

PMR 19-001 NOTICE OF PREPARATION

To: State Clearinghouse	From: County of Tulare – RMA
PO Box 3044/ 1400 Tenth St	5961 S Mooney Blvd
Sacramento, CA 95814	Visalia CA 93277

Date: April 10, 2019

Subject: Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) and Scoping Meeting

Project Title: Deer Creek Mine Expansion (PMR 19-001)

Project Applicant: County of Tulare

Project Location: 27671 Avenue 120 / Road 272, Porterville, CA 93257. The site is approximately 0.84 miles east of Road 272 and abutting Avenue 120 along a portion of its northeastern side
APN(s): 305-190-022 and 305-190-021
USGS 7.5 Minute Quadrangle: Success Dam
Section/Township/ Range: S. 21 / T. 22 S / R. 28E, MDB&M

Tulare County Resource Management Agency (RMA) will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit(s) or other approval(s) for the project. In addition, please provide us with contact information of the person(s) in your agency that we may contact during the CEQA process.

The project description, location, and the potential environmental effects are contained in the attached materials.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

A scoping meeting is scheduled for **Thursday, May 2, 2019, at 1:30 p.m.** in the **Main Conference Room** of the Tulare County Resource Management Agency at the address shown above. **Please sign in at the Security Desk in the Government Plaza main lobby.**

Please direct your response to Hector Guerra, Chief Environmental Planner at the address shown above. He may be contacted by e-mail at hguerra@co.tulare.ca.us or by telephone at 559-624-7121.

Signature: 
Title: Hector Guerra
Chief Environmental Planner

Date: 4/9/19

Signature: 
Title: Reed Schenke, P.E.
RMA Director / Environmental Assessment Officer

Date: 4.9.19

PROJECT DESCRIPTION: The full Project description, location, and identification of potential environmental effects are contained in the attached materials. In accordance with the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), the County of Tulare Resource Management Agency (RMA) will be preparing an Environmental Impact Report (EIR) to evaluate the environmental effects associated with the proposed ±20-acre expansion to the footprint and operations of the existing Deer Creek Mine facility.

Figures included in this Notice:

- Figure 1 – Vicinity Map (Aerial)
- Figure 2 – Project Site (Boundaries and Ownership)
- Figure 3 – Project Location
- Figure 4 – Conceptual Site Plan

Potential Approvals Required:

The following agencies may have jurisdiction/interests concerning the proposed Project:

- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife, Region 4
- California Department of Food and Agriculture
- California Department of Forestry & Fire Protection
- California Department of General Services
- California Department of Resources and Recycling and Recovery (Cal Recycle)
- California Department of Transportation (Caltrans)
- California Department of Toxic Substances Control
- California Natural Resources Agency
- Native American Heritage Commission
- Office of Historic Preservation
- Public Utilities Commission
- Regional Water Quality Control Board, Region 5F
- State Water Resources Control Board, Water Quality
- San Joaquin Valley Unified Air Pollution Control District
- Tulare County Health and Human Services Agency (Environmental Health)
- Tulare County Resource Management Agency (Fire, Flood, Planning)
- United States Army Corps of Engineers
- United States Fish and Wildlife Service

The following interested persons/parties are also included in this notification:

- Jack Baker, Jaxon Enterprises dba Deer Creek Asphalt
- Susan Shannon
- John Shannon
- William Shannon
- Mitchell Air Quality Consulting
- Live Oak Associates
- VRPA Technologies

If you require additional information related to this notice, please contact:

Hector Guerra, Chief Environmental Planner at:
E-mail: hguerra@co.tulare.ca.us or Phone: (559) 624-7121

Figure 1 – Vicinity Map (Aerial)

