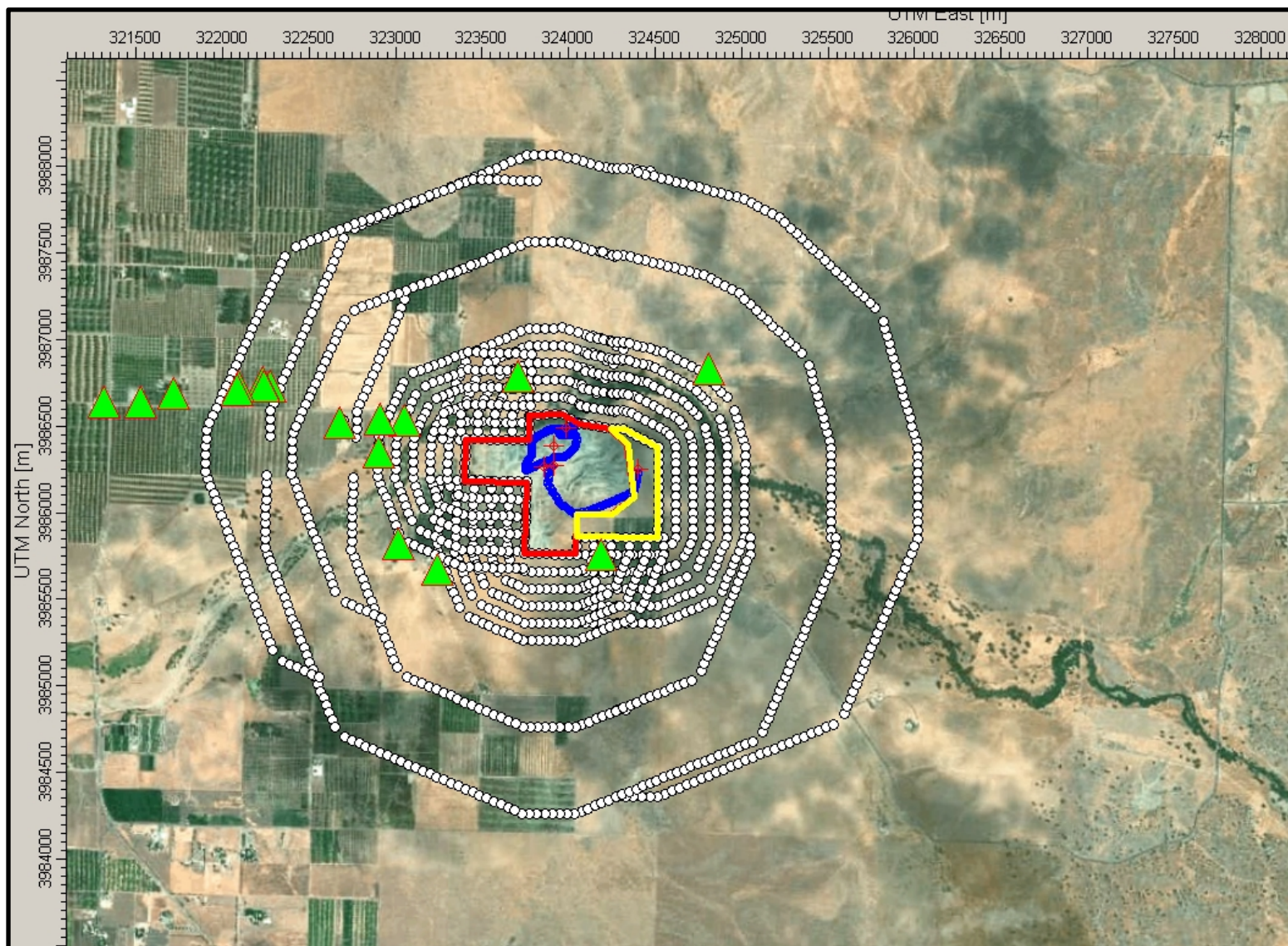
The use of a dense fence line receptor network would be most appropriate in an urban setting where numerous sensitive receptors such as residences may be located in close proximity to an emission source. Such receptors could be exposed to both short term (1 hour and longer) and long term (years) exposures to a source's emissions. It is, therefore, appropriate to use a detailed receptor grid to ensure that all residential sensitive receptors are covered within the air quality assessment as such receptors are within the "ambient air" where the general public has reasonable access.