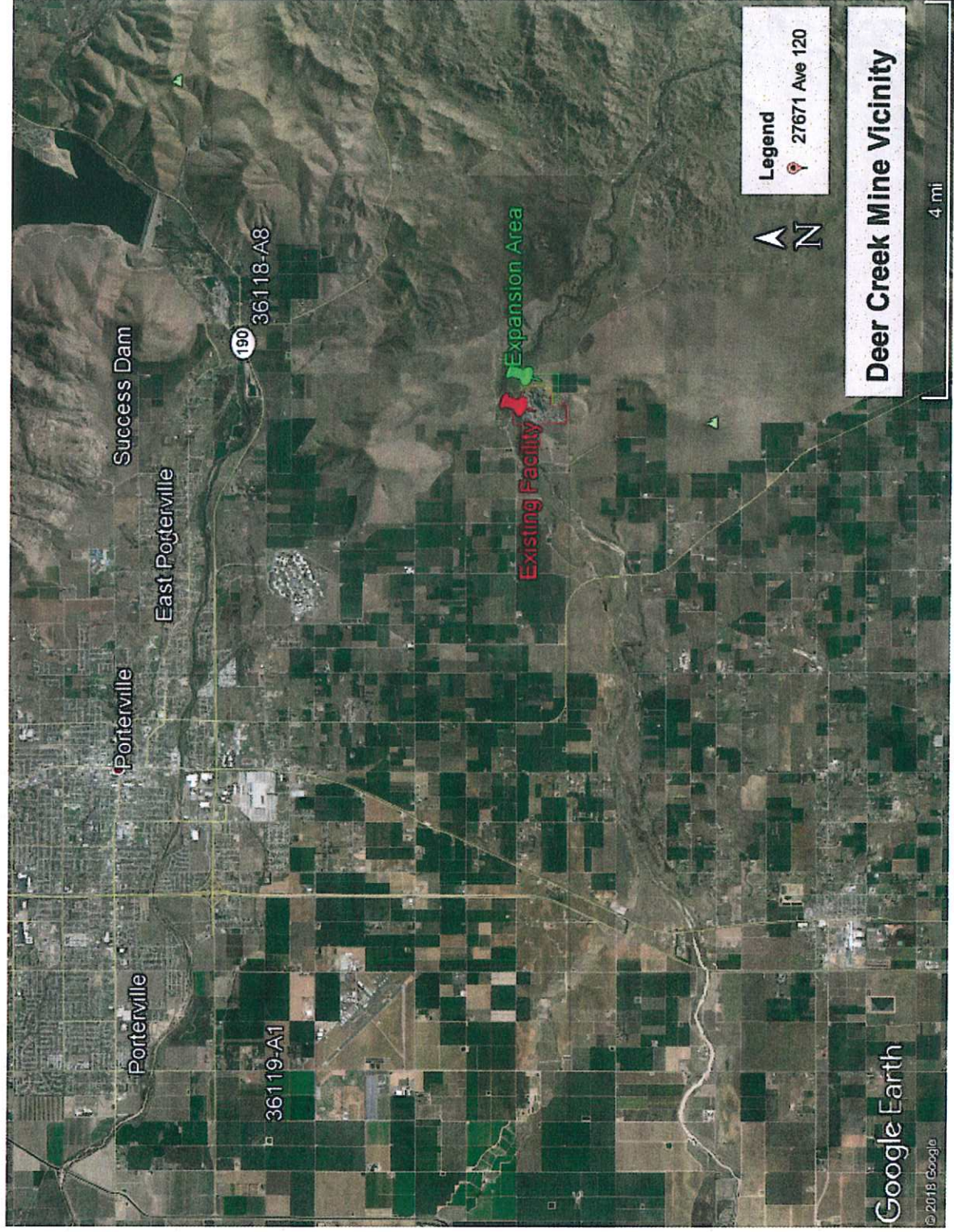


Figure 2 – Project Site (Boundaries and Ownership)

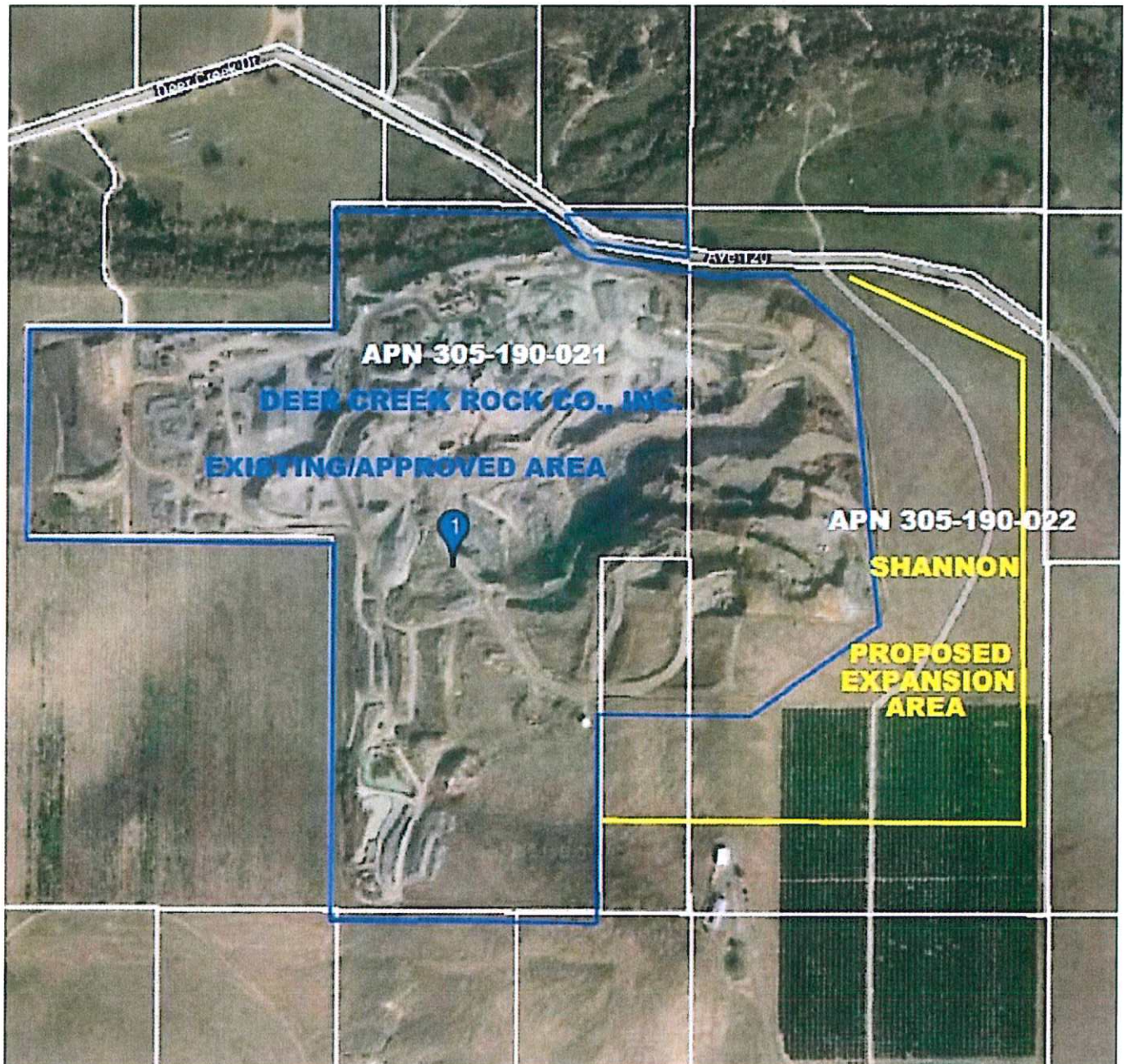