In the case of the Deer Creek Mine Expansion Project (project), however, the current density of residential use is less than 10 residences within a 1 mile radius of the center of the project. The areas surrounding the project are zoned as "Foothill Agriculture" within the Tulare County General Plan that limits the number of residences within this land use to one single family unit for the entire contiguous property and a second home for each 40 acres in the entire property.

Given the sparse population and remote location of the project site, It is highly unlikely that a sensitive individual would 1) be located in close proximity to the project particularly along the

project fence line and 2) that such an individual would remain at the same location for more than 8 hours (excepts as perhaps a worker). Therefore, it would not be appropriate to apply a dense fence line receptor network because of the remoteness of the project site and the lack of receptors that could be exposed to air emissions for longer than an average workday.

Therefore, the air quality impacts from the operation of the project were estimated using an expanded fence line receptor network for those pollutants with averaging times of 8 hours or less. The affected air pollutants with averaging times of 8 hours or less include nitrogen dioxide (NO₂) and carbon monoxide. The expanded receptor network is shown in Exhibit 1. The network consists of 50 meters spacing on the property fence line, 100 meters spacing from the property fence line to 500 meters, and 500 meters spacing from 500 meters to 1,500 meters. Table 3 and Table 4 provide the results of the original air quality impacts as shown in the Draft Subsequent EIR, the impacts for the expanded fence line receptor network, and the applicable SJVAPCD significance thresholds for the 400,000 tons/year and 700,000 tons/year expansion, respectively. As shown in Table 3 and Table 4, the air quality impacts do not exceed the applicable thresholds. The maximum NO₂ and CO impacts were derived from the hour-by-hour meteorological conditions contained in the met data from Porterville for the years 2006 to 2010 (over 35,000 hours). These impacts are not hypothetical but are the worst-case impacts from the actual meteorological data.



-  Expanded Fence Line Receptor Locations
-  Existing Sensitive Receptors
-  Existing Facility Operations
-  Proposed Project

JAXTON ENTERPRISES
 AIR QUALITY AND GREENHOUSE GAS ANALYSIS REPORT
 DEER CREEK MINING EXPANSION PROJECT

Exhibit 1: Expanded Fence Line Receptor Network
 For Short-term NO₂ and CO Modeling

Table 3: Comparison of Air Quality Impacts for NO₂ and CO – 400,000 Tons/Year Expansion

		Impacts in DSEIR	Impacts with Fence Line Network		
Pollutant	Averaging Time/Units	Background + Project Impact	Background + Project Impact	Air Quality Significance Threshold	Exceeds Threshold?
CO	1 Hour/ppm	0.036	0.069	20	No
	8 Hour/ppm	0.006	0.023	9.0	No
NO ₂	1 Hour/ppm	0.076	0.092	0.18 (State)	No
	1 Hour/ppm	0.062	0.075	0.10 (Federal)	No

Table 4: Comparison of Air Quality Impacts for NO₂ and CO – 700,000 Tons/Year Expansion

		Impacts in DSEIR	Impacts with Fence Line Network		
Pollutant	Averaging Time/Units	Background + Project Impact	Background + Project Impact	Air Quality Significance Threshold	Exceeds Threshold?
CO	1 Hour/ppm	0.055	0.109	20	No
	8 Hour/ppm	0.035	0.081	9.0	No
NO ₂	1 Hour/ppm	0.075	0.094	0.18 (State)	No
	1 Hour/ppm	0.062	0.077	0.10 (Federal)	No

Table 5 compares the locations of the maximum values for each scenario for NO₂ and CO. No location would exceed the significance threshold.