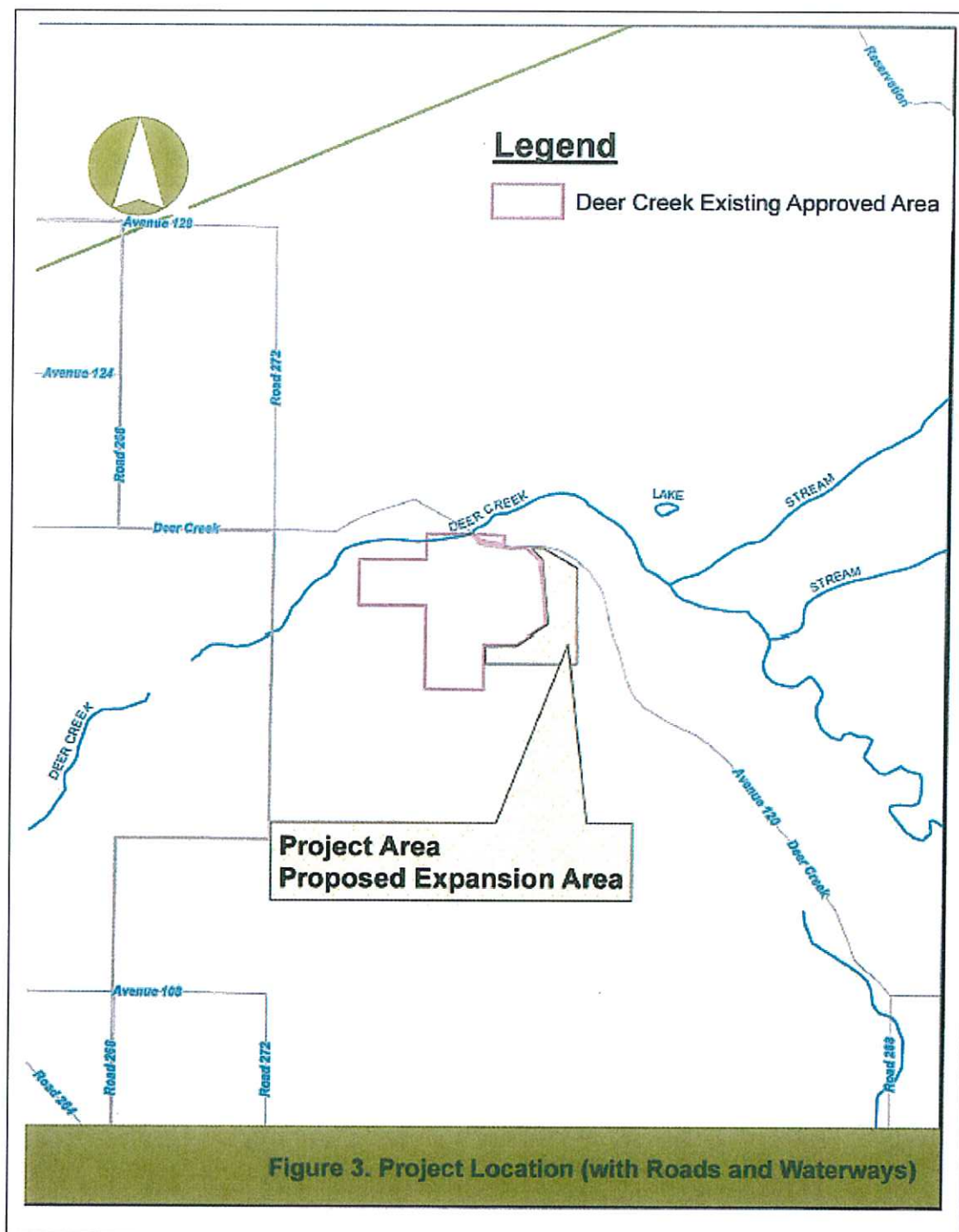