Table 5: Comparison of Air Quality Impacts for NO₂ and CO at Fence Line and at Existing Receptors

Pollutant	Receptor Grid	Maximum Impact	Pollutant
400,000 tons/year (2020)			
NO ₂ -1 hour	Existing Residences	0.076	Residence located to the north of the existing facility
	Expanded Fence Line Receptors	0.092	East property line of the project
CO 1-hour	Existing Residences	0.036	Residence located to the north of the existing facility
	Expanded Fence Line	0.069	East property line of the

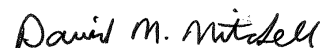
Pollutant	Receptor Grid	Maximum Impact	Pollutant
	Receptors		project
700,000 tons/year (2025)			
NO ₂ -1 hour	Existing Residences	0.075	Residence located to the north of the existing facility
	Expanded Fence Line Receptors	0.094	Northern boundary of the existing facility
CO 1-hour	Existing Residences	0.055	Residence located to the north of the existing facility
	Expanded Fence Line Receptors	0.109	East property line of the project

Comment 4: The District provided a list of District rules and regulations that may apply to the project site.

Response 4: The applicant has existing permits for equipment used on the site that is subject to District permit and is aware of the regulations that apply to the current and expanded facility such as Regulation VIII Fugitive Dust Prohibitions, Rule 4641 Asphalt, and Rule 4102 Nuisance. No new structures requiring architectural coatings are proposed. The project will not employ 100 or more people and is not subject to Rule 9410. No demolition is proposed.

If you have any questions or concerns regarding this information, please contact me at (559) 246-3732 or via email at dmitchell@mitchellaq.com.

Sincerely,



David M. Mitchell
Owner/Senior Air Quality Scientist
Mitchell Air Quality Consulting
1164 E. Decatur Avenue
Fresno, CA 93720



Gavin Newsom
Governor

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



Kate Gordon
Director

January 6, 2020

Tulare County
Resource Management Agency

JAN 13 2020

Hector Guerra
Tulare County
5961 S. Mooney Blvd.
Visalia, CA 93277-9394

Subject: Deer Creek Mine Expansion (PMR 19-001)
SCH#: 2019049052

Dear Hector Guerra:

The State Clearinghouse submitted the above named SBE to selected state agencies for review. The review period closed on 1/3/2020, and the comments from the responding agency (ies) is (are) available on the CEQA database for your retrieval and use. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

Check the CEQA database for submitted comments for use in preparing your final environmental document: <https://ceqanet.opr.ca.gov/2019049052/3>. Should you need more information or clarification of the comments, **we recommend that you contact the commenting agency directly.**

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

cc: Resources Agency

Deer Creek Mine Expansion (PMR 19-001)

Summary

SCH Number	2019049052
Lead Agency	Tulare County
Document Title	Deer Creek Mine Expansion (PMR 19-001)
Document Type	SBE - Subsequent EIR
Received	11/20/2019
Project Applicant	Deer Creek Rock Co., Inc.
Present Land Use	The surrounding land uses are predominantly foothill grazing (to the north, south and east) and orchards (to the west). / AE-40 (Extensive Agriculture - 40 Acre Minimum)/ Agriculture.
Document Description	<p>The Project consists of a ±20-acre expansion to the footprint and operations of the existing and currently operational Deer Creek Mine facility. The Applicant, Deer Creek Rock Co., Inc., currently operates a rock and gravel surface mining operation on 110 acres, as permitted by PMR 01-001, PMR 09-002, and PSP 01-055 (ZA), and PMR 14-002. The permit amendments requested by PMR 19-001 will:</p> <ul style="list-style-type: none">• Allow consistency between PMR 01-001, PMR 09-002, PSP 01-055(ZA), and PMR 14-002;• Result in an approximately 20-acre expansion through the use of a lot line adjustment toward the east and southeast on land currently used for grazing;• Increase annual production by 500,000 tons per year (from a maximum of 1,000,000 tons per year to a maximum of 1,500,000 tons per year); <p>See NOC for full details.</p>
Contact Information	<div>Hector Guerra</div> <div>County of Tulare Resource Management Agency</div> <div>5961 S. Mooney Blvd.</div> <div>Visalia, CA 93277-9394</div> <div>Phone : (559) 624-7121</div>

Location

Coordinates	36°0'19"N 118°57'12"W
Cities	Porterville
Counties	Tulare
Cross Streets	Avenue 120 and Road 272
Zip	93257
Total Acres	+/-20.0
Parcel #	305-190-022 & 305-190-021
Waterways	Deer Creek
Township	2S
Range	28E
Section	21

Notice of Completion

Review Period Start	11/20/2019
Review Period End	1/3/2020
Development Type	Mining (Sand/Aggregate Mineral)Other (Mining Permit Amendment)
Local Action	Mining Permit
Project Issues	Air QualityArchaeologic-HistoricBiological ResourcesDrainage/AbsorptionEconomics/JobsForest Land/Fire HazardGeologic/SeismicGreenhouse Gas EmissionsMineralsNoiseSoil Erosion/Compaction/GradingToxic/HazardousTraffic/CirculationTribal Cultural ResourcesWater QualityWater SupplyGrowth InducingLand UseCumulative Effects
Reviewing Agencies	California Air Resources BoardCalifornia Department of ConservationCalifornia Department of Fish and Wildlife, Central Region 4California Department of Forestry and Fire ProtectionCalifornia Department of Parks and RecreationCalifornia Department of Resources Recycling and RecoveryCalifornia Department of Water ResourcesCalifornia Native American Heritage CommissionCalifornia Natural Resources AgencyCalifornia Public Utilities CommissionCalifornia Regional Water Quality Control Board, Central Valley Fresno Region 5Central Valley Flood Protection BoardDepartment of Food and AgricultureDepartment of General ServicesDepartment of Toxic Substances ControlOffice of Historic PreservationState Water Resources Control Board, Division of Drinking WaterState Water Resources Control Board, Division of Water QualityCalifornia Department of Transportation, District 6

Attachments

Environmental Document	DCME_SEIR Appendices_11-19-19PDF88683 KDCME_SEIR_11-19-19PDF10259 K
	Summary FormPDF127 K
NOC	NOCPDF1544 K
State Comments	2019049052_Caltrans_TUL-190-20PDF893 K

Disclaimer: The Governor’s Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at (916) 445-0613. For more information, please visit [OPR’s Accessibility Site](#).

From: Jessica Willis
To: Samantha McCarty
CC: SRR Cultural; Hector Guerra
Date: 12/16/2019 3:55 PM
Subject: CONFIDENTIAL: Re: Deer Creek Mine Expansion Project
Attachments: SLF_NAHC_Response_2-27-19.pdf; SLF_NAHC_Response_Listing_2-27-19.pdf; Deer Creek Exp Archeological Survey Rpt FINAL June 2019.pdf; SLF_NAHC_Response_2-27-19.pdf; SLF_NAHC_Response_Listing_2-27-19.pdf

Good afternoon Samantha.

Per your request please find attached the documents requested.

Jessica Willis
Planner IV
County of Tulare
Resource Management Agency
Phone: (559) 624-7122
E-mail: JWillis@co.tulare.ca.us

>>> Samantha McCarty <SMcCarty@tachi-yokut-nsn.gov> 12/12/2019 2:55 PM >>>
Dear Hector and Jessica,

Thank you for contacting the Santa Rosa Rancheria Tachi-Yokut Tribe regarding the Deer Creek Mine Expansion Project. We were wondering if we could request the record search and survey, as well as the archaeology report. If you have any questions or comments please contact me directly or contact the Santa Rosa Rancheria Cultural Department. Thank you.