Figure 3 – Project Location





PROJECT LOCATION AND SETTING

The Project site is located entirely within an unincorporated area of Tulare County and would result in an approximately ± 20 -acre expansion of the existing mining facility. The Project site is located at 27671 Avenue 120, Porterville, CA 93257. The site is located south of Deer Creek Drive, approximately 1/3 mile east of Avenue 120 and Road 272, and includes Assessor Parcel Numbers (APN) 305-190-022 and 305-190-021. The site is in Section 21, Township 22 South, Range 28 East, MDB&M, and can be found within the Success Dam United States Geological Survey (USGS) 7.5 minute topographic quadrangle. The site is in the low foothills of the Central Sierra Nevada on the eastern edge of the Tulare basin, where elevations range from 560–885 feet National Geodetic Vertical Datum (NGVD). The coordinates of the Project site are - Latitude: N 36° 00' 19", Longitude: W 118° 57' 12".

The surrounding land uses are predominantly foothill grazing (to the north, south and east) and orchards (to the west). There are single-family rural residences located on Deer Creek Drive at Road 272. However, there are no schools, airports, or scenic roads within a two mile radius of the project site. The site is zoned AE-40 (Exclusive Agriculture – 40 acre minimum). Natural resources mining is permitted with a surface mining permit and reclamation plan, in accordance with Chapter 25 of Part VII of the Tulare County Ordinance Code. A portion of the Project site currently supports agricultural grazing, and the disturbed Project site areas are proposed to be reclaimed for grazing and agriculture uses in the future, pursuant to the Reclamation Plan. The Project site's land use designation is "Foothill Agriculture". The site is located outside of an Urban Boundary and is subject to the policies of the Foothill Growth Management Plan (FGMP).

Access to the Project site will be from Avenue 120/Deer Creek Drive. Vehicles exiting the facility are expected to travel on Road 264 and then north to Avenue 116/Road 252 or south to Road 264/M-109. The nearest state highway that provide direct regional access to the proposed Project site is State Route 65 (located approximately 4.5 miles west of the site), but does not have direct access/connectivity to Avenue 116.

DESCRIPTION OF PROPOSED FACILITIES

As indicated earlier, the proposed 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:

- 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);
- 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), with a maximum of 60,000 truck trips per year;

- Result in an increase in the maximum depth of the mine to 300 MSL;
- Result in a change to the estimated total rock production of 40,000,000 tons of rock to 75,000,000 tons of rock material during the estimated 50 years of operation; and
- Result in no change to the approved reclamation plan other than to include the expanded area.

As noted earlier, the current operation is transporting between 600,000 to 900,000 tons of aggregate annually, and the Applicant is requesting to increase its transporting limitation to 1,500,000 tons of aggregate annually. The proposed Project would result in an increase from 42,300 trips per year to a maximum of 60,000 trips per year (i.e., an increase of 17,700 trips per year). 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 Applicant is proposing to increase production of the existing mining permit and will include both lateral and depth expansion. All proposed mining activities will take place within the proposed excavation area, as depicted in Figure 1. Proposed operations will continue blasting to break up larger rocks that cannot be moved or broken up by mechanical equipment. All blasting will be conducted by a licensed blaster.

As a condition of the permit, and since the proposed Project is in the AE-40 and AE-10 zone, reclamation of the site will result in the property being reclaimed to grazing/open space standards for eventual agricultural re-use. A current, approved Reclamation Plan is on file with Tulare County.

POTENTIAL ENVIRONMENTAL EFFECTS

The EIR will evaluate, among other things, the probable direct and cumulative environmental impacts associated with expansion and operation of the Deer Creek Mine Expansion Project as described below. Mitigation measures will be recommended, where feasible, to mitigate potentially significant impacts. The proposed Project will be evaluated on its own merits, resource specific facts, and determinations; therefore, a project specific environmental document will be prepared. The following issues are proposed for analysis in the EIR:

Aesthetics

The Project is located in a remote, rural area. To reduce visual impacts from passers-by and nearby residences, the existing facility has an existing 8-foot berm along the entire edge of the facility site. This Project will be evaluated to determine the need to require and maintain an 8-foot berm along the edge of the expanded site boundary. Project site lighting would not likely have the potential to cause lighting and glare impacts as it is in a rural area and no new structures are associated with proposed Project. The EIR will provide an assessment of Project impacts to visual resources, as well as lighting and glare impacts.

Agriculture and Forestry Resources

The proposed ± 20 -acre expansion area is predominantly identified as “Grazing Land” (± 18 acres) with a small area (± 2 acres) in the southern portion of the site identified as “Unique Farmland”, which is currently in agricultural production that supports the growth of an orchard. The Project site is not located in an Agricultural Preserve and is not subject to the Williamson Act. A reclamation plan for the existing operation/facility has been approved by the California Department of Conservation, and conditioned by Tulare County permits PMR 01-001, PMR 09-002, and PMR 14-002, which requires the applicant to reclaim the disturbed Project areas for grazing and agriculture uses. Therefore, the proposed Project’s direct and indirect impacts on agricultural resources will be analyzed in the EIR.