Sincerely,

Samantha McCarty

Santa Rosa Rancheria Tachi-Yokut Tribe
Cultural Specialist II
SMcCarty@tachi-yokut-nsn.gov
(559) 924-1278 x 4091

MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Monitoring Reporting Program

Chapter 9

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in compliance with State law and the draft Supplemental Environmental Impact Report (draft SEIR) (State Clearinghouse No. 2019049052) prepared for the Project by the County of Tulare. The MMRP lists mitigation measures recommended in the draft EIR for the proposed Project and identifies monitoring and reporting requirements.

The California Environmental Quality Act (CEQA) Section 21081.6 requires the Lead Agency decision making body is going to approve a project and certify the EIR that it also adopt a reporting or monitoring program for those measures recommended to mitigate or avoid significant/adverse effects of the environment identified in the EIR¹ The law states that the reporting or monitoring program shall be designed to ensure compliance during project implementation. The Mitigation Monitoring and Reporting Program contains the following elements:

- **Action and Procedure.** The mitigation measures are recorded with the action and procedure necessary to ensure compliance. In some instances, one action may be used to verify implementation of several mitigation measures.
- **Compliance and Verification.** A procedure for compliance and verification has been outlined for each action necessary. This procedure designates who will take action, what action will be taken and when and by whom and compliance will be monitored and reported and to whom it will be report. As necessary the reporting should indicate any follow-up actions that might be necessary if the reporting notes the impact has not been mitigated..
- **Flexibility.** The program has been designed to be flexible. As monitoring progresses, changes to compliance procedures may be necessary based upon recommendations by those responsible for the Mitigation Monitoring and Reporting Program. As changes are made, new monitoring compliance procedures and records will be developed and incorporated into the program.

Table 9-1 presents the Mitigation Measures identified for the proposed Project in this EIR. Each Mitigation Measure is identified by the impact number. For example, 4-1 would be the first Mitigation Measure identified in the Biological analysis of the Draft EIR.

The first column of Table 9-1 identifies the Mitigation Measure. The second column, entitled “Monitoring Timing/Frequency,” identifies the time the Mitigation Measure should be initiated and the frequency of the monitoring that should take place to assure the mitigation is being or has been implemented to achieve the desired outcome or performance standard. The third column, “Action Indicating Compliance,” identifies the requirements of compliance with

¹ Public Resource Code §21081.6

the Mitigation Measure. The fourth column, “Monitoring Agency,” names the party ultimately responsible for ensuring that the Mitigation Measure is implemented. The fifth column, “Person/Agency Conducting Monitoring/Reporting” names the party/agency/entity responsible for verification that the Mitigation Measure has been implemented. The last three columns will be used by the Lead Agency (County of Tulare) to ensure that individual Mitigation Measures have been complied with and monitored.

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Table 9-1
Mitigation Monitoring Reporting Program

Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
Air Quality								
4.1-1	The following air pollution control measure shall be implemented to reduce emissions from off-road equipment: Idling times shall be minimized either by shutting equipment off when not in use or by reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of the California Code of Regulations). Clear signage shall be provided where clearly visible to equipment users.	Approval of permit amendment	Verification by County of incorporation of project design features and/or conditions of approval.	County of Tulare Planning Department	County of Tulare Planning Department; San Joaquin Valley Air Pollution Control District			
4.1-2	Prior to increasing production beyond 395,000 tons per year of additional material, but less than 500,000 tons of material, the applicant shall ensure that the off-road equipment fleet meets EPA Tier 4 Interim or Tier 4 NOx emissions standards. If the increase in production to 500,000 tons per year is deferred until 2025, compliance only with the ARB In-Use Off-Road Diesel-Fueled Fleet regulation is required to increase throughput by 500,000 tons per year (1,300,000 tons per year).	Approval of permit amendment	Verification by County of incorporation of project design features and/or conditions of approval.	County of Tulare Planning Department	County of Tulare Planning Department; San Joaquin Valley Air Pollution Control District			
4.1-3	Prior to increasing production by 700,000 tons per year to the 1,500,000 tons per year permit limit in the year 2025 or later, the applicant shall ensure that the off-road equipment fleet	Approval of permit amendment	Verification by County of incorporation of project design features and/or	County of Tulare Planning Department	County of Tulare Planning Department; San Joaquin Valley Air			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
	meets EPA Tier 4 Interim or Tier 4 NOx emissions standards.		conditions of approval.		Pollution Control District			
4.1-4	Prior to reaching the maximum throughput increase of 700,000 tons per year or the 1,500,000 tons permit limit, the operator shall pave at least 0.20 mile of unpaved access road starting from the site entrance on Deer Creek Road.	Approval of permit amendment	Verification by County of incorporation of project design features and/or conditions of approval.	County of Tulare Planning Department	County of Tulare Planning Department; San Joaquin Valley Air Pollution Control District			
4.1-5	Unpaved haul roads shall be controlled with the application of water as needed to reduce fugitive dust to less than 20 percent opacity. Water shall be applied three times per day to achieve a 61 percent control and the opacity limit.	Approval of permit amendment	Verification by County of incorporation of project design features and/or conditions of approval.	County of Tulare Planning Department; San Joaquin Valley Air Pollution Control District	County of Tulare Planning Department; San Joaquin Valley Air Pollution Control District			
Biology								
4.2-1	(Avoidance). In order to avoid impacts to nesting birds, construction will occur, where possible, outside the nesting season, or between September 1 and January 31	Prior to start of construction.	Retention of professional biologist.	County of Tulare Planning Department	County of Tulare Planning Department			
4.2-2	(Pre-construction Surveys). If construction must occur during the nesting season (February 1-August 31), a qualified biologist will conduct pre-construction surveys for active bird nests within 10 days of the onset of project initiation. Nest surveys will encompass the project site and adjacent lands within 250 feet for migratory birds and 500 feet for raptors.	Prior to start of construction.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Field survey by a qualified Biologist	.		

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
	Inaccessible portions of the survey area will be scanned with binoculars or spotting scope, as appropriate. If no active nests are found within the survey area, no further mitigation is required.							
4.2-3	(Establish Buffers). If active nests are found within the survey area, a qualified biologist will establish appropriate no-disturbance buffers based on species tolerance of human disturbance, baseline levels of disturbance, and barriers that may separate the nest from construction disturbance. These buffers will remain in place until the breeding season has ended or until the qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.	Prior to construction-related activities.	Retention of professional biologist/ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning Department	Qualified biologist.			
Cultural Resources								
4.3-1	In the event that archaeological or paleontological resources are discovered during site excavation, the County shall require that grading and construction work on the project site be immediately suspended until the significance of the features can be determined by a qualified archaeologist or paleontologist. In this event, the property owner shall retain a qualified archaeologist/paleontologist to make recommendations for measures necessary to protect any site determined to contain or constitute an historical resource, a unique archaeological resource, or a unique	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department	County of Tulare Planning Department and if necessary a professional paleontologist			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
	paleontological resource or to undertake data recover, excavation analysis, and curation of archaeological or paleontological materials. County staff shall consider such recommendations and implement them where they are feasible in light of Project design as previously approved by the County.							
4.3-2	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department	County of Tulare Planning Department and if necessary a professional paleontologist			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
4.3-3	<p>Consistent with Section 7050.5 of the California Health and Safety Code and (CEQA Guidelines) Section 15064.5, if human remains of Native American origin are discovered during project construction, it is necessary to comply with State laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:</p> <ol style="list-style-type: none"> 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until: <ol style="list-style-type: none"> a. The Tulare County Coroner/Sheriff must be contacted to determine that no investigation of the cause of death is required; and b. If the coroner determines the remains to be Native American: <ol style="list-style-type: none"> i. The coroner shall contact the Native American Heritage Commission within 24 hours. ii. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended 	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department	County of Tulare Planning Department			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
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	<p>from the deceased Native American.</p> <p>iii. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code section 5097.98, or</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.</p> <p>a. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.</p> <p>b. The descendant fails to make a recommendation; or</p> <p>c. The landowner or his authorized representative rejects the recommendation of the descendent.</p>							
Geology and Soils (<i>Paleontological resources</i>)								