Air Quality

The EIR will describe regional and local air quality in the vicinity of the proposed Project site and will evaluate impacts to air quality associated with Project operations. It is anticipated that the air quality impacts from this Project will primarily come from dust due to mining-related activities, and the exhaust emissions (in the form of diesel particulate matter) from the mine’s mobile and operational equipment, and heavy-duty haul trucks. Criteria pollutants and toxic air contaminants will be analyzed as part of an air quality impact study which will be prepared and included as part of the Project DEIR. The proposed Project’s estimated air emissions will be compared to emissions thresholds of the San Joaquin Valley Unified Air Pollution Control District.

Biological Resources

The Project site is surrounded by surface mine, grazing land, and rural residential homes that have resulted in significant land disturbances. A biological evaluation of the existing facility was completed on August 2014 and concluded that there are 35 special status species (11 plant species and 24 animal species) known to occur in the general area. A biological assessment will be prepared and included as part of the Project DEIR. As such, the proposed Project’s potential to affect biological resources will be analyzed in the EIR.

Cultural Resources

There are no visibly identifiable or recognizable cultural resources within the proposed Project expansion areas. The Project site is adjacent to an existing surface mining operation. A cultural resources assessment of the existing facility was conducted in September 2014 and determined that impacts to historical, archaeological, paleontological, human remains, and architectural resources was considered to be less than significant. Although the 2014 assessment found that no cultural/archaeological resources were discovered on the existing facility site or within a one-half mile radius, it is possible that cultural/archaeological resources could be discovered as new excavations occur on the expanded areas. As such, a cultural assessment of the proposed Project site will be prepared and included as part of the Project DEIR. Therefore, this EIR will include an analysis of the proposed Project’s potential to affect cultural resources.

Geology/Soils and Mineral Resources

The Project site is located on solid rock formation and the Project includes the expansion of an existing mining operation. The proposed expansion will allow the facility an annual 500,000 ton increase in production (from 1,000,000 tons to 1,500,000 tons). Although topsoil will be removed from the Project site during the mining operation, the Project includes a Reclamation Plan that will allow for open space/grazing. A cultural study will be prepared to evaluate the potential for paleontological resources to be located within the Project site. As such, the EIR will include an analysis on the Project's potential to result in impacts on geology, soils, and mineral resources.

Greenhouse Gas Emissions

Implementation of the proposed expansion Project would result in impacts from project-related greenhouse gases (GHGs). The Project involves an increase in mining operations and excavated materials that will be processed within the mining facility's areas of operations. The EIR will include a discussion of greenhouse gas emissions and the proposed Project's contribution to potential cumulative impacts on global climate. The proposed Project's estimated greenhouse gas emissions will be evaluated for consistency with the Tulare County 2030 General Plan, the Tulare County Climate Action Plan, and the State's Scoping Plan. A GHG study will be prepared and included as part of the Project EIR.

Energy

The EIR will include an analysis on the Project's potential to result in impacts on energy conservations and/or consumption.

Hazards and Hazardous Materials

Existing mining operations include storage of diesel fuel for mining equipment and lubricating and maintenance oils typical of mining/rock crushing operations. The operation of mining equipment could result in accidental spillage of gasoline, diesel, hydraulic, transmission or break fluids, and oil during normal, daily operations. The existing facility is required to have a Hazardous Materials Business Plan from the Tulare County Environmental Health Services Department. As such, the EIR will evaluate the potential for the proposed Project to result in, or be affected by, impacts associated with hazards and hazardous materials.

Hydrology/Water Quality

The proposed Project is an expansion of existing operations to an area east-southeast. Operations in the Project site will be identical to the existing operations with the only difference being an increase in activities resulting from the increase in throughput of the mine and heavy-duty truck trips. Water supply will come from the existing on-site wells and water used in operations will be recycled. There is an existing septic system within the existing facility and the proposed operations do not include new or expansion of water or wastewater treatment facilities. The Project will be required to comply with all applicable Regional Water Quality Control Board regulations, including Storm Water Pollution Prevention Plan (SWPPP), Storm Water

Monitoring Plan (SWMP), and Title 27 requirements. FEMA FIRM maps indicate that the proposed Project area is outside of the 100-year Flood Zone. The EIR will analyze the proposed Project's effect on the hydrology, water quality, and water supply resources.