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
						Initials	Date	Remarks
4.5-1	The property owner shall avoid and minimize impacts to paleontological resources. If a potentially significant paleontological resource is encountered during ground disturbing activities, all construction within a 100-foot radius of the find shall immediately cease until a qualified paleontologist determines whether the resources requires further study. The owner shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The paleontologist shall notify the Tulare County Resource Management Agency and the project proponent of the procedures that must be followed before construction is allowed to resume at the location of the find. If the find is determined to be significant and the Tulare County Resource Management Agency determines avoidance is not feasible, the paleontologist shall design and implement a data recovery plan consistent with applicable standards. The plan shall be submitted to the Tulare County Resource Management Agency for review and approval. Upon approval, the plan shall be incorporated into the project.	Ongoing monitoring during subsurface excavation	Retention of professional paleontologist/ ongoing monitoring/ submittal of Report of Findings, if applicable	County of Tulare Planning and Public Works Department	County of Tulare Planning Department			
Transportation								
4.9-1	Equitable Fair-Share Responsibility – “The proposed Project will be required to contribute a fair-share towards the costs of improvements that are identified for the Cumulative Year 2040 scenarios. The intent of determining the equitable responsibility for the improvements identified above for the Cumulative Year 2040	Ongoing	TBD	County of Tulare Planning Department	County of Tulare Planning Department			

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Mitigation Measure		Monitoring Timing/ Frequency	Action Indicating Compliance	Monitoring Agency	Person conducting Monitoring / Reporting	Verification of Compliance		
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	<p>scenarios, is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigating traffic impacts. According to the Caltrans "Guide for the Preparation of Traffic Impact Studies," the intent of determining the equitable responsibility for mitigation measures is to provide a starting point for early discussions to address traffic mitigation equitability and to calculate the equitable share for mitigation traffic impacts. The formula used to calculate the equitable share responsibility to the study area is as follows:</p> <p>Equitable Share = (Project Trips)/(Future Year Plus Approved Project Traffic - Existing Traffic)</p>							
<i>Tribal Cultural Resources</i>								
4.10-1	See Mitigation Measure 4.3-1							
4.10-2	See Mitigation Measure 4.3-3							

ERRATA
AND
EFFECTED AND CORRECTED PAGES OF THE EIR

Errata

Chapter 4.8, Noise: The date in the footer “August 2019” should read as “November 2019”

Chapter 4.9, Transportation, at Page 4.9-25 and -26: The entire discussion at “Item b)” should be stricken as this item is discussed in “Item a)” and is inadvertently repetitive.

Chapter 4.9, Transportation, at Page 4.9-26: “Item c)” should read as “Item b)”

Chapter 4.9, Transportation, at Page 4.9-27: “Item d)” should read as “Item c)”

Chapter 4.9, Transportation, at Page 4.9-40: “Item e)” should read as “Item d)”

Chapter 9, Mitigation Monitoring and Reporting Program at Page 9-3 and -4: Per their request, the “San Joaquin Valley Air Pollution Control District” has been removed from the “Monitoring Agency” column for Mitigation Measures 4.1-1 through 4.1-4.

Chapter 9, Mitigation Monitoring and Reporting Program at Page 9-4: Mitigation Measure “4.4-4” should read as “4.1-4”

Chapter 9, Mitigation Monitoring and Reporting Program at Page 9-4: Mitigation Measure “4.4-5” should read as “4.1-5”

Chapter 9, Mitigation Monitoring and Reporting Program at Page 9-7: Mitigation Measure “4.3-2” should read as “4.3-3”

Appendix G, Traffic Impact Study at Page 9: The “Heading” on Table 1-4 has been revised to read “Peak Hour One-Way Volumes” per comments received by Caltrans.