Land Use/Planning

The existing facility and proposed expansion area do not conflict with the Tulare County General Plan designations or zoning classifications. The proposed Project site is not located within any Urban Development Boundary or Urban Area Boundary. The EIR will evaluate the proposed Project's potential effects on existing and planned land uses.

Noise

The Project involves an expansion of the current mining area, an increase in mining operations, and an increase in excavated materials that will be processed within the mining facility's areas of operations. Additional noise will likely occur as a result of the expanded operations. The nearest residence to the proposed expanded mining area is located approximately ± 450 feet south of the Project site; as such, the analysis will evaluate noise impacts and the need for noise reduction measures. A noise study report will be prepared and included as part of the Project DEIR. As such, the EIR will evaluate the potential effects from the proposed expansion of mining-related operations.

Population/Housing

Although unlikely due to the nature of the proposed Project, the EIR will evaluate the Project's effect on population and housing in the local area based on estimations of Project employment and distribution of the employees by place of residence.

Public Services

Although unlikely due to the nature of the proposed Project, the EIR will evaluate the Project's potential to create an adverse impact on local fire and police protection services, parks, and schools.

Recreation

Although unlikely due to the nature of the proposed Project, the increase in use of parks and other recreational facilities near the vicinity of the Project will be analyzed in the EIR.

Transportation/Traffic

The Project site has access to County maintained Deer Creek Road through a private access road on the mining site. The Project expansion will increase the maximum daily truck hauling trips from 376 round trips to 600 round trips (an increase of 224 daily round trips). A traffic impact study will be prepared to evaluate potential impacts on existing roadways resulting from Project-related increases in traffic volume and will be included as part of the Project DEIR.

Tribal Cultural Resources

A Sacred Land File (SLF) Search request will be submitted to the Native American Heritage Commission (NAHC) and any tribes listed by the NAHC will receive consultation notices pursuant to the requirements of AB 52. A cultural resources evaluation will be prepared for this Project. The EIR will examine the proposed Project's potential to affect Tribal cultural resources.

Utilities/Service Systems

The Project involves an increase in mining operations and excavated materials that will be processed at the adjacent mining facility. As such, the proposed Project will not require extension/connection to urban services such as potable water service, wastewater treatment, and stormwater drainage. However, the EIR will analyze drainage, water, wastewater, natural gas, and electrical systems and the proposed Project's impact on these systems.

Wildfire

The proposed Project is located within a State Responsibility Area (SRA). As such, the EIR will include an analysis on the Project's potential impacts related to wildfires.

GROWTH INDUCEMENT

The proposed Project will not likely result in the potential for growth inducement resulting from expansion of the existing mine. Regardless of likelihood or unlikelihood, the EIR will include an analysis on employment and economic activity.

CUMULATIVE IMPACTS

The EIR will discuss the incremental contribution of the proposed Project to cumulative effects of other past, current, and planned and reasonably foreseeable Projects in the vicinity.

ALTERNATIVES EVALUATED IN THE EIR

In accordance with the CEQA Guidelines Section 15126.6, the EIR will describe a reasonable range of alternatives to the proposed Project that are capable of meeting most of the proposed Project's objectives, but would avoid or substantially lessen any of the significant effects of the proposed Project. The EIR will also identify any alternatives that were considered but rejected by the Lead Agency as infeasible and briefly explain the reasons why. The EIR will also provide an analysis of the No Project Alternative.

OPPORTUNITY FOR PUBLIC COMMENT

Interested individuals, groups, and agencies may provide to the County of Tulare Resource Management Agency, Economic Development and Planning Branch, written comments on topics to be addressed in the EIR for the proposed Project. Because of time limits mandated by state law, comments will be accepted until **5:00 p.m. Thursday, May 2, 2019**. Agencies that will need

to use the EIR when considering permits or other approvals for the proposed Project should provide the name of a staff contact person. Please send all comments to:

**Hector Guerra, Chief Environmental Planner
Tulare County Resource Management Agency
Economic Development and Planning Branch
5961 South Mooney Boulevard
Visalia, CA 93277-9394
E-mail at: HGuerra@co.tulare.ca.us;
